Volume 4

STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1991

Constitution of 1879 as Amended

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

1991–92 Regular Session

Compiled by
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CALIFORNIA LEGISLATURE

1991–92 REGULAR SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions Adopted in 1991

and

1989–1991 Statutory Record

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PREFACE

Digests

The Summary Digest consists of a short summary of each law enacted, and of each concurrent or joint resolution adopted by the Legislature in 1991.

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 1989–1991 which do not specifically amend, add to, or repeal any existing code or general law.

Index

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

Statutory Record

This edition of the Summary Digest includes a statutory record for 1989–1991. 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 1991–92 Regular Session convened on December 3, 1990, and the interim study recess commenced on September 23, 1991. Statutes enacted in 1991, other than those taking immediate effect, will become effective January 1, 1992. In absence of other considerations, the provisions of a statute become operative on the date it takes effect. Digests indicate statutes taking immediate effect.

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

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

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

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

DIGESTS OF STATUTES ENACTED IN 1991

1991–92 REGULAR SESSION

BILL CHAPTERS

Ch. 1 (AB 41) Jones. Sherman Food, Drug, and Cosmetic Law: processed food: registration fees and surcharges.

Under existing law, the State Department of Health Services administers the Sherman Food, Drug, and Cosmetic Law, which regulates, among other things, the manufacturing, sale, delivery, packaging, labeling, and advertising of food, drugs, devices, and cosmetics, as defined. Under existing law, every person engaged in the manufacture, packing, or holding of processed food, except as specified, is required to register annually with the department and to pay an annual nonreturnable registration fee of $350. Under existing law, the registration fee is required to be deposited in the Food Safety Fund, for use by the department, upon appropriation by the Legislature, to carry out its food-related duties, as specified.

This bill would delete the $350 annual fee and, instead, establish an annual registration fee for a person engaged in holding food based on the size of the establishment and an annual registration fee for a person engaged in manufacturing or packing food based on the number of employees and the size of the establishment. This bill would require a 1% per month penalty to be added to any registration fee that is not paid when due, which, pursuant to existing law, would be deposited in the Food Safety Fund.

This bill would also delete an obsolete provision related to registration.

This bill would provide that these provisions would become operative January 1, 1991.

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

Ch. 2 (AB 45) Jones. Health fees: laboratories certification.

(1) Existing law requires that the State Department of Health Services issue certificates of accreditation to laboratories which perform various analyses, for regulatory purposes, of food, drinking water, waste water, hazardous wastes, or contaminated soils or sediments.

This bill would define the term "regulatory purposes," as used in this law, in part, by referencing certain existing provisions of law which contemplate the use of laboratory analysis by a regulatory governmental agency in determining compliance with their requirements.

This bill would remove food as an item of analysis for "regulatory purposes" and would authorize the state department to also certify laboratories which perform analysis of food for the purpose of determining the presence of pesticides under prescribed provisions of existing law.

This bill would delete the reference to "accreditation" throughout these provisions, and would, instead, specify that the department shall certify these laboratories.

(2) Existing law defines "laboratory" for the above-prescribed provisions as any facility or vehicle equipped and operated to carry out environmental analyses or pesticide residue analysis on food.

This bill would, instead, define "laboratory" as any facility or vehicle equipped or operated to carry out analyses in any of the fields of testing, as specified.

(3) Existing law authorizes the department to adopt regulations to establish minimum standards regarding these laboratories.

This bill would delete the reference to "minimum standards" and would specify that the regulations cover proficiency evaluation, fields of testing, fees, inspections, hearings, administration, and enforcement.

(4) Existing law requires that a certificate for a laboratory be forfeited by operation of law upon certain occurrences, including, but not limited to, a change of location or a structural alteration of the laboratory, which may adversely affect the quality of the analysis, without prior written approval by the department.

This bill would, instead, require this forfeiture if these changes are made without prior written notification to the department.

(5) Existing law authorizes the department to extend accreditation upon a change of director or other person in charge of the laboratory, in specified circumstances.

This bill would delete this authority, and would require that the department be notified within 15 days of a change of the director or other person in charge of a

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laboratory.

(6) Existing law provides that the annual accreditation fee for any private or public entity shall be nonrefundable, and specifies the various components of the fee.

This bill would delete the reference to private or public entity and provide that only the basic component of the fee shall be nonrefundable. It would also provide that if the department nullifies the application due to the failure of the laboratory to complete the application process a fee in a specified field may be refunded. It would specify that the certification fee shall be paid annually from the date the certificate is issued.

(7) Existing law specifies that the department shall increase or decrease the above-described fees as necessary to support the program.

This bill would delete this provision.

(8) Existing law authorizes the department to annually adjust various health regulation fees including, but not limited to, the accreditation fee described in paragraph (6).

This bill would specify that the adjustment in the case of the fee described in paragraph (6) be rounded to the nearest whole dollar.

(9) Existing law requires applicants and accredited laboratories to analyze performance evaluation samples provided by the department.

This bill would authorize the department to provide performance evaluation samples directly or indirectly to a laboratory for the purpose of determining compliance with this chapter without identifying the department as the source, as specified, and would require the department to pay the fee for testing when the department is not identified as the source.

(10) This bill would specify that certain of its provisions shall become operative January 1, 1991.

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

Ch. 3 (AB 46) Harvey. State Mining and Geology Board.

Under existing law, one member of the State Mining and Geology Board is required to be a registered engineer with background and experience in chemical engineering and in hazardous waste disposal.

This bill would, instead, require that member to have background and experience in groundwater hydrology, water quality, and rock chemistry.

The bill would declare that it is to take effect immediately as an urgency statute. The bill would become operative January 1, 1991.

Ch. 4 (AB 35) Filante. Cruelty to animals.

Existing law sets forth misdemeanor penalties for certain persons who do not provide for the proper care and attention of animals, as specified. Existing law also specifies various powers and duties of certain local officers relating to the care and disposition of those animals.

This bill would authorize the governing body of a public agency, by ordinance or resolution, to adopt specified different provisions providing for the care and disposition of those animals. More specifically, those provisions would provide for hearings in which the owner or person authorized to keep the animal may challenge the seizure or impoundment, and the resulting cost of those services. In addition, the bill would provide that during certain hearings, the owner of an animal would be required to make arrangements with the agency to view the animal prior to the hearing, produce the animal at the time of the hearing, or provide verification that the animal was humanely destroyed. Willful failure of the owner to comply with this provision would be an infraction, punishable as specified. Thus, because the bill, upon authorization by the governing body of a public agency such as a city 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.

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

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This bill would become operative on January 1, 1991.

Ch. 5 (AB 36) Peace. Crimes: weapons.

(1) Existing law requires the Attorney General to keep and properly file specified documents and information to assist in the investigation of crime, the arrest and prosecution of criminals, and the recovery of lost, stolen, or found property.

This bill would add to the list of specified documents the Attorney General is required to keep for these purposes, forms provided under the procedure described in (8).

(2) Existing law prohibits the Attorney General from retaining or compiling 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 provides for the destruction of this information, as specified, unless the purchaser or transferor is ineligible to take possession of the firearm.

This bill would place similar restrictions and requirements on the Attorney General with respect to reports made where a peace officer is receiving a firearm which is not a concealable weapon and either a dealer or a peace officer is making the report described in (8). The bill would provide for the destruction of this information, as specified, unless retention is necessary for use in a criminal prosecution.

(3) Existing law provides generally that any person who carries a concealed firearm, as specified, without a license to do so, is guilty of a misdemeanor.

Existing law also exempts from these provisions certain enumerated activities, including the transportation of a firearm by a person, as specified, when going directly from the place where the person lawfully received the firearm to that person's place of residence or place of business.

This bill, in addition, would include in these exemptions the transportation of a firearm by a person when going directly to or coming directly from a place designated by a person authorized to issue licenses to carry concealed weapons, as specified, when done at the request of the issuing agency to determine whether or not a license should be issued to that person to carry that firearm.

(4) Existing law permits specified officers to whom certain weapons have been surrendered pursuant to specified provisions, to offer the weapons, as specified, for sale at public auction to persons licensed under federal law to engage in businesses involving any weapon to be purchased.

This bill would provide that specified officers may offer the weapons for sale at public auction to persons licensed, instead, as provided by state law pursuant to the procedure described in (6).

(5) Existing law prohibits a person from engaging in certain business practices involving firearms, including advertising, unless the person has been issued a license as described in (6).

This bill would delete advertising from those restricted business practices and would make a conforming change.

(6) Under existing law, the duly constituted licensing authorities of any city, county, or city and county are required to accept applications for, and are authorized to grant, licenses permitting the licensee to sell at retail within the city, county, or city and county, any firearms. Existing law provides that if a license is granted, it shall be in the form prescribed by the Attorney General. Those licenses are subject to forfeiture for specified reasons. Existing law also directs the Department of Justice to issue a statewide gun show license, as specified.

This bill would authorize the license to be either in the form of a regulatory or business license or in the form prescribed by the Attorney General and would recast the above provisions, relating to gun show licenses, as specified.

(7) (a) Existing law provides it is either a misdemeanor, punishable for a period not exceeding one year, or a felony, to knowingly supply, sell, give, or allow possession or control of a firearm or deadly weapon to a person who is in a prohibited class, including, but not limited to, certain persons who are mental patients in or on leave of absence from any hospital or institution or, with some exceptions, certain persons who have been found not guilty by reason of insanity, as specified, or certain persons placed under conservatorship, as specified.

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(b) Existing law provides in a separate provision that it is a misdemeanor punishable by imprisonment in a county jail not exceeding one year or a felony for any person to knowingly supply, sell, or give possession or control of any firearm to those persons in a prohibited class.

This bill would delete persons in the prohibited class described above from the provisions described in (b).

(8) Under existing law, on the day that the sale, delivery, or transfer of a firearm is made to a full-time paid peace officer, as defined, the dealer is required to forward by prepaid mail to the Department of Justice a report of the same, including specified information concerning the buyer and the firearm.

This bill would in addition impose the above-described requirement, except in limited instances, upon the peace officer receiving the firearm where a dealer is not the seller, transferor, or is not otherwise the person responsible for the delivery of the firearm. The bill would also make a conforming change.

(9) Existing law provides for a procedure relating to the application for, and the grant of, a license to sell any firearm. The license is subject to forfeiture, as specified. Existing law also provides that where a dealer is not the transferor or transferee a person shall sell or otherwise transfer a firearm through a licensed dealer. Existing law additionally provides restrictions under which a dealer licensed pursuant to these provisions is required to deliver a firearm to a purchaser or transferee.

Existing law provides exemptions to these provisions.

This bill would exempt from these provisions the delivery of a firearm to a gunsmith for service.

(10) Existing law provides that any person who engages in the business of selling, leasing, transferring, advertising, offering, or exposing for sale, lease, or transfer of firearms is guilty of a misdemeanor unless he or she has been issued a license, as specified.

This bill would exempt from these provisions the sale, delivery, or transfer of firearms by federally licensed manufacturers and importers to licensed dealers.

(11) Existing law permits a seller or transferor and a purchaser or transferee to complete a sale or other transfer of a firearm through a dealer, as specified. Existing law allows the dealer under these circumstances to require a purchaser or transferee of a firearm to pay a fee not to exceed the actual processing cost of the application for the purchase or transfer of a firearm, including certain fees required by the Department of Justice, plus a fee not to exceed $10 to the dealer for processing the transfer or sale.

This bill would recast this provision by limiting the fees charged by the dealer to an amount not to exceed $2 for processing the application, plus the fees required by the Department of Justice, and plus a fee not to exceed $5 for processing the transfer or sale.

(12) Existing law requires the Department of Justice to undertake a feasibility study concerning proposed changes in firearm statutes particularly with respect to certain specified matters.

This bill would include a study of the revision of the intrafamilial firearm exemption within that study.

(13) The bill would also provide that its provisions are severable.

(14) This bill would provide that the provisions of this bill would become operative on January 1, 1991.

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

Ch. 6 (AB 39) Tanner. Motor vehicles: tire chains.

(1) Existing law prohibits specified acts by motor vehicle dealers in connection with the advertising or sale of motor vehicles.

This bill would, on and after January 1, 1991, additionally require the disclosure to the buyer of a new vehicle by both the manufacturer and the dealer that the vehicle may not be operated with tire chains. Because a violation of these provisions would be a misdemeanor, 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

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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.

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

Ch. 7 (AB 42) Hayden. Occupational safety and health: garment manufacturing.

(1) Existing law requires any person seeking registration as a garment manufacturer for the first time to demonstrate by an oral or written examination, or both, a degree of knowledge of the pertinent law and administrative regulations concerning garment manufacturing as the Labor Commissioner deems necessary for the safety and protection of garment workers.

This bill would require, effective January 1, 1991, that any person seeking registration as a garment manufacturer for the first time, or any specified person seeking to renew the registration, demonstrate by an oral or written examination, or both, knowledge of prescribed state laws and regulations relating to occupational safety and health, and sign a statement containing certain information regarding workplace safety. The bill would require the Division of Occupational Safety and Health to assist the Division of Labor Standards Enforcement in developing this examination.

(2) Existing law provides that whenever a state, county, or local fire or police agency is called to an accident involving an employee in which a serious injury or illness, or death occurs, the nearest office of the Division of Occupational Safety and Health shall be notified by telephone immediately by the responding agency.

This bill would provide that whenever any local public fire agency has knowledge that a place of employment where garment manufacturing operations take place contains fire or safety hazards for which fire and injury prevention measures have not been taken in accordance with local fire and life safety ordinances, it may notify the Division of Occupational Safety and Health.

This bill would provide that whenever the Division of Occupational Safety and Health has knowledge or reasonable suspicion that a place of employment where garment manufacturing operations take place contains fire or safety hazards for which fire or injury prevention measures have not been taken in accordance with local fire and life safety ordinances, the division shall notify the appropriate local public fire agency.

This bill would also provide that whenever the Division of Occupational Safety and Health receives a referral by a local public fire agency which informs the division that a place of employment where garment manufacturing operations take place is not safe or is injurious to the welfare of any employee, it shall constitute a complaint and shall be investigated, and whenever a local public fire agency receives such a referral from the division, the fire agency may investigate the referral at its discretion.

(3) This bill, in addition, would require the Division of Occupational Safety and Health or any local public fire agency, if these entities acquire knowledge that a garment manufacturing employer is not currently registered, to notify the Division of Labor Standards Enforcement. Upon notification, the Division of Labor Standards Enforcement would be required to take measures it deems appropriate to obtain compliance.

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

Ch. 8 (AB 43) Floyd. Taxation.

(1) Existing provisions of Article XIII A of the California Constitution limit ad valorem taxes on real property to 1% of its full cash value. "Full cash value" is defined as the assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or thereafter, the appraised value of real property when purchased, newly constructed, or a change of ownership has occurred after the 1975 assessment.

SCA 33 of the 1989–90 Regular Session, which was approved by the voters at the November 6, 1990, general election, provides that "newly constructed" shall not include certain earthquake related improvements, and requires the Legislature to define eligible improvements. Existing provisions implementing that constitutional authorization provide for purposes of Article XIII A of the California Constitution that "newly constructed" or "new construction" does not include the portion of reconstruction of, or installation in, a building that has been identified as hazardous of seismic rehabilitation

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improvements, as specified, or earthquake hazard mitigation technologies, as specified.

This bill would repeal and reenact the above exclusion to provide that "newly constructed" and "new construction" shall not include seismic retrofitting improvements and shall also not include improvements to a building, identified as hazardous, that utilize earthquake hazard mitigation technologies, as specified. It would provide that seismic retrofitting improvements shall not include certain alterations, as defined, made in addition to seismic-related work. It would also require that the State Board of Equalization prescribe a form for claiming the exclusion. This bill would impose new duties on local building departments with respect to reporting the value of excluded improvements, and would thereby impose a state-mandated local program.

The provisions added by the bill would be repealed on July 1, 2000.

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

(3) This bill would declare that it is to take effect immediately as an urgency statute, but would also provide that it shall become operative on January 1, 1991.

Ch. 9 (AB 44) Connelly. Public Employees' Long-Term Care Act.

(1) Existing law requires the representatives of the Governor to meet and confer in good faith with representatives of recognized employee organizations regarding terms and conditions of state employment.

The bill would make legislative findings and declarations that the state's interests would be served by the Department of Personnel Administration meeting and conferring with state employee representatives, as specified, to discuss the establishment of long-term care benefits for state employees. It would provide that if long-term care insurance plans are not available to state employees on or before January 1, 1993, state employees may enroll in any long-term care insurance plans offered by the Board of Administration of the Public Employees' Retirement System. It would also provide that if the foregoing is in conflict with a memorandum of understanding, that the memorandum shall prevail and control without further legislative action, except that if the conflicting portions of the memorandum require the expenditure of funds, those provisions shall not become effective unless approved in the annual Budget Act.

(2) The Public Employees' Retirement System, which is administered by the Board of Administration, provides retirement, insurance, and death benefits for state and local government employees.

This bill would require the board to contract with carriers offering long-term care insurance plans and to enter into health care service plan contracts covering long-term care and to make the plans available to active and retired members of the Public Employees' Retirement System, their spouses, and parents, as specified on or before January 1, 1992. The bill would provide that the full costs of the plans shall be paid by the enrollees.

(3) This bill would appropriate from the Public Employees' Retirement Fund $125,000 as a loan to the board for developing in fiscal year 1990–91, those long-term care insurance plans and would require the board to submit a related report to the Legislature prior to implementing those plans.

(4) The bill would specify that its provisions would become operative on January 1, 1991.

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

Ch. 10 (SB 7) Keene. Oil spills.

Under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, every marine terminal operator is required to pay an oil spill prevention and administration

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fee, determined as prescribed, for each barrel of oil delivered through the operator's marine terminal, and every operator of a pipeline is required to pay the oil spill prevention and administration fee for each barrel of oil transported into the state by means of pipeline operating across, under, or through the marine waters of the state. In addition, specified operators of marine terminals, pipelines, and refineries are required to pay a specified oil spill response fee.

This bill would instead, until July 1, 1991, with regard to the oil spill prevention and administration fee, require every person owning crude oil, as defined, at the time that the crude oil is received at a marine terminal from within or outside the state, and every person owning petroleum products, as defined, at the time that those petroleum products are received at a marine terminal from outside the state, to pay the fee for each barrel of crude oil or petroleum products so received by means of a vessel operating in, through, or across the marine waters of this state. The bill would until July 1, 1991, require every operator of a pipeline to pay the oil spill prevention and administration fee for each barrel of crude oil originating from a production facility in marine waters and transported in the state by means of a pipeline operating across, under, or through the marine waters of the state.

The bill would, until July 1, 1991, with regard to the oil spill response fee, require the owner of the petroleum products at the time the products are received at a marine terminal, rather than the terminal operator, to pay the fee.

The bill would specify related matters until July 1, 1991.

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

Ch. 11 (AB 38) Chacon. Immunization: measles.

Existing law prohibits the governing authority of a private or public elementary or secondary school, child care center, day nursery, nursery school, or development center from unconditionally admitting any person as a pupil to any of those institutions unless prior to 1st admission, the person has been fully immunized against, among other communicable diseases, measles.

This bill would require the State Department of Health Services, in consultation with the State Department of Education, to develop and adopt regulations to ensure that, to the extent funds are available, every student in any private or public elementary or secondary school, child care center, day nursery, nursery school, or development center has access to full immunization against measles, as specified. The bill would require these provisions to become operative January 1, 1991.

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

Ch. 12 (AB 40) Quackenbush. Education: Alternative Assessment Pilot Project

Existing law requires the State Board of Education to require a testing program in all school districts and requires the state board to approve and adopt achievement tests for distribution to school districts in the state. Existing law requires the statewide test to be administered to all pupils in grades 3, 6, 8, 10, and 12, as prescribed.

This bill would require the State Board of Education, based on the recommendation and advice of the Superintendent of Public Instruction, to select 2 pilot projects to identify and disseminate effective alternatives to the current standardized assessment system. The State Board of Education, in cooperation with the State Department of Education would select independent agencies to provide technical and research assistance to the consortia and to evaluate the pilot projects annually.

This bill would require the State Board of Education to report to the Legislature on or before September 1, 1993, as specified. This bill would require the pilot projects to be administered by one regional consortium representing school districts. The remaining regional consortium representing school districts will act as a satellite consortium. The bill would prescribe the duties and responsibilities of each selected consortia in the administration of the pilot projects.

This bill would declare the Legislature's intent that the pilot projects would be funded through the annual Budget Act.

This bill would provide that the provisions of this act would become inoperative as of January 1, 1994.

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

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

Ch. 13 (AB 37) Katz. Transportation: vehicles.

(1) Under a demonstration program providing funding for the replacement of schoolbuses which are not fuel efficient or do not meet federal vehicle safety standards, school districts are prohibited from purchasing any schoolbus not meeting specified federal vehicle safety standards.

This bill would clarify the scope of that prohibition by specifying that it applies to school districts which receive a replacement bus or buses pursuant to the demonstration program.

(2) Under existing law, certain revenues resulting from the imposition of sales and use taxes on gasoline and diesel fuel are deposited in the Transportation Planning and Development Account in the State Transportation Fund, and, of the amount remaining after appropriations for designated planning, training, and research purposes, 50% is required to be appropriated for allocation to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board, as specified.

This bill would revise, as specified, the eligibility standards applicable to transit operators for allocations by those agencies, commissions, and the board. The bill would include, among the transit capital improvement projects which may be funded, short-line railroad rehabilitation projects. The bill would also delete a provision which prohibits the Department of Transportation from accepting applications for funds from the account for transit capital improvement projects unless the public entity submitting the application states that it will contribute funds to finance the project in an amount at least equal to 10% of the amount requested in the application.

(3) Under existing law, the Department of Transportation is authorized to construct, maintain, and operate fringe and transportation corridor parking facilities along the state highway system to reduce motor vehicle traffic congestion or improve highway safety.

This bill would authorize those facilities to include child care projects as part of an overall traffic reduction plan. The bill would make a statement of legislative intent concerning the operation of these child care projects.

(4) Existing law requires the Department of Motor Vehicles to furnish to the Controller, as soon as possible after the last Friday of each month, a statement of the number of vehicles registered in each county as of that Friday, for purposes of apportioning vehicle fuel tax revenues to counties on the basis of the proportionate number of vehicles registered in a county.

This bill would, instead, require the department to submit that statement as soon as possible after the last day of the month.

(5) Existing law does not define a pickup truck.

This bill would define a pickup truck for purposes of the Vehicle Code.

(6) Existing law defines a truck tractor as designed and used primarily to draw other vehicles and not to carry a load.

This bill would provide that "load" for that purpose excludes items carried on the truck tractor in conjunction with the operation of the truck tractor, as specified.

(7) Existing law requires the courts to report convictions of violations relating to vehicles to the department and specifically exempts certain violations from the reporting requirement.

This bill would, on and after January 1, 1992, remove a violation of provisions relating to entering an occupied intersection or marked crosswalk from those not required to be reported.

(8) Existing law permits the Reciprocity Commission to enter into agreements with a foreign jurisdiction providing for the registration of certain vehicles on an apportionment or allocation basis, and provides that the fees due and owing under these provisions are a lien on all vehicles of the applicant subject to registration under the Vehicle Code.

This bill would delete these lien provisions.

(9) Existing law prescribes procedures for renewing the registration of a vehicle for the remainder of the registration year by presentation of the last registration card or

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potential registration issued by the department and the payment of specified fees.

This bill would provide that, if the registration card or potential registration is unavailable, the fee for issuance of a duplicate is not required to be paid in addition to the other prescribed fees.

(10) Under existing law, the owner of an undocumented vessel is not deemed to be the owner of the vessel for purposes of civil liability arising out of operation of the vessel by another if the owner has sold the vessel and has both (a) endorsed and delivered the certificate of ownership and (b) notified the department of the transfer.

This bill would make the doing of either (a) or (b), rather than both, sufficient for purposes of exempting the owner from liability.

(11) Existing law requires the owner of an undocumented vessel to notify the department immediately upon the sale or transfer of the vessel or an interest therein.

This bill would, instead, require that notice to be given within 5 calendar days.

(12) Existing law prohibits buying, selling, and other specified conduct relative to a vehicle or component part from which the manufacturer's serial or identification number has been removed, defaced, altered, or destroyed, unless an identification number has been assigned by the department. Existing law provides for disposal of a vehicle or component part which has been seized.

This bill would expand those provisions to apply to any serial or identification number affixed to the vehicle or component part, thereby imposing a state-mandated local program by changing the definition of a crime. The bill would revise the provisions relating to disposal of vehicles.

(13) Existing law prohibits any person from driving a motor vehicle upon a highway unless the person holds a California driver's license. Limited exceptions from this requirement are made for persons who are nonresidents of California.

This bill would provide that residency, for these purposes, is determined as a person's state of domicile, and would define "state of domicile." The bill would specify factors which constitute prima facie evidence of residency.

(14) Existing law authorizes the department to refuse to issue, or renew, a driver's license of a person with specified mental or physical disabilities.

This bill would authorize the department to rely on any relevant information in making that determination.

(15) Under existing law, the department is authorized to refuse to renew, suspend, or revoke the driver's license of a person who meets the definition of a negligent operator. Points are given for violations and accidents to determine who is a negligent operator for this purpose.

This bill would require that a value of 2 points be given for specified violations of provisions prohibiting driving during the time that a person's driver's license is suspended or revoked.

(16) Existing law authorizes a person to demand an informal or formal hearing relative to the suspension or revocation of the person's driver's license by the department.

This bill would delete the provisions relating to an informal or formal hearing, and would provide for a hearing according to a prescribed procedure.

(17) Existing law prohibits a commercial motor vehicle driver from operating a commercial vehicle for one year if convicted of a 1st violation of using such a vehicle in the commission of a felony or other specified offenses, or for 3 years if the violation occurred while transporting a hazardous material.

This bill would delete the prohibition relating to the commission of a felony and would prohibit the person from driving a commercial vehicle for 3 years if the person is convicted of specified offenses while transporting a hazardous material.

(18) Existing law requires the Department of the California Highway Patrol and the Legislative Analyst to make specified reports regarding the policies of law enforcement agencies to assist disabled motorists.

This bill would delete those requirements.

(19) Under existing law, the height of the headlamps of a motor vehicle may not be less than 24 inches.

This bill would allow the headlamps of a motor vehicle to be at a height of not less

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than 22 inches.

(20) Under existing law, an authorized emergency vehicle operated under specified conditions may display a flashing white light, and an authorized emergency vehicle used by a peace officer, as defined, may display a steady or flashing blue light.

This bill would include the sergeant at arms of each house of the Legislature as a peace officer so authorized, and revise the requirements regarding the display of flashing white lights.

(21) Existing law authorizes an emergency vehicle to display flashing amber warning lights to the front, sides, or rear.

This bill would, in addition, authorize an emergency vehicle to display not more than 2 flashing white warning lights to the front above the roofline if the vehicle is displaying other lights, as specified.

(22) Existing law requires a car rental agency to post a specified notice regarding child restraint systems required by law.

This bill would permit an agency, under designated circumstances, to furnish its customers with a written notice of those requirements rather than posting the notice.

(23) Existing law provides for the inspection of vehicles of motor carriers, as defined

This bill would exclude certain vehicles from that definition.

(24) Existing law authorizes members of the California Highway Patrol to remove from the highway and place in storage certain trucks which are in an unsafe condition.

This bill would include other specified trucks within that authorization.

(25) Existing law requires every motor carrier to obtain a carrier identification number from the Department of the California Highway Patrol and to display that number on the sides of specified vehicles which are regulated by the department and which are not otherwise exempt from that requirement.

This bill would exempt specified combinations of vehicles if the gross weight rating of the towing vehicle is 10,100 pounds or less.

(26) Existing law prohibits combinations of vehicles from exceeding prescribed lengths.

This bill would include additional vehicles within those prohibitions.

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

This bill would include any violation relating to the safe operation of a vehicle within those provisions. The bill would also authorize the court to notify the department of the total of unpaid bail, fines, assessments, and fees, and would require the department to collect the amounts due with the consent of the applicant at the time of issuance or renewal of a driver's license or identification card. The department would be authorized to impose a specified fee on those transactions.

(28) Existing law makes a verification by telegraph, teletype, or any other electronic device, from the department, of ownership of a registered vehicle, admissible in evidence as proof of ownership of the vehicle in proceedings involving parking violations.

This bill would include verifications by facsimile transmission within that provision.

(29) Existing law requires, when an emergency vehicle sounding a siren and displaying a red light approaches, that the driver of a vehicle yield the right-of-way and move to the right and stop, the operator of a streetcar stop clear of any intersection, and a pedestrian proceed to the nearest curb or place of safety. Under existing law, a violation of this provision is an infraction punishable by a fine of not more than $100 for a 1st conviction, not more than $200 for a 2nd conviction within a year, and not more than $250 for a 3rd or subsequent conviction within a year.

This bill would increase the penalties for a violation of that existing law to a fine of not less than $100 or more than $250 for a 1st conviction, not less than $150 or more than $500 for a 2nd conviction within one year, and not less than $250 or more than $500 for a 3rd or subsequent conviction within 3 years.

(30) The bill would make other technical, nonsubstantive, and conforming changes.

(31) 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.

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

Ch. 14 (SB 92) Presley. Developmental disabilities: regional centers.

(1) Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services establishes rates of payment, to be made through regional centers, for community living facilities for the developmentally disabled, consisting of specified cost elements. These rate structure provisions are repealed on January 1, 1991, except that they shall not be repealed until the department achieves statewide implementation of an Alternative Residential Model.

Existing law requires the department to establish rates of payment for community living facilities paid under the Alternative Residential Model pursuant to specified standards, with additional facilities to be phased in for these rates until all facilities are phased in.

This bill would provide, until June 30, 1991, that facilities whose rate of payment under the provisions to be repealed would exceed the rate of payment made under the provisions implemented under the Alternative Residential Model, would be eligible between January 1, 1991, and June 30, 1991, for payment at the higher rate until exceeded by the Alternative Residential Model rates.

(2) This bill would, until July 1, 1995, establish a schedule of fees for case management services provided through a regional center for a person with a developmental disability, to be paid by that person, his or her estate, his or her spouse, or the parents of a minor recipient, with certain specified exceptions, and would provide for procedures for the assessment and collection of those fees. It would specify that the department would cease implementation of these provisions upon the occurrence of one of certain specified conditions.

This bill would create the Case Management Services Fees Account within the Developmental Disabilities Program Development Fund, and would require the department to deposit all fees collected into this account for the first year during which the program is in effect. This bill would also require the department to reimburse those individuals who paid fees if the department ceases to implement the program due to the occurrence of any of the specified conditions, and would specify that reimbursement would be made from the Case Management Services Fees Account. By authorizing the reimbursement of the fees in the account, this bill would make an appropriation.

(3) This bill would appropriate $19,420,000 from the General Fund to the department, for the support of regional centers and the cost of billing and collecting fees for case management services, to be allocated as specified.

(4) This bill would authorize the Director of Developmental Services to adopt emergency regulations to implement its provisions.

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

Ch. 15 (SB 96) Hart. Income taxes: deductions: casualty losses: fire.

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide for the carryover to specified taxable or income years of specified losses, exceeding taxable income, sustained in any county or city in this state which was proclaimed by the Governor to be in a state of disaster.

This bill would extend those provisions to losses, exceeding adjusted taxable income, sustained during 1990 as the result of fire in the County of Santa Barbara.

The existing Personal Income Tax Law and Bank and Corporation Tax Law also provide for the carryover to specified taxable or income years of specified losses, exceeding taxable income, sustained in a disaster area designated by the President of the United States.

This bill would extend those provisions to losses, exceeding adjusted taxable income, sustained during 1990 as a result of fire or any other related casualty in California.

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

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provided.

Ch. 16 (AB 263) 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, as of January 1, 1990, provides that evidence of character or trait of character may be in the form of an opinion or evidence of reputation; prior to January 1, 1990, the law authorized the evidence also to be in the form of specific instances of conduct.

This bill would restore the previous law to provide that evidence in the form of specific instances of conduct is admissible as evidence of the character or trait of character of the victim of a crime in the circumstance described above.

This bill also would provide that in a criminal action, evidence of the defendant's character for violence or trait of character tending to show violence is admissible if the evidence is offered by the prosecution to prove conduct of the defendant in conformity with the character or trait of character and is offered after evidence that the victim had a character for violence or a trait of character tending to show violence has been advanced by the defendant.

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

Ch. 17 (SB 105) Bergeson. Redevelopment projects: financial burden or detriment.

Existing law, until January 1, 1991, defined "financial burden or detriment" for purposes of the Community Redevelopment Law. The statutory definition was repealed on that date.

This bill would reenact the previous statutory definition of "financial burden or detriment" for these purposes.

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

Ch. 18 (AB 677) Hansen. Fire protection.

Existing law requires the Department of Forestry and Fire Protection to perform various fire protection duties. The Budget Act of 1990 appropriated $233,402,000 for the support of the department.

This bill would appropriate $53,750,000 from the General Fund to the department for emergency fire suppression costs, in augmentation of that Budget Act appropriation.

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

Ch. 19 (SB 216) Killea. Alcohol and drug programs.

(1) Existing law requires each county, except as otherwise provided, to establish a specified alcohol or drug education and counseling program. In any county where the board of supervisors has approved, and the department has licensed, these programs, the court is required to impose as a condition of probation that the driver participate in, and successfully complete, the applicable program or both of these programs.

This bill would require the court, for any person who is on active duty in the United States Navy or Marine Corps, to instead impose, unless that person requests otherwise, as a condition of probation that the driver participate in, and successfully complete, the Navy's Alcohol-Drug Safety Action Program.

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

Ch. 20 (AB 196) Filante. Medical Board of California.

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, as amended by Chapter 1629 of the Statutes of 1990, to increase funding for the support of the Medical Board of California from $14,253,000 to $19,004,000 for allocation, as

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specified.

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

Ch. 21 (AB 326) Floyd. Horseracing: mixed breed: satellite wagering facilities.

(1) Existing law generally restricts a license granted to an association to only one type of racing, except that the California Horse Racing Board is authorized, by regulation, to authorize the entering of thoroughbred and Appaloosa horses in quarter horse races at quarter horse meetings, mixed breed meetings, and fair meetings, under prescribed conditions.

This bill would also authorize the board to allow a race between a quarter horse and a thoroughbred horse at a thoroughbred meeting with the consent of the thoroughbred horsemen's organization contracting with the association with respect to the conduct of the racing meeting.

(2) Under existing law, no satellite wagering facility may be located within Los Angeles or Orange Counties with certain exceptions. These exceptions permit the board to authorize the 50th District Agricultural Association to operate a facility upon its fairgrounds to accept wagers on races conducted in the central and southern zones and to authorize certain associations to operate a facility to accept wagering on races conducted at the 22nd District Agricultural Association fairgrounds at Del Mar.

This bill would, in addition, permit the board to authorize any association which is licensed to conduct harness or quarter horse racing in Orange County to operate a satellite wagering facility, located within the racing inclosure where the racing meetings are conducted, for the purpose of conducting satellite wagering on night harness or quarter horse races conducted in the northern zone, except as prescribed.

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

Ch. 22 (SB 11) Committee on Local Government. Validations.

This bill would enact the First Validating Act of 1991, 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. 23 (SB 120) Davis. 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 levying of special taxes thereunder, to finance designated public facilities and services.

Existing law requires that a levy of special taxes be submitted to the qualified electors of the proposed community facilities district in the next general election or in a special election within a specified period of time.

This bill would require the levy of special taxes to be submitted to the qualified electors of either the proposed community facilities district subject to the levy or of the territory to be annexed by the community facilities district subject to the levy.

Existing law requires the ballot materials provided to voters for elections conducted pursuant to the Mello-Roos Community Facilities Act of 1982 to contain analyses and arguments unless all the landowners unanimously waive the requirement.

This bill would allow the legislative body of a school district, when the vote is to be by the landowners of the proposed district, to authorize an official of the district to conduct the election.

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

Ch. 24 (SB 132) Craven. Mobilehome parks: rental agreements and rent control.

Existing law authorizes a mobilehome park to require a prospective tenant, as a condition of tenancy in the park, to accept a rental agreement for a term longer than 12 months and which meets other prescribed criteria for making the agreement exempt from local rent controls. Existing law, however, gives existing tenants in a mobilehome park an option to reject such a rental agreement and instead accept a rental agreement for 12 months or less that is not exempt from local rent controls.

This bill would delete the above described authorization and thus the distinction

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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.

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

Ch. 30 (AB 825) Isenberg. Courts: Administrative Director.

Existing law prescribes the salary and qualifications for the Administrative Director of the Courts.

This bill would delete the requirement that the Administrative Director of the Courts have the same qualifications required by the California Constitution for a judge of a court of appeal.

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

Ch. 31 (SB 836) Torres. Redevelopment: supplemental subventions.

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 the Controller is required to allocate that amount, reduced pursuant to that calculation, to those agencies. Existing law prohibits a redevelopment agency, on or after September 26, 1990, from pledging these special supplemental subventions as security for payment of the principal and interest of bonds of the agency. Existing law also provides that, notwithstanding that prohibition, a redevelopment agency within a city with a population of less than 20,000 which receives amounts in the 1990–91 fiscal year in excess of $1,000,000 but less than $2,500,000, may pledge amounts of special supplemental subventions not less than the amounts received in the 1984–85 fiscal year, as security for the payment of the principal and interest on bonds issued prior to January 1, 1992.

This bill would instead provide that, notwithstanding that prohibition, a redevelopment agency within a city with a population of less than 20,000 which receives amounts in the 1989–90 fiscal year in excess of $1,500,000 but less than $2,500,000, may pledge amounts of special supplemental subventions not less than the amounts allocated to the agency for the 1984–85 fiscal year, as security for the payment of the principal and interest on bonds issued prior to January 1, 1992.

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

Ch. 32 (AB 7) Floyd. Vehicles.

(1) Under existing law, a driver, who is under 15 years and 6 months of age, and any passenger, who is under 15 years and 6 months, of age are required to wear a safety helmet meeting specified requirements when riding on a motorcycle or motorized bicycle. Under existing law, it is unlawful to operate that vehicle if the driver or any passenger is not wearing a safety helmet as required, and it is unlawful to ride as a passenger thereon if the driver or any passenger is not wearing a safety helmet as required.

This bill would delete the limitation of those provisions to drivers and passengers under 15 years and 6 months of age, and make those provisions also applicable to operating or riding on a motor-driven cycle. Since a violation of these provisions would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

(2) Existing law states that it is the intent of the Legislature in enacting the law containing the above provisions to ensure that children are provided with an additional safety benefit while operating or riding a motorcycle or motorized bicycle, and that nothing in that law applies to a class of children or adults other than those specified therein.

This bill would recast that statement to provide that, in enacting that law, it is the intent of the Legislature to ensure that all persons are provided with an additional safety benefit while operating or riding a motorcycle, motor-driven cycle, or motorized bicy-

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

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

Ch. 33 (SB 1052) Alquist. GAIN program appropriations.

Existing provisions of the Budget Act of 1989 provided for the appropriation of $28,300,000 from the General Fund for transfer to certain agencies that have demonstrated that additional resources are necessary to implement the Greater Avenues for Independence program. The Budget Act of 1990 appropriated $11,150,000 from the General Fund for the same purposes.

This bill would specify that the unencumbered balance of certain funds appropriated by the Budget Act of 1989 for support of the GAIN program as of February 28, 1991, are reappropriated for the 1990–91 fiscal year for the same purposes.

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

Ch. 34 (AB 65) Tanner. Earthquake disaster relief.

Existing law transfers funds from the Special Fund for Economics Uncertainties to the Disaster Response-Emergency Operations Account for disaster relief for the October 1, 1987, southern California earthquake and aftershocks. These funds are available for expenditure until June 30, 1991.

This bill would extend the date funds may be expended from that account until June 30, 1992. To the extent those funds are allocated to a school district or community college district and are used to further the educational mission of those entities, those funds may be applied toward the minimum funding requirements imposed by Section 8 of Article XVI of the California Constitution.

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

Ch. 35 (SB 3) Kopp. Transportation: transit operations: funding.

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. Existing law requires, with respect to the amount so transferred to the account and remaining after appropriations for specified planning, training, and research purposes, (a) that 50% be appropriated to the Department of Transportation for, among other things, bus and passenger rail services and transit capital improvement projects, including abandoned railroad rights-of-way acquisition, (b) that 25% be appropriated for allocation to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board, based on the ratio of the population of the area under their respective jurisdictions to the total population of the state, and (c) that 25% be appropriated for allocation to those agencies and commissions, and the board, on the basis of the ratio of the total revenues of all transit operators in the area under their respective jurisdictions to the total revenue of all operators in the state.

This bill would revise, as specified, the eligibility standards applicable to transit operators for allocations by those agencies and commissions, and the board, and would impose additional standards applicable to allocations by the Metropolitan Transportation Commission to operators within the region subject to its jurisdiction. The bill would exempt the Santa Cruz Metropolitan Transit District from these revised requirements until July 1, 1993, for stated reasons.

The bill would make other related and conforming changes.

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

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Ch. 36 (SB 4) Thompson. Military personnel: discrimination.

Existing law provides that any person who violates specified provisions prohibiting discrimination against a member of the military or naval forces of this state or the United States with respect to employment is guilty of a misdemeanor.

This bill would also make those violators liable for actual damages and reasonable attorney's fees incurred by the injured party.

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

Ch. 37 (SB 43) Davis. Local government organization.

The Cortese-Knox Local Government Reorganization Act of 1985 establishes the procedures for the organization and reorganization of local government entities.

Existing law specifies how the canvass of ballots cast at any election under the act shall be conducted.

This bill would additionally require the clerk of the conducting authority to immediately report the results of any canvass, upon its completion, to the conducting authority and the executive officer of the local agency formation commission.

Existing law requires the conducting authority to declare by resolution the number of votes cast for and against the change of organization or reorganization after a canvass of the returns of any election or elections on the question of a change of organization or reorganization and to adopt a resolution confirming the order of the change of organization, as specified.

This bill would require the adoption of those resolutions within 30 days of the canvass and would provide that the resolution confirming the order of change shall be deemed adopted if the conducting authority does not adopt that resolution within the 30-day period.

Existing law requires the executive officer of the local agency formation commission to make specified findings on a resolution ordering a change of organization or reorganization without election or a resolution confirming an order for a change of organization or reorganization confirmed by the voters.

This bill would require the executive officer to make those findings within 30 days of the receipt of the resolution.

Existing law specifies that an effective date for a change of organization or reorganization shall not be fixed which is later than one year after the date of the execution of the certificate of completion.

This bill would instead provide that an effective date shall not be fixed which is later than 9 months after the date of the election in which a majority voted in favor of the change of organization or reorganization. The bill would require the commission to set an effective date for any incorporation and would provide that the commission's authority to set the date of incorporation is exclusive, as specified.

Existing law requires the executive officer to record a certified copy of the certificate of completion with the county recorder of each county in which all or any part of the territory included in the change of organization or reorganization is located.

This bill would require the executive officer to make the recording no later than 90 days after the election. The bill would also permit the Secretary of State to perform these functions if the executive officer is unable to do so.

This bill would state findings and declarations of the Legislature concerning the incorporation process for the Cities of Malibu, Murrieta, and Calabasas and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution and that a special statute is necessary.

This bill would provide that the incorporation of the Cities of Malibu and Calabasas shall be effective for assessment and taxation purposes for the 1991–92 fiscal year if the required statements and maps are filed with the State Board of Equalization on or before June 30, 1991.

The bill would further provide that territory within the proposed City of Murrieta shall not be detached or excluded from certain county service areas and that certain county service areas in that county shall not be dissolved, as specified.

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

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Ch. 38 (AB 67) Murray. Crimes: fines.

Existing law provides that any fine levied for the affixing of graffiti on or in the facilities or vehicles of a public transportation system, as specified, or on or in the facilities of, or vehicles operated by, entities subsidized by the Department of Transportation, shall be credited by the county treasurer to the public transportation system or entity having jurisdiction over the involved facility or vehicle for removal of the graffiti, as specified.

This bill would make technical corrections in these provisions.

Ch. 39 (AB 98) O'Connell. Funding for the State Department of Education.

Existing law, as set forth in the Budget Act of 1990, appropriates $33,973,000 to the State Department of Education for support of the department in the 1990–91 fiscal year.

This bill would appropriate $3,539,485 from the General Fund in augmentation of Item 6110-001-001 of the Budget Act of 1990 to reimburse the department for costs incurred pursuant to a settlement agreement between the United States Department of Education and the State Department of Finance, relating to the unemployment insurance rates assessed against federally supported salaries in schools.

The bill would declare that it is to take effect immediately as an appropriation for the usual current expenses of the state.

Ch. 40 (AB 657) Wright. Local agencies.

Existing law provides that money that is unclaimed in the treasury or the official custody of the officers of a local agency for 3 years is the property of the local agency after filing and publication of notice.

The bill would provide that any unclaimed individual items of less than $10 may be transferred to the general fund of a local agency after one year or upon an order of the court without publication of a notice.

Ch. 41 (SB 319) Beverly. Industrial loan companies: investment.

Under existing law, it is unlawful for any industrial loan company to offer or sell any security, other than an investment certificate authorized by the Commissioner of Corporations, in an issuer transaction unless the sale has been qualified under the securities laws. Existing law provides that the exemptions under the securities laws are inapplicable to the offer or sale of a security of an industrial loan company in an issuer transaction.

This bill would provide that the requirement that an industrial loan company qualify the sale of a security prior to its offer or sale does not apply to the offer or sale of a nonrecourse participation interest, in whole or in part, in a note or notes or in other obligation or obligations that is or are a receivable of the company issuing the participation interest to a company authorized to engage in the industrial loan business or to a person who is described in, or meets the requirements of, a specified provision of law or a rule promulgated thereunder, or a purchaser in a transaction involving the offer and sale of the company's nonrecourse participation interests, if the transaction is exempt from qualification by virtue of meeting specified requirements.

Existing law authorizes the commissioner to exempt from the above-mentioned requirements a transaction which the commissioner, by rule adopted under the Industrial Loan Law, exempts as not being comprehended within the purposes of this article if the qualification requirement is not necessary or appropriate, as specified.

This bill would extend the exemption power to include exemption by order, and would specify that the exemption applies to a security law qualification requirement.

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

Ch. 42 (AB 661) Hannigan. School funding.

Under existing law, as set forth in the Budget Act of 1990, the sum of $9,744,282,000 is appropriated for transfer to the State School Fund for apportionment to school districts for the 1990–91 fiscal year.

This bill would reduce that appropriation by the amount of $835,000,000.

This bill would appropriate $835,000,000 for transfer to the State School Fund for apportionment to school districts for the 1990–91 fiscal year as an emergency loan, and

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would specify that this appropriation may not be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

The bill, in addition, would appropriate the amount of $835,000,000 for transfer to the State School Fund for apportionment to school districts for the 1991–92 fiscal year, but would reduce the amount of that appropriation by the amount of $835,000,000 to discharge the emergency loan made to school districts for the 1990–91 fiscal year. The provisions described in this paragraph would become operative July 1, 1991.

That appropriation to school districts for the 1991–92 fiscal year may be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

The bill also would address the effect of the above provisions upon certain calculations of school funding eligibility provided for under existing law.

This bill would declare that it is to take effect immediately as an appropriation for the usual and current expenses of the state.

Ch. 43 (AB 208) Vasconcellos. Budget Act of 1990: augmentation: contingencies or emergencies.[1]

(1) The Budget Act of 1990 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 $254,372,000, 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) 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. 44 (SB 785) Vuich. Pest control: citrus trees.

Existing law authorizes a citrus pest control district to pay limited compensation, based on a specified payment schedule, to an owner of any citrus tree infected with a specified virus which is removed by the district or by the owner within 60 days after the written notice of the infection to the owner by the district.

This bill would, instead, require the tree to be removed within 15 days after that notice in order to be eligible to receive that compensation.

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

Ch. 45 (SB 1252) Petris. California Library Construction and Renovation Program.

Existing law establishes the California Library Construction and Renovation Bond Act of 1988, under which bond proceeds are allocated as grants to designated local agencies for the acquisition of land for, and the acquisition, construction, remodeling, or rehabilitation of, facilities for public library services. That act requires each applicant to pay 35% of the costs of each funded project, prohibits the submittal of any application for a grant project for which construction bids already have been advertised, and requires the State Librarian to adopt rules, regulations, and policies for the implementation of the act.

This bill would specify that an applicant for a grant for the acquisition, construction, remodeling, or rehabilitation of public library facilities, as opposed to an application for a grant for the acquisition of land, would be eligible to apply for that grant if the applicant had an order issued by a court for possession of property in an eminent domain action. The bill also would define the terms "purchase of land" or "acquisition of land," to include, but not be limited to, the acquisition of land by eminent domain. The bill also would include as an eligible cost of the acquisition of land the fair market value of the property, as specified, with a specified exception.

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

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Ch. 46 (AB 530) Jones. Veterans' memorial districts: powers and functions.

Existing law provides for the formation of veterans' memorial districts and provides for their powers and functions in constructing, acquiring, and operating halls, buildings, meetingplaces, and other facilities for the use of veterans and veterans' organizations and by persons and organizations other than veterans when their use does not interfere with the use of the facilities by veterans. Existing law permits a district to sell or lease district property to a political subdivision for street or highway purposes pursuant to specified conditions and to enter into a joint powers agreement for recreational or senior citizen services.

Existing law prohibits a county from revoking its dedication to public purpose of any building, memorial hall, meetingplace, memorial park, or recreation center for the use or benefit of one or more veterans' associations, as specified, so long as the veterans' association has not violated the terms and conditions of the dedication, unless the veterans' association dedicates substitute facilities, consents to the proposed county action, or abandons its use of the facilities.

The bill would permit the Lindsay-Strathmore Memorial District to enter into a joint powers agreement for the management, maintenance, and operation of district property and improvements with the Strathmore Public Utility District and would declare that this use is not an abandonment of the use of the property by the memorial district or the veterans' organization.

The bill would declare the findings of the Legislature of the necessity for a special act.

Ch. 47 (AB 1339) Cannella. Sportfishing.

The law in effect prior to January 1, 1991, permitted the Director of Fish and Game to designate not more than 2 days in each year as free sportfishing days during which residents and nonresidents could, without having a sportfishing license and without the payment of any fee, exercise the privileges of a holder of a sportfishing license.

This bill would reenact that provision.

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

Ch. 48 (AB 1775) Kelley. California Avocado Commission: information: penalties.

Existing law requires the California Avocado Commission to carry on programs dealing with advertising, promotion, production research, quality and maturity standards, collection and dissemination of crop volume and related statistics, and marketing research in connection with the sale of avocados.

Under existing law, it is a misdemeanor punishable by imprisonment in a county jail not exceeding 6 months, or a fine not exceeding $500, or both the fine and imprisonment, to willfully render or furnish a false report, statement, or record required by the commission, to fail or refuse to furnish the commission specified information when engaged in the shipping of avocados or in the wholesale or retail trade of avocados, or to secrete, destroy, or alter records required to be kept.

This bill would increase the maximum amount of the fine to $5,000.

Ch. 49 (SB 1) Calderon. Military reserve: active duty: international crisis.

(1) Existing state law does not authorize members of the United States Military Reserve who have been called into active duty to delay payments on their obligations.

This bill would authorize any member of the United States Military Reserve of this state who is called into active duty as a result of the Iraq-Kuwait crisis to delay payments on specified obligations while serving on active duty, for a period from the order to active duty to 30 days after release, not to exceed 180 days.

The bill would apply only to specified obligations which were incurred prior to the date that the reservist was called into active duty and not to any active duty voluntarily served after the close of the Iraq-Kuwait crisis.

The bill would provide that the delay in payments shall not be a basis for affecting credit, as specified. It would allow the delay of payments on mortgages, credit cards, retail installment accounts and contracts, real property taxes and assessments, vehicle leases, and premiums on automobile insurance during the specified period and would

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require reinstatement of automobile and health insurance, as specified. However, the bill would permit credit disability insurers to suspend coverage during the specified period unless premiums are paid or added to the related loan or account.

The bill would also prohibit eviction or distress with respect to premises occupied by the spouse, children, or other dependents of the reservist except upon leave of court, which the bill would require the court to stay for a specified period or make other prescribed orders, unless the court finds that the ability to pay the rent is not materially affected by that military service. The bill would make knowing eviction or distress, except as provided in the bill, a misdemeanor, thereby imposing a state-mandated local program by creating 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.

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

Ch. 50 (SB 747) Hart. Fox Canyon Groundwater Management Agency.

Under the Fox Canyon Groundwater Management Agency Act, the Fox Canyon Groundwater Management Agency is authorized, by ordinance, to levy groundwater extraction charges on the extraction of groundwater of up to 50¢ per acre-foot pumped per year from all water extraction facilities within the agency. The agency is authorized, by ordinance, to require the operator of each extraction facility to file annually with the agency or a member agency a prescribed groundwater extraction statement.

This bill would authorize the agency to levy a groundwater extraction charge of not more than $3 per acre-foot pumped per year. The bill would authorize the agency to require the operator of each extraction facility to file semiannually, or more frequently, the groundwater extraction statement.

The bill would authorize the board to establish an operator's extraction allocation for each groundwater extraction facility.

The bill would authorize the board to impose extraction surcharges for extractions in excess of an extraction allocation and late penalties for nonpayment of extraction surcharges, as prescribed.

The bill would make legislative findings and declarations and would define terms.

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

Ch. 51 (AB 471) Harvey. Counties: boundaries.

Existing law prescribes the boundaries of Kern and Ventura Counties.

The bill would revise those boundaries, as specified.

Ch. 52 (AB 490) Lancaster. Local officers.

Existing law requires a county librarian who is serving simultaneously as the county librarian of 2 or more counties to establish residence in one of those counties. Existing law states that at the time of his or her appointment, the county librarian need not be a resident of the county.

This bill would repeal these residency provisions.

Existing law provides, with certain exceptions, that a person is not eligible to a county or district office unless he or she is a registered voter of the county or district. Existing law expressly permits the waiver of this requirement by the county board of supervisors for the position of administrative officer, or county health officer, and permits the waiver by the board of supervisors or any other legally constituted appointing authority of the requirement that the chief juvenile probation officer or chief adult probation officer be a citizen of the state and an elector of the county.

This bill would delete the authority to make those specific waivers and would instead provide that the board of supervisors or any other legally constituted appointing authority in a county or district may, if it finds that the best interests of the county or district will be served, waive the requirement of being a registered voter for an appointed county or district office.

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Ch. 53 (AB 603) Kelley. Riverside County Flood Control and Water Conservation District Act: promissory notes.

Existing law authorizes the Board of Supervisors of the Riverside County Flood Control and Water Conservation District to issue negotiable promissory notes. Existing law limits the total amount of promissory notes outstanding at any one time to the lesser of either $7,000,000 or 2% of the assessed valuation of the taxable property in the district or district zones, and limits the maturity of each promissory note to 7 years from the date of the issuance of the note.

This bill would increase the $7,000,000 amount to $21,000,000, and the 7-year period to 10 years.

Ch. 54 (AB 912) Hunter. Certificated personnel: staff development programs.

Existing law provides for the establishment and funding of school personnel staff development and resource centers in school districts meeting prescribed requirements that choose to establish those centers. Existing law places various obligations on school districts that establish a school development plan providing for these centers, including a requirement that the professional development plans be designed and implemented under the direction of classroom teachers and other participating school personnel, as specified.

This bill, in addition to the individuals specified in existing law, would require that the professional development plans be designed and implemented, as appropriate, by other nonadministrative certificated personnel, including counselors, librarians, and nurses.

Ch. 55 (AB 1216) Frazee. Elections: precinct workers.

Existing law specifies the number and classification of election officers authorized for each precinct and permits the elections official to make specified adjustments to the classification and number of those officers.

This bill would permit the elections official to allow election officers at the same polling place to split shifts if the requirements of the precinct will be met.

Ch. 56 (SB 312) Dills. Lottery: unclaimed funds.

(1) Under the California State Lottery Act of 1984, if a valid claim is not made for a prize directly payable by the California State Lottery Commission or for any lotto prize within the period applicable for that prize, the unclaimed prize money reverts to the lottery for the benefit of public education.

This bill would delete the term "lotto" for this purpose and instead refer to any "on-line game." Any additional funds thereby reverting to the lottery would be deposited in the California State Lottery Education Fund, a continuously appropriated fund, and thus the bill would constitute an appropriation measure.

(2) Under the act, the lottery is authorized to pay a prize of less than $1,000,000 even though the actual winning ticket is not received by the lottery if the lottery validates the claim for the prize based upon substantial proof.

This bill would delete the $1,000,000 maximum, thus authorizing the lottery to pay a prize when the winning ticket is not received regardless of the amount of the prize. The bill would also define "substantial proof" for this purpose.

(3) As an initiative measure, the act provides that none of its provisions may be changed except to further its purpose by a bill passed by a ⅔ vote of each house of the Legislature and signed by the Governor.

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

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

Ch. 57 (SB 323) Petris. Civil actions: default: unlawful detainer.

(1) Existing law establishes a procedure for service of process in actions for unlawful detainer with respect to occupants, as specified, which if complied with prohibits any occupant from objecting to enforcement of the judgment.

This bill would revise those provisions with respect to service of a prejudgment claim of possession.

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(2) Existing law governing the entry of default in civil actions provides an application for default must be accompanied by a specified affidavit and provides that the default takes effect 10 days after the filing of the application.

This bill would repeal those provisions.

(3) Existing law provides that a judgment for possession of real property may be enforced by a writ of possession, as specified.

This bill would require additional information to accompany an application for a writ of possession, as specified, but would make the requirement for inclusion of certain of that information inapplicable if a summons, complaint, and prejudgment claim of possession were served upon the occupants.

(4) Existing law provides that an officer levying a writ of possession may not remove certain persons claiming a right of possession, as specified, unless those persons are named in the writ.

This bill would specify that no occupant of the premises may object to the enforcement of a judgment of possession if a summons, complaint, and prejudgment claim of possession were served on the occupants, as specified.

(5) The bill would also make related technical and procedural changes with respect to unlawful detainer actions.

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

Ch. 58 (AB 33) Farr. Dogs: retail dealers: notice: sale of diseased or sick dogs.

Existing law requires every retail dealer to deliver to the purchaser of each dog at the time of sale a statement regarding the condition of the dog, as specified.

This bill would make a technical change to those provisions.

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

Ch. 59 (AB 125) Frazee. Housing: senior citizen restrictions.

Existing law which prohibits business establishments from discriminating in the rental or sale of housing based upon age, (1) expressly permits an exception for the establishment and preservation of defined senior citizen housing developments that are specially designed to meet the physical and social needs of senior citizens and (2) permits housing developments constructed before February 8, 1982, to be used as a senior citizen housing development until January 1, 2000, without being designed to meet the physical or social needs of senior citizens if the housing meets certain criteria. This latter provision became operative on January 1, 1990.

This bill would provide that persons residing in, occupying, or using a senior citizen housing development permitted under (2) above prior to January 1, 1990, shall not be deprived of the right to continue that residency, occupancy, or use by reason of the conversion of the housing development to a senior citizen housing development.

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

Ch. 60 (AB 201) Chacon. Park grants: Lemon Grove: San Buenaventura.

(1) Under existing law, property acquired with a grant under the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 may be used only for the purpose for which the grant funds were requested and no other use of the area may be permitted except by a specific act of the Legislature.

This bill would permit the City of Lemon Grove to sell certain property known as Skyline Drive Park acquired with a state grant under the bond act, subject to specified conditions.

(2) Under existing law, property acquired, developed, rehabilitated, or restored with a grant under the California Park and Recreational Facilities Act of 1984 may be used only for the purpose for which the grant funds were requested and no other use, sale, or other disposition of the property may be permitted except by specific act of the Legislature.

This bill would permit the City of San Buenaventura to convey the Peirano Building, whose purchase was assisted by a state grant under the bond act, to the redevelopment agency of the city which may in turn convey it to a private individual for rehabilitation or may rehabilitate it for subsequent reconveyance to a private individual. The bill

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would require the city, upon that conveyance, to return the amount of the grant received by the city relating to the Peirano Building or an amount equal to the fair market value of the property, or to use the amount to acquire or develop an historic resource, as specified.

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

Ch. 61 (AB 344) Hauser. North Coast Railroad Authority.

Existing law authorizes the North Coast Railroad Authority to acquire and operate railroads or select a franchisee to operate a rail transportation system, to prepare a plan for acquisition and operation of specified railroad lines, to establish criteria for the award of a franchise for the acquisition, financing, and operation of the railroad system, and to issue revenue bonds pursuant to the Revenue Bond Law of 1941.

Existing law states that it is the intent of the Legislature, in enacting these provisions, to provide an alternative for ensuring railroad service on these lines if the Interstate Commerce Commission authorizes the abandonment or discontinuance of service on those specified railroad lines.

This bill would expand this statement of legislative intent to specify that these provisions are also intended to provide an alternative to ensuring railroad service in the event of the bankruptcy or sale of those lines.

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

Ch. 62 (AB 577) Allen. Mobilehome Residency Law: disclosures.

Existing law requires the management of a mobilehome park to disclose, in writing, the name of the mobilehome park owner upon the request of a homeowner.

This bill would require the management of a mobilehome park to disclose, in writing, the business address and business telephone number, in addition to the name, of the mobilehome park owner upon the request of a homeowner.

Ch. 63 (SB 1251) Calderon. Cities: street improvement funds.

Under existing law, a specified portion of the revenues derived from the state tax on motor vehicle fuels under the Motor Vehicle License Tax Law and the Use Fuel Tax Law is apportioned to cities. In order to be eligible for an apportionment, cities are required to establish by ordinance a "special gas tax street improvement fund," and the money apportioned to the city is required to be deposited into that fund.

This bill would authorize the City of Alhambra, during the 1990–91 fiscal year, to make a one-time transfer of funds from its special gas tax street improvement fund to a special city streets and signals fund in order to eliminate a preexisting deficit in that fund and would require that the expenditure of that transfer be not considered part of the city's general fund expenditures for purposes of eligibility to receive allocations of a specified portion of that state tax.

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

Ch. 64 (AB 1536) Alpert. Regional occupational centers or programs: interdistrict attendance.

(1) Existing law authorizes a school district, consortium of school districts, as specified, or county superintendent of schools maintaining a regional occupational program or center to admit pupils who reside outside the attendance area of the program or center by written agreement with the pupil's school district of residence.

(2) Existing law also authorizes a county superintendent of schools maintaining a regional occupational center or program to admit pupils residing within the county whether or not the pupil resides in a school district participating in the regional occupational center or program, as specified.

This bill instead would authorize a regional occupational center or program maintained by a school district, a county superintendent of schools, or a consortium of school districts pursuant to a joint powers of cooperative agreement to admit pupils who reside outside the attendance area of the regional occupational center or program.

Existing law prescribed that a regional occupational center or program that admits pupils who reside outside the attendance area of that regional occupational center or

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program receive annual operating funds from each of the participating school districts in an amount per unit of average daily attendance equal to the revenue limit received by those districts for each unit of average daily attendance generated in the regional occupational center or program with specified exceptions. Existing law provides that no revenue derived from average daily attendance in regional occupational centers and programs be retained by the district of residence. Existing law also prescribes that attendance may be reported by a county superintendent of schools maintaining a regional occupational center or program that admits pupils residing within the county whether or not those pupils reside in a school district participating in the center or program to the district of residence for the purpose of receiving state apportionments. The district of residence is required to pay the program or center the actual cost per unit of average daily attendance.

This bill instead would require that a regional occupational center or program for purposes of receiving reimbursement for pupils residing outside the attendance area of that center or program be credited with the average daily attendance of those pupils and claim that center's or program's revenue limit.

Ch. 65 (AB 1469) Lempert. Leased school buildings.

Existing law provides that after September 1, 1990, a leased building may not be used as a school building, as defined, unless it meets specified state requirements for design and construction or reconstruction, with certain exceptions.

This bill would establish an additional exception, as of September 1, 1991, for buildings leased by a regional occupational center or program that meet specified conditions. The bill would also require that, on or before September 1, 1994, and every 3 years thereafter, each governing board of a regional occupational center or program shall report to the State Allocation Board on the facilities utilized for the operation of that center or program and on efforts to place the center or program in facilities that conform to designated seismic safety standards.

Ch. 66 (SB 100) Lockyer. Open meetings: local agencies.

Under existing provisions of the Ralph M. Brown Act, the actions of legislative bodies of local agencies are required to be taken openly and their deliberations are required to be conducted openly. Under this existing law, every agenda for regular meetings is required to provide an opportunity for members of the public to directly address the legislative body on items of interest to the public that are within the subject matter jurisdiction of the legislative body. However, in the case of a city council or board of supervisors, that opportunity need not be provided if an opportunity to address a committee of the council or board considering the item has been provided, unless the item has been substantially changed.

This bill would provide that the opportunity of the public to be heard on an item shall be provided before or during the consideration of that item by the legislative body or committee of the legislative body.

Ch 67 (SB 256) Beverly. Leases: remedies for breach: use restrictions.

(1) Under existing law, if a lessee of real property has the right under the lease to sublet or assign subject only to reasonable limitations, the lease may empower the lessor to elect to continue the lease in effect after a breach of the lease or abandonment of the property by the lessee.

This bill would specify that, for purposes of the above provisions, the lessor shall not be deemed to have terminated the lessee's right to possession if the lessor withholds consent for, or terminates, an assignment or sublease without violating the lessee's rights under the lease.

(2) Under existing law, various remedies are available for breach of the terms of a lease.

This bill, subject to contrary terms in a lease and applicable defenses, would (a) expressly give the lessee a right to contract damages, termination of the lease, or both, if the lessor withholds consent to a transfer in violation of express or implied provisions of the lease prohibiting the unreasonable withholding of that consent, (b) expressly give

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the landlord a right to contract damages, termination of the lease, or both, if the lessee transfers the lease in violation of a restriction on transfer, (c) make an assignee of a lease who receives or makes a transfer in violation of the lease jointly and severally liable with the lessee for contract damages for the breach, (d) expressly give the lessor the right to terminate a transfer in violation of the lease without terminating the lease, as specified, and (e) expressly provide that, unless provided in the lease or by written waiver, the lessor's consent to a particular transfer does not waive the lease's restrictions as to subsequent transfers.

(3) Existing law does not specifically set forth conditions concerning restrictions on use of leased property.

This bill expressly authorizes leases to include reasonable use restrictions on the leased property and specifies that the absence of such a restriction in a lease gives the tenant the right to make any reasonable use of the leased property. The bill requires ambiguities in the lease to be construed in favor of unrestricted use. The bill specifies alternative methods of implementing use restrictions in leases. With respect to lease provisions requiring the landlord's consent for a change of use and which provide no standard for the exercise of that discretion, the bill would make the landlord's discretion absolute as to leases executed before January 1, 1992, and would supply an implied standard of reasonableness as to leases executed thereafter; however, if the terms of such a restriction are fixed by an option or other agreement executed prior to the lease, the bill would make the date of execution of the option or agreement determinative.

Ch 68 (AB 320) Areias. School district funds: financial institutions.

Existing law expressly authorizes school districts to deposit designated funds in a bank or other institution whose accounts are insured by the Federal Deposit Insurance Corporation.

This bill would instead authorize the deposit of those funds in any bank or other financial institution whose funds are federally insured.

Ch. 69 (AB 481) Costa. Migrant farmworker: housing: appropriation.

(1) Existing law has established an Office of Migrant Services in the Department of Housing and Community Development. Among other duties, the office contracts with local public housing agencies for the operation of temporary residential centers for migrant farmworkers.

This bill would set forth various findings and declarations of the Legislature with regard to damage, caused by subfreezing weather in late 1990 and early 1991, to temporary residential centers for migrant farmworkers.

(2) The bill would repeal a specified reappropriation, relating to farmworker housing, from the Budget Act of 1989.

(3) Notwithstanding any other provision of law, the bill would appropriate, without regard to fiscal years, any and all federal funds received by the Department of Housing and Community Development for reimbursement of costs incurred by the department to finance repairs to, or replacement of, farmworker housing operated pursuant to a specified program.

(4) The bill would also appropriate $500,000 from the Farmworker Housing Grant Fund for purposes of assisting farmworker housing, as specified.

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

Ch. 70 (SB 158) Committee on Local Government. Taxation: local agencies.

Existing law authorizes the legislative body of designated special districts to impose a special tax, as defined, if the ordinance or resolution proposing imposition of the special tax is submitted to the voters and approved by ⅔ of the voters voting on the issue. Existing law prescribes the procedures for the adoption of a special tax.

This bill would, in the same manner, authorize the adoption of special taxes by community college districts, community services districts, harbor districts, port districts, public cemetery districts, memorial districts, resource conservation districts, resort improvement districts, municipal utility districts, public utility districts, airport districts, transit districts in Alameda or Contra Costa County, irrigation districts, county water

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districts, and municipal water districts.

Ch. 71 (AB 97) Floyd. Gaming.

Existing law prohibits dealing, playing, carrying on, opening, causing to be opened, conducting as an owner or employee, or betting on any game of stud-horse poker. A violation of these provisions is a misdemeanor.

This bill would delete that prohibition.

This bill would also declare the intent of the Legislature with regard to the bill.

Ch. 72 (SB 211) Robbins. Los Angeles transit projects: metro rail.

(1) Under the Southern California Rapid Transit District Law, the Southern California Rapid Transit District is responsible for construction of the San Fernando Valley-Downtown Los Angeles Metro Rail project, as specified. Existing law requires specified funding in each year for below-ground construction on the North Hollywood terminus station, as specified, and tunneling and subway construction of the San Fernando Valley segment.

This bill would authorize the Los Angeles County Transportation Commission to select, from specified locations, the site for the North Hollywood terminus station.

The bill would make a statement regarding the San Fernando Valley rail transit project and would prohibit, within specified areas within the right-of-way of the Burbank Branch line of the Southern Pacific Railroad, the construction of any mass transit rail project, other than as a subway system, would require, in a particular area, any track to be constructed according to specified criteria, and would prohibit, within a specified area, the construction of any station other than a station where the main entrance is on property which is currently part of the Los Angeles Valley College campus or on a designated railroad right-of-way. By imposing these requirements, the bill would impose a state-mandated local program.

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

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

However, the bill would require, if it is determined that there are state-mandated local costs, that any reimbursement to the Southern California Rapid Transit District and the Los Angeles County Transportation Commission come from state funds allocated to either entity by the California Transportation Commission for transportation purposes.

Ch. 73 (SB 404) Dills. State prehistoric artifact.

Under existing law, there is no official state prehistoric artifact.

This bill would designate the Chipped Stone Bear as the official state prehistoric artifact.

Ch. 74 (AB 217) Vasconcellos. Budget Act of 1990: augmentation: contingencies or emergencies.[2]

(1) The Budget Act of 1990 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 $143,214,000 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) 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. 75 (SB 188) Maddy. School funding.

(1) Existing law authorizes, as specified, the county auditor to determine property tax

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administrative costs for the 1989–90 fiscal year and each fiscal year thereafter, proportionately attributable to local jurisdictions other than the county, or city and county, and cities and, commencing with the 1990–91 fiscal year, to submit invoices to those jurisdictions for those costs.

This bill would exempt school districts, community college districts, and county offices of education from those provisions authorizing county invoices for proportionate amounts of property tax administrative costs.

(2) Under existing law, the sum of $8,909,282,000 is appropriated for transfer to the State School Fund for apportionment to school districts for the 1990–91 fiscal year.

This bill would specify that $133,800,000 of that amount would apply for the 1989–90 fiscal year, rather than for the 1990–91 fiscal year, toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(3) The bill would provide that it shall become operative only if SB 1049 is chaptered and becomes operative.

Ch. 76 (SB 1049) Maddy. School funding.

Under existing law, the sum of $8,909,282,000 is appropriated for transfer to the State School Fund for apportionment to school districts for the 1990–91 fiscal year.

This bill would reduce that appropriation by the amount of $398,000,000.

The bill would appropriate $398,000,000 for transfer to the State School Fund for apportionment to school districts for the 1990–91 fiscal year as an emergency loan, and would specify that this appropriation may not be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

The bill also would appropriate $1,233,000,000 for transfer to the State School Fund for apportionment to school districts for the 1991–92 fiscal year, but would reduce the amount of that appropriation by the amount of $1,233,000,000 to discharge the emergency loan described above and an emergency loan made to school districts under existing law in the amount of $835,000,000. This appropriation may be applied toward the minimum funding requirements for school districts and community college districts for that fiscal year imposed by Section 8 of Article XVI of the California Constitution.

The bill, in addition, would appropriate $17,190,000,000 as a contingency expenditure reserved for subsequent appropriation by the Legislature for educational purposes pursuant to the state school funding obligation set forth in Section 8 of Article XVI of the California Constitution.

This bill would state the intent of the Legislature and the Governor to make every effort to generate a specified cost savings. The bill would also state the legislative intent that, if funds are made available to school districts, county offices of education, and community college districts as a result of cost savings in any manner, except as otherwise specified, these funds be allocated to those local educational agencies on a specified basis.

The bill also would address the effect of the above provisions upon certain calculations of school funding eligibility provided for under existing law.

The bill would provide that it shall become operative only if SB 188 is chaptered, and that the appropriations for the 1991–92 fiscal year described above shall not become operative until July 1, 1991.

The bill would declare that it is to take effect immediately as an appropriation for the usual and current expenses of the state.

Ch. 77 (SB 186) Morgan. State school funding.

The Budget Act of 1990 designates a method for the calculation of state funding apportionments for the 1990–91 fiscal year for high school districts that have had declining pupil enrollment for 4 consecutive school years, and whose feeder elementary school districts each have had increasing pupil enrollment for at least 3 of those same 4 years.

This bill would specify, pursuant to certain legislative findings, that a feeder elementary school district shall be deemed, for purposes of the funding calculation described above, to have had increasing pupil enrollment for any fiscal year for which the elementary school district either had an actual increase in pupil enrollment, or was anticipated

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to have an increase in pupil enrollment but, as a result of the October 17, 1989, Loma-Prieta earthquake, did not experience an increase. That provision would constitute an appropriation.

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

Ch. 78 (SB 286) Mello. Redevelopment: Cities of Santa Cruz and Watsonville.

(1) Existing law establishes the 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 approved on or before October 17, 1989, the date of the Loma Prieta earthquake.

This bill would impose a state-mandated local program by making a change in these procedures to require the county auditor, rather than the county assessor, to perform specified tasks.

(2) Existing law exempts from the requirements of the California Environmental Quality Act redevelopment plans for disaster-related projects adopted, amended, or merged by the Cities of Santa Cruz and Watsonville.

This bill would make a technical change in a statutory reference in this provision.

(3) This bill would state that its provisions constitute necessary special legislation, based upon a specified legislative finding and declaration.

(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. 79 (AB 2183) Vasconcellos. California State University, San Francisco: appropriation.

Under existing law, there is created in the General Fund the Special Account for Capital Outlay to be appropriated for specified purposes.

This bill would appropriate $430,000 from the Special Account for Capital Outlay in the General Fund to the Trustees of the California State University and the California State University for the renovation and remodeling of the administration building at California State University, San Francisco.

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

Ch. 80 (AB 63) Felando. Commercial fishing licenses: exemptions.

(1) Under existing law, no person may cause to be brought ashore any fish or amphibia at any point in the state for the purpose of selling them in a fresh state or contribute materially to the activities on board a commercial fishing vessel, unless the person holds a commercial fishing license issued by the Department of Fish and Game. Existing law also requires persons who receive, sell, process, or import fish to be licensed.

This bill would exempt from these provisions any person who is employed by the fish receiver to unload fish or fish products, or to load or unload food and supplies, on or from a commercial fishing boat at a dock.

(2) Under existing law, which remains in effect until January 1, 1992, commercial fish business licenses are valid from July 1 to June 30 of the following year, or if issued after the beginning of that term, for the remainder thereof.

This bill would provide for a license term of January 1 to December 31, inclusive, for these licenses. This bill would also provide for the payment of a surcharge by certain persons who held a commercial fish business license in 1991. Since under existing law, a failure to pay this surcharge would be a misdemeanor, this bill would impose a state-mandated local program by creating a new crime.

(3) Existing law, which becomes operative January 1, 1992, requires 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 applies the provisions to persons engaged in any business involving aquaculture products. Existing law, operative January 1, 1992, requires importers and persons receiving or purchasing aquaculture products to obtain fish receiver's licenses.

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This bill would delay the operative date of these provisions to January 1, 1993.

(4) Existing law authorizes, until July 1, 1991, the department to contract for producing and printing certain forms without complying with specified requirements for public contracts.

This bill would extend this provision to July 1, 1992.

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

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

(6) Existing provisions of the Fish and Game Code continuously appropriate the money in the Fish and Game Preservation Fund to the department for all necessary expenses in carrying out the provisions of that code.

Because the surcharge authorized by this bill would be deposited in the Fish and Game Preservation Fund, it would make an appropriation.

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

Ch. 81 (SB 289) C. Green. Earthquake insurance.

Existing law establishes the California Residential Earthquake Recovery Fund, provides for the collection of an insurance surcharge after July 1, 1991, and provides for earthquake coverage after that date.

This bill would change the implementation date of that law to January 1, 1992, and would make changes in related dates

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

Ch. 82 (SB 896) Mello. Probate law and procedure

Under existing law, the Probate Code will be repealed and reenacted operative July 1, 1991.

This bill would revise and recast provisions of the new Probate Code regarding the employment and compensation of estate attorneys, the employment of experts to assist a personal representative, court authorization for proposed actions by a personal representative, and transition provisions regarding pending proceedings The bill would also make technical, nonsubstantive changes.

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

Ch. 83 (AB 702) Frizzelle. Public employees: retirement.

(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 which are transferred monthly to the Teachers' Retirement Fund. Commencing on July 1, 1991, transfers shall be made from the General Fund by the Controller to the retirement fund of 4.3% of total salaries of the immediately preceding fiscal year upon which members' contributions are based.

This bill, commencing October 1, 1991, and quarterly thereafter, would transfer from the General Fund by the Controller to the retirement fund, 1.075% of the total salaries of the immediately preceding fiscal year upon which members' contributions are made.

(2) The federal Omnibus Budget Reconciliation Act of 1990 mandates coverage of all state employees into a retirement program.

This bill would authorize the Department of Personnel Administration to develop and administer a retirement program for state employees who are not members of the Public Employees' Retirement System.

(3) The Public Employees' Retirement Law presently provides that the management and control of the system is vested in the Board of Administration of the Public Employees' Retirement System. The board is required to appoint necessary employees, select consulting actuaries, provide for actuarial valuations, adopt such mortality, service, and other tables and annual and actuarial interest rates as it deems necessary, and to determine state and local government employers required rates of contribution.

This bill would provide for the Governor to contract with an individual or firm practicing as an enrolled consulting actuary and appoint that person or firm to serve as

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the actuary for the system and make all actuarial valuations and determinations respecting interest crediting rates, employer contributions, and related actuarial matters. The actuary would be subject to confirmation by both houses of the Legislature. Related provisions of law would be revised to provide that the actuary rather than the board make the determinations. The costs of the actuary contract would be required to be paid from the retirement fund on an annual basis. The actuary would be deemed to succeed to and assume the fiduciary obligations pertaining to actuarial determinations previously held by the board including those prescribed by Section 17 of Article XVI of the California Constitution.

(4) Existing provisions of the Public Employees' Retirement Law annually allocate the net earnings of the retirement fund by requiring the crediting of the employers' contributions at the current net earnings rate and the crediting of the members' and retired members' contributions at the current annual interest rate which is prohibited from being less than the current actuarial rate, with any remaining balance being allocated to the Investment Dividend Disbursement Account (IDDA) and related Purchasing Power Accounts (PPA) and to the Extraordinary Performance Dividend Account (EPDA). Those accounts generally provide current retirees and beneficiaries with nonvested, noncumulative, periodic payments to make specified increases in the purchasing power of their original allowances.

This bill would repeal the IDDA, PPA, and EPDA provisions, and make related changes. This bill would require the board to transfer the lesser of the amount necessary to increase all monthly allowances paid by the system to 75% of original purchasing power or up to 1.1% of the net earnings on member contributions to a supplemental account and to increase all monthly allowances paid by the system up to a maximum of 75% of the purchasing power of the initial monthly allowance as determined by the actuary and would require remaining funds to be transferred to employer accounts. The bill would provide that the benefit provision would become inoperative if a final court decision invalidates the transfer of funds remaining in IDDA, PPA, and EPDA accounts to reduce employer contributions.

(5) This bill would authorize the board under specified circumstances to reduce the annual interest crediting rate by 110 basis points to provide amounts for specified retirement allowance adjustment benefits with the remaining amount credited to employer accounts.

(6) This bill would require funds remaining in IDDA, PPA, and EPDA accounts upon the repeal thereof, to be used to reduce employer contributions in the 1991–92 fiscal year and subsequent fiscal years until those amounts are depleted.

(7) A provision of that law imposes upon board members and retirement system employees the so-called prudent expert fiduciary standard.

This bill would include within that standard, the requirement to minimize the employers' costs of providing retirement benefits.

(8) A provision of that law requires the board to annually contract with an independent actuary for the performance of specified duties and to submit a related report to the Legislature and the Governor.

This bill would repeal that provision.

(9) The existing Public Employees' Retirement Law provides, for specified state employees, an alternative, optional, noncontributory retirement plan designated the Second Tier.

This bill would require the Department of Personnel Administration together with recognized state employee organizations to develop alternatives to the Second Tier retirement plan by June 30, 1992. The bill would require specified state employees who are excluded from representation and who first become members on or after the effective date of the bill to become subject to the Second Tier.

(10) Under existing law, the state's contributions to the Public Employees' Retirement Fund for its employees are appropriated and transferred quarterly.

This bill would require that, for the 1991–92 fiscal year, those appropriations be made semiannually, and that for 1991–92 year, the semiannual payment dates be January 31 and June 30.

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(11) The bill would require the state, school districts, cities, counties, local districts, and any other employers in expending any savings which accrue as a result of the repeal of the IDDA and EPDA programs to give the highest priority to retaining or rehiring retirement system members. This bill would provide that specified items contained in the Budget Act of 1991 shall not be reduced by the Department of Finance.

(12) Under existing law, members who discontinue public service may withdraw their contributions standing to their credit in their individual account and the interest thereon.

This bill would provide that the interest credited on contributions made after the effective date of the bill to members who withdraw contributions shall be 6% annually compounded and would authorize the transfer of the amount that would have otherwise been paid to the account to fund the purchasing power protection allowance.

(13) The Public Employees' Medical and Hospital Care Act provides that the employer's contribution with respect to each state officer and employee and annuitant shall be adjusted by the Legislature in the annual Budget Act based upon the premiums required for enrollment of employees, annuitants, and family members in the 4 health benefits plans which have the largest number of enrollments during the fiscal year.

This bill would provide that the employer's contribution with respect to excluded employees, as defined, who are otherwise eligible, shall be determined by the Department of Personnel Administration subject to appropriation of funds by the Legislature in the annual Budget Act. The employer's contribution with respect to each state employee, as defined in state employer-employee relations provisions, would be determined through the collective bargaining process subject to the appropriation of funds by the Legislature in the annual Budget Act.

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

Ch. 84 (SB 1028) Presley. Real estate.

Existing law creates the Real Estate Appraisers' Licensing and Certification Law which provides for the licensing and regulation of real estate appraisers and creates the Office of Real Estate Appraisers within the Business, Transportation and Housing Agency. Existing law provides that on and after July 1, 1991, any person who engages in or proposes to engage in federally related real estate appraisal activity, as defined, shall be licensed or certified.

This bill would change the licensing or certification deadline to January 1, 1992.

Existing law provides that the Director of the Office of Real Estate Appraisers shall not actively engage in the appraisal business or any other affected industry for the term of appointment or for one year thereafter.

This bill would instead provide that, with respect to post-officeholding activities, following the term of appointment the director shall be subject to the Milton Marks Postgovernment Employment Restrictions Act of 1990.

Existing law provides 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. Existing law provides that these regulations may be adopted as emergency regulations.

This bill would provide that the Business, Transportation and Housing Agency or the Director of the Office of Real Estate Appraisers shall adopt these regulations and that any regulations or amendments to regulations adopted on or before December 31, 1992, may be adopted as emergency regulations. This bill would also provide that any emergency regulations adopted to implement the Real Estate Appraisers' Licensing and Certification Law shall remain in effect until December 31, 1992.

Existing law provides for the repeal of the Lancaster-Montoya Appraisal Act on July 1, 1991.

This bill would instead provide for the repeal of that law on January 1, 1992, except that if federal law requires the repeal of the Lancaster-Montoya Appraisal Act on a date prior to January 1, 1992, the repeal would become operative on that earlier date.

Existing law appropriates $730,000 from the Education and Research Account in the Real Estate Fund to the Office of Real Estate Appraisers for use during the 1990–91 fiscal year as a loan to establish and implement a regulatory structure for the licensing and

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certifying of real estate appraisers in California.

This bill would appropriate the $730,000 for use on or before June 30, 1992, rather than for use during the 1990–91 fiscal year.

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

Ch. 85 (AB 2181) Vasconcellos. Sales and use taxes: rates: exemptions· interest.

The existing California Sales and Use Tax Law imposes a state sales and use tax at a rate 4¾% of gross receipts on the sale or use of tangible personal property in the state.

This bill would increase the state sales and use tax rate to 5½% with respect to tangible personal property sold or purchased, as applicable, on or after July 1, 1991. It would provide that revenues derived from a rate of ½% for the period on or after July 1, 1991, shall be transferred to the Sales Tax Account of the Local Revenue Fund for allocation to cities and counties, as specified. It would provide that the imposition of a portion of the increased rate of the tax, as specified, would cease to be operative on the first day of the month following the month the State Board of Equalization is notified by the Department of Finance of a final judicial determination, as specified.

This bill would additionally increase the state sales and use tax by a rate of ½% for the period beginning on and after July 1, 1991, and ending on July 1, 1993, or earlier, as specified, depending on the estimated amount in the Special Fund for Economic Uncertainties, as specified.

This bill would eliminate as of July 1, 1991, total or partial exemptions from state and local sales and use taxes for (1) the gross receipts from the sale of and the storage, use, or other consumption in this state of candy or confectionery, nonmedicated chewing gum, snack foods, as defined, except for sales of candy, confectionery, or snack foods that are sold on an irregular or intermittent basis by a certain type of nonprofit youth organization if the profits from the sales are used to further the purposes of the organization, (2) the gross receipts from the sale of and the storage, use, or other consumption in this state of bottled water, (3) tangible personal property which becomes an ingredient or component part of a specified type of newspaper or periodical and any such newspaper and periodical, and a specified type of photograph reproduced one time only in a newspaper, and (4) the gross receipts from the sale of fuel and petroleum products to certain common carriers.

This bill would also provide, for the purposes of state and local sales and use taxes, that a newspaper carrier is not a retailer and the retailer is the publisher or distributor for whom the carrier delivers the newspapers, and that the publisher or distributor is responsible for the tax measured by the price charged to the customer by the carrier.

Existing law provides that interest is paid on any overpayment or judgment at a modified adjusted rate per annum, as specified.

This bill would provide instead that for any overpayment or judgment paid on or after July 1, 1991, interest is paid at a rate equal to the bond equivalent rates of the 13-week treasury bills during the period for which interest is paid.

This bill would appropriate $4,334,000 from the General Fund to the State Board of Equalization for the startup costs of this bill, as specified. It would permit the board to adopt emergency regulations, as specified, with respect to any change made by this bill.

This bill would take effect immediately as a tax levy, but, with certain exceptions, would become operative on July 1, 1991.

Ch. 86 (AB 30) Murray. Taxation: alcoholic beverages.

Under the existing Alcoholic Beverage Tax Law, excise taxes are imposed at various rates on the privilege of selling or possessing for sale beer, wine, and distilled spirits. The proceeds from these taxes are deposited in the Alcohol Beverage Control Fund and, subject to the payment of refunds, are transferred to the General Fund.

This bill would impose on and after July 1, 1991, a surtax at specified rates on beer, wine, sparkling hard cider, and distilled spirits, as specified, and an equivalent compensating floor stock tax on beer, wine, sparkling hard cider, and distilled spirits, as specified, in the possession of licensed persons on July 1, 1991, except with respect to certain licensed persons.

This bill would require that the proceeds from these surtaxes be deposited in the

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General Fund.

This bill would take effect immediately as a tax levy.

Ch. 87 (AB 758) Bates. Vehicle license fees: sales and use taxes.

The existing Vehicle License Fee Law provides that the annual amount of the license fee for any vehicle, other than a trailer coach which is required to be moved under permit, is 2% of the market value of the vehicle, as specified. It provides for the determination of the market value of any vehicle and for the annual depreciation of the market value of any vehicle for the purpose of determining the amount of the vehicle license fee.

This bill would, in addition, provide that a surcharge in an amount equal to 2.2% of the motor vehicle license fee shall be added to that fee for any original registration occurring, or any renewal of registration with an expiration date, on or after August 1, 1991, and before August 1, 1992. It would provide that the market value of a vehicle be determined upon the first sale of a new vehicle to a consumer and upon each sale of a used vehicle to a consumer, but the market value would not be redetermined upon the sale of a vehicle to certain family members. It would provide that no adjustment of the license fee shall be made based on the redetermination of market value of a used vehicle until the expiration of the current registration. It would also make changes in the method of calculating the annual depreciation for the purpose of determining the amount of the vehicle license fee and would thereby increase the amounts of motor vehicle license fees imposed.

This bill would provide that the imposition of the surcharge and the changes in the method of calculating the annual depreciation shall cease to be operative on the first day of the month following the month the Department of Motor Vehicles is notified by the Department of Finance of a final judicial determination, as specified.

This bill would require that a specified percentage of the money collected from the vehicle license fees be deposited in the Vehicle License Fee Account of the Local Revenue Fund, as established pursuant to a specified proposed statute that would be continuously appropriated.

The existing Sales and Use Tax Law provides that, except when a vehicle is purchased outside this state from the manufacturer or from a vehicle dealer, whenever the purchaser of a vehicle is required to pay a use tax, the sales price is rebuttably presumed to be equal to the market value of the vehicle at the time of purchase for the purpose of calculating the tax. It also treats commercial vehicles of less than a certain weight as noncommercial vehicles.

This bill would repeal those provisions.

This bill would take effect immediately as a tax levy, but would become operative on August 1, 1991, as specified.

Ch. 88 (SB 179) Deddeh. Sales and use taxes: alcoholic beverage taxes: vehicle license fees.

(1) The existing California Sales and Use Tax Law, as modified by AB 2181 of the 1991–92 Regular Session, increases the state sales and use tax rate to 5½% with respect to tangible personal property sold or purchased, as applicable, on or after July 1, 1991. It also increases the state sales and use tax by an additional rate of ½% for the period beginning on and after July 1, 1991, and ending on July 1, 1993, or earlier, as specified, depending on the estimated amount in the Special Fund for Economic Uncertainties, as specified.

Existing law, as modified by AB 2181 of the 1991–92 Regular Session, also eliminates as of July 1, 1991, total or partial exemptions from state and local sales and use taxes for (a) the gross receipts from the sale of and the storage, use, or other consumption in this state of candy or confectionery, nonmedicated chewing gum, snack foods, as defined, except for sales of candy, confectionery, or snack foods that are sold on an irregular or intermittent basis by a certain type of nonprofit youth organization if the profits from the sales are used to further the purposes of the organization, (b) the gross receipts from the sale of and the storage, use, or other consumption in this state of bottled water, (c) tangible personal property which becomes an ingredient or component part of a speci-

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fied type of newspaper or periodical and any such newspaper and periodical, and a specified type of photograph reproduced one time only in a newspaper, and (d) the gross receipts from the sale of fuel and petroleum products to certain common carriers.

This bill would instead provide that the increases in the state sales and use tax rate and the elimination of those exemptions, as provided for in AB 2181, shall become operative on July 15, 1991, as specified. These provisions of the bill would become operative only if AB 2181 is chaptered before this bill is chaptered.

(2) Under the existing Alcoholic Beverage Tax Law, as modified by AB 30 of the 1991–92 Regular Session, a surtax is imposed on and after July 1, 1991, at specified rates on beer, wine, sparkling hard cider, and distilled spirits, as specified, and an equivalent compensating floor stock tax is imposed on beer, wine, sparkling hard cider, and distilled spirits, as specified, in the possession of licensed persons on July 1, 1991, except with respect to certain licensed persons.

This bill would instead impose that surtax on and after July 15, 1991, and the equivalent compensating floor stock tax on those alcoholic beverages in the possession of licensed persons on July 15, 1991. These provisions of the bill would become operative only if AB 30 is chaptered before this bill is chaptered.

(3) The existing Vehicle License Fee, as modified by AB 758 of the 1991–92 Regular Session, among other things, (a) imposes a surcharge for any original registration occurring, or any renewal of registration with an expiration date, on or after August 1, 1991, and before August 1992, (b) provides that the market value of a vehicle be determined upon the 1st sale of a new vehicle to a consumer and upon each sale of a used vehicle to a consumer, but the market value is not redetermined upon the sale of a vehicle to certain family members; (c) provides that no adjustment of the license fee shall be made based on the redetermination of market value of a used vehicle until the expiration of the current registration; (d) makes changes in the method of calculating the annual depreciation for the purpose of determining the amount of the vehicle license fee; and (e) repeals provisions under the Sales and Use Tax Law that provide that, except when a vehicle is purchased outside this state from the manufacturer or from a vehicle dealer, whenever the purchaser of a vehicle is required to pay a use tax, the sales price is rebuttably presumed to be equal to the market value of the vehicle at the time of purchase for the purpose of calculating the tax.

AB 758 provides that it takes effect immediately as a tax levy, but becomes operative on August 1, 1991, and shall be applied with respect to motor vehicle license fees for any original registration occurring on or after August 1, 1991, and for any renewal of registration with an expiration date of August 1, 1991, or an expiration date thereafter.

This bill would clarify that AB 758 takes effect immediately as a tax levy and shall be applied with respect to motor vehicle license fees for any original registration occurring on or after August 1, 1991, and for any renewal of registration with an expiration date of August 1, 1991, or an expiration date thereafter. It would further provide that the repeal of the provision described above under the Sales and Use Tax shall become operative on August 1, 1991. These provisions of the bill would become operative only if AB 758 is chaptered before this bill is chaptered.

(4) Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state 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.

(5) This bill would take effect immediately as a tax levy.

Ch. 89 (AB 1288) Bronzan. Public social services.

(1) Existing law provides for the provision of various mental health services to eligible persons throughout the state, funded by federal, state, and local funds, and administered by the State Department of Mental Health and county mental health programs.

This bill would revise the manner in which those mental health services are adminis-

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tered by the department and county mental health programs, including the manner in which services would be provided and the populations to be served would be determined. It would revise the manner in which specified services would be funded.

This bill would also recast and recodify various provisions relating to the delivery of mental health services, and make technical, nonsubstantive changes.

This bill would impose a state-mandated local program by requiring counties to contract with the state for the provision of state hospital beds at specified levels, with certain exceptions, to be paid from the local health and welfare trust fund. It would impose a state-mandated local program by prohibiting counties from denying persons receiving services access to specified types of medication, to the extent resources from the local health and welfare trust fund are available.

(2) Existing law requires the State Department of Health Services to administer various provisions of law relating to public health.

This bill would require the Director of Health Services to conduct a comprehensive review of statutes governing the protection of the public health, in cooperation with county representatives and the California Conference of Local Health Officers, and report to the Legislature no later than December 31, 1992.

Existing law continuously appropriates money for allocation to counties and certain cities for the provision of health services.

This bill would specify that the existing funding method shall remain operative only for the 1990–91 fiscal year and prior fiscal years, would repeal it January 1, 2000, and would provide, commencing with the 1991–92 fiscal year and fiscal years thereafter, for the establishment of the County Health Services Fund, would continuously appropriate money from the fund, and would establish a new system of allocating money to the cities and counties for health care services.

The bill would also establish the Local Revenue Fund, with a Sales Tax Account, a Vehicle License Fee Account, a Sales Tax Growth Account, a Vehicle License Fee Growth account, and specified subaccounts, into which increases in state sales and use taxes and vehicle license fees would be deposited. The bill would continuously appropriate money in those accounts for allocation to counties, and would require each county to establish and maintain a local health and welfare trust fund with health, social services, and mental health accounts. By requiring counties to establish and maintain the fund, the bill would result in a state-mandated local program. The bill would also limit the purposes for which the allocated funds may be used by the counties.

(3) This bill would require that counties and cities shall use specified sources of funding prior to using any other funds for the implementation of any new duty or for the provision of any higher level of service required by this bill.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the cost of mandates which 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 for a specified reason.

This bill would provide that it would become inoperative if certain conditions regarding state mandates or the character of certain tax proceeds occur.

(5) This bill would permit the Department of Finance to authorize a loan of up to $20,000,000 from the General Fund for use by the State Department of Mental Health for the support of institutions for mental disease, thus making an appropriation. This bill would specifically appropriate $87,727,000 from the Mental Health Subaccount of the Sales Tax Account of the Local Revenue Fund to the State Department of Mental Health for support of institutions for mental disease during a one-year period.

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

Ch. 90 (AB 1297) Isenberg. Trial court funding.

Existing law authorizes the Controller, in his or her discretion, to offset amounts that have been reduced to judgment, are contained in a court order, or are delinquent unsecured property taxes, as prescribed, due a county from a person or entity from personal income or bank and corporation tax refunds.

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This bill would require the Controller to offset amounts overdue and unpaid to counties for fines, bail, or vehicle parking penalties from tax refunds and from winnings in the California State Lottery.

Existing law provides procedures for the disposition of fines and forfeitures collected in municipal and justice courts. All fines and forfeitures, including Vehicle Code fines and forfeitures, collected upon conviction or upon the forfeiture of bail and deposited bail, in any municipal or justice court is deposited with the county treasurer of the county in which the court is situated, to be deposited, as specified, to county funds, city funds, or both. Existing law also provides procedures for the disposition of surcharges and assessments collected to fund justice facility construction, of fines and forfeitures collected in any court for violations of the Fish and Game Code and related provisions, and of moneys, forfeited bails, or fines received by any court pursuant to specified provisions in the Health and Safety Code.

This bill would express legislative findings with regard to the need to fund the development, operation, maintenance, and improvement of automated accounting and case-processing systems concerning the accounting for funds and the management of criminal cases, including traffic cases, in the municipal and justice courts.

Existing law provides for the duties of the Judicial Council, as specified.

This bill would require the Judicial Council, in consultation with the Department of Finance and the Legislative Analyst to study the methods available for the inclusion of trial courts in the Budget Act, and to report its findings and recommendations to the Legislature on or before March 1, 1992. The bill would also require the report to include recommendations on an equitable distribution of fine and forfeiture revenue, as specified.

Existing law, the Brown-Presley Trial Court Funding Act, provides for state block grant funding for trial courts on a county option basis.

This bill would state the intent of the Legislature to increase these block grants each year, as specified; would eliminate special block grants for counties with new judgeships; would provide for supplemental block grants, as specified, if there is surplus trial court funding moneys in the Budget Act; and would limit block grant payments to a county to 70% of the approved trial court budget for the county. The bill would also eliminate annual adjustments to block grants based on state employee salary increases.

The bill would provide that on or before March 1, 1992, the superior, municipal, and justice court in each county, in consultation with the State Bar, shall prepare and submit to the Judicial Council, for review and approval, a trial court coordination plan designed to achieve maximum utilization of judicial and other court resources and statewide cost reductions in court operations, as specified. These courts also would be required to submit a report to the Judicial Council on progress towards achieving the cost reduction goals associated with the coordination plans and factors impacting the cost of court operations and the collection of revenues, as specified.

Existing law specifies the duties of the Judicial Council.

This bill would require each superior, municipal, and justice court to provide the Judicial Council with complete information regarding their offices and employees, as specified, on or before January 31, 1992. The bill would impose a state-mandated local program by requiring new duties of trial courts.

The bill would require The Judicial Council to report to the Legislature regarding the disposition of trial court employees, as specified, on or before July 1, 1992. The bill would also state the intent of the Legislature in this regard.

Existing law provides for the compensation of retired judges sitting on assignment, as specified. Under existing law there is special provision for the judge's retirement allowance unless the judge is at least 63 years of age.

This bill would require payment of full judge's compensation to all retired judges sitting on assignment without reduction for the judge's retirement allowance. The bill would also eliminate the time per year limitation during which certain retired judges may sit on assignment. The bill would impose a state-mandated local program by increasing the compensation of retired judges sitting on assignment for which counties are required to reimburse the state. The bill would also provide for supplemental compensa-

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tion from the state, per judicial day, for retired judges sitting on assignment provided funding is available in the Budget Act.

Existing law establishes the Trial Court Delay Reduction Act, as specified, which on and after July 1, 1992, is applicable to all actions and proceedings in superior court, except as specified.

This bill would require each municipal and justice court, operative July 1, 1992, to establish a delay reduction program in consultation with the local bar that is consistent with the Trial Court Delay Reduction Act, thereby imposing a state-mandated local program.

The existing Judges' Retirement Law prescribes a reduced retirement allowance for a judge who does not retire before attaining age 70.

This bill would, instead, make that reduction applicable to judges who do not retire at the end of the term of office in which he or she attains age 70 and would make related changes.

Existing law authorizes each county to establish a Courthouse Temporary Construction Fund, a County Criminal Justice Facility Temporary Construction Fund, and a County Automated Fingerprint Identification Fund, as well as certain, similar specialized funds which are funded by specified penalty assessments and parking surcharges, and in the City and County of San Francisco, a civil filing fee surcharge.

This bill would repeal and reenact those provisions, retaining the individual county authorizations for the different funds but providing for a specified penalty to be imposed in each county, and to be apportioned among the funds by the board of supervisors, as specified The bill would require public agencies electing to accept parking penalties to pay the county treasurer $1.50 for each parking penalty accepted.

Under existing law, all 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, are deposited with the county treasurer of the county in which the court is situated. These moneys are distributed among cities and counties, as specified.

This bill would instead provide, commencing with the 1991–92 fiscal year, that once a month the county transfer into the proper funds of the county 25% of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail, as specified. The bill would also provide that once a month there shall be transferred into the treasury of each city instead of into the traffic safety fund, an amount equal to 50% of all fines and forfeitures collected during the preceding month, as specified. The total amount of the fines and forfeitures retained in the 1991–92 fiscal year by a county or city shall not exceed specified amounts. All other moneys would be transferred to the State Treasury, as specified.

Existing law provides that a state penalty, as specified, shall be levied upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, as specified. A certain portion of the penalty is deposited in the appropriate county fund, as specified, and the balance is transmitted to the State Treasury to be deposited in the State Penalty Fund. These moneys are transferred to, among other funds, the Restitution Fund, the Fish and Game Preservation Fund, and the Victim-Witness Assistance Fund, in specified percentage amounts.

This bill would instead provide that 70% of these funds be transmitted to the State Penalty Fund and that 30% of state penalty funds be transferred into the State Treasury.

Under existing law, a judgment granting a defendant time to pay a fine shall order that if the defendant fails to pay the fine or any installment thereof on the date that it is due, he or she shall appear in court on that date for further proceedings and that willful violation of the order is punishable as contempt.

This bill would create a state amnesty program for delinquent fines imposed for an infraction or misdemeanor violation of the Vehicle Code to operate from February 1, 1992, through April 30, 1992. The program would apply to infraction or misdemeanor violations upon which a fine was delinquent on or before April 1, 1991. The bill would permit the defendant to pay to the municipal or justice court that imposed the fine, the sum of $100 for an infraction or $500 for a misdemeanor in full satisfaction of the delinquent fine. However, in counties with a population of 350,000 or less, the county

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may instead accept 70% of the fine in full satisfaction of the delinquent fine. The bill would require the county to transmit the total amount of funds collected under the amnesty program to the State Treasury once each month.

The bill would also contain a declaration of legislative intent to occupy the field and preempt local amnesty programs with respect to fines or forfeitures for infractions and misdemeanor violations of the Vehicle Code. However, the bill would also declare that it is not the intention of the Legislature to occupy the field or preempt local amnesty programs with respect to parking violations by requiring the municipal or justice court that imposed the fine to collect those fees.

The bill would make other conforming changes.

Under existing law, when a bond is forfeited and a specified period of time has elapsed without the forfeiture having been set aside, the court shall enter a summary judgment against each bondsman named in the bond in the amount for which the bondsman is bound and in no event shall the judgment exceed the amount of the bond with costs.

This bill would, instead, specify that the judgment shall be the amount of the bond plus costs. The bill would additionally provide that if a court grants relief from the bail forfeiture, it shall impose a monetary payment as a condition of relief to compensate the people for the costs of returning a defendant to custody, as specified. The amount imposed shall reflect the actual cost of returning the defendant to custody.

This bill would require the county treasurer, prior to making any other required distribution, to deposit 2% of all moneys collected in criminal cases, as specified, including those surcharges and assessments collected for purposes specified above, into a fund to pay the costs of automating municipal and justice court recordkeeping systems for criminal, including traffic, cases.

This bill would also provide that when an allocation and distribution of any fine, forfeiture, penalty, fee, or assessment collected in any criminal case is made, as specified, the allocation and distribution of any payment may be based upon the law in effect during the accounting period when the payment to the court is made.

Existing law provides procedures for the payment by a defendant of a fine. Existing law requires the defendant to pay a fee for the processing of installment accounts equal to the administrative and clerical costs, as specified, not to exceed $30.

This bill would provide, instead, that the fee would be $30 for accounts paid within 6 months and an additional $25 for each succeeding 6-month period or portion thereof.

Existing law provides after an arrest, accident investigation, or other law enforcement action, for an officer to prepare, as specified, a written notice of the violator's promise to correct an alleged violation and to deliver proof of correction of the violation to the issuing agency.

Existing law also prohibits the court from imposing a fine or assessing an administrative fee for a violation or for processing a proof of correction with respect to a violation for which proof of correction has been timely and properly secured.

This bill would delete this prohibition. This bill would provide, instead, that upon proof of correction of an alleged violation of specified Vehicle Code provisions, the clerk shall collect a $10 transaction fee for each case to be deposited by the clerk and allocated, as specified.

Existing law requires the court clerk to collect a uniform fee not to exceed $24 from every person who is ordered or permitted to attend a traffic violator school, as specified, or who attends any other court-supervised program of traffic safety instruction. Existing law provides, among other things, that the fee include a sum of $1 to go to each of specified county funds and $8.90 to the issuing governmental entity, the revenues derived from the fees collected to be allocated, as specified.

This bill would revise these provisions to provide, instead, that the fee be equal to the total bail, as defined, set forth for the eligible offense on the uniform countywide bail schedule, as specified, the revenues derived from the fee to be deposited, instead, as specified, and allocated ¾ to the State Treasury and the remaining amount to the general fund of the county, with the exception that $1 for each of specified county funds be deposited with the county treasurer of counties which have established those specified funds.

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Existing law authorizes the court to order any person convicted of a traffic violation or any person issued a notice to appear for a traffic offense, to attend a licensed traffic violator school in lieu of adjudicating a traffic offense, with the defendant's consent.

This bill would require that the Judicial Council study the minimum eligibility criteria governing drivers seeking to attend traffic violator's school and report to the Legislature on the advisability of uniform statewide criteria on or before January 1, 1993.

Since this bill would provide for the deposit of funds into state funds which are continuously appropriated funds, this bill would make an appropriation.

Existing law requires the auditor in each county with qualifying cities, as defined, to make property tax revenue allocations to those cities in accordance with a specified Tax Equity Allocation (TEA) formula and to make corresponding reductions in the county's property tax revenue allocation. It 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 the qualifying city is located fails to notify the state of its intent to opt into specified trial court funding provisions.

This bill would remove the prohibition on a qualifying city receiving a TEA formula allocation for any fiscal year in which the county in which the qualifying city is located fails to notify the state of its intent to opt into specified trial court funding provisions.

Existing law specifies the information required in an application for issuance of a driver's license or for registration of a vehicle.

This bill would require this information in an applications for the renewal of a driver's license and for the renewal of the registration of a motorcycle. In addition, the bill would require the applicant to furnish his or her social security number.

Existing law requires the Department of Motor Vehicles to refuse to renew the registration of a vehicle if the registered owner or lessee has any delinquent parking violations outstanding.

This bill would require the department to refuse renewal of registration if the registered owner has violated a written promise to appear in court or pay a fine for a traffic violation.

Existing law requires the department to refuse to issue or renew a driver's license if the applicant has violated a written promise to appear in court for a traffic violation.

This bill would require the department to refuse to issue or renew a license if the applicant has any delinquent parking violations outstanding.

Existing law authorizes a peace officer to impound or immobilize a vehicle which is known to have been issued 5 or more notices of parking violation over 5 or more days.

This bill would instead authorize the impoundment or immobilization of a vehicle known to have been issued 5 notices of parking violations over an unspecified number of days, or if the registered owner is known to have been issued 5 notices for failure to appear in court for traffic violations which have not been adjudicated or cleared.

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

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

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

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

Ch. 91 (AB 948) Bronzan. Public assistance: State and local realignment.

Under existing law, the Robert W. Crown California Children's Services Act, the State Department of Health Services administers a program of services for physically defective or handicapped persons under the age of 21 years, in cooperation with the federal government.

Existing law provides for the repayment, by the parents of a child receiving services

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under the California Children's Services Act, for those services.

This bill would, instead, provide for the payment of enrollment fees as a condition of receiving services under the California Children's Services Act, and would make conforming changes. By requiring counties to administer the collection of the enrollment fee, this bill would result in a state-mandated local program.

Existing law requires each county board of supervisors to annually appropriate a sum calculated according to the assessed valuation of property in the county for services for physically handicapped children in public schools, requires the state to appropriate money to the counties, authorizes each county board of supervisors to appropriate additional money for that purpose and requires the state to match that appropriation.

This bill would, instead, require the board of supervisors of each county to appropriate a sum of money for services to handicapped children equal to 25% of the actual expenditures for the county for the 1990–91 fiscal year, unless the State Department of Social Services certifies a smaller amount is needed to pay 25% of costs of the county's children's services program, and would specify that the state shall match the amount appropriated by the county, to the extent state funds are available for that purpose. To the extent this would increase county responsibilities for the administration of the program, this bill would result in a state-mandated local program.

Existing law requires with a total appropriation of county and state funds not exceeding $250,000 and upon the expenditure of county funds equivalent to a county appropriation of $.0002, the state department may use state appropriated funds for services under the California Children's Services Program deemed by the department to represent emergencies or cases where medical care cannot be delayed without great harm to the child. This bill would increase the total appropriation limitation to $500,000, revise the county appropriation factor, and limit the authorization to use state funds to the extent state funds are available, would require county approval of the state use of the funds for that purpose, and would require county matching funds for that use.

Existing law requires the state to share with the counties the cost of the support of salaries for therapists for physically handicapped children at the rate of $3 of state funds for each $1 of county funds expended for that purpose.

This bill would revise that sharing ratio to $1 state to $1 county.

Existing law specifies that the state and the county shall share in the cost of the administration of the California Children's Services Program and requires the Director of Social Services to establish standards for the administration, staffing, and local operation of the children's services program.

This bill would require the director to establish minimum standards for the administration, staffing, and local implementation of the children's services program, and, commencing July 1, 1992, would specify that the state shall reimburse the counties for 50% of the amount required to meet state administrative standards for that portion of the county caseload which is ineligible for Medi-Cal to the extent state funds are available for that purpose.

The bill would require the State Department of Health Services to adopt emergency regulations to implement the California Children's Services Program.

Existing law provides for the institutionalization of minors in certain circumstances.

This bill, until January 1, 1997, would require the Health and Welfare Agency and the Youth and Adult Correctional Agency to report annually to the Legislature on welfare supervised and probation supervised foster care caseloads, and would require the Youth and Adult Correctional Agency to report to the appropriate committees of the Legislature on the number of commitments of minors during the previous year.

Existing law authorizes the county board of supervisors of a county to establish juvenile homes, ranches, camps, or forestry camps to which wards of the court may be committed.

This bill would provide that if, during any fiscal year in which the county receives funding under this bill, the county reduces the capacity of its juvenile homes, ranches, camps, or forestry camps below the 1990–91 fiscal year capacity, and during the subsequent fiscal year there is an increase of commitments to the Youth Authority, the county shall pay the Youth Authority an amount related to the cost of state commitments. To

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the extent this would increase county responsibilities, this bill would result in a state-mandated local program.

Existing law provides that nothing in the statutes relating to public assistance programs shall mandate a county share of more than 25% of actual county expenditures for each year.

This bill would repeal that requirement, and would instead, require the state to share 70%, of the nonfederal costs of the child welfare program and the community services block grant, and would specify that the state's share of the nonfederal costs of county services block grant requirements shall be 70% of the actual costs, and would also limit state participation to the amount appropriated by the Legislature.

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.

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.

This bill would provide that the state share of the nonfederal costs of the GAIN program shall be 70% of the actual county expenditures for that program or the amount appropriated by the Legislature, whichever is less.

Existing law specifies that foster care providers shall be paid under the AFDC-FC program on a per child per month rate in return for the care and supervision of the AFDC-FC child placed with them.

This bill would specify that nothing shall preclude a county from using a portion of its county funds to increase rates paid to family homes and foster family agencies within that county, and to make payments for specialized care increments to homes within that county, clothing expenses, or infant supplements, solely at the county's expense.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by or through contract by the county, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program.

Under existing law, the state is required to pay from the General Fund the matching funds necessary to obtain federal social service funds, plus the cost of IHSS services which exceed the federal social services funds and state matching funds, with the exception that counties are required to contribute amounts equal to their contribution in the 1987–88 fiscal year.

This bill would repeal that requirement, and would specify that the state shall share in the cost of providing services under the IHSS program at the ratio of 65% state funding and 35% local funding, and would specify that for the period of July 1, 1992, to June 30, 1995, inclusive, the state's share of those costs shall be limited to the amount appropriated for that purpose in the annual Budget Act.

Under existing law, each county is required to submit a plan to the State Department of Social Services to show how it intends to keep the IHSS program expenditures within its annual allocation.

This bill would, commencing July 1, 1992, and until July 1, 1995, revise that procedure to authorize the State Department of Social Services to reallocate funds from existing appropriations to forestall any IHSS service reductions on a county-by-county basis and establishes priorities for service reductions for any year in which the county cannot keep its expenditures within its allocation and matching funds.

Existing law provides for the Aid to Families with Dependent Children program, through which qualified children and pregnant women are provided assistance for specified needs.

Existing law continuously appropriates money to the counties for a percentage of the cost of providing those benefits under the AFDC program.

This bill would revise the percentage of the continuing appropriation for state partici-

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pation in the AFDC and AFDC-FC programs, and to the extent it increases the continuing appropriation for certain purposes, the bill would result in an appropriation.

Existing law provides that the state shall pay 83.3% of the nonfederal administrative costs of administering the payment of public assistance aid grants, except the AFDC program, for which the state shall pay 50% of the nonfederal administrative costs of administering that program, requires the state to pay 75% of the non-AFDC costs of child support collection and paternity determinations if the federal government does not provide funding, and provides that the state shall pay 50% of the nonfederal share of the cost of eligibility and nonservice staff development.

This bill would delete the provision relating to state payment of nonfederal administrative costs of administering the payment of public assistance grants and would specify that the state shall pay 70% of the nonfederal administrative costs of administering AFDC grants, and that the state shall pay 70% of the nonfederal share of the cost of eligibility and nonservice staff development.

Existing law provides for the allocation of state and federal funds to counties to provide child welfare services, including Aid to Families with Dependent Children-Foster Care services (AFDC-FC).

Existing law provides for a 2-year program permitting 3 participating counties, and upon approval of the State Department of Social Services, up to 15 counties, to claim, on an annual basis, a prescribed portion of the state's share of that county's AFDC-FC General Fund 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, who probably would be within the jurisdiction of the court under specified conditions, or who could be returned to their families with the provision of services. If a county's total expenditures, added to the amount expended from the advance to the county, exceeds its total projected AFDC-FC General Fund expenditures by 5% or less, the county shall share in funding the overage at a 25%/75% county/state and federal ratio, and if it exceeds its total projected AFDC-FC General Fund expenditures by more than 5%, it shall fund the overage on a 100% basis, except that the county's share of the excess may be reduced based on consideration of any unanticipated factors.

Existing law also provides for a program in Contra Costa County subject to these same provisions, except that it may include children adjudged to be wards of the court under specified conditions.

This bill would delete references to a 3-county, 2-year program, as well as an expanded 15-county, 2-year program, thus making it a permanent, statewide program.

This bill would also permit counties to establish family preservation programs that serve one or more geographic areas of the county.

Existing law requires the counties to administer the federal Food Stamp Program, and continuously appropriates to each county 50% of the nonfederal costs of administering the program.

This bill would repeal the continuing appropriation and would specify that the state shall pay 70% of the nonfederal costs of the Food Stamp Program.

Existing law requires counties to provide assistance benefits to eligible indigent persons.

This bill would authorize county boards of supervisors to adopt a general assistance standard of aid that is 62% of the 1991 federal official poverty line and to adjust that standard according to AFDC adjustments and would specify that it shall constitute a sufficient standard of aid.

The bill would authorize any county to submit to the Director of Social Services a request for a waiver from existing state regulations that impact programs administered by the State Department of Social Services and would authorize a county to appeal any negative decision to the Secretary of the Health and Welfare Agency.

This bill would provide that it would become inoperative if certain conditions regarding state mandates or the character of certain tax proceeds occur.

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. 92 (SB 451) Maddy. Fiscal procedures.

Existing law requires that the accounting system established by the Department of Finance for the handling of public money shall provide, with respect to the General Fund and other governmental funds, for the accounting for revenues as being earned when received, with certain exceptions.

This bill would delete that general requirement, and, instead, would require that the accounting system provide for the accrual of revenues at the end of the fiscal year if the underlying transaction has occurred as of the last day of the fiscal year and the due date for the tax is within 2 months of the end of the period.

Under existing law, expenditures for services and for state and county administration of the Medi-Cal program must be charged against the appropriation for the fiscal year in which the billing is paid.

This bill would repeal that requirement.

This bill would become operative on July 1, 1991.

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

Ch. 93 (SB 1045) McCorquodale. Developmental disabilities: regional centers.

Existing law requires that individual program plans developed for persons with developmental disabilities who are clients of regional centers be reviewed and modified, if necessary, at least annually by the regional center representative and the person, the person's parents, legal guardian, or conservator.

This bill would instead require that the individual program plans be reviewed at least once every 3 years by one or more regional center representatives and the person, and, where appropriate, the person's parents, legal guardian, or conservator, as necessary, in response to the person's achievement or changing needs. It would additionally require that, if a regional center determines that review of a plan is not necessary during the 1991–92 fiscal year, the center shall notify the person, and where appropriate, the person's parents, legal guardian, or conservator, of the determination, and to review the plan if the person so requests after notification of the determination.

This bill would provide for the reduction of the operations budget of regional centers in the 1991–92 fiscal year and would prescribe procedures for the development of a plan for implementing the reduction. The Director of Developmental Services would be authorized to adopt, amend, or suspend regulations to allow regional centers to implement the cost reduction plans.

This bill would provide that the Legislature shall hold public hearings, at least quarterly through the 1991–92 fiscal year, to review the plans and activities of the State Department of Developmental Services and of the regional centers toward the accomplishment of the provisions of this bill.

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

Ch. 94 (AB 385) Epple. State supplemental program: federal adjustments.

Existing law provides for supplementary income payments to aged, blind, or disabled individuals who are also eligible for assistance under the federal Supplemental Security Income program, or who, but for their income, would be eligible for assistance under that program. Under existing law annual cost-of-living adjustments based on the California Necessities Index are applied to the payments made under that program. Existing law provides that no cost-of-living adjustment shall be made for the 1990–91 fiscal year.

This bill would provide that in certain years, if no cost-of-living adjustment is made pursuant to specified provisions, the payments shall instead include the pass along of any federal cost-of-living increase. This bill would further provide that the amounts passed along shall be included in the base amount for determining the cost-of-living adjustment in subsequent years.

Existing law continuously appropriates money from the General Fund for grants

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under the State Supplementary Program for Aged, Blind, and Disabled (SSP). By requiring the state to pass along federal cost-of-living increases under the federal Supplemental Security Income (SSI) Program through the state SSP program, this bill would increase benefits under the state SSP program, thereby increasing the continuing appropriation for that purpose, and resulting in an appropriation.

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

Ch. 95 (AB 336) Hunter. Health care.

(1) Existing law requires the State Department of Health Services, whenever possible and feasible, to give due consideration to the appropriate organization and the ready accessibility and availability of the facilities and resources for health care to eligible persons, and to new and innovative approaches to the delivery of health care services.

This bill would, instead, require the department to emphasize and take advantage of the efficient organization and ready accessibility and availability of health care facilities through enrollment in managed care arrangements and new and innovative fee-for-service managed care approaches to the delivery of the health care services.

(2) Existing law requires the county, at the time of determining or redetermining the eligibility of a Medi-Cal applicant or beneficiary who resides in an area served by a prepaid health plan or pilot project, to inform the Medi-Cal applicant or beneficiary of options available regarding methods of receiving Medi-Cal benefits.

This bill would, instead, require that counties ensure that Medi-Cal applicants and applicants for aid to families with dependent children (AFDC) attend a presentation at which the applicant or beneficiary is informed of the managed care and fee-for-service options available regarding methods of receiving Medi-Cal benefits. By establishing this additional requirement, this bill would impose a state-mandated local program.

(3) Existing law requires each Medi-Cal beneficiary, as a condition of coverage, to (a) indicate his or her choice in writing to either obtain benefits by receiving a monthly Medi-Cal card and seek services from willing individual providers, or (b) to obtain benefits by enrolling in a prepaid health plan or pilot program.

This bill would make this requirement applicable to AFDC beneficiaries, would clarify that pursuant to option (a) above, the beneficiary is the one to locate the willing individual providers, and would require that as a condition of electing option (a) above, beneficiaries identify the primary care provider with whom they have a provider-patient relationship and from whom they will receive Medi-Cal services and from whom they will receive services.

(4) Existing law requires the Medi-Cal beneficiary to be provided with a monthly Medi-Cal card until the above-mentioned choice is made.

This bill would, instead, require that the Medi-Cal and AFDC beneficiaries either be enrolled in an appropriate managed care plan, as defined, a pilot project, or a fee-for-service case management provider, if the choice is not made or if the primary care provider is not identified.

(5) Existing law requires the department to enter into contracts with counties for provision of basic health care services to needy persons.

This bill would authorize the department to enter into contracts for the provision of essential administrative and other services, and would authorize funds to be provided to contracting counties, based upon criteria established by the department, to assist in the design, development, and installation of necessary program components.

(6) Existing law provides an additional mechanism for providing adequate health care to Medi-Cal recipients residing in clearly defined geographic areas by permitting them the option of choosing from among 2 or more health care plans.

This bill would place managed health care plans and a fee for service managed care arrangements within the scope of these provisions.

(7) Existing law requires the negotiator to establish pilot projects in at least 2 counties to test the cost-effectiveness of delivering benefits pursuant to these provisions, and requires that at least one pilot program be conducted in a rural area, and at least one in an urban area.

This bill would require that the negotiator and the department establish these programs in not more than 2 counties, and would delete the requirement that at least one

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pilot program be conducted in a rural area, and at least one in an urban area.

This bill would authorize funds to be provided to prospective contractors to assist in the design, development, and installation of appropriate programs, would authorize the department to enter into contracts on a noncompetitive bid basis for the provision of essential administrative and other services, and would require that these contracts be approved by the Department of Finance.

(8) Existing law prohibits termination of prepaid health plan contracts with the department solely due to implementation of provisions relating to these expanded health care choice programs.

This bill would similarly prohibit termination of primary care case management contracts.

This bill would authorize the department to adopt emergency regulations.

(9) Existing law prohibits solicitation of prepaid health plan enrollees to include the granting or offering of any monetary or other valuable consideration.

This bill would permit a contractor that has entered into a contract to offer nonmonetary incentives to promote good health practices by Medi-Cal enrollees. This bill would make violations of this provision a crime, thereby imposing a state-mandated local program.

This bill would allow the department to establish a minimum enrollment period for Medi-Cal beneficiaries enrolling in managed care plans, permitting disenrollment only under specified circumstances.

This bill would provide that Medi-Cal enrollees in a health plan shall have the same responsibilities and shall be entitled to the same rights as other enrollees with regard to any requirements for arbitration as a condition of membership in a health plan.

(10) This bill would transfer $5,244,000 of General Fund moneys and $5,244,000 of Federal Trust Fund moneys from local assistance for the California Medical Assistance Program in the Budget Act of 1991 to support the State Department of Health Services for the implementation of the managed care program established by this bill. By revising the uses for which those appropriated funds may be used, this bill would result in an appropriation.

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

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

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.

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

Ch. 96 (AB 515) Hannigan. In-home supportive services: individual providers reimbursement.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment of individual providers by the recipient, or by or through contract by the county, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program, and are responsible for a portion of the costs incurred pursuant to the program.

Under existing law, counties may elect to provide in-home supportive services through county employees, through contracts with providers of in-home supportive services, and through the provision of funding to individual recipients of services for the purchase of services from individual providers of in-home supportive services.

Under existing law, until July 1, 1991, the maximum amount of services an individual who is in need of at least 20 hours of in-home supportive services per week may receive IHSS program services shall not exceed 283 hours in the individual provider mode of delivery, while any other eligible individual under the IHSS program may receive shall not exceed 195 hours of services per month. Commencing July 1, 1991, the maximum

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amount of services either of the 2 tiers of eligibility may receive is based on cost, adjusted annually to reflect the cost of living.

This bill would continue, until July 1, 1992, the method of determining the maximum amount of services which either of the 2 tiers of eligibility may receive on the basis of hours of service, and would delay, until July 1, 1992, the operation of provisions which, under existing law, would become operative July 1, 1991, which provide for determining the maximum amount of services for either of the 2 tiers of eligibility on the basis of cost.

To the extent this bill would increase the responsibility of the counties to implement the IHSS program, this bill would impose a state-mandated local program.

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

This bill would provide that no reimbursement is provided in this act for a specified reason.

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

Ch. 97 (SB 724) Maddy. Public assistance.

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

This bill would revise the schedule of maximum benefits available under the AFDC program.

Existing law provides for the payment of an allowance for nonrecurring special needs under the AFDC program for the replacement of clothing and household equipment, and emergency housing needs, and for homeless assistance, including temporary shelter and nonrecurring special needs for permanent housing.

This bill would require county welfare departments to verify an applicant family's homelessness within 3 days, and would revise the time limitations on receipt of this aid. This bill would require counties to report certain data regarding recipients of homeless assistance to the department. Requiring performance of these additional duties by counties would impose a state-mandated local program.

Under existing law, eligibility of families for temporary shelter assistance and permanent housing assistance under the AFDC program is limited to once every 12 months.

This bill would revise the period of eligibility to once every 24 months.

This bill would authorize payment of homeless assistance benefits under the AFDC program by means of vouchers and direct payments to providers of shelters or utilities.

This bill would also require the department to seek the necessary federal approval, and to establish an emergency assistance for needy families program to serve the temporary shelter needs of homeless families apparently eligible for AFDC payments, and to report to the Legislature regarding the federal approval and any state plan amendments submitted. The Legislature would be empowered to disapprove of the implementation of the program.

Existing law provides for the reduction of aid payments in any year that General Fund appropriations are reduced under certain circumstances pursuant to specified provisions.

Existing law also provides for the adjustment of benefits under the AFDC program based on changes in the cost of living, but specifies that those benefits shall not be adjusted for cost-of-living increases for the 1990–91 fiscal year.

This bill would adjust the base period expenditure amounts used to compute the cost-of-living adjustments, and would provide that AFDC benefits shall also not be adjusted to reflect cost-of-living increases for the 1991–92, 1992–93, 1993–94, 1994–95, and 1995–96 fiscal years. This bill would specify that the elimination of the cost-of-living adjustment satisfies the provisions of law requiring reduction in aid payments in certain circumstances.

Existing law provides for a schedule of rates to be paid to foster care group homes under the AFDC program. Under existing law, these rates are to be adjusted for the 1991–92 and 1992–93 fiscal years pursuant to a specified methodology.

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This bill would instead require that these adjustments be made for the 1992–93 and 1993–94 fiscal years, and that no adjustment shall be made for the 1991–92 fiscal year.

Existing law provides a rate schedule for children placed in licensed or approved family homes, and requires the adjustment of these rates beginning in the 1991–92 fiscal year. Existing law also states the intent of the Legislature to provide specified funds, for the 1991–92 fiscal year, to provide incentives and assistance to counties for specialized care under the AFDC foster care program.

This bill would also state the intent of the Legislature, notwithstanding an authorization of counties to use county funds to provide specialized care increment payments, to provide the specified funds in the 1992–93 fiscal year.

Existing law requires the rates for foster care group homes under the AFDC programs to be adjusted annually beginning with the 1993–94 fiscal year.

This bill would, instead, require the rates to be adjusted annually beginning with the 1994–95 fiscal year.

Existing law provides for AFDC-FC rates of payments to licensed community care facilities, and requires that no cost-of-living adjustment be made to those rates for the 1990–91 fiscal year.

This bill would also require that no cost-of-living adjustment shall be made for the 1991–92 fiscal year.

This bill would further specify that the needs of any individual who is a member of a family applying for, or receiving, AFDC benefits shall not be taken into consideration for a specified period of time if he or she is found, pursuant to the determination of the court, or pursuant to a special administrative hearing, to have intentionally made a false or misleading statement or misrepresented, concealed, or withheld facts, or committed any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity, for the purpose of establishing or maintaining the family's eligibility for, or increasing or preventing a reduction in, AFDC benefits.

Existing law requires the State Department of Social Services to contract with the United States Secretary of Health and Human Services for the administration of the State Supplemental Program (SSP) by the secretary on behalf of the state, and to make payments to eligible SSP recipients to supplement federal benefits under the Supplemental Security Income Program (SSI).

Existing law provides for the adjustment of benefits under the SSP program based on changes in the cost of living.

This bill would revise the amount of benefits to be paid, would require annual adjustments, and would provide that the benefits shall not be adjusted for cost-of-living increases for the 1991, 1992, 1993, 1994, 1995, and 1996 calendar years. It would specify that the elimination of the cost-of-living adjustment satisfies provisions of law requiring reduction in aid payments in certain circumstances.

Existing law provides that the state shall grant cash assistance to eligible aged, blind, and disabled persons living in nonmedical out-of-home-care facilities, and that the cash assistance shall be adjusted to reflect changes in the cost of living, except that no adjustment shall be made for the 1990–91 fiscal year.

This bill would revise the amount to be paid, delete the provision regarding the 1990–91 fiscal year, and make a technical, nonsubstantive change.

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. Under existing law, the eligibility of certain persons for Medi-Cal benefits is determined on the basis of monthly income in excess of the amount required for maintenance needs.

Existing law requires the State Department of Health Services to establish the income levels for maintenance need at the lowest levels that reasonably permit medically needy persons to meet their basic needs for food, clothing, and shelter, in determining eligibility for medical benefits.

This bill would revise the method of calculating the maintenance level.

Existing law requires the counties to administer the federal Food Stamp Program.

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Existing federal regulations authorize federal food stamp assistance with respect to that portion of AFDC payments which are not related to energy assistance.

This bill would require the State Department of Social Services to designate any increase in the maximum AFDC benefits as energy assistance payments to the extent allowed by federal law. This bill would also require the department to conduct a study of home energy costs of low-income households, and report to the Legislature on the results of this study by March 1, 1992.

Existing law provides for a state-only AFDC Unemployed Parent program.

This bill would repeal this program.

Existing law requires counties to conduct an early fraud prevention and detection program for the AFDC program and the Food Stamps program.

This bill would authorize, rather than require, the operation of these early fraud prevention and detection programs. This bill would further require the State Department of Social Services to report to the Joint Legislative Budget Committee on or before January 1, 1993, on the costs incurred and savings generated by the early fraud prevention and detection programs.

A Sacramento County superior court held, in the case of Caballero v. McMahon (Case No. 365269), that the statute which enacted certain provisions relating to the early fraud prevention and detection program was in violation of the single subject rule contained in Section 9 of Article IV of the California Constitution.

This bill would repeal and add the above provisions without substantive change.

Existing law provides for a performance based child and spousal support enforcement system pursuant to which counties receive incentive payments for increased collections. Under existing law, counties are responsible for the nonfederal share of administrative costs, except that the state is required to pay the nonfederal share of administrative costs of certain reviews of county performance from July 1, 1991, to June 30, 1993.

This bill would revise this provision to require that the counties pay the nonfederal administrative costs of conducting those reviews from July 1, 1991, to June 30, 1992, with the savings realized from the reduction in the AFDC maximum aid payments, and that the state pay these costs from July 1, 1992, to June 30, 1993.

This bill would require the State Department of Social Services to adopt emergency regulations to implement its provisions.

This bill would also provide that, with respect to certain provisions regarding payment of the nonfederal administrative costs of the child support enforcement incentive payment system, no reimbursement is required pursuant to Section 6 of Article XIII B of the California Constitution for a specified reason.

This bill would permit the Director of Finance to authorize the transfer of certain amounts between specified item numbers in the Budget Act of 1991 in order to fund administrative costs of hearings resulting from the reduction in the AFDC maximum aid payments, thereby making an appropriation.

This bill would specify that certain of its provisions would become operative on July 1, 1991, and other provisions would become operative August 1, 1991, with specified exceptions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 98 (SB 195) Committee on Public Employment and Retirement. State employees: appointments: reinstatement.

(1) Existing law authorizes the State Personnel Board to prescribe rules governing the temporary assignment or loan of employees within an agency or between agencies

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for not to exceed 2 years.

The bill would permit the board to extend temporary assignments for up to 2 additional years in order for an employee to complete an apprenticeship program.

(2) Existing law requires reinstatement of an employee who left civil service to accept an exempt appointment to either the employee's former position or to a vacant position in any department for which the employee is qualified at substantially the same level as the civil service position last held.

This bill would require the appointing power to which the reinstatement is to be made and the employee to agree when the employee is reinstated to a position in another department.

(3) Existing law enables civil service employees to retain their place on employment lists while serving in the armed services of the United States.

This bill would make that provision applicable to persons who are not civil service employees and were on active military duty because of the Iraq-Kuwait crisis.

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

Ch. 99 (SB 330) Committee on Public Employment and Retirement. County retirement: membership retention by transferred county hospital employees.

The existing County Employees Retirement Law of 1937 authorizes employees of various other public entities, under specified conditions, to become members of county retirement systems.

This bill would authorize transferred employees to elect either to continue membership in the county retirement system, or assume membership in the university retirement system, if the obligation to provide professional medical services at a county hospital is transferred, by contract, to the Regents of the University of California, if the contract authorizes the election.

Ch. 100 (SB 162) L. Greene. Housing: project approvals: rehabilitation loans.

(1) Existing law requires local agencies to make specified findings before disapproving or conditionally approving certain housing development projects.

This bill would make a technical change to correct an erroneous reference in this existing law.

(2) 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 rehabilitation programs including the acquisition and rehabilitation of residential hotels and the improvement of unreinforced masonry multifamily residential structures. Existing law provides that these loans are subject to specified conditions, including, among others, the requirement that principal and accumulated interest are due and payable upon completion of the term of the loan. Existing law provides that these loans 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.

(3) Under existing law, the department is authorized to administer the Rental Housing Construction Program utilizing the proceeds of general obligation bonds required to be transferred to the Rental Housing Construction Fund. Existing law requires the department to establish an emergency reserve account in the Rental Housing Construction Fund equal to 3% of the moneys transferred to the Roberti Affordable Housing Fund from moneys of the Housing and Homeless Bond Act of 1988.

This bill requires the department to establish a reserve account in the Rental Housing Construction Fund equal to 3% of all moneys transferred to the fund by the Roberti Affordable Housing Fund.

Under existing law, the department is authorized to adopt regulations for purposes of administering the Rental Housing Construction Program.

This bill would authorize the department, until June 30, 1992, to adopt, amend, or repeal emergency regulations for purposes of that program.

(4) Under existing law, the department administers the Family Housing Demonstra-

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tion 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, to the extent feasible, at least 20% of these developments to be in a rural area.

This bill would instead require, to the extent feasible, not less than 20% of the funds awarded under the program to be allocated to rural areas.

Existing law requires the jobs and economic development component of a community housing development to include, among other things, the requirement that the sponsor propose and implement a program of job placement and training for residents, and implement it within 3 years of initial occupancy.

This bill would instead require that program to be implemented within 18 months of initial occupancy.

Existing law authorizes the department to make loans to sponsors under that program for specified terms and requires the department to enter into regulatory agreements with the sponsors to ensure compliance with the program's housing objectives.

This bill would make an appropriation by authorizing the department to extend the term of the loan and its schedule of repayment for additional 10-year periods as long as the community housing development or congregate housing development is operated in a manner consistent with the regulatory agreement, as specified.

Existing law expressly requires each regulatory agreement to contain a provision limiting the distribution of the sponsor's earnings to an annual amount no greater than 8% of the sponsor's actual investment, excluding unaccrued liabilities of the sponsor, in the assisted units of the community housing development.

This bill would instead require each regulatory agreement to contain a provision limiting the distribution of the sponsor's earnings from the assisted portion of the community housing development in an annual amount no greater than 8% of the sponsor's actual investment, excluding unaccrued liabilities of the sponsor, in the assisted portion of the community housing development. The bill would define "assisted portion" of a community housing development for these purposes.

Existing law also requires each regulatory agreement to contain a provision to ensure that if an eligible household's income exceeds the standards pursuant to which it was accepted for tenancy, that fact alone neither constitutes cause for eviction nor constitutes a violation of the sponsor's agreement

This bill would provide specific actions, including the adjustment to market rates, which the department could require for households in assisted units of a housing cooperative which exceed the income limits established by existing law after annual income certification.

The bill would specify that where a conflict exists between any state or federal law or regulation regarding nondiscrimination and the provisions of the Family Housing Demonstration Program, the requirements of the program may be waived only to the extent necessary to bring this chapter into compliance with the law or regulation regarding nondiscrimination.

The bill would also authorize the department, until June 30, 1992, to adopt, amend, or repeal emergency regulations to administer this program

(5) The bill would make findings and declarations of the Legislature concerning the amendments made to existing law by its provisions.

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

Ch. 101 (SB 305) Royce. Retirement: volunteer firefighters.

Under the Volunteer Firefighters Length of Service Award System, a volunteer firefighter who has attained 60 years of age and is credited with a minimum of 10 years of service may receive an award payment upon application to the Board of Administration of the Public Employees' Retirement System. Length of service award credit may be accrued up to a maximum of 20 years. No length of service award credit is accrued for a volunteer firefighter over 60 years of age unless the credit is necessary to qualify for membership in the system.

This bill would repeal the provision limiting the accrual of length of service award credit after 60 years of age and, instead, permit a volunteer firefighter, upon attaining

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60 years of age, and subject to the annual approval of the district governing board, to continue to serve and accrue credit up to the maximum of 20 years of service, or to apply for the award once the 10-year minimum has been accrued and continue to serve without accruing any additional credit. The district governing board would be required to find that there are retention and recruitment problems in the district in order to make the provisions applicable to the district.

Ch. 102 (SB 361) Robbins. Health care service plans: publication.

Under existing law, known as the Knox-Keene Health Care Service Plan Act of 1975, health care service plans are regulated by the Commissioner of Corporations. Under this act, the commissioner is empowered to propose, develop, conduct, and assist in educational programs for the public, subscribers, and enrollees.

This bill would require the commissioner to annually publish the act and make it available for sale to the public.

Ch. 103 (SB 107) Beverly. Tax credits.

The existing Personal Income Tax Law and Bank and Corporation Tax Law allow a tax credit against the taxes imposed by those laws in an amount equal to specified amounts for payments by an eligible employer, as defined, to provide health coverage, as defined, for eligible individuals, as defined, and their dependents.

This bill would repeal those provisions, and instead would provide for a similar tax credit for taxable or income years beginning on or after February 1, 1992, with respect to amounts paid or incurred on or after January 1, 1993.

This bill would take effect immediately as a tax levy.

Ch. 104 (SB 125) Hill. Earthquake insurance.

Existing law provides for the creation of the California Residential Earthquake Recovery Fund, to provide payments for structural damage to California residential real property caused by earthquakes.

Existing law provides for the payment of earthquake claims to claimants

This bill would provide that payments shall not be made by the fund for any loss which is not reported within 90 days after the event causing the loss, except as specified.

Existing law provides for the issuance of revenue bonds to provide money for the earthquake fund.

This bill would revise those provisions.

Existing law requires the State Mining and Geology Board to consult with an advisory committee on seismic hazards.

This bill would add the Insurance Commissioner to that committee.

The bill would make various technical changes.

The bill would appropriate $430,000 from the Insurance Fund to the Department of Insurance for use during the 1990-91 and 1991-92 fiscal years as a loan for the purpose of planning, establishing, and implementing the Earthquake Recovery Act, and would require the Director of Finance to authorize a loan from the Insurance Fund for operations of the California Residential Earthquake Recovery Program.

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

Ch 105 (SB 430) Bergeson. Orange County Water District.

The Orange County Water District Act creates the Orange County Water District and defines "supplemental services," for purposes of the act, to mean sources outside the watershed of the Santa Ana River, with certain exceptions.

This bill would revise that definition to include reclaimed water.

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

Ch. 106 (SB 217) Robbins. Insurance Commissioner: complaints.

Existing law requires the Insurance Commissioner to investigate and respond to complaints from members of the public concerning the handling of insurance claims or alleged misconduct by insurers or production agencies. Existing law also requires the Insurance Commissioner to notify the complainant of receipt of the complaint within

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10 working days of receipt, and to notify the complainant of the final action taken on that complaint.

This bill would require the Insurance Commissioner to provide the notice of the final action taken on the complaint within 30 days of that action.

Ch. 107 (SB 274) Killea. Air pollution: permit: notice.

Existing law requires an air pollution control officer to prepare and distribute, or require the applicant to distribute, a public notice prior to approving an application for a permit to construct or modify a source that may emit air contaminants within 1,000 feet of a school.

This bill would make that requirement inapplicable if the officer determines that the application to modify a source will result in a reduction of emissions of air contaminants.

Ch. 108 (AB 140) Floyd. Alcoholic beverages: concurrent sale of motor vehicle fuel and beer and wine.

(1) Until January 1, 1990, the law required establishments engaged in the concurrent sale of motor vehicle fuel with beer and wine for off-premises consumption to abide by certain conditions. Until January 1, 1990, the law also required the alcoholic beverage license at the establishment to be suspended for a minimum period of 72 hours if there was a finding that a licensee or his or her employee sold any alcoholic beverages to a minor at an establishment engaged in the concurrent sale of motor vehicle fuel with beer and wine for off-premises consumption.

This bill would continue both of these provisions in operation until January 1, 1994. Since under existing law, any failure to comply with the conditions by establishments engaged in the concurrent sale of motor vehicle fuel with beer and wine for off-premises consumption would be 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.

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

Ch. 109 (AB 1845) Gotch. Special education.

(1) Existing law requires that an individualized education program team meet on designated occasions, including when a parent or teacher requests a meeting to develop, review, or revise the individualized education program of a pupil if the request by a parent is not granted more than twice in any one semester.

This bill would remove the limitation on the number of meetings a parent may request, thereby creating a state-mandated local program.

(2) Existing law provides for procedures to be followed in the conduct of due process hearings. A party is not precluded from exercising the right to appeal the decision to a court of competent jurisdiction. Any appeal to a court by a public education agency or parent does not operate as an automatic stay of enforcement of the final administrative determination but either party may seek a stay.

This bill, instead, would require that during the pendency of any administrative or judicial proceeding, unless the agency and the parent agreed otherwise, the child involved in the hearing would remain with his or her present educational placement.

(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. 110 (SB 101) Hart. Family law: enforcement of support.

(1) Existing law, with respect to the assignment of wages, requires an employer to

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cooperate with and provide relevant employment and income information to the district attorney for the purpose of establishing, modifying, or enforcing child, spouse, or family support obligation.

This bill would provide various examples of relevant employment and income information. This bill would require the district attorney to send a notice, as specified to the last known address of the person who is the subject of the inquiry.

This bill would add provisions similar to the one described above to require an employer or labor organization, as defined, to provide relevant employment and income information, which it has in its possession, to the district attorney for the purposes of establishing, modifying, or enforcing child, spouse, or family support obligation. This bill would provide that no employer or labor organization would incur liability for providing this information.

This bill would provide that an employer or labor organization in the circumstances described above which fails to provide relevant employment and income information to the district attorney within 30 days of receiving the request may be assessed a civil penalty of a maximum of $500.

Provisions that would be added in this connection and applicable existing law operate to specify that nothing contained in these provisions is to be deemed to mandate additional enforcement or collection duties upon the district attorney beyond those imposed under existing law.

(2) Existing law provides that a court may order either or both parents to pay child support in any amount necessary, subject to established minimum amounts, for the support, maintenance, and education of the child. Existing law provides various methods to facilitate the timely payment of child support. Existing law also provides that the court, absent good cause to the contrary, and upon determining an ability to pay, shall award reasonable attorneys' fees to a custodial parent in any action to enforce an existing order for child support.

This bill, in addition, would provide that any amount of child support specified in a notice of delinquency that remains unpaid for more than 30 days after the notice of delinquency has been filed and served, would incur a penalty, as specified, with limited exceptions. This bill would provide that penalties due pursuant to this provision may be enforced by the issuance of a writ of execution, as specified, and would require the district attorney to enforce child support obligations, as specified, thereby imposing a state-mandated local program. This bill would provide that reasonable attorneys' fees may be awarded to a custodial parent or to any person to whom child support is owed as specified in any action to enforce an existing child support order and in any action to enforce a penalty imposed pursuant to this bill.

This bill would require the Judicial Council to adopt forms or notices for these purposes, to conduct a review of existing guidelines, and to report the results of this review, as specified.

(3) Existing law specifies the period of time by which a judgment, order, or decree for the payment of child support or family support may be enforced by a writ of execution without prior court approval and specifies the manner in which a party may renew a judgment for child or spousal support. Existing law provides that in the case of a money judgment payable in installments, the application for renewal of the judgment may be filed at any time before the expiration of the 10-year period of enforceability.

This bill would provide that in the case of a money judgment payable in installments for the payment of child support or family support, the application for renewal of the judgment may be filed at any time if the child has not attained the age of 23 years and, thereafter, at any time before the expiration of the 10-year period of enforceability. This bill would provide that, generally, any judgment for the payment of child support or family support, for which enforcement of that support is sought pursuant to a writ of execution, may be renewed at any time within 10 years after it was made or entered or previously renewed

(4) Existing law directs the Judicial Council to adopt rules of court, as specified, incorporating statewide guidelines on child support that comply with applicable federal

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laws and regulations at the earliest date possible, but no later than 60 days after January 1, 1990. Existing law requires the Judicial Council to study and submit a report to the Legislature on or before December 1, 1991, addressing specified issues regarding child support guidelines. Existing law repeals, until January 1, 1993, various statutory provisions relating to child support; on that date certain of those provisions will be restored to the law, as specified.

This bill would repeal the directive that the Judicial Council adopt rules of court, and would, instead, establish a statewide guideline on child support, in accordance with a detailed formula prescribed by the bill. These provisions would become operative on July 1, 1992, and would be repealed on January 1, 1994. This bill would extend the date by which the Judicial Council is required to submit its report to the Legislature from December 1, 1991, to December 31, 1992.

(5) Existing law establishes a program of financial support to aid families with dependent children (AFDC), which is administered by the counties. Existing law provides a formula for reimbursement to the county by a noncustodial parent for aid given occasioned by separation or his or her desertion.

This bill would revise that formula.

(6) Existing law requires the court, whenever it orders, on or after July 1, 1990, either party to pay any amount of support or orders a modification of the amount of support to be paid, to order an obligor to assign a portion of his or her earnings to the obligee, as defined, as will be sufficient to pay the amount ordered by the court for the support of the child, spouse, or family. Existing law also provides a procedure obtaining a wage assignment for support orders first issued or modified prior to July 1, 1990, which did not include a wage assignment. A wage assignment made pursuant to a court order has priority against any attachment, execution, or other assignment, unless otherwise ordered by the court.

This bill would provide that the wage assignment shall include an amount to be paid toward the liquidation of any arrearage or past due support amount and would revise the definition of support for the purposes of wage assignment. As to the precedence of such an assignment, this bill would revise the above-described provision to state that a wage assignment has the priority specified in an existing provision of law generally providing for its priority over any earnings withholding order.

(7) Existing law provides that upon registration, a registered foreign support order or foreign order for the assignment of wages for support is to be treated in the same manner as a support order or an order for assignment of earnings entered pursuant to California law. Existing law provides that if the obligor does not petition the court to vacate the registration or for other relief within 20 days after the mailing or other service of the registration, the registration is confirmed.

This bill would provide that if the obligor does not petition the court, the registered foreign support order or foreign order for the assignment of wages and all other documents filed with the clerk of the court when registering the order are confirmed.

This bill also would provide that there shall be no joinder of actions, coordination of actions, or cross-complaints, and the claims or defenses are to be limited, as specified, in any action under the registration of a foreign support order or assignment of wages order. This bill would provide that registration of an out-of-state order for the sole purpose of interstate wage withholding shall not confer jurisdiction on the court for any purposes other than income withholding.

(8) Existing law requires, under certain conditions, that the Employment Development Department deduct and withhold support obligations from any unemployment compensation payable to an individual who owes those obligations, and pay that amount to the State Department of Social Services. It also requires, under certain conditions, that the Employment Development Department deduct and withhold support obligations from any unemployment compensation disability benefits payable to an individual who owes those obligations in the case where aid to families with dependent children has been granted, and pay that amount to the State Department of Social Services. It defines "support obligations" as child and related spousal support obligations which are being enforced pursuant to a plan described in a specified federal law.

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This bill would make clarifying changes to those provisions and would provide that, to the extent "related spousal support obligations" may not be collected from unemployment compensation under federal law, those obligations are not included in the definition of "support obligations."

(9) Existing law regulates the issuance, renewal, suspension, and revocation of professional licenses.

This bill would authorize district attorneys to certify to the State Department of Social Services whenever there is noncompliance with a support order or judgment issued by a court of this state and would require participating district attorneys to update this information monthly and submit it to the department. The bill would require prior notice to an affected obligor and the opportunity for a review by the district attorney and for judicial review. The bill would require the department to consolidate the lists received from the various district attorneys pursuant to the bill and to distribute this list to specified licensing agencies. These licensing agencies would be precluded from issuing or renewing a license, certificate, or registration to a person on the list until the person obtains a release from the district attorney. The bill would authorize the State Department of Social Services to enter into agreements with the boards necessary to carry out these provisions and would provide for notices and related requirements.

This bill would require the business and professional licensing entities to issue a temporary registration, license, or certification, as specified. If upon the expiration of the temporary registration, or license, the applicant is in compliance with all court orders and judgments for support for which certification is required under this bill, the business and professional licensing entities would be required to issue a regular registration, license, or certification.

(10) Existing law provides that a parent of a minor, the estate of a parent, and the estate of the minor are liable for the reasonable costs of support of the minor while the minor is placed, or detained in, or committed to, any institution or other place pursuant to an order of the juvenile court and the county is responsible for demonstrating that the charges it seeks to impose are limited to the reasonable costs of support of the minor. Existing law provides that an AFDC-FC grant shall be considered a separate, indivisible component item of the cost of support of a minor.

This bill would delete the latter provision.

(11) Existing law provides for a state plan for child and spousal support enforcement administered by the State Department of Social Services. Existing law further provides for the California Parent Locator Service within the Department of Justice which cooperates in this enforcement activity by collecting and disseminating information about parents or spouses that are liable for child or spousal support.

This bill would rename that entity as the California Parent Locator Service and Central Registry, and would authorize that entity to request and receive specified information from public utilities, as defined, regarding individuals owing support. The bill would also require the Department of Justice, in consultation with specified entities, to develop regulations and procedures to implement this provision.

This bill would further provide that these public utilities shall not be subject to civil or criminal liability for release of the specified information.

Existing law authorizes the release of information to a person to whom child support has been awarded, regarding the location of, and the location of the employer of, the person owing support.

This bill would delete that authorization.

(12) This bill would require the State Department of Social Services to study the feasibility of increasing child support collections by establishing paternity through requiring specified notification by hospitals to the district attorney and requiring district attorneys to investigate under specified circumstances. This bill would require that the study be submitted to the Legislature no later than September 1, 1992.

(13) This bill would declare the intent of the Legislature that California participate in the so-called federal Parent's Fair Share pilot program pursuant to the Family Support Act of 1988 (P.L. 100-485) to the extent that counties are interested in participating. This bill would require the State Department of Social Services to provide technical assist-

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ance in this regard.

(14) The bill would declare that its provisions are severable.

(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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement 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.

(16) The operation of this bill would be contingent upon the enactment of SB 724.

Ch. 111 (SB 972) Beverly. Commercial law: personal property leases.

(1) Under existing law, there is a single comprehensive and detailed statutory body of law governing the various aspects of leases of personal property, including their formation, construction, effect, and performance.

This bill would make various changes to that body of law.

(2) Existing law contains provisions governing bulk sales, and provides procedures that apply if the cash deposited in escrow for the bulk sale is insufficient to pay in full all claims that may have been filed with the escrow agent.

This bill would correct a reference in that provision to refer to payment to the seller rather than the buyer, and would make other technical changes.

(3) The bill would incorporate changes to Section 1201 of the Commercial Code made by Senate Bill 833 if both bills are enacted and this bill is enacted last.

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

Ch. 112 (SB 979) Keene. Lis pendens

Existing law authorizes a court to grant or deny a motion to expunge a notice of pendency of an action conditioned upon the posting by the party prevailing on the motion of an undertaking that will indemnify the other party for all damages which he or she may incur if the notice is expunged or not expunged, respectively.

This bill would specify that the undertaking indemnify that party for all damages that proximately result from the expungement or nonexpungement.

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

Ch. 113 (SB 156) Presley. Alcohol and drug programs.

(1) Under existing law, the State Department of Alcohol and Drug Programs administers various county programs providing services to persons addicted to alcohol or drugs, their families, and the community.

Under existing law, the department administers a pilot project by negotiating prescribed net amount contracts with specified counties requesting to participate in the pilot project, to provide the services described above for either the 1988–89 to 1990–91, inclusive, fiscal years or the 1989–90 and 1990–91 fiscal years. Under existing law, participating counties are required to report to the department any information required by the department in accordance with existing procedures established by the department. Under existing law, the department is required to make a specified report by January 1, 1991, and the pilot project will become inoperative on July 1, 1991, and will be repealed on January 1, 1992.

This bill would extend the pilot project through the 1993–94 fiscal year. This bill would require the department to submit the report as an interim report by January 1, 1991, and would require the department to submit the specified final report by January 1, 1995.

The bill would require participating counties to report to the department any information required by the department in accordance with, but not to exceed, any statutory restrictions, limitations, or conditions enacted by the Legislature, including the applicable budget act.

The bill would require participating counties to notify the department by a specified

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date, in each fiscal year, of any unspent federal funds that are to be added to the county's contract for the following fiscal year and would require these counties to first spend the funds in the next contract year.

The bill would require the department to retain unspent federal funds identified after a date specified in the contract, except for those federal funds awarded to the department for specified providers or federal categorical projects.

This bill would repeal the provisions authorizing the pilot project on January 1, 1995.

(2) Under existing law, there is a State Advisory Board on Drug Programs with specified membership and duties. Existing law requires the provisions establishing the board to be repealed on December 31, 1991.

This bill would extend the operative date of the repealer from December 31, 1991, to December 31, 1994.

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

Ch. 114 (SB 381) Presley. Community colleges: fees.

(1) Existing law, until January 1, 1992, requires the governing board of each community college district to charge each student, except as otherwise specified, a fee of $5 per unit per semester up to a maximum of $50 per semester. Existing law also states the intent of the Legislature to provide adequate funding for the purpose of providing financial aid funds directly to low-income community college students who cannot pay the fee.

This bill would continue that existing law until January 1, 1995. The bill would require the governing board of each community college district, for the 1991–92 academic year only, to impose a surcharge of $1 per unit per semester up to a maximum of $10 per semester. The continued imposition of this requirement on community college districts would create a state-mandated local program.

(2) Existing law permits the governing board of a community college district to impose a fee, not to exceed $1, for the actual pro rata cost for services relative to a program change, and to impose a late application fee, not to exceed $2, for any application for admission or readmission that is filed after the date established by the governing board.

This bill would repeal both of those provisions.

(3) Existing law establishes the Public Employees' Retirement System and a special fund therefor designated as the Public Employees' Retirement Fund that is funded by employer and employee contributions at specified contribution rates that are transferred monthly to that fund. Existing law also contains various formulas pursuant to which funds made available for community college districts are apportioned to these districts.

This bill would require the Chancellor of the California Community Colleges to first apportion a certain amount from funds appropriated to the Board of Governors of the California Community Colleges in the Budget Act of 1991 to each community college district having classified employees who are members of an employee retirement system other than the Public Employees' Retirement System if certain conditions are met.

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

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

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

Ch. 115 (AB 971) Peace. Workers' compensation.

(1) Existing law establishes within the Department of Insurance the Workers' Compensation Rate Study Commission and requires the commission to evaluate the present workers' compensation insurance ratemaking process, the relative effectiveness of

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workers' compensation ratemaking systems in other states, and other similar matters with respect to ratemaking as the commission deems appropriate. It requires the Department of Insurance to provide staff and research assistance to the commission, and authorizes the commission to contract with, and engage the services of, outside resources to conduct research, under the direction and control of the commission, necessary to the timely completion of the commission's purposes. It requires the commission to transmit its final report to the Governor, the Legislature, and the Insurance Commissioner no later than June 30, 1991. It further provides that provisions establishing the commission and its duties shall remain in effect only until September 28, 1991, and shall be repealed as of that date, unless a later enacted statute deletes or extends that date.

This bill would delete the requirement that the Department of Insurance provide staff and research assistance to the commission, and would require that requests for bids for research contracts require a bidder, and any person who would be employed by, or who would subcontract with, the bidder, for purposes of providing services under the contract, to file with the commission a statement disclosing income, as defined by a specified statute, received within the 3 years preceding the research contract's proposed effective date. It would prohibit the commission from entering into a research contract if the bidder, or any person who would be employed by, or who would be subcontracting with, the bidder for purposes of the contract, has a conflict of interest, as defined. It would provide that the foregoing prohibition shall not apply to contracts with an actuary or actuaries.

This bill would require, instead, the Workers' Compensation Rate Study Commission to prepare and adopt its final report and transmit it directly to the Governor, Legislature, Insurance Commissioner, and the Director of Industrial Relations no later than March 1, 1992. It also would provide, instead, that provisions establishing the commission and its duties shall remain in effect only until May 30, 1992, unless a later enacted statute, enacted prior to May 30, 1992, deletes or extends that date.

(2) Existing law with respect to workers' compensation provides that a psychiatric injury shall be compensable if it is a mental disorder that causes disability of need for medical treatment, and it is diagnosed, as provided.

This bill would provide, notwithstanding any other provision with respect to workers' compensation, that no compensation shall be paid for a psychiatric injury related to a claim against an employer unless the employee has been employed by that employer for at least six months. It would provide that the six months of employment need not be continuous. It would provide that the foregoing limitation shall not apply if the psychiatric injury is caused by a sudden and extraordinary employment condition as distinguished from a regular and routine employment event, as defined. It would provide that these provision shall not be construed to authorize an employee, or his or her dependents, to bring an action for damages at law or in equity against the employer for a psychiatric injury, where those rights of action would not exist pursuant to the exclusive remedy doctrine of a specified statute in the absence of these provisions. It would provide that psychiatric injury provisions shall not be construed to preclude compensability for any psychiatric injury that is related to any physical injury in the workplace.

(3) It also would appropriate $900,000 from the Insurance Fund to the Workers' Compensation Rate Study Commission for the 1991–92 fiscal year to fund staff and consultant positions, and to pay incidental expenses, as provided, necessary to achieve goals of the commission established by a specified statute.

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

Ch. 116 (SB 1218) Presley. Insurance: workers' compensation.

(1) Existing law provides that it shall constitute unprofessional conduct and grounds for disciplinary action, including suspension or revocation of a license or certificate, for a health care professional to commit certain acts with respect to insurance claims. It also provides that it shall be cause for suspension or disbarment for an attorney to engage in conduct prohibited by a specified provision.

This bill would additionally provide that it shall constitute cause for revocation or suspension of a license or certificate, or cause for suspension or disbarment, for a health care professional or attorney, respectively, to engage in any conduct prohibited by

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specified provisions.

(2) Existing law provides that the employment of cappers, steerers, or other persons to procure patients for a physician is unprofessional conduct.

This bill would also prohibit the employment of runners for that purpose, would define "runner or capper," and would provide that a violation is a public offense punishable as a misdemeanor or a felony, as specified. By creating a new crime, the bill would impose a state-mandated local program.

(3) Existing law makes it unlawful for any person to act as a runner or capper for any attorney or to solicit any business for any attorney in and about specified places and makes it unlawful for any person to solicit another person to act as a runner or capper.

This bill would specify that the prohibition relating to runners and cappers is applicable to runners and cappers for law firms, and would provide for enforcement of prohibition on use of runners or cappers by attorneys under the Unfair Practices Act, including a penalty of divesture of fees and compensation.

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

(4) Existing law provides an extensive and detailed body of law to govern workers' compensation insurance. This bill would revise and recast major areas in this body of law including, among other things, each of the following:

(a) Existing law provides that any person who willfully misrepresents any fact in order to obtain insurance from the State Compensation Insurance Fund at less than the proper rate for that insurance or in order to obtain any payments out of that fund is guilty of a misdemeanor.

This bill would instead provide that any person who willfully misrepresents any fact in order to obtain insurance from the fund at less than the proper rate for that insurance is guilty of a misdemeanor or felony. By changing the definition of a crime, this bill would impose a state-mandated local program.

(b) The existing Insurance Frauds Prevention Act makes it a felony, punishable by fine, imprisonment, or both, to commit certain acts with respect to insurance claims, establishes a Bureau of Fraudulent Claims, as specified, and provides for the reporting to authorized governmental agencies by insurers, or authorized agents of insurers, of relevant information with respect to insurance fraud. It also requires the bureau to annually compile and report, as specified, certain information.

This bill would additionally provide that the commission of certain misrepresentations with respect to the payment or denial of workers' compensation claims shall be a felony, and would provide for certain investigation and enforcement activities by the Bureau of Fraudulent Claims in connection with those acts. By creating new crimes, this bill would impose a state-mandated local program. It would require insurers to pay specified assessments and surcharges to fund, as provided, the investigation and prosecution of fraudulent workers' compensation insurance claims by the Bureau of Fraudulent Claims and district attorneys. It would require the bureau to annually compile and report, as specified, certain additional information.

This bill would establish the Workers' Compensation Insurance Fraud Reporting Act, providing for the exchange of relevant information, as defined, with respect to workers' compensation insurance fraud, between workers' compensation insurers and self-insured employers, and authorized governmental agencies, as defined. It would provide that information acquired pursuant to the act shall not be a public record, and that, except as otherwise provided, any authorized governmental agency, insurer, or agent thereof, receiving any information pursuant to the act, shall not release that information to any person not authorized by the act to receive that information. It would also provide that a person violating the foregoing prohibition shall be guilty of a misdemeanor. By creating a new crime, this bill would establish a state-mandated local program.

It would provide that an insurer securing an employer's liability under workers' compensation provisions shall notify the employer, within 15 days, of each claim for indemnity filed against the employer if the employer has not timely provided the employee with a specified report. It would require that certain forms used for the purpose of obtaining specified workers' compensation benefits, and certain reports, with

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respect to occupational injuries or illnesses and injured prisoners, contain a specified warning notice. It would provide that any conviction pursuant to a specified provision that affects an order, decision, or award of the Workers' Compensation Appeals Board shall be sufficient grounds for reconsideration of that order, decision, or award.

It would provide that any person who willfully misrepresents any fact in order to obtain workers' compensation insurance at less than the proper rate for that insurance is guilty of a misdemeanor or felony. By creating a new crime, this bill would impose a state-mandated local program.

(c) Existing law establishes the Industrial Medical Council within the Division of Industrial Accidents in the Department of Industrial Relations. It provides that the Industrial Medical Council shall appoint qualified medical evaluators in different specialties as required for the evaluation of medical issues related to workers' compensation, and that the council may suspend or terminate a physician's privilege to serve as a qualified medical evaluator if that physician violates specified provisions. Existing law does not establish any prohibitions or restrictions specifically pertaining to advertising with respect to industrial illnesses and injuries, and injured workers.

This bill would provide that a qualified medical evaluator shall not advertise, print, display, publish, distribute, or broadcast, or cause or permit the same in any manner, with respect to any statement or representation, concerning his or her medical evaluation or treatment services, that is false, misleading, or deceptive, or that omits material information necessary to make the statement or representation not false, deceptive, or misleading. It would authorize the Industrial Medical Council to review advertising copy, require a qualified medical evaluator to retain advertising copy, available for council review, for 90 days after its use, and prohibit the use of advertising copy disapproved by the council.

This bill would provide that a qualified medical evaluator found to have violated any of the foregoing provisions may be terminated, suspended, or placed upon probation by the Industrial Medical Council, and would require proceedings to be conducted pursuant to specified provisions to determine whether a violation has occurred.

This bill would require the Industrial Medical Council, as soon as reasonably possible, but no later than January 1, 1993, to adopt regulations governing advertising by physicians with respect to industrial injuries or illnesses. It would require the council to make progress reports with respect to the adoption of those regulations to specified legislative policy committees.

This bill would provide that no person or entity shall advertise, print, display, publish, distribute, or broadcast, or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast in any manner, any statement concerning services or benefits to be provided to an injured worker, that is paid for directly or indirectly by that person or entity, and is false, misleading, or deceptive, or that omits material information necessary to make the statements therein not false, misleading, or deceptive. It would specify that the foregoing prohibition does not apply to attorneys or physicians, and would provide that a violation of the prohibition is a misdemeanor, punishable by a fine, imprisonment, or both. By establishing a new crime, this bill would impose a state-mandated local program.

This bill would require the Department of Consumer Affairs, as soon as reasonably possible, but not later than January 1, 1993, to adopt regulations governing advertising by persons or entities, other than physicians or attorneys, with respect to services or benefits to injured workers. It would require the department to make progress reports with respect to the adoption of those regulations to specified legislative policy committees.

This bill would require the Industrial Medical Council and the Department of Consumer Affairs, in promulgating regulations pursuant to the provisions of the bill, to take particular care to preclude any advertisements with respect to industrial injuries or illnesses that in any way mislead the public with respect to workers' compensation. It would impose a similar requirement of particular care upon the State Bar and physician licensing boards with respect to advertising rules established by those organizations. It would provide, for purposes of these requirements, that false or misleading advertise-

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ments include advertisements with specified characteristics.

(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. 117 (SB 169) Alquist. 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, 1990, the specified date of those referenced Internal Revenue Code sections is January 1, 1990.

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, 1991, for taxable years beginning on or after January 1, 1991, 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, 1990, and which have not been or are not being excepted or modified.

This bill would make certain recently enacted 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 income of children, standard deduction and deduction for personal exemptions, itemized deductions, recovery property, sound recordings, specified property used in a program area, jury duty pay, specified options, adjusted annual rate, ordinary income or loss, reorganizations, preference tax, depreciation, qualified conservation contribution, term interests not depreciable, corporate distributions and adjustments, payments to encourage exploration, development, and mining for defense purposes, low-income housing, accuracy-related penalty, overall limit on itemized deductions, regulated investment companies, exemption of earnings of ship contractors, transfers of franchises, certain property distributions, research activities, income from discharge of indebtedness, items of tax preference, and specified penalties. It would also repeal certain expired or obsolete provisions.

This bill would also make various technical or supplemental changes to the Personal Income Tax Law or the Bank and Corporation Tax Law, or both, relating to, among other things, credits for personal exemption, credit for low-income housing, exemption with respect to cooperative housing corporations, S corporations, acquisition of property securing indebtedness to savings and loan associations, alternative minimum taxable income, losses, debts owed by a political party, returns, refunds, and deductions, including the deduction for certain costs relating to providing increased access to the handicapped.

The existing Personal Income Tax Law provides that qualified renters, as defined, shall be allowed a tax credit against the taxes imposed by that law. The amount of the credit is $120 for married couples filing joint returns, heads of household, and surviving spouses, and $60 for other individuals.

This bill would reduce for any taxable year beginning before January 1, 1996, the amount of the credit by specified amounts if adjusted gross income exceeds certain amounts.

Under the existing Personal Income Tax Law, a penalty is added to the personal income tax for any underpayment of estimated tax, as specified, in accordance with a

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certain federal statute, except as otherwise provided. It also provides, as an exception to that law, that the federal provisions that apply the penalty to any estate or trust shall not apply.

This bill would repeal that exception.

The existing Personal Income Tax Law and Bank and Corporation Tax Law require specified withholding of tax.

This bill would provide that for supplemental wages paid on or after January 1, 1992, the rate of withholding that may be applied to supplemental wages, as defined, in lieu of specified wage withholding tables, shall be 6%.

The existing Personal Income Tax Law and the existing Bank and Corporations Tax Law allow a net operating loss deduction in accordance with specified federal provisions, except, among other things, that the deduction is not allowed with respect to net operating losses attributable to taxable or income years beginning on or after January 1, 1992.

This bill would instead provide that the deduction is not allowed with respect to net operating losses attributable to taxable or income years beginning on or after January 1, 1997. It would provide that no net operating loss deduction shall be allowed for all taxable and income years beginning in the 1991 and 1992 calendar years.

The existing Personal Income Tax Law imposes a specified tentative minimum tax of 7% of so much of the alternative minimum taxable year as exceeds the exemption amount, before any credits against the tax.

This bill would increase that rate to 8.5% for any taxable year beginning on or after January 1, 1991, and before January 1, 1996.

The existing Personal Income Tax Law and the existing Bank and Corporation Tax Law, by reference to a specified federal statute, allow a credit, for taxable or income years beginning on or after January 1, 1987, and before January 1, 1993, against taxes imposed by those laws for increasing qualified research expenses, as defined.

This bill would allow the credit for taxable or income years beginning before January 1, 1998.

The existing Personal Income Tax Law imposes a tax upon taxable income at various rates depending upon the amount of that income. The highest marginal tax rate is 9.3%.

This bill would, for taxable years beginning on or after January 1, 1991, and beginning before January 1, 1996, increase the highest marginal rate to (a) 10% for that portion of taxable income over $100,000 but not over $200,000 in the case of every resident of this state, and 10% for that portion of taxable income exceeding $136,115 but not over $272,230 in the case of a head of household, and (b) 11% for that portion of taxable income exceeding $200,000 in the case of every resident of this state, and $272,230 in the case of a head of household.

The existing Sales and Use Tax Law imposes on or after July 15, 1991, a state sales and use tax at a rate of 6% of gross receipts on the sale or use of tangible personal property in the state of which a rate of ½% ceases to be operative no later than July 1, 1993.

This bill would provide that the state sales and use tax rates shall be reduced by a rate of ¼% for any calendar year, beginning January 1, 1994, for which the amount in the Special Fund for Economic Uncertainties exceeds a specified amount in both the prior and current fiscal year as determined and certified by the Director of Finance, as specified.

This bill would take effect immediately as a tax levy.

Ch. 118 (AB 222) Vasconcellos. 1991–92 Budget.[3]

This bill would make appropriations for support of state government for the 1991–92 fiscal year.

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

Ch. 119 (AB 901) Knowles. El Dorado 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.

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An existing provision presently states that in Monterey, Riverside, San Joaquin, and Solano Counties, a 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 El Dorado County.

Ch. 120 (AB 1804) Knowles. Stepparent adoptions: fees.

Existing law requires the probation officer or, at the option of the county board of supervisors, the county welfare department in the county in which the action for adoption is pending to make an investigation of each case of adoption by a stepparent. Existing law specifies that a stepparent adopting a child of his or her spouse shall be liable for all reasonable costs incurred in connection with the investigation, up to a maximum of $100, subject to deferral, waiver, or reduction by the probation officer of the county welfare department, as specified.

This bill would provide that a stepparent adopting a child of his or her spouse shall be liable for all reasonable costs incurred in connection with the stepparent adoption, up to a maximum of $200, including, but not limited to, costs incurred in connection with the investigation.

Ch. 121 (AB 430) Lancaster. Vehicles: brake equipment.

(1) Existing law requires that braking systems, on motor vehicles required to be equipped with power brakes or on any towed vehicle required to be equipped with brakes which is equipped with power brakes, be arranged so that one control on the towing vehicle operates all service brakes on the power unit and combination of vehicles. Specified single-axle trailers are exempt from the requirement.

This bill would, instead, require that the braking system on vehicles used to tow another vehicle be arranged so that one control operates all the service brakes on the combination of vehicles when the towing vehicle is required to be equipped with power brakes or the towed vehicle is required to be equipped with brakes and is equipped with power brakes, thereby imposing a state-mandated local program by creating new crimes. The bill would expand that exemption to trailers, as specified, whether or not single axle.

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

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

Ch. 122 (AB 554) Moore. Telephone services: Persian Gulf War.

Existing law requires the Public Utilities Commission to require every telephone corporation to fully inform subscribers of basic services, which, for eligible subscribers, is required to include universal lifeline telephone service.

This bill would require the Public Utilities Commission, as expeditiously as possible, to develop and implement procedures which mitigate the significant additional expense incurred by service men and women in communicating with their families and loved ones during the Persian Gulf War, including the determination of the feasibility of a category of emergency telephone service, which may include payment plans, that can be expeditiously implemented on the commission's own motion in widespread emergency situations such as war or earthquakes, and the development of a billing and collections program for persons on active military duty outside the United States serving or having served in the Persian Gulf War, to permit a payment plan for large telephone bills, to be initiated at the request of the telephone subscriber, and to prohibit involuntary shutoff of telephone service unless the customer acts in bad faith.

Since existing law makes any public utility who violates specified provisions regulating public utilities guilty of a misdemeanor, 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 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. 123 (AB 712) Mountjoy. Certificated employees: leave for personal necessity.

Under existing law, a certificated employee may, at his or her election, use days of leave of absence for illness or injury allowed pursuant to specified existing law in case of personal necessity.

This bill would specify that no more than 7 days of leave may be used for that purpose unless otherwise specified in an employee agreement.

Ch. 124 (AB 716) Leslie. Youth and adult offender education.

Existing law authorizes the court in a criminal proceeding to impose various conditions upon the granting of probation to a defendant. Existing law authorizes the superior court and municipal court in Sacramento County each to require that up to 200 criminal defendants between the ages of 18 and 25 years, inclusive, in each of the 1990, 1991, and 1992 calendar years, as specified, be required, as a condition of probation to enroll in, and to maintain reasonable progress in, public or private literacy or other educational programs designated by the court, as specified.

This bill would change the maximum age of the defendants eligible for this project from 25 to 30.

Ch. 125 (AB 720) Kelley. Agricultural land: cancellation of contracts.

Existing law permits a county or city to establish agricultural preserves, in which, pursuant to a contract with landowners, a county or city may limit the use of agricultural land for the purpose of preserving that land.

Existing law permits a contract to be canceled by a county board of supervisors or city council only if specified grounds are found to exist and pursuant to the request of a landowner.

The board or council, subsequent to the request for cancellation, may grant tentative approval if it finds grounds for cancellation.

Existing law requires that prior notice of the hearing and of the final decision be published in a newspaper of general circulation, and mailed to the specified landowners. Notice of the hearing and cancellation of the contract is also required to be mailed to the Director of Conservation.

This bill would, in addition, require, a copy of the landowner's petition for cancellation to be mailed to the Director of Conservation.

The bill would require that notice of the final decision, rather than of contract cancellation, be mailed to the Director of Conservation.

Since the bill would impose additional requirements upon cities and counties in contract cancellation proceedings, the bill would create a state-mandated local program.

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

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

Ch. 126 (AB 764) Seastrand. Harbors and navigation.

(1) Existing law requires the Department of Boating and Waterways to make a biennial report to the Governor, the Boating and Waterways Commission, and the Legislature on the operations of the department. The report is required to include the total amount and other information about specified marina loans made in each of the 3 preceding fiscal years.

This bill would, instead, require the report to include information about specified marina loans made in the preceding 2 fiscal years.

(2) Existing law prohibits the operation of vessels in excess of 5 miles per hour near bathers, as specified, and specified ways and landing floats.

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This bill would except vessels engaged in law enforcement activities, as specified, from that speed limit and would, additionally, make those vessels exempt from locally imposed speed regulations.

(3) The bill would also make technical and clarifying changes to the Harbors and Navigation Code.

Ch. 127 (AB 808) Seastrand. California Polytechnic State University: Dairy Products Technology Center.

Chapter 1514 of the Statutes of 1986 appropriated $200,000 to the Department of Food and Agriculture for allocation to the Trustees of the California State University for use by California Polytechnic State University, San Luis Obispo, to establish a Dairy Products Technology Center for the 1986–87 fiscal year.

This bill would, commencing July 1, 1992, require the trustees to succeed to the powers, duties, and functions of the department with respect to the center.

The bill also would prohibit any funds appropriated by any act from the General Fund for expenditure during any fiscal year on behalf of the center from being encumbered unless and until the trustees determine that specified funds have been received from nonstate sources.

Ch. 128 (AB 843) Polanco. Seasonal agricultural carriers.

Existing law requires persons or corporations which transport property to obtain certificates of public convenience and necessity or permits from the Public Utilities Commission. The commission is required to issue a permit as a seasonal agricultural carrier or a seasonal livestock carrier, which authorizes the transportation of unprocessed agricultural commodities. The maximum term of those seasonal permits is 3 calendar months, and the permits are not renewable more than twice in any calendar year.

This bill would, instead, require that those seasonal permits be issued for a period not to exceed 6 calendar months, and authorize their renewal once for a period not to exceed 3 calendar months in any calendar year.

Ch. 129 (AB 874) Cannella. Child molestation: statute of limitations.

Existing law provides for specified times within which criminal offenses are required to be commenced after the commission of or discovery of the offense, as the case may be.

Existing law provides that prosecution for an offense not punishable by death or imprisonment in the state prison be commenced within one year after commission of the offense, except that prosecution for a misdemeanor violation of child molestation or child annoyance committed with or upon a minor under the age of 11 years is to be commenced within 2 years after commission of the offense.

This bill would provide, instead, that prosecution for a misdemeanor violation of child molestation or child annoyance committed within or upon a minor under the age of 14 years is to be commenced within 2 years after commission of the offense.

Ch. 130 (AB 919) Chacon. Sponsored committees.

The Political Reform Act of 1974 defines a sponsored committee for purposes of the act as a campaign committee, other than a candidate controlled committee, which has one or more sponsors. A person, other than a candidate or other individual, sponsors a committee if, among other criteria, the committee receives all or nearly all of its campaign contributions from the person or its members, officers, employees, or shareholders.

This bill would provide that a person, other than a candidate or other individual, sponsors a committee if the committee receives 80% or more of its contributions from the person or its members, officers, employees, or shareholders.

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.

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Ch. 131 (AB 956) Areias. Consumer credit contracts: cosigners.

Existing law, operative July 1, 1992, provides that, with limited exception, no creditor shall provide any adverse information to a consumer credit reporting agency regarding a delinquency on a consumer credit contract, as defined, for which there is a cosigner, as defined, unless the same information is provided by written notice to the cosigner.

This bill would instead provide that no creditor shall provide any adverse information with respect to any cosigner, to a consumer credit reporting agency regarding a delinquency on a consumer credit contract entered into on or after July 1, 1992, unless written notice of the delinquency is provided to the cosigner. This bill also makes related and conforming changes.

Ch. 132 (AB 1133) O'Connell. Child abuse reporting.

Existing law, the Child Abuse and Neglect Reporting Act, defines, a "child care custodian," for its purposes, to mean, among other things, a teacher, an administrator of a public or private day camp, a licensee, an administrator, or an employee of a licensed community care or child day care facility, a public assistance worker, a social worker, or a probation officer.

This bill would provide, in addition, that "child care custodian" also means for these purposes, an administrator or employee of a public or private youth center, youth recreation program, or youth organization, an administrator or employee of a public or private organization whose duties require direct control and supervision of children, a parole officer, and an employee of a school district police or security department.

Existing law requires that persons who enter into employment as a child care custodian, health practitioner, or with a child protective agency, prior to commencing employment and as a prerequisite to that employment, sign a statement on a form provided by the employer to the effect that the employee has knowledge of the provisions of the Child Abuse and Neglect Reporting Act which require these employees to report to a child protective agency known or suspected instances of child abuse, as specified. Failure to report is a misdemeanor. Existing law provides that "child care custodian" includes for these purposes specified persons.

This bill would provide, in addition, that "child care custodian" includes for these purposes administrators and employees of public or private organizations whose duties require direct contact and supervision of children, parole officers, and employees of a school district police or security department, thereby requiring that these persons make reports concerning child abuse. This bill would impose a state-mandated local program by increasing the number of reports of child abuse required to be processed by child protective agencies and expanding the scope of a crime to include additional persons.

The California Constitution requires the state to reimburse local 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. 133 (AB 1827) Bentley. Small claims court.

Existing law provides for the trial of small claims actions, as specified.

This bill would remove unlawful detainer actions from the jurisdiction of small claims court, would authorize a small claims court to continue matters in order to permit the parties to attempt resolution by informal or alternative means, and would specify that upon appeal of a small claims court judgment to the superior court, no party has a right to a trial by jury. The bill would also make technical, nonsubstantive changes in those provisions.

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Ch. 134 (AB 1123) Moore. Telephone services.

Under existing law, the regulation of the furnishing of commodities and services by public utilities, including telephone corporations, and the rates charged for them, is subject to the regulation and control of the Public Utilities Commission.

Existing law requires every telephone corporation furnishing local service, on or before March 1, 1988, and annually thereafter, until January 1, 1992, to provide to its residential subscribers a description of its public telephone service and its policies for furnishing public telephone service, including policies of public need and safety and how a customer or subscriber can contact the corporation for additional information.

This bill would extend these provisions indefinitely.

Under other provisions, a violation of these requirements by a telephone corporation would be a misdemeanor, therefore, an extension of those requirements would create a new crime, 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. 135 (AB 1896) Frizzelle. Adoptions: consent for contact.

Existing law authorizes the State Department of Social Services or a licensed adoption agency to arrange for contact among an adult adoptee, his or her birth parent, and any living adoptive parent if each of these persons has filed a written waiver of his or her rights with respect to the confidentiality of adoption records.

This bill would instead authorize the department or licensed adoption agency to arrange for contact between an adult adoptee and his or her birth parent if each has filed a written consent.

Ch. 136 (AB 2007) Lempert. Employees: catastrophic leave.

Existing law sets forth various provisions related to vacation and sick leave for employees of school districts and county offices of education.

This bill, in addition, would authorize the governing boards of school districts or county offices of education to establish a catastrophic leave program to permit employees of that district or county office to donate eligible leave credits, as defined, to an employee when that employee or a member of his or her family suffers from a catastrophic illness or injury, as defined, if prescribed conditions are met. The bill would require school districts and county offices establishing this program to adopt rules and regulations for its administration, as specified. The bill would provide that, notwithstanding these provisions, the school district or county office and the exclusive bargaining representative may agree to include in any collective bargaining agreement, a provision setting forth requirements for a catastrophic leave program.

Ch. 137 (AB 2235) Sher. Minors: cost of support.

Under existing law, a parent of a minor, the estate of a parent, and the estate of the minor is liable for the reasonable costs of support of the minor, as described, while the minor is placed, or detained in, or committed to, any institution or other place pursuant to an order of the juvenile court.

This bill would, in addition, provide that a parent of a minor, the estate of a parent, and the estate of the minor is liable for the reasonable costs of the support of the minor while the minor is placed, or detained in, or committed to, any institution or other place pursuant to being taken into temporary custody by a peace officer. However, a county would be prohibited from levying charges for the costs of support of a minor who is taken into temporary custody unless, at the detention hearing, the juvenile court determines that detention of the minor should be continued, the petition for the offense for which the minor is detained is subsequently sustained, or the minor agrees to a program of supervision, as specified.

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Ch. 138 (SB 91) Ayala. State employees: benefits.

Existing law, effective January 1, 1991, entitles any state legislative, executive, or judicial branch officer or employee, including civil service employees, who, as a member of the California National Guard or a United 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 other provisions of law, the officer or employee does not return to state service within 60 days of being released from active duty, the compensation is treated as a loan payable with interest at the rate earned on the Pooled Money Investment Account.

This bill would specify that military allowances, as well as military pay, would be included in determining the amount to which the officer or employee would be entitled. In the case of civil service employees this determination would be made by the Department of Personnel Administration.

This bill would specify 180 calendar days, rather than 180 days, as the amount of time served on active duty for which this compensation is to be granted.

The bill would also entitle an officer or employee covered by the bill to receive, for 180 calendar days, all benefits which he or she would have received had he or she not been called to active duty, unless the benefits are prohibited or limited by vendor contract.

This bill would specify that these provisions apply to active duty served on or after August 2, 1990.

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

Ch. 139 (SB 365) Dills. Horseracing: quarter horses.

(1) Under existing law, a racing week is 7 consecutive days during which an association is authorized by the California Horse Racing Board to conduct horseracing for a minimum of 5 racing days.

Existing law authorizes the board to allocate racing weeks of 4 days for quarter horse racing in the northern zone, if the association and the organization representing the horsemen agree to that allocation.

This bill would, subject to that agreement, authorize the board to allocate racing weeks of 4 days for quarter horse racing in the central and southern zones during the weeks on which December 25 and January 1 occur in any year, as prescribed.

(2) Existing law permits any 2 associations with an average daily handle of $650,000 or less, with the approval of the California Horse Racing Board, to combine their excesses or deficiencies in payments to or for the benefit of owners and breeders of horses from prior meetings if the associations and the organizations representing the horsemen all agree.

This bill would also permit associations conducting quarter horse racing, harness horse racing, or Arabian horse racing meetings to do so under those conditions.

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

Ch. 140 (SB 532) Bergeson. Airports: land use commissions: funding.

Under existing law, each county in which there is an airport served by a scheduled airline and, with specified exceptions, each county with an airport operated for the benefit of the general public, is required to establish an airport land use commission, hereafter "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.

Existing law requires each commission to adopt a comprehensive land use plan by June 30, 1991, and, until it does so, requires a city or county to submit all actions, regulations, and permits, except as specified, within the vicinity of the airport to the commission for review and approval.

In addition, existing law authorizes commissions to establish a schedule of fees for

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reviewing and processing proposals, and for providing copies of land use plans, not to exceed the estimated reasonable cost of providing the service, but prohibits a commission which has not adopted a comprehensive land use plan from charging fees after June 30, 1991, and until it does so.

This bill would extend from June 30, 1991, to June 30, 1992, the deadlines summarized above with respect to any county which has undertaken by contract or otherwise completed land use plans for at least ¼ of all public use airports in the county, would authorize the commission to charge fees after June 30, 1992, if the land use plans are complete by that date, and would make the prohibition after that date continue until the commission adopts the land use plans. The bill would also authorize the schedule of fees adopted by an airport land use commission, instead, to be those necessary to carry out the provisions of law relating to its land use planning, as specified.

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

Ch. 141 (AB 2123) Woodruff. California State University: student fees.

Existing law requires that all mandatory systemwide student fees at the California State University be fixed at least 10 months prior to the fall term in which they become effective and prohibits any increase in fees from exceeding 10% of the amount of the fee fixed for the prior year.

This bill would authorize the Trustees of the California State University to increase fees for the 1991–92 academic year by an amount not to exceed 20% of the fee fixed for the prior academic year. The bill would provide that the amount of the fee increase in excess of 10% of the fee fixed for the 1990–91 academic year shall not be included in the base fee level for the 1992–93 academic year.

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

Ch. 142 (AB 1345) Woodruff. Small business.

Existing law, the Small Business Development Corporation Law, provides for a small business development corporation loan guarantee fund for the purpose of making and guaranteeing loans to small businesses approved by a small business development corporation. Under existing law, the Office of Small Business may loan trust funds to a corporation located in a rural area for the purpose of lending those funds to an identified borrower. The loan between the Office of Small Business and the corporation is required to be evidenced by a credit agreement secured by assignment of any note, executed in favor of the corporation by the borrower to the Office of Small Business.

This bill would provide that the credit agreement shall be secured by assignment of any note, executed in favor of the corporation by the borrower to the Office of Small Business in the event that the loan between the corporation and borrower is not guaranteed by a governmental agency.

Ch. 143 (AB 340) Floyd. Vehicles: motorcycles: carpool lanes.

Existing law authorizes local authorities and the Department of Transportation to establish exclusive or preferential use of highway lanes for high-occupancy vehicles.

This bill would authorize the operation of a motorcycle upon those highway lanes unless specifically prohibited by a traffic control device.

Ch. 144 (AB 419) Hunter. Crimes: sodomy.

Section 286 of the Penal Code defines "sodomy" as "sexual conduct consisting of contact between the penis of one person and the anus of another person." In addition, Section 287 of the Penal Code specifies that "[any sexual penetration, however slight, is sufficient to complete the crime of sodomy."

In this regard, in People v. Martinez, 188 Cal. App. 3d 19, the court held that penetration is an element of the crime of sodomy and reversed a sodomy conviction where the prosecutor incorrectly stated during closing arguments to the jury that penetration was not an element of the crime.

This bill would repeal the "penetration" language of Section 287 and add this identical language to Section 286 of the Penal Code.

In addition, the bill would specify that it is the Legislature's intent in enacting this bill

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to include all of the elements of sodomy in one code section.

Ch. 145 (AB 425) Mountjoy. Contractors: licensing.

Existing law provides for the licensing of contractors by the Contractors' State License Board. Contractors' licenses may be issued to individual owners, copartnerships, and corporations. Existing law sets forth specified methods by which these various types of applicants shall qualify for a license. An applicant qualifying on behalf of an individual or firm shall be a person responsible for exercising direct supervision and control of his or her employer's or principal's construction operations, as specified. Existing law also provides that this person shall not act in the capacity of a qualifying person for an additional individual or firm unless specified conditions are met. Existing law does not limit the number of firms a qualifying person may act as a qualifier for.

This bill would limit the number of firms a qualifying person may act as qualifier for, to 3 in any one-year period and would provide that a qualifier who is acting as a qualifier for more than 3 firms on January 1, 1992, shall comply with this provision by January 1, 1993. This bill would provide that failure to comply with this provision shall result in the disassociation of the qualifying individual and automatic suspension of the licensee's contractor's license. This bill would also make technical and conforming changes to existing law.

Ch. 146 (AB 1239) Moore. Classified employees: merit system.

(1) Under existing law, upon the filing of a petition for the adoption of the merit system for classified employees of a school district, the school district governing board is required to perform specified activities in response, including obtaining the services of competent and qualified persons to present the pros and cons of the issue.

This bill would permit the classified employees who submitted the petition to select the person or persons to present the proponent position on the issue.

(2) Existing law specifies that, pursuant to a petition for the termination of the merit system for classified employees of a school district, it is the intent of the Legislature that members of the classified service be provided an adequate and ample opportunity to be informed of the arguments in favor of and in opposition to that system prior to the conducting of an election on that issue.

This bill would require that that opportunity be provided, including an open forum during which proponents of, and opponents to, the termination of the merit system are permitted to debate the issue.

The two revisions described above 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 147 (AB 1881) Felando. Gaming clubs

Existing law, known as the Gaming Registration Act, regulates the operation of gaming clubs, as defined, in this state. Pursuant to this act, no person shall own or operate a gaming club without first obtaining a valid registration. Existing law provides that an application for registration may be denied for specified grounds, one of which is that the person applying for registration has any interest in any business or organization outside of this state which is engaged in any form of gambling or gaming not authorized by the laws of this state.

This bill would except from that basis for the denial of an application for registration persons registered in California under this act for a period of not less than 5 consecutive years prior to obtaining the interest in the out-of-state business or organization.

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Ch. 148 (AB 177) Felando. State and county central committees.

Existing law specifies the time and place for the convening of the state central committees of the Democratic, Republican, and Peace and Freedom parties.

This bill would repeal these provisions.

Existing law requires that the county central committees of the Democratic, Republican, and Peace and Freedom parties meet in the courthouse of the county seat at a specified date or at the call of the county clerk, as specified. It requires committees in counties of more than 4,000,000 population to meet in a centrally located public auditorium.

This bill would repeal these provisions.

Existing law authorizes the county central committees of the Democratic, and Peace and Freedom parties, and the state central committees of the Republican and Peace and Freedom parties, to require annual dues of up to $24 per member.

This bill would delete these provisions.

Ch. 149 (AB 180) Ferguson. Crimes: sexual battery: punishment.

Under existing law, it is a public offense, punishable by imprisonment in a county jail for not more than one year or in the state prison for 2, 3, or 4 years, for any person to commit an act of sexual battery, as defined, on another person.

This bill, instead, would provide that the punishment for committing the offense of sexual battery is imprisonment in a county jail for not more than one year and by a fine not exceeding $2,000, or by imprisonment in the state prison for 2, 3, or 4 years and by a fine not exceeding $10,000

Ch. 150 (AB 210) Epple. Elective Medicare-only coverage for STRS members: applications.

Existing law authorizes each school district, from July 1, 1990, to July 1, 1993, to apply to the Board of Administration of the Public Employees' Retirement System for elections among their certificated employees who are members of the State Teachers' Retirement System for the election of Medicare-only coverage of those certificated employees who elect it.

This bill would make that authorization also applicable to county superintendents of schools and regional occupational centers and programs established by joint powers agreements.

This new authorization would impose state-reimbursable, state-mandated local program costs since its exercise would be subject to negotiation under existing law relating to local public school employer-employee relations.

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

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

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

Ch. 151 (AB 226) Lee. Vehicle length: buses: bicycle transportation.

Existing law, with various exceptions, prohibits any vehicle from exceeding 40 feet in length. One exception to this prohibition is a bus operated by a public agency or a passenger stage corporation, used in transit system service, other than a schoolbus, when the excess length is caused by a folding device attached to the front of the bus which is designed and used exclusively for transporting bicycles, if that device does not extend more than 18 inches from the front of the bus when fully deployed.

This bill would increase the maximum allowable length of that device to 36 inches, but would limit the use of the device to a bus 40 feet or less in length, excluding the device, and would prohibit the device on any bus having a similar device, as specified,

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attached to the rear.

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

Ch. 152 (AB 282) Tucker. Education: school employees: criminal records check.

Existing law requires a school district, within 10 working days of employment, to require each noncertificated employee to have on record 2 fingerprint cards, as specified, to be transmitted to the Department of Justice.

Existing law provides for the process by which each school district must request, and the Department of Justice must provide to the local law enforcement agency having jurisdiction in the area of the school district, information regarding any criminal record of each employee.

This bill would provide that a school district may request a local law enforcement agency to conduct an automated criminal records check of all prospective noncertificated employees, as defined, and that if the local law enforcement agency agrees to conduct the check, it shall respond within 72 hours of the request. The bill would allow the local law enforcement agency to charge a reasonable fee for this service.

Ch. 153 (AB 303) Baker. County retirement: limited reemployment of county retirees.

The existing County Employees Retirement Law of 1937 authorizes counties generally to reemploy, without reinstatement from retirement, retired members in a position requiring special skills or knowledge for not to exceed the greater of 90 working days or 720 hours, in any one fiscal year or any other designated 12-month period.

This bill would authorize boards of supervisors generally, by resolution, to extend that general reemployment period to not to exceed the greater of 120 working days or 960 hours, in any one fiscal year or any other designated 12-month period.

That law also authorizes Contra Costa County to reemploy, without reinstatement from retirement, retired members in a position requiring special skills or knowledge for not to exceed 30 working days in any one fiscal year.

This bill would expand that Contra Costa County reemployment period to the greater of 120 working days or 960 hours, in any one fiscal year.

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

Ch. 154 (AB 824) Chandler. Courts: reporters: Judicial Council.

(1) Existing law specifies that the compensation of municipal court reporters in Sutter County is $110 per day or fraction thereof.

This bill would authorize the board of supervisors, in lieu of that compensation, to contract for municipal court reporter services at a monthly rate, as specified.

(2) Existing law specifies the powers and duties of the Judicial Council, as specified.

This bill would provide that the Judicial Council is authorized to establish a tax-exempt public benefit nonprofit corporation, or other tax-exempt entity, qualified under federal and state law to receive grants or other financial support from private or public sources, for the purposes of undertaking or funding any survey, study, publication, proceeding, or other activity authorized by law to be undertaken by the Judicial Council.

(3) Existing law requires the Judicial Council to establish pilot projects, from January 1, 1990, to June 30, 1991, inclusive, with regard to the service and filing of documents by facsimile transmission in the judicial system, and also requires the Judicial Council to make a report of its findings and recommendations, as specified, to the Legislature no later than December 31, 1991.

This bill would extend the duration of the pilot project from June 30, 1991, to December 31, 1992.

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

Ch. 155 (AB 1037) Mays. Minors: home supervision.

Existing law provides a program of home supervision of minors who are taken into temporary custody in each county probation department. Under the home supervision program a minor who would otherwise be detained in juvenile hall is permitted to remain in his or her home pending court disposition of their case, under the supervision

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of a deputy probation officer, probation aide, or probation volunteer. Existing law provides that a deputy probation officer, probation aide, or community worker assigned to home supervision shall have a caseload of no more than 10 minors.

This bill would increase the authorized caseload of a deputy probation officer, probation aide, or community worker assigned to home supervision to no more than 15 minors if the county probation department employs a method of home supervision which includes electronic surveillance.

Ch. 156 (AB 1577) Sher. Property: rule against perpetuities.

(1) Existing law, the rule against perpetuities, prohibits restraints on the alienation of property, except as specified.

This bill would repeal the rule against perpetuities and enact the Uniform Statutory Rule Against Perpetuities, as specified; and would make conforming changes.

(2) Existing law recognizes a power of termination with respect to a fee simple estate in real property, and provides for the exercise thereof, and the expiration thereof, as specified.

This bill would revise the definition of power of termination for these purposes, and define the application of the operative date of the various provisions governing powers of termination.

Ch. 157 (AB 1750) Johnson. Acknowledgment of instruments: certificate of acknowledgment.

Existing law, operative January 1, 1991, sets forth one form for general use for the acknowledgment of an instrument. Existing law provides that acknowledgments conforming to the law operative prior to January 1, 1991, and executed prior to January 1, 1992, have the same force and effect as if that law had not been repealed.

This bill would extend this provision to January 1, 1993, so that acknowledgments conforming to the law operative prior to January 1, 1991, and executed prior to January 1, 1993, would have the same force and effect as if the previous law had not been repealed.

Ch. 158 (AB 1987) Baker. Air pollution: burning.

Existing law prohibits, with certain exceptions, the discharge of air contaminants, as specified.

This bill would provide that the burning of the gaseous byproducts of the recycling of water by a waste water treatment facility as part of an energy conservation and cost reduction program to generate power to operate the facility shall be permitted, if the burning operation complies with state law and all regulations of the air pollution control district or air quality management district having jurisdiction.

Ch. 159 (AB 2056) Katz. County transportation commissions: powers: contracts.

(1) The County Transportation Commissions Act imposes requirements for competitive bidding on contracts for the purchase of supplies, equipment, and materials by county transportation commissions.

This bill would delete obsolete and duplicative provisions regarding competitive bidding by those commissions.

(2) Under the act, the Los Angeles County Transportation Commission has the power and authority vested in the Southern California Rapid Transit District to plan, design, and construct an exclusive public mass transit guideway system in Los Angeles County. Under other provisions of law, the commission is authorized to impose a transactions and use tax within the county.

This bill would specifically provide that the commission may impose a transactions and use tax pursuant to ordinances approved by the voters in 1980 and 1990.

The bill would require any proceeding to contest the validity of the adoption of either of those ordinances to be commenced within 90 days after the effective date of this act.

Ch. 160 (SB 225) Robbins. Insurance: disclosure of discounts.

Existing law provides, subject to approval of the Insurance Commissioner, that all

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motor vehicle insurers shall disclose available discounts at the time of offering to issue or renew a policy. Those insurers are also required to disclose the discounts to their agents and brokers, and to require them to make the required disclosures to applicants. The disclosure requirements are applicable with respect to both commercial and personal lines of motor vehicle insurance.

This bill would require the disclosure to applicants to be in writing as a freestanding document which brings attention to the applicant. It would require the disclosure to agents or brokers to be in writing. It would make these discount disclosure requirements applicable only to personal lines of motor vehicle insurance.

Ch. 161 (SB 655) Dills. Alcoholic beverages: beer price posting.

Existing law requires each manufacturer, importer, and wholesaler of beer to file, as specified, a written schedule of selling prices charged by the licensee for beer sold and distributed, as specified, which are subject to public inspection and not in any sense to be considered confidential. It requires each licensee to retain in his or her licensed premises for public inspection a copy of the effective posted and filed schedule.

This bill would provide instead that filed price schedules are subject to public inspection only after they take effect, and would delete the requirement that the copy retained in the licensed premises is retained for public inspection.

Ch. 162 (SB 658) Marks. San Francisco Bay Area Rapid Transit District: purchases.

Under existing law, the San Francisco Bay Area Rapid Transit District may purchase electronic data-processing or telecommunications equipment or rail cars pursuant to specified competitive negotiation procedures upon a finding by ⅔ of the board that competitive bidding procedures are not adequate for the district's needs.

This bill would expand the authorization to use competitive negotiation procedures to include the purchase by the district of (1) electronic equipment, including computers, telecommunications equipment, fare collection equipment, and microwave equipment, and (2) specialized rail transit equipment, in addition to rail cars.

Ch. 163 (AB 171) Cortese. Supercomputer center: study deadline.

Existing law requires the Department of Commerce to contract for the preparation of a study regarding the supercomputer needs of the state and the establishment of a supercomputer center in coordination with the Technology Center of Silicon Valley and the San Diego Supercomputer Center. The department is required to submit the completed study to the Legislature no later than June 30, 1990.

This bill would extend the deadline for submission of the completed study to June 30, 1991.

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

Ch. 164 (AB 84) Katz. Transportation planning and programming.

Under existing law, local transportation agencies which are responsible for preparing a regional transportation improvement program are required to incorporate into the program a congestion management program. Local projects not included in a congestion management program may not be included in the regional transportation improvement program.

This bill would authorize a one-year delay for incorporating the congestion management program into the regional transportation improvement program which is required to be submitted to the commission by December 1, 1991, if an environmental impact report is required to be prepared for the congestion management program and if specified conditions are met. The bill would require projects not included in the regional transportation improvement program due to that delay to be deleted from the state transportation improvement program or the traffic systems management program, a state-funded program to implement traffic management systems, as specified. The bill would also require local projects included in the regional transportation improvement program after December 1, 1991, but before December 1, 1992, which are not included in the congestion management program due to that delay to be deleted from the

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regional transportation improvement program.

Ch. 165 (AB 131) Murray. Crimes: firearms.

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.

Existing law makes it a misdemeanor for any person or corporation to furnish, give, or otherwise transfer possession of any pistol, revolver, or other firearm capable of being concealed upon the person to any minor without the prior written consent or implied permission of a parent or legal guardian.

A 2nd and each subsequent conviction of these offenses is punishable by imprisonment in the state prison, or in a county jail not exceeding one year.

This bill also would provide that a person is punishable by imprisonment in the state prison, or in a county jail not exceeding one year, if he or she violates any one of these provisions and is in a specified class of persons prohibited from possessing firearms.

Ch. 166 (AB 448) Hannigan. State park system: fees: prisoners of war.

Existing law requires disabled veterans, as defined, upon application and payment of a $3.50 fee, to be issued a pass entitling the bearer to the use of all facilities in units of the state park system.

This bill would require the issuance of a pass for the use of units of the state park system, upon payment of that fee, to veterans who were held as prisoners of war.

Ch. 167 (AB 752) Hauser. Water districts.

(1) The County Waterworks District Law provides for the formation of county waterworks districts, and, with specified exceptions, makes the board of supervisors of the county in which the district is formed the governing board of the district.

This bill would authorize the Mendocino County Board of Supervisors to appoint a board of directors to serve as the governing board of the Mendocino County Waterworks District #2, as prescribed.

(2) The Water Conservation District Law of 1931 requires that each director of a water conservation district execute a $1,000 bond, which is required to be approved by a judge of the superior court and recorded in the principal county. That law also requires the board of directors to organize as a board at the board meeting following the time the directors elected at the general district election, other than the formation election, take office, but not later than November 30.

This bill would delete the requirement for court approval and recordation of a director's official bond, and would require the first organizational meeting to be held not later than December 31 instead of November 30.

Ch. 168 (AB 994) Klehs. San Francisco Bay Area Rapid Transit District: employees: performance of work.

Under existing law, the purchase of supplies, equipment, and materials over specified amounts by the San Francisco Bay Area Rapid Transit District is generally required to be by contract awarded to the lowest responsible bidder.

This bill would, notwithstanding this general requirement, permit district employees, under certain conditions, to perform specified interconnection work and work required by Department of Transportation retrofit or replacement projects.

Ch. 169 (AB 1539) Alpert. Weekend classes.

(1) Existing law provides that the governing board of any school district may maintain classes on Saturday or Sunday, or both, as specified.

Existing law prohibits the attendance of any pupil in a class or program held on a weekend from resulting in the crediting of more than 5 days of attendance per pupil per week.

This bill would make regional occupational centers and programs exempt from this prohibition.

(2) Existing law requires that any class that is offered on a weekend also be offered during the regular Monday through Friday school week.

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This bill would make regional occupational centers and programs exempt from this requirement.

Ch. 170 (SB 360) L. Greene. Mobilehome parks: rental agreements.

Under existing law, a mobilehome park space rental agreement meeting specified criteria is exempt from local rent controls.

This bill would require the management of a mobilehome park, at the time such a rental agreement is first offered to a homeowner, to provide written notice of the homeowner's right to inspect and void the rental agreement, as specified; would specify that the failure to provide such notice makes the rental agreement voidable, as specified; and would require a homeowner to acknowledge receipt of such notice in writing.

Ch. 171 (AB 74) Umberg. Crimes: escape.

Existing law includes various crimes of escape.

This bill, in addition, would create the following crimes of escape:

(1) Escape or attempted escape from the custody of a sheriff, marshal, or other police agency, by a person after the person is remanded by a magistrate or judge of any court in this state to the custody of that sheriff, marshal, or police agency.

(2) Escape or attempted escape from a peace officer by any person after the person has been lawfully arrested by that peace officer and the person knows, or by the exercise of reasonable care should have known, that he or she was so arrested.

The bill would provide that any person who violates the above provisions is guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed one year. However, if the escape or attempted escape is by force or violence and the person proximately causes a peace officer serious bodily injury, the person would be punished by imprisonment in the state prison for 2, 3, or 4 years, or by imprisonment in a county jail not to exceed one year.

Because this bill would create new crimes, it would impose a state-mandated local program.

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

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

Ch. 172 (AB 173) Felando. Fish: sardines: bait.

(1) Under existing law, in effect until January 1, 1991, there is an established tolerance for sardines taken incidentally to other fishing operations. Under existing law, operative until July 1, 1991, 350 tons of sardines may be taken and possessed for live bait purposes during any calendar year.

This bill would reenact the established tolerance for incidentally taken sardines, would permit the Department of Fish and Game to increase the allowable take of sardines for live bait purposes, and would delete the termination date on the provision establishing a limit on the tonnage of sardines which may be taken and possessed for live bait purposes.

(2) Existing law provides that 250 tons of sardines may be taken, possessed, and landed annually for dead bait purposes. Sardines taken, possessed, or sold for dead bait purposes are required to be landed and kept in a whole condition until sold to a sportfisherman for use as bait.

This bill would also permit sardines taken for dead bait purposes to be sold to commercial fishermen.

(3) Under existing law, effective until July 1, 1991, no species of fish other than anchovies, queenfish, white croakers, and smelt may be taken on any boat carrying a bait net in Fish and Game District 19A.

This bill would delete the termination date for this provision and would include sardines and squid within the species of fish that may be taken by bait net in District 19A.

(4) Since under existing provisions of the Fish and Game Code, a violation of the

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above provisions is a crime, this bill would impose a state-mandated local program by continuing in effect crimes which would otherwise be repealed.

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

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

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

Ch. 173 (AB 204) Cortese. Building codes: model codes.

(1) Existing law requires the Department of Housing and Community Development and the State Fire Marshal to adopt and submit building standards for approval by the State Building Standards Commission and publication in the California Building Standards Code and to adopt other building regulations for hotels, motels, lodginghouses, apartment houses, and dwellings. The standards and rules and regulations of the department are required to impose substantially the same requirements as are contained in the provisions of various uniform industry codes, and the department is required to adopt those provisions by reference, excepting additions and deletions to them made by the department.

This bill would require the building standards adopted by reference and submitted by the department for approval by the State Building Standards Commission to, additionally, include substantially the same requirements as Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials.

(2) Existing law, generally, requires any building standard, as defined, to be published in the California Building Standards Code. Existing law requires each state agency that adopts a model code to reference the most recent edition of the applicable model code. For those purposes, "model code" is defined to include, but is not limited to, specified industry codes. Existing law requires the application of specified industry codes referenced and incorporated in the California Building Standards Code throughout the state, effective 180 days after publication in the California Building Standards Code by the State Building Standards Commission, or at a later date established by the commission. Existing law requires counties and cities to adopt and enforce the requirements of the California Building Standards Code, except as expressly changed to accommodate local conditions.

This bill would require the commission to adopt, approve, and publish by reference in the California Building Standards Code the building standards in Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials to provide standards for buildings specified in that appendix, except for buildings subject to building standards adopted by the department, as described in (1). The bill would also include this chapter in the specified industry codes included by reference in the definition of model code and those incorporation and effectiveness provisions. The bill would, thereby, impose a state-mandated local program by increasing the level of service of an existing program.

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

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

Ch. 174 (AB 213) Tanner. Hazardous wastes: mining wastes.

(1) Existing law exempts wastes from the extraction, beneficiation, or processing of ores and minerals from the provisions regulating hazardous waste and defines these wastes to include the materials that are removed, unearthed, or displaced as a result of excavating an ore, mineral, or other natural material, or specified residuals of ores, minerals, or other natural materials.

This bill would redefine these wastes to delete the reference to natural materials and would define the term minerals with reference to the definition in the provisions regu-

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lating geology, mines, and mining, thereby imposing a state-mandated local program by creating a new crime, since the disposal of the wastes otherwise exempted under existing law would be 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. 175 (AB 534) Umberg. Trusts: restitution judgments.

Existing law authorizes the establishment of a trust under which the beneficiary's interest in income is not subject to voluntary or involuntary transfer, but also creates various exemptions from those trust restrictions, including an exemption for support judgments, as specified, notwithstanding the provision of the trust instrument.

This bill would establish a similar exemption for judgments awarding restitution for the commission of a felony or money judgments for damages incurred as a result of conduct for which the defendant was convicted of a felony. The bill would also specify that it applies to trusts and judgments in existence on the effective date of the bill.

Ch. 176 (AB 535) Clute. Physicians assistants.

Under existing law, the California Uniform Controlled Substances Act regulates controlled substances with respect to prescriptions and treatment for users and addicts, among other subjects. Existing law permits a physician assistant to perform those medical services as set forth by regulations of the Division of Allied Health Professions of the Medical Board of California. Existing regulations of the division prohibit a physician assistant from administering controlled substances without patient-specific authority of the supervising physician and surgeon.

The act prohibits anyone from ordering, permitting, or directing any other person from administering a narcotic controlled substance to an addict being treated for an addiction, except for physicians or registered nurses acting under the physician's instructions. The act permits specified persons, acting under a physician's instructions, to administer methadone or other controlled substances orally to treat an addict for an addiction.

This bill would permit a physician assistant acting under the patient-specific authority of his or her physician surgeon supervisor to administer a controlled substance to treat an addict for an addiction.

This bill would make other technical, nonsubstantive changes.

Ch. 177 (AB 539) Eaves. Vehicles: drivers: hours of service records.

Under existing law, the Department of the California Highway Patrol regulates the safe operation of specified categories of vehicles, including buses, and has adopted rules and regulations pertaining to hours of service of bus drivers. These rules and regulations specify the information required to be kept by a driver, and the form in which that information is maintained.

This bill would require these rules and regulations to exempt local law enforcement agencies, within a single county, engaged in the transportation of inmates or prisoners if other motor vehicle operations records are maintained which furnish information in substantial compliance with the rules and regulations, as prescribed.

Ch. 178 (AB 605) Kelley. Agriculture: avocados.

Existing law requires avocado handlers to pay an inspection and certification fee to the Director of Food and Agriculture in an amount not greater than 25¢ per hundredweight of pounds prepared for market from July 1, 1990, through June 30, 1991, and commencing July 1, 1991, an amount not greater than 18¢ per hundredweight of pounds of avocados prepared for market.

This bill would extend the period of time for the payment of the fee of 25¢ per hundredweight through June 30, 1992. Since, under existing law, the funds derived from these higher fees for the extended period would be continuously appropriated to the

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Department of Food and Agriculture, the bill would make an appropriation.

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

Ch. 179 (AB 612) Boland. Criminal procedure.

Existing law authorizes any California county to participate in a pilot project not to exceed 4 years in duration for the use of a 2-way television in lieu of the defendant's physical presence in the courtroom in felony and misdemeanor arraignments.

This bill would, instead, authorize county participation in the pilot project not to exceed 6 years.

Existing law provides that for these purposes the defendant may be accompanied by his or her attorney.

This bill would, instead, require that if the defendant is represented by counsel, the attorney be present with the defendant.

Existing law prohibits, notwithstanding these provisions, a judge from accepting a plea of guilty or no contest from a defendant charged with a felony who is not physically in the courtroom. Existing law authorizes the judge, for these purposes, to accept a plea of guilty or no contest from a defendant charged with a misdemeanor who is not physically in the courtroom.

This bill would provide, instead, that a judge is authorized to accept a plea of guilty or no contest from a defendant charged with a felony or a misdemeanor who is not physically in the courtroom. This bill would, in addition, require that if the defendant decides not to exercise the right to be physically present in the courtroom, he or she execute a written waiver of that right.

Ch. 180 (AB 697) Lancaster. Financial institutions.

Existing law requires the Superintendent of Banks to collect pro rata from banks and trust companies a fund sufficient to meet department expenses and contingencies. Under existing law, that assessment may not exceed an amount computed as specified.

This bill would establish a minimum annual assessment of $5,000. Since the assessment would be deposited into the continuously appropriated State Banking Fund, the bill would make an appropriation.

Under existing law, a bank may establish a branch office in the state, or in foreign countries, and may establish other places of business, all of which are subject to authorization by the superintendent.

This bill would expand the provisions applicable to branch offices by deleting the reference to this state.

Under existing law, a commercial bank may borrow money for temporary purposes by discounting or otherwise.

This bill would eliminate the limitation that the borrowing be for temporary purposes.

Under existing law, a commercial bank may rediscount with, borrow money from, or hypothecate its assets as security for money borrowed from a federal reserve bank or the Federal Deposit Insurance Corporation.

This bill would also permit that action for money borrowed from the Federal Home Loan Bank.

Existing law imposes requirements related to the sale, merger, and conversion of state banks and state savings associations, and provides that if the bank or savings association acquires any asset or liability, or becomes engaged in any activity which was permitted to the selling, disappearing, or converting savings association or bank, but which is prohibited to it, the superintendent or commissioner may permit a reasonable period of time, not to exceed 6 months, within which the savings association or bank shall divest itself of the asset, liability, or activity or to conform it to law.

This bill would increase the reasonable period of time in which a bank or savings association may accomplish the divestment or conformity to a period not to exceed 12 months. This bill would also allow the superintendent or the commissioner, as specified, on a case-by-case basis, to permit a bank or savings association a reasonable period of time in excess of 12 months upon a specified showing.

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Ch. 181 (AB 788) Floyd. California Public Records Act: associations of cities and counties.

The California Public Records Act generally requires the public records of state and local agencies, as defined, to be open to public inspection with specified exceptions.

This bill would include within the definition of local agencies, nonprofit organizations of local governmental agencies and officials which are supported solely by public funds.

Ch. 182 (AB 813) Hannigan. Ballot distribution: precincts.

Existing law requires the elections official, for each statewide election, to provide each precinct one official ballot for each voter in the precinct.

This bill would require the elections official to instead provide each precinct a sufficient number of official ballots to reasonably meet the needs of the voters in that precinct on election day using the precinct's voter turnout history as the criterion, but not less than a number equal to 75% of the registered voters in the precinct.

Ch. 183 (AB 1014) Hansen. Judicially committed persons.

(1) Existing law requires the State Department of Mental Health to be responsible for the community treatment and supervision of judicially committed patients with services available on a county or regional basis. Existing law provides that the program or programs through which these services are provided be known as the Forensic Conditional Release Program.

(2) Existing law provides with regard to a person who was found to be insane at the time an offense was committed and ordered by the court confined in a state hospital or other appropriate public or private treatment facility, as specified, procedures for release from the confinement based upon the ground that the person's sanity has been restored.

(3) Existing law, until January 1, 1994, also provides in these procedures that if the court determines the person applying for release based on restoration of sanity would no longer be a danger to the health and safety of others, including himself or herself, if under supervision and treatment in the community, the court is to order the applicant placed with an appropriate local mental health program for one year. The community program director where the person is on outpatient status, as specified, among other things, is to submit a recommendation of an appropriate local mental health program, as specified.

(4) This bill would provide, instead, until January 1, 1994, that the court order the person applying for release based on restoration of sanity be placed in, and the community program director submit a recommendation to the court of, an appropriate forensic conditional release program, as defined, rather than an appropriate local mental health program.

(5) Existing law provides provisions for determining the maximum term of commitment with regard to a person committed to a state hospital or other treatment facility, as specified, or placed on outpatient status, as specified. Existing law also provides that the person may be committed beyond the maximum term prescribed by these provisions only under specified procedures and if the person by reason of a mental disease, defect, or disorder represents a substantial danger of physical harm to others. Existing law requires the medical director of a state hospital, if the person is being treated in the state hospital, or the medical director of the person's treatment facility or the local program director, to submit to the prosecuting attorney an opinion as to whether the person may be kept in custody longer than the maximum term of commitment. Existing law authorizes the prosecuting attorney, upon receipt of the opinion, to file a petition for extended commitment beyond the maximum term of commitment in the superior court which issued the original commitment, as specified.

(6) Existing law also requires the court, among other things, to conduct a hearing on the petition for extended commitment, as specified.

(7) This bill would require that the court notify the community program director of the petition for extended commitment and the hearing date, if the person is being treated in a state hospital when the petition is filed.

(8) Existing law additionally provides that as a part of the procedures in (2) with

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regard to a person previously found to be insane, as specified, pending a hearing on an application for release based on restoration of sanity, the medical director or official in charge of the facility in which the person is confined is required to prepare a summary of the person's program of treatment to be forwarded to the community program director or a designee and the court. A designated facility, as specified, is to continue program treatment of the person, under specified conditions.

(9) This bill would provide that the procedures in (8) with regard to a person pending a hearing on an application for release would also apply to a person pending a hearing on a petition for extended commitment.

Ch. 184 (AB 1160) Kelley. Agricultural water management.

Existing law requires certain agricultural water suppliers to prepare an informational document on their water management and conservation practices in a specified manner. Existing law requires the Department of Water Resources to periodically review potential efficient water management practices to determine which are feasible to achieve water conservation and requires the department to offer assistance to agricultural water suppliers to implement efficient water management practices to improve the efficiency of water use.

This bill would authorize a water supplier who supplies water for agricultural use to institute a water conservation or efficient water management program with prescribed components. The bill would define terms.

Ch. 185 (AB 1254) Baker. Revenue anticipation notes.

(1) Under existing law, whenever the Controller determines that moneys in the General Fund are, or are expected to be, insufficient for the payment of all appropriations by the Legislature which are required to be paid in the then current fiscal year out of the General Fund, the Controller, based upon his or her estimate of the probable income to the General Fund during the then current fiscal year and the probable dates of receipt thereof, may draw a demand or demands against appropriations made from the General Fund to be paid in the then current fiscal year prior to the receipt of the income, and deliver the demand or demands to the Treasurer. The Treasurer is required to register the demand or demands for nonpayment and notify the Controller. The Controller is required to then notify the Pooled Money Investment Board of the registered demand or demands. The board then advises the Governor of the registered demand or demands and of the board's determination as to whether, and the extent to which, any transfers should then be made to the General Fund from other funds or accounts. Unless the Governor otherwise directs the board within 5 working days after the notification to the Governor, the board may then authorize the Treasurer to issue and sell notes of the state representing the registered demand or demands (revenue anticipation notes). Notes may be issued only to raise funds in an amount sufficient to satisfy the Controller's registered demand or demands.

This bill would revise this process so that upon registering the demand or demands for nonpayment, the Treasurer would be authorized to proceed directly to issue the revenue anticipation notes, as specified.

(2) Under existing law, the issuance of these notes is authorized by a resolution adopted by the Treasurer and approved by the Controller.

This bill would also require the resolution to be approved by the Director of Finance.

(3) Existing law provides that these notes shall be payable not later than the last day of the fiscal year in which they are issued.

This bill would provide that the notes shall be payable not later than 120 days after the end of the fiscal year in which they are issued. The bill would also permit the notes to bear a fixed or variable interest rate and would specifically limit the term of the notes to 12 months.

(4) Under existing law, any revenues in the General Fund during the current fiscal year are available for payment of the notes and interest.

This bill would delete the limitation that only revenues in the General Fund during the current fiscal year are available for this payment.

(5) Existing law continuously appropriates from the General Fund any unapplied

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money in any amounts necessary to pay the interest and principal of any of these notes issued and sold during the fiscal year in which the notes are issued as the notes become due and payable.

This bill would instead appropriate this money, notwithstanding specified provisions, from the General Fund to pay the interest and principal of any of these notes regardless of when they are issued, thus constituting an appropriation.

Ch. 186 (AB 436) Floyd. Crimes: free speech.

(1) Existing law defines slander as a malicious orally uttered defamation, as specified, with specified exceptions and defenses. Existing law also provides specified penalties for the commission of the offense of slander.

This bill would repeal those provisions.

The bill also would make legislative findings and declarations regarding free speech.

(2) Existing law makes it unlawful for a person to knowingly and willfully send or deliver a letter or writing to another that threatens to accuse him or her of a crime, or to expose or publish his or her failings or infirmities.

This bill would repeal that provision.

(3) Existing law provides that it is unlawful for any person to willfully, wrongfully, and seriously injure the person or property of another, to commit an act which seriously disturbs or endangers the public peace or health, or which openly outrages public decency, to misuse another's name, as specified, or to impersonate another, as specified.

This bill would repeal that provision.

(4) Existing law specifies the jurisdiction of a criminal action for slander which is communicated by means of a radio or other device.

This bill would repeal that provision.

(5) Existing law provides that an accusatory pleading charging libel or slander need not set forth any extrinsic facts showing the application of the defamatory matter to a particular person, as specified, but it is sufficient to state generally that the same was spoken or published concerning him or her, and the fact that it was so spoken or published must be established at the trial.

This bill would repeal that provision.

(6) Existing law provides that in a trial for libel, the jury has the right to determine the law and the facts.

This bill would repeal that provision.

(7) Existing law provides that in a trial for any offense other than libel, questions of law are to be decided by the court, and questions of fact are to be decided by the jury, as specified.

This bill would delete the reference to libel, and would provide, instead, that in a trial for any offense, questions of law are to be decided by the court, and questions of fact are to be decided by the jury.

(8) Existing law makes it unlawful for any tramp, vagrant, or known associate of thieves who comes into any prison or prison camp grounds or upon adjacent grounds, as specified, to communicate with any inmate of the prison or institution without consent of the person in charge, as specified.

This bill would repeal that provision.

(9) Existing law defines the offense of criminal syndicalism, which consists of advocating, teaching, or aiding and abetting the commission of an unlawful act, as specified, as a means of accomplishing a change in industrial ownership or control, or effecting a political change, as specified.

Existing law makes it unlawful to commit criminal syndicalism by specified means. Existing law also provides that any portion of the provisions relating to criminal syndicalism that are found unconstitutional are severable.

This bill would repeal these provisions.

Ch. 187 (AB 673) Cortese. Water quality: recycled water.

(1) Existing law declares that the people of the state have a primary interest in the development of facilities to reclaim water containing waste to supplement existing surface and underground water supplies and to assist in meeting the future require-

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ments of the state. Existing law declares that the use of reclaimed water for domestic, agricultural, industrial, recreational, and fish and wildlife purposes will contribute to the peace, health, safety, and welfare of the people of the state.

This bill would enact the Water Recycling Act of 1991. The bill would establish a prescribed statewide water recycling goal and would make legislative findings and declarations.

(2) The Porter-Cologne Water Quality Control Act defines reclaimed water to mean water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur.

This bill would apply that definition to recycled water and would declare that reclaimed or recycled water is considered a valuable resource.

(3) Existing law requires the California regional water quality control boards to establish water quality objectives in water quality control plans and requires each regional board to consider specified factors in establishing water quality objectives.

This bill would include the need to develop and use recycled water among those factors for consideration.

Ch. 188 (AB 247) Cortese. Earthquake safety.

Existing provisions contained in the Government Code establish the California Earthquake Hazards Reduction Act and the Seismic Safety Commission Act.

This bill would renumber these provisions.

Ch. 189 (AB 544) Isenberg. Trial courts: funding.

Existing law establishes the annual membership fee for members of the State Bar, as specified. Existing law also provides that all fees shall be paid into the treasury of the State Bar, and, when so paid, shall become part of its funds.

This bill, in addition, would provide that notwithstanding any other provision of law, on or before August 1, 1991, the State Bar shall transfer from the treasury of the State Bar to the General Fund the sum of $200,000 for the operation and maintenance of the California State Law Library.

Immediately upon the transfer of these funds, this bill would appropriate $200,000 from the General Fund to the State Department of Education for the purpose of operating and maintaining the California State Law Library.

Existing law provides for the offset of certain obligations owing to a county from personal income or bank and corporation tax refunds; provides for the disposition of fines and forfeitures collected in municipal and justice courts; provides for the duties of the Judicial Council; provides for trial court delay reduction; provides for state block grant funding for trial courts on a county option basis; provides for judges' retirement and the compensation of retired judges sitting on assignment; provides for the establishment and funding of courthouse construction and related local governmental funds; provides for the time for pronouncing judgment in criminal actions; provides for the assessment and distribution of state and local penalties or fines and forfeitures; provides for the redistribution of property tax revenue according to a specified Tax Equity Allocation (TEA) formula; and provides for the impoundment of certain vehicles.

AB 1297 of the 1991–92 Regular Session would revise and recast these provisions.

This bill would make further changes in these provisions as contained in AB 1297, and would revise related provisions of law. The bill would impose a state-mandated local program by requiring new duties of local governmental entities, and would make an appropriation by redistributing funds allocated to continuously appropriated state funds.

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

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by 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. 190 (AB 600) Chacon. Mobilehomes.

Existing law sets forth the rights of a legal owner or junior lienholder with respect to a mobilehome in the event the tenancy of the mobilehome owner in a mobilehome park is terminated, as specified. Existing law also requires the management of a mobilehome park to notify homeowners of any change concerning the zoning or use permit under which the park operates.

This bill would make a technical, nonsubstantive change in those provisions.

Ch. 191 (AB 602) Chacon. 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. The act defines 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.

This bill would include in that definition a committee which is formed or exists primarily to support or oppose 2 or more measures being voted upon in the same state 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. 192 (AB 789) Hunter. Vehicles: golf cart crossings.

Under existing law, if a local authority finds that a highway under its jurisdiction is located adjacent to, or provides access to, a golf course, as specified, or is within or bounded by a real estate development offering golf facilities and is designed and constructed so as to safely permit the use of regular vehicular traffic and also the driving of golf carts on the highway, the local authority may, by resolution or ordinance, designate the highway or portion of the highway for combined use and prescribe rules and regulations.

This bill would authorize a local authority, under prescribed conditions, to establish crossing zones on any street, other than a state highway, having a posted speed limit of 45 miles per hour or less, and immediately adjacent to any golf course, for golf carts to use during times other than darkness.

Ch. 193 (AB 955) Frazee. Housing: farmworker housing.

Existing law establishes the Director's San Diego County Farmworker Housing Discretionary Account to make loans or grants for innovative farmworker housing projects for migrant farmworkers in San Diego County. Existing law generally requires the project sponsor to make a contribution to the housing assisted from the account. Existing law requires the Department of Housing and Community Development to accept proposals from project sponsors commencing November 15, 1989.

This bill would make an appropriation by authorizing loans or grants to be made from the account for innovative farmworker housing projects for nonmigrant farmworkers in San Diego County.

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

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Ch. 194 (AB 981) Katz. Transportation projects: short-term financing

Existing law authorizes the issuance of short-term financing instruments (certificates of participation and notes), secured by a pledge of revenues in the State Highway Account in the State Transportation Fund during the period that the certificates or notes are outstanding, 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. Existing law continuously appropriates from the State Highway Account any amounts necessary to pay principal and interest on the notes and certificates.

This bill would authorize those forms of financing to be used to mitigate delays in the construction or acquisition of projects in the 1990 State Transportation Improvement Program and the 1990 Highway Systems Operation and Protection Plan, rather than the 1988 State Transportation Improvement Program, thereby making an appropriation

This bill would become operative only if this bill and SB 460 are both enacted and contain specified provisions.

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

Ch. 195 (SB 460) Killea. Transportation projects: short-term financing instruments.

Existing law authorizes the California Transportation Commission, if specified conditions exist, to issue short-term financing instruments (certificates of participation and notes) 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.

This bill would authorize those forms of financing to be used to mitigate delays in the construction or acquisition of projects in the 1990 State Transportation Improvement Program and the 1990 Highway Systems Operation and Protection Plan, rather than the 1988 State Transportation Improvement Program, thereby making an appropriation. The bill would extend the authorized maturity dates of the notes to June 30, 2000, and would make other technical, conforming changes.

This bill would become operative only if this bill and AB 981 are both enacted and contain specified provisions.

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

Ch. 196 (AB 1017) Bates. Child care and development services: Secretary for Child Development and Education Agency.

(1) Existing law, for purposes of the Child Care and Development Services Act, defines "children with exceptional needs" as children who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, deaf-blind, multihandicapped, severely handicapped, or children with specific learning disabilities, who require the special attention of adults in a child care setting. Children with exceptional needs between the ages of 6 and 21 years, inclusive, must also meet the definition of "individuals with exceptional needs" pursuant to the special education program.

This bill, instead, would provide that "children with exceptional needs" are children who have been determined (a) to be eligible for special education and related services by an individualized education program team according to specified special education requirements, (b) to have an active individualized education program, and (c) to be receiving appropriate special education and services, unless under 3 years of age, as specified.

(2) Existing law defines "children with special needs" to include, among others, infants to the age of 2 years and 9 months.

This bill, instead, would define "children with special needs" to include, among others, infants and toddlers under the age of 3 years.

(3) Existing law defines "severely handicapped children" as children under 6 years of age who need intensive special education services and who meet certain special education requirements, and as children from 6 to 12 years of age who also meet special education requirements.

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This bill, instead, would define "severely handicapped children" as children who require instruction and training in programs serving pupils with certain disabilities.

(4) Existing law requires the Superintendent of Public Instruction to license and monitor all facilities in which child care is being provided by an agency under contract with the State Department of Education, unless the facilities have been licensed by the state licensing agency or are exempted from licensing.

This bill would delete that requirement.

(5) Existing law requires the Superintendent of Public Instruction to implement a plan that establishes reasonable standards and assigned reimbursement rates that vary with the length of the program year and the hours of service. Under existing law, in order to reflect the additional expense of serving children with special needs, the provider agency's reported child days of enrollment for these children is multiplied by specified adjustment factors. For infants 0 to 2 years and 9 months, the adjustment factor is 1.4.

This bill, instead, would require that the adjustment factor be 1.4 for infants and toddlers from 0 to 36 months.

(6) Existing law establishes a career ladder program for child development program classroom staff and specifies the requirements for employment.

This bill would require that any person serving as an instructor or program director in a child care and development program serving only severely handicapped children, as defined in a specified law, either hold permits for teacher or program director under existing criteria or meet one of the specified options.

(7) Existing law requires the Superintendent of Public Instruction to adopt rules establishing priorities for the acquisition and leasing of facilities to agencies that will most benefit children needing extended day care services. Under existing law, each lessee is required to demonstrate that relocatable facilities are utilized solely for operation of extended day care services.

This bill, instead, would require each lessee to demonstrate that program operations in relocatable facilities are primarily for extended day care services. The bill also would authorize the use of these facilities for other purposes, if the use does not infringe upon the accessibility of extended day care programs to the facility and if the State Department of Education authorizes alternative uses as being compatible with extended day care programs.

(8) The bill would also amend the Budget Act of 1991 to provide for support of the Secretary for Child Development and Education Agency, as prescribed.

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

Ch. 197 (AB 1046) Tucker. Public social services: abuse of the elderly: definitions.

Existing law requires certain health care practitioners, law enforcement officers, and other specified individuals to report any evidence of abuse of an elderly or dependent person. Existing law defines numerous terms relating to elder abuse and the reporting requirements.

This bill would add optometrists to the definition of health practitioner for purposes of the reporting requirements.

Ch. 198 (AB 1070) Kelley. Water agencies: replenishment assessments.

(1) Under existing law, the Coachella Valley Water District is authorized to levy and collect water replenishment assessments for the purpose of replenishing groundwater supplies. The amount of the assessments may not exceed the sum of certain specified costs.

This bill would include certain charges in connection with water imported from the State Water Resources Development System, the cost of treatment and distribution of reclaimed water, and the cost of importing and recharging water from sources other than the State Water Resources Development System, among the costs for which the district may levy an assessment.

(2) Under existing law, the Desert Water Agency is authorized to levy and collect water replenishment assessments. The amount of the assessments may not exceed the

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sum of certain specified costs.

This bill would include certain charges in connection with water imported from the State Water Resources Development System, the cost of importing and recharging water from sources other than the State Water Resources Development System, and the cost of treatment and distribution of reclaimed water.

Ch. 199 (AB 1080) Hannigan. Property taxation: changes in ownership.

Existing law requires that each county assessor and recorder make available, upon request and without charge, a "Preliminary Change of Ownership Report" that transferees of real property must complete and may file concurrently with any document effecting a change in ownership. It further provides that if a transferee does not concurrently file a preliminary report with other documents, the recorder may charge an additional $20 fee. It also provides that the filing of a preliminary report or the payment of an additional fee shall not be required of an intermediate transferee of property, as defined.

This bill would additionally provide that the filing of a preliminary report or the paying of an additional fee shall not be required of any trustee issuing a trustee's deed to the mortgagee or beneficiary of a mortgage or deed of trust, or his or her assignees, pursuant to the exercise of a power of sale contained in a deed of trust or mortgage pursuant to specified provisions of the Civil Code.

This bill would incorporate additional changes in Section 480.3 of the Revenue and Taxation Code, proposed by SB 77, to be operative only if SB 77 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

Ch. 200 (AB 1098) Harvey. Abandoned excavations.

Existing law makes every person owning or being in possession of land who knowingly permits the existence on the premises of any abandoned mining shaft, pit, well, septic tank, cesspool, or other abandoned excavation, which are dangerous to certain persons, and who fails to securely cover, fill, or fence the abandoned excavation, and keep it so protected, is guilty of a misdemeanor. Existing law defines the terms "monitoring well," "cathodic well," and "water well" and makes it a misdemeanor for a person, among other things, to knowingly permit the existence in these wells of a preferential pathway for movement of pollutants.

This bill would define the term "well" as including a monitoring well, cathodic well, and water well.

Ch. 201 (AB 1135) Moore. Crimes: criminal street gangs.

Under existing law, the California Street Terrorism Enforcement and Prevention Act, any person who is convicted of a public offense punishable as a felony or a misdemeanor, which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for 1, 2, or 3 years with a minimum sentence of 180 days in the county jail.

The act also provides that every building or place used by members of a criminal street gang for the purpose of the commission of certain offenses or as otherwise specified is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, as specified. The California Street Terrorism Enforcement and Prevention Act is repealed as of January 1, 1992.

This bill would instead provide that this act is effective until January 1, 1997, and as of that date is repealed.

Ch. 202 (AB 1285) Floyd. Pawnbrokers.

Existing law authorizes a pawnbroker to collect a handling and storage charge in accordance with a specified schedule.

This bill would authorize the pawnbroker to collect that charge at the time property is redeemed. It would include an additional excess storage charge as a part of the schedule. The bill would also authorize a loan setup fee, a lost pawn ticket verification

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fee, and a redemption notice fee, as specified.

Ch. 203 (AB 866) Brulte. Sales and use taxes: records: disclosure.

Existing law generally prohibits persons administering the Sales and Use Tax Law or the Bradley-Burns Local Sales and Use Tax Law from disclosing sales or transactions and use tax record information to other persons. Among specified exceptions to this prohibition, the State Board of Equalization may allow an officer or employee of a county, city and county, or city, or other designated person under contract for that purpose, upon request by a resolution, subject to certain requirements, of that entity's legislative body, to examine sales and use tax records pertaining to taxes collected by the board for that county, city and county, or city pursuant to a contract entered into by the board and the local entity. It prohibits any person, other than an officer or employee of a county, city and county, or city, who obtains access to information pursuant to the foregoing exception, from retaining that information after that person's contract with the county, city and county, or city has expired. The State Board of Equalization may also allow any duly authorized officer or employee of a district, upon request by a resolution of the legislative body of the district, to examine transactions and use tax records pertaining to transactions and use taxes collected by the board for the district pursuant to a contract entered into by the board and the district.

This bill would delete the above exception with respect to the examination of transactions and use tax records, and would instead establish a combined exception with respect to the examination of sales or transactions and use tax records, similar to the current exception with respect to the examination of sales and use tax records. It would also prohibit a person, other than an officer or employee of a county, city and county, city, or district, from retaining information obtained pursuant to the combined exception established by this bill, after that person's contract with the county, city and county, city, or district has expired.

Ch. 204 (AB 1342) Brulte. National Guard: enlisted personnel.

Existing law provides the causes for the discharge of enlisted men from the National Guard, and provides that the discharge is to be effected by order of the Governor, as prescribed.

This bill would include absence without leave to the reasons for discharge of enlisted personnel from the National Guard, and the bill would provide that the Adjutant General may discharge personnel who are absent without leave for a period of 90 days or more with a general discharge under honorable conditions.

Existing law authorizes specified medals and ribbons for members of the National Guard, the State Military Reserve, and the Naval Militia.

This bill would authorize the Adjutant General to present duplicate medals and ribbons to the next of kin of a deceased member of the National Guard if the original medals or ribbons are inadvertently lost or destroyed.

Ch. 205 (AB 1748) Polanco. Automatic garage door openers.

Existing law establishes, among other things, the Underwriters Laboratories Inc., Standard for Safety-ANSI/UL 325, Third Edition as revised May 4, 1988, as the automatic reverse safety device requirement for residential automatic garage door openers for single-family or multifamily dwellings and prohibits the manufacture, purchase, sale, offer for sale, or installation of noncomplying openers.

Existing state law requires residential automatic garage door openers to comply with prescribed labeling requirements, and to include a complete set of installation, operation, maintenance, and testing instructions with each opener, as specified. Existing law requires 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, and authorizes court proceedings to be initiated by local building departments, affected consumers, or the district attorney, and assessment of civil penalties, as specified.

Existing law also prohibits, on or after January 1, 1993, any person, corporation, or entity from manufacturing, purchasing, selling, offering for sale, or installing in this state,

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any residential automatic garage door opener unless, in order to operate, it requires the inclusion of a tactile garage door edge sensor, an optical sensor, or a similar device that when activated is designed to cause a closing door to open and prevent an open door from closing, as prescribed.

This bill would modify certain provisions prohibiting the "manufacture" of noncomplying doors to, instead, prohibit the "manufacture for sale in this state" of noncomplying doors.

This bill would modify the applicable U/L standard, as specified.

This bill would, instead, provide that these requirements apply to all automatic garage door openers manufactured and sold for use in any residence, as defined to mean a building that contains from one to 4 single-family dwelling units, and to automatic garage door openers manufactured for commercial purposes, but sold for, or installed in, a residence because the commercial opener was necessary to meet the specific application requirements of that installation. The bill would require residential applications of commercial openers to comply with these requirements, except that the applicable U/L standard would be modified, as specified.

This bill would permit a garage door opener that is manufactured prior to January 1, 1993, and that is in the possession of a retailer or wholesaler on January 1, 1993, to be purchased, sold, offered for sale, or installed on or before July 1, 1993, without a tactile garage door edge sensor, optical sensor, or a similar device provided that the opener is in compliance with other specified requirements.

This bill would delete the state law label requirements, and would instead require that residential automatic garage door openers comply with federal labeling provisions which require that automatic residential garage door openers contain manufacture dates and U/L logos, as specified. This would define other terms for purposes of its provisions.

This bill would prohibit, on or after January 1, 1992, installation of any new residential garage door in a manner which connects the replacement door to a residential automatic garage door opener which is not in compliance with these standards regardless of the date of manufacture of the residential automatic garage door opener.

Ch. 206 (AB 1788) Bane. State buildings: appropriation for building safety.

The Budget Act of 1990 appropriated $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.

This bill would augment this appropriation by $10,000,000 for the renovation and seismic upgrade of the Consumer Affairs Building in Sacramento.

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

Ch. 207 (AB 1831) Frazee. Real property securities dealers: sale.

Existing law defines the terms "sale" and "sell" for the purposes of statutory provisions governing real property securities dealers to include every issuance, creation for resale, disposition or attempt to dispose of any interest in a real property security for value.

This bill would provide that a sale is complete upon delivery of the promissory note evidencing a transaction arranged, as specified, to the purchaser or an agent designated by the purchaser, and upon the completion of the sale the purchaser would be the owner of the note.

Ch. 208 (AB 1928) Hughes. Housing: low-rent housing projects: deferred payment rehabilitation loans.

Existing law prescribes the definition of a "low-rent housing project" for the purposes of mandatory voter approval pursuant to Article XXXIV of the California Constitution. Existing law exempts from this definition housing developments which consist of the rehabilitation, reconstruction, improvement or addition to, or replacement of, dwelling units of a previously existing low-rent housing project.

This bill would revise that exemption by providing that the exemption is also applicable to a project previously or currently occupied by lower income households, as defined.

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This bill would make additional conforming changes in Section 37001 of the Health and Safety Code if SB 912 is enacted as specified.

Ch. 209 (AB 1957) Burton. Driving offenses: alcohol or drug counseling and education programs.

Under existing law, the penalties provided for a 3rd or 4th conviction, as specified, of driving a motor vehicle while under the influence of an alcoholic beverage or any drug, or both (DUI), include, among other things, a requirement for participation in either an 18-month or a 30-month alcohol or drug counseling and education program. The penalties provided for a 3rd conviction, as specified, of DUI resulting in injury to another person, with or without probation, include a requirement for participation in a 30-month alcohol or drug counseling and education program.

This bill would permit the court to require participation in a 30-month program only if available in the convicted person's county of residence or employment, and, in all other cases, require participation in an 18-month program.

Ch. 210 (AB 2081) Jones. Small and rural hospitals.

Existing law requires the Office of Statewide Health Planning and Development to undertake a comprehensive review and assessment of regulatory requirements applicable to small and rural hospitals and to adopt emergency regulations waiving or modifying these regulations and standards.

Existing law requires the office to submit a report to the Legislature and the State Department of Health Services by April 1, 1993, on the impact of these emergency regulations, as specified.

Existing law also permits the office to conduct prescribed pilot projects in small and rural hospitals

This bill would require the office to include within that report an assessment of these pilot projects.

This bill would also require the office to determine the capital needs for rural health care in California and identify sources of capital to meet these needs in the report.

Ch. 211 (AB 2084) Felando. Rehabilitation services: reports.

(1) Existing law authorizes the Department of Rehabilitation to cooperate with other departments, agencies, and institutions in providing services to impaired individuals.

This bill would specify that cooperation may include contracts and cost-sharing agreements, to the extent permitted by federal law and regulations.

(2) Existing law authorizes the Department of Rehabilitation to cooperate with the State Department of Education to provide instruction for physically handicapped minors and counseling and guidance for physically handicapped and mentally retarded minors, and to cooperate with the governing boards of school districts to employ special coordinators to assist in the vocational adjustment of physically and mentally handicapped minors.

This bill would delete these provisions and instead authorize the department to cooperate with the State Department of Education and with the state public postsecondary education system to provide instruction, counseling and guidance, and related rehabilitation services for eligible students with disabilities. It would also authorize the department to cooperate with school districts, with public secondary schools, and with the state public postsecondary education system to employ personnel to assist in the vocational adjustment of students with disabilities.

Ch. 212 (AB 2108) Lancaster. Unemployment compensation: eligibility.

Existing law provides that a person convicted of willfully making a false statement or knowingly failing to disclose a material fact to obtain or increase any benefit or payment with respect to unemployment or disability compensation is ineligible for specified unemployment compensation benefits for the week in which the criminal complaint was filed, or for any subsequent week for which he or she is first otherwise eligible for specified unemployment compensation benefits and for 9 subsequent weeks for which he or she is otherwise eligible.

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This bill would change the period of ineligibility for specified unemployment compensation benefits to 14 subsequent weeks for which the claimant is otherwise eligible.

Existing law provides that the Employment Development Department may, if a claimant has not filed an appeal to an administrative law judge from any determination that finds that a claimant is ineligible or disqualified, for good cause reconsider the determination during the benefit year or extended period to which the determination relates.

This bill would also apply those provisions to any case if an appeal has been filed but is either withdrawn or dismissed.

Ch. 213 (AB 2136) Cannella. California Kiwifruit Commission.

Existing law requires the California Kiwifruit Commission to establish an assessment on kiwifruit for purposes of carrying out its activities. Existing law prohibits the combined assessment of the commission and any other state authorized kiwifruit production research and market program from exceeding 6% of the gross dollar value of the sale of kiwifruit by all producers, and establishes the method of computing this assessment.

This bill would recast and revise the provisions for establishing the assessments. The bill would limit this combined assessment to a maximum of 5% of the average F.O.B. gross dollar value of kiwifruit marketed by or on behalf of producers during the previous 3 marketing years, or 25¢ per 7-pound tray of kiwifruit, whichever is less.

Ch. 214 (AB 2189) Seastrand. Public contracts: state agencies.

Under the existing State Contract Act, where the nature of the work in the opinion of the department, with jurisdiction under existing provisions over the work, is such that its services in connection therewith are not required, it may authorize the carrying out of the project directly by the state agency concerned therewith if the estimated cost does not exceed $200,000, except that this limitation does not apply to a project of a district agricultural association or a project of the State Lands Commission.

This bill would increase the maximum amount for this purpose to $250,000.

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

Ch. 215 (AB 2103) Statham. Parole: electronic monitoring or supervising devices.

Under existing law, a participant in a home detention program is required to consent in writing to agree to comply with the rules and regulations of the program, including the use of electronic monitoring or supervising devices for the purpose of helping to verify his or her compliance with the rules and regulations of the program. Existing law specifies that the devices shall not be used to eavesdrop or record any conversation, except a conversation between the participant and the person supervising the participant which is to be used solely for the purposes of voice identification.

This bill would authorize the Department of Corrections and the Board of Prison Terms to require, as a condition of release on parole or reinstatement on parole, or as an intermediate sanction in lieu of return to prison, that an inmate or parolee agree in writing to the use of electronic monitoring or supervising devices for the purpose of helping to verify his or her compliance with all other conditions of parole, as specified.

Ch. 216 (AB 1953) Jones. Mapping: farmlands.

Existing law requires a specified amount of moneys from deferred taxes on agricultural lands, collected pursuant to cancellation of contracts under the Williamson Act, to be deposited in the Farmlands Mapping Account in the General Fund until June 30, 1988, and thereafter for different amounts to be deposited in the Soil Conservation Fund, commencing with the 1993-94 fiscal year, to be available for appropriation by the Legislature to support a specified farmlands mapping and monitoring program of the Department of Conservation and specified soil conservation and soil survey programs.

This bill would change the amount of those funds allocated to the Soil Conservation Fund and would authorize $240,000 to be available for the specified modern soil survey program in the 1992–93 fiscal year. The bill would delete the authorization for use of those funds for the specified modern soil survey after July 1, 1993. The bill would make conforming changes.

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Ch. 217 (SB 184) Kopp. Vehicles: driver's license fees.

Under existing law, a fee of $22 is required for the registration of a vehicle, $10 for an original or duplicate class C or class M driver's license, $55 and $25, respectively, for an original commercial driver's license, depending on whether the person holds a class 1 or class 2, or class A or class B, license, $25 for a restricted driver's license for a firefighter, $10 for a duplicate driver's license or change of name on a driver's license, and $25 for a commercial driver's license requiring an endorsement.

This bill would increase those fees to $27, $12, $57 and $27, $27, $12, and $27, respectively, and would make these increased fees applicable to applications made for renewals of registrations and licenses expiring prior to December 31, 1991, when the fee is not paid until on or after January 1, 1992.

The bill would also increase the fees for the renewal of or a duplicate restricted driver's license for a firefighter, commercial driver's license issued to the holder of a class 1 or class 2, or class A or class B, license, or commercial driver's license requiring an endorsement to $27.

Ch. 218 (SB 912) L. Greene. Housing: low-rent housing projects.

Existing law prescribes the definition of a "low-rent housing project" for the purposes of mandatory voter approval pursuant to Article XXXIV of the California Constitution.

This bill would exempt from the definition of a "low-rent housing project" any housing development consisting of the acquisition, rehabilitation, reconstruction, improvement, or any combination thereof, of a rental housing development which, prior to the date of the transaction to acquire, rehabilitate, reconstruct, improve, or any combination thereof, was subject to a contract for federal or state public body assistance for the purpose of providing affordable housing for low-income households, where the development also maintains, or enters into, a contract for federal or state public body assistance for the purpose of providing affordable housing for low-income households.

This bill would make additional conforming changes in Section 37001 of the Health and Safety Code if AB 1928 is enacted as specified.

Ch. 219 (AB 289) Woodruff. Highways: speed limits: engineering and traffic surveys.

Under existing law, whenever the Department of Transportation determines, on the basis of an engineering and traffic survey, that the prima facie speed limit of 55 miles per hour is more than is reasonable or safe upon any portion of a state highway where that 55 mile-per-hour limit is applicable, it may establish a lower limit, as specified, which is effective when appropriate signs are erected. The department may similarly increase or decrease that speed limit on the basis of a later engineering and traffic survey.

This bill would require the Department of Transportation, when it proposes to increase or decrease a speed limit under these circumstances, to consult with, and take into consideration the recommendations of, the Department of the California Highway Patrol.

The bill would permit the city council or board of supervisors of the city or county through which any portion of the state highway subject to the proposed speed limit increase or decrease extends to conduct a public hearing on the proposed speed limit increase or decrease. The bill would require the Department of Transportation to take into consideration the results of the public hearing in determining whether to increase or decrease the speed limit.

Ch. 220 (AB 296) Statham. State employees: merit awards.

Existing law authorizes merit awards of up to $3,000 to state employees for suggestions, special acts or services, and superior accomplishments. This limit may be exceeded only upon approval by the Legislature of a concurrent resolution.

This bill would increase the merit award limit to $5,000, subject to the same provision for higher award approval by the Legislature.

Ch. 221 (AB 373) Bentley. Kindergarten.

(1) Under existing law, a pupil who has completed kindergarten shall be admitted to

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the 1st grade unless the parent or guardian and the school district agree that the child may be retained in kindergarten for not more than an additional school year.

This bill would require a child of proper age who has completed one year of kindergarten to be admitted to the 1st grade unless the parent or guardian and the school district agree that the child may continue in kindergarten for not more than an additional school year.

(2) Existing law specifies the procedures to be followed in computing the average daily attendance of a school district.

Existing law requires that, in computing the average daily attendance of a school district, the attendance of pupils in kindergarten after they have completed one school year in kindergarten be included only if the school district has on file for each of those pupils an agreement signed by the pupil's parent or guardian that the pupil shall be retained in kindergarten for not more than an additional school year.

This bill would permit the attendance of pupils in kindergarten to be included within the average daily attendance of a school district after the pupils have completed one year in kindergarten only if the school district has on file for each of those pupils an agreement between the school district and the parent or guardian that the pupil may continue in kindergarten for not more than one additional school year.

Ch. 222 (AB 778) Bentley. Transit development board: San Diego County.

(1) Existing law creates the San Diego Metropolitan Transit Development Board in San Diego County and provides for a 15-member appointive governing body. Provision is made for the appointing bodies to also appoint alternate members, including one alternate appointed by the Governor.

This bill would delete the requirement for the Governor to appoint an alternate and would, instead, authorize the board, upon a ⅔ vote, to appoint a San Diego County resident as an alternate member of the board for a person whom the board elects to serve as chairperson if that person is not a member of the board.

(2) Existing law requires the board to provide a system of regional transit services for its area of jurisdiction, to be funded from a regional transit service fund created by the board

This bill would impose a state-mandated local program by requiring the board to provide specified support activities in addition to regional transit services.

(3) Existing law authorizes the board to carry out various licensing and regulatory activities within its area of jurisdiction.

This bill would, in addition, authorize the board to enter into cooperative agreements with cities within its jurisdiction and with the County of San Diego to establish uniform policies and regulations governing the use and maintenance of bus passenger loading zones.

(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. 223 (AB 1060) Farr. Special education.

(1) Existing law makes various findings and declarations regarding individuals with exceptional needs.

This bill would declare the intent of the Legislature that nothing in the part of the Education Code that contains the provisions for special education programs shall be construed to set a higher standard for educating individuals with exceptional needs than that established by the applicable federal act.

(2) Existing law provides for various special education programs for pupils of all ages.

Existing law includes in the definition of "individuals with special needs," for purposes of participation in special education programs, persons who become 22 years of age during participation in a program.

This bill would limit participation in special education programs to persons who become 22 years of age during the months of January to June, inclusive, while particpat-

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ing in a program, and would prohibit persons who become 22 years of age in September of any fiscal year from beginning a new fiscal year in the program unless the person is in a year-round program and is completing graduation requirements which extend into the next fiscal year.

This bill would require persons who become 22 years of age in the month of October, November, or December to be terminated from a program as of December 31 of that fiscal year, as specified.

This bill would also prohibit school districts, special education areas, or county offices of education from developing an individualized education program that extends beyond these eligibility dates.

This bill additionally would make conforming changes to these provisions.

(3) Existing law authorizes representation of an individual with exceptional needs by a surrogate parent, as specified. Existing law specifies 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 law.

This bill, in addition, would specify that representation of a child by a surrogate parent shall include written consent to the individualized education program, including nonemergency medical services, mental health services, and occupational or physical therapy services and that the surrogate parent may sign any consent relating to individualized education program purposes.

(4) Existing law requires each local educational agency to provide for the identification and assessment of an individual's exceptional needs, and the planning of an instructional program to best meet those assessed needs.

This bill would instead require each local educational agency to provide for the identification and assessment of an individual's exceptional needs, and the planning of an instructional program to meet those assessed needs.

This bill would make additional technical changes.

Ch. 224 (AB 1192) Epple. Controlled substance offenses: probation.

Existing law provides that probation shall not be granted, unless it is an unusual case where the interests of justice would best be served, to any person convicted of violating specified felony offenses, including, among others, possessing for sale or selling 28.5 grams or more of methamphetamine, or a substance containing 28.5 grams or more of methamphetamine, or 57 grams or more of a substance containing methamphetamine, or possessing for sale 14.25 grams or more of cocaine base, or a substance containing 14.25 grams or more of cocaine base, or 57 grams or more of a substance containing at least 5 grams of cocaine base.

This bill would delete those provisions relating to possessing for sale or selling 28.5 grams or more of methamphetamine or possessing for sale 14.25 grams or more of cocaine base from the above provisions and would thereby provide, instead, that these provisions would apply only to possessing for sale or selling a substance containing 28.5 grams or more of methamphetamine or 57 grams or more of a substance containing methamphetamine or possessing for sale a substance containing 14.25 grams or more of cocaine base or 57 grams or more of a substance containing at least 5 grams of cocaine base.

Ch. 225 (AB 1680) Cortese. Grapes: surveys.

(1) Existing law authorizes the Director of Food and Agriculture to conduct an objective measurement survey, as defined, in order to provide a forecast of statewide projected yields of grapes. The director is required to conduct the survey if he or she determines, as prescribed, that the survey is desired by the processors, producers, and packers of grapes and if the producers and processors of grapes for raisins and the producers and packers of grapes for fresh market use agree to pay their proportionate share of the costs of the survey.

This bill would instead, require that the survey be desired by processors and producers of grapes for wine and would delete the requirements that the survey be desired by the packers of grapes and that producers and packers of grapes for fresh market use agree to pay their proportionate share of costs of the survey.

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This bill would, in addition require the director to conduct an "acreage survey" if he or she determines, as prescribed, that this survey of the grape crop is desired by the processors and producers of grapes for wine, and if the producers and processors of grapes for raisins and the producers and packers of grapes for fresh market use agree to pay their proportionate share of the cost of the survey. The bill would provide for funding the wine industry's proportionate cost of the survey, as prescribed.

(2) Under existing law, the director is authorized to collect a prescribed fee from certain processors, based on the amount of grapes received for crushing, in order to cover the costs incurred by the director to gather certain information.

This bill would authorize the director to increase the fee, as specified, to fund the acreage survey. Since under existing law, the funds derived from these fees are required to be deposited in the Food and Agriculture Fund, which is continuously appropriated for various purposes, including the provisions regulating processors of farm products, the bill would make an appropriation.

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

Ch. 226 (AB 1766) Gotch. Coastal development: Famosa Slough.

Existing law defines the Famosa Slough property, requires a plan for restoration of its wetlands to be submitted to the California Coastal Commission, provides for allocation of the cost of implementation of the plan, and requires exclusion of the developable area in the slough from the coastal zone if certain conditions occur.

This bill would repeal those provisions.

Ch. 227 (AB 1810) Sher. Beverage containers: noncertified recyclers.

Under existing law, the California Beverage Container Recycling and Litter Reduction Act establishes refund values for beverage containers and requires the Department of Conservation to implement its provisions. Existing law defines the term "noncertified recycler" as meaning an operation which is not certified by the department, as specified, and prohibits certified recycling centers and processors from paying refund values, processing fees, or administrative fees to noncertified recyclers.

This bill would revise the definition of the term "noncertified recycler" to mean a person, entity, or operation which is not certified by the department, as specified.

Ch. 228 (AB 1889) Seastrand. Civil transactions: consumer transactions.

(1) Existing law requires check cashers, as defined, to post a schedule of fees for cashing checks, money orders, and other commercial paper, as well as for the issuance of identification for that purpose.

This bill would make a clarifying change in the definition of "check casher." It also would revise exclusions from that definition.

(2) Existing law provides that all new and used assistive devices sold at retail in this state shall be accompanied by the retail seller's written warranty which is required to contain specified language. This provision does not apply to a catalog or similar sale, as defined.

This bill would provide that a catalog or similar sale of a hearing aid is subject to the requirements of this provision.

(3) Existing law provides that subject to the power of the court to transfer civil actions or proceedings, in an action founded upon an obligation of the defendant for goods, services, loans, or extensions of credit intended primarily for personal, family, or household use, other than certain actions on a contract or installment account under the Unruh Act or the Automobile Sales Finance Act, the proper county for trial is the county in which the defendant signed the contract, the county in which the defendant resided at the time the contract was entered into, or the county in which the defendant resides at the commencement of the action.

This bill would revise the above provision so that it is instead applicable to actions arising from an offer or provision of goods, services, loans, or extensions of credit for personal, family, or household use, with the above specified exceptions, and to an action arising from a transaction consummated as a proximate result of an unsolicited telephone call made by a seller engaged in the business of consummating transactions of that

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kind. It would specify that this provision is applicable to buyers and lessees and would make conforming changes.

Ch. 229 (AB 2175) Boland. County parole officers.

Existing law provides that specified persons are peace officers who may carry firearms only if authorized and under those terms and conditions specified by their employing agency. Existing law provides that peace officers for these purposes include, but are not limited to, parole officers of the Department of Corrections or the Department of the Youth Authority.

Existing law also provides that specified persons are not peace officers but may exercise the powers of arrest of peace officers, as specified, during the course and within the scope of their employment upon successful completion of a specified course.

This bill would provide, in addition, that a county parole officer who is not a peace officer, as specified, may exercise those powers.

Existing law provides for a county board of parole commissioners in each county consisting of specified persons whose duties include, among other things, establishing rules and regulations governing the parole of any prisoner who is confined in or committed to any county jail, work furlough facility, industrial farm, or industrial road camp under a judgment of imprisonment or as a condition of probation for any criminal offense, as specified.

This bill would define a county parole officer who is not a peace officer, as specified, for these purposes, as a public officer who works at the direction of the county board of parole commissioners of a county and is responsible for supervising prisoners released on parole by the board. This bill would provide that these county parole officers have no right to carry or possess firearms in the performance of their duties. This bill would require these county parole officers to comply with standards for the selection and training of local corrections and probation officers established by the Board of Corrections pursuant to specified provisions in existing law.

This bill would impose a state-mandated local program by requiring local agencies to provide specified training for county parole officers.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 230 (SB 109) Kopp. Witnesses.

(1) Existing law grants to district attorneys all the powers granted to the California Attorney General, as specified, for the purpose of enforcing laws relating to unfair trade practices and restraint of trade. Under this law, a district attorney may issue subpoenas to witnesses in order to gather information in connection with the investigation of possible violations of law. Existing law also provides that in any action or proceeding brought by the Attorney General or a district attorney for violation of laws relating to unfair trade practices and restraint of trade, no individual shall be prosecuted concerning any transaction, matter, or thing about which he or she testified or produced evidence.

This bill would provide that testimony or evidence gathered during an investigation would be subject to the principles relating to immunity from self-incrimination applicable to investigations and would not be accorded automatic immunity with respect to the subject of a subpoena issued in connection with that investigation, notwithstanding the provision granting immunity from prosecution for testimony or evidence compelled during a criminal action or proceeding.

(2) Existing law establishes the fees and mileage compensation for witnesses in civil proceedings. Existing law also provides that specified peace officers and firefighters shall

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receive their normal compensation while required to travel to and from and remain in attendance during a civil proceeding as a witness, plus reasonable and necessary traveling expenses, and requires the party who subpoenas such a peace officer or firefighter to reimburse the public entity employing that peace officer or firefighter, as specified.

This bill would enact provisions similar to those for specified peace officers and firefighters, for the compensation of employees of a city, county, or city and county while required to travel to and from and remain in attendance during certain civil proceedings as a witness, and for the reimbursement of that city, county, or city and county, as specified. The bill would impose a state-mandated local program by requiring a city, county, or city and county to pay its employees full compensation and specified expenses while called away to testify as a witness.

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

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

Ch. 231 (SB 157) Thompson. Elections: petition in lieu of filing forms.

Under existing law, the Secretary of State is required to prescribe the format of the master form for in-lieu-filing-fee petitions for county clerks and the clerks are required to furnish to each candidate, upon request, a sufficient quantity of forms, without charge, or the clerk may provide the candidate with a master form which may be duplicated by the candidate at the candidate's expense for the purpose of circulating additional petitions. No forms other than those furnished by the clerk, or forms duplicated from a master form may be used by a candidate.

This bill would instead provide that the Secretary of State shall provide the master form but would permit county elections officials to provide other master forms so long as those forms comply with statutory requirements and so long as the master form provided by the Secretary of State is also made available to candidates. This bill would also require the Secretary of State to furnish the master forms to candidates, upon request.

Ch. 232 (SB 763) Alquist. Income taxes: bank and corporation taxes: refunds.

The existing Personal Income Tax Law provides that the Tax Relief and Refund Account is continuously appropriated to the Franchise Tax Board for making specified payments.

This bill would require additional specified amounts to be transferred to that account, would provide that the continuous appropriation is without regard to fiscal year, and would make other clarifying technical changes to those provisions.

The existing Bank and Corporation Tax Law provides that all moneys received by the Treasurer pursuant to that law shall be deposited in the Bank and Corporation Tax Fund, and moneys in that fund shall, upon order of the controller, be transferred to the General Fund, or drawn therefrom for specified refunds.

This bill would provide that all moneys in the Bank and Corporation Tax Fund are continuously appropriated, as specified, to the Franchise Tax Board for purposes of making specified payments.

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

Ch. 233 (SB 812) Robbins. Unfair claims settlement.

Existing law sets forth various prohibited unfair methods of competition and unfair and deceptive acts or practices in the business of insurance, including, among other things, acts and practices relating to the settlement of claims. Existing law requires the Insurance Commissioner to adopt reasonable rules and regulations necessary to administer those and other provisions relating to unfair practices.

This bill would require regulations adopted by the commissioner which relate to settlement of claims to take into consideration settlement practices by classes of insurers.

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Ch. 234 (SB 902) Torres. Workers' compensation: treatment.

Under existing law, treatment provided under the workers' compensation law includes the services of licensed marriage, family, and child counselors and clinical social workers if referred by a licensed physician and surgeon, with the approval of the employer.

This bill would provide that the requirement that the employer approve the referral by a licensed physician or surgeon shall not be construed to preclude reimbursement for self-procured treatment, found by the appeals board to be otherwise compensable pursuant to existing provisions, where the employer has refused to authorize any treatment for the condition arising from the injury treated by the marriage, family, and child counselor or clinical social worker.

Ch. 235 (SB 1046) Davis. Parks and recreation: operating leases and agreements.

Under existing law, leases or agreements may be entered into between the Department of Parks and Recreation and any public agency, for the care, maintenance, administration, and control by any party to the lease or agreement, of lands under the jurisdiction of any party to the lease or agreement for the purpose of the state park system.

This bill would prohibit the department from entering into or amending an operating lease or agreement except pursuant to specified procedures for review by the Legislature or the State Public Works Board, and would require specified documentation to be included with a proposed lease or agreement or amendment submitted for review. The bill would exempt leases or agreements or amendments from these requirements under specified conditions.

Ch. 236 (SB 180) Deddeh. Taxation.

(1) The existing Sales and Use Tax Law includes as a retailer who is required to collect sales and use taxes every person who is licensed under the Mobilehome-Manufactured Housing Act of 1980 as a dealer in mobilehomes or commercial coaches. Existing law requires that every person who is not a dealer in mobilehomes or commercial coaches pay use tax to the Department of Housing and Community Development upon the sale of a mobilehome or commercial coach.

This bill would correct erroneous section references in the Sales and Use Tax Law to certain statutes in the Mobilehomes-Manufactured Housing Act of 1980

(2) The existing Sales and Use Tax Law provides that any vending machine operator is a consumer of, and shall not be considered a retailer of, food products that sell at retail for 15¢ or less and that are actually sold through a vending machine. It also provides, notwithstanding the foregoing, that any vending machine operator is a consumer of, and shall not be considered a retailer of, food products, other than beverages or hot prepared food products, that are sold through a coin-operated bulk vending machine, as defined, if the amount of each sale is 25¢ or less.

This bill would modify the above provisions to specify that food products for that purpose include candy and confectionery.

(3) The Sales and Use Tax Law exempted, until July 15, 1991, from the taxes imposed by that law, the gross receipts from the sale of and the storage, use, or other consumption in this state of tangible personal property that becomes an ingredient or component part of a specified type of newspaper or periodical, and any such newspaper or periodical.

This bill would exempt from sales and use taxes the gross receipts from the sale of, and the storage, use, or other consumption in this state of newspapers or periodicals, during the term of a prepaid subscription, if the subscription was entered into and paid for prior to July 15, 1991.

(4) Existing law exempts from sales and use taxes the gross receipts from constructing, repairing, cleaning, altering, or improving, under certain conditions, or from leasing activity under specified conditions, of watercraft including watercraft used in interstate or foreign commerce and watercraft used in commercial deep sea fishing operations outside the territorial waters of this state. It is rebuttably presumed that a person is not regularly engaged in the business of commercial deep sea fishing if the person has gross receipts from commercial fishing operations of less than $5,000 a year.

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This bill would instead provide that a person is rebuttably presumed not regularly engaged in the business of commercial deep sea fishing if the person has gross receipts of less than $20,000 a year.

(5) The existing Sales and Use Tax Law, on or after July 15, 1991, or until the date that certain sales and use taxes cease to be operative, exempts from sales and use taxes amounts equal to amounts attributable to specified tax rates applied to the gross receipts from the sale of, and the storage, use, or other consumption in this state of tangible personal property, if the property is obligated to be furnished or purchased for a fixed price pursuant to a contract entered into prior to July 15, 1991.

This bill would expand the foregoing exemption to include materials and fixtures obligated pursuant to an engineering construction project or a building construction contract entered into for a fixed price prior to July 15, 1991. It would also provide that tangible personal property shall not be deemed obligated pursuant to a contract for any period of time for which any party to the contract has the right to terminate that contract, whether or not the right is exercised.

(6) Existing law requires that deficiency determinations made under the Sales and Use Tax Law be mailed to a taxpayer within a specified period of time, except in the case where another specified notice has been or is given.

This bill would correct an erroneous reference to a specified statute regarding notice of deficiency determination.

(7) Existing law provides that interest is paid by taxpayers and feepayers with respect to underpayments, and paid to taxpayers and feepayers with respect to overpayments of various taxes, surcharges, and fees, at the modified adjusted rate, as defined by reference to a specified federal statute. Existing law provides that interest on all refunds, including overpayments and judgments, made from the Retail Sales Tax Fund on or after July 1, 1991, be paid at a rate equal to the average bond equivalent rates of the 13-week treasury bills auctioned during the period for which interest is paid.

This bill would require, instead, the rate of interest paid on underpayments of those taxes, surcharges, and fees be determined in accordance with a specified federal statute, and require that the rate paid on overpayments after July 1, 1991, be based on the rate of 13-week treasury bills, as specified.

(8) Under existing law, the State Board of Equalization, whenever it deems it necessary to ensure compliance with respect to certain tax laws, may require any person subject to those laws to place security with the board.

This bill would require that any security in the form of cash, government bonds, or insured deposits in banks or savings and loan institutions be held by the board in trust, as specified.

(9) Under existing law, with certain exceptions, it is unlawful for the State Board of Equalization, its employees, or any person with access to sales and use tax records to disclose information from those records.

This bill would make an additional exception to that law for information contained in certificates of registration with respect to the use tax and the terms of certain settlements approved by the State Board of Control.

(10) Existing law provides that a taxpayer may file a claim with the State Board of Equalization for reimbursement of bank charges incurred as the direct result of an erroneous levy by the board.

This bill would additionally allow a taxpayer to file a claim with the board for reimbursement of bank charges incurred as a direct result of an erroneous notice to withhold by the board.

(11) The existing Sales and Use Tax Law, until July 15, 1991, exempted from the state sales and use tax the gross receipts from the sale of fuel and petroleum products to air common carriers. The existing Bradley-Burns Local Sales and Use Tax Law and the existing Transactions and Use Tax Law include requirements that local sales or transactions and use taxes similarly exempt, in whole or in part, the gross receipts from the sale of tangible personal property to operators of aircraft in the use of those aircraft as common carriers.

This bill would amend the foregoing requirements to specifically exclude from exemp-

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tion the gross receipts from the sale of fuel and petroleum products.

(12) The existing Transactions and Use Tax Law provides that a district's ordinance adopted under that law include certain provisions, including a provision imposing a transactions or use tax at a rate of ½%.

This bill would instead provide that a district's ordinance include a provision imposing a transactions or use tax at a rate of ¼% or a multiple thereof.

(13) Existing law provides that a purchaser of a business or stock of goods who fails to withhold a sufficient amount from the purchase price to cover the seller's tax liability for certain taxes administered by the State Board of Equalization, as specified, becomes personally liable for the amount required to be withheld to the extent of the purchase price. It provides that the board shall, within a specified time period, issue a certificate stating that no amount is due or mail notice of the amount that must be paid as a condition of issuing the certificate. It further provides that the time within which the obligation of the successor may be enforced shall start to run at the time the person sells out his or her business or stock of goods or at the time that the determination against the person becomes final, whichever event occurs later.

This bill would provide instead that the last date upon which the obligation of the successor may be enforced shall be not later than 3 years after the date the board is notified of the purchase of the business or stock of goods.

(14) Existing laws with respect to the Private Railroad Car Tax Law and the Timber Yield Tax Law provide that notice of successor liability shall be enforced by serving notice, as specified, in the manner prescribed for service of a notice of assessment.

This bill would require, in addition, that notice of successor liability be served not later than 3 years after the date the board is notified of the purchase of the business.

(15) This bill would provide, with respect to taxes due on tangible personal property, arising from the repeal or amendment of specified statutes by Chapters 85 and 88 of the Statutes of 1991, that no penalty may be imposed for any act or omission that occurs prior to October 1, 1991, as a result of insufficient information or instruction from the State Board of Equalization.

(16) 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 that the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

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

Ch. 237 (AB 608) Cannella. County regional justice facilities financing: Stanislaus County.

(1) Existing law, the County Regional Justice Facilities Financing Act, authorizes the counties of Humboldt, Los Angeles, Riverside, San Bernardino, and Ventura to establish county regional justice facilities financing agencies, as specified, to have various specified powers and duties with respect to justice facilities financing for adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other necessary structures, including the authority to supplement existing local revenues being used for the development of county regional justice facilities by the imposition of a transactions and use tax pursuant to the Transactions and Use Tax Law, as specified, upon approval of a majority of the electors of the county voting thereon at a special election called for that purpose by the agency. The ballot proposition for the transactions and use tax may include authorization to issue bonds payable from the proceeds of the tax and to establish the appropriation limit of the agency, as specified.

(2) Existing law establishes the Transactions and Use Tax Law, which includes the counties in (1), as a "district" for purposes of that law if it is authorized to impose transactions and use taxes, as specified.

(3) Existing law also limits the combined rate of local sales or transactions and use taxes in those counties in (1), as specified.

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This bill would enact similar provisions that would allow Stanislaus County to establish a county regional justice facilities financing agency.

Ch. 238 (AB 102) Connelly. Local agency costs.

Under the Ralph M. Brown Act, at least 72 hours before a regular meeting, the legislative body of a local agency is required to post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting.

This bill would state the intent of the Legislature that reimbursement to local agencies for costs mandated by this requirement and other specified statutes relating to open meetings be strictly interpreted.

The bill would state that costs eligible for reimbursement under the posting requirement shall only include the actual cost to post a single agenda for any one meeting.

Ch. 239 (AB 137) Moore. Health insurance. mammography.

Existing law requires health care service plan contracts, policies of disability insurance, self-insured employee welfare benefit plans, and nonprofit hospital service plans to provide mammography coverage as part of existing mastectomy, prosthetic, and reconstructive coverage, upon referral of a physician, nurse practitioner, or certified nurse midwife, as specified.

This bill would specify, with respect to health care service plan contracts and nonprofit hospital service plan contracts, that the coverage be upon referral by a participating physician, participating nurse practitioner, or participating certified nurse midwife.

Ch 240 (AB 229) Moore. Credit life and disability insurance

Existing law provides, with respect to credit life and disability insurance, that each individual policy, group certificate or notice of proposed insurance shall provide for a premium refund in the event of termination of the insurance prior to the scheduled maturity date of an indebtedness, as specified. The formula used in computing the refund is required to be filed with and approved by the Insurance Commissioner.

This bill would require individual policies and group certificates of credit life and disability insurance to allow the debtor to rescind the insurance within 10 days of receipt of the policy or certificate or notice of proposed insurance and receive a full refund, or credit if financed, of any premium that has been paid. It would require disclosure of the right to rescind insurance coverage on the face of the policy or certificate or notice of proposed insurance, as specified.

Ch. 241 (AB 404) Murray. Psychiatric health facilities· structured outpatient services.

(1) Existing law provides for the licensure and regulation of health facilities, as defined, including psychiatric health facilities. For those purposes, a psychiatric health facility is defined as a facility licensed by the State Department of Mental Health which provides 24-hour inpatient care for mentally disordered, incompetent, or other described persons.

This bill would authorize the State Department of Mental Health to issue a special permit to a psychiatric health facility for it to provide structured outpatient services consisting of morning, afternoon, or full daytime organized programs, not exceeding 10 hours, for acute daytime care for patients admitted to the facility. It would require any licensee desiring to obtain a special permit to offer and provide structured outpatient services to file an application with the department with each new or renewal application for a license for a psychiatric health facility accompanied by a reasonable fee, as determined by the department, not to exceed the actual costs of administration related to the special permit. The bill would exempt psychiatric health facilities operated by public entities from the fee requirement.

The bill would prohibit the department from issuing a special permit unless the applicant furnishes specified items, including, but not limited to, a written agreement ensuring that the facility will have additional staffing for the services to be provided under the special permit, that the additional staffing will meet the same professional standards as required by regulation for inpatient services, and that a coordinator of these

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services will be appointed.

(2) Existing law requires psychiatric health facilities to only be licensed by the department, in the case of applicants who are not counties, contract providers, and do not intend to use certain funds, if they submit their approval requests to the governing body in the county in which the facility is to be located, and gives the governing body 30 days during which to make recommendations on the application.

This bill instead would require the applicant to submit to the local mental health director and the governing body a written and dated proposal of the services to be provided, and would give the mental health director and governing body 30 days during which to provide any advice and recommendations regarding licensure, as they deem appropriate.

(3) Existing law prescribes the various program aspects of a psychiatric health facility which the department is required to review and authorized to approve, including, but not limited to, activities programs, admissions, nursing services, and social work services. Existing law also requires the department to approve program aspects only if the per diem charges or cost of services do not exceed specified limits.

This bill would include provisions for a medical evaluation within the admissions program aspect.

This bill also would include structured outpatient services to be provided under special permit among the various program aspects, and would specify limits for per diem charges for structured outpatient services charged by psychiatric health facilities authorized by special permit to offer those services, as specified.

Ch. 242 (AB 407) Kelley. Reduced fat cheese: flavored milk: yogurt.

(1) Existing law establishes standards for reduced fat cheese which terminate on January 1, 1992.

This bill would continue that existing law beyond January 1, 1992, by deleting the repeal date. Since the bill would extend the termination date of these provisions, it would impose a state-mandated local program by creating a new crime.

(2) Existing law makes it an unlawful practice to give any money, credit, or compensation, or to lend anything of value, to a wholesale customer for advertising or display in connection with the sale of dairy products classified as class 1. Existing law exempts flavored milk from these provisions until January 1, 1992.

This bill would continue that exemption as to flavored milk beyond January 1, 1992, by deleting the repeal date. The bill would make certain other conforming changes.

(3) Existing law classifies market milk, market skim milk, or market cream which is used in the manufacture of yogurt which is directly sold for use in states other than this state as class 4a market milk for purposes of the milk stabilization and marketing provisions.

This bill would also classify yogurt and certain fresh cheese, cottage cheese, and sour cream products which are sold for use outside the boundaries of the United States as class 4a milk.

(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. 243 (AB 475) Tanner. Clinical laboratories.

(1) Under existing law, a person is prohibited from performing examinations of cytological slides without first obtaining a license as a cytotechnologist from the State Department of Health Services, and existing law requires the issuance of a license to be contingent upon the applicant's satisfactory performance in a competency testing program, as prescribed.

This bill would permit the department to issue a temporary cytotechnologist's license to a person who satisfies the requirements for admission to the examination unless the person has failed a previous examination for a cytotechnologist's license, as prescribed.

The bill also would permit the department to issue a cytotechnologist's license without

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examination to an applicant who has either passed an examination of a national accrediting board whose requirements meet specified standards, as determined by the department, or an examination of another state in which the requirements meet specified standards, as determined by the department. This bill also would, in cases where the examination did not satisfy those specified standards, permit the department, however, to make exceptions to those requirements in cases where the department determines that the applicant is otherwise qualified for licensure.

This bill would prohibit the department from issuing any temporary cytotechnologist's license or any cytotechnologist's license without examination pursuant to the above provisions after the department adopts the competency testing program required pursuant to a specified provision of existing law.

(2) Existing law provides for the licensure and regulation of clinical laboratories by the State Department of Health Services, and provides that a violation of those provisions is a misdemeanor. Existing law also requires each clinical laboratory to retain cytology slides, cell blocks, cytology reports, and certain records, as prescribed.

This bill would require clinical laboratories which are licensed and provide cytology services, if the licensee ceases operation, to preserve records, reports, cytology slides, and cell blocks, as prescribed, thereby imposing a state-mandated local program by creating new crimes.

The bill also would permit any person injured as a result of the licensee's abandonment of records, as defined, to bring an action in any court of competent jurisdiction for the amount of any damages suffered as a result, as prescribed.

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

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

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

Ch. 244 (AB 328) Peace. Correctional facilities.

Existing law permits a city to annex noncontiguous territory within the county in which the city is located, under specified conditions.

This bill would provide that notwithstanding existing law and upon approval by the local agency formation commission, the City of Calipatria may annex noncontiguous territory of not more than 1,300 acres, located in the County of Imperial 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 Calipatria.

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 Calipatria to enter into an agreement apportioning any increase in state subventions due to the annexation.

Under the Mills-Alquist-Deddeh Act, all transit operators and city or county governments with responsibility for providing municipal services to a given area collectively, are authorized to file claims with the transportation planning agency for only those funds that represent that area's apportionment, as defined, in the local transportation fund.

This bill would define the term "area," for purposes of apportioning funds for Del Norte County, Imperial County, Lassen County, and Riverside County to include a specified prison or correctional center even if annexed by its specified cities, including, respectively, Crescent City, Calipatria, Susanville, and Blythe.

This bill would additionally provide that, notwithstanding existing law, upon approval

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of the local agency formation commission, Crescent City may annex not more than 300 acres located in the County of Del Norte and which constitutes a correctional facility. The bill would also provide other provisions similar to those with respect to the City of Calipatria.

Ch. 245 (AB 537) T. Friedman. Real property: short-term hirings.

Existing law prohibits 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. Specified transient occupancies are excluded from the application of the section.

This bill would specify that this provision applies only to an occupant of a residential hotel, as defined, and would make conforming changes.

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

Ch. 246 (AB 553) Seastrand. State agencies: bilingual staff.

Existing law requires every state agency, as defined, except the State Compensation Insurance Fund, directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English speaking people, to employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English speaking person.

Existing law requires each state agency to annually conduct a survey of each of its local offices, the results of which are required to be submitted to the State Personnel Board by March 31, of each year, to collect specified information relating to the public contact positions in each office and each office's need for, and implementation of, the requirements for bilingual staff.

This bill would permit the board to exempt a state agency from the survey requirements, for not more than 3 consecutive years, under specified conditions. It would specify that an exemption request must be submitted by a state agency to the State Personnel Board on an annual basis.

Ch. 247 (AB 666) Lee. Controlled substances nuisance abatement.

Existing law provides that every building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog, as specified, and every building or place wherein or upon which those acts take place, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered. Existing law also provides that with respect to a nuisance abatement action the court may, under certain circumstances, issue orders to protect witnesses, as specified, order closure of the premises pending trial, and order the defendant to provide relocation assistance to eligible tenants, as specified, and that these remedies shall be in addition to any other existing remedies for nuisance abatement actions.

This bill would provide that these remedies shall be in addition to any other existing remedies for nuisance abatement actions, including, but not limited to, capital improvements to the property such as security gates, improved interior or exterior lighting, security guards, posting of signs, owner membership in neighborhood or local merchants' associations, attending property management training programs, and making cosmetic improvements to the property. The bill would also provide that at all stages of a nuisance abatement action, the court has equitable powers to order steps necessary to remedy the problem and enhance the abatement process.

Existing law provides that if the existence of the nuisance is established in the nuisance abatement action, the court may assess a civil penalty not to exceed $25,000 against any or all of the defendants, based upon the severity of the nuisance and its duration.

This bill would provide that in establishing the amount of any civil penalty, the court shall consider the actions taken by the defendant to mitigate or correct the problem at the dwelling, building, or place, the cost to the government of investigating and correcting the condition, any previous nuisance abatement actions brought against the defendant, and any other factor deemed by the court to be relevant.

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Ch. 248 (AB 724) Kelley. Delinquent charges.

Under existing law, the board of supervisors of each county may collect or contract for the collection of garbage, waste, or other various refuse matter under conditions prescribed by the board. The board of supervisors may impose a reasonable charge as specified for these purposes. The tax or charge is not applicable to property within existing garbage disposal districts.

This bill would require a county providing compulsory collection service to provide for reduced charges, rebates, or exemptions for properties which do not require regular collection service and require that undeveloped property be exempt.

Under existing law, when a county provides refuse collection services and the service is provided at the request of the property owner, the cost of the service which is unpaid for a period of 60 days or more may be collected as provided. After a noticed hearing, the delinquent charges may become special assessments against the respective parcels of land and are a lien on the property for the amount of those charges.

This bill also would permit the use of this procedure establishing delinquent charges for refuse collection as special assessments if the service is compulsory.

Existing law provides that charges for services and facilities furnished by an entity operating a sanitation or sewerage system shall constitute a lien against the property against which the charge was imposed if the charges remain delinquent for 60 days. Existing law requires notice of the lien to be given the property owner on the bill for charges by the entity.

This bill would instead require the entity to notify the assessee shown on the latest equalized assessment roll whenever unpaid charges for services which would become a lien remain delinquent and unpaid for 60 days.

Existing law provides for the establishment, powers, and operation of sanitary districts and permits the district board by a ⅔ vote to prescribe, revise, and collect fees, tolls, rates, rentals, and other charges for services and facilities furnished by it in connection with its sanitation or sewerage systems.

This bill would permit the board to certify to the board of supervisors and the county auditor an annual statement of any delinquent and unpaid charges for sewer and other services, or either, requested in writing by the owner of the property that remain delinquent and unpaid for a period of 60 days or more. This bill would specify that these unpaid amounts shall be added to and become a part of the annual taxes next levied on the subject property and shall become a lien on the property in the same manner as a tax lien.

By imposing new duties on a county with respect to the collection of delinquent sanitary district charges and on the county recorder with respect to processing of liens, this bill would create a state-mandated local program.

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

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

Ch. 249 (AB 897) Quackenbush. Crime: serious felony in accusatory pleading.

Existing law requires an accusatory pleading to contain in substance a statement that the accused has committed some public offense in ordinary and concise language without any technical averments or any allegations of matter not essential to be proved.

Under existing law, any person convicted of a serious felony, as defined, who has previously been convicted of a serious felony, shall receive an enhancement, as specified.

This bill would permit the accusatory pleading to allege, on any charge of a serious felony, as defined, the fact that the defendant committed an act which would qualify the crime as a serious felony to impose a specified enhancement upon the future conviction of another serious felony by the defendant.

The bill would provide specific language to be used with respect to certain serious felonies such as the commission of an offense in which the defendant personally used a firearm.

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Ch. 250 (AB 1091) Klehs. Seismic hazards maps.

Under existing law, the Seismic Hazards Mapping Act, the seller, or the agent of the seller, of real property located within a seismic hazard zone or delineated special studies zone is required to disclose in a specified manner to any prospective purchaser the fact that the property is located within that zone if certain maps or information contained in the maps are reasonably available, and a county receiving an official map is required to post notice of the location of the map at the offices of the county recorder, county assessor, and county planning commission.

This bill would permit the seller or the seller's agent to furnish the required disclosure in the real estate contract and receipt for deposit, as defined. The bill would also authorize the county to post the notice of the location of a seismic hazard map in any other location it determines necessary to achieve adequate distribution.

Ch. 251 (AB 1250) Speier. School: staff development.

Existing law establishes certain programs designed to offer staff development and professional growth opportunities to classroom teachers.

Existing law also provides for the school-based coordination of categorical programs through a school plan developed by a schoolsite council that includes, among other things, a plan for staff development of various school personnel.

This bill would provide that these staff development programs may include the use of program guidelines, and strategies included in those guidelines, that have been developed by the Superintendent of Public Instruction for specific learning disabilities.

Ch. 252 (AB 1289) Bronzan. Medi-Cal: fraud investigations.

Existing law authorizes the Director of Health Services to issue Medi-Cal cards to Medi-Cal fraud investigators for specified fraud investigations upon the request of the head of specified agencies, or upon the complaint of an individual along with the issuance of an order by a magistrate. Under existing law, these provisions would be repealed on January 1, 1992, and commencing on January 1, 1992, the director would instead be required to issue Medi-Cal cards, for purposes of fraud investigation, to peace officers upon the order of a magistrate.

This bill would eliminate the repeal of the authorization for issuance of Medi-Cal cards to Medi-Cal fraud investigators, and would repeal the provisions that would become operative on January 1, 1992, requiring the issuance of cards to peace officers upon order of a magistrate.

Ch. 253 (AB 1371) Wright. Medical device retailers.

Existing law contains a variety of provisions regulating medical device retailers, as defined, which each retailer is required to be in compliance with on or before July 1, 1991.

This bill would extend the date for compliance until July 1, 1992, for home health agencies and hospices licensed under specified provisions.

This bill would require, during the one-year period of exemption, the Board of Pharmacy, licensed home health agencies, and licensed hospices to work together to develop language for legislation regarding the handling of dangerous devices by home health agencies and hospices that proposes safeguards necessary to protect the public health and that is least restrictive on the functioning of home health agencies and hospices.

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

Ch. 254 (AB 1392) Tanner. Disability insurance: cervical cancer.

Existing law provides that every individual or group policy of disability insurance issued, amended, or renewed on or after January 1, 1991, which includes coverage for treatment or surgery of cervical cancer, is deemed to also provide coverage, as specified, for an annual cervical screening test. That requirement does not apply to a policy of disability insurance that only covers a specified disease, specified accidents, or any accidents, if the disability insurer at the time of issuance and each renewal of the policy determines whether the insured or person covered by the policy has coverage for an annual cervical cancer screening test from another health insurer, as specified.

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This bill would instead, make that requirement inapplicable if the disability insurer at the time of issuance of the policy and annually thereafter makes that determination.

Ch. 255 (AB 1454) Jones. Pest abatement: cotton.

(1) Existing law authorizes the Director of Food and Agriculture to adopt regulations to establish cotton host-free periods or districts for particular pests.

Under existing law, any person who produces cotton in violation of cotton plowdown requirements is subject to a civil penalty of $500, and each acre not in compliance is a separate additional violation subject to a civil penalty of $5 per acre of land not in compliance.

This bill would increase this civil penalty from $500 to $1,000, and from $5 to $10 per acre of land not in compliance, for each subsequent violation of these requirements.

(2) Under existing law, any person producing cotton in violation of specified cotton planting dates is subject to a civil penalty of $500, and each acre not in compliance is a separate additional violation subject to a civil fine of $50 per acre of land not in compliance.

This bill would increase this civil penalty from $500 to $1,000, and from $50 to $100 per acre of land not in compliance, for each subsequent violation of these provisions.

(3) Existing law requires every grower of cotton in the state to pay a fee of $2 for each bale of cotton ginned or for each bale of cotton sold by a grower who received the cotton under a prescribed federal program.

This bill would increase this fee to $3 for each bale of cotton. By increasing the revenues that would be available to control pink bollworm or other related cotton pests, the bill would make an appropriation.

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

Ch. 256 (AB 1552) Filante. Certificated employees: classification and dismissal procedures.

(1) Under existing law, every employee of a school district of any type having an average daily attendance of less than 250 pupils, who, after having been employed by the district for 3 years in a position requiring certification qualifications, is reelected in the next succeeding school year, as specified, may be classified by the governing board of the school district as a permanent employee of that district.

This bill would, in addition, require those school districts which elect to dismiss probationary employees pursuant to specified provisions of existing law described in paragraph (2), to classify as permanent employees of the district, probationary employees who are reelected to the succeeding school year to a position requiring certification qualifications after serving 2 years in such a position.

(2) Under existing law, governing boards of school districts having an average daily attendance of less than 250 may dismiss certain probationary employees, as specified, during the school year for cause only, as in the case of permanent employees. Existing law authorizes governing boards of other school districts to dismiss 1st and 2nd year probationary employees during the school year for unsatisfactory performance, as specified, or for cause, as specified, and sets forth procedures related to dismissal. Existing law specifies that these provisions do not apply to probationary employees in a school district having an average daily attendance of less than 250 pupils.

This bill would instead authorize the governing board of a school district that has an average daily attendance of less than 250 pupils to elect to dismiss probationary employees during the school year, as specified.

Ch. 257 (AB 1706) Becerra. Controlled substance possession: minimum fines: community service.

Existing law provides that every person who possesses specified controlled substances, unless upon the written prescription of specified licensed health practitioners, shall be guilty of a felony and punished by imprisonment in the state prison.

Existing law provides that in addition to the term of imprisonment provided by law for persons convicted of this controlled substance offense, the trial court may impose a fine not exceeding $20,000 for each offense.

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This bill would provide, in addition, that except in unusual cases in which it would not serve the interest of justice to do so, whenever a court grants probation to a person convicted of such a felony, in addition to any other conditions of probation which may be imposed, the court shall, for a first offense, order the person to pay a fine of at least $1,000 or perform community service, and for a 2nd or subsequent offense, order the person to pay a fine of at least $2,000 or perform community service. The bill would further provide that if a defendant does not have the ability to pay the minimum fines, community service shall be ordered in lieu of the fine.

Ch. 258 (AB 1718) Boland. Occupational safety and health: elevator permits.

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. It also permits the division to issue elevator permits based upon a certificate of inspection by any qualified elevator inspector of any municipality, upon proof of its satisfaction that the safety requirements of the municipality are equal to the minimum safety requirements for elevators adopted by the Occupational Safety and Health Standards Board.

This bill would permit the operation of an elevator if a permit for its operation is either issued by, or in behalf of, the division, in conformance with the provisions described above.

Ch. 259 (SB 911) Petris. Housing: California Housing Partnership Corporation.

(1) Under existing law, the California Housing Partnership Corporation, a nonprofit entity, is authorized to acquire and rehabilitate housing and related facilities, primarily for the benefit of low-income and very low income households and to raise equity capital for these purposes. The 7 incorporators of the corporation are appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly, as specified.

This bill would increase the number of incorporators of the California Housing Partnership Corporation to 8 by designating the Director of Housing and Community Development as an incorporator.

(2) This bill would authorize the California Housing Partnership Corporation, in addition to its existing duties, to provide technical assistance to specified entities with regard to housing planning, financing, acquisition, rehabilitation, maintenance, or management to ensure continuation of existing very low income and low-income housing stock.

(3) Under existing law, $500,000 is appropriated from the Homeownership Assistance Fund to the Department of Housing and Community Development for disbursement to the California Housing Partnership Corporation, as specified. Existing law requires that this sum be repaid on or before 5 years from the date of the disbursement.

This bill would make an appropriation by amending the provisions requiring the repayment of the appropriated sum to provide for a longer period during which repayment would be made, in accordance with a specified schedule.

Ch. 260 (SB 809) Deddeh. Firearms: street gangs.

Existing law, under the California 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 promotes, 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 used by members of a criminal street gang for the purpose of committing specified offenses, and every building or place where that criminal gang conduct takes place, is a nuisance.

Existing law provides that the California Street Terrorism Enforcement and Prevention Act is repealed on January 1, 1992.

This bill would provide, in addition, that any firearm, ammunition which may be used with the firearm, or any deadly or dangerous weapon which is owned or possessed by a member of a criminal street gang for the purpose of committing specified offenses may be confiscated by any law enforcement agency or peace officer.

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This bill would provide procedures by which the firearm, ammunition, or dangerous or deadly weapon could be declared a nuisance when a law enforcement agency or peace officer believes that the return of the firearm, ammunition, or deadly weapon confiscated pursuant to these provisions is or will be used in criminal street gang activity or that the return of the item would be likely to result in endangering the safety of others.

This bill would also provide procedures by which the lawful owner of the firearm, ammunition, or dangerous or deadly weapon, upon notification by the law enforcement agency, may request a hearing in the superior court for the return of the seized item. The bill would require that during a hearing on the matter the burden of proof is upon the law enforcement agency or peace officer to show by a preponderance of the evidence that the seized item is or will be used in criminal street gang activity or that return of the item would be likely to result in endangering the safety of others.

Ch. 261 (SB 775) Thompson. Timberland: prescribed burning.

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 or with any public agencies with regulatory or natural resource management authority over any property which is included within any wildland for any of specified purposes.

This bill would also authorize the director, with the approval of the Director of General Services, to enter into a master agreement with federal land management agencies to conduct joint prescribed burning operations on wildlands and federal lands where these operations serve the public interest and are beneficial to the state. The bill would require the master agreement to require the completion of a project agreement for each individual prescribed burn which includes specified matters.

Ch. 262 (SB 758) Johnston. Commodities.

Existing law, known as the California Commodity Law of 1990, regulates the sale or purchase of commodities. Under this law, a commodity contract, as defined, does not include any contract or agreement which requires, and under which the purchaser personally receives within 28 calendar days from the full payment in good funds of the purchase price, physical delivery of the total amount of each commodity to be purchased under the contract or agreement.

This bill would provide that in specified instances, partial payment of, or an installment payment on, the purchase price is not a full payment in good funds of the purchase price for purposes of the exclusion from the definition of a commodity contract unless both the amount remaining on the total purchase price is paid in good funds and actual physical delivery of the quantity of each commodity purchased under the contract or agreement is personally received within 28 calendar days from the date of the partial payment in good funds.

This bill would define the term "purchase price." It also would revise the definition of "commodity merchant," for the purpose of a required notice and fee payable to the Corporations Commissioner, and would make a related change with regard to the maximum amount of that fee. This bill would also correct an erroneous cross-reference and would make technical nonsubstantive changes to existing law.

Ch. 263 (AB 1840) Frazee. Real estate.

Existing law regulates the sale or lease in this state of lots or parcels in a subdivision situated outside of this state, as specified. Existing law provides that when an inspection is to be made of subdivided lands out of state which are to be offered for sale or lease in this state, specified fees, including an amount equal to 25¢ a mile for each mile going or returning estimated by the Real Estate Commissioner to be traveled from the office of the Department of Real Estate where the filing is made to the location of the project, shall accompany the questionnaire.

This bill would revise the amount for mileage that is to accompany the questionnaire to an amount equal to the maximum reimbursement rate authorized for an employee of the state using a privately owned automobile on official state business for each mile,

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as specified.

Existing law requires, except as specified, any person who intends to offer subdivided lands within this state for sale or lease to file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the department. The notice of intention is required to contain, among other things, as to each school district serving the subdivision, a statement approved or ratified by the governing board of the district that indicates the location of each high school, junior high school, and elementary school serving the subdivision, or documentation that a statement to that effect has been requested from the governing board of the school district.

This bill would delete the requirement that the statement be approved or ratified by, or requested from, the governing board of the district and would instead require that the statement be from, or requested from, the appropriate district.

Under existing provisions of the Davis-Stirling Common Interest Development Act, the common interest in a common interest development must be owned either by the development's association or the owners of separate interests in the development. Ownership in the common interest is required to be an estate in fee, a life estate, an estate for years, or any combination thereof.

This bill would provide, with respect to planned developments in which the association can enforce obligations respecting the common area by means of an assessment which may become a lien on the special interests, that the common area of the planned development may additionally consist of mutual or reciprocal easement rights appurtenant to the separate interests.

Ch. 264 (AB 2145) Baker. Lease of state lands: firearms range.

Existing law generally vests management and control of state lands in the Department of General Services.

This bill would permit the Director of General Services, with the consent of the Department of Corrections, to lease to the United States Postal Service for a term of 25 years, real property not to exceed 5 acres, located upon and within the grounds of the California Institution for Men at Chino.

The bill would permit designated postal employees access to the firearms range located on that property for weapons qualifications.

The bill would specify that in consideration of the lease of this property and the access by postal workers to the firearms range, the United States Postal Service shall cause to be designed and constructed a 2,000 square foot multipurpose building on the property, as well as a 15-lane extension of the existing firing range.

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

Ch. 265 (SB 150) Deddeh. Custodial officers: San Diego and Fresno Counties.

Existing law generally provides that a custodial officer employed by a law enforcement agency of a county shall have no right to carry or possess firearms in the performance of his or her prescribed duties; and may make arrests for misdemeanors and felonies within the local detention facility only pursuant to a duly issued warrant.

Existing law also provides that a custodial officer employed by a law enforcement agency of a county having a population of 425,000 or less has the right to carry or possess firearms, under the direction of the sheriff or chief of police, while engaged in specified activities; and may make warrantless arrests, as specified.

This bill would grant the authority of the latter provision to a custodial officer in San Diego County or Fresno County.

Ch. 266 (SB 174) Alquist. Reimbursement of state-mandated costs.

(1) Existing law requires the reimbursement of state-mandated local costs under specified procedures and circumstances.

This bill would make an appropriation of $55,127,070 to the Controller for the payment of certain state-mandated costs according to a specified schedule.

(2) Existing law provides 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

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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.

This bill would additionally relieve local agencies of the requirement to implement specified statutes relating to Short-Doyle Act targeted supplemental funding and mental health quality assurance during the 1991–92 fiscal year.

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

Ch. 267 (SB 314) Presley. Natural resources: California Tahoe and Coachella Valley Mountains Conservancies.

(1) Under existing law, members of the California Tahoe Conservancy serve without compensation but are reimbursed for reasonable and necessary expenses.

This bill would provide for appointed members of the conservancy to be compensated $100 per day for attendance at regular meetings of the conservancy.

(2) Under existing law, the tort immunity provisions for public entity liability have been extended, until January 1, 1992, to certain real property acquired by the conservancy in the Lake Tahoe region.

This bill would extend those provisions until January 1, 1996, and require the conservancy to report to the Legislature by January 1, 1995, on injuries and litigation concerning that property, as specified.

(3) Under existing law, a majority vote of the members present at a meeting of the conservancy, but not less than a quorum, is, with a specified exception, binding on all matters.

This bill would provide that if a quorum exists, a majority vote of the members present is so binding. The bill would make clarifying and other changes.

(4) Under existing law, the Coachella Valley Mountains Conservancy may acquire any uninhabited real property within its territory containing mountainous lands by eminent domain after providing at least 60 days' notice to the city in which the real property is situated or to the county, if the real property is situated in an unincorporated area, subject to objection to the acquisition by the city or the county, as the case may be.

This bill would require that notice be given instead to the Tribal Council of the Agua Caliente Band of Cahuilla Indians if the real property is situated within the trust lands of the Agua Caliente Indian Reservation, and would permit the tribal council to object to the acquisition.

The bill would make clarifying changes regarding the levy of assessments or taxes by the conservancy.

Ch. 268 (SB 362) Boatwright. Sudden infant death syndrome.

Existing law requires, upon being informed by the coroner of any case in which sudden infant death syndrome is the provisional cause of death, the county health officer or his or her designated agent to immediately contact the person or persons who had custody and control of the infant and explain to those persons the nature and causes of sudden infant death syndrome to the extent that current knowledge permits.

This bill would require the local health officer, as defined, or his or her designated agent who is an appropriately trained public health professional, as defined, when possible, to immediately contact the person or persons who had custody and control of the infant, including foster parents, when applicable, for the purposes of providing to that person information, support, referral, and followup services relating to sudden infant death syndrome, as prescribed. This bill would make conforming changes to a related provision. If the infant was in child care, the bill also would require the local health officer or his or her designated agent who is an appropriately trained public health professional to immediately contact the child care provider. This bill would create a state-mandated local program by imposing additional duties on local health officers.

This bill would repeal an uncodified provision of law which appropriated $17,550 for payments to local agencies until June 30, 1976, for certain costs, including costs incurred

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in making the above-described contacts related to sudden infant death syndrome.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 269 (SB 411) B. Greene. Apprenticeship: reports.

Existing law provides for apprenticeship programs within the Division of Apprenticeship Standards within the Department of Industrial Relations, sponsored by specified entities or employers, and requires the Chief of the Division of Apprenticeship Standards to perform various functions with respect to apprenticeship programs and the welfare of apprentices. It designates the Director of Industrial Relations as the ex officio Administrator of Apprenticeship. It establishes the California Apprenticeship Council within the Division of Apprenticeship Standards, and requires the council to aid the director in formulating policies with respect to the regulation of apprenticeship, to meet quarterly, and to issue apprenticeship standards with respect to various specified matters. It also requires the council to make biennial reports through the director of its activities and findings to the Legislature and the public.

This bill would delete the above requirement that the California Apprenticeship Council is to make biennial reports. It would instead require the Chief of the Division of Apprenticeship Standards and the council to report annually through the Director of Industrial Relations on the activities of the division and the council and would further require that the report contain specified information.

Ch. 270 (SB 459) Lockyer. Mobilehome parks: injunction against rules violations.

Existing law specifies general purposes for which injunctions may be granted. Existing law authorizes eviction of tenants of mobilehome parks for specified cause, including violation of reasonable rules or regulations of the mobilehome park that are part of the rental agreement or any amendment thereto.

This bill would authorize the management of mobilehome parks to obtain injunctions for three years against continuing or recurring violations of the reasonable rules and regulations of the park. The bill would entitle the management to an injunction upon showing such a violation by clear and convincing evidence. The bill would authorize the court to grant a temporary order restraining the violation for up to 15 days pending a hearing on the injunction.

Ch. 271 (SB 503) Leonard. Highways: snow removal: allocations.

Existing law continuously appropriates specified sums from revenues derived from taxes imposed under the Motor Vehicle Fuel License Tax Law and the Use Fuel Tax Law for allocation to counties for various highway purposes, including a sum equal to the total of all reimbursable costs of snow removal on county roads, as specified, or $3,000,000, whichever is less.

This bill would increase the $3,000,000 amount to $5,500,000, thereby making an appropriation by increasing the amount of money available for snow removal.

Ch. 272 (SB 527) Davis. Civil liability

Under existing law, in specified actions 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. Under existing law, the attorney is

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required to execute and file a prescribed certificate of merit in regard to the above, but the certificate need not identify the person or persons consulted. However, upon successful conclusion of such an action with respect to any party for whom such a certificate was, or should have been, filed, the attorney may be required by the court, on its own motion or the motion of a party, to disclose to the court the identity of the person or persons consulted.

These provisions of existing law will be repealed without further action of the Legislature on January 1, 1992.

This bill would, instead, provide that these provisions will be repealed without further action of the Legislature on January 1, 1997.

Ch. 273 (SB 721) Rosenthal. Public utilities: cellular telephones.

Under existing law, carriers of cellular radiotelephonic services are public utilities, subject to the regulation of the Public Utilities Commission. Under existing law, any person who fails to comply with any rule or order of the commission is guilty of a misdemeanor.

This bill would require the commission to require, by rule or order, that every facilities-based cellular service provider provide access for end users on its system to the local emergency telephone services, as described, and that they utilize the "911" code as the primary access number for those services, and that where feasible "911" calls from cellular units be routed to an office of the California Highway Patrol that is nearest to the cell site from which the call has originated. The bill would also require the commission, by rule or order, to require that every cellular service provider include in its tariffs a provision to the effect that there shall be no airtime or similar usage charge for calls placed from a cellular unit to the emergency telephone services system. Since violation of a rule or order adopted or made under these provisions would constitute a misdemeanor, the bill would impose a state-mandated local program.

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

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

Ch. 274 (AB 1204) Areias. Toxic substances: pesticides: occupational safety.

Existing law requires the Director of Food and Agriculture to adopt regulations restricting worker reentry into areas treated with pesticides, and regulating pest control applicators and protective devices, and the handling, storage, or application of pesticides. Existing law provides that those regulations are enforced by the director and by the agricultural commissioner of each county, as specified

This bill would require the Director of Food and Agriculture to require registrants of pesticides to submit the data necessary for the director to perform his or her duties in that regard, and would prohibit the registration or reregistration of a pesticide unless the director determines that the registrant has complied with those provisions.

Existing law requires a manufacturer and any person other than a manufacturer who sells a hazardous substance, as specified, to prepare a material safety data sheet (MSDS), as defined, containing specified information, and to provide the MSDS to persons who have purchased the hazardous substances, as specified. Existing law relieves the manufacturer and any person other than a manufacturer who sells a hazardous substance, of the obligation to provide a specific purchaser of a hazardous substance with a MSDS if the product is labeled pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

This bill would delete that relief provision.

Ch. 275 (AB 241) McClintock. Santa Monica Mountains Conservancy: advisory committee.

(1) Under the Santa Monica Mountains Conservancy Act, the Santa Monica Mountains Conservancy Advisory Committee is composed of 16 members appointed as specified. A majority of the authorized membership is a quorum for the transaction of

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business.

This bill would add one member to the advisory committee, to be appointed by the Moorpark City Council, thereby imposing a state-mandated local program. The bill would delete from the membership the Chairperson of the Santa Monica Mountains National Recreation Area Advisory Commission. The bill would provide that a majority of the authorized and appointed membership is a quorum for the transaction of 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. 276 (AB 2200) 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. It 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.

Existing law, as enacted by Chapter 1119 of the Statutes of 1990, permits, until January 1, 1992, the Santa Cruz County Symphony Association to elect only once reimbursement financing, as specified and subject to certain conditions, when the director finds that the association made a good faith error in classification of individuals providing services to the association. It provides 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, including interest and penalties charged by the department, which has been paid by the association prior to election.

This bill would instead 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, rather than including, interest and penalties charged by the department, which has been paid by the association prior to election.

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

Ch. 277 (SB 497) Petris. Birth Defect Prevention Act of 1984: pesticides.

Under existing provisions of the Birth Defect Prevention Act of 1984, the Director of Food and Agriculture has the same authority to require information from registrants of active pesticide ingredients as the Administrator of the Environmental Protection Agency.

This bill would provide that the director also has the same authority as the administrator to suspend registration in accordance with prescribed procedures.

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

Ch. 278 (AB 99) Isenberg. Health care.

The California Public Records Act generally requires that records of state and local agencies be open to public inspection with specified exceptions.

This bill would include records of the Major Risk Medical Insurance Program related to the Access for Infants and Mothers Program health insurance program and the California Major Risk Medical Insurance Program, and would provide that certain portions of contracts under those programs shall be open to inspection one year after they have been fully executed, would make that portion of the contracts relating to the rates of payment open to inspection 3 years after the contract or contract amendment is open

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to inspection, and would specify that the contracts or contract amendments shall be open to inspection by the Joint Legislative Audit Committee.

Under existing provisions of the Health Data and Advisory Council Consolidation Act, the summary financial data each hospital is required to report to the Office of Statewide Health Planning and Development will be revised commencing with the third calendar quarter of 1991.

This bill would, instead, require the implementation of the existing reporting requirements until the first calendar quarter of 1992.

Existing law authorizes the State Department of Health Services to establish a reimbursement program for referral case management services provided to children for the 1990–91 fiscal year.

This bill would extend that authorization to the 1993–94 fiscal year.

Existing law establishes the Expanded Access to Primary Care Program, operative until July 1, 1991, under which the State Department of Health Services would reimburse the costs incurred by selected health clinics in providing medical services and preventive health care to persons who meet specified income eligibility standards.

This bill would extend the operative period of that program to July 1, 1994.

Under existing law, every outpatient health facility licensed as a clinic is required to report information to the Office of Statewide Health Planning and Development.

This bill would revise the types of information which each licensed clinic must include within its report.

The bill would also require the Office of Statewide Health Planning and Development to coordinate with the State Department of Health Services to develop and implement, by January 1, 1992, a procedure for common reporting requirements for primary care clinics, and would specify the information which must be included within the common reporting requirements.

Existing law, until July 1, 1991, provides for the Tobacco Education Oversight Committee and establishes certain duties for that committee relating to tobacco education programs.

This bill would continue the committee and its responsibilities until July 1, 1994.

Existing law requires the State Department of Health Services to implement state and local tobacco education programs until July 1, 1991.

Under existing law, the State Department of Education is required, until July 1, 1991, to award and administer grants for projects directed at the prevention of tobacco-related diseases

This bill would revise eligibility requirements for participating lead agencies and would extend those existing requirements until July 1, 1994.

Existing law provides that the State Department of Health Services shall use not more than 5% of the funds appropriated by Chapter 1331 of the Statutes of 1989 to provide program support services to local tobacco use prevention programs.

This bill would eliminate that restriction.

Under existing law, the State Department of Health Services is required to contract for an initial baseline survey and follow-up surveys of attitudes and behavior regarding tobacco use and prevention.

The bill would authorize the department to conduct the surveys, as well as contract for their implementation, and would specify that the followup surveys be conducted annually.

Under existing law, each county or city health department which is a lead agency for purposes of implementation of state and local tobacco education programs funded by grants from the State Department of Social Services is required to submit a plan to the department relating to education against tobacco use targeted at the entire community by January 1, 1991.

This bill would require that each lead agency shall submit the plan by January 1 of each year.

Existing law provides for the allocation of money appropriated for tobacco use and prevention programs.

This bill would specify that the funds shall be allocated prospectively, to the counties,

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on a quarterly basis.

Existing law requires the State Department of Health Services to expand the Child Health and Disability Prevention Program.

This bill would require the department to expand its support and monitoring of county child health and disability prevention programs to provide a followup of CHDP assessments that result in the discovery of conditions that require followup diagnosis, to provide technical assistance, support services, and monitoring and evaluation of program performance, and to require corrections in county failures to provide treatment services required by this bill.

Under existing law, until July 1, 1991, perinatal services are provided under the Medi-Cal program to pregnant women and infants, as defined, in families with income above 185% of, but not more than 200% of, the federal poverty level and requires the department to provide for outreach activities

This bill would extend and revise that eligibility until July 1, 1994 and would direct the targeting of those outreach activities.

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.

The bill would require the State Department of Health Services to report to the appropriate committees of the Legislature no later than March 15 of each year on various factors relating to childbirth.

Existing law does not require the provision of health care insurance for low-income women who are pregnant.

This bill would establish a program, to be administered by the Major Risk Medical Insurance Board, to provide coverage for certain low-income women through participating health plans.

The bill would also require the Major Risk Medical Insurance Board to coordinate with other agencies to ensure continuity of health care services.

The bill would require the Major Risk Medical Insurance Board to report to the appropriate committees of the Legislature on the progress of the health insurance coverage program no later than January 1, 1994.

The bill would require the board to appoint an advisory panel.

The bill would create the Perinatal Insurance Fund in the State Treasury, and would continuously appropriate that fund for the purposes of the health coverage program.

Existing law established the Major Risk Medical Insurance Program in the Business, Transportation and Housing Agency, to be administered by the Major Risk Medical Insurance Board, comprised of 6 members.

This bill would increase the membership of the board to include the Secretary of Health and Welfare or his or her designee as an ex officio member of that board.

Existing law provides that after June 30, 1991, $30,000,000 shall be deposited annually in the Major Risk Medical Insurance Fund from the Unallocated Account in the Cigarette and Tobacco Products Surtax Fund.

This bill would reallocate that deposit to include amounts from various specified accounts in the Cigarette and Tobacco Products Surtax Fund.

Existing law establishes, until July 1, 1991, the California Health Care for the Indigent Program, through which the State Department of Health Services is authorized to allocate appropriated funds to local agencies for the provision of health care to certain eligible indigent persons.

This bill would extend that program until July 1, 1994, would revise county eligibility and reporting requirements, and would make conforming changes.

Existing law specifies that counties applying for certain funds appropriated for purposes of reporting requirements established by the California Health Care for the Indigent Program shall complete the implementation of the medically indigent care reporting system by July 1, 1991, and requires the counties to submit an application for funding for the implementation of that system based on a format required by the State Department of Health Services.

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This bill would authorize a later implementation date if the counties' implementation plan amendment ensures full implementation no later than December 31, 1991, and the amendment is authorized by the State Department of Health Services.

Existing law requires that any county that receives California Health Care for the Indigent Program funds shall report to the State Department of Health Services indigent health care program demographic, expenditure, and utilization data.

This bill would revise those reporting requirements.

The bill would revise the method of determining the allocation of California Health Care for the Indigent Program funds to CMSP counties.

This bill would revise the factors used in the allocation of money to counties for distributions to hospitals for uncompensated care costs from that requirement.

Existing law establishes requirements that hospitals receiving funds under the California Health Care for the Indigent Program must meet, including meeting licensing requirements.

This bill would revise those licensing requirements.

The bill would provide that nothing in the provisions for the allocation of funds to local agencies for health care shall prevent a physician from utilizing an agent who furnishes billing and collection services to the physician to submit claims or receiving payment for claims.

The bill would also specify that a county may adopt a fee schedule to establish a uniform, reasonable level of reimbursement from the physician services account for reimbursable services.

Existing law appropriated $1,000,000 from the Unallocated Account in the Cigarette and Tobacco Products Surtax Fund to the State Department of Health Services for expenditure in the 1990–91 fiscal year to increase access to dental services under the Child Health and Disability Prevention Program.

This bill would authorize the expenditure of that appropriation in the 1990–91 and 1991–92 fiscal years, and would also provide that the money be expended for various dental and dental-related expenditures under the Expanded Access to Primary Care Program and the rural health services provisions of the California Health Care for the Indigent Program. By revising the time the money may be expended and the purposes for which it may be expended, this provision would result in an appropriation.

Existing law appropriates $500,000 from the Unallocated Account in the Cigarette and Tobacco Products Surtax Fund to the State Department of Health Services, for expenditure in the 1990–91 fiscal year for the primary care clinic risk pool.

This bill would, instead, require the State Department of Health Services to expend that appropriation for grants to clinics to expand access to dental care.

By requiring the expenditure of appropriated funds for purposes other than the purposes for which they were originally appropriated, this bill would result in an appropriation.

The bill would appropriate money from various accounts in the Cigarette and Tobacco Products Surtax Fund for various health care services and cigarette and tobacco product use prevention programs.

The bill would require the State Department of Health Services to report to the appropriate committees of the Legislature, on or before April 1, 1992, on the criteria used by the counties in the use of money appropriated from the Physician Services Account in the Cigarette and Tobacco Products Surtax Fund for emergency services under the California Health Care for the Indigent Program.

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

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

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

Ch. 279 (SB 855) Robbins. Medi-Cal: disproportionate share hospitals. payment adjustments.

Existing law provides for the Medi-Cal program pursuant to which certain medical

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benefits are provided to public assistance recipients and certain other low-income persons. Existing law requires the State Department of Health Services to make supplemental payments to certain disproportionate share hospitals based on specified criteria.

This bill would require the department to make additional payments to disproportionate share hospitals that provide certain acute inpatient services to Medi-Cal beneficiaries based on specified payment adjustment calculations.

The bill would prohibit any payment rate for any service rendered by hospitals under the Medi-Cal program from being reduced as a result. The bill also would require the department to promptly seek any necessary federal approvals in order to implement the payments, as prescribed.

The bill would require that, when the payment adjustment system set forth in the bill gains federal approval, then the Medi-Cal payment adjustment system in the Medi-Cal State Plan would become inoperative, and any amounts appropriated for the payment adjustment system set forth in the Medi-Cal state plan shall revert to the Health Care Deposit Fund.

The bill would create the Medi-Cal Inpatient Payment Adjustment Fund in the State Treasury, which would be continuously appropriated to the department, for specified purposes related to making payments to hospitals.

The bill would require the department to identify each eligible hospital, as defined, on a specified disproportionate share list for which a public entity, as defined, is the licensee, as prescribed and would require those public entities, for a particular year, to make an intergovernmental transfer of funds to the State Controller for deposit into the Medi-Cal Inpatient Payment Adjustment Fund, as prescribed, thereby imposing a state-mandated local program by creating additional duties for local agencies. If a public entity does not submit a required transfer amount within a specified time period, the bill also would authorize the Controller to offset immediately the amount owed against any non-Medi-Cal funds which otherwise would be payable by the state to the public entity, and would require the Controller to deposit the amount offset into the fund.

The bill would authorize the department and Controller together, or separately, to adopt emergency regulations if necessary for the prompt and effective implementation of certain provisions.

The bill would authorize any county, other political subdivision of the state, or governmental entity in the state to elect to transfer funds to the department in support of the Medi-Cal program in addition to the required transfers.

The bill would appropriate to the department, an amount equal to 8.608% of all transfer amounts deposited in the Medi-Cal Inpatient Payment Adjustment Fund for certain administrative 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.

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

Ch. 280 (AB 82) Kelley. Corporations: dissolution.

Existing law provides that any corporation may voluntarily elect to dissolve by the vote of shareholders holding shares representing 50% or more of the voting power. Whenever a corporation has elected to dissolve, it must file a certificate of election to wind up and dissolve, as specified. When the corporation has been completely wound up, a certificate of dissolution also must be filed.

This bill would provide that in instances where the election to dissolve is made by the vote of all the outstanding shares and a statement to that effect is added to the certificate of dissolution, the separate filing of a certificate of election to wind up and dissolve is not required.

This bill would incorporate additional amendments to Section 1905 of the Corporations Code proposed by AB 1415, contingent upon the prior enactment of that bill.

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Ch. 281 (AB 113) Elder. Public employees: retirement systems' investment reports: specialized health service plans.

(1) Existing law requires, until January 1, 1992, that each state and local public pension or retirement system provide an annual report on the investments and earnings of the system and other related matters to any member upon request, and authorizes local systems to impose a fee for costs of providing the report.

This bill would delete the repeal date of these provisions. By extending the requirement that local systems provide reports, 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 state that no reimbursement is provided for a specified reason.

(2) The existing Public Employees' Medical and Hospital Care Act authorizes the Board of Administration of the Public Employees' Retirement System to enter into contracts for unique or specialized health services plans.

This bill would authorize the board, if it administers any specialized health services plan, to offer coverage in that plan to a contracting agency which has also filed a resolution for health benefits coverage under that act. This new authorization would impose state-reimbursable, state-mandated local negotiation costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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 item (2) of this bill contains costs mandated by the state, reimbursement 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. 282 (AB 663) Hansen. Pilots.

(1) Existing law requires every pilot licensed to pilot vessels in San Francisco, San Pablo, and Suisun Bays to render a monthly account of all moneys received as a result of pilotage services. Existing law also requires the secretary of the Board of Pilot Commissioners for San Francisco, San Pablo, and Suisun Bays to record the accounts in an account book.

This bill would change the reference from secretary to administrative assistant/secretary to reflect the position of the person who records those accounts.

(2) Existing law provides for the appointment of the members of the board, including staggered terms for members who are public members and appointment of one of the pilot members as president.

This bill would revise and recast those provisions and would require the appointment of one of the pilot members as, instead, port agent.

(3) Existing law prohibits renewal of a pilot's license of a person who does not pilot vessels for one year unless the board makes one of specified findings.

This bill would add the grant of a leave of absence without pay to those specified findings.

(4) Existing law requires the Board of Pilot Commissioners to adopt training standards and a training program for applicants for a pilot's license and establishes a surcharge for that purpose.

The bill would require the amount paid to pilot trainees to be determined by the board.

(5) The bill would change references to widows of deceased pilots to surviving spouses, and would make corresponding changes to other provisions relating to payments of retirement benefits to pilots.

(6) Existing law provides that, notwithstanding any other law, rates for inland pilot-

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age shall be 20% more than were in existence as set forth in a specified schedule of January 1, 1984. This provision was superseded by another requirement that minimum rates be the schedule of ship pilot fees published by the San Francisco Bar Pilots on January 1, 1990.

This bill would repeal the former, obsolete provision. The bill would make other technical changes to related provisions.

Ch. 283 (AB 876) Cannella. Schools: home-to-school transportation.

(1) Under existing law, school districts and county superintendents of schools receive apportionments for transportation of pupils, including the transportation of pupils in special education programs. "Transportation," for the purpose of receiving those apportionments, is defined to include, among other things, the transportation of pupils between their homes and the regular full-time day school they attend.

This bill would, instead, define "home-to-school transportation" as including the transportation of pupils between their homes and the regular full-time day school they attend. This bill would add to that definition the transportation of individuals with exceptional needs as specified in their individualized education programs, who do not receive special education transportation, and the payment of money by a school district or county superintendent for the replacement or acquisition of schoolbuses. The bill would provide that the meaning of "special education transportation" either would be the transportation of severely handicapped special day class pupils, and orthopedically handicapped pupils who require a vehicle with a wheelchair lift, or a vehicle that was used to transport special education pupils.

(2) Existing law requires the Superintendent of Public Instruction to apportion funds for the transportation of pupils, including special education transportation, to each county superintendent of schools and school districts that received a transportation allowance in the prior year, an amount based on current year expenditures and prior year allowances, calculated in accordance with a specified formula. All revisions made by a school district or county superintendent to a prior year fiscal year expenditures' report or other document, as specified, and submitted to receive transportation allowances, must include a statement which certifies that the revisions correct errors contained in a document previously submitted, and that the revised information is true and accurate.

This bill would repeal those provisions and, instead, would provide that for the 1992–93 fiscal year, each school district or county office of education shall receive a home-to-school transportation apportionment equal to the transportation allowance received in the prior fiscal year reduced by the amount of special education transportation allowance. The bill would require that for the 1993–94 fiscal year and each fiscal year thereafter, each school district or county office of education shall receive a home-to-school transportation allowance received in the prior year, but in no event shall that home-to-school transportation allowance exceed the prior year's approved home-to-school transportation costs, increased by the amount provided in the Budget Act.

This bill would require the superintendent to develop guidelines for individualized education program teams that specify when special education transportation services are required.

This bill would provide that for the 1992–93 fiscal year, the superintendent shall apportion an amount equal to the lesser of either the prior year's approved special education transportation costs or that portion of the prior year's transportation allowance that the school district or county superintendent of schools designates as a special education transportation allowance. For the 1993–94 fiscal year and each fiscal year thereafter, each school district or county office of education shall receive a special education transportation allowance received in the prior fiscal year, but in no event shall that special education transportation allowance exceed the prior year's approved special education transportation costs, increased by the amount provided in the annual Budget Act

(3) Existing law requires districts that discontinue transportation services to transfer unencumbered funds from the restricted home-to-school transportation account to the general fund of the district or county superintendent and the Superintendent of Public

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Instruction is required to reduce the state revenue limit apportionment accordingly.

This bill would exclude from that reduction reimbursements for prior year special education transportation services.

This bill would provide that its provisions would become operative July 1, 1992.

Ch. 284 (AB 1113) Archie-Hudson Acquired immune deficiency syndrome.

Under existing law, the State Department of Health Services is required to perform a number of duties relating to the prevention and treatment of AIDS.

This bill would require the department to include, to the extent feasible with existing resources, in its HIV surveillance and reporting practices, information concerning newly identified clinical manifestations of HIV infection and available resources for health care practitioners to seek diagnostic and treatment information.

This bill would contain legislative findings and statements of legislative intent regarding the above requirement.

Ch. 285 (AB 1270) Sher. Coastal resources.

The California Coastal Act of 1976 establishes the California Coastal Commission which consists of 3 nonvoting members and 12 voting members. The Governor, the Speaker of the Assembly, and the Senate Committee on Rules each appoints 4 voting members.

This bill would make clarifying changes in the provisions pertaining to the appointment of members to the commission. The bill would delete obsolete provisions relating to regional commissions and make related changes.

Ch. 286 (AB 1425) Gotch. Environmental protection: Land Bank Fund.

Under existing law, the Kapiloff Land Bank Act creates the Land Bank Fund, and continuously appropriates moneys in the fund subject to a statutory trust to the State Lands Commission, acting as the Land Bank Trustee, to acquire real property or any interest in real property for the purposes of public trust title settlements and for mitigation, as defined, with respect to improvements to real property which adversely impact existing or former wetlands.

This bill would generally authorize the trustee to manage and improve real property held by the trustee for purposes of providing open space, habitat for plants and animals, and public access, and would permit any party to deposit moneys into the fund for purposes of specified or unspecified projects to provide for management and improvement of real property held by the trustee for those purposes. The bill would make an appropriation by specifying new purposes for which moneys deposited in the fund may be expended.

Ch. 287 (AB 1661) Speier. Classified employees: status of paraprofessionals.

(1) Under existing law, specified provisions relating to employment of classified employees of a school district apply to all those classified employees whether or not the district is a merit or nonmerit system district, unless the provisions are expressly limited to nonmerit system districts, and also apply to persons employed as classified employees by county superintendents of schools. Existing law exempts from the application of these provisions employees of a school district lying wholly within a city or county that provides for a merit system within its charter, as specified.

This bill would authorize the governing board of a school district to adopt a resolution to exclude from that exemption, commencing July 1, 1992, persons employed as paraprofessionals, as specified, by a school district lying wholly within a city or county providing for a merit system within its charter.

(2) Existing law provides that employees not employed in positions requiring certification qualifications by a school district coterminous with a city and county that has a charter providing for a merit system of employment, is subject to the charter's merit system provisions.

This bill would exclude persons employed by those districts as paraprofessionals and to whom the governing board by resolution has made applicable certain provisions of existing law, from the application of a merit system established by the charter of a city

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and county.

Ch. 288 (AB 1799) Areias. California State Council on Vocational Education.

(1) Existing law establishes the California State Council on Vocational Education, which consists of 13 members appointed by the Governor who are required to be broadly representative of citizens and organizations within the state having an interest in vocational education. Under existing law, the members of the council include 7 individuals who are representatives from business, industry, and agriculture.

This bill would require that those individuals also represent trade organizations.

(2) Existing law requires that the members of the council include 6 individuals who are representatives of secondary and postsecondary vocational institutions.

This bill would authorize the inclusion of members of vocational student organizations and school board members in this category of members.

The bill would prohibit a member or employee of the State Board of Education from being appointed to the council.

(3) Existing law requires the council to advise the State Board of Education and the Board of Governors of the California Community Colleges, and to report to the Governor, the Legislature, the business community, and the general public, regarding specified matters.

This bill would also require that the council report on the state plan.

The bill would require the council to analyze and review correctional vocational educational programs, comment on the adequacy of state action in implementing the state plan, and make recommendations concerning vocational education and job training. The bill would revise the content of the evaluation required to be made by the council every 2 years.

(4) Existing law authorizes the council to obtain the services of designated personnel necessary to enable it to carry out its functions and to contract for any services necessary for it to carry out its evaluation functions.

This bill would authorize the council to submit a statement to the United States Secretary of Education, the Governor, the State Board of Education, and the Board of Governors of the California Community Colleges that reviews and comments upon the state plan.

(5) Existing law requires the State Department of Education and the Board of Governors of the California Community Colleges to submit an annual report to the Legislature containing information on vocational education and technical training programs. The report is required to be coordinated with federal evaluation requirements pursuant to a specified provision of federal law.

This bill would update the reference to the specified provision of federal law.

Ch. 289 (SB 422) Watson. Highway signs: graffiti: removal.

Under existing law, the Department of Transportation is generally responsible for the design, construction, and maintenance of state highways. Standards for the design and construction of state highways generally require the department to install and maintain certain directional and traffic control signs.

This bill would require the department to either clean or replace signs which are defaced by graffiti in a manner which interferes with the ability of motorists to comprehend the information which the sign was intended to convey.

Ch. 290 (SB 461) Vuich. World trade: California Export Finance Board.

Under existing law, the California Export Finance Board consists of 7 members appointed by specified authorities including the California State World Trade Commission which appoints 2 persons to the board. The board is required to implement the state's export finance program.

This bill would grant the commission an additional 2 appointments to the board. These persons would be accomplished credit evaluation representatives.

Ch. 291 (SB 1034) Dills. Disabled veterans.

Existing law defines "disabled veteran business enterprise" for purposes of the re-

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quirement for statewide participation goals for those enterprises in state contracts.

This bill would add subsidiaries of corporations wholly owned by disabled veterans, and specified joint ventures to that definition. The bill would also define "foreign corporation," "foreign firm," "foreign-based business," and "management and control" for purposes of those laws.

Ch. 292 (AB 189) Tanner. Hazardous substance releases technical handbook.

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 remedial 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.

This bill would require the department and the State Water Resources Control Board to each develop, by July 1, 1992, policies and procedures to be used by each agency in overseeing the investigation and taking of removal and remedial actions at hazardous substance release sites, in the case of the department, and in overseeing the investigation of, and cleaning up or abating the effects of, discharges of a hazardous substance, in the case of the state board.

Ch. 293 (AB 418) Hunter. Crimes: sex offenses.

Existing law makes it a crime to engage in certain acts of rape and sodomy.

Existing law also makes it a crime for any person to cause the penetration of the genital or anal openings of another person for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, as defined, when the act is accomplished against the victim under certain specified conditions. Existing law also makes it a crime for any person to participate in an act of penetration, as specified above, of another person when the victim is a minor.

This bill, in addition, would provide that whenever a person causes the penetration, however slight, of the genital or anal openings of any person or causes another person to so penetrate any person's genital or anal openings by a penis or by any foreign object, substance, instrument, or device, as specified, under certain circumstances, and it cannot be established whether penetration was by a penis or by a foreign object, substance, instrument, or device, the person shall be punished, except as specified, by imprisonment in the state prison for 3, 6, or 8 years.

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. 294 (AB 444) Ferguson. Controlled substances: ketamine.

Under existing law, controlled substances are listed in 5 schedules, with the greatest restrictions placed on those in Schedule I. Existing law provides that any person who unlawfully possesses for sale or sells a controlled substance listed in Schedule III is subject to specified punishment.

This bill would place any material, compound, mixture, or preparation containing ketamine in Schedule III, and would specify that every person who unlawfully possesses for sale or sells any material, compound, mixture, or preparation containing ketamine shall be punished by imprisonment in the county jail for a period of not more than one year or in the state prison. The bill would make conforming 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. 295 (AB 474) Tanner. Clinical laboratories: cytologic services: gynecologic slides.

Existing law requires clinical laboratories performing cytologic examinations of gynecologic slides to directly bill either the patient or the responsible third-party payer for the services, and prohibits clinical laboratories from billing the physician and surgeon who requests the tests. Existing law also provides that it is unlawful for certain health professionals to charge, bill, or otherwise solicit payment from any patient, client, customer, or third-party payer for cytologic services relating to the examination of gynecologic slides if those services were not actually rendered by that person or under his or her direct supervision. Existing law also contains an exemption to the above provisions.

This bill would provide that for purposes of the above, any person or entity who is responsible to pay for the cytologic examination of gynecologic slides services provided to that patient shall be considered a responsible third-party payer. This bill also would broaden the above-described existing exemption and would add other exemptions.

Ch. 296 (AB 787) Hunter. Blood transfusions.

Existing law requires, whenever there is a possibility that a blood transfusion may be necessary as a result of a medical procedure, a physician and surgeon, by means of a standardized written summary, to inform the patient of the positive and negative aspects of receiving autologous blood and directed and nondirected homologous blood from volunteers.

This bill, instead, would require the information to be given whenever there is a reasonable possibility, as determined by the physician and surgeon, that a blood transfusion may be necessary as a result of a medical or surgical procedure.

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

Ch. 297 (AB 807) Roybal-Allard. Telephones: information providers: messages constituting harmful matter

(1) Under existing law, the Public Utilities Commission is directed to do the following:

(a) Require telephone corporations to offer to residential telephone subscribers a means to delete access to information-access telephone services at no charge.

(b) Require telephone corporations to refund to subscribers any amounts paid for deletion of access prior to a specified date, and determine and implement a method to recompense telephone corporations for the expenses of providing this deletion of access option.

(c) Require every telephone corporation which furnishes information-access telephone service to make available a separate telephone prefix number for information providers which provide messages constituting harmful matter, as defined, and for those which provide other than messages constituting harmful matter, and to request every information provider to designate which prefix corresponds to its type of messages.

(d) Require the telephone corporation to offer residential subscribers the option of deleting access to the telephone prefix number which accesses messages constituting harmful matter and to determine and implement a method to recompense telephone corporations for the expenses of providing this deletion of access option.

These provisions are scheduled to become inoperative on July 1, 1991, and to be repealed as of January 1, 1992.

This bill would extend these provisions indefinitely, and would also require the telephone corporation to notify new residential subscribers of the deletion of access option.

(2) Existing law directs the commission to require telephone corporations and providers of information-access telephone services to institute a method of handling subscriber complaints concerning these services, which shall include provision for a waiver of certain or all of the charges for these services for a 1st occasion of their inadvertent or mistaken use.

This provision is scheduled to become inoperative on July 1, 1991, and to be repealed as of January 1, 1992.

This bill would recast this provision and extend it indefinitely.

(3) Since existing law makes any public utility who violates specified provisions regulating public utilities guilty of a misdemeanor, this bill would impose a state-mandated

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local program by creating a new crime.

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

Ch. 298 (AB 964) Alpert. Schoolbuses, school pupil activity buses, and youth buses· injuries from accidents.

Under existing law, the Department of the California Highway Patrol generally regulates the safe operation of schoolbuses and youth buses.

This bill would require the department to investigate accidents involving schoolbuses, school pupil activity buses, and youth buses for evidence of the effects of overcrowding aboard the buses or obstructed aisles, or both, on increased pupil injuries, as specified, and to report thereon to the Legislature on or before July 1, 1993. The bill would also make a clarifying change.

Ch. 299 (AB 1105) Murray. Governing boards: powers.

Under existing law, the governing board of any school district may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established.

This bill would set forth the intent of the Legislature that school district policies regarding the release of pupil directory information not purposefully exclude any military services representative from access to that information. The bill further would express the legislative intent that school districts minimize the release of pupil telephone numbers in the absence of express parental consent, pursuant to specified findings and declarations

Ch. 300 (AB 1409) Lempert. Oil spills: fees.

(1) Under existing law, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, a specified oil spill prevention and administration fee and oil spill response fee are required to be collected by the State Board of Equalization for specified purposes.

This bill would enact the Oil Spill Response, Prevention, and Administration Fees Law prescribing the procedures for collection of the above fees by the board. The bill would prescribe the powers and duties of the board in connection with the collection of the fees. The bill would impose specified criminal penalties for violations of the bill, thereby imposing a state-mandated local program by creating new crimes.

(2) Under existing law, specified procedures for collection of the fees were in effect until July 1, 1991.

This bill would reenact those provisions. The bill would also permit proceeds from the oil spill prevention and administration fee to be used to reimburse the board for its costs

The bill would also require the oil spill response fee to be paid under specified circumstances for the transport of oil out of the state by pipeline.

(3) Under existing law, except as otherwise provided, no person, including an oil spill cooperative, its agents, subcontractors, or employees, is liable to any person for costs, damages, or other claims or expenses as a result of specified actions taken or omitted in good faith in response to a spill or threatened spill of oil

This bill would make clarifying changes with respect to the liability of responsible parties.

(4) The bill would revise the definition of "barges" for purposes of the act.

(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. 301 (AB 1413) Mountjoy Out-of-state wagers· parimutuel pool distribution

Existing law requires that wagers accepted on out-of-state feature races and included in the parimutuel pool or pools of the entity conducting the out-of-state racing be

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distributed in accordance with specified provisions. One of these provisions requires that each association deduct a percentage equal to the percentage deducted from the amount handled by the association in its parimutuel pool at its racing meeting from the amount handled by the association and included in the parimutuel pool or pools of the entity conducting the out-of-state racing.

This bill would permit, instead of require, an association to make that deduction, but only with the permission of the California Horse Racing Board.

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

Ch. 302 (AB 1456) Eastin. Property taxes: Newark Unified School District.

Under existing law, as set forth in the State School Building Aid Law of 1952, the Controller is authorized to withhold, from the annual state apportionment entitlement of a school district, a specified amount to be applied to repayment of bonded indebtedness incurred on behalf of that district pursuant to the construction of school facilities under that state school building aid program. Existing law further directs the appropriate county board of supervisors to levy each fiscal year a property tax in that district sufficient to raise for the district the amount of funding withheld by the Controller from the state apportionment to that district for that fiscal year.

This bill would set forth the legislative finding that the amount of property tax levied in the Newark Unified School District for the 1990–91 fiscal year was $717,939 less than the amount to which the district was entitled for that fiscal year pursuant to that authority, and would authorize the Board of Supervisors of Alameda County to increase by that sum the amount of property tax levied in that district for the 1991–92 fiscal year.

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

Ch. 303 (AB 1780) Woodruff. 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 crimes of torture and aggravated mayhem.

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.

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

Ch. 304 (AB 367) Areias. Unemployment compensation benefits: extension: freezing weather.

Existing law provides unemployment compensation benefits for qualified eligible unemployed individuals to a maximum of 26 times the individual's weekly benefit amount, as defined. It also provides extended unemployment compensation benefits for qualified eligible individuals who had specified earnings and provides federal-state extended unemployment compensation benefits for qualified eligible individuals who had specified earnings.

This bill would provide extended unemployment compensation benefits, with respect to claims made on or before July 31, 1992, for an additional 26 times an individual's weekly benefit amount for any qualified eligible unemployed individual who has been laid off from work or is unable to commence work as a direct result of freezing weather conditions which occurred in this state from December 19, 1990, to January 3, 1991, inclusive, at the individual's most recent workplace or regular seasonal workplace, or whose continuing unemployment is a direct result of the freezing weather and who is otherwise eligible to receive benefits under these provisions. It would provide that these benefits shall be available only when an individual has exhausted or is otherwise ineligible for other state or federal unemployment compensation benefits, as specified. It

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would provide that in the event an individual becomes eligible for federal-state extended unemployment compensation benefits prior to August 1, 1992, that individual shall become ineligible for extended unemployment compensation benefits under these provisions to the extent he or she is eligible for and receives federal-state extended unemployment benefits. Unemployment compensation benefits are paid from the Unemployment Fund, a continuously appropriated fund, and thus by providing additional benefits, this bill would make an appropriation.

This bill would also allow an eligible individual to use an alternative base period, as specified, to calculate benefits for certain claims on or after August 1, 1991. It would provide that the provisions of the bill concerning an alternative base period shall be inapplicable in the event that the Director of the Employment Development Department makes a determination, after a public hearing, that the earning levels of freeze-affected individuals have not been significantly reduced as a result of freeze-related unemployment, layoffs, or underemployment during the 1991 calendar year.

This bill would also make certain legislative findings and declarations with respect to the severe freezing conditions which occurred in California.

This bill would declare that it is to take effect immediately as an urgency statute, but would become operative on August 18, 1991.

Ch. 305 (AB 915) Eaves. Department of Transportation: engineers.

Under the California Constitution, all state employees, with certain exemptions, are required to be included in the state civil service system, and appointments and promotions are required to be made under a general system based on merit ascertained by competitive examination.

Existing law requires 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.

This bill would grant additional powers to, and impose additional duties on, the department and the Director of Transportation with respect to the recruitment and retention of engineers. The bill would require the department to report, as specified, to the Legislature on its engineer recruitment and retention experiences under the bill, and on a related matter, together with its findings, conclusions, and recommendations.

This bill would become operative only if SB 805 and SB 1219 are both chaptered.

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

Ch. 306 (AB 1015) Frazee. Sanitary districts: water reclamation.

Existing law authorizes sanitary districts to, among other things, construct and operate water reclamation and distribution systems.

This bill would authorize the Department of Water Resources to assist sanitary districts in applying for, and in obtaining approval of, federal and state funding and permits for cost-effective water reclamation projects.

Ch. 307 (AB 1136) Woodruff. Teacher credentialing: health education.

Existing law requires that the minimum requirements for the teaching credential and for the renewal of the adult education teaching credential include satisfactory completion of a unit requirement in health education, including, but not limited to, emphasis on the physiological and sociological effects of abuse of alcohol, narcotics, and drugs and use of tobacco.

This bill, in addition, would require that the unit in health education include training in, or verification of training in, cardiopulmonary resuscitation which meets the standards set by the American Heart Association or the American Red Cross.

Ch. 308 (AB 1189) Peace. Corporations: electronic proxies.

Existing provisions of the General Corporation Law define a "proxy" to mean a written authorization signed by a shareholder or attorney in fact, as specified. "Signed" for that purpose includes the placing of the shareholder's name on the proxy by manual signature, typewriting, or telegraphic transmission or otherwise.

This bill would provide that a proxy also includes an electronic transmission author-

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ized by a shareholder or attorney in fact, as specified. This bill would provide that "signed" for that purpose would also include the placing of an authorization other than the shareholder's name on the proxy by electronic, as well as the above-described means. It would authorize a proxy to be transmitted by an oral telephonic transmission if it is submitted with information from which it may be determined that the proxy was authorized by the shareholder, or his or her attorney in fact.

Ch. 309 (AB 1415) Leslie. Corporations: dissolution.

(1) Existing law provides that when a corporation has been completely wound up without court proceedings, a majority of the directors then in office shall sign and verify a certificate of dissolution containing specified information. It provides that the effective date of dissolution of the corporation is the date on which the certificate of winding up and dissolution is filed in the office of the Secretary of State. It also provides, however, that before any corporation taxed under the Bank and Corporation Tax Law may file a certificate of dissolution, it must file or cause to be filed a certificate of satisfaction of the Franchise Tax Board that all taxes imposed under that law have been paid or secured.

This bill would, instead, require the certificate of dissolution to include an agreement by a person or corporation that assumes the tax liability, if any, of the dissolving corporation as security for the issuance of a tax clearance certificate from the Franchise Tax Board.

It would provide that corporate powers shall cease upon filing the certificate of dissolution. It would require the Secretary of State to forward a statement of assumption of liabilities to the Franchise Tax Board, which would notify the Secretary of State when all taxes have been paid or secured, in which case the corporation would be dissolved as of the date of filing the certificate of dissolution.

(2) Existing law provides that a foreign corporation that is qualified to transact intrastate business may surrender its right to engage in that business in this state by filing with the Secretary of State a certificate of surrender signed by a corporate officer containing specified information.

This bill would require that a tax clearance certificate issued by the Franchise Tax Board be filed with the certificate of surrender.

(3) The existing Bank and Corporation Tax Law requires that all banks and corporations subject to tax and not exempted pay annually a minimum tax of not less than a specified amount until the effective date of dissolution or withdrawal.

This bill would provide that a domestic bank or corporation that files a certificate of dissolution and does not thereafter do business shall not be subject to the minimum tax for subsequent income years.

(4) Under existing law, a minimum franchise tax is not imposed on a taxpayer with respect to the taxable year in which the taxpayer ceases business, dissolves, or withdraws, if certain conditions are met.

This bill would, instead, provide that a minimum franchise tax is not imposed with respect to the taxable year in which a tax clearance certificate is issued by the Franchise Tax Board, if certain conditions are met.

(5) Existing law prohibits the dissolution of any corporation by any court, any county clerk, or the Secretary of State unless the corporation obtains from the Franchise Tax Board a tax clearance certificate indicating that the Franchise Tax Board is satisfied that all specified taxes have been paid or are secured by bond, deposit, or otherwise.

This bill would require the Franchise Tax Board to furnish a copy of the tax clearance certificate to the Secretary of State and would make technical and clarifying changes to existing law.

The bill would incorporate additional amendments to Section 1905 of the Corporations Code proposed by AB 82, contingent on the prior enactment of that bill.

Ch. 310 (AB 1782) Floyd. Horseracing: track safety standards.

(1) Existing law requires the California Horse Racing Board to perform various functions and duties with respect to the regulation of horseracing in the state.

This bill would require the board to establish standards governing the uniformity and

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content of track facilities, as specified, and to designate a steward at all horseracing meetings to be responsible for maintaining safety standards.

(2) Existing law permits the board to issue to any person a license to conduct a horseracing meeting if certain conditions are met. Existing law further specifies the content of every license.

This bill would require a license to include the name of the person responsible for supervising the maintenance of racetrack safety standards, and would prohibit the issuance of a license to conduct a horserace meeting upon a track unless the track has been inspected by the board within 30 days prior to the date of application for the license, and has been approved by the board as conforming to the racetrack safety standards specified in (1) above.

Ch. 311 (AB 2203) Costa. Milk: stabilization and marketing: equalization pools.

(1) Existing law contains provisions for the formation and adoption of stabilization and marketing plans by the Director of Food and Agriculture which prescribe the minimum prices for various classes of market milk.

This bill would authorize the director to provide for a temporary increase in the minimum prices of milk for certain classes of milk in an emergency, as defined. These provisions would only be operative when a milk equalization pooling plan is in effect.

(2) Existing law contains provisions for the establishment of an equalization pool for fluid milk and cream, under which producers of milk and cream receive payments for their milk.

This bill would require the director to separate any funds generated from the temporary increase of milk prices into a subpool, which shall be distributed equally to all milk production in the pool.

(3) This bill would make its provisions inoperative after 5 years from their effective date and would repeal these provisions as of January 1, 1997.

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

Ch. 312 (AB 298) Clute. Street and highway construction: cities and counties.

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 state transportation improvement program lists projects to be funded from the account for a 7-year period in accordance with those priorities. A local jurisdiction, with the concurrence of the commission and the department, may advance a project included in the state transportation improvement program to an earlier fiscal year through the use of its own funds, and have the advanced project replaced in the state transportation improvement program at the originally scheduled fiscal year and at the equivalent escalated dollar value of the advanced project.

This bill would authorize a city or county to enter into an agreement with the appropriate transportation planning agency, the department, and the commission, to use its own funds to develop, purchase right-of-way for, and construct a street or highway project if the project is one which is included in the adopted state transportation improvement program. The bill would require the projects to conform to applicable state and federal design and construction standards. The bill would require the department to reimburse the city or county from funds allocated for the project in the state transportation improvement program. The bill would require the commission to develop and adopt guidelines to implement the bill's provisions, and would require the commission to include a report on the program's progress in its annual report to the Legislature.

Ch. 313 (SB 1219) Bergeson. Department of Transportation: contracting for services.

Existing law authorizes the Department of Transportation to contract for the services of engineers, architects, surveyors, planners, environmental specialists, and materials testing specialists to provide professional and technical project development services to the department whenever the Director of Transportation determines that specified guidelines are applicable.

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This bill would authorize the department to contract for services related to project study reports, project development, surveying, and construction inspection. The bill would also require the department, in applying the criteria for contracting for services prescribed by and established pursuant to these provisions, to consider the workload relating to project study reports, project development, surveying, and construction inspection based on the total program relating to those factors for each fiscal year.

The bill would contain statements of legislative intent regarding the use of state employees.

The bill would become operative only if SB 805 and AB 915 are both chaptered.

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

Ch. 314 (SB 805) Bergeson. Contracts: budgets: services.

(1) Existing law contains provisions regarding the letting of contracts by state and local agency heads for architectural, engineering, environmental services, land surveying, or construction project management services based on demonstrated competence and professional qualifications rather than competitive bidding. Existing law defines architectural, engineering, environmental, land surveying, and construction project management services for these purposes.

This bill would include landscape architectural services within these provisions.

Existing law expressly authorizes the Department of Transportation to contract for the services of engineers, architects, surveyors, planners, environmental specialists, and materials testing specialists, in order to provide professional and technical project development services to the department whenever the department is inadequately staffed to satisfactorily carry out its project development program in a timely and effective manner.

This bill would include contracts for landscape architectural services within that authorization. The bill would also define, for these purposes, the phrase "project development" to include all phases of a project beginning with the preparation of a project study report and continuing through completion of project construction.

Existing law authorizes the Department of Transportation to contract for the services of engineers, architects, surveyors, planners, environmental specialists, and materials testing specialists whenever the Director of Transportation determines that action to be appropriate in accordance with guidelines adopted by the department if the services contracted for do not cause the displacement of any permanent, temporary, or part-time employee of the department. The department is required to establish statewide participation goals for minority business enterprises and women business enterprises for those contracts and develop a list of qualified minority and women business enterprises. These provisions and related provisions will be repealed on January 1, 1993.

This bill would delete the January 1, 1993, repeal date.

(2) Existing law requires the department to include in its annual budget request permanent and temporary capital outlay support staffing at specified levels, as compared to its 1986–87 authorized permanent and temporary capital outlay support staffing level, and authorizes the department to contract out for staffing in excess of the 1986–87 authorized levels. These provisions will be repealed on January 1, 1993.

This bill would delete the January 1, 1993, repeal date.

(3) The bill would not become operative unless SB 1219 and AB 915, of the 1991–92 Regular Session, are both chaptered and become effective.

Ch. 315 (AB 742) Lancaster. Criminal procedure: subpoenas: service on peace officers.

Under existing law, when a peace officer is required as a witness, as specified, in connection with a matter regarding an event or transaction which he or she has perceived or investigated in the course of his or her duties, the subpoena may be served either by delivery to the peace officer or delivery to the officer's immediate superior or an agent designated by that superior.

Existing law requires the immediate superior or the designated agent to deliver a copy of the subpoena to the peace officer as soon as possible, and in no event later than a time which will allow the peace officer to comply with the subpoena.

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This bill would instead require that, in the case of peace officers employed by the California Highway Patrol, the immediate superior or designated agent deliver a copy of the subpoena to the peace officer on his or her first workday following the acceptance of the subpoena. The bill would also specify that, in this case, the failure of the immediate superior or the designated agent to deliver the subpoena does not constitute a defect in service.

Ch. 316 (AB 1110) Campbell. Child day care facilities.

Existing law provides for the licensure and regulation of child day care facilities.

Existing law exempts from these requirements, among other things, public recreation programs that are provided to children under the age of 4 years and 9 months with sessions which run 12 hours per week or less and are 12 weeks or less in duration.

This bill would permit those public recreation programs to enroll children in consecutive sessions throughout the year, but would prohibit these children from being enrolled in a combination of sessions which total more than 12 hours per week for each child.

Ch. 317 (AB 105) Costa. Horseracing: thoroughbred meetings and races.

(1) The existing Horse Racing Law provides for the distribution of funds and awards on various horse meetings and races.

This bill would correct an erroneous cross-reference.

(2) Existing law requires that certain deposits derived from race meetings, which include thoroughbred racing, be distributed to various funds from which certain specified percentages of breeder awards, owner premiums, and stallion awards are to be paid.

Existing law, until January 1, 1992, requires that the deposits also be distributed to the California-bred fund, to be used for the promotion of California-bred races and from which purses are to be provided or supplemented for California-bred races, as prescribed. Existing law requires that on and after that date, this fund's share of deposits be equally distributed among funds for owner premiums.

This bill would continue that existing law requiring the distribution of those deposits to the California-bred fund beyond January 1, 1992, by deleting that termination date.

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

Ch. 318 (AB 220) Hauser. Highways: deicing.

Under existing law, the Department of Transportation is required to improve and maintain the state highways.

This bill would make legislative findings and declarations relative to the use of salt as a highway deicing agent. The bill would require the department, on or before July 1, 1992, to adopt and implement a state highway deicing policy which would be contained in a plan and method required to be submitted to the Legislature, as specified.

Ch. 319 (AB 319) Areias. California State University: disposition of property.

Existing law authorizes the Trustees of the California State University to accept on behalf of the state any gift, bequest, devise, or donation of real or personal property whenever the gift and the terms and conditions thereof will aid in carrying out the primary functions of the university.

Existing law also requires that every conveyance, contract, or agreement whereby an interest of the state in any real property is conveyed, devised, or let to any person be approved by the Director of General Services before the conveyance, contract, or agreement is executed or entered into, unless the Legislature specifically provides that approval by the Director of General Services is not required. Existing law also authorizes the Director of General Services to execute grants to real property belonging to the state in the name, and upon behalf, of the state, whenever the sale or exchange of real property is authorized or contemplated by law, as specified.

This bill would authorize the Trustees of the California State University to sell or exchange interests in certain real property received, other than real property that is part of a main campus of the California State University, when, in the judgment of the trustees, the sale or exchange is in the best interests of the university, and would prohibit this sale or exchange if the transaction exceeds $10 million. The bill would require the

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trustees, prior to the sale of any interests in real property pursuant to these provisions, to offer the interests to local governmental agencies. The bill would express the intent of the Legislature that the trustees be authorized to transfer interests at less than fair market value under conditions set forth in specified provisions of existing law. The bill also would authorize the trustees to purchase interests in real property from moneys received pursuant to these provisions, as specified. The bill would also require any sale or exchange of interests in real property pursuant to its provisions to be reported annually to the California Postsecondary Education Commission, the Joint Legislative Budget Committee, and the Department of Finance.

Ch. 320 (AB 360) Johnson. Advertisement of loans: licensure disclosure.

Existing law does not require advertisements for loans which utilize real property as collateral to disclose the license under which the loan would be made or arranged.

This bill would require that disclosure, as specified, with respect to advertisements disseminated primarily in this state placed by any person. This provision would not apply to any bank, bank holding company, savings association or federal association, as defined, or any subsidiary or affiliate of these entities that is not separately licensed.

This bill would also prohibit any real estate licensee, or person licensed as a consumer finance lender, commercial finance lender, or personal property broker from placing an advertisement disseminated primarily in this state for a loan unless the license under which the loan would be made or arranged is disclosed, as specified.

Existing law makes violation of various provisions of law relating to advertising a misdemeanor.

The bill, by adding the above provisions to those provisions, would enlarge the scope of an existing crime and 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.

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

Ch. 321 (AB 370) Roybal-Allard. Family law: visitation.

Existing law requires a court in making an award authorizing visitation under the Family Law Act or in making an award of temporary custody pursuant to the Domestic Violence Prevention Act to consider whether the best interest of the child requires that any visitation granted to a parent to whom any of specified ex parte protective orders issued under the Family Law Act has been directed, be limited to situations in which a 3rd person, specified by the court, is present.

This bill would extend that consideration to cases where any visitation is granted to a parent to whom any of specified protective orders has been directed, under the Uniform Parentage Act or under the Domestic Violence Prevention Act.

This bill also would require consideration of whether the best interest of the child requires that any visitation granted pursuant to the Uniform Parentage Act to a parent to whom any of those same specified protective orders has been directed, be limited to situations in which a 3rd person, specified by the court, is present.

Ch. 322 (AB 392) Roybal-Allard. Political Reform Act: lobby: activity expenses: disclosure.

Under the Political Reform Act of 1974, lobbyists, lobbying firms, lobbyist employers, and persons who directly or indirectly make payments to influence legislative or administrative action, as specified, are required to periodically complete and verify reports which contain an accounting of all activity expenses, as defined, including the date and amount of the expense and the name and official position, if any, of the beneficiary.

This bill would require each person required to report expense activities to provide each beneficiary of a gift listed within the report with the date and amount of each gift reportable by the beneficiary and a description of the goods or services provided to the beneficiary.

This bill would require this information to be provided to the beneficiary within 30

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days following the end of each calendar quarter in which the gift was provided.

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. 323 (AB 739) Isenberg. State lands: leases.

(1) Existing law authorizes the Department of Fish and Game to acquire land for the protection of fish and game, including lands for wildlife management areas, refuges, and ecological preserves, and to contract for fish and wildlife habitat preservation, restoration, and enhancement with private and public entities.

This bill would require the department to extend leases on Lower Sherman Island to the existing leaseholder, upon request, for the life of that leaseholder, would prohibit any transfer or encumbrance of those extended leases, and would impose other specified conditions on those leases.

The bill would require the department to develop a plan, as prescribed, for the removal of nonnative plants from the island.

The bill would require the department, on or before July 31, 1991, and annually thereafter, to review all leases of lands on Lower Sherman Island under the control of the department and, as soon as possible, to charge the fair market rate on those leases of land.

(2) The California Constitution requires 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 the prohibitions in the bill 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.

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

This bill would require the proceeds of the leases on Lower Sherman Island to be deposited in the fund and used for enforcing and monitoring those lease terms and managing the Lower Sherman Island wildlife area.

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

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

Ch. 324 (AB 1071) Mountjoy. Contractors.

Existing law prior to January 1, 1990, required the Contractors' State License Board to require an applicant previously found to have failed to pay a contractor, subcontractor, consumer, or employee based on a recorded and unsatisfied judgment from a court of law or an unsatisfied arbitration award, to file a bond or other security to a maximum of $50,000 as a condition precedent to the issuance, reinstatement, reactivation, or renewal of a contractor's license.

Commencing January 1, 1990, until January 1, 1992, those provisions would be revised by, among other things, providing that failure of a licensee to notify the board within 90 days of any entered and unsatisfied judgment shall result in the automatic suspension of the license retroactive to 90 days from the date of judgment, with the suspension not to be removed until proof of satisfaction of judgment is submitted to the registrar. After January 1, 1992, prior law would have been reinstated.

This bill would delete the January 1, 1992, expiration date of the revised provisions, thus making them operative indefinitely; except that the automatic suspension provision, above, would be revised to provide for automatic suspension on the date that the registrar is informed, or is made aware of the unsatisfied judgment. The bill would provide that the suspension shall not be removed until proof of satisfaction of judgment is submitted to the registrar. The bill would also repeal the prior law which would

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otherwise have become effective January 1, 1992.

Ch. 325 (AB 1134) Campbell. Special education: local plans: contracts for services.

(1) Existing law authorizes 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 change the dates the pilot program would be conducted to 1992–93, 1993–94, and 1994–95.

(2) Existing law directs the superintendent to apportion to those selected districts and county offices certain funding for that 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 change the fiscal year that funding is based upon to the 1991–92 fiscal year, and would make various revisions with respect to the calculation of these apportionments, as specified.

(3) Existing law requires that a pupil's placement be changed from a nonpublic, nonsectarian school to a public school special education program no later than December 31, 1992.

This bill would require that the placement change occur no later than June 30, 1994.

(4) Existing law requires the superintendent to evaluate the pilot program and report to the Legislature by January 1, 1994.

This bill would require the report be submitted to the Legislature by January 1, 1996.

(5) Existing law declares that the pilot program provisions would be repealed as of September 1, 1995.

This bill would declare that these provisions would be repealed as of September 1, 1996.

(6) This bill would make other corresponding date changes.

Ch. 326 (AB 1164) Hansen. Fair and Exposition Fund: limitation.

Existing law, which becomes inoperative on July 1, 1992, and is to be repealed on January 1, 1993, provides that, during the 1989–90, 1990–91, and 1991–92 fiscal years, not more than 5% of the funds 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 continue that existing law until July 1, 1995, and would make conforming changes.

Ch. 327 (AB 1861) Polanco. Commissaries.

Existing law, with specified exception, requires all mobile food preparation units, as defined, stationary mobile food preparation units, as defined, and commissaries, as defined, to comply with prescribed regulations establishing requirements for, among other things, water supply and plumbing.

This bill would exclude from a particular requirement contained in the regulations concerning placement of the hose for filling water tanks and cleaning in the case of a commissary that services mobile food preparation units, a hose that is equipped with quick disconnect devices, as specified. This bill would require matching connecting devices for hoses inside the mobile preparation unit and the potable water tank connections.

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

Ch. 328 (AB 1973) Frazee. Real estate licensing.

Existing law provides that the holder of an inactive real estate license who applies for

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activation of the license shall present evidence of compliance with established continuing education requirements, if the applicant has not held an active real estate license within the four years immediately preceding the date of application for activation.

This bill would repeal this provision, and make other technical changes.

Ch. 329 (AB 2170) Epple. Vehicles: illegal parking.

Existing law provides for the processing of notices of parking violations and notices of delinquent parking violations by a processing agency, and requires that agency to notify the vehicle owner of those parking violations, as prescribed.

This bill would specifically authorize a processing agency to bring a civil action to collect parking penalties and any fees accrued by any person totaling more than $400 and to contract with a licensed collection agency to collect any judgment rendered for the agency.

Ch. 330 (AB 2234) Filante. Health coverage.

Existing law requires every health care service plan, insurer issuing group disability insurance which covers hospital, medical, or surgical expenses, and every nonprofit hospital service plan which covers hospital, medical, or surgical expenses on a group basis to offer coverage for orthotic and prosthetic devices and services under terms and conditions agreed upon between the group policyholder or contractholder and the insurer or plan.

This bill would provide that the plan or insurer has the right to conduct a utilization review to determine medical necessity prior to authorizing these services. It would also require any coverage for prosthetic devices to include original and replacement devices, as prescribed by a physician. It would further require any coverage for orthotic devices to provide for coverage when the device, including original and replacement devices, is prescribed by a physician, or is ordered by a licensed health care provider acting within the scope of his or her license.

Ch. 331 (SB 21) Property of the Senate. Trial court funding.

Existing law prescribes fees for recording instruments with the county recorder.

This bill would increase the per page fee for recording second and succeeding pages by $1 and would impose a state-mandated local program by requiring county treasurers to transmit the added fee monthly to the Controller for deposit in the General Fund.

Existing law provides for the collection by counties from arresting agencies of fees for booking costs, as specified.

This bill would authorize the collection from convicted criminal defendants of fees for booking costs, including defendants arrested by county officers, as specified. The bill would additionally impose a state-mandated local program by, with certain exceptions, requiring collection and transmittal to the Controller, for deposit in the General Fund, of a $25 administrative screening fee from persons convicted after release on their own recognizance after an arrest and a $10 citation processing fee from persons convicted after release upon the issuance of a citation by a peace officer. These fees would be chargeable with respect to convictions occurring on and after the bill's effective date and prior to June 30, 1996.

Assembly Bill 544 would, if enacted, authorize counties to impose an added penalty of $2.50 for parking offenses, for deposit in the county's Courthouse Construction Fund or Criminal Justice Facilities Construction Fund, but with $1 to be transferred to the State Courthouse Construction Fund commencing January 1, 1995.

This bill would require the county treasurer to transfer $1 of each of these added parking penalties to the Controller for deposit in the General Fund and would delete provisions for transfers to the State Courthouse Construction Fund.

Existing law provides for allocation of a prescribed portion of moneys in the Cigarette Tax Fund, which is a continuously appropriated fund, to cities, counties, and cities and counties.

This bill would allocate the counties' share of these revenues to the General Fund, and until July 1, 1996, would additionally allocate the first 47% of the moneys available to cities and cities and counties to the General Fund. Since the Cigarette Tax Fund is

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continuously appropriated, the bill would appropriate those moneys.

Chapter 90 of the Statutes of 1991 increased the fee to be collected from every person ordered or permitted to attend traffic violator school, as specified.

This bill would further increase that fee by $24, would increase the amount required to be deposited in the General Fund, and would require a prescribed portion to be deposited in the State Courthouse Construction Fund.

The bill would appropriate $205,383,000 for trial court funding in augmentation of Item 0450-101-001 of Section 2 of the Budget Act of 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

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

Ch 332 (SB 66) Committee on Appropriations 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 $737,767.49, 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. 333 (SB 282) L. Greene. Schools

(1) Existing law authorizes the board to lease portable classrooms to school districts and county superintendents of schools for not less than $1 per year, nor more than $2,000 per year, per portable classroom.

This bill would increase that maximum rent to $4,000 per year, as adjusted annually for inflation, as specified.

This bill also would authorize each school district and county superintendent of schools that leases any portable classroom under that program as of July 1, 1991, to purchase the classroom for an amount equal to the purchase price paid by the board, less the amount of any rent paid to the board for the classroom by the school district or county superintendent of schools

(2) Existing law authorizes, as specified, the county auditor to determine property tax administrative costs for the 1989–90 fiscal year and each fiscal year thereafter, proportionately attributable to local jurisdictions other than the county, or city and county, and cities and, commencing with the 1990–91 fiscal year, to submit invoices to those jurisdictions for those costs.

Existing law, as amended to take effect January 1, 1992, exempts school districts, community college districts, and county offices of education from those provisions authorizing county invoices for proportionate amounts of property tax administrative costs.

This bill would apply that exemption immediately, but would limit the exemption to the 1990–91 fiscal year and any subsequent fiscal year.

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

Ch. 334 (SB 331) C. Green. State warrants.

Existing law requires applications for duplicate state warrants to be accompanied by agreements to indemnify and hold harmless the state from any loss resulting from the issuance of the duplicate warrants.

This bill would authorize the Controller to waive that requirement under specified circumstances.

Ch. 335 (SB 432) Morgan. Education.

(1) Existing law authorizes the governing board of any school district, or a county board of education, with the approval of the county board of supervisors, to alternatively conduct member elections on the same day in which a primary, municipal, or general

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election is held in the county, as specified. Existing law requires that the resolution be adopted and submitted to the board of supervisors no later than 240 days prior to the date of the election currently scheduled for the members of that board, and requires the board of supervisors, within 60 days from the date of submission, to approve the resolution unless it makes a prescribed finding.

This bill would set forth legislative findings regarding an election consolidation proposal that was submitted by the Delano Joint Union High School District and approved by the Board of Supervisors of Kern County, but was not submitted to or approved by the Board of Supervisors of Tulare County. The bill would waive the requirement applicable under existing law, as described above, that the election consolidation proposal of the Delano Joint Union High School District be submitted to, or approved by, the Board of Supervisors of Tulare County.

(2) Existing law establishes the Council for Private Postsecondary and Vocational Education, which has the responsibility for approving and regulating private postsecondary educational institutions and for developing state policies for private postsecondary and vocational education in California, among other things.

This bill would specify that a person appointed to the council who no longer represents the institutions that made him or her eligible for appointment, or a member of the general public who no longer qualifies as a member of the general public, shall automatically and immediately forfeit his or her membership on the council, thereby creating an immediate vacancy.

(3) Existing law prohibits any person who is employed by an institution of public or private postsecondary or vocational education from being appointed to represent the general public as a member of the council.

This bill would also prohibit a person who is employed by a private organization owning an interest in a private postsecondary or vocational educational institution from being appointed to represent the general public as a member of the council.

(4) Existing law authorizes the council to adopt and enforce regulations as may be necessary, appropriate, or useful to interpret and implement the Private Postsecondary and Vocational Education Reform Act of 1989. Existing law further permits the council, pending the adoption of formal regulations, to adopt temporary regulations which, notwithstanding any provision of law, shall become effective immediately, and which shall be superseded upon the adoption of formal regulations.

This bill would permit the council to adopt emergency regulations.

(5) Existing law authorizes each member of the council to receive a stipend of $100 for each day he or she attends any meeting of the council conducted for the purpose of carrying out the powers and duties of the council and, in addition, to receive his or her actual and necessary traveling expenses incurred in the course of his or her duties.

This bill would specify that stipend payments be made only from the fund from which the expenses of the council are paid and be subject to the availability of funds, and would permit a council member to waive the stipend.

Ch. 336 (SB 542) Calderon. Criminal procedure: domestic violence.

(1) Existing law provides that a prosecuting witness in the prosecution of a case involving specified sex offenses is entitled, for support, to the attendance of up to 2 persons of his or her own choosing at the preliminary hearing and at the trial during the testimony of the prosecuting witness.

(2) Existing law also provides that any willful and knowing violation of specified court orders to prevent domestic violence or disturbance of the peace is a misdemeanor.

(3) Existing law additionally provides that every person having a right of custody of a child who maliciously takes, detains, conceals, or entices away that child within or without the state, without good cause, and with the intent to deprive the custody right of another person or a public agency also having a custody right to that child, is guilty of a misdemeanor or felony.

This bill would add any willful and knowing violation of specified court orders to prevent domestic violence or disturbance of the peace, as described in (2), and the offense relating to custodial child abduction , as described in (3), to the offenses for which a prosecuting witness is entitled to the support of up to 2 persons, as described

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in (1).

Ch. 337 (SB 618) Mello. Contractors: building contract.

Existing law provides that all home improvement contracts, as defined, between a contractor and an owner or a tenant, and any changes thereto, shall be in writing and signed by all parties to the contract if the aggregate contract price exceeds $500.

This bill would provide that every contract and any changes in a contract, between an owner and a contractor, for the construction of a single-family dwelling to be retained by the owner for at least one year shall be in writing and signed by both parties and shall contain specified information. The writing shall also contain, in specified form, a notice stating that the owner has the right to require the contractor to have a performance and payment bond and that the expense of the bond may be borne by the owner.

Ch. 338 (SB 643) Russell. Public Employment Relations Board: advisers.

Existing law establishes the 5-member Public Employment Relations Board, which is required to perform various duties concerning public employer-employee labor relations.

Existing law requires the Governor to appoint one legal adviser for each member of the board, upon the recommendation of that board member, who serves at the pleasure of the recommending board member. Each adviser receives a salary fixed by the board, with the approval of the Department of Finance.

This bill would, instead, provide that approval for the salary level shall be given by the Department of Personnel Administration.

Ch. 339 (SB 647) Dills. Employee assistance: literacy education.

Existing law regulates various aspects of the relationship between an employer and an employee including a requirement that every private employer regularly employing 25 or more employees reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, provided that the accommodation does not impose an undue hardship on the employer. Existing law permits an employee to file a complaint with the Labor Commissioner if he or she believes that he or she has been denied reasonable accommodation as required.

This bill would require that every private employer regularly employing 25 or more employees reasonably accommodate and assist any employee who reveals a problem of illiteracy and requests assistance in enrolling in an adult literacy education program, provided that the accommodation does not impose an undue hardship on the employer. It would provide that an employee who reveals a problem of illiteracy and who satisfactorily performs his or her work shall not be subject to termination of employment because of the disclosure of illiteracy.

This bill would also make certain legislative findings and declarations with respect to employee literacy.

Ch. 340 (SB 845) Committee on Insurance, Claims, and Corporations. Proposition 103: refunds.

Under existing law added by Proposition 103, affected insurers are required to reduce premiums for insurance issued or renewed on or after November 8, 1988.

This bill would prohibit any insurer that makes refunds pursuant to that provision from requiring insurance agents or brokers to refund to the insurer any portion of their commissions which the insurer claimed, and the commissioner allowed, as an expense in determining the insurer's actual return for purposes of computing the refund amount. The bill would specify that it does not affect specified policyholder refunds.

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

Ch. 341 (SB 1110) Rogers. Public employees: conflict of interest.

(1) Chapter 1593 of the Statutes of 1990, among other things, amended Section 1091 of the Government Code. Chapter 1593, however, amended Section 1091 as it was proposed to be amended by amending Section 2 of Chapter 847 of the Statutes of 1987, rather than by amending Section 1 of Chapter 847 of the Statutes of 1987, which was the

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correct last amended form of Section 1091.

This bill would delete provisions inadvertently included in Section 1091 by use of the incorrect last amended form.

(2) This bill would make additional changes in Section 1091 of the Government Code purposed by AB 2231 to become operative only if both this bill and AB 2231 are enacted.

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

Ch. 342 (AB 235) Polanco. Pasadena Unified School District: Tutoring and Homework Assistance Program.

(1) Existing law requires the Pasadena Unified School District to develop a model tutoring and homework assistance program for use in school districts throughout the state.

This bill would declare that this program should be continued on a statewide basis.

(2) Existing law also requires the district to report annually, as specified, to the Superintendent of Public Instruction on the implementation and effectiveness of this program and on its progress in developing the model program, with a final report to be submitted by July 1, 1992.

This bill would require the district to furnish to the Superintendent of Public Instruction on or before July 1, 1992, a copy of its tutoring and homework assistance program, as specified.

(3) Existing law authorizes the district to credit, for the purpose of summer school apportionments computed pursuant to specified provisions of law, the number of hours of homework and tutorial assistance provided in core academic areas as specified.

This bill would allow any school district that implements this program to credit, for the purpose of summer school apportionments, the number of hours of homework and tutorial assistance, as specified.

Ch. 343 (SB 667) Craven. Interior designers.

Existing law provides that a certified interior designer may obtain a stamp from an interior design organization which, among other things, certifies that the interior designer has provided the interior design organization with evidence of any one of certain education and experience requirements, one of which includes passage of an interior design examination approved by that interior design organization.

This bill would recast the above provision to delete passage of the interior design examination as a part of one of the education and experience requirements, and would provide instead that the stamp certifies that the interior designer has provided the interior design organization with evidence of passage of such an examination, in addition to evidence of any of those education and experience requirements. It would also provide, until January 1, 1994, that any person who qualifies as a certified interior designer and has certain education and experience requirements may obtain a stamp, as specified.

Ch. 344 (AB 1403) Speier. San Mateo County: retirement: plan transfers.

The County Employees Retirement Law of 1937 provides generally for safety members higher benefit formulas and higher employer contribution rates than those provided for general members.

This bill would authorize the Board of Supervisors of San Mateo County to adopt provisions which would authorize the inclusion of certain probation officers within the definition of "safety member."

This bill would also authorize that board to authorize, by resolution, general members who elected Retirement Plan 3 to transfer to Retirement Plan 2.

These new authorizations would impose on San Mateo County state-mandated local program costs since their exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

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

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

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reason.

This bill would declare that it is to be deemed to have become operative on March 1, 1991.

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

Ch. 345 (AB 1004) Floyd. Horseracing: wagering: out-of-state races.

Under existing law, the California Horse Racing Board may authorize an association conducting a racing meeting in this state to accept wagers on the results of out-of-state harness or quarter horse feature races or stake races, and, with the board's approval and with the concurrence of the horsemen's organization contracting with the association, other designated harness or quarter horse races during the period it is conducting the racing meeting on days and nights when live races are being run, if certain conditions are met.

This bill would permit the board to authorize an association conducting a racing meeting in this state to accept those wagers without the limitation that the wagers be accepted only on days and nights when live races are being run.

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

Ch. 346 (AB 209) Cortese. Earthquakes: public buildings.

The Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990 provides funds for the rehabilitation of state or local government-owned buildings for seismic safety.

This bill would exclude from the definition of state or local government buildings, those owned by private for profit or private nonprofit corporations, or those owned by any combination, consortium, or joint powers agreement that includes a private nonprofit corporation.

This bill would appropriate $481,000 from the Earthquake Safety and Public Building Rehabilitation Fund of 1990 to the Seismic Safety Commission during the 1991–92 and 1992–93 fiscal years for the administration and disbursement of research funds.

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

Ch. 347 (AB 232) Floyd. Alcoholic beverages.

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

This bill would provide additional exceptions to those restrictions by permitting the holder of any retail on-sale or off-sale license to purchase advertising in any publication published by any manufacturer, winegrower, manufacturer's agent, rectifier, California winegrower's agent, distiller, bottler, importer, or wholesaler, or any person who directly or indirectly holds the ownership of any interest in the premises of the retail licensee. It would also permit, as specified, any manufacturer, winegrower, rectifier, distiller, distilled spirits wholesaler, or any officer, director, agent, or representative of any of those entities to conduct market research and, in connection with that research, to purchase from licensed off-sale retailers data regarding purchases and sales of alcoholic beverage products at the customary rates that those retailers sell similar data for nonalcoholic beverage products. It would make it a misdemeanor for the holder of a beer manufacturer's license or winegrower's license to induce a holder of a beer or wine wholesaler's license to fulfill obligations with respect to that market research, as specified. Because this 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.

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Ch. 348 (AB 234) Kelley. Building permits.

(1) The law existing before January 1, 1991, governing the validity of building permits issued by the county prior to the incorporation of new cities, made a building permit valid for a period of 180 days from the date of issuance of the permit if the application for the permit was filed with the county prior to the vote on incorporation of a new city, the building permit was subsequently issued by the county, and the property was within the newly incorporated city limits. That former law also made a permit, which was issued by a county for construction on real property subsequently annexed to a city, valid for the life of the building permit, as issued.

That former law required the city of which the affected territory became a part to enforce the applicable county ordinance. That former law also repealed all of these provisions on January 1, 1991.

This bill would impose a state-mandated local program by reinstating that former law, but would provide that the bill does not apply to any building permit suspended or revoked pursuant to any moratorium ordinance, or extension thereof, adopted pursuant to an existing provision of law before the effective date of the bill.

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

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

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

Ch. 349 (AB 290) Clute. Water supplies: sale of water: Public Utilities Commission.

Under existing law, generally, any person, firm, or corporation which owns, controls, operates, or manages any water system in this state which sells, leases, rents, or delivers water to another is a public utility subject to the jurisdiction, control, and regulation of the Public Utilities Commission. Also, corporations and associations which are organized for the purpose of delivering water to their stockholders or members and to others are public utilities. Excepted from these provisions imposing commission jurisdiction are owners of water supplies used by the owner for the owner's domestic, industrial, or irrigation purposes, as specified, owners who sell or deliver surplus water for domestic or school district purposes or for the irrigation of adjoining lands, owners who sell or deliver a portion of the water in a water shortage emergency, or owners who sell or deliver a portion of the water supply to accommodate neighbors who have no other supply for domestic or irrigation purposes, as specified. Persons who maintain mobilehome parks or multiple unit residential complexes and who provide water service through submeter service systems are not public utilities under specified conditions.

This bill would, until January 1, 1995, provide that a mobilehome park which only provides water to its tenants from its own supplies and facilities, as specified, is not a water corporation, as defined in existing law. The bill would, however, make that mobilehome park subject to the jurisdiction of the Public Utilities Commission for determination of specified tenant complaints about the water rates and service provided. The bill would authorize the commission to afford rate relief and to order improvements in water supply, facilities, and services, as it finds just and reasonable. The bill would require the public adviser of the commission, as specified, and necessary staff of the commission to assist the complainant.

The bill would appropriate $66,500 from the Public Utilities Commission Utilities Reimbursement Account in the General Fund to the Public Utilities Commission for expenditure in the 1991–92 fiscal year for the purposes of the bill.

Ch. 350 (AB 427) Lancaster. Subdivisions: county indexes: professional land surveyor.

Existing law defines the practice of land surveying for the purposes of the Professional Land Surveyors' Act to include a person who, either in a public or private capacity, determines or offers to determine the configuration or contour of the earth's surface, or the position of fixed objects on or related to the earth's surface, by means of measuring

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lines and angles, and applying the principles of trigonometry or photogrammetry.

This bill would provide that a person practices land surveying if he or she makes, or offers to make, these determinations, by means of applying the principles of mathematics, rather than the principles of trigonometry.

Under the existing Subdivision Map Act, the county recorder is required to examine a final or parcel map and accept or reject it for filing. Existing law provides that the map becomes a part of the official records of the county recorder upon its acceptance by the county recorder for filing. Existing law authorizes the county recorder to charge a fee for filing and indexing the maps, as specified.

This bill would impose a state-mandated local program by requiring, upon the filing of any final or parcel map, including amended maps and certificates of correction, pursuant to the Subdivision Map Act or any record of survey, amended record of survey, or certificate of correction for recordation pursuant to the Professional Land Surveyors' Act, the surveyor or engineer who prepared the document to transmit a copy to the county surveyor who would be required to maintain an index of the documents. The bill would authorize the county surveyor to charge a fee to finance the costs of maintaining the index of the documents.

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

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

Ch. 351 (AB 451) Hauser. Motor transportation brokers.

Existing law requires any person or corporation acting as a motor transportation broker, as defined, to obtain a license from the Public Utilities Commission. The term "brokerage" or "brokerage service," for purposes of these provisions, is defined as the arranging for the transportation of property by a motor carrier over the highways of this state for or on behalf of a shipper, a consignor, or a consignee.

This bill would define "brokerage" or "brokerage service" as the act of arranging, for compensation, the transportation of property by a motor carrier over the highways of this state, for or on behalf of a shipper, a consignor, or a consignee.

Ch. 352 (AB 485) Hunter. Nurses.

(1) Existing law authorizes the Board of Registered Nursing to fix fee schedules in connection with the issuance of licenses for registered nurses and the issuance of certificates as nurse-midwives. These fees are deposited into the continuously appropriated Registered Nurse Education Fund.

This bill would increase and revise these fee schedules, as specified, and would authorize the Board of Registered Nursing to fix a new fee, as specified, to be paid for applications by registered nurses for licensure by endorsement. Since these additional fees would be deposited into a continuously appropriated fund, this bill would make an appropriation.

(2) Existing law also provides that subject to specified limitations, the Board of Registered Nursing shall, effective July 1, 1989, increase the biennial fee paid by registered nurses upon the filing of an application for renewal of their license by not less than $5, which amount is to be credited to the Registered Nurse Education Fund.

This bill would provide instead that the board shall collect an additional $5 assessment at the time of the biennial licensure renewal, separate from the license fee, which amount is to be credited to the Registered Nurse Education Fund.

(3) Existing law creates one fee schedule, as specified, in connection with the issuance of certificates for nurse-midwives and nurse anesthetists.

This bill would create a separate fee schedule, as specified, in connection with the issuance of certificates for nurse anesthetists.

(4) This bill would require the Board of Registered Nursing to report to the appropriate policy and fiscal committees of each house of the Legislature whenever the board proposes or adopts an increase in any fee imposed pursuant to the Nursing Practice Act, as prescribed. This bill also would require the Board of Registered Nursing to report to

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the Legislature on the condition of the Board of Registered Nursing Fund on or before July 1, 1992, as specified.

This bill would also make nonsubstantive technical changes.

Ch. 353 (AB 588) Moore. Instructional materials.

Existing law requires the State Board of Education to adopt instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards, subject to certain provisions.

Under existing law, the State Board of Education has the power, subject to certain provisions, to adopt one or more separate series of textbooks or instructional materials for use in elementary schools.

This bill would require the State Board of Education to adopt at least 5 separate series of textbooks or instructional materials for use in kindergarten and grades 1 to 8, inclusive.

This bill would incorporate additional changes in Section 60200 of the Education Code, proposed by SB 1008, to be operative only if SB 1008 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

Ch. 354 (AB 749) Hauser. Subdivisions.

Existing law requires, until January 1, 1992, that when any area in a subdivision or proposed subdivision, with specified exceptions, as to which a tentative map or vesting tentative map meeting prescribed criteria has been approved by a board of supervisors, is incorporated into a new city incorporated on and after January 1, 1989, and a final map has not been recorded, that the newly incorporated city approve the final map if it meets the conditions of the tentative map or vesting tentative map and meets the other specified requirements under the Subdivision Map Act. Newly incorporated cities may, however, condition or deny final maps in these cases for health and safety and other specified reasons.

This bill would extend these provisions until January 1, 1995.

Ch. 355 (AB 871) Hauser. Common interest developments: reserve funds.

Existing law requires the board of directors of the management association of a common interest development to review, among other things, the current reconciliations of the association's operating accounts and reserve accounts on at least a quarterly basis, and requires the signatures of at least 2 persons, as specified, to withdraw money from the association's reserve accounts. Existing law also limits the imposition of special assessments by the board, as specified.

This bill would prohibit the board of directors from expending reserve funds for any purposes other than the repair, restoration, replacement, or maintenance of, or litigation involving the repair, restoration, replacement, or maintenance of, major components which the association is obligated to repair, restore, replace, or maintain and for which the reserve fund was established. The bill would, however, permit the board of directors of the association to temporarily transfer reserve fund money to the association's general operating fund for the limited purpose of meeting short-term cash flow requirements or other expenses. The bill would require the transferred funds to be restored to the reserve fund within 3 years of the date of the initial transfer, except upon a documented finding by the board, as specified. The bill would also authorize the levy of a special assessment to fund the restoration of these funds.

This bill would also require the board, at least once every 3 years, to cause a study to be conducted of the reserve account requirements of the common interest development, as specified, if the current replacement value of these major components is equal to or greater than ½ of the gross budget of the association for any fiscal year. The bill would require the board to review this study annually.

Ch. 356 (AB 910) Hunter. Mental health: minors.

Existing law requires the county mental health director, whenever he or she is notified about a specific case by the juvenile court or in connection with a pupil's individualized education program, and in accordance with specified requirements, to assign the responsibility, either directly or pursuant to a contract, to review the needs of the case

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subject, and to submit a written report to the notifying agency within 30 days.

This bill would specify that a county mental health director may request the court to direct counsel not to reveal specified information to a minor determined to be dangerous.

Ch. 357 (AB 963) Costa. Rail passenger service: "California Pass."

Existing law imposes various responsibilities regarding rail passenger service on the Department of Transportation. Existing law does not provide for a rail pass which is valid for travel on different rail systems.

This bill would require the department to investigate and, if feasible, implement a single payment "California Pass" which would be valid on state-funded intercity and commuter rail lines and feeder buses, and major local transit systems over a specified consecutive number of days or for a specified number of days within a longer time period.

Ch. 358 (AB 1165) Nolan. Vehicles: military decorations for valor: special identification plates.

Existing law provides that any person otherwise eligible under the Vehicle Code may apply for various special license plates for the vehicle under specified provisions.

This bill would permit the issuance of a special "Legion of Valor" series of license plates to recipients of the Army Medal of Honor, Navy Medal of Honor, Air Force Medal of Honor, Army Distinguished Service Cross, Navy Cross, or Air Force Cross, 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 bill would require the Director of Motor Vehicles, whenever 2 or more series of special plates are authorized in any year, to coordinate the administrative and technical procedures for their preparation and issuance in order to control costs.

Ch. 359 (AB 1332) Frizzelle. Osteopathic medicine.

(1) Under existing law, the Board of Osteopathic Examiners of the State of California, established by the Osteopathic Act, issues certificates to, and regulates, osteopathic physicians and surgeons.

This bill would provide that the board shall be known as the Osteopathic Medical Board of California and would make conforming changes

(2) Existing law, the Osteopathic Act, requires the Governor to appoint 5 members to the Board of Osteopathic Examiners, each of whom are required to have been a citizen of this state for at least 5 years next preceding his or her appointment and who are graduates of osteopathic schools who hold unrevoked licenses or certificates to practice in this state. The term of office for each member is 3 years.

This bill would also require the members to have been in active practice for at least 5 years next preceding their appointments, and to hold unrevoked physician's and surgeon's D.O. licenses or certificates. This bill also would prohibit a person residing or practicing outside of this state to be appointed to, or sit as a member of, the board. It would prohibit a member from serving for more than 3 full consecutive terms.

The bill also would revise provisions authorizing the Governor to remove any members of the board for certain reasons

(3) This bill would incorporate additional changes in Sections 2099.5 and 2154 of the Business and Professions Code, proposed by AB 437, to be operative only if AB 437 and this bill are both chaptered and become effective January 1, 1992 and this bill is chaptered last.

Ch. 360 (AB 1624) Kelley. Weights and measures.

Existing law authorizes, until January 1, 1993, counties to charge an annual device registration fee, with prescribed limits, to recover the costs of inspecting or testing weighing and measuring devices required of the county sealer pursuant to designated provisions. Under existing law, livestock scales, animal scales, farm milk tanks, and scales used primarily for weighing feed and seed are exempt from that fee.

This bill would delete the exemptions for livestock scales, animal scales, and scales

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used primarily for weighing feed and seed, and would require that those devices for which the annual device registration fees are assessed, be inspected as prescribed.

Ch. 361 (AB 1769) Jones. Cattle protection: fees.

(1) Existing law regulates the branding and inspection of cattle in the state and cattle transported in or out of the state.

Existing law specifies the amount of the inspection fees for cattle which originate in another state and are shipped to this state for slaughter or for feeding in a registered feedlot, for cattle which are located in modified or full point-of-origin inspection areas, as defined, and for cattle which are located at sale markets.

This bill would increase those inspection fees or provide for the establishment of the fees by the Director of Food and Agriculture, as prescribed. The bill would also authorize the director to assess a service charge for each site at which an inspection is performed, as prescribed. The bill would authorize the director to levy a civil penalty for violating the provisions regulating the inspection of cattle, as prescribed.

(2) Existing law exempts cattle which are shipped from out-of-state to a slaughterhouse from brand inspection requirements, if those cattle are accompanied by specified documents.

This bill would authorize the director to issue an annual release permit to allow cattle to be transported into another state without brand inspection, under prescribed conditions, and authorize the director to charge a fee for issuing or renewing the permit, as prescribed.

(3) Existing law provides for the brand inspection of carcasses and hides of cattle and imposes specified fees for those inspections.

This bill would increase those brand inspection fees.

(4) Under existing law, all of the fees for inspection of carcasses and hides are required to be paid to the inspector within 15 days after the issuance of the brand inspection certificates.

This bill would increase this period to 30 days.

(5) Under existing law, the fees and assessments collected pursuant to the provisions regulating cattle protection, are to be deposited in the Department of Food and Agriculture Fund, which is continuously appropriated to the Department of Food and Agriculture for specified purposes, including cattle protection.

This bill would also provide for the deposit in the fund of any civil penalties described in (1) above for expenditure for purposes of the provisions relating to cattle protection.

For this reason, and because the bill would increase or establish various other fees pursuant to the cattle protection provisions, the bill would make an appropriation.

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

Ch. 362 (AB 1974) Eaves. Vehicles: registration: nonoperation.

Existing law generally requires the registered owner of a vehicle, who does not intend to renew the registration of the vehicle, to file a certification of nonoperation and pay a $5 fee, prior to the expiration of the registration of the vehicle. This requirement replaced prior law which permitted a registered owner to register a vehicle after expiration without incurring penalties for nonregistration by filing a certificate of nonoperation with the application for registration. A vehicle on which the registration expires while held in inventory by a dealer or lessor-retailer is exempt from the certification of nonoperation requirements.

This bill would delete the application of the certification of nonoperation requirements for specified historical vehicles, antique motorcycles, street rod vehicles, and other specified vehicles, and would instead reinstate provisions permitting the filing of a certificate of nonoperation in conjunction with an application to register any of these vehicles. The bill would extend the exemption for vehicles in a dealer's or lessor-retailer's inventory to also include vehicles held pending a lien sale by the keeper of a garage or operator of a towing service.

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

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Ch. 363 (AB 2059) Brulte. Fair racing meetings.

Existing law requires any fair racing association to deduct a specified percentage from the total amount handled in its daily conventional and exotic parimutuel pools and requires these funds to be deposited in the Fair and Exposition Fund, to be expended for certain purposes.

This bill would authorize the Director of Food and Agriculture to allocate a certain percentage of those funds for the support of live horseracing at fairs, as specified.

Ch. 364 (AB 2178) Brulte. Unused latex paint: disposal.

(1) Existing law prohibits the disposal of any hazardous waste, except as provided in the Hazardous Waste Control Law or the regulations adopted by the Department of Toxic Substances Control. Existing law requires persons transporting hazardous waste to possess a manifest and be registered as a hazardous waste hauler. A violation of the hazardous waste control law is a crime.

This bill would define the term recyclable latex paint and would generally prohibit any person from disposing of latex paint, unless authorized. The bill would allow recyclable latex paint to be accepted at any location if specified requirements are met concerning the management of that paint. The bill would exempt a person transporting recyclable latex paint from the manifest and hazardous waste hauler requirements, but would require the transporter to use a specified bill of lading, which the originating location, transporter, and destination of the recyclable latex paint are required to retain for 3 years.

The bill would exempt a person recycling recyclable latex paint from hazardous waste facilities permitting requirements.

The bill would impose a state-mandated local program by creating new crimes concerning latex paint.

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

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

Ch. 365 (AB 21) Tucker. School districts: interest earned on proceeds received from sale of real property.

Existing law requires that funds derived from the sale of surplus property be used for capital outlay or for costs of maintenance of school district property that the governing board of the school district determines will not recur within a 5-year period. Existing law also allows the proceeds to be deposited into the general fund of the district under specified circumstances. Existing law additionally allows a school district that deposited the interest earned on those proceeds in the 1986–87 or 1987–88 fiscal years to continue to deposit that interest into its general fund for operating expenses until June 30, 1991, at which time the deposit of interest is required to be reduced over the following 5 years, as specified, unless the State Allocation Board determines circumstances warrant reducing the deposit over a 10-year period.

This bill would allow a school district having an average daily attendance of less than 10,001 to deposit any and all interest earned on the proceeds of a sale of surplus property into the general fund of the district for any general fund purpose. The bill would condition that authority upon the requirement that the district submit 2 successive 5-year capital outlay plans to the State Allocation Board, together with a specified declaration regarding the capital outlay needs of the district, a consideration of the funding of designated school facilities needs of the district, and upon the restriction that a district depositing interest into its general fund pursuant to that authority not be eligible during that 10-year period for funding or other assistance under any state school facilities funding program.

The bill would also require that if on expiration of that 10-year period, a school district receives funding under any state school facilities funding program, that funding be reduced by the funds derived from the sale of that surplus property and unencumbered interest earned on those funds.

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Ch. 366 (AB 957) Areias. Disaster registries.

Existing law establishes the Office of Emergency Services which is charged with, among other things, the coordination of all state emergency activities during a state of emergency.

This bill would require the office to develop model guidelines for local government agencies and community-based organizations planning to develop a disaster registry program, with adoption of these guidelines by local government agencies and community-based organizations to be voluntary.

The bill would require the guidelines to address, at a minimum, specified issues.

Ch. 367 (AB 1553) Filante. Healing arts: fees.

Existing law provides that applicants for physician and surgeon's certificates, certificates of drugless practitioners, and certificates to practice midwifery are required to pay an initial license fee and a biennial renewal fee to be fixed by the Medical Board of California at an amount not less than $290 and not to exceed $400, and requires all moneys paid to and received by the board to be paid into the State Treasury and to be credited to the Contingent Fund of the Medical Board of California.

This bill would instead require both the initial license fee and the biennial renewal fee to be fixed by the board at an amount not to exceed $500.

Existing law continuously appropriates the moneys in the Contingent Fund of the Medical Board of California. Because this bill could result in the increase of the amount of moneys in that fund, it would constitute an appropriation.

Existing law provides that, in setting fees, the board shall maintain a reserve in the Contingent Fund of the Medical Board of California equal to approximately 4 months' operating expenses.

This bill would instead require the board to maintain a reserve equal to approximately 2 months' operating expenses.

It would require the board to report to the appropriate committees of each house of the Legislature whenever the board proposes or approves a fee increase and to identify the percentage of these increased revenues that will be used for investigation or enforcement related activities.

This bill also would make conforming, nonsubstantive changes.

Ch. 368 (AB 1608) Eastin. Construction contracts: payment withholding.

Existing law authorizes the owner to withhold up to 150% of an amount in dispute under a contract entered into on or after July 1, 1991, for the construction of any private work of improvement. Existing law requires this amount to be withheld from the final payment, authorizes a 2% monthly penalty for wrongful withholding, and entitles the prevailing party to attorney's fees in any action to collect amounts wrongfully withheld.

This bill, applicable to construction contracts for private works of improvement entered on or after January 1, 1992, would, in the absence of a written agreement to the contrary, require the owner to make payment within 30 days following demand of any progress payment due under the contract as to which there is no good faith dispute, but authorizes up to a specified percentage of a disputed amount to be withheld.

Ch. 369 (SB 482) Marks. School finance.

Existing law authorizes the board of supervisors of any county to establish an authority for specific purposes and authorizes that authority, by a ⅔ vote of its members and the approval of a majority of the voters of that county, to adopt an ordinance imposing a transactions and use tax, in conformity with the Transactions and Use Tax Law, at a rate of 0.5% for any purpose for which the authority is established. The existing Transactions and Use Tax Law, among other things, limits the combined rate of all taxes imposed pursuant to its provisions in any county to 1%. Existing general law provides that the combined rate of tax imposed in any county by an entity pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, the Transactions and Use Tax Law, other specified provisions, and any other provision authorizing the imposition of a local sales or transaction and use tax, shall not exceed 2.25%.

This bill would authorize the Board of Supervisors of the County of San Mateo to

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establish an authority for the support of public elementary and secondary education in that county and authorize the authority, by a ⅔ vote of its governing board and subject to any otherwise applicable voter approval requirement, to adopt an ordinance imposing a transactions and use tax at a rate of 0.5% for the support of public elementary and secondary education in the County of San Mateo, pursuant to specified restrictions. It would provide that the maximum combined rate of all transactions and use taxes imposed pursuant to the Transactions and Use Tax Law in the County of San Mateo shall not exceed a rate that is 0.5% in excess of the maximum rate otherwise allowed under that law, where revenues equal to the amount derived from that portion of the combined tax rate in excess of the maximum combined rate otherwise allowed is allocated for the support of public elementary and secondary education in that county, pursuant to specified restrictions. The bill would also provide that revenues from the tax shall not be considered "allocated local proceeds of taxes" as defined by specified statutory and constitutional provisions, and that allocations of revenues from the tax shall supplement, and shall not be offset against, the amounts of allocations pursuant to specified statutory provisions

This bill would provide that, upon the adoption of a resolution, subject to specified requirements, by the governing boards of the San Francisco Unified School District and the San Francisco Community College District, there shall be established in the City and County of San Francisco an educational finance authority pursuant to that resolution. It would provide, for purposes of these provisions, that the term "school district" includes a community college district. It would authorize the authority, by a ⅔ vote of its board of directors and the approval by a majority of the voters of that city and county or any otherwise applicable voter requirement, to impose a transactions and use tax, in conformity with the Transactions and Use Tax Law, at a rate of 0.25% for the authority's general purposes.

This bill would require the City and County of San Francisco, with respect to the adoption of a transactions and use tax ordinance pursuant to the provisions of the bill, to call a special election, as provided, with respect to the approval of the ordinance by the voters, where the ordinance so requests.

This bill would increase the maximum permissible combined tax rate in the City and County of San Francisco under the Transactions and Use Tax Law from 1% to 1.25%.

This bill would provide that the City and County of San Francisco shall be reimbursed for all costs of conducting elections for purposes of imposing a transactions and use tax pursuant to this bill. It would provide, where the transactions and use tax ordinance is approved by the voters, that the city and county shall be reimbursed by the educational financing authority from revenues derived from the tax. It would also provide, where the transactions and use tax is not approved by the voters, that the city and county shall be reimbursed by the school districts, in proportion to the amount of revenues each agency would have received had the transactions and use tax ordinance been approved by the voters.

This bill would require that the ordinance proposing the tax authorized to be imposed in the City and County of San Francisco by this bill provide for increases in the constitutional appropriations limits of each school district within that city and county, in amounts equal to or greater than the revenues derived from any transactions and use tax imposed pursuant to the ordinance that are allocated and received each fiscal year. It would require the ordinance proposing the tax to provide that the increases in appropriations limits shall terminate no later than 4 years after the effective date of the ordinance, and may be continued for successive periods not to exceed 4 years each upon the approval of a majority of the qualified voters of the school district voting on each continuation.

This bill would require the resolution establishing the educational finance authority within the City and County of San Francisco to provide for the allocation of revenues derived from the tax directly to each school district within that city and county on the basis of an equal amount for each unit of average daily attendance, as defined by law. It would provide that revenues derived from the tax shall not be considered "allocated local proceeds of taxes" as defined by specified statutory and constitutional provisions, and would provide that allocations of revenues derived from the tax shall supplement,

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and shall not be offset against, the amounts of allocations pursuant to specified statutory provisions.

This bill would provide that the imposition and collection of any tax approved by the voters at an election held in the City and County of San Francisco pursuant to this bill prior to January 1, 1992, shall commence the first day of the first calendar month commencing more than 40 days after the election results are certified by the county registrar. By requiring the City and County of San Francisco to conduct elections on tax measures submitted by an educational finance authority, this bill would impose a state-mandated local program.

This bill would provide that any transactions and use tax imposed in the City and County of San Francisco pursuant to the authorizations of this bill shall be repealed on either January 1, 1993, or the date that certain statutory provisions cease to be operative, unless the ordinance imposing the tax specifies an earlier date. It would provide that the authorization to establish in the city and county an educational financing authority and to impose a transactions and use tax shall be repealed as of the same date.

This bill would repeal general law provisions limiting the combined rate of tax imposed in any county by an entity pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, the Transactions and Use Tax Law, other specified provisions, and any other provision authorizing the imposition of a local sales or transactions and use tax, to 2.25%.

This bill would make legislative findings as to the necessity of a special statute with respect to the County of San Mateo and the City and County of San Francisco.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. 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. 370 (AB 12) Katz. Native Americans: remains.

Existing law contains provisions for the protection of Native American burial sites and skeletal remains, including criminal penalties for unauthorized possession, obtaining, or removal of artifacts or remains.

This bill would declare state policy that Native American remains and associated grave artifacts shall be repatriated.

The bill would make legislative findings and declarations.

Ch 371 (AB 977) Mountjoy. Hunting licenses and tags: bighorn sheep.

(1) Under existing law, the Fish and Game Commission is permitted to adopt all regulations necessary to provide for the biologically sound management of Nelson bighorn sheep and may authorize sport hunting of mature Nelson bighorn rams found in specified areas of San Bernardino County.

This bill would permit the commission to authorize sport hunting of mature Nelson bighorn rams without regard to area.

(2) Existing law requires the commission to annually direct the Department of Fish and Game to issue not more than one of the license tags available for issuance in a year to take one Nelson bighorn ram for the purpose of raising funds for programs and projects to benefit bighorn sheep. Under existing law, this one license tag is not subject to the fee limitation of $500

This bill would increase to 3 the permissible number of license tags to be issued pursuant to that provision, and would require the department, not less than every other year, to designate a nonprofit organization organized pursuant to the laws of this state, or the California chapter of a nonprofit organization organized pursuant to the laws of another state, as the seller of these tags. The bill would permit the department, under specified circumstances, to designate a nonprofit organization, which is neither organized, nor the California chapter of a nonprofit organization organized, pursuant to the laws of this state, as the seller of one of the tags. The number of tags authorized, if more than one, would not be permitted to exceed 15% of the total number of tags authorized

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generally. The bill would also require all tags to be offered for sale only within this state, but would permit nonresidents to purchase tags offered for sale for the purpose of raising funds for programs and projects to benefit bighorn sheep.

(3) Existing law requires revenues from the sale of the above-described license tags to be deposited in the Fish and Game Preservation Fund and continuously appropriates these revenues to the department and commission solely for purposes of the bighorn sheep program.

The bill would specify that the use of those revenues for the department's administrative overhead shall be limited to the reasonable costs associated with the direct administration of the program. By increasing the number of tags that may be sold, this bill would increase the revenues to the fund, thereby making an appropriation.

Ch. 372 (SB 735) Hill. Adoptions.

(1) Existing law provides that all forms adopted by the State Department of Social Services authorizing the release of an infant from a health facility to the custody of persons other than the mother or presumed father of the child and authorizing these persons to obtain medical care for the infant shall contain a statement in boldface type delineating specified information.

This bill would require that these forms, in addition to the information required by existing law, contain a statement regarding the authority of the court to declare a child has been abandoned by the birth parent or parents.

(2) Existing law provides that an action may be brought for the purposes of having a minor child declared free from the custody and control of either or both of his or her parents when the child, among other circumstances, is left by his or her parent or parents without provision for the child's identification, without provision for the child's support, or without communication with the parent or parents, as specified.

This bill would provide that (1) if the parent has placed the child for adoption and has not refused to give the required consent to adoption, or (2) if a parent has placed a child for adoption and has refused to give the required consent to adoption, but has not taken reasonable action to obtain custody of the child, evidence of the adoptive placement shall not in itself preclude the court from finding an intent on the part of that parent to abandon the child.

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

Ch. 373 (AB 52) Hughes. Child health and disability prevention.

Existing law requires each county child health and disability prevention program to reimburse school districts for providing specified information. The Superintendent of Public Instruction is permitted to withhold state average daily attendance funds from any school district for any child for whom a certificate evidencing a health screening examination or parental waiver is not obtained.

This bill would require the State Department of Health Services to compile information on the percentage levels of compliance by school districts in obtaining health screenings or waivers and to report this information to the Legislature annually, beginning January 1, 1994.

This bill would impose a state-mandated local program by requiring the governing board of a school district to exclude upon enrollment any 1st grade pupil from school for up to 5 days, if the pupil lacks a health screening or waiver unless the parent supplies certain information or refuses to comply, 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.

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Ch. 374 (AB 341) Moore. State contracts: progress payments.

Under the State Contract Act, a contractor is required to pay his or her subcontractors within 10 days of receipt of each progress payment from the state unless otherwise agreed in writing. Failure to do so may result in termination of the contract or disciplinary action by the Contractors' State License Board.

This bill would require the Department of General Services to publish, in the California State Contracts Register, notice of progress payments to prime contractors.

Ch. 375 (AB 233) Knowles. Education: teachers: notice of intent to return.

Existing law requires the governing boards of school districts to employ persons in public school service requiring certification qualifications, including classroom teachers.

Existing law requires a probationary or permanent employee who has taken a leave of absence, as specified, to notify, before July 1, the governing board of the school district of his or her intent to return for the following school year.

This bill would require each classroom teacher to give notice no later than May 15 of each year to the school district whether he or she intends to return to a teaching position for the following school year.

This bill would provide that provisions for enforcement of this notice requirement may be included in a school district's collective bargaining agreement applying to teachers.

This bill would provide that this notice requirement shall apply only to teachers in school districts having an average daily attendance of less than 2,500.

Ch. 376 (AB 483) Eaves. Public agencies: bilingual employees.

Existing law requires state and local public agencies serving non-English-speaking people to employ bilingual employees in public contact positions. State agencies are required to survey each local office every 2 years on the provision by bilingual employees of public services in foreign languages.

This bill would authorize state agencies, utilizing existing funds, to contract for telephone based interpretation services in addition to employing bilingual persons in public contact positions. State agencies would be required to determine whether the use of additional contracted telephone based interpretation services is serving the language needs of the people served by the agency.

Ch. 377 (AB 659) Wright. Sexual assault: restitution: treatment costs.

Existing law provides that in any case in which a defendant is convicted of sexual assault on a minor, as defined, and the defendant is eligible for probation, the court, as a condition of probation, may order him or her to make restitution for the costs of medical or psychological treatment incurred by the victim as a result of the assault, as specified.

Existing law also provides that in any case in which a defendant is convicted of an offense involving child abuse or neglect, the court may require the defendant to pay to a law enforcement agency the costs of medical examinations conducted on the victim in order to determine the nature and extent of the abuse or neglect incurred by the agency.

This bill would provide that in any case in which a defendant is convicted of an offense involving sexual assault or attempted sexual assault, including child molestation, the court may require the defendant to pay the cost incurred by the law enforcement agency, county, or local governmental agency of any medical examination conducted on the victim for the collection and preservation of evidence. This bill would also provide that in no event shall a court penalize an indigent defendant by imposing an additional period of imprisonment in lieu of payment under this provision.

Ch. 378 (AB 717) Wright. Trustees of the California State University: legal services.

Existing law, with specified exceptions, prohibits state agencies from employing any legal counsel other than the Attorney General, or one of his or her assistants or deputies, in any matter in which the agency is interested.

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This bill would make that prohibition inapplicable to the Trustees of the California State University. The bill would require the trustees to pay the cost of employing legal counsel from their existing resources.

Ch. 379 (AB 991) Lancaster. Corporations: sale of franchises.

Existing law, known as the Franchise Investment Law, provides that any person who offers or sells any franchise, as defined, in this state must register the offer of the franchise, unless specifically exempted, with the Commissioner of Corporations. Existing law also provides that the commissioner may summarily issue a stop order denying the effectiveness of or suspending or revoking the effectiveness of any registration based on specified grounds.

This bill would clarify these grounds by providing that the commissioner may issue a stop order upon a finding that any person identified in the application or any officer or director of the franchisor, whether or not identified in the application, meets one or more of the conditions set forth below, and the involvement of this person in the sale or management of the franchise creates an unreasonable risk to prospective franchisees: (1) the person has been convicted or pled nolo contendere to a felony charge or has been held liable in a civil action involving specified fraudulent activities; (2) the person has had a securities registration denied, revoked, or suspended or been expelled from specified securities associations or exchanges; (3) the person is subject to any currently effective order or ruling of the Federal Trade Commission; or (4) the person is subject to any order or injunction relating to business activity, as specified.

This bill would also make clarifying changes and would correct an erroneous cross-reference in existing law.

Ch. 380 (AB 996) Lancaster. Insurance.

Existing law requires the filing of a claim arising from the theft of an insured vehicle to be on a claim form containing specified information, including the driver's license number of the insured.

This bill would provide that the driver's license number is not required if the vehicle is owned by a person that is not a natural person, or the claimant is a financial institution and the vehicle is insured pursuant to an insurance policy issued to the financial institution to protect vehicles that are collateral securing any loan made by the financial institution, but would require a financial institution to provide, to the extent it has the information, the current driver's license number of the registered owner of the vehicle or the debtor who has obtained the loan.

Existing law requires insurers, insurance agents, and brokers to give applicants for life insurance or annuity policies specified information regarding replacement of existing life insurance or annuities, except as specified, and imposes various specified duties upon insurers, agents, and brokers in this regard. Existing law provides administrative penalties for the violation of these provisions.

This bill would delete these requirements and duties with regard to brokers. The bill would also make technical changes.

Ch. 381 (AB 1324) Becerra. Kindergarten.

Under existing law, a child is required to be admitted to kindergarten during the 1st school month of a school year if the child will have his or her 5th birthday on or before December 2nd of that school year, with certain exceptions. Existing law authorizes a governing board of a school district to, for good cause, permit a child of the proper age to be admitted to a class after the first school month of the school term.

This bill would require that a child be admitted at a later time than the first month of school if the child has attained the proper age.

This bill would make other technical changes.

Ch. 382 (AB 1402) Eaves. Public officials: conflict of interest.

(1) Existing law prohibits state and local officers and employees from being financially interested in any contract made by them in their official capacity, or by any board or body of which they are members.

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Existing law provides that an officer or employee shall not be deemed to be interested in a contract under specified circumstances or if the interest is one of certain specified interests.

This bill would add to those interests which, if held by an officer or employee, will not be deemed to make that person interested in the contract, that of compensation for employment with a governmental agency other than the governmental agency that employs the officer or employee, provided that the interest is disclosed to the body or board at the time of consideration of the contract, and that it is noted in its official record.

(2) Existing law, with specified exemptions, regulates the procurement of materials, supplies, equipment, and services by state agencies.

This bill would, under certain circumstances, exempt spouses of state officers or employees, and entities that employ them, that are vendored to provide services to regional center clients from those requirements.

Ch. 383 (AB 1602) Eastin. State highways: local financing.

Existing law prescribes conditions applicable to projects in the state highway system which are financed from the proceeds of local retail transactions and use taxes. Those provisions will terminate on January 1, 1992.

This bill would revise one of those conditions to specifically refer to funding from any other local resources.

The bill would extend the termination date of these provisions to January 1, 1994.

Ch. 384 (AB 1734) Costa. Local authorities: transactions and use tax: bonds.

Existing law authorizes the board of supervisors of any county to establish an authority for specific purposes that may impose a transactions and use tax at a rate of 0.25% or 0.5% for the purpose for which it is established if specific requirements are met.

The bill would prescribe a procedure whereby an authority so established may issue bonds payable from the proceeds of the transactions and use tax.

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

Ch. 385 (AB 1959) Areias. Marketing orders: educational programs.

Existing law permits marketing orders issued under the California Marketing Act of 1937 to contain provisions for the establishment of educational programs which are designed to acquaint producers, handlers, consumers, or other interested persons with quality improvement and nutritional values of any commodity.

This bill would authorize the Director of Food and Agriculture to establish an educational program directly affecting producers of all commodities produced in this state. The bill would define "educational program" for this purpose to mean a program that provides for the planning and implementation of activities designed to inform the general public of the processes of producing agricultural commodities and designed to foster cooperation and understanding between urban and rural sectors of society.

The bill would require that the educational program provide for a referendum among producers directly affected within 2 years of the date of implementation of the educational program to determine whether it should continue in operation. The bill would authorize the director to provide a procedure for individual refunds of assessments paid prior to the referendum. The bill would require the director to approve continuation of the program under specified circumstances. This provision would be repealed on January 1, 1997.

Ch. 386 (SB 290) Presley. Vehicles.

(1) Existing law defines a motor vehicle for purposes of provisions relating to the registration of automotive repair dealers to include passenger and commercial vehicles, and limits that definition to vehicles with a gross weight of less than 10,000 pounds.

This bill would delete that weight limitation. By expanding the category of persons who would be required to register and to meet other requirements, violations of which are subject to criminal penalties, the bill would impose a state-mandated local program by changing the definition of a crime. The bill would also delete commercial vehicles from those provisions, and make a related change.

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(2) Under existing law, the Director of Consumer Affairs is required to prescribe the fees for automotive repair dealer registration and renewal at not more than $100.

This bill would increase that amount to $200. The bill would also increase the penalty for late renewal from $25 to $50.

(3) Existing law requires smog check stations where repairs are also performed to have posted a sign with a list of prices, as specified.

This bill would require the signs to be posted in all stations where inspections are performed and would revise the required content of the sign. Since violation of the requirement is a misdemeanor under other provisions, the bill would impose a state-mandated local program by changing the definition of a crime.

(4) Existing law authorizes the Department of Consumer Affairs to license the owner of a fleet of 15 or more vehicles to conduct smog tests on the fleet's vehicles.

This bill would authorize those licenses as to fleets of 10 or more vehicles.

(5) Existing law limits the cost of repairs under the motor vehicle inspection program, but exempts licensed fleet owners from the cost limits.

This bill would subject those fleet owners to those cost limits in specified instances.

(6) Existing law establishes a training course advisory board to assist and advise the department in recommending smog check mechanic training courses.

This bill would authorize the director to establish, by regulation, the term of office of the members of the advisory board.

(7) Existing law requires the department to publish quarterly a written summary of specified information for mechanics and smog check stations, and to make it available to the public upon request.

This bill would require the summary to be available annually to the mechanics and smog check stations.

(8) Existing law requires a smog check mechanic's qualification to be permanently revoked upon a 4th citation.

This bill would authorize, rather than require, that revocation.

(9) Existing law provides for a hearing after service of a citation to a smog check station, inspector, or fleet owner licensee.

This bill would provide that the required service of the citation includes service personally, by registered mail, or by courier.

(10) Existing law prohibits renewal of a smog check test or repair station license if a civil penalty or the amount of a settlement is unpaid.

This bill would also prohibit the issuance of a license under those circumstances.

The bill would prescribe additional grounds and procedures for the suspension, revocation, or refusal to issue a license.

(11) The bill would require the State Air Resources Board, in cooperation with the department, to report to the Legislature by April 30, 1992, on technologies which would improve detection of high-emitting vehicles through the vehicle inspection program. The bill would repeal those provisions on January 1, 1993.

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

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

Ch. 387 (AB 438) Lancaster. Automotive repair.

Existing law, known as the Automotive Repair Act, requires every automotive repair dealer to register with the Bureau of Automotive Repair. The term "repair of motor vehicles" is defined, for purposes of the act, as all maintenance of and repairs to motor vehicles performed by an automotive repair dealer, except as expressly limited.

This bill would specifically include automotive body repair work within the definition of the term "repair of motor vehicles" for the purposes of the act.

This bill would incorporate additional changes in Section 9880.1 of the Business and Professions Code, proposed by SB 290, to be operative only if SB 290 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

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Ch. 388 (SB 59) Lockyer. Courts: interpreters.

Existing law requires the State Personnel Board to certify foreign language interpreters for the superior courts, as specified.

This bill would require the State Personnel Board to certify foreign language interpreters for the municipal and justice courts as well. The bill would also exempt federally certified court interpreters from further examination by the State Personnel Board.

Ch. 389 (SB 310) Dills. State lottery: information.

(1) Existing law exempts rules or regulations adopted by the California State Lottery Commission from provisions relating to the Office of Administrative Law.

This bill would make a technical nonsubstantive change to this exemption.

(2) Existing law requires an information provider engaged in furnishing any live, recorded, or recorded-interactive audio text through information access telephone service to provide specified information.

This bill would exempt telephone service under contract to the commission, as of the effective date of this act, that provides lottery game draw results from this requirement.

(3) An initiative measure, the California State Lottery Act provides that none of its provisions may be changed except to further its purpose by a bill passed by a ⅔ vote of each house of the Legislature and signed by the Governor.

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

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

Ch. 390 (SB 338) Beverly. Corporations: securities: interdealer quotation system.

Existing law provides that before the National Association of Securities Dealers, Inc. automated quotation system is certified by the commissioner pursuant to specified provisions of current law, the commissioner shall determine and conclude that the National Association of Securities Dealers, Inc. has adopted and obtained Securities and Exchange Commission approval of corporate governance standards, including voting rights, which are substantially similar to the corporate governance standards in effect on the date of application by the association for either the New York or the American Stock Exchange. Existing law also provides that the certification of the interdealer quotation system is subject to applicable decertification proceedings and is effective for only 36 months from the date of certification.

This bill would provide that the certification of the interdealer quotation system of the National Association of Securities Dealers, Inc., shall remain in effect only until January 1, 1994, and shall be subject to applicable decertification proceedings.

Existing law provides that an evidence of indebtedness, and its purchasers, are exempt from constitutional usury provisions, if it is rated by specified entities or meets certain other requirements.

This bill would extend that exemption to an evidence of indebtedness where the issuer has any security designated or approved for designation upon notice of issuance as a national market system security on an interdealer quotation system by the National Association of Securities Dealers, if the interdealer quotation system has been certified by the Commissioner of Corporations.

This bill would also extend that exemption to an evidence of indebtedness that is issued by a corporation all of the outstanding shares of which are owned by an issuer which meets specified requirements.

Ch. 391 (SB 1157) Dills. Political Reform Act: lobbyists: certification: directory.

Under the Political Reform Act of 1974, a lobbyist is required to prepare a certification for filing with the Secretary of State, which includes, among other things, a recent 3 by 4 inch black and white photograph of the lobbyist.

This bill would delete the reference to the size of the photograph and instead require the Secretary of State to prescribe its size.

Under the Political Reform Act of 1974, the Secretary of State is required to, within

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120 days of the commencement of each regular session of the Legislature, publish a directory of registered individual lobbyists, lobbying firms, and lobbyist employers.

This bill would extend that period of time to 140 days.

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. 392 (SB 1226) Russell. Vehicles: motor carriers: driver hours of service.

(1) Existing law requires the Department of the California Highway Patrol to regulate the safe operation of motor trucks, including those operated by highway carriers subject to the jurisdiction and control of the Public Utilities Commission or the Interstate Commerce Commission as to hours of service and driver logbooks. Existing law prohibits a motor carrier from scheduling a run or permitting or requiring the operation of a motor vehicle between points in a period of time which would require the vehicle's operation at greater than lawful speeds.

This bill would, in addition, prohibit a motor carrier from requiring the operation of a vehicle between points within a period of time which would require the driver to exceed the applicable maximum hours of service, and would specify penalties for a 1st, 2nd, or 3rd or subsequent violation. Since, under other provisions, a violation of this prohibition would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 393 (SB 1098) Marks. Elections.

Existing law requires that various petitions or papers be certified as to their truth and correctness by a declaration signed under penalty of perjury, including new resident absentee ballot envelopes, initiative petitions, and recall petitions.

This bill would specify that the penalty of perjury is that prescribed by the laws of California.

Existing law requires the elections official to compare the list of absent voters at each election with the roster of voters kept by election officers in each precinct in the county at the general election.

This bill would conform a related provision of law by requiring the elections official, at each election, to compare the absent voter list with the roster of voters in each precinct to determine if any voter cast more than one ballot at that election.

Existing law requires any organization or group that distributes applications for absent voter ballots and receives completed application forms to return the forms to the appropriate elections official within 36 hours of receiving the completed form.

This bill would specifically include individuals in this requirement and would require the return of the forms within 36 hours or before the deadline for application, whichever is sooner.

Existing law requires the county clerk, whenever precinct boundaries are altered in accordance with specified provisions, to rearrange the affidavits of registration, reprecinct, and place them in the proper precinct books.

This bill would repeal this provision. It would make technical corrections by deleting references to superseded provisions and adding references to previously omitted provisions of law.

Under existing law, a precinct board consists of one inspector, 2 judges, and 3 clerks.

This bill would instead provide that the composition of a precinct board shall be determined by the elections official based on the precinct size, with a minimum of one inspector and 2 clerks, and additional clerk positions allocated in proportion to the number of registered voters within the precinct.

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Existing law prohibits the holding of an election on any day other than a Tuesday or on the day before or the day after a state holiday.

This bill, in addition, would prohibit the holding of an election on the day of a state holiday.

Existing law provides that if an incumbent State Senator, Assembly Member, constitutional officer, or the Insurance Commissioner files a declaration of intention but fails to qualify for nomination for the office by the last day prescribed for filing nomination papers, other persons may file for the office within an additional 5-day period.

This bill would make this provision applicable only when an incumbent of any of the specified offices who is affiliated with a qualified political party files a declaration but fails to qualify for nomination for the office.

Existing law requires that a Democratic candidate selected to appear on the presidential primary ballot who wishes to withdraw his or her name file an affidavit with the Secretary of State no later than 2 days after the Secretary of State announces the names of the selected candidates.

This bill would provide that the candidate may withdraw by filing the affidavit no later than the 64th day before the presidential primary election.

Existing law provides a procedure for the selection and apportionment of delegates to the Democratic National Convention following the presidential primary election.

This bill would repeal these provisions, and would enact provisions governing the selection of district level delegates and alternates, unpledged delegates, pledged party leader and elected official delegates, and at-large delegates and alternates.

Existing law permits any voter to seek a writ of mandate alleging that an error or omission has or will occur on a ballot, sample ballot, voter pamphlet, or other official matter, or alleging neglect of official duty.

This bill would provide that venue for a proceeding under this provision shall be exclusively in Sacramento County in specified legal actions.

Existing law requires that a person offering to vote who is challenged on the ground that he or she voted that day be tendered an oath that he or she swears or affirms he or she has not voted that day.

This bill would revise the oath to state that the person swears or affirms that he or she has not previously voted in that election either by absentee ballot or at a polling place.

Existing law requires the Secretary of State, by the 39th day after the election, to compile the returns for all candidates for statewide office, the Legislature, and Congress, among others, and all statewide measures, and to certify a statement of the vote from the compiled returns.

This bill would make various technical changes in this provision.

Existing law requires the Secretary of State, on the 60th day after the election, or as soon as returns have been received, to determine the votes cast for United States Senator and for Representative and to certify the appropriate persons as duly elected.

This bill would change the allotted period to the 39th day after the election, or as soon as returns have been received.

Existing law specifies the fees that may be charged by a notary public for official services.

This bill would prohibit any fee to notarize signatures on absentee ballot identification envelopes or other voting materials.

Existing law requires that arguments for or against measures in special elections concerning city or registered-voter districts and landowner-voter districts, be accompanied by not more than 3 signatures.

This bill would increase to 5 the number of signatures required.

This bill would make various technical, nonsubstantive changes.

Existing law requires a city council, within 30 days of the occurrence of a vacancy on the council, to either fill a vacancy by appointment or call a special election to fill the vacancy. The special election is required to be held on the next regularly established election date not less than 90 days from the call of the special election.

This bill would provide that, notwithstanding this requirement or any other provision of law, the City of Milpitas may hold a special election on December 10, 1991, to fill the

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vacancy in the city council created as a result of the resignation by a council member.

This bill would incorporate additional changes in Section 10211 of the Elections Code, proposed by SB 70, to be operative only if SB 70 and this bill are both chaptered and become effective on or before January 1, 1992, and this bill is chaptered last. These changes would become operative on the effective date of SB 70.

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

Ch. 394 (AB 585) Hansen. Contracts: customer rights.

(1) Existing law provides that a buyer has the right to cancel a home solicitation contract or offer, as defined, until midnight of the 3rd business day after the day on which the buyer signs the agreement or offer, and requires the contract or offer to be accompanied by a specified notice of cancellation.

This bill would provide that any buyer has the right to cancel a home solicitation contract or offer for the purchase of a defined personal emergency response unit, until midnight of the 7th business day after the day on which the buyer signs the agreement or offer, and would make a related change with regard to the notice of cancellation.

(2) Existing law generally 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.

This bill would provide that if such a retailer enters into a contract for the service or repair of merchandise, whether or not sold by it to the consumer, the retailer is required to specify a 4-hour period to commence service or repairs that have been requested by the consumer under the contract if the consumer's presence is required, and provides a cause of action in small claims court for failure of the retailer to commence service or repairs within that time period, subject to certain exceptions.

Ch. 395 (AB 718) Elder. Pipelines: testing: California Hazardous Liquid Pipeline Safety Fund.

(1) Existing law requires the State Fire Marshal to adopt hazardous liquid pipeline safety regulations in compliance with specified federal statutory and regulatory law relating to hazardous liquid pipeline safety, including, but not limited to, compliance orders, penalties, and inspection and maintenance provisions, and including amendments to those laws and regulations.

This bill would exempt those regulations by the State Fire Marshal, which adopt the minimum standards for hazardous liquid pipelines contained in the Federal Hazardous Liquid Pipeline Safety Act and in Title 40 of the Code of Federal Regulations, from the procedures for adoption of state administrative regulations specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, except that the bill would require those regulations to be submitted to the Office of Administrative Law for filing with the Secretary of State and publication in the California Code of Regulations.

(2) Existing law requires pipelines to be tested in accordance with specified criteria. Existing law also provides that if piping within a refined products bulk loading facility is observable, it shall be tested by means of visual inspection.

This bill would provide that if that piping is observable, visual inspection may be the method of testing.

(3) Existing law creates the California Hazardous Liquid Pipeline Safety Fund, consisting of specified accounts, which is available upon appropriation to the State Fire Marshal for specified purposes.

This bill would combine the intrastate pipeline and interstate pipeline accounts in that fund, which consist of fees collected from pipeline operators for specified purposes.

Ch. 396 (AB 738) Isenberg. Alcoholic beverages: advertising.

Existing law generally prohibits a manufacturer of alcoholic beverages and a winegrower from paying, crediting, or compensating a retailer for advertising or paying or giving anything of value for the privilege of placing a sign or advertisement with a retail licensee. It authorizes, as an exception, the holder of a beer manufacturer's or winegrow-

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er's license to purchase advertising space and time from, or on behalf of, an on-sale retail licensee, subject to specified conditions including that the on-sale licensee is the owner of a fully enclosed arena with a fixed seating capacity in excess of 10,000 seats located in a county of the 8th class.

This bill would modify that condition to provide that the on-sale licensee is the owner of an outdoor stadium or a fully enclosed arena with a fixed seating capacity in excess of 10,000 seats located in a county of the 8th class. It would prohibit application of these provisions to an outdoor stadium or a fully enclosed arena owned by a community college district.

This bill would make specified legislative findings and declarations of legislative intent with respect to the construction of this bill.

Existing law provides that it is a misdemeanor for the holder of a beer manufacturer's license or winegrower's license to induce a beer or wine wholesale licensee to provide that advertising space or time to the on-sale retail licensee who is the owner of a fully enclosed arena, as specified.

By extending those provisions to the purchase of advertising with respect to an on-sale licensee who is the owner of an outdoor stadium, as specified, this bill would create a new crime and thus impose a state-mandated local program.

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

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

Ch. 397 (AB 927) Archie-Hudson. Pollution control financing.

Existing law authorizes the California Pollution Control Financing Authority to invest funds in obligations meeting specified requirements, and to finance projects by making a loan to the participating party, as defined. Existing law authorizes the authority to establish one or more common reserve funds to assist small businesses to finance pollution control facilities, as specified. The liability of any such fund with respect to a single issue of bonds may not exceed $1,000,000.

This bill would redesignate those common reserve funds as small business assistance funds, and authorize their use for additional purposes, as specified. The bill would impose the limit of $1,000,000 instead on the total financial assistance from any of those funds for a single project, including the maximum liability on any pledge or guarantee. The bill would authorize the authority to invest moneys set aside for its administrative expenses or in small business assistance funds by making or purchasing loans to small businesses, as specified, and to purchase or acquire from a financial institution all or part of a loan made by that institution to a participating party, as specified.

Ch. 398 (SB 12) Committee on Local Government. Validations.

This bill would enact the Second Validating Act of 1991, 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. 399 (SB 13) Committee on Local Government. Validations.

This bill would enact the Third Validating Act of 1991, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Ch. 400 (SB 19) Lockyer. Crimes: domestic violence.

Under existing law, in the absence of a court order determining the rights of custody or visitation to a minor child, every person having a right of custody of the child who maliciously takes, detains, conceals, or entices away that child, as specified, without good cause, as defined, and with the requisite intent, is guilty of a misdemeanor or a felony. Existing law requires the person taking, detaining, concealing, or enticing away the child, as specified, to file a report with the law enforcement agency of that action within

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a reasonable time setting forth the basis for the immediate bodily injury or emotional harm to the child.

This bill would redefine "good cause" to include the good faith and reasonable belief by a person with a right of custody of the child who has been the victim of domestic violence, as defined, by another person with a right of custody of the child, that the child, if left with the other person, will suffer immediate bodily injury or emotional harm. The bill would additionally require that the report setting forth the basis for the immediate bodily injury or emotional harm to the child be filed with the district attorney's office. The bill would also require that the person taking the child file a request for custody within a reasonable time. Because the bill would change the definition of a crime, it would impose a state-mandated local program.

Under existing law, the address of the parent or person granted access to the minor child by a court order who takes, detains, or conceals the child, with good cause, shall remain confidential until released at the discretion of the district attorney or by court order.

This bill would require instead that the address remain confidential until released only by court order.

Existing law enumerates circumstances when the termination or dismissal of a criminal prosecution is or is not a bar to a subsequent prosecution.

This bill would specify that a dismissal of a complaint in a felony case or in those cases where a misdemeanor is charged with a felony, would not be a bar to a subsequent prosecution if, subsequent to the dismissal of the felony or misdemeanor, the judge or magistrate finds that the termination was the result of the failure to appear by the complaining witness in certain prosecutions involving battery and domestic violence.

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

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

Ch. 401 (SB 31) Maddy. Horseracing: California Horse Racing Board: medication.

Under the Horse Racing Law, the California Horse Racing Board administers and enforces all laws and rules and regulations affecting horseracing and parimutuel wagering, including the taking of blood, urine, saliva, or other test samples from racehorses.

This bill would prohibit the administration by any means of any substance to a horse after it has been entered to race in a horserace, unless the board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. The bill would make a violation of its provisions punishable by a civil penalty, and would require the board, for any 2nd or subsequent violation of its provisions, to convene a hearing to determine whether to revoke the license of a person who violates this provision.

The bill would require the board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horseracing in the state.

Ch. 402 (SB 104) Deddeh. Sales and use taxes.

Under the existing Sales and Use Tax Law, the State Board of Equalization is authorized to relieve a person from the payment of taxes, penalties, and interest if the board finds that a person's failure to make a timely return or payment is due to that person's reasonable reliance on written advice from the board. It provides that failure to make a timely return or payment shall be considered to be due to reasonable reliance on the board's written advice only on the board's finding that specified conditions are satisfied.

This bill would add to those specified conditions the condition that the person, in reasonable reliance upon written advice from the board, did not pay a use tax on the storage, use, or other consumption in this state of tangible personal property.

The existing Harris-Katz California Taxpayer's Bill of Rights prohibits the use of the amount of revenue collected or assessed under the Sales and Use Tax Law to evaluate

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individual officers or employees or to impose or suggest production quotas or goals.

This bill would instead provide that the total amount of sales and use tax revenues shall not be used to evaluate individual officers or employees or to impose or suggest revenue quotas or goals, other than quotas or goals with respect to accounts receivable. It would also provide that nothing in those provisions shall prohibit the setting of goals and the evaluation of performance with respect to productivity and the efficient use of time.

Ch. 403 (SB 113) Lockyer. Political Reform Act: slate mailers: disclosure.

Under the Political Reform Act of 1974, a slate mailer organization is prohibited from sending a slate mailer unless the mailing contains specified information, including a notice to the voters in at least 8-point roman boldface type identifying the organization who prepared the document, a list of those candidates and measures who paid to be included in the mailer, a statement that the slate mailer organization is not an official party organization, and a statement that appearance in the mailer does not necessarily imply endorsement of others in the mailer.

This bill would require that the name of any candidate for partisan office appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears to represent be accompanied with the candidate's party designation in 9-point roman type, as specified.

Under the Political Reform Act of 1974, a violation of its provisions is subject to administrative, civil and criminal penalties.

This bill would add its provisions to the Political Reform Act of 1974 and subject persons who violate them to the penalties imposed by the act thereby creating 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.

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

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

Ch. 404 (SB 137) Thompson. Public Employees' Retirement System: contracting agencies.

The Public Employees' Retirement Law authorizes various public agencies, as defined, to contract for retirement benefit coverage for their employees.

This bill would authorize nonprofit corporations or associations conducting county agricultural fairs to contract for coverage for their employees if they obtain a favorable advisory opinion from the United States Department of Labor regarding the effect of the participation of those employees upon the system's status under the federal Employee Retirement Income Security Act of 1974.

The definition of "public agency" includes any foundation or trust established for providing essential activities related to, but not normally included as part of, the regular instructional program of the California State University or community colleges.

This bill would substitute for that definition, auxiliary organizations of the California State University or community colleges which operate under specified statutes and regulations.

Ch. 405 (SB 153) Mello. For-hire vessels: liability protection.

Existing law requires the Public Utilities Commission to require that every for-hire vessel operator, as defined, procure and continue in effect adequate protection against liability for damages for personal bodily injuries and property damage. Existing law authorizes the evidence to be in the form of an insurance policy, a bond, or evidence of qualification as a self-insurer and requires the evidence to be deposited with the commission. Existing law authorizes the commission to adopt regulations to enforce the

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provisions relating to liability protection, as specified, and to impose a penalty of not more than $1,000 on any operator who fails to file the evidence of liability protection with the commission.

This bill would require the commission to issue a certificate of filing of the evidence of adequate protection by the for-hire vessel owner or operator, would specify the maximum size of the certificate, and would require the for-hire owner or operator to post the certificate in a prominent location which is visible to the passengers. The bill would prohibit posting of a canceled, suspended, revoked, or invalid certificate. The bill would authorize the commission to impose a penalty, instead, of not less than $50 nor more than $1,000 upon the owner or operator, for violation of any provision relating to obtaining or continuing in effect the liability protection, filing the evidence of adequate protection, posting of the certificate, or any rule relating thereto adopted by the commission, as specified.

The bill would also require the commission to revoke the certificate of filing upon receiving notification of impending cancellation of liability protection, as specified, and notify the owner or operator of this revocation. The bill would require the owner or operator to return the revoked certificate to the commission.

Ch. 406 (SB 182) Lockyer. Contracts: attorney's fees.

Existing law provides that in any action on a contract based on a book account, as defined, which does not provide for attorney's fees and costs, the prevailing party shall be entitled to reasonable attorney's fees and costs, except as otherwise provided by law, where waived by the parties, when there is a signed, written agreement, or when certain entities are a party to the contract. Existing law provides that the attorney's fees shall not exceed the lesser of $500 or 25% of the principal obligation owing under the contract, and shall not exceed $500 if a party is found to have no obligation owing on a book account.

This bill would provide that those attorney's fees shall not exceed the lesser of $660 or 25% of the principal obligation owing under the contract, and shall not exceed $660 if a party is found to have no obligation owing on a book account.

Ch. 407 (SB 229) Boatwright. Water service: meters.

Under existing law, water meters are not required to be installed on all water facilities and systems which deliver water.

This bill would require the installation of water meters, as defined, on new potable water service connections on and after January 1, 1992. The bill would exempt prescribed community water systems and wells from this requirement. The bill would require domestic cold water meters to be in compliance with prescribed standards and to be of a specified type.

The bill would make legislative findings and declarations.

Ch. 408 (SB 279) McCorquodale. Forests: insects and plant diseases.

Under existing law, the Department of Forestry and Fire Protection, with the approval of the Department of Finance and in accordance with policy established by the State Board of Forestry, may enter into agreements with any owner and with any agency of government, including the federal government, for the purpose of controlling or eradicating forest insects or plant diseases damaging or threatening destruction to timber or forest growth, and it may make expenditures for that purpose.

This bill would delete the requirement for approval of the Department of Finance.

Ch. 409 (SB 313) Presley. Local public educational agencies.

(1) Existing law authorizes the Superintendent of Public Instruction to allocate funding to certain county superintendents of schools in the 1982–83 fiscal year and each fiscal year thereafter for the operation of classes or schools for prisoners.

This bill would make a nonsubstantive change to that funding provision.

(2) Under existing law, when a dispute arises pursuant to the reorganization of the territory of school districts, a board of arbitrators is appointed to resolve the dispute, consisting of one person each selected by the district from which the territory is with-

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drawn and the district of which the territory has become a part, and one person appointed by the appropriate county superintendent of schools.

This bill would specify instead that one arbitrator would be selected by each of the districts from which territory is withdrawn, or of which territory has become a part, pursuant to a reorganization action, and one or two persons, so that the board of arbitrators contains an odd number of persons, appointed by the appropriate county superintendent of schools. This revision would impose a state-mandated local program with regard to the appointment of arbitrators by county superintendents of schools.

(3) Existing law authorizes the governing board of each school district to establish a security department under the supervision of a chief of security or a police department under the supervision of a chief of police, as specified. Existing law also authorizes the governing board of each community college district to establish a community college police department under the supervision of a community college chief of police.

This bill would require the governing board of each school district and community college district that elects to establish a security department, police department, or community college police department, as applicable, to set minimum qualifications of employment for the chief of security or chief of police, as applicable, including, but not limited to, prior employment as a peace officer or the completion of certain training, as specified.

To the extent that this bill would impose requirements on school districts and community college districts that have established a security department or police department, as applicable, it would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 410 (AB 162) Speier. Family law: domestic violence.

(1) Existing law requires a probation officer or domestic relations investigator, upon direction of a court, to conduct a custody investigation and file a written confidential report on it. Existing law specifies that a probation officer or domestic relations investigator in any custody investigation, or a mediator involved in specified custody proceedings, is not prohibited from making recommendations to the court regarding the appointment of counsel in any case where custody of or visitation with a minor child is in issue.

This bill would also make the above provisions applicable to a court appointed evaluator.

(2) Existing law contains provisions relating to mediation of various matters in proceedings under the Family Law Act. Existing law, operative until January 1, 1992, provides that in any proceeding where there has been both a history of domestic violence between the parties and where an order is in effect pursuant to specified provisions which provide for enjoining specified behavior the mediator shall meet with the parties separately when a request for separate mediation is made by the party protected by the order. Existing law, operative until January 1, 1992, also provides that in any proceeding in which counseling has been ordered where there has been both a history of domestic violence between the parties and where an order is in effect pursuant to specified provisions which provide for enjoining specified behavior, at the request of the party protected by the order, the parties shall meet with the mental health professional, or attend other community programs or services, separately at separate times.

This bill would extend these 2 temporary provisions indefinitely and make them applicable to proceedings where there has been either a history of domestic violence between the parties or where an order is in effect pursuant to the specified provisions which provide for enjoining certain behavior. However, the bill would make these

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provisions applicable upon the request of a party who is not protected by such an order of the court only where the party's request alleging domestic violence is in writing and the allegations of domestic violence are declared under penalty of perjury. The bill also would impose the same requirements as to separate meetings as to the investigations described in (1). Further, it would require any intake form that an agency charged with providing family court services may require the parties to complete prior to mediation to reflect the change in the applicability. The bill thus would impose a state-mandated local program by extending the duration of, and imposing additional requirements on, required and optional local programs.

(3) This bill would authorize a mediator to recommend that restraining orders be issued, rather than mutual restraining orders be issued, pending determination of the controversy as to the custody or visitation of the child or children.

(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. 411 (AB 185) Ferguson. Traffic violator schools.

(1) Existing law requires the Department of Motor Vehicles to transmit to the municipal and justice courts at least twice annually a list of licensed traffic violator schools, and authorizes the courts, under specified conditions, to remove the names of schools from the list. A school which has had its name removed is required to be listed under the designation "Traffic School."

This bill would repeal the provision which authorizes a court to remove the names of schools from the list and would, instead, authorize a court to remove the name of a school located within the judicial district of that court if the court determines that the school name is inappropriate and, within 30 days of receipt of the referral list, notifies the school owner that the court intends to remove that school's name from that referral list, and, if requested, conducts a hearing, as specified, for that school owner, or a representative, on the issue of whether the school name is inappropriate.

The bill also would prescribe a procedure which would enable the owner of a school whose name was directed by a court to be deleted from the list to submit a substitute name. The bill would require a court to notify the school owner of its approval or disapproval of that substitute name within 30 days. If the court fails to act within that 30 days, the substitute name would be deemed approved.

The bill would require every application filed with the department on and after September 17, 1991, for a traffic violator school owner's license or for authority to conduct classes in a judicial district not previously approved to be accompanied by the approval of the court, in each judicial district where those classes are proposed to be conducted, of the name of the school, as prescribed. The bill would prescribe a procedure if the court disapproves that name.

The bill would require that, when a court orders a person to attend a traffic violator school, the court use either the current referral list of traffic violator schools or, in the case of a court utilizing a nonprofit agency for traffic violator school administration and monitoring services, a statewide referral list published by the nonprofit agency. The bill would require the nonprofit agency to monitor each classroom location represented on its referral list at least once every 90 days, and send monthly reports to the department.

The bill would make other conforming changes.

The bill would impose a state-mandated local program by imposing various duties on the 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

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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 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.

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

Ch. 412 (AB 623) Bane. Common interest developments: financial affairs.

(1) Under existing law, the association managing a common interest development is required to prepare and distribute to members a pro forma operating budget with prescribed content, including, in part, identification of cash reserves.

The bill would require disclosure in the pro forma operating budget of the amount of reserves needed and the actual cash reserves on hand at the end of the fiscal year for the repair, replacement, restoration, or maintenance of major components, as specified. The bill would make these disclosures inadmissible as evidence to show improper financial management.

(2) Existing law requires an association of a common interest development to levy regular and special assessments sufficient to perform its obligations under its governing documents and the Davis-Stirling Common Interest Development Act.

This bill would require an association to provide 30 to 60 days' advance mailed notice to members of any increase in regular or special assessments or fees.

(3) Existing law requires the seller of a separate interest in a common interest development to give specified information to prospective purchasers concerning the common interest development.

This bill would require these disclosures to include the amount of current regular and special assessments and any change therein or in the association's fees which have been authorized by the association's board of directors, but have not become due and payable as of the date of the disclosure.

Ch. 413 (AB 934) Umberg. County treasurer: estates.

Existing law specifies that funds may be ordered to be deposited in an insured account in a financial institution, or in a single-premium deferred annuity, where the funds are payable to a minor or incompetent person pursuant to court order and there is either no guardian or conservator of the estate of the minor or incompetent person or there is such a guardian or conservator.

This bill would provide that, in addition, funds may be ordered to be deposited with the county treasurer, provided that the county treasurer has been authorized by the board of supervisors to handle the deposits, that the county treasurer administers the deposits, as specified, the county treasurer ensures that the funds deposited earn interest or dividends at the highest rate which the county can reasonably obtain as a prudent investor, and that the funds so deposited are only invested or deposited as specified in existing provisions of law applicable to the investment or deposit of state and county funds, or as otherwise specified.

Ch. 414 (AB 1203) Woodruff. Postsecondary education.

(1) Existing law establishes the Federal Trust Fund in the State Treasury and requires that all money received by the state from the United States, the expenditure of which is administered through, or under the direction of, any state agency, be deposited in that fund, under conditions as the Director of Finance is authorized to prescribe and on order of the Controller.

This bill would, notwithstanding those provisions, provide that money received by the state from the United States for distribution by the Trustees of the California State University for student financial aid purposes shall not be remitted to the Federal Trust Fund, but shall only be reported to the Director of Finance for accounting purposes.

(2) Existing law establishes the California State University Special Projects Fund, which consists of grants, revenues, and funds for the operation, support, and development of research, workshops, conferences, institutes, and special projects in the Califor-

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nia State University. Existing law authorizes the Trustees of the California State University to establish the rules and procedures under which the fund operates and requires that all expenditures be made in accordance with those rules and procedures, without prior approval of the Department of General Services or the Department of Finance. Existing law requires that all expenditures receive an annual postaudit by the Audits Division of the Department of Finance.

This bill instead would, on and after July 1, 1992, require that the expenditures from the fund be audited by the Audits Division of the Department of Finance as frequently as the Audits Division deems appropriate.

(3) Existing law, generally, sets forth specific procedures to be followed for the payment of claims and judgments against the state.

This bill would, notwithstanding those provisions, require the Controller to draw a warrant for the payment of any claim, settlement, or judgment against a special fund or a trust fund administered by the Trustees of the California State University if the trustees certify that sufficient moneys for payment exist within the special fund or trust fund. The bill would require that records regarding the payments be subject to postaudit by the Director of Finance.

(4) Existing law requires that a certified public accountant be selected by each auxiliary organization at the California State University and requires that the office of the chancellor, upon being notified of the certified public accountant selected by an auxiliary organization, forward the applicable auditing and reporting procedures to the selected certified public accountant. Existing law also requires the certified public accountant to audit annually any and all state university auxiliary funds. Existing law requires the auxiliary organizations to contract for and receive the audit annually and to submit the audit to the trustees and to the Director of Finance. Existing law also requires that the accounting procedures be approved by the Director of Finance.

This bill, instead, would require the office of the chancellor, in cooperation with the Department of Finance, to develop and forward the applicable auditing and reporting procedures to each auxiliary organization for distribution to the selected certified public accountant. The bill would require the certified public accountant to audit annually any and all state university auxiliary funds, in accordance with procedures prescribed by the Chancellor of the California State University rather than the Department of Finance. The bill would delete the requirement that the auxiliary organizations submit the audit to the Director of Finance and would delete the requirement that the accounting procedures be approved by the Director of Finance.

(5) Existing law establishes, in the Department of General Services, the California State Police Division. Under existing law, the Director of General Services is required to appoint members and employees of the division as necessary to protect and provide police services for state property and buildings and occupants thereof.

This bill would prohibit charging or otherwise assessing the Trustees of the California State University for state police services to the chancellor's office or any state facilities under the control of the chancellor's office, except for those police services requested by the trustees.

(6) Existing law defines "public agency," for the purposes of the Public Employees' Retirement System, to include any foundation or trust established for the purpose of providing essential activities related to, but not normally included as a part of, the regular instructional program of the California State University or community college.

This bill, instead, would define the term to include any auxiliary organization operating pursuant to specified provisions of existing law and in conformity with regulations adopted by the Trustees of the California State University or by the Board of Governors of the California Community Colleges.

Ch. 415 (AB 1298) Horcher. Fire protection: alcoholism or drug abuse recovery or treatment facilities.

Under existing law, the State Fire Marshal is required to prepare, adopt, and submit building standards, and prepare and adopt other regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as, among

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other things, a sanitarium, home for the aged, or institution not otherwise excluded, as specified. Violation of those regulations is a misdemeanor. Under existing law, the State Department of Alcohol and Drug Programs is required to license alcoholism or drug abuse recovery or treatment facilities.

This bill would require the State Fire Marshal to adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory, as defined, and not based on age of the residents or patients, thereby imposing 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. 416 (AB 1307) Umberg. Classified employees: call to active military duty: Iraq-Kuwait crisis.

(1) 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 salary or compensation as an officer or employee of the public agency for the first 30 days while engaged in the performance of the active duty.

This bill would, in addition, entitle any classified employee of a school district or community college district, who, as a member of the California National Guard or a United States Military Reserve organization, was called up to active military duty as a result of the Iraq-Kuwait crisis, to receive for a period not to exceed 180 days while on active military duty, as part of his or her compensation from the school district or community college district, the difference between the amount of his or her military pay and the amount the employee would have received as a classified employee of a school district, including any merit raise that would otherwise have been granted during the time the individual was on active military duty and any benefits he or she would have received, as specified, thereby imposing a state-mandated local program. The bill also would require that if the employee does not return to the service of the school district or the community college district within 60 days after 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.

This bill would specify that it would not apply to any active duty voluntarily served after the close of the Iraq-Kuwait crisis.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 417 (AB 1322) Allen. Transit facilities: child care.

Existing law requires new or renovated state-owned office buildings to include adequate space to meet the child care needs of state employees under specified circumstances. The rent for space is required to be at a rate established by the Director of General Services, based upon the actual cost to the state, the average cost of state-owned space in the area, or the statewide average cost of state-owned space, whichever is less.

This bill would make these requirements inapplicable to state-owned transit facilities. The bill would authorize space in a state-owned transit facility to be leased, by competi-

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tive bid, to a child care operator whose child care program meets certain accreditation standards. First priority for the child care services would be given to children of state employees who work at the transit facility and second priority would be given to children of the users of the facility. The bill would prohibit the providing of any state funds to a child care operator unless specified conditions are met. The bill would declare that the use of public property or facilities for furnishing child care services for the benefit of persons using public transit serves a public purpose.

Ch. 418 (AB 1676) Seastrand. Driving offenses: drinking driver programs.

Existing law grants the State Department of Alcohol and Drug Programs sole authority to license multiple offender drinking driver programs, as defined.

This bill would, instead, grant the department sole authority to license drinking driver programs, as defined, and would make additional technical or conforming changes.

Existing law defines "program" to mean any firm, partnership, association, corporation, local governmental entity, agency, or place which has been recommended by the county board of supervisors and which is licensed by the department to provide alcohol recovery services to persons convicted under specified provisions of law.

This bill would modify the definition of "program" to include like entities which have been recommended by the county board of supervisors and licensed by the department to provide alcohol or drug recovery services to persons convicted under specified provisions of law relating to first offender drinking driver programs.

Existing law establishes in the State Treasury a Drinking Driver Program Licensing Trust Fund. All fees and fines collected from drinking driver programs are required to be deposited in this fund, and the money in the fund is available when appropriated by the Legislature.

This bill would, also, require deposit of all penalties collected from drinking driver programs into the fund.

Existing law permits any person who violates provisions relating to unlicensed drinking driver programs to be assessed an immediate civil penalty of $200 per day.

This bill would provide that in addition to suspension or revocation of a license, the department may levy a civil penalty between $25 and $150, as specified, against any provider who is not in compliance with statutes and regulations.

This bill would authorize the department to adopt emergency regulations to implement, interpret, and make specific, the provisions of this bill.

Ch. 419 (AB 1693) Alpert. Investments: trust funds.

Existing law authorizes any trust company to establish and administer common trust funds, as specified, for the purpose of furnishing investments to itself, as fiduciary, itself and others, as cofiduciaries, any affiliated trust company, as fiduciary, and any affiliated trust company and others, as cofiduciaries. Existing law also provides that, as a fiduciary or cofiduciary, any trust company may invest funds which it lawfully holds for investment in interests in common trust funds administered by itself or by any affiliated trust company, subject to specified limitations.

This bill would authorize a trust company, as fiduciary or cofiduciary, to invest funds which it lawfully holds for investment in interests in common trust funds administered by itself or by any affiliated trust company, including, without limitation, any foreign affiliated trust company.

Ch. 420 (AB 1707) Becerra. Solid waste: recyclable materials.

Existing law prohibits the removal of specified recyclable materials by any person who is not the authorized agent of the city or county, if the person knows, or reasonably should have known, that the material would otherwise be collected by an authorized agent. A violation of this offense is a misdemeanor. In addition, in a civil action against the unauthorized person, the authorized agent may be awarded treble damages.

This bill would provide that the recyclable materials are the property of the authorized agent from the time they are placed for collection. In addition, in a civil action against the unauthorized person, the bill would authorize the award of either treble damages, as measured by the value of the material removed, or a civil penalty of not

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more than $1,000, whichever is greater, for each unauthorized removal. The bill would require any local ordinance which improves civil penalties for this purpose to be approved by a majority vote of the governing board.

Ch. 421 (AB 2174) Boland. Criminal procedure.

Existing law provides that on application of the defendant at any time before judgment the court is authorized to, and in the case of a defendant who appeared without counsel at the time of the plea, the court is required to, for good cause shown, permit the defendant to withdraw a plea of guilty and substitute a plea of not guilty.

This bill would provide, in addition, that this provision is applicable within 6 months after an order granting probation is made if entry of judgment is suspended.

Ch. 422 (SB 244) Robbins. Health care service plans.

Existing law provides that nonprofit hospital service plans are subject to regulation under certain provisions applicable to health care service plans, including regulations as to financial responsibility. In addition to paying certain licensure fees, nonprofit hospital service plans must reimburse the Commissioner of Corporations for their share of the costs and expenses reasonably incurred in the administration or enforcement of existing laws regulating health care service plans. Existing law provides a method, as specified, which the commissioner may use in determining the cost of administration or enforcement.

This bill would require, rather than permit, the commissioner to use the specified method in determining the cost of administration or enforcement of existing laws regulating health care service plans.

Existing law requires the commissioner to use a deposit maintained by an insolvent health care service plan to pay the claims of noncontracting health care service providers and claims of enrollees, as defined, for the costs of health care services provided by the noncontracting providers.

This bill would specify that only the claims for health care services that are covered by the health care service plan's contract with the enrollee shall be reimbursed by the commissioner or, if a receiver has been appointed for the plan, by the receiver from the assets available in the deposit.

This bill would also provide the commissioner or receiver with the discretion to determine whether the claim would be eligible for reimbursement. This bill would expressly grant immunity pursuant to specified provisions of existing law to the commissioner or any department employee for any injury resulting from this exercise of discretion.

Existing law requires, in certain circumstances, the commissioner to allocate equitably the insolvent health care service plan's group contracts and 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.

This bill would exempt Medi-Cal group contracts, and Medi-Cal enrollees from what the commissioner is to allocate pursuant to these provisions. This bill would provide the State Department of Health Services with authority to allocate Medi-Cal enrollees to other carriers, as defined, with valid Medi-Cal contracts, as specified.

Ch. 423 (SB 499) Watson. Schools: early intervention for school success.

Existing law repealed the Early Intervention for School Success Program on July 1, 1991. The Early Intervention for School Success Program identified pupils between the ages of 4 to 7 years, inclusive, who have developmental disabilities, and selected one county superintendent of schools as a manager of the program who was required, among other things, to develop a management plan for the implementation of the program at 200 schoolsites within the state, that agreed to participate, prior to July 1, 1991.

This bill would reenact the Early Intervention for School Success Program. The bill, in addition, would continue the Orange County Superintendent of Schools as manager of the program and would require an annual program progress report and evaluation by the manager to the State Department of Education, thereby creating a state-mandated local program. The bill would require that a child study team use the pupil's home

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language, when appropriate, to assess the pupil's development skills. The bill would require that the initial assessment use authentic assessment techniques, as defined, and that the results of the assessment not be used to deny or delay school admissions or to track the pupil.

This bill would make the Early Intervention for School Success Program inoperative on July 1, 1994, and would repeal it as of January 1, 1995.

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

Ch. 424 (SB 944) Maddy. *Horseracing: satellite wagering.*

(1) Existing law, which becomes operative on January 1, 1992, requires the California Horse Racing Board to establish standards governing the uniformity and content of track facilities.

This bill would require the board to establish these standards by January 1, 1993.

(1.5) Existing law, which becomes operative on January 1, 1992, requires that a license to conduct a horseracing meeting include the name of the person responsible for supervising the maintenance of racetrack safety standards, and prohibits the issuance of a license to conduct a horserace meeting upon a track unless the track has been inspected by the board within 30 days prior to the date of application for the license, and has been approved by the board as conforming to the racetrack safety standards specified in (1) above

This bill would specify that these provisions shall become operative on January 1, 1993.

(2) The existing Horse Racing Law prohibits the granting of a license to conduct a horserace meeting upon a track less than 1 mile in circumference or length to any applicant other than the California Exposition and State Fair, a county fair, district agricultural association, or applicant for harness racing, quarter horse racing, Appaloosa or Arabian racing. Existing law further prohibits the granting of a license to conduct a horserace meeting in the central or southern zone upon a track constructed after January 1, 1990, of 1 mile or more in circumference or length.

This bill would repeal these prohibitions.

(2.5) Existing law permits the board to authorize an association licensed to conduct a racing meeting in the northern, central, or southern zones to operate a satellite wagering facility at its racetrack inclosure for wagering on races conducted in its respective zones, if certain conditions are met.

This bill would prohibit a satellite wagering facility, except a facility that is located at a track where live racing is conducted, from being located within 20 miles of any existing satellite wagering facility or any track where a racing association conducts a live racing meeting.

(3) Existing law provides that, notwithstanding (2.5) above, a satellite wagering facility may not be located within the County of Los Angeles or Orange unless certain conditions are met.

This bill would repeal this provision.

(4) Existing law permits 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 if the location is eligible to be used as a satellite wagering facility during specified periods.

This bill would revise these eligibility periods for purposes of those provisions.

(5) Existing law, until January 1, 1993, permits the board to allocate racing weeks consisting of fewer than 5 days to an association conducting harness racing and quarter horse racing meetings, as specified, if the association and the organization representing the horsemen participating in the meeting agree to the allocation.

This bill would repeal this provision.

(6) Existing law, which becomes operative January 1, 1993, further permits the board to allocate racing weeks consisting of fewer than 5 days to the 22nd District Agricultural Association for specified harness racing meetings if that association and the organization representing the horsemen participating in the meeting agree.

This bill would, instead, permit the board to allocate racing weeks consisting of fewer than 5 days to any association conducting harness or quarter horse racing meetings if the association and the organization representing the horsemen participating in the meet-

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ing agree.

(7) Existing law, until January 1, 1993, permits a satellite wagering facility in the County of Kern or Santa Barbara to receive the audiovisual signal from the northern, central, or southern zone, or from more than one of these zones at the same time.

This bill would also permit a satellite wagering facility in the Counties of Fresno, Tulare, and Ventura to receive these audiovisual signals from one or more of these zones at the same time, and would continue that existing law until January 1, 1994.

(8) Existing law, which is to be repealed on January 1, 1992, provides that for harness, quarter horse, Appaloosa, Arabian, mixed breed, or fair meetings, 1.5% of the amount handled by satellite wagering facilities in all zones on conventional wagers and from 3% on exotic wagers shall be paid to the state as a license fee. These same provisions distribute the funds deducted from wagers at satellite wagering facilities in the northern zone in a different manner than in the central and southern zones. Upon repeal of these provisions, another provision which becomes operative on January 1, 1992, would require that the total percentage deducted from wagers at satellite wagering facilities in all zones be distributed in the same manner.

This bill would require that amounts handled by satellite wagering facilities on certain wagers at specified meetings be distributed to the racing association for payment to the state as license fees. The bill would decrease, for harness, quarter horse, Appaloosa, or Arabian meetings, the percentage of the amount handled by satellite wagering facilities on these wagers to be paid to the state as a license fee from 1.5% to 1% for conventional wagers and from 3% to 1% for exotic wagers. The bill would also repeal the provision which becomes operative on January 1, 1992, would continue that existing law beyond January 1, 1992, by deleting that repeal date, and would require that on wagers made in the Counties of Orange and Los Angeles on thoroughbred races conducted in the County of Orange or Los Angeles, or both, the amount deducted for promotion of the satellite wagering program at satellite wagering facilities be 0.5%.

(9) Existing law requires that all sums for distribution as purses at satellite wagering facilities which are racing fairs in the County of Los Angeles be deposited in a separate account in the Fair and Exposition Fund and are continuously appropriated to the Department of Food and Agriculture for supplementing purses at fair meetings in Los Angeles and Orange Counties.

This bill would instead impose this requirement only with regard to sums for distribution as purses at satellite wagering facilities which are racing fairs in the County of Los Angeles from wagering on thoroughbred horseracing conducted at the 22nd District Agricultural Association Fairgrounds, and would provide that commencing January 1, 1992, the distribution of these funds shall not exceed the amount distributed during the 1990 calendar year, and funds in excess of this amount shall be distributed to the associations conducting the racing meeting.

(10) Existing law requires that 7.5% of all revenues payable to the state as license fees from satellite wagering facilities located at fairs in the northern zone, and 58% of the revenues payable to the state from satellite wagering facilities at fairs in the central or southern zone and all revenues payable to the state from satellite wagering facilities located in the central or southern zone other than at fairs, be deposited in the General Fund, with the remainder deposited in a separate account in the Fair and Exposition Fund to be allocated by the Director of Food and Agriculture for specified purposes.

This bill would, instead, require that all license fees, with a prescribed exception, be deposited in this separate account, and would also prohibit the allocation of funds in this separate account for certain specified purposes unless prescribed conditions are met. By doing so, this bill would make an appropriation.

The bill would require that, if, in any fiscal year, the revenues deposited in the separate account exceeds $11,000,000, 98% instead of 50% of the excess be transferred to the General Fund.

The bill would also require that, if the total revenues distributed to the state as license fees for deposit in the General Fund for the 1992–93 fiscal year in the central and southern zones, as determined by the board, do not equal or exceed the amount of total revenues distributed to the state as license fees for deposit in the General Fund for the

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1990–91 fiscal year in the central and southern zones, these license fees are to be increased by 0.25% for meetings in the central and southern zones commencing during the following fiscal year.

(11) Under existing law, every association which conducts a quarter horse race meeting or a harness horse race meeting is required to pay a daily license fee based upon its daily conventional and exotic parimutuel handle, excluding wagering at a satellite wagering facility.

This bill would change the daily license fee of associations conducting either type of horserace meeting to 1% of the association's daily conventional and exotic parimutuel handle, without excluding wagering at a satellite wagering facility.

(12) Existing law requires associations with an average daily handle of $650,000 or less, to distribute certain amounts as license fees, commissions, and purses.

This bill would repeal that provision.

(13) Existing law requires that, notwithstanding any other provision of law, any association conducting a harness racing meeting at the California Exposition and State Fair or the Los Angeles County Fairgrounds in Pomona pay not less than the actual amount necessary to cover the costs for compensation to stewards and official veterinarians and the costs for that racing meeting, as specified.

This bill would expand the application of this provision to include all racing meetings.

(14) This bill would incorporate additional changes in Section 19605.6 of the Business and Professions Code, proposed by AB 669, to be operative only if AB 669 and this bill are both chaptered and become effective on or before January 1, 1992, and this bill is chaptered last. These changes would become operative on the operative date of AB 669.

(15) This bill, in addition, would declare that it is to take effect immediately as an urgency statute.

Ch. 425 (SB 558) C. Green. Driving privileges: minors: suspension or delay for habitual truancy.

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 permit the juvenile court to suspend, restrict, or delay, for one year, the driving privilege of a minor under age 18, but 13 years of age or older, who is an habitual truant and a ward of the juvenile court, as specified, in addition to any other penalty imposed by law on the minor. The bill would direct the court to take family hardship situations into account, as specified.

Ch. 426 (AB 89) Felando. Fishing: sea cucumbers and hagfishes.

(1) Existing law regulates the taking of fish from the state's waters.

This bill would require any person taking sea cucumbers and hagfishes for commercial purposes to obtain a permit to do so from the Department of Fish and Game. The bill would prescribe the fees and qualifications for obtaining a permit. The provisions of the bill would remain in effect until January 1, 1995. Since under existing law, a violation of the provisions of this bill 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 reason.

(3) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department and the Fish and Game Commission to carry out the Fish and Game Code.

This bill would increase the revenues to the fund, and impose new duties on the department, thereby making an appropriation.

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Ch. 427 (AB 161) Costa. Public water systems: enforcement.

Existing law, with specified exceptions, provides for local enforcement of water system standards for state small water systems with at least 5, but fewer than 15 service connections, which do not regularly serve more than an average of 25 individuals daily for more than 60 days out of the year. Existing law requires, effective July 1, 1992, the State Department of Health Services to directly enforce water system standards for all public water systems, as defined, with 15 or more service connections. Existing law, which becomes operative July 1, 1992, authorizes the department to contract with local health officers for enforcement of water standards for community and noncommunity water systems, as defined, serving less than 200 service connections within the local jurisdiction.

This bill would, with specified exceptions, require local health officers to enforce water system standards for public water systems of less than 200 service connections, thereby imposing a state-mandated local program.

The bill would make this requirement inoperative on July 1, 1992, and would repeal it as of 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.

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

Ch. 428 (AB 218) Hauser. Public Utilities Commission: propane.

(1) Under existing law, generally, any person who, or corporation which, owns, controls, operates, or manages any gas plant for compensation within this state, with specified exceptions, is a public utility subject to the jurisdiction, control, and regulation of the Public Utilities Commission. For those purposes, "gas plant" excludes propane services.

This bill would require the Public Utilities Commission, in coordination with the Energy Resources Conservation and Development Commission, to conduct an investigation, including workshops on propane service, rates, and safety, and on the use of propane as a clean transportation fuel. The bill would also require the commission to report the results of the workshops and its recommendations regarding regulation of propane service, rates, and safety, and on the use of propane as a clean transportation fuel, to the Legislature on or before December 31, 1992.

(2) The bill would appropriate $64,000 from the Public Utilities Commission Utility Reimbursement Account to the commission for its purposes.

Ch. 429 (AB 390) Speier. Medi-Cal: perinatal services: residential care services.

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.

Existing law provides for a schedule of benefits for purposes of the Medi-Cal program.

This bill would, to the extent that federal financing becomes available, add residential care for alcohol and drug exposed pregnant women and women in the postpartum perinatal period to the schedule of Medi-Cal benefits.

This bill would specify that the State Department of Alcohol and Drug Programs shall establish the residential care programs, and would require that the department provide funds from its budget for the purpose of obtaining federal matching funds for these residential care programs.

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

Ch. 430 (AB 421) Hunter. Assessments.

Under existing law, until July 1, 1992, counties may 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, as specified.

This bill would additionally allow the $2 assessment to be imposed on forfeitures and

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parking penalties imposed for violations of disabled and veterans parking provisions. The bill would also extend the July 1, 1992, repeal of these provisions to January 1, 1995.

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

Ch. 431 (AB 437) Frizzelle. Osteopathic physicians and surgeons.

(1) Existing law specifies the requirements for an originating license for an osteopathic physician and surgeon's certificate issued by the Board of Osteopathic Examiners. Among the requirements is a minimum grade of 75% on a written examination, as specified or approved by the board, and on an oral and practical examination. Existing law also authorizes the board to utilize the National Board of Osteopathic Examiners' examination and to make arrangements with organizations furnishing examination material as it may deem desirable.

This bill would, instead, require an applicant to successfully complete a written examination prepared by the National Board of Osteopathic Examiners or by the Board of Osteopathic Examiners, and an oral, clinical, and practical examination. The bill would authorize the board to utilize an examination prepared by the Federation of State Medical Boards until December 13, 1993. This bill also would delete the authorization for the board to make arrangements with organizations furnishing examination material as it may deem desirable, and would make other related changes.

(2) Existing law specifies the qualifications for the issuance of a license based on reciprocity as an osteopathic physician and surgeon to a person who is licensed to practice osteopathic medicine in another state. One of the qualifications is that the applicant hold an unrestricted license to engage in the practice of osteopathic medicine in another state whose written licensing examination is recognized and approved by the Board of Osteopathic Examiners to be equivalent in content to that administered in California, and that the applicant take and pass an oral and comprehensive clinical examination. Existing law also, in lieu of a board approved and recognized state written license examination, authorizes the board to require an applicant to successfully complete a special examination in general medicine and osteopathic principles as prepared by the National Board of Osteopathic Medical Examiners, the Board of Osteopathic Examiners, or the Federation of State Medical Boards.

This bill would require the applicant to hold an unlimited license, as opposed to an unrestricted license, would require the examination to be recognized and approved by the board to be equivalent in content to that administered in California. This bill also would delete the authorization that the board require the applicant to successfully complete an examination prepared by the Federation of State Medical Boards, but would authorize the board to utilize an examination prepared by the Federation of State Medical Boards until December 31, 1993. It would permit the board to recognize and approve as equivalent an examination prepared by the Federation of State Medical Boards if an applicant had been licensed in another state as a result of the successful completion of that examination prior to December 31, 1993. The bill would require the applicant to successfully complete an oral, clinical, and practical examination, as determined by the board.

The bill would make other related changes.

(3) This bill would incorporate additional changes in Sections 2099.5 and 2154 of the Business and Professions Code, proposed by AB 1332, to be operative only if AB 1332 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

Ch. 432 (AB 529) Epple. Privileged publications and broadcasts.

Existing law, with certain exceptions, makes privileged any publication or broadcast in any legislative proceeding, judicial proceeding, or other proceeding authorized by law that is judicially reviewable by writ of mandate.

This bill would establish an exception to the privilege for any communication made in furtherance of an act of intentional destruction of defined physical evidence for the purpose of depriving a party to litigation of the use of that evidence.

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Ch. 433 (AB 611) Cannella. California State University: flexible benefit plans.

The Higher Education Employer-Employee Relations Act requires higher education employers to meet and confer with the employee organization selected as the exclusive representative of an appropriate unit on all matters within the scope of representation.

This bill would permit the California State University to meet and confer with the exclusive representative on the establishment of a flexible benefit plan. The bill would further provide that any agreement between the university and the employee organization which requires the expenditure of funds for a flexible benefit program is not subject to legislative approval if funds otherwise appropriated to the California State University for employee compensation are sufficient to finance the flexible benefit plan.

Ch. 434 (AB 630) Filante. Medi-Cal: mental health and drug services: reimbursement rates.

Under existing law, the State Department of Health Services establishes and annually adjusts rates for reimbursement of Short-Doyle mental health services administered by the State Department of Mental Health and drug services administered by the State Department of Alcohol and Drug Programs allowable under the Medi-Cal program and rendered to Medi-Cal beneficiaries.

This bill would provide that these rates would be effective from July 1 through June 30 of the fiscal year in which they are established.

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

Ch. 435 (AB 655) Wright. Prisoners: mentally disordered offenders.

(1) Existing law requires the State Department of Mental Health to notify in writing, among others, the superior court and the county mental health director of each county as to the person, agency, or entity designated to be the community program director for that county responsible for administering the community treatment programs for persons committed from that county or region as provided for mentally disordered and developmentally disabled offenders.

This bill would clarify that the community program director shall be a person, and not an agency or entity.

(2) Under existing law, the mentally disordered offender program requires that, as a condition of parole, a prisoner who meets specified criteria is required to be treated by the State Department of Mental Health.

This bill would make a technical cross-reference change with respect to the definition of "serious bodily injury."

(3) Under existing law, the program director of an outpatient program used to provide specified mental health treatment may place the parolee in a secure mental health facility if the parolee can no longer be safely or effectively treated in the outpatient program, as specified.

This bill would specify that the above reference to the program director is to the community program director or a designee of that director and would specify that the director or the designee may also cause the parolee to be placed in a secure mental health facility, as specified. The bill would additionally provide that, upon the request of the community program director or a designee, a peace officer shall take the parolee into custody and transport the parolee, or cause the parolee to be taken into custody and transported, to a facility designated by the community program director, or a designee, for confinement, as specified. The bill would also specify that these provisions do not prevent hospitalization with respect to the involuntary mental health evaluation or treatment of mentally disordered persons, as specified.

(4) Existing law provides, with respect to prisoners released on parole on condition that they continue treatment upon termination of prison or parole, that if the prisoner's severe mental disorder is not in remission or cannot be kept in remission without treatment, the county mental health director in charge of the parolee's outpatient program, among others, shall submit his or her evaluation on remission to the district attorney.

This bill would change the reference to the county mental health director to the community program director.

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(5) Under existing law, the cost of inpatient or outpatient treatment for certain convicted felons with severe mental disorders as a condition of parole and for their continued treatment upon termination of parole or release from prison is a state expense while the person is under the jurisdiction of the Department of Corrections.

This bill would additionally specify that the cost is a state expense while the person is under the jurisdiction of the State Department of Mental Health.

(6) Existing law requires the county clerk to make out a statement of all mental health treatment costs incurred and a separate statement of all nontreatment costs incurred in certain additional judicial hearings involving extended commitments and continued involuntary treatment of certain prisoners, parolees, and outpatient defendants.

This bill would correct an erroneous cross-reference in the judicial hearings involved in the above provisions.

Ch. 436 (AB 682) Moore. Telephones: information-access services and billing.

Existing law declares that the Public Utilities Commission has no jurisdiction and control over the billing and collection practices of a telephone corporation for its services to an information provider furnishing any live or recorded video text or audio information service containing harmful matter, as defined, through a specified prefix or access code, and that these are matters for contractual arrangement between the telephone corporation and the information provider, except that the commission may reassert jurisdiction and control over these matters, as specified. Existing law imposes a specified notice requirement and requires provision of billing and collection services to all information providers to be on the same contractual terms.

Existing law directs the commission to report to the Legislature annually on any anticompetitive effects resulting from these provisions, any significant proposals made to the commission for further deregulation, and its recommendations concerning the effectiveness and continuing need for these provisions.

Existing law specifically permits the commission to investigate and consider, for purposes of establishing telephone rates, revenues and expenses related to any billing and collection services a telephone corporation may perform for an information provider.

Existing law generally regulates unfair trade practices, including within those provisions billing and collection practices, as specified.

The above provisions would become inoperative on July 1, 1991, and would be repealed on January 1, 1992.

This bill would recast these provisions and extend the date on which these provisions would be inoperative to July 1, 1993, and repeal them on January 1, 1994. Since a violation of these provisions would be a misdemeanor under existing provisions of law, 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 declare that it is to take effect immediately as an urgency statute.

Ch. 437 (AB 688) Baker. Alternative sentencing: fees.

Existing law allows the board of supervisors to prescribe a program administrative fee, as specified, to be paid by each home detention participant according to his or her ability to pay. However, inability to pay does not preclude participation in the program.

Under existing law, county prisoners and juveniles in county facilities are also permitted to participate in work furlough programs, as specified. Existing law authorizes the work furlough administrator, as defined, to collect the prisoner's wages, as specified, and to deduct so much of the costs of the administration of this program as is allocable to the prisoner, or if the prisoner is unable to pay that sum, a lesser sum as is reasonable.

This bill would instead provide that a board of supervisors which implements a work furlough or home detention program may prescribe a program administrative fee and an application fee that together do not exceed the pro rata cost of the program to which

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the prisoner is accepted, as specified. The bill would also specify that the administrator, as defined, shall not consider a prisoner's ability or inability to pay all or a portion of the program fee for the purposes of granting or denying participation in any of the programs and shall not have access to the prisoner's financial data prior to rendering a decision.

This bill would authorize the administrator to charge a prisoner the fee set by the board of supervisors or any portion of the fee, based on the prisoner's ability to pay, and would also authorize the administrator to determine the method and frequency of payment. If the administrator and the prisoner are unable to agree regarding the prisoner's ability to pay or the amount which is to be paid or the method and frequency with which payment is to be made, the administrator shall advise the appropriate court of this fact and the court shall resolve the disagreement by determining the prisoner's ability to pay, the amount which is to be paid, and the method and frequency with which payment is to be made.

The bill would also require the administrator to furnish the prisoner a written statement of the prisoner's rights in regard to the program for which the prisoner has been approved, as specified.

Existing law provides that the court may order a defendant sentenced to a county jail or other local detention facility who is eligible to be released on parole to pay all or a portion of the reasonable cost of providing parole supervision. Existing law also provides that the prisoner's financial status is not available to the county board of parole commissioners prior to the rendering of any parole decisions. Under existing law, the court is required to consolidate this cost determination with respect to parole supervision with the ability to pay determination hearings regarding the defendant's ability to pay the costs of public or publicly appointed legal assistance, of probation, and of incarceration in local facilities as a term of probation.

This bill would instead authorize the board of supervisors which implements a county parole program to prescribe a program administrative fee and application fee under the same conditions set forth above with respect to work furlough and home detention programs.

Under existing law, the board of supervisors of 2 or more counties having work furlough programs may enter into agreements whereby a person sentenced or imprisoned in the jail of one county but regularly residing or employed in another county may be transferred by the sheriff of the county in which he or she is confined to the jail of the county in which he or she resides or is employed to enable that person to continue his or her regular employment or education through the other county's work furlough program.

This bill would provide that the transfer shall be from the custody of the sheriff, administrator, as defined, or their designee of the county in which the person is confined to the custody of the appropriate administrator. The bill would also include home detention programs and parole programs within the above provisions.

Under existing law, in all felony and misdemeanor convictions, either by plea or by verdict when the defendant has been in custody in certain programs such as a work furlough facility or halfway house, all days of custody of the defendant shall be credited upon his or her term of imprisonment or credited to any fine which may be imposed, as specified, in the discretion of the court imposing the sentence.

This bill would expressly include the custody of the defendant in a home detention program in this provision. The bill would also provide that if time is served in a camp, work furlough facility, halfway house, rehabilitation facility, hospital, juvenile detention facility, similar residential facility, or home detention program in lieu of imprisonment in county jail, and the statute under which the defendant is sentenced requires a mandatory minimum period of time in jail, the time spent in these facilities or programs shall qualify as mandatory time in jail.

The above changes to existing law would be in effect only until January 1, 1995, and as of that date would be repealed, at which time the law in affect prior to the effective date of those changes would become operative.

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

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Ch. 438 (AB 737) Harvey. Economic poisons: research: destruction.

(1) Existing law requires the registration of economic poisons and authorizes the Department of Food and Agriculture to establish performance standards and tests which are to be conducted on economic poisons.

This bill would require a person who has a research authorization for an economic poison for the purpose of testing the economic poison, to pay any actual costs incurred by the county agricultural commissioner to investigate and confirm the destruction of any produce required to be destroyed as a result of that test, not to exceed $125 per testsite. Since a violation of this provision would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

The bill would permit a county board of supervisors to adopt a fee schedule to cover the costs incurred by a commissioner under 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. 439 (AB 748) Isenberg. Local agency formation commissions.

Existing law sets forth the composition of and procedures for the selection of members of local agency formation commissions within each county. Under existing law, these commissions are composed of 5 members, 2 representing the county, 2 representing the city or cities within the county and one representing the general public. These commissions are augmented by 2 members where the county orders representation of special districts upon the commission.

This bill would revise the membership of the commission for Sacramento County, which currently consists of 7 members, to have one member representing the City of Sacramento who is a member of the city council appointed by the mayor and confirmed by the city council, and one member representing the cities in the county who is a city officer appointed by the city selection committee.

Ch. 440 (AB 904) Elder. Public Employees' Retirement System: health plans.

Existing law authorizes the Board of Administration of the Public Employees' Retirement System to approve health benefits plans offered by employee associations for employees and annuitants under the Public Employees' Retirement System, subject to specified conditions. Existing law requires the board to approve any employee health benefits plan which was approved by the board in the 1984–85 contract year, provided the plan continues to meet the minimum standards prescribed by the board.

This bill would instead require the board to approve any plan which was approved by the board in the 1987–88 contract year or any year prior to that date, provided the plan continues to meet the minimum standards prescribed by the board.

Ch. 441 (SB 367) Craven. Property tax: exemption and cancellation: mobilehome accessories.

(1) 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 canceled. It also provides 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 that 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.

This bill would modify the above dollar limitation to provide that no tax bill or supplemental assessment may be canceled where that bill or assessment would exceed $50 in the case of eligible mobilehome accessories, as defined.

(2) Existing property tax law authorizes each county board of supervisors to exempt from property tax all real or personal property with a base year value or full value so low that if the property is not exempt, the costs of assessing the property and collecting

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taxes, assessments, and subventions would exceed the total moneys collected. It further provides that a county board of supervisors shall have no authority to exempt property with a base year or full value of more than $2,000.

This bill would instead provide that a county shall have no authority to exempt property with a base year value or full value of more than $2,000, except mobilehome accessories, as defined, with a base year or full value of $5,000 or less, that are installed on or added to mobilehomes that were purchased prior to July 1, 1980, and are subject to the Vehicle License Fee Law.

(3) Section 2 of Article XIII of the California Constitution provides that the Legislature may, by a ⅔ vote, classify property for exemption from property taxation.

This bill would classify specified mobilehome accessories, as defined, for exemption from property taxation, and thereby requires a ⅔ vote.

(4) 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 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. 442 (SB 674) Craven. Mobilehomes.

(1) Existing property tax law requires the reassessment of real property upon a change in ownership and specifies which transfers of property constitute a change in ownership. It provides that any transfer or transfers, on or after January 1, 1985, and before January 1, 1987, of rental spaces in a mobilehome park shall be excluded from a change in ownership, provided that at least 51% of the rental spaces are purchased by individual tenants renting their spaces prior to purchase and that those tenants form, within one year after the first purchase of a rental space by a tenant, a nonprofit corporation, stock cooperative corporation, or other entity, as described by a repealed statute, to operate and maintain the park.

This bill would modify the above exclusion to apply its provisions to any transfer or transfers of rental spaces in a mobilehome park, on or after January 1, 1985, and before January 1, 1994. It would instead require tenants, for purposes of the exclusion, to form within one year after the first purchase of a rental space by a tenant, a "resident organization," as defined by a specified statute, to operate and maintain the park. By requiring county assessors to administer new provisions with respect to exclusion from change in ownership, this bill would impose a state-mandated local program.

(2) Existing law also provides that a transfer of a mobilehome park to a nonprofit corporation, stock cooperative corporation, or other entity, if made on or after January 1, 1989, shall be excluded from a change in ownership if the receiving entity in turn transfers the mobilehome park to a nonprofit corporation, stock cooperative corporation, or other entity formed by the mobilehome park tenants within 270 days after the original transfer, in a transaction itself excluded from change in ownership.

This bill would provide that the receiving entity may be a governmental entity and that the second transfer may be made up to one year following the original transfer. It would also authorize, as an alternative second transfer, the transfer, pursuant to an exclusion from change in ownership as modified by this bill, of at least 51% of mobilehome park rental spaces to individual tenants.

(3) This bill would incorporate additional changes in Sections 62.1 and 62.2 of the Revenue and Taxation Code, proposed by AB 2045, to be operative only if AB 2045 and this bill are both chaptered and become effective on or before January 1, 1992, and this bill is chaptered last. These changes would become operative on the operative date of AB 2045.

(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

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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.

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

Ch. 443 (SB 693) Rosenthal. Public utilities: electric and gas rates.

Existing law requires the Public Utilities Commission to establish a program of assistance to low-income electric and gas customers, the cost of which shall not be borne solely by any single class of customer.

This bill would require that the commission's program of assistance to low-income electric and gas customers, as soon as practicable, include nonprofit group living facilities specified by the commission, if the commission makes specified findings.

Ch. 444 (SB 751) Deddeh. Transportation: funds: cities and counties.

Existing law prescribes apportionments to cities and counties of a portion of the revenues derived from a per gallon tax on motor vehicle fuels in accordance with prescribed formulas. A city's or county's entitlement to the apportioned funds is conditional upon its expenditure from its general fund for street and highway purposes of an amount not less than the annual average of its expenditures during the 1987–88, 1988–89, and 1989–90 fiscal years. The Controller is required to withhold apportionments to cities and counties which do not comply with the expenditure requirement until the state is reimbursed for the subventions.

This bill would make the expenditure of the proceeds of specified fees by a city or county for street or highway maintenance a general fund expenditure for these purposes. The bill would require the Controller to offset, rather than withhold, apportionments to cities and counties which do not comply with the expenditure requirements, as specified. The bill would allow a city or county which fails to meet these expenditure requirements in a fiscal year to expend during that fiscal year and the following fiscal year a total amount which is not less than the total amount required to be expended during those years The bill would require the Controller to reduce proportionately the required expenditures of the city or county if the amount of unrestricted revenues received from specified sources in the fiscal year is less than the average of the revenues from any of those sources received during the 1987–88, 1988–89, and 1989–90 fiscal years.

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

Ch. 445 (SB 1199) Thompson. Highways: signs· services available.

Under existing law, the Department of Transportation is generally responsible for construction, improvement, and maintenance of state highways and freeways. The department has adopted regulations prescribing criteria for determining the need for signs on highways and freeways indicating the availability of certain services.

This bill would require the department, as a pilot program in Butte and Lake Counties, to develop specific criteria for determining the need and eligibility for general service signs on rural highways indicating the availability of food, fuel, lodging, and camping services, as prescribed, and to report, as prescribed, to the Legislature on or before January 1, 1994, on its experiences under the pilot program and recommendations.

The bill would make legislative findings and declarations regarding highway general service signs.

Ch. 446 (AB 252) Allen. Off-highway vehicles: local assistance grants.

Under existing law, an amount not to exceed 50% of specified revenues deposited in the Off-Highway Vehicle Fund is available for appropriation for local assistance grants for facilities for off-highway motor vehicles.

This bill would include in that amount revenue from interest deposited in the fund.

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Ch. 447 (AB 473) Tanner. Water treatment systems.

Existing law appropriated $21,400,000 from the contingency reserve for economic uncertainties in the General Fund for specified purposes concerning clean water, including $1,100,000 to the State Department of Health Services 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.

This bill would authorize these funds to be additionally expended for associated operation and maintenance costs, thereby making an appropriation.

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

Ch. 448 (AB 632) Burton. Vehicles: safety belts: taxicab operators.

Existing law, with certain exceptions, makes it an infraction to operate a motor vehicle without being restrained by a safety belt.

This bill would exempt taxicab operators from this requirement when the taxicab is driven on a city street.

Ch. 449 (AB 858) Allen. Postsecondary education: financial aid incentives.

Existing law requires the Student Aid Commission to apportion funds for the support of the Student Opportunity and Access Program which consists of projects designed to increase the accessibility of postsecondary educational opportunities to low-income and ethnic minority secondary school students.

This bill would expand the program to include elementary school students and would permit projects to provide assistance to low-income 5th and 6th grade students and their parents in order to implement outreach efforts designed to use the future availability of financial assistance as a means of motivating students to stay in school and complete college preparatory courses.

Ch. 450 (AB 1227) Hunter. Schools: Hemet Unified School District: Hamilton School.

Existing law authorizes a school district with fewer than 2,501 units of average daily attendance to calculate funding for a necessary small high school, as defined, based on a schedule pursuant to the lesser of either the number of certificated employees or units of average daily attendance.

This bill would authorize the Hemet Unified School District, regardless of the units of average daily attendance of that district to calculate funding for grades 9 to 12, inclusive, at the Hamilton School according to the schedule for small necessary high schools. The bill would provide that these provisions be repealed on June 30, 1994.

Ch. 451 (AB 1393) Alpert. Sentencing: 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 offenses of robbery perpetrated in an inhabited vessel, as defined, kidnapping, as defined, and the continuous sexual abuse of a child, as defined, to the list of felonies constituting a "violent felony" for these purposes.

Ch. 452 (SB 1256) Watson. Local government. charitable programs.

Existing law authorizes county boards of supervisors to establish and fund charitable programs.

This bill would permit county boards of supervisors to authorize county officers and employees to solicit funds, to administer, and to attend program activities during working hours.

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

Ch. 453 (AB 93) Moore. Misdemeanor: release.

(1) Under existing law, in any case in which a person is arrested for a misdemeanor offense, and the person does not demand that he or she be taken before a magistrate, that person shall instead be released in accordance with a specified procedure.

This bill would make the above provisions inapplicable to a person who is arrested for a violation of a protective court order involving domestic violence, as defined, unless the

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arresting officer makes certain determinations. The bill would instead provide that the person be taken before a magistrate. To the extent that this bill would require additional persons to be booked and placed in jail, it would impose a state-mandated local program on local government.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 454 (AB 1504) Farr. Water: special districts.

(1) Under the Irrigation District Law, an irrigation district which is the owner of an easement, except as provided, for an open canal for the transportation of water across lands not owned by the district has a secondary easement on each side of the open canal for the maintenance and operation of the open canal.

This bill would, in addition, grant an irrigation district which is the owner of an easement, except as provided, for a water conveyance facility other than an open canal for the transportation of water across lands not owned by the district a secondary easement on each side of the water conveyance facility for the maintenance and operation of that facility, and would make related changes.

(2) Under the County Water District Law, the board of directors of a county water district is required to appoint, in a specified manner, a general manager, a secretary, and an auditor.

This bill would, instead, require the board to appoint, in a specified manner, a general manager and a secretary and either to appoint an auditor or treasurer or to retain an auditor for specified duties, thereby imposing a state-mandated local program.

(3) That county water district law prohibits a board director of a county water district from being the district general manager, secretary, or auditor. That law requires the district general manager, secretary, and auditor to receive the compensation determined by the board and to serve at its pleasure. That law requires the district general manager, secretary, auditor, and other employees or assistants to give a performance bond to the district.

This bill would also prohibit a board director of a district from being the treasurer for the district and would extend the requirements related to compensation, service, and the performance bond to the district treasurer, thereby imposing a state-mandated local program.

(4) That county water district law requires the district auditor to install and maintain a system of auditing and accounting that shows the financial condition of the district.

This bill would, instead, impose this requirement on an auditor or treasurer who is appointed to the board.

(5) That county water district law authorizes the board to appoint the same person to serve as general manager and secretary or secretary and auditor for a district.

This bill would authorize the same person, instead of the above combination, to serve as secretary and treasurer for a district.

(6) Under the Community Services District Law, a community services district may be formed for various specified purposes.

This bill would exempt the transfer of the assets of the Stonehouse Mutual Water Company to the Hidden Valley Community Services District from prescribed taxes if certain conditions are met.

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

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

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Ch. 455 (AB 1745) Eaves. Student residency requirements.

(1) Existing law prohibits an unmarried minor student from becoming a resident under certain circumstances for purposes of determining tuition payments at the University of California, the California State University, the California Community Colleges, or the California Maritime Academy. Existing law further provides that, notwithstanding these provisions, a student who has not been an adult resident of California for more than one year and is the dependent child of a California resident who has had residence in California for more than one year prior to the residence determination date, shall be entitled to resident classification.

This bill would also entitle a student to resident classification if the student has not been an adult resident of California for more than one year and the student has a parent who has both contributed court-ordered support for the student on a continuous basis and has been a California resident for a minimum of one year. The imposition of this new residency requirement on community college districts would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $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. 456 (AB 128) Archie-Hudson. Los Angeles Southwest Community College: seismic reduction project.

Existing law requires that the proceeds of bonds issued and sold pursuant to the Higher Education Facilities Bond Act of June 1990 be deposited in the June 1990 Higher Education Capital Outlay Bond Fund for the purpose of funding aid to the University of California, the California State University, the California Community Colleges, the Hastings College of the Law, and the California Maritime Academy for, among other things, the renovation and reconstruction of facilities, the acquisition of sites, the equipping of new, renovated, or reconstructed facilities, and for providing funds for payment of preconstruction costs.

This bill would appropriate $2,572,000 from that fund to the Board of Governors of the California Community Colleges for allocation to the Los Angeles Community College District for the purpose of a seismic reduction project at the Los Angeles Southwest Community College.

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

Ch. 457 (AB 449) Tucker. Relocatable classrooms: Los Angeles Southwest College.

The Budget Act of 1990 appropriated a specified amount to the Board of Governors of the California Community Colleges for the purpose of lease-purchase payments.

This bill would reappropriate $428,000 of those funds to the Chancellor of the California Community Colleges to lease relocatable classrooms for use at Los Angeles Southwest College in response to discovery of a surface seismic fault under the college's only instructional classroom.

Ch. 458 (AB 1304) Lempert. Financial institutions: savings associations.

Existing law provides that the register of stockholders or members, the books of account, and the minutes of a savings association are subject to inspection upon written demand of any stockholder or member of a savings association holding a specified minimum of shares, and with the prior written approval of the Savings and Loan Commissioner. The approval by the commissioner is not to be given unless the commissioner determines that the inspection is not contrary to the best interests of the association and its stockholders or members, but if approval is not given the commissioner must hold

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a hearing, as specified, to determine whether the demand should be approved.

This bill would provide that the register of stockholders or members, the books of accounts, and the minutes of a savings association are subject to inspection upon written demand of any stockholder, member, or group of stockholders or members, who hold of record voting shares having a cost of not less than $100,000 or who hold of record voting shares constituting not less than 1% of the outstanding voting shares and who have been holders of record of the voting shares at least 6 months before making the written demand at any reasonable time during usual business hours, for a proper purpose reasonably related to the stockholder's or member's interest, subject to specified limitations. This bill would also provide that this right of inspection shall extend to the records of each subsidiary of an association subject to this division and includes the right to make extracts.

Ch. 459 (SB 733) Committee on Transportation. Vehicles. speed traps.

Existing law provides that no evidence as to the speed of a vehicle upon a highway shall be admitted in any court upon the trial of any person for an alleged speeding violation when the evidence is based upon or obtained from or by the maintenance or use of a speed trap.

Under existing law, a speed trap is defined as either a particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance, or a particular section of a highway with a prescribed speed limit, as specified, which speed limit is not justified by an engineering and traffic survey conducted within 5 years prior to the date of the alleged violation, and where enforcement involves the use of radar or other electronic devices which measure the speed of moving objects.

Existing law, which is to be repealed on January 1, 1993, exempts local streets and highways from the speed trap provisions relating to engineering and traffic surveys.

This bill would continue that existing law beyond January 1, 1993, by deleting the repeal date.

Ch 460 (AB 18) Sher. Water: appropriation. support of State Water Resources Control Board.

The Budget Act of 1991 appropriates $25,717,000 from the Waste Discharge Permit Fund for support of the State Water Resources Control Board.

This bill would, instead, appropriate $7,350,000 from that fund for that purpose.

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

Ch. 461 (SB 89) Kopp. Sales and use taxes: exemption: newspapers and periodicals.

The existing Sales and Use Tax Law, until July 15, 1991, exempted from those taxes the gross receipts from the sale of, and the storage, use, or other consumption in this state, of tangible personal property which becomes an ingredient or component part of any newspaper or periodical regularly issued at average intervals not exceeding 3 months, and any such newspaper or periodical.

This bill would reenact an exemption from sales and use taxes to apply to (1) any newspaper or periodical, published or purchased by a tax-exempt organization and the publication is distributed in consideration of membership fees or to contributors, or the publication does not receive revenue from, or accept, any commercial advertising, (2) any newspaper or periodical distributed by a nonprofit organization if specified requirements are met, and (3) any newspaper or periodical distributed without charge and meeting certain other criteria.

This bill would authorize the State Board of Equalization to adopt emergency regulations regarding any change made by the bill.

Section 2230 of the Revenue and Taxation Code provides that the state shall 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

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local agencies for sales and use tax revenues lost by them pursuant to this bill.

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

Ch. 462 (AB 77) Moore. Fair employment and housing: family care leave and discrimination.

Existing law prohibits discrimination in employment on the basis of several enumerated factors.

This bill would make certain legislative findings and declarations regarding the need for leave from employment for care of children and elders.

This bill would make it an unlawful employment practice for any employer, as defined, who employs 50 or more employees to refuse to grant a request by any employee with more than one year of continuous service with the employer and who is eligible for other benefits to take up to a total of 4 months in a 24-month period for an unpaid family care leave, as defined, except that the employee may elect, or the employer may require the employee to substitute, accrued vacation leave or other accrued time off during this period or any other paid or unpaid time off negotiated with the employer. It would, however, prohibit an employee from using sick leave during the period of the family care leave unless mutually agreed to by the employer and the employee.

This bill would provide that an employee would continue to be eligible for health plans, retirement and pension plans, and supplemental unemployment benefit plans during the period of the leave to the same extent and under the same conditions as apply to an unpaid leave taken for any purpose other than family care, except that an employer may require the employee to pay employee health and welfare benefit plan premiums during the period of leave.

This bill would allow an employee taking a family care leave to have the period of the leave treated as time served with the employer for specified purposes.

This bill would require that if the employee's need for a leave is foreseeable, as specified, the employee provide reasonable notice to the employer, and if the leave is foreseeable due to a planned medical treatment or supervision, the employee make reasonable effort to schedule the treatment or supervision to avoid disruption to the operations of the employer, as specified.

This bill would provide that an employer may require that a request for leave to care for a child, a spouse, or a parent who has a serious health condition be supported by a certification, as specified, issued by a health care provider, as defined.

This bill would also make it an unlawful employment practice to refuse to hire, or to discharge, fine, suspend, expel, or discriminate against, any individual because of any of the following:

(1) An individual's exercise of the right to family care leave.

(2) An individual's giving information or testimony as to his or her own family care leave, or another person's family care leave, in any inquiry or proceeding related to rights guaranteed under the bill.

This bill would provide that the above provisions shall not be construed to require any changes in existing collective bargaining agreements during the life of the contract, or until January 1, 1993, whichever occurs first.

This bill would provide that an employer shall not be required to grant an employee family care leave which would allow the employee and the other parent of the child family care leave totaling more than a specified amount, nor to grant an employee family care leave for any period of time in which the child's other parent is also taking family care leave from employment or is unemployed.

This bill would permit an employer to refuse to grant a request for family care leave made by an employee if this refusal is necessary to prevent undue hardship to the employer's operations, or the request is made by a salaried employee who, on the date the request for family care leave is made, is either one of the 5 highest paid employees, or is among the top 10% of the employees in terms of gross salary, whichever group encompasses the greater number of persons, employed by the employer at the same location.

This bill would also require the Fair Employment and Housing Commission to consid-

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er specified factors in adopting regulations concerning family care leaves.

Existing law prohibits discrimination against state civil service employees or employee applicants, on the basis of sex, race, religion, creed, color, national origin, ancestry, marital status, or physical handicap.

This bill would additionally prohibit an appointing power from refusing to hire, or from discharging, suspending, expelling, or discriminating against, any individual because of, among other things, an individual's right to family care leave.

This bill would require the Legislative Analyst, in consultation with the Secretary of Business, Transportation and Housing, to report to the Governor and the Legislature on the impact of this bill upon employers, as specified.

Ch. 463 (SB 608) Killea. Independent candidates.

Existing law requires a partisan candidate for legislative office or state constitutional office, among others, at the direct primary election to file a written and signed declaration, as specified, of his or her intention to become a candidate for his or her party's nomination for that office. The declaration must be filed not more than 14 nor less than 5 days before nomination papers may be filed. The candidate's name may not be printed on the primary election ballot unless he or she has filed the declaration of intention.

This bill would impose a state-mandated local program by requiring an independent candidate to also file a declaration of intention, as specified, to be a candidate for elective office at the general election, and by requiring the county elections official to supply the declaration form. It would require that the form be submitted according to the time lines applicable to partisan candidates at the primary election. It would provide that no person may be a candidate nor have his or her name printed upon any ballot as a candidate for elective office unless he or she has filed the declaration of intention.

Existing law requires an independent candidate for elective office to file an affidavit that, among other things, states the name of the office for which he or she is a candidate, and that the candidate is not, and was not at any time during the one year preceding the immediately preceding primary election, registered as affiliated with a qualified political party.

This bill would change the reference in the affidavit from one year preceding the immediately preceding primary election to 13 months preceding the ensuing general election, and would make corresponding changes.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement 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. 464 (AB 607) Cannella Grand juries

(1) Existing law authorizes the impanelment, at any time, of one additional grand jury in any city and county, as specified.

This bill, in addition, would authorize the impanelment, at any time, of one additional grand jury in any county, as specified.

(2) Existing law authorizes the impanelment of one additional grand jury in certain specified counties.

This bill would repeal those provisions.

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

Ch. 465 (SB 53) Lockyer. Property taxation: unitary and operating nonunitary property: exemption.

Existing law provides for a single countywide tax rate area for the assignment of the assessed value of unitary and nonunitary property, as defined, located in a county and assessed by the State Board of Equalization. It also establishes formulas for the computa-

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tion of applicable countywide tax rates for that property and for the allocation of property tax revenues attributable to that property among taxing jurisdictions within the county. It exempts from the foregoing provisions property which on July 1, 1987, was undeveloped, owned by a utility, and located within a city, county, or city and county which (1) adopts a resolution stating that the property is subject to a development agreement and that the foregoing provisions do not apply, and (2) transmits copies of the resolution to the State Board of Equalization and the county's auditor-controller prior to January 1, 1988.

This bill would additionally provide, with respect to property that on July 1, 1990, was undeveloped and owned by a utility and located within a city, county, or city and county that adopts a specified resolution and transmits a copy of that resolution to the county auditor prior to August 1, 1991, that the allocation pursuant to specified statutes of property tax revenues derived with respect to that property shall be subject to an allocation required by this bill.

This bill would require the county auditor to annually allocate to a city, county, or city and county that has adopted and transmitted the required resolution, the amount of property tax revenues derived with respect to the property described above that would be allocated to that city, county, or city and county, if that property were subject to assessment by the county assessor. It would require the county auditor, in order to provide the required allocations, to make any necessary pro rata reductions in the allocations to local agencies other than that city, county, or city and county adopting and transmitting that resolution, of property tax revenue derived with respect to the property.

Ch. 466 (SB 410) C. Green. 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.

This bill would also permit a district to pay for work to repair and abate damage caused to privately owned buildings and structures by rail deterioration, as defined. The work, including reconstruction, repair, and abatement of damage caused by soil deterioration could be financed only by a tax levy if all votes cast on the question of levying the tax, vote in favor of levying the tax.

Ch. 467 (SB 644) Mello. Alzheimer's respite care.

Under existing law, the Alzheimer's Day Care-Resource Centers Act, the Secretary of the Health and Welfare Agency is responsible for the oversight and coordination of programs serving victims of Alzheimer's disease and related disorders, as defined, and their families. The agency is also required, under existing law, to establish an Alzheimer's Disease and Related Disorders Advisory Committee.

Under the act, the State Department of Health Services is required to report to the Legislature on or before December 1, 1986, on various Alzheimer's related topics, including an evaluation of the usefulness of programs in the area of providing respite to families who care for Alzheimer's patients in the home.

This bill would require the Secretary of the Health and Welfare Agency, among other things, to identify or obtain specified information on respite care services within the state that care for people with Alzheimer's disease and related disorders and prepare a report to the Legislature by April 1, 1992.

This bill would also require the secretary to, among other things, detail differences between services, programs, and activities provided to persons with Alzheimer's disease and related disorders as compared to all other types of respite care services, programs, and activities, as specified, and make specified recommendations. This bill would require the secretary to conduct these activities, contingent on the availability of funds, and prepare a report to the Legislature by July 1, 1993. It would permit the secretary to designate a lead department within the agency to be responsible for these activities.

This bill would require the secretary to consult at least with the committee and the Statewide Resources Consultant during the course of these activities.

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Ch. 468 (AB 149) Tanner. Fuel: nozzle: hold open latch.

(1) Existing law prohibits the operation of gasoline pumps for the retail dispensing of leaded gasoline unless the nozzle meets certain requirements relating to the size of the nozzle. Existing law does not require fuel nozzles to have a hold open latch.

This bill would prohibit, on or after July 1, 1992, the operation of pumps with a nozzle for the retail dispensing of gasoline or diesel fuel unless the nozzle has an operating hold open latch, except as specified. Since, under other provisions, a violation of the prohibition would be a crime, the bill would impose a state-mandated local program. The bill would declare that it does not affect the authority of local fire marshals to establish and maintain fire safety 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. 469 (AB 154) Bentley. Controlled substances: possession of firearm.

Existing law provides that every person who unlawfully possesses specified amounts of specified controlled substances while in the immediate personal possession of a loaded, operable firearm is guilty of a felony, punishable as specified.

This bill would provide, instead, that every person who unlawfully possesses any amount of these specified controlled substances while armed with a loaded, operable firearm is guilty of a felony, punishable as specified. The bill would define "armed with" to mean having available for immediate offensive or defensive use. This bill would impose a state-mandated local program by expanding the scope of an existing crime.

Existing law authorizes diversion of alleged drug offenders for treatment instead of criminal prosecution whenever a case is before any court upon an accusatory pleading for specified controlled substance violations.

This bill, in addition, would authorize diversion of alleged drug offenders whenever a case is before any court upon an accusatory pleading for the possession of substances containing small quantities of cocaine base, cocaine, heroin, methamphetamine, a crystalline substance containing phencyclidine, a liquid substance containing phencyclidine, plant material containing phencyclidine, as specified, or one hand-rolled cigarette treated with phencyclidine.

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

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

Ch. 470 (AB 779) Bentley. Vehicles: total loss salvage vehicles.

(1) Under existing law, when an insurance company makes a total loss settlement on a total loss salvage vehicle, it is required to forward the endorsed ownership certificate, or other evidence of ownership, to the Department of Motor Vehicles for issuance of a salvage certificate for the vehicle. If the owner retains the vehicle, the insurer is required to notify the department of that retention, and the owner is required to forward the ownership certificate, or other evidence of ownership, for issuance of a salvage certificate. If the total loss salvage vehicle is not subject to an insurance settlement, the owner is required to forward the ownership certificate or other evidence of ownership to the department for issuance of a salvage certificate.

This bill would require the insurer, a salvage pool or an occupational licensee of the department authorized by the insurer, or the owner, in forwarding the ownership certificate or other evidence of ownership to the department for these purposes, to also forward the license plates from the vehicle, and would specifically provide that fees required for duplicate plates and documents apply. Because, under other provisions, a violation of this requirement would be a crime, the bill would impose a state-mandated local program by creating a new crime.

(2) Existing law requires a salvage pool to maintain an accurate record of every

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vehicle it acquires and disposes of, as prescribed.

This bill would, in addition, require a salvage pool which acquires a total loss salvage vehicle or a recovered stolen vehicle, if the license plates have not been removed prior to disposing of that vehicle, to remove and submit the license plates to the department.

The bill would also require the salvage pool to maintain an accurate record of every license plate that it acquires and disposes of, to maintain those records for a 2-year period, and to open those records for inspection by any peace officer during the regular business hours of that salvage pool.

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

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

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

(4) The bill would become operative on July 1, 1992.

Ch. 471 (SB 723) Committee on Local Government. Deposits in county treasuries.

Existing law requires or authorizes deposits of certain funds of various local government entities in the county treasury.

This bill would expressly state that whenever deposits are made in the county treasury, the funds shall be deemed to be held in trust by the county treasurer on behalf of the depositing entity or public official, that the funds shall not be deemed funds or assets of the county, and that the relationship of the depositing agency or public official and the county shall not be one of creditor-debtor.

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

Ch. 472 (SB 426) Morgan Income taxes: bank and corporation taxes.

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide, among other things, for the computation of income taxes, the allowance of deductions, credits, and exclusions, and specified conformity to federal income tax laws.

This bill would make various technical, or supplemental changes, to either or both laws, including, among other things, changes that would clarify when a change in law becomes effective, clarify cross references to various codes, clarify and expand the Franchise Tax Board's duty for determining the order in which certain credits are allowed, add new rules pertaining to the division of tax credits, provide that the credit for certain equipment utilizing waste materials must be purchased and placed in service prior to claiming the credit and that the credit may be claimed only once, make changes with respect to the targeted jobs credit, provide that personal exemptions are allowed only against the tax provided in tax tables, and provide for specified rounding off of amounts for the standard deduction.

This bill would take effect immediately as a tax levy.

Ch. 473 (SB 467) Deddeh. Taxation: payment: electronic funds transfers.

(1) The existing Sales and Use Tax Law generally requires that returns must be filed and 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 amount or more per month, monthly prepayments of tax must, upon written notification of the board, be made in a prescribed manner. It also requires that prepayments be accompanied by a report, as provided and in a prescribed form, of the amount of the prepayment.

This bill would, until January 1, 1995, require persons whose estimated tax liability averages $50,000 or more per month, as determined according to methods of calculation established by the State Board of Equalization, to remit amounts due by electronic funds transfers pursuant to procedures prescribed by the board, and to make those transfers consistent with payment and prepayment deadlines. It would provide, for purposes of this requirement, that payment is deemed complete on the date the electronic funds transfer is initiated, except as specified. It would, commencing January 1, 1995, reduce

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the above amount to $20,000. It would further provide that persons whose estimated tax liability averages less than the threshold amount per year may, with the approval of the board, voluntarily remit amounts due by electronic funds transfers. It would require persons making remittances by electronic funds transfers to file quarterly returns in a form and manner prescribed by the board. It would provide for the assessments of penalties of 10% of taxes due for failure either to timely file a quarterly return or to make a proper remittance of funds, and would authorize the board to relieve persons of a specified penalty under certain conditions.

(2) The existing Bank and Corporations Tax Law provides that amounts of tax, and any interest and penalties thereon, may be remitted in the form of a check, as provided, or in the form of a credit account number and an authorization to draw upon a specified credit account, as provided.

This bill would increase, from 1.5% to 2% of the balance otherwise due, the amount to be remitted to the Franchise Tax Board for purposes of paying the discount rate associated with drawing upon a credit account. It would, until January 1, 1995, require taxpayers whose tax liability exceeds $50,000 per payment, or whose total tax liability is $200,000, to remit payment to the Franchise Tax Board by electronic funds transfer pursuant to specified statutory provisions. It would provide, for purposes of this requirement, that payment is deemed complete on the date the electronic funds transfer is initiated, except as specified. Commencing with January 1, 1995, it would decrease the threshold amount of tax liability per payment to $20,000 and would decrease the threshold amount of total tax liability to $80,000. It would provide, for purposes of applying the foregoing thresholds, that all taxpayers whose income derived from, or attributable to, sources within this state is required to be determined by a combined report shall be aggregated, and that the total aggregate amount shall be considered to be the payment or total tax liability of a single taxpayer. It would provide for the assessment of a penalty of 10% of taxes due for failure to make a proper remittance of funds. It would provide that taxpayers not required to remit payments to the Franchise Tax Board by way of electronic funds transfers may request the board's permission to voluntarily remit payments by way of electronic funds transfers. It would, as specified, authorize a taxpayer to request, and the Franchise Tax Board to grant, upon making a certain determination, a waiver from electronic funds transfer requirements. It would require the Franchise Tax Board to provide for electronic funds transfers on or before January 1, 1993. It would prescribe different methods of electronic funds transfers, and provide for the payment of associated bank costs.

(3) Existing law requires every employer required to withhold estimated state income taxes to file a withholding return and pay over the withheld amount, and provides that return and payment shall either be made on a quarterly basis, as provided, or, where the employer is so required with respect to federal income taxes, that payment shall also be made of withheld state income taxes within 3 banking days following the end of each 8th monthly period if the amount withheld for that period exceeds $75. It also provides that workers' contributions for disability insurance are due and payable at the same time and by the same method.

This bill would, with respect to return and payment on a quarterly basis, delete requirements for specified payments within a quarter where amounts of income tax withheld for a month or other specified period exceed certain levels. It would modify the requirement that an employer, whenever so required to remit withheld federal income tax amounts, also remit state income tax amounts within 3 days following the close of each 8th monthly period if the total amount withheld exceeds $75, to delete the reference to a period of 3 days following the close of each 8th monthly period. For calendar years beginning prior to January 1, 1995, it would require an employer, whose cumulative average 8th monthly payment made pursuant to specified statutory provisions during a 12-month period ending June 30 of the prior year is $50,000 or more, to remit as provided, by way of electronic funds transfer, the total amount of state income taxes withheld during any 8th monthly period within 3 banking days following the close of each 8th monthly period during the calendar year beginning on January 1. For calendar years beginning on or after January 1, 1995, it would reduce the threshold

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amount for purposes of the above to $20,000 or more. It would also impose similar electronic funds transfer requirements upon reporting agents, making required payments on behalf of one or more employers. It would authorize any employer or reporting agent not required by the above provisions to remit payment by electronic funds transfers to elect, as specified, to remit payment by those transfers. It would prescribe different methods of electronic funds transfers, and provide for the payment of associated bank costs. It would provide, for purposes of the foregoing, that payment is deemed complete on the date the electronic funds transfer is initiated, except as specified.

(4) It would make an appropriation of $390,952 from the General Fund to the Controller for purposes of implementing the provisions of this bill in the 1991–92 fiscal year, and would for those purposes require the Controller to allocate those moneys in specified amounts to the State Board of Equalization, the Employment Development Department, and the Franchise Tax Board in augmentation of specified items of Section 2 of the Budget Act of 1991. It would provide that funding to implement this bill for the 1992–93 fiscal year, and each fiscal year thereafter, shall be provided for in the annual Budget Act.

Ch. 474 (AB 31) Klehs. Income taxes: bank and corporation taxes: vehicle license fees.

The existing Vehicle License Fee Law provides that the annual amount of the license fee for any vehicle, other than a trailer coach that is required to be moved under permit, is 2% of the market value of the vehicle, as specified. It provides for the determination of the market value of any vehicle and for the annual depreciation of the market value of any vehicle for the purpose of determining the amount of the vehicle license fee. It provides that a surcharge in an amount equal to 2.2% of the motor vehicle license fee shall be added to that fee for any original registration occurring, or any renewal of registration with an expiration date, on or after August 1, 1991, and before August 1, 1992.

This bill would provide that the 2.2% surcharge shall be added to that fee for any initial or original registration of any vehicle never before registered in this state for which the fees become due on or after August 1, 1991, and before August 1, 1992, and for any renewal of registration with an expiration date on or after August 1, 1991, and before August 1, 1992. It would also provide for a specified period under that law that after determining the cost price to the purchaser, the Department of Motor Vehicles shall classify or reclassify every vehicle in its proper class according to a specified classification plan.

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide, among other things, various deductions, credits, and procedures, in connection with the taxes imposed by those laws.

This bill would make various technical or supplemental changes to either or both laws relating to, among other things, renter's credit, imposition of taxes and rates, credit for personal exemptions, and net operating losses.

The existing Bank and Corporation Tax Law provides that a homeowners' association organized and operated for the acquisition, construction, management, maintenance, and care of residential property is exempt from the taxes imposed by that law if specified conditions are met. It defines a homeowners' association to include, among others, a cooperative housing corporation.

This bill would define a cooperative housing corporation to include a limited-equity housing cooperative, as defined.

This bill would take effect immediately as a tax levy.

Ch. 475 (AB 156) Peace. Insurance.

The existing Personal Income Tax Law provides for an exclusion from gross income of amounts received under any policy of life or endowment insurance or contract supplemental thereto, if the amounts are paid pursuant to specified provisions of the Insurance Code.

This bill would also allow an exclusion from gross income if the amounts are paid pursuant to any policy of life or endowment insurance or contract supplemental thereto, that may provide for the acceleration of life or endowment benefits in advance of the

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time otherwise payable, upon a specified occurrence. It would also provide that these amounts are not wages that are subject to specified withholding of taxes.

Existing law provides that applicants and recipients of certain social services under the federal Social Security Act, pursuant to the state plan approved by the federal government, shall not be required to make a specified election, and shall not have their benefits denied or reduced because they fail to make that election.

This bill would make technical changes to clarify these provisions.

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

Ch. 476 (SB 227) Hart. Income taxes: bank and corporation taxes: credits: child care.

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide for taxable or income years beginning on or after January 1, 1988, and before January 1, 1992, tax credits with respect to startup expenses for child care programs or constructing a child care facility, costs for child care information and referral services, and costs paid or incurred for contributions to a qualified care plan, as defined.

This bill would extend these credits to taxable or income years beginning before January 1, 1995. It would impose specified duties on the Child Development Programs Advisory Committee in connection with the credits.

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

Ch. 477 (AB 281) Filante. Income taxes: contributions. designations.

The existing Personal Income Tax Law provides that any taxpayer may designate on the tax return that a contribution in excess of tax liability, if any, be made to the State Children's Trust Fund, the California Fund for Senior Citizens, the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund, the United States Olympic Fund, and the California Alzheimer's Disease and Related Disorders Research Fund. It also provides that these provisions shall remain in effect only until January 1, 1992, and are repealed as of that date unless a later enacted statute which is enacted before that date deletes that date, in which event the provisions are repealed on January 1 of the first year after 1992 for which the Franchise Tax Board estimates by September 1 that the contributions will be less than $250,000.

This bill would, except with respect to the United States Olympic Fund, change the specified repeal date to January 1, 1997, and if that repeal date is deleted, would continue the authorization for those designations through December 31 of the first calendar year after 1997 for which the Franchise Tax Board estimates by September 1 that the contributions will be less than $250,000, as adjusted. The bill would also delete the provision that continuously appropriates money in the California Fund for Senior Citizens.

The existing California Election Campaign Fund Act provides, among other things, that every individual, who is lawfully able to make contributions to qualified political parties in California, may designate the payment of specified amounts, in addition to his or her income tax liability, to be paid over to the California Election Campaign Fund in accordance with the provisions of the act. It repeals the act as of January 1, 1992.

This bill would extend that repeal date to January 1, 1997.

Ch. 478 (SB 325) Morgan. Income taxes: bank and corporation taxes: administrative appeals: procedure.

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide for an administrative appeal process for any proposed deficiency, any denial of a claim for refund, or any denial of interest on a claim for refund with respect to taxes imposed by those laws. Existing law requires any appeal to be addressed and mailed to the State Board of Equalization at Sacramento, California, and a copy of the appeal to be addressed and mailed at the same time to the Franchise Tax Board at Sacramento, California.

This bill would require instead that 2 copies of the appeal and 2 copies of any supporting documents be addressed and mailed to the State Board of Equalization at Sacra-

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mento, California. It would also require that, upon receipt of the appeal, the board provide one copy of the appeal and one copy of any supporting documents to the Franchise Tax Board at Sacramento, California.

Ch. 479 (SB 830) Deddeh. Sales and use taxes: personal income taxes.

Existing law generally prohibits persons administering the Sales and Use Tax Law or the Bradley-Burns Local Sales and Use Tax Law from disclosing sales or transactions and use tax record information to other persons. Among specified exceptions to this prohibition, the State Board of Equalization may allow an officer or employee of a county, city and county, or city, or other designated person under contract for that purpose, upon request by a resolution, subject to certain requirements, of that entity's legislative body, to examine sales and use tax records pertaining to taxes collected by the board for that county, city and county, or city pursuant to a contract entered into by the board and the local entity. It prohibits any person, other than an officer or employee of a county, city and county, or city, who obtains access to information pursuant to the foregoing exception, from retaining that information after that person's contract with the county, city and county, or city has expired. The State Board of Equalization may also allow any duly authorized officer or employee of a district, upon request by a resolution of the legislative body of the district, to examine transactions and use tax records pertaining to transactions and use taxes collected by the board for the district pursuant to a contract entered into by the board and the district.

This bill would delete the above exception with respect to the examination of transactions and use tax records, and would instead establish a combined exception with respect to the examination of sales or transactions and use tax records, similar to the current exception with respect to the examination of sales and use tax records. It would also prohibit a person, other than an officer or employee of a county, city and county, city, or district, from retaining information obtained pursuant to the combined exception established by this bill, after that person's contract with the county, city and county, city, or district has expired.

The existing Personal Income Tax Law provides that the Franchise Tax Board may grant a reasonable extension of time for filing any return, declaration, statement, or other document required if the request for extension is made on or before the due date for filing the return, declaration, statement, or other document. It limits the extension of time to no more than 6 months, except for taxpayers residing or traveling abroad. It allows, in the case of taxpayers residing or traveling abroad a longer period in which to file, as specified. The existing Taxpayer's Bill of Rights provides that a taxpayer shall be granted an extension of time for filing a return if the taxpayer's timely filed state application for an extension indicates that the taxpayer requested a timely federal extension to file, as specified.

This bill would delete the requirement that a taxpayer's request for extension be made on or before the due date for filing the return, declaration, statement, or other document, and provide that a taxpayer shall be granted an extension of time for filing a return if the taxpayer qualified for a federal extension to file, as specified.

Existing law requires the Franchise Tax Board to automatically grant, without application being made therefor, an extension of time, free from interest and penalties, for filing specified returns, for the payment of tax, and for taking specified steps with regard to the personal income tax in the case of any individual who is serving as a member of the armed forces of the United States or any auxiliary branch thereof, or the merchant marine, beyond the boundaries of the United States.

Existing law also provides that for an individual serving in the armed forces of the United States or serving in support of those forces outside the Americas for longer than 90 days, that period of time and the following 90 days is disregarded in determining any credit or refund, or any liability for taxes, interest, or penalties.

This bill would include in those provisions "individuals performing Desert Shield service," as defined by a specified federal statute. It would also allow, by reference to a specified federal statute, payment of interest for the period that would otherwise be disregarded on any refund due the individual under those provisions.

This bill would provide that those provisions of the bill that apply to individuals

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performing Desert Shield services be operative with respect to specified actions that are required or permitted to be taken on or after August 2, 1990, and would make legislative findings and declarations of public purpose in connection thereto.

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

Ch. 480 (SB 831) Mello. Income taxes: contributions: designations.

The existing Personal Income Tax Law provides that any taxpayer may designate on the tax return that a contribution in excess of tax liability, if any, be made to the State Children's Trust Fund, the California Fund for Senior Citizens, the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund, the United States Olympic Fund, and the California Alzheimer's Disease and Related Disorders Research Fund. It also provides that these provisions shall remain in effect only until January 1, 1992, and are repealed as of that date unless a later enacted statute which is enacted before that date deletes that date, in which event the provisions are repealed on January 1 of the first year after 1992 for which the Franchise Tax Board estimates by September 1 that the contributions will be less than $250,000.

This bill would, except with respect to the United States Olympic Fund, change the specified repeal date to January 1, 1997, and if that repeal date is deleted, would continue the authorization for those designations through December 31 of the first calendar year after 1997 for which the Franchise Tax Board estimates by September 1 that the contributions will be less than $250,000, as adjusted.

The existing California Election Campaign Fund Act provides, among other things, that every individual, who is lawfully able to make contributions to qualified political parties in California, may designate the payment of specified amounts, in addition to his or her income tax liability, to be paid over to the California Election Campaign Fund in accordance with the provisions of the act. It repeals the act as of January 1, 1992.

This bill would extend the repeal date of that act to January 1, 1997.

Ch. 481 (SB 1029) Rogers. Income taxes: contributions: designations.

The existing Personal Income Tax Law allows, for taxable years beginning before January 1, 1991, any taxpayer to contribute amounts in excess of his or her tax liability for the support of the Vietnam Veterans Memorial Account by making a designation on the tax return.

This bill would additionally allow any taxpayer to designate on the tax return for any taxable year beginning on or after January 1, 1991, and before January 1, 1997, that a contribution in excess of tax liability be made to the continuously appropriated Veterans Memorial Account in the General Fund, and would allocate those moneys for specified purposes.

The existing California Election Campaign Fund Act provides, among other things, that every individual, who is lawfully able to make contributions to qualified political parties in California, may designate the payment of specified amounts, in addition to his or her income tax liability, to be paid over to the California Election Campaign Fund in accordance with the provisions of the act. It repeals the act as of January 1, 1992.

This bill would extend that repeal date to January 1, 1997.

The existing Personal Income Tax Law provides that any taxpayer may designate on the tax return that a contribution in excess of tax liability, if any, be made to the California Fund for Senior Citizens. These provisions are repealed as of January 1, 1992, as specified.

This bill would continue the authorization for those designations until January 1, 1997, and if that date is deleted, then this bill would, thereafter, in any calendar year the Franchise Tax Board estimates by September 1 that the contributions will be less than $250,000, as adjusted, repeal the authorization for designations with respect to taxable years beginning on and after January 1 of that calendar year.

Ch. 482 (AB 124) Tucker. Juveniles: drug and alcohol abuse.[4]

Existing law authorizes the juvenile court, in proceedings to declare a minor a ward of the juvenile court, to order the probation officer to obtain (at county cost) the services

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of specified health care professionals to assist in determining and conducting appropriate treatment for the minor.

This bill would require the county to make this diagnosis and care related to drug or alcohol use, a consideration for county funds received from the state or federal government for care and treatment of drug- and alcohol-related illness for drug or alcohol abuse.

The bill would appropriate $1,500,000 from moneys received by the Office of Criminal Justice Planning through the 1991–92 Budget Act from moneys received pursuant to the federal Anti-Drug Abuse Act of 1988, for the 1st year, of a 2-year demonstration program, to be known as the Juvenile Offender Substance Abuse Treatment Program, to provide substance abuse intervention options for the juvenile courts, as specified. In this connection the bill would require the Office of Criminal Justice Planning to establish a demonstration project in at least 3 counties to be selected from among the counties submitting applications. The bill would require the Office of Criminal Justice Planning to submit a final evaluation to the Legislature within 6 months after the completion of the demonstration projects.

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

Ch. 483 (AB 372) Roybal-Allard. Domestic violence: statistics.

Existing law authorizes the Office of Criminal Justice Planning to allocate and award funds to counties which establish spousal abuser prosecution units pursuant to specified provisions. Existing law requires that the spousal abuser prosecution units include, but not be limited to, vertical prosecutorial representation. Existing law also requires each district attorney's office which establishes a spousal abuser prosecution unit to submit specified information to the Office of Criminal Justice Planning, on a quarterly basis.

This bill would express legislative intent and would require the Office of Criminal Justice Planning to establish a pilot project in 3 counties which have established a vertical prosecution program pursuant to the above-described provisions. The bill would require each law enforcement agency and each district attorney's office or city attorney's office having misdemeanor jurisdiction in the counties participating in the pilot project to submit specified information to the Office of Criminal Justice Planning, on a quarterly basis, thereby imposing a state-mandated local program.

The bill would also require the Office of Criminal Justice Planning to work with the pilot project counties to develop a format to collect the information and would require the office to submit a report, as specified, to the Legislature regarding the accomplishments of the pilot project by January 1, 1993.

This bill would also provide that its mandate shall become operative when financial resources become available to the Office of Criminal Justice Planning.

This bill would be repealed on January 30, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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 (AB 669) Bates. Horseracing: offsite stabling: satellite wagering.

(1) Existing law, which is to be repealed on January 1, 1992, imposes different requirements on an association or fair conducting a racing meeting in the northern zone, with respect to the stabling and vanning of horses, than those imposed on associations or fairs in the central or southern zones. Upon the repeal of this provision, another provision which becomes operative on January 1, 1992, imposes uniform requirements with respect to the stabling and vanning of horses for all zones.

This bill would repeal the provision which becomes operative on January 1, 1992, and would continue that existing law beyond January 1, 1992, by deleting that repeal date.

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(2) Existing law, which is to be repealed on January 1, 1992, distributes the funds deducted from wagers at satellite wagering facilities in the northern zone in a different manner than in the central and southern zones. Upon the repeal of these provisions, another provision which becomes operative on January 1, 1992, requires that the total percentage deducted from wagers at satellite wagering facilities in all zones be distributed in the same manner.

This bill would repeal the provision which becomes operative on January 1, 1992, and would continue that existing law beyond January 1, 1992, by deleting that repeal date.

(3) This bill, in addition, would make technical and conforming changes.

(4) This bill would incorporate additional changes in Sections 19605.6, 19605.7, and 19605.71 of the Business and Professions Code, proposed by SB 944, to be operative only if SB 944 and this bill are both chaptered and become effective on or before January 1, 1992, and this bill is chaptered last.

Ch. 485 (AB 1376) Hauser. Fishing.

(1) Existing law, which is to be repealed on January 1, 1992, requires that a sufficient number of commercial fishing salmon stamps be obtained for the operation of a commercial passenger fishing vessel, as specified, if the vessel is used to take salmon or has salmon aboard in ocean waters north of Point Arguello, and prohibits the operation by any person of any vessel for this purpose without meeting these requirements. Existing law, which is to be repealed on January 1, 1992, also prohibits the taking or possession of salmon for commercial purposes on a vessel without a commercial salmon vessel permit.

This bill would continue these existing laws beyond January 1, 1992, by deleting these repeal dates. The bill would also exempt vessels permitted as commercial salmon fishing vessels from the above salmon stamp requirements.

(2) Existing law requires every licensed fish receiver, and every commercial fisherman who sells or delivers fish that he or she has taken to any person who is not licensed as a fish receiver, to make a legible record in the form of a landing receipt that contains specified information including the weight of the species of fish received.

This bill would permit sablefish to be reported in dressed weight, as specified.

(3) Existing law provides that no gill net may be possessed on any boat in certain districts except by persons possessing a valid permit to take herring during the open season established by the Fish and Game Commission.

This bill would instead provide that no gill net may be possessed on any boat in certain districts except by persons possessing a valid permit aboard boats specifically authorized to take herring during the open seasons established by the commission.

(4) Existing law, until January 1, 1992, provides for the revocation or suspension of boat registrations and the commercial fishing license of the master of a vessel when certain conditions are met.

This bill would continue this existing law beyond January 1, 1992, by deleting the repeal date.

(5) Under existing law, persons who engage in commercial salmon fishing are required to have a commercial fishing salmon stamp.

This bill would require the department to provide a refund of the fee paid in 1991 for the commercial fishing salmon stamp to specified persons fishing within the Klamath Management Zone who, because of specified factors, make no commercial landings and deliveries of salmon within the state in 1991.

(6) Existing law requires the revenue from these 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 provide for the refunds which would be paid out of the Fish and Game Preservation Fund, it would make an appropriation.

(7) This bill would also make various technical and clarifying changes.

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

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Ch. 486 (AB 918) Tanner. Breast cancer.

(1) Existing law requires every health care service plan and nonprofit hospital service plan contract and every group policy of disability insurance or self-insured employee welfare benefit plan which provides for a mastectomy and which is issued, amended, delivered, or renewed in this state on or after July 1, 1980, to include coverage for prosthetic devices or reconstructive surgery incident to the mastectomy if the mastectomy is performed after July 1, 1980.

This bill would delete the qualification to the requirement that the mastectomy be performed after July 1, 1980. It would also provide that the devices or surgery be for purposes of restoring or achieving symmetry for the patient. Since a violation of the above requirement by health care service plans is a misdemeanor, this bill would impose a state-mandated local program by changing the definition of a crime.

(2) Existing law requires the State Department of Health Services to develop a standardized written summary of alternative efficacious methods of treatment which may be medically viable when the patient is being treated for any form of breast cancer, as prescribed.

This bill would require the department to review the summary at least once every 5 years and to revise the summary if the department determines that new or revised information should be included in the summary. The bill also would require information regarding certain methods of treatment for breast cancer that are in the investigational or clinical trial stage and are recognized for treatment by the Physician's Data Query of the National Cancer Institute to be included in the next revision of the summary. This bill also would require the department to provide specified reference telephone numbers for breast cancer patients to obtain current information.

(3) Existing law contains legislative findings that the public health interest requires that the people of this state be protected from excessive and improper exposure to ionizing radiation.

This bill would contain legislative findings that the public health interest requires that increased steps be taken to ensure the accuracy of mammograms, as specified.

(4) Existing law requires the average inspection frequency for ionizing radiation machines to be once every 3 years for high priority sources of ionizing radiation and also specifies the average inspection frequency rate for other sources of radiation. Existing law also requires the State Department of Health Services to provide by regulation a ranking of priority for inspection, as determined by the degree of potentially damaging exposure of persons by ionizing radiation, and a schedule of fees, based upon that priority ranking, to be used for the purpose of carrying out the inspections.

This bill would require the average inspection frequency to be once each year for mammography X-ray units. This bill also would require the department to consider the average inspection frequencies required by certain provisions of law, including that applicable to mammography units, in providing a ranking of priority for inspection. This bill would also delete an obsolete provision limiting the amount of fees to be assessed during the 1986–87 fiscal year.

(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. 487 (AB 795) Vasconcellos. Education: self-esteem task force report: implementation plans.

Existing law established the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility, which was terminated on July 1, 1990. The task force was required to perform a variety of duties aimed at assisting state and local governments and all Californians in improving programs for raising self-esteem, and thereby helping to reduce many of the social problems occurring in this state.

This bill would require the establishment of an advisory committee by the Commission on Teacher Credentialing, as specified, for the purposes of performing an indepth study of a report published by the California Task Force to Promote Self-Esteem, and

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Personal and Social Responsibility and entitled "Toward a State of Esteem. The Final Report" and presenting to the Legislature proposed strategic plans for implementing the education recommendations of that report.

This bill would require the advisory committee to report to the Legislature, the Commission on Teacher Credentialing, the Superintendent of Public Instruction, and the State Board of Education regarding the indepth study of the report by January 1, 1993.

This bill would require the Superintendent of Public Instruction and the State Board of Education to use their respective existing resources to accomplish provisions of the act for which the superintendent or the state board, or both, are responsible.

The bill would appropriate $40,000 from the Teacher Credentials Fund to the Commission on Teacher Credentialing for the costs of funding the advisory committee and preparing the report.

Ch. 488 (AB 123) Katz. Emergency roadside assistance.

(1) Under existing law, the Department of the California Highway Patrol is authorized to enter into agreements with the providers of towing and storage services for the purpose of determining which providers shall be summoned by the department when those services are necessary for public assistance or to carry out the duties and responsibilities of the department.

This bill would authorize agreements to be entered into with providers of emergency road services for those services and would exclude hearings on the suspension or termination of those agreements from the requirements of the Administrative Procedure Act.

The bill would create a 2-year pilot project, commencing on July 1, 1992, to develop requirements for the certification and training of emergency road service organizations and their employees. The project would be limited to those emergency road service organizations which are involved in freeway service patrol operations pursuant to an agreement or contract with a specified public transportation planning entity. The bill would also require the department to prepare a report to the Legislature following the study. The bill would require the report to include specified information, as well as the department's recommendations concerning the feasibility of extending the requirements of the bill to all emergency road service organizations in this state.

(2) Under existing law, no criminal record clearance is required for a person employed as the driver of a tow truck or other vehicle who renders towing service or emergency road service to motorists.

This bill would require, on or after July 1, 1992, every applicant for employment as a tow truck driver, as defined, or persons who are currently employed as a tow truck driver, by a highway service organization which is involved in freeway service patrol operations under an agreement or contract with specified public transportation planning entities, and who will be involved in those operations, to complete and file with the department an application for a tow truck driver certificate, together with a filing fee of $50 for new applicants, or $12 for certificate renewal with the Department of Motor Vehicles. The application would include information relative to the applicant's driver's license and criminal history, as specified, limited to convictions for designated offenses. The bill would require employers, as defined, intending to hire a tow truck driver for involvement in freeway service patrol operations, on or after July 1, 1992, to require the applicant to submit a tow truck driver certificate issued by the department or the Department of Motor Vehicles, as prescribed. The bill would also prohibit employers from utilizing newly hired or their currently employed tow truck drivers in freeway service patrol operations if that driver has not obtained a tow truck driver certificate as required. The bill would require employers to keep specified records, and would require tow truck drivers to notify employers if arrested or convicted of any of the designated offenses. The bill would require employers to remove tow truck drivers from a position involving freeway service patrol operations upon notification that the tow truck driver has been arrested for, or convicted of, a designated offense.

The bill would require the Commissioner of the California Highway Patrol to conduct criminal history checks for all tow truck drivers who will be employed, by employers, for freeway service patrol operations, would require employers to release designated

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information in this regard, and would make any violation by employers a misdemeanor.

(3) Under existing law, no training is required for a person employed as the driver of a tow truck or other vehicle who renders towing service or emergency road service to motorists.

This bill would require, during the 2-year period of the study, the department, in cooperation with the Department of Transportation, to develop and provide specified training for all employers and tow truck drivers who are involved in freeway service patrol operations pursuant to an agreement or contract with specified public transportation planning entities.

The bill would require tow truck drivers and employers to attend the specified training, the issuance of a certificate of completion to the trainee upon successful completion of the training, the trainee to provide a copy of the certificate to his or her employer, the employer to maintain a copy of the certificate in the employee file, and the employer to make the employee file available for inspection, as specified.

(4) The bill would create an Emergency Roadside Assistance Advisory Committee, comprised of 10 members representing the public, highway service organizations, law enforcement agencies, towing services, and the Chairperson of the California Service Authority for Freeway Emergencies Committee, with 2 members appointed by the commissioner, 6 members appointed by the Governor, or his or her designee, as specified, one member appointed by the Speaker of the Assembly, and one member appointed by the Senate Committee on Rules to recommend standards of training for telephone dispatchers of emergency roadside assistance and tow service employees. The committee would terminate on July 1, 1994, and the commissioner would succeed to the powers and duties of the committee.

(5) The bill would require, on and after July 1, 1992, highway service organizations to obtain from the department a carrier identification number. The bill would also require those organizations to display the number in a manner prescribed by law. The bill would authorize the commissioner to suspend the carrier identification number, after a hearing, for specified violations, and make it unlawful for a highway service organization to operate a tow truck when the carrier identification number has been suspended by the commissioner. The bill would require the carrier identification numbers to be removed before the sale, transfer, or other disposal of the service vehicle, or upon termination of an agreement or contract for freeway service patrol operations. The bill would also authorize the commissioner to suspend, after a hearing, a highway service organization from participation in freeway service patrol operations, for a period not to exceed 2 years, for specified violations if a prior violation has not occurred within 2 years. The bill would exempt these hearings from the requirements of the Administrative Procedure Act.

(6) The bill would make it a misdemeanor for an applicant for a tow truck driver certificate to provide false information in the application, for tow truck drivers to fail to report specified arrests or convictions to their employers, or for tow truck drivers to fail to maintain in their personal possession a tow truck driver certificate when operating a tow truck. The bill would also make it a misdemeanor for an employer to fail to require the applicant to furnish a copy of the tow truck driver certificate or to violate provisions regarding a carrier identification number.

(7) The bill would make other related changes.

(8) The bill would provide for severability of any provision or application held to be invalid.

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

This bill would 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. 489 (AB 207) Jones. Sterile Mexican fruit flies: production facility.

(1) Existing law provides for the control and eradication of pests by the use of various methods.

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This bill would declare legislative findings relating to Mexican fruit flies.

The bill would authorize the Director of Food and Agriculture to establish and operate a facility outside of this state to produce sterile Mexican fruit flies or enter into an agreement with any other public or private entity to jointly establish and operate the facility. The bill would exempt any contract entered into by the department to determine the appropriate location, select a suitable facility, or prepare preliminary plans and working drawings from the Public Contract Code.

(2) The bill would appropriate $500,000 from the Department of Agriculture Building Fund to the department for expenditure by the director for certain expenses associated with establishing the facility.

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

Ch. 490 (SB 15) Robbins. Animals.

(1) Existing law requires that property dedicated for pet cemetery purposes be held and used exclusively for pet cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court, as specified. Existing law requires pet owners whose pets will be buried in the cemetery to pay a maintenance fee.

This bill would authorize a pet cemetery owner to dispose of the remains of any pet which has been left for more than 7 days at the pet cemetery if arrangements have not been made with the pet cemetery owner for the disposition of the pet. The bill would require a pet cemetery owner to post a notice, as specified, stating that the remains of any pet which has been left for more than 7 days may be disposed of, under certain circumstances.

(2) Existing law provides that every person who feloniously steals, takes, or carries away a dog of another for purposes of sale, medical research, or other commercial uses, is guilty of grand theft.

This bill would instead provide that every person who steals or maliciously takes or carries away any animal of another for purposes of sale, medical research, or other commercial uses, or who knowingly, by a false representation or pretense, defrauds another person of any animal, for purposes of medical research or slaughter, is guilty of a public offense punishable by imprisonment in a county jail not exceeding one year or in the state prison, thereby increasing the scope of an existing crime and creating a state-mandated local program.

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

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

Ch. 491 (SB 28) Robbins. Elections: state ballot pamphlet: judicial offices.

Existing provisions of the California Constitution prescribe the procedure for the election of justices of the Supreme Court and courts of appeal to a new term of office. Existing provisions of the Political Reform Act of 1974, as well as duplicate provisions in the Elections Code, require the Secretary of State to prepare a state ballot pamphlet for statewide elections which includes specified material and information.

This bill would require the Secretary of State , if the ballot contains a question as to the confirmation of a justice of the Supreme Court or a court of appeal, to include in the state ballot pamphlet a written explanation of the electoral procedure for justices of the Supreme Court and the courts of appeal, as specified.

This bill would make other technical changes.

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.

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Ch. 492 (SB 32) Leonard. Controlled substances.

Existing law provides that every person who opens or maintains any place for the purpose of unlawfully selling, giving away, or using specified controlled substances is punishable by imprisonment in the county jail for not more than one year or in the state prison.

This bill would add to the list of specified controlled substances to which this provision applies, methamphetamine, amphetamine, and phencyclidines, thereby imposing a state-mandated local program by changing the definition of a crime.

This bill would incorporate additional changes in Section 11366 of the Health and Safety Code proposed by SB 25, to be operative as specified, only if both bills are enacted and become effective on or before January 1, 1992, and this bill is enacted last.

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

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

Ch. 493 (SB 65) Kopp. Juveniles: traffic hearing officers.

Existing law authorizes a traffic hearing officer under prescribed conditions, to hear and dispose of specified offenses committed by minors.

This bill would include the misdemeanor crime of vandalism involving defacement of property with paint or other liquid and the misdemeanor crime of violating posted conditions of use of, or engaging in prohibited activities on, property owned or subject to the management of the Santa Monica Mountains Conservancy within that authority.

Ch. 494 (SB 83) Presley. Mining claims: erection of monuments.

(1) Under existing law, to claim a mining discovery of any valuable deposits, the locator must define the boundaries of the claim, erect a conspicuous and substantial monument at each corner of the claim and at the center of each endline or at the nearest accessible points thereto, and post a notice on or in the monument, as specified.

This bill would instead require the locator to erect at each corner of the claim a specified monument containing markings sufficient to appropriately designate the corner of the claim to which it pertains and the name of the claim. The bill would delete the requirement to erect a monument at the center of each endline or at the nearest accessible points thereto, and would limit the monument which may be used to a wooden post, a mound of stone, a nonperforated, capped metal post, or a solid metal rod, as specified.

The bill would give any person presently using, or who has previously erected, any monument or object other than those permitted by the bill until January 1, 1995, to comply with the bill or remove those monuments which are not in compliance.

The bill would require any locator within 180 days of abandonment, relinquishment, or loss of claim, in effect on January 1, 1992, to permanently remove all monuments pertaining to the claim. The bill would make violation of this latter provision punishable by a specified fine for each monument which is not removed and additionally liable for any cost incurred by the federal, state, or county government agency which removes any monument or has it removed, 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. 495 (SB 106) Lockyer. Support enforcement: role of Attorney General and district attorney.

Existing law provides that every individual has the duty to support his or her spouse and child, and that the county may enforce the right to support on behalf of the obligee. Existing law also provides that the district attorney shall take appropriate action to

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establish, modify, and enforce child and spousal support, as specified.

This bill would specify that the district attorney and the Attorney General represent the public interest in establishing, modifying, and enforcing support obligations. It would provide that no attorney-client relationship shall be deemed to have been created between the district attorney or the Attorney General and any person by reason of this representation and would specify that these provisions are declaratory of existing law.

This bill would require the district attorney or Attorney General to notify persons who request services of the district attorney or Attorney General involving paternity and support obligations, as specified, or on whose behalf a request is made, that the district attorney or Attorney General does not represent that individual or the children who are the subject of the case, that no attorney-client relationship exists between these parties, and that no such representation or relationship shall arise if services are provided. It also would require notice to recipients of these services of information including the date, time, and purpose of specified support and paternity hearings, and notice of specified support orders, and would require notice to noncustodial parents, as specified. The bill thus would require an increased level of service by local officials, thereby imposing a state-mandated local program.

The bill also would require that a person who is receiving these services but who is not currently receiving public assistance on his or her own behalf or on behalf of a child be asked to execute, or consent to, any stipulation establishing or modifying a support order, and would prohibit the district attorney or Attorney General from submitting the stipulation to the court for approval without first obtaining specified signatures. It would also prohibit the district attorney or Attorney General from entering into a stipulation which reduces past due support on behalf of a person who is receiving support enforcement services, and who is owed support arrearages in excess of the unreimbursed public assistance paid to the recipient of the support enforcement services, without the consent of that recipient. The bill thus would require an increased level of service, thereby imposing a state-mandated local program.

The bill also would make related and conforming changes in the Revised Uniform Reciprocal Enforcement of Support Act of 1968. The bill would state legislative intent.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 496 (SB 135) Boatwright. Public transportation: air quality standards.

(1) Under existing law, air quality management districts and air pollution control districts are required to achieve and maintain state and federal ambient air quality standards.

This bill would require the State Air Resources Board, by January 1, 1993, to adopt emission standards and procedures applicable to new engines for transit buses, as specified, to be effective by January 1, 1996. The bill would require any light-duty or medium-duty motor vehicle operated for compensation, as defined, to transport persons in any district which does not meet state ambient air quality standards to be a low-emission vehicle, as defined by regulations of the state board, which the bill would require the state board to adopt by January 1, 1993, and make effective by January 1, 1996. The bill would permit a district to enforce these requirements.

These requirements would apply to any new light-duty vehicle purchased on or after January 1, 1997, and to any new medium-duty vehicle purchased on or after January 1, 1998.

The bill would require heavy-duty vehicles and new or replacement engines acquired for use in heavy-duty vehicles, purchased on or after January 1, 1996, and operated by a transit authority or transit district, or owned by a private entity providing transit

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service under contract, to meet emission standards adopted by the state board.

Since, under other provisions, a violation of these requirements would be an infraction or 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. 497 (SB 159) 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 and provide that those personnel are subject to county personnel and salary regulations, as specified.

(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. 498 (SB 181) Kopp. Highways: earthquake damage.

(1) Under existing law, the Department of Transportation is generally responsible for the design, construction, and maintenance of state highways on routes determined by the Legislature and is required to improve and maintain state highways.

This bill would, with respect to State Highway Route 480 (the Embarcadero Freeway, which was damaged by the 1989 Loma Prieta earthquake), delete Route 480 from the state highway system and require the department to remove the earthquake-damaged structure, transfer the Route 480 right-of-way to the City and County of San Francisco, and jointly agree with the city and county on a system of ramps and city streets to provide accessibility comparable to that provided by Route 480. The bill would impose a state-mandated local program by requiring San Francisco to utilize the Route 480 right-of-way, or proceeds from sale of the right-of-way, to construct an alternate system of local streets. The bill would limit the amount of state and federal funds which could be expended for these purposes.

The bill would make related changes by revising and deleting specified segments of the state highway system, the California freeway and expressway system, and the state scenic highway system.

The bill would also require the department, in consultation with the City and County of San Francisco, to identify alternatives for the repair of portions of Route 101, damaged in that earthquake, after holding at least 2 public meetings, and to proceed with that repair, subject to specified cost limitations, if the selected alternative is approved by resolution of the city and county. By imposing these duties on the city and county, the bill would impose a state-mandated local program.

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

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

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Ch. 499 (SB 316) Craven. Public Employees' Retirement System: retired members: employer-sponsored health benefits costs.

Existing law authorizes employers of school members of the Public Employees' Retirement System to provide them with health benefits.

This bill would authorize any retired member whose allowance is not sufficient to pay his or her contributions for health benefits plan coverage provided by his or her employer to continue that coverage by paying the board the balance of the contributions plus the related administrative costs. Participating retired members would be required to make these payments quarterly in advance.

This bill would authorize the administrative establishment of necessary additional positions in the Public Employees' Retirement System for fiscal year 1991–92 to implement this bill and would authorize the system to charge participating retired members a one-time setup charge and a monthly maintenance charge in amounts sufficient to ensure the ongoing support of the program. All moneys received under the program would be deposited in the Public Employees' Contingency Reserve Fund which is established in the Public Employees' Medical and Hospital Care Act.

This bill would also appropriate $75,000 from the Public Employees' Contingency Reserve Fund to the Board of Administration of the Public Employees' Retirement System for certain costs for the 1991–92 fiscal year.

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

Ch. 500 (SB 324) Lockyer. Judicial proceedings: family law; juvenile court.

(1) Existing law requires the court to award attorney's fees to the custodial parent or supported spouse in an action to enforce an existing order for child or spousal support, absent good cause to the contrary and upon determining an ability to pay.

This bill would additionally require the court, in enforcing these orders, to consider the respective needs and incomes of the parties in order to ensure that each party has access to legal representation to preserve all of his or her rights. The bill also would provide analagous requirements for awards of costs and attorney's fees during the pendency of other proceedings under the Family Law Act. The bill also would authorize awards of attorney's fees in proceedings for the enforcement of child support to be made to any person to whom the child support payments should be made.

(2) Existing law establishes, until January 1, 1992, an optional, state-assisted program of court-appointed special advocates (CASA) for children and specifies the duties and responsibilities of CASA programs with respect to the representation by the advocate of the interests of children who are involved in juvenile court dependency proceedings and in proceedings for the termination of parental rights, as specified.

This bill would extend these provisions until January 1, 1994.

Ch. 501 (SB 326) Beverly. Real property: assignment of rents.

Existing law provides for various secured interests in real property, and specifies that grants of rents are valid without attornments of the tenants.

This bill would specify that a written assignment of interest in rents, issues, and profits of real property made in conjunction with a loan secured by real property, stating that it is absolute, shall be deemed to constitute a present transfer of the assignor's interest in existing and future rents, issues, and profits of that real property effective upon the execution and delivery of the assignment. The bill would also provide for the recordation of such an assignment, as specified, and set forth the effect of recordation.

This bill would also state that its provisions are declaratory of existing law.

Ch. 502 (SB 375) Hill. Incorporation.

Existing law specifies staggered terms for city council members elected at an incorporation election if the first general municipal election following an incorporation election will occur less than one year after the incorporation election.

This bill would instead make those terms applicable if the first general municipal election following an incorporation election will occur less than one year after the effective date of incorporation.

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Ch. 503 (SB 384) Russell. Bombs: false or facsimile bomb.

Existing law provides that it is a crime punishable by imprisonment in the state prison or in the county jail not to exceed one year to maliciously give, mail, send, or cause to be sent any false or facsimile bomb, to place or cause to be placed any false or facsimile bomb, or to maliciously give, mail, send, or cause to be sent any false or facsimile bomb or to place or cause to be placed any false or facsimile bomb, with the intent that any other person thinks it is a real bomb and with knowledge that it is a false or facsimile bomb.

This bill would provide, instead, that it is a crime punishable by imprisonment in the state prison or in the county jail not to exceed one year to maliciously give, mail, send, or cause to be sent any false or facsimile bomb, to place or cause to be placed any false or facsimile bomb, or to maliciously possess a false or facsimile bomb, with the intent to cause another to fear for his or her safety or the safety of others, thereby imposing 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. 504 (SB 393) Craven. Freeways: noise levels: school rooms.

Under existing law, the Department of Transportation is required to measure the noise level produced by freeway traffic and, if necessary, undertake a noise abatement program in elementary and secondary school classrooms, libraries, multipurpose rooms, and spaces used for pupil personnel services under specified circumstances.

This bill would extend these requirements to include a situation where the school was constructed subsequent to the freeway but prior to an alteration or expansion of the freeway resulting in a significant and perceptible increase in ambient noise levels in those rooms or spaces.

Ch. 505 (SB 397) Russell. Political Reform Act: preelection statements.

Under the Political Reform Act of 1974, all elected state officers are required to file preelection statements during even-numbered years.

This bill would instead provide that only candidates for elective state office being voted upon on the first Tuesday after the first Monday in June or November of an even-numbered year or who make contributions or independent expenditures, as specified, are required to file preelection statements.

This bill would also provide that candidates who are not being voted upon after the first Tuesday after the first Monday in November are not required to file preelection statements unless they make contributions or independent expenditures, as specified.

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. 506 (SB 415) Craven. Mobilehomes. licenses and fees.

Under the existing Mobilehomes-Manufactured Housing Act of 1980, the Department of Housing and Community Development is required to enforce the provisions of the act, but may at its sole option, enforce certain safety and construction standards applicable to those structures through department-approved third-party entities.

This bill would define third-party entities for this purpose.

Under the existing Mobilehomes-Manufactured Housing Act of 1980, the Department of Housing and Community Development is prohibited from granting an initial dealer's license to any person who has not satisfied certain educational and experience requirements.

This bill would specify that the department is prohibited from granting an initial dealer's license to any applicant who has not satisfied those educational and experience

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requirements. The bill would also require, if the applicant for a dealer's license is a partnership, corporation, or other business entity, each person designated to participate in the direction, control, or management of the sales operation of the entity to meet all of those education and experience requirements prior to issuance of the license by the department.

Under existing law, the nonpayment of certain fees and penalties imposed under the Mobilehomes-Manufactured Housing Act of 1980, that are due on a mobilehome, manufactured home, commercial coach, truck camper, or floating home constitutes a lien in favor of the State of California in the amount owing. Existing law provides that unless the amount of the lien is paid to the department, the department is prohibited from amending the permanent title record of the manufactured home or mobilehome which is the subject of the lien for the purpose of transferring any ownership interest or transferring or creating any security interest thereon and is prohibited from issuing any duplicate, substitute, or new certificate of title, registration card, or copy thereof with respect to the manufactured home or mobilehome.

This bill would also provide that unless the amount of the lien is paid to the department, the department is prohibited from amending the permanent title record of the commercial coach, truck camper, or floating home which is the subject of the lien for the purpose of transferring any ownership interest or transferring or creating any security interest thereon and is prohibited from issuing any duplicate, substitute, or new certificate of title, registration card, or copy thereof with respect to the commercial coach, truck camper, or floating home.

Under existing law, every city, county, or city and county, within its jurisdiction, is required to enforce the provisions of the Mobilehome Parks Act and the regulations adopted pursuant thereto, as they relate to manufactured homes, mobilehomes, or recreational vehicles and to accessory buildings or structures located both inside or outside of parks.

This bill would, instead, require every city, county, or city and county, within its jurisdiction, to enforce the provisions of the Mobilehome Parks Act and the regulations adopted pursuant thereto, as they relate to manufactured homes, mobilehomes, or recreational vehicles and to accessory buildings or structures located both inside of parks while the city, county, or city and county has assumed responsibility for enforcement of the Mobilehome Parks Act and outside of parks.

Under the existing Mobilehome Parks Act, any person violating the provisions of the act requiring the obtainment of certain permits and payment of fees, is liable for double the fees otherwise required by those provisions. Fees collected by the department pursuant to these provisions are required to be deposited into the continuously appropriated Mobilehome Parks Revolving Fund.

This bill would, instead, provide that any person responsible for obtaining any of the permits required under existing law or other specified regulations who fails to obtain those permits, is liable for double the fees otherwise required by those provisions. Since these additional fees would be required to be deposited into the continuously appropriated Mobilehome Parks Revolving Fund, the bill would make an appropriation.

The bill would make other technical, nonsubstantive changes to existing law.

The bill would incorporate changes to Section 18300 of the Health and Safety Code, proposed by AB 1537, to become operative if both this bill and AB 1537 are enacted and become effective on January 1, 1992, and this bill is chaptered last.

Ch. 507 (SB 441) Vuich. Public agencies: joint powers agreements.

Existing law authorizes public agencies conducting fairs or exhibitions to enter into joint powers agreements to form insurance pooling arrangements for various specified purposes.

This bill would authorize joint powers agencies to create risk pooling arrangements for the payment of liability losses incurred by fair participants and exhibitors and special events users.

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Ch. 508 (SB 454) Presley. Courts: Riverside County.

(1) Existing law requires at least one regular session of the Riverside Judicial District to be held in territory comprising the old Jurupa Judicial District, as specified.

This bill would repeal that requirement.

(2) Existing law prescribes the number, compensation, and classification of municipal court personnel in Riverside County.

This bill would revise the compensation of specified municipal court personnel in Riverside County, as specified, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

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

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

Ch. 509 (SB 474) Presley. Peace officers.

Existing law provides that certain persons who have been deputized or appointed by the proper authority as, among other things, a reserve or auxiliary sheriff or city police officer, a deputy sheriff, a reserve police officer of a regional park district or of a transit district, a deputy of the Department of Fish and Game, or a special agent of the Department of Justice, are designated as peace officers for the duration of the person's specific assignment.

This bill would clarify that this provision would apply to a reserve deputy sheriff, a reserve deputy of the Department of Fish and Game, and a reserve special agent of the Department of Justice, rather than a deputy sheriff, a deputy of the Department of Fish and Game, and a special agent of the Department of Justice.

Existing law requires specified persons designated as peace officers to satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training. Satisfactory completion of the course is demonstrated by passing an appropriate examination developed or approved by the commission. Existing law also requires that a peace officer, for the purposes of these provisions, within 90 days following the date he or she is first employed by any employing agency, prior to exercising the powers of a peace officer, satisfactorily complete the course.

This bill would delete the requirement that the peace officer complete the course within 90 days of first being employed, and would require, instead, that a peace officer complete the course prior to the exercise of the powers of a peace officer.

This bill would require, in addition, that any person completing the training course who does not become employed as a peace officer within 3 years from the date of passing the examination or who has a 3-year or longer break in service as a peace officer, except for specified persons, requalify by passing the examination developed or approved by the commission. This bill would also authorize the commission to charge appropriate fees for the examination to requalify, not to exceed actual costs.

Ch. 510 (SB 493) Boatwright. Property taxation: building plans: transmittal.

Existing law provides that a copy of any building permit issued by any city, county, or city and county shall be transmitted by that entity to the county assessor as soon as possible after the date of issuance.

This bill would provide that at the time an assessee files, or causes to be filed, an approved set of building plans with the city, county, or city and county, a scale copy of the floor plans and exterior dimensions of the building designated for the county assessor shall be filed by the assessee or his or her designee. It would require the scale copy to be in sufficient detail to allow the assessor to determine the square footage of the building and, in the case of a residential building, the intended use of each room. It would authorize an assessee, or his or her designee, where multiple units are to be constructed from the same set of building plans, to file only one scale copy of floor plans and exterior dimensions, so long as each application for a building permit with respect to those building plans specifically identifies the scale copy filed pursuant to this bill. It would, however, where the square footage of any one of the multiple units is altered,

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require an assessee, or his or her designee, to file a scale copy of the floor plan and exterior dimensions that specifically identifies the alteration from the previously filed scale copy. It would impose a state-mandated local program by requiring the receiving authority to transmit that copy to the county assessor as soon as possible after the final plans are approved.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 511 (SB 502) Petris. Health services for the medically indigent: allocations to counties.

Existing law provides for the delivery of health services to medically indigent persons by counties, and sets forth formulas for determining the amount of funding to be provided to counties by the state for this purpose. Existing law requires the state to reimburse counties for the difference between amounts received in the 1989–90 and 1990–91 fiscal years for specified programs, and the amount received from the Medically Indigent Services Account in the 1988–89 fiscal year, if the amounts received by counties in the 1989–90 and 1990–91 fiscal years were less.

Under existing law, counties may also claim federal funding through State Legalization Impact Assistance Grants for providing health services to newly legalized persons, and the department is required to deny this additional reimbursement to counties if reasonable efforts have not been made to claim these federal funds.

This bill would revise, for the 1990–91 fiscal year, the calculation upon which the amount to be reimbursed to counties by the state is based to incorporate reductions made pursuant to the Budget Act of 1990. This bill would also revise the times within which claims must be submitted by counties, and reimbursements must be made to counties.

This bill would appropriate $15,800,000 from the General Fund for the purposes of this bill.

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

Ch. 512 (SB 538) Johnston. Sentence enhancements: deadly weapons: spousal rape.

Existing law imposes an additional term of 3, 4, or 5 years for any person who uses a firearm or any other deadly weapon, or an additional term of 1, 2, or 3 years for any person who is armed with a firearm or any other deadly weapon, in the commission of specified sexual offenses. Existing law also provides that rape of a spouse, as defined, is punishable by imprisonment in the county jail for not more than one year or in the state prison for 3, 6, or 8 years.

This bill would add the offense of rape of a spouse to the list of specified sexual offenses subject to the additional terms.

Ch. 513 (SB 539) Alquist. Agricultural quarantines.

(1) Existing law makes it unlawful for any person to refuse to comply with any plant quarantine regulation adopted by the Director of Food and Agriculture or to possess, propagate, plant, process, sell, or take any other action with regard to a plant or thing subject to a quarantine which has been imported or moved in violation of the quarantine. Under existing law, in addition to a civil penalty, any violation of this provision is an infraction for the first offense and a misdemeanor for certain subsequent offenses.

This bill would make any violation of that provision a misdemeanor, thereby imposing a state-mandated local program by increasing the penalty for a crime.

(2) The California Constitution requires the state to reimburse local agencies and

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school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

Ch. 514 (SB 547) Rosenthal. Public utilities: gas corporations.

Existing law regulates the selling of petroleum products, motor oil, motor fuel, and motor vehicle fuel. For those purposes, the terms are defined. Liquified natural gas is included in the definition of "petroleum products" for those purposes, but compressed natural gas is not, and "motor fuel" is defined to mean any petroleum product intended for consumption in an internal combustion engine to produce energy.

This bill would make the sale of compressed natural gas by persons who sell compressed natural gas at retail to the public for use only as a motor vehicle fuel, and who are exempted from public utility status by the bill, a sale of a motor fuel, as defined in existing law, for the purposes of that regulation. Because violation of the regulations would be a crime under existing provisions of law, the bill would impose a state-mandated local program by creating new crimes.

Existing law defines public utilities to include gas corporations owning or operating facilities, as described, for the furnishing of natural or manufactured gas, except propane, for light, heat, or power.

This bill would provide that the ownership or operation of a facility which sells compressed natural gas at retail to the public for use only as a motor vehicle fuel, and the selling of compressed natural gas at retail from such a facility to the public for use only as a motor vehicle fuel, does not make the corporation or person a public utility.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. 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. 515 (SB 554) Mello. Crime: interception of police communications.

Under existing law, any person not authorized by the sender, who intercepts any police radio service communication, and divulges that communication, as specified, to any person he or she knows is a suspect in the commission of any criminal offense with the intent that the suspect may avoid or escape, as specified, is guilty of a misdemeanor.

This bill would specify that the communication may have been intercepted by a scanner or any other means. The bill would also provide that the unauthorized interception of police radio service communication for the purpose of using the communication to assist in the commission of a criminal offense or to avoid or escape arrest, trial, conviction, or punishment is also a misdemeanor. By 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 516 (SB 555) Mello. Courts: Monterey County.

Existing law provides for the number, classification, and compensation of the personnel of the Monterey County Municipal Court.

This bill would revise the number, classification, and compensation of the personnel of the Monterey County Municipal Court, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

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

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

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reason.

Ch. 517 (SB 560) Vuich. Repossessors.

Existing law regulates repossessors under the Repossessor Act, which establishes the Bureau of Collection and Investigative Services. Existing law provides that any person who violates or conspires to violate any provision of the act, or who knowingly engages an unlicensed repossession agency after being notified by the bureau of that agency's unlicensed status, is guilty of a misdemeanor punishable by a fine of $1,000 or imprisonment for not more than one year, or both. It provides that a financial institution that knowingly engages such an agency is punishable by a fine of $1,000.

This bill would increase the fine imposed for the misdemeanor described above to $5,000, and provide that the Attorney General, or any district attorney or city attorney, and certain city prosecutors, may bring an action to impose the penalties. Because the bill would impose additional authority on city attorneys, it would impose a state-mandated local program. The bill would provide that if the Attorney General brings the action, the fine collected shall be deposited in the Private Investigator Fund.

Existing law provides for the issuance of a suitable pocket identification card upon registration or reregistration under the act. It provides for specified notice to be provided to every consumer after the recovery of personal property, which discloses that damage to a vehicle while in the possession of the repossession agency and caused by the agency is the liability of the agency. Existing law also prescribes certain fees for registration, reregistration, and renewal of registration, which shall be deposited in the Private Investigator Fund.

The bill would require the bureau to mail to licensees and registrants a renewal form at least 60 days prior to the expiration of the license or registration. It also provides that upon the issuance of the initial or renewal license or qualification certificate, or registration or reregistration, the bureau shall issue a suitable pocket identification card which includes a photograph of a size prescribed by the bureau.

This bill would provide that if certain information is requested by the bureau for licensing purposes, it shall be confidential. The bill would provide that the disclosure to consumers required upon the recovery of personal property shall include the statement: "A mechanical failure shall not be the responsibility of the repossession agency unless the failure is due to the negligence of the repossession agency." It would also increase the fees for registration, reregistration, and renewal of registration by $5.

The bill also makes related and technical changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $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. 518 (SB 604) Presley. Mobilehomes: Mobilehome Park Resident Ownership Program.

(1) Existing law has established the Mobilehome Park Resident Ownership Program, which is administered by the Department of Housing and Community Development. Under the program, the department provides financial and technical assistance to mobilehome park residents who wish to purchase their mobilehome park and convert it to resident ownership. The program is funded by the Mobilehome Park Purchase Fund, which is continuously appropriated for this purpose. Existing law requires that a loan made to residents by the department under the program may not exceed 95% of the value of the collateral securing the loan.

This bill would make an appropriation by authorizing the Department of Housing and Community Development to make loans where the sum of all loans superior to the department's loans and the department's loans do not exceed the value of the collateral

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securing the department's loans.

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

Ch. 519 (SB 626) Rogers. Veterans' bond acts.

The Veterans Bond Act of 1943, the Veterans Bond Act of 1946, the Veterans Bond Act of 1949, the Veterans Bond Act of 1951, the Veterans Bond Act of 1954, the Veterans Bond Act of 1956, the Veterans Bond Act of 1958, the Veterans Bond Act of 1960, and the Veterans Bond Act of 1962 all authorized the issuance of bonds for the purpose of creating funds to provide farm and home aid for veterans. Pursuant to those bond acts, the Controller, Treasurer, and the Veterans' Finance Committee of the applicable bond act, are required to keep full and particular account and record of all of their proceedings and are required to transmit to the Governor an abstract of all of those proceedings, with an annual report, to be provided by the Governor to the Legislature biennially.

This bill would repeal all of the above-referenced bond acts.

Ch. 520 (SB 634) Rogers. Mineral resources: revenues: leases.

(1) Under existing law, geothermal revenues deposited in the Geothermal Resources Development Account in the General Fund are continuously appropriated for specified purposes. Under existing law, the State Energy Resources Conservation and Development Commission is authorized to make loans from those funds to private entities engaged in the exploration and development of geothermal energy, subject to specified conditions.

This bill would also authorize the commission to make grants to those entities, thereby making an appropriation.

(2) Under existing law, the 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 impose an additional requirement that projects approved by the commission be submitted for review and comment to the Department of Finance, the Legislative Analyst, and the Joint Legislative Budget Committee when the Legislature is in session.

(3) The bill would require that if federal geothermal lease lands are transferred to the state, the lease revenues shall continue to be deposited into specified accounts.

(4) Under existing law, leases for minerals other than oil and gas are required to be for terms not to exceed 20 years with a preferential right in the lessee to renew the lease for a period not to exceed 10 years, as specified.

This bill would provide that any lease of lands within the bed of Owens Lake, in effect on July 1, 1991, for the development of minerals other than oil and gas and geothermal resources may be immediately extended by the State Lands Commission for an additional 20 years, as specified.

Ch. 521 (SB 650) Alquist. State Board of Dental Examiners.

Existing law authorizes any board, bureau, or commission within the Department of Consumer Affairs, with limited exceptions that include the Board of Dental Examiners of California, to establish, by regulation, a system for issuing a citation which may contain an order of abatement or an order to pay an administrative fine, to be deposited in the special fund of the particular board, bureau, or commission, where a licensee of the board, bureau, or commission is in violation of the applicable licensing law or any regulation adopted pursuant to that law.

This bill would delete the exclusion of the State Board of Dental Examiners from that provision and thus would authorize the board to establish a system for the issuing of a citation with an administrative fine.

Existing law authorizes the board to conduct an onsite inspection prior to the issuance or renewal of a permit for the use of general anesthesia by a dentist.

This bill would authorize the State Board of Dental Examiners to inspect the books, records, and premises of any dentist licensed under the Dental Practice Act in response to a complaint that the licensee has violated any law or regulation that constitutes grounds for disciplinary action by the board, and would allow the board to employ

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inspectors for this purpose. This bill would provide that the failure of the licensee to allow an inspection shall be grounds for disciplinary action, as specified.

Existing law provides that inspectors of the State Board of Dental Examiners and the Division of Investigation of the Department of Consumer Affairs shall have the powers and authority of a peace officer when acting under the direction of the board or the department in the performance of his or her duties as an inspector.

This bill would delete that provision.

Existing provisions of the Business and Professions Code continuously appropriate the money in the State Dentistry Fund. Because this bill could increase the amount of moneys in the fund by authorizing the establishment of a system of citation by the board, it would constitute an appropriation.

Ch. 522 (SB 653) Boatwright. Index of voters.

Existing law requires the county elections official, upon written request, to provide specified persons, candidates, or committees with a list of all persons, by precinct, who voted in the previous statewide general election.

This bill would impose a state-mandated local program by requiring the elections official to also inform those persons, candidates, or committees requesting a list of voters as to whether the list includes a voting history of absent voters.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 523 (SB 671) Morgan. Cities: police.

Existing law requires police officer appointments by the chief of police of a city to be approved by the city's legislative body or the mayor.

This bill would authorize the legislative body to delegate to either the chief of police or the city manager the authority to make those appointments.

Ch. 524 (SB 675) Dills. Outdoor advertising: application, license, and permit fees.

Under the existing Outdoor Advertising Act, various fees are required in connection with the authorized erection and maintenance of outdoor advertising signs, including a preliminary determination fee of $30, an application fee of $30, the original license fee and an annual license fee of $130, an original license fee plus penalty of $195, a permit fee for each advertising sign of 50¢, a permit fee plus penalty for each advertising sign of $1.50, a permit fee for each advertising structure of $10, and a permit fee plus penalty for each advertising structure of $20.

This bill would increase these fees to the following amounts: preliminary determination fee $200, application fee $300, original and annual license fee $250, original license fee plus penalty $350, permit fee for each advertising sign $20, permit fee plus penalty for each advertising sign $95, permit fee for each advertising structure $20, and permit fee plus penalty for each advertising structure $95.

Ch. 525 (SB 686) Boatwright. Board of Behavioral Science Examiners.

Under existing law, the Board of Behavioral Science Examiners is required to administer provisions regarding the licensure of marriage, family, and child counselors and to enforce provisions regarding the licensure and registration of social workers. Under existing law, the board is authorized to suspend or revoke the license of a marriage, family, and child counselor for specified causes and to suspend or revoke the license or registration of a social worker for specified causes.

This bill would authorize the board, in any order issued in resolution of a disciplinary proceeding before the board, to request the administrative law judge to direct any

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registrant or licensee found to have violated or to be in violation of certain charges to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution, as prescribed, and would specify procedures to enforce an order for payment. The bill also would prohibit the board from renewing or reinstating the license or registration of, or from accepting any petition for reinstatement or modification of probation from, any licensee or registrant who has failed to pay all of the costs ordered, except under prescribed conditions where a financial hardship has been demonstrated. This bill would require all costs recovered to be deposited into the Behavioral Science Examiners Fund, which is continuously appropriated to the board. Because the bill could increase the amount of money available in a continuously appropriated account, it would make an appropriation.

Ch. 526 (SB 728) Maddy. Medi-Cal: list of contract drugs.

Existing law defines "single-source drug" for purposes of the Medi-Cal list of contract drugs, and includes within that definition a drug marketed by the innovator manufacturer and any cross-licensed producers operating under a New Drug Application approved by the federal Food and Drug Administration.

This bill would also include a biological product, except for vaccines, marketed by the innovator manufacturer and any cross-licensed producers or distributors licensed by the federal Food and Drug Administration pursuant to federal law within the definition of "single-source drug."

Ch. 527 (SB 759) Johnston. California Pepper Commission.

(1) Under existing law, the California Pepper Commission is authorized to carry on programs of production research related to peppers.

Existing law, for purposes of those provisions, defines producer to mean any person who grows peppers for market and who provides proof of commodity sale, and excludes persons who grow less than 10 acres of peppers in the preceding marketing year, as defined. Existing law also excludes persons who grow peppers for their own home use, from regulation by the commission.

This bill would, instead, exclude from this definition, any person who grows less than 10 acres of peppers, or produces less than 100 tons of fresh peppers, or the equivalent in dry peppers or pepper seed, in the current marketing year, and would make other conforming changes. The bill would also exclude any person who handles less than 100 tons of fresh peppers, or the equivalent in dehydrated peppers or pepper seed, in the current marketing year from regulation by the commission.

(2) Existing law prescribes the membership of the commission, which includes handlers engaged in the processing of bell peppers and dehydrated chili peppers.

This bill would revise that provision by including members on the commission who are handlers engaged in the processing of frozen or dehydrated bell peppers and chili peppers.

(3) Existing law requires a handler member or alternate member on the commission to have a financial interest in handling peppers for market.

This bill would, as an alternative, permit a handler member to be an employee of a firm which handles peppers.

(4) Existing law requires the commission to establish assessments for the 1988–89 marketing year, not to exceed specified amounts, on producers and handlers based on all peppers grown and shipped on a wet weight basis, dry weight basis, and pepper seed, and thereafter not to exceed a higher specified amount.

This bill would revise this provision by requiring the commission to establish this assessment initially for the 1989–90 marketing year.

(5) Existing law requires the commission to conduct a referendum between May 1, 1992, and April 30, 1993, among producers and handlers to determine whether the operations of the provision establishing the commission shall be approved and continued in effect.

This bill would instead, require this referendum to be conducted between May 1, 1993, and April 30, 1994, and would make other conforming changes.

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Ch. 528 (SB 780) Bergeson. Public contracts.

Under existing law relating to state procurement of materials, supplies, equipment, and services, all product specifications that the Department of General Services prepares for goods containing recycled materials for any contract entered into by any state agency for the purchase of goods under specified provisions of law, are not subject to certain administrative review and adoption procedures.

This bill would instead specify that all product specifications that the Department of General Services or any other state agency prepares for goods for any contract entered into by any state agency for the purchase of goods under those specified provisions of law, are not subject to those certain administrative review and adoption procedures.

The bill would require that product specifications as prepared by the Department of General Services, or any other state agency, shall not be written with the intent of excluding goods manufactured, produced, grown, or otherwise originating in California.

Ch. 529 (SB 1008) Hart. Instructional materials: technology-based materials.

Under existing law, the State Board of Education and school district governing boards are directed to adopt instructional materials, as defined to include printed or nonprinted textbooks, educational materials, and tests, for use in the schools. Existing law requires the state board to prescribe procedures to provide, among other things, a broad spectrum of knowledge, information, and media to meet certain goals and needs of pupils. Existing law also establishes an allowance in the State Instructional Materials Fund from which school district governing boards may purchase instructional materials from any source.

This bill would require the state board to provide a broad spectrum of knowledge, information, and technology-based materials to meet those goals and needs.

This bill would specify that instructional materials include technology-based materials, as defined. The bill would also specify that the instructional materials that a school district governing board is authorized to purchase from any source, pursuant to its allowance in the State Instructional Materials Fund, include, but are not limited to, technology-based materials.

This bill would incorporate additional changes in Section 60200 of the Education Code, proposed by AB 588, to be operative only if AB 588 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

Ch. 530 (SB 1020) Rosenthal. Dogs: dog pedigree registries.

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, delivery information to purchasers, and posting of prescribed notices.

This bill would require dog dealers, as defined, that claim that dogs being sold are registered or registerable with a dog pedigree registry, to conspicuously post a sign to the effect that pedigree registration does not guarantee proper breeding conditions, health, quality, or claims to lineage.

This bill would require dog dealers and dog breeders, as defined, that sell a dog represented to be registered or registerable with a dog pedigree registry to provide the purchaser with a notice to the effect that dog pedigree registration does not guarantee a healthy dog, the quality of the lineage, the accuracy of lineage recorded, nor that the dog is purebred.

This bill would make a dog dealer or dog breeder liable for prescribed civil damages for failure to comply with the disclosure requirements described above.

Ch. 531 (SB 1056) Bergeson. Streets: city street system.

(1) Under existing law, no public or private street or road may become a city street or road until the governing body of the city has caused the street or road to be accepted into the city street system, and a city may not be held liable for failure to maintain any road until it has been accepted into the city street system.

This bill, for purposes of provisions specifying the terms and conditions of annexation and incorporation proceedings, and provisions prescribing standards for city streets,

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would, under specified conditions, make a road or highway which had been accepted into the county road system a city street upon the annexation or incorporation of the territory containing the road or highway. The bill would declare the Legislature's intent to abrogate a holding of the Court of Appeal. Because these provisions would impose various duties upon a city with respect to certain roads and highways, 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. 532 (SB 1064) Deddeh. Property taxation.

(1) Existing law provides for a notice, as specified, with respect to bulk sales. It specifically provides, among other things, that the notice shall, at least 12 business days before the date of the bulk sale, be delivered or sent by registered or certified mail to the county tax collector in the county or counties in this state in which the tangible assets are located.

This bill would additionally require that the above notice to the county tax collector, if delivered or sent during the period from March 1 to the last Friday in May, inclusive, be accompanied by a completed business property statement, with respect to property involved in the bulk sale, pursuant to a specified provision.

(2) Existing law requires a county auditor to apply the current year's tax rate, as defined by a specified provision, to supplemental assessments.

This bill would provide with respect to supplemental assessments that if the tax rate for the "roll being prepared" is known, it shall be applied to those supplemental assessments for the fiscal year to which the rate is intended to apply.

(3) Existing law provides that if the county assessment appeals board fails to hear evidence and fails to make a final determination on an application for reduction in the assessment of property within 2 years of the timely filing of the application, the taxpayer's opinion of market value as reflected on the application for reduction shall be the value upon which taxes are to be levied for the tax year covered by the application, unless the taxpayer and the assessment appeals board agree in writing to an extension of the time for the hearing on the application.

This bill would additionally provide that the taxpayer's opinion of market value shall not be controlling if the application for reduction is consolidated for hearing with another application by the same taxpayer with respect to which an extension of time for hearing has been granted pursuant to existing provisions.

(4) Existing law provides for the separate assessment of any parcel on the current tax roll and for specified classes of real property. It authorizes, as specified, the county to charge fees for the costs of separate assessments and billings and require that the fee be collected with initial separate tax bills.

This bill would instead authorize the county to charge a fee for the costs of processing an application for separate assessment and for the costs of separate assessments, billings, and mailings. It would provide that the fee shall be subject to specified provisions, and would provide that the fee may be collected on initial separate tax bills and subsequent tax bills.

(5) Existing law provides for the payment of property taxes by specified mediums, including legal tender or money receivable in payment of federal taxes, and negotiable paper, as defined.

This bill would authorize a tax collector or treasurer for any city, county, or city and county to accept, in his or her discretion, electronic fund transfers, as defined, in payment of any tax or assessment, or on a redemption. It would provide that the acceptance of an electronic fund transfer shall constitute payment as of the date of acceptance when, but not before, the transfer is completed, and would specify when the completion of an electronic fund transfer occurs. It would provide that the costs incurred as a result of the acceptance of electronic fund transfers shall be considered administrative costs of tax collection, except as provided. It would provide that, upon notice of nonacceptance

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of an electronic fund transfer, the tax collector may charge the person who attempted the electronic fund transfer a fee for specified costs. It would also provide, where a given electronic fund transfer is not accepted, for the cancellation, as specified, of any record of payment and for the sending of a written notice of the cancellation to the person attempting the transfer.

(6) Existing law authorizes, except as specifically provided, the assessor, tax collector, or treasurer for any city or county to, in his or her discretion, accept negotiable paper in payment of any tax, assessment, or upon redemption.

This bill would delete the above authorization with respect to the assessor.

(7) Existing law with respect to property taxation provides that payment of certain taxes and amounts are delinquent and that certain penalties must be assessed as of 5 p.m. on certain days.

This bill would instead provide that delinquency and the assessment of penalties shall occur at 5 p.m., or the close of business, whichever is later, on those days.

(8) Existing law provides that property shall not be seized and sold for taxes on the unsecured roll after 3 assessment years succeeding the date upon which the taxes became a lien. It also provides that where delinquent taxes or assessments, including those on personal property, are not a lien on real property sufficient, in the judgment of the tax collector or the board of supervisors, to secure the payment of the taxes or assessments, the county may bring a civil action for the recovery of delinquent taxes or assessments, with penalties and costs.

This bill would provide instead that property shall not be seized and sold for taxes on the unsecured roll after 3 years from the date taxes due became delinquent. It would also provide that no civil action as specified above for delinquent taxes or assessments shall be commenced within 3 years of the date upon which unsecured taxes become delinquent. It would require that both of the above limitation periods shall be tolled during any period as required by federal bankruptcy laws or rules, or by court order.

(9) Existing law authorizes the tax collector, for purposes of obtaining a summary judgment for amounts due on the unsecured roll, to file a certificate specifying certain information It provides that an abstract or copy of the summary judgment shall be recorded, without fee, in the county recorder's office of any county. It provides that the judgment lien shall be satisfied and removed upon the recording of a release or discharge.

This bill would instead authorize the official collecting taxes on the unsecured roll to file the specified certificate. It would instead require that an abstract or a copy of the judgment with respect to unsecured taxes be recorded, without fee, in the office of the county recorder of any county. It would replace references to a release or discharge with respect to a judgment lien with references to a "satisfaction of judgment."

(10) Existing law requires the tax collector to publish, on or before June 8, a notice of the power and intent to sell all property that will be tax defaulted. It requires the published notice to identify the date and time at which the power to sell the tax-defaulted property arises and requires an additional notice, as specified, to be mailed to the last assessee of the property not less than 21 days nor more than 35 days before the power to sell for nonpayment arises.

This bill would instead provide that the published notice specify that the power to sell the tax-defaulted property for nonpayment of taxes arises if the property remains tax defaulted at 8 a.m. on July 1. It would also require the additional notice to be mailed to the last assessee not less than 21 days nor more than 35 days before July 1.

(11) Existing law provides, subject to certain exceptions, that any delinquent tax roll more than 12 years old may be destroyed by the county officer or officers in possession of the roll.

This bill would delete the requirement from the above authorization that the delinquent tax roll be more than 12 years old.

(12) Existing law provides with respect to the distribution of proceeds from the tax sale of property that in the case of sales completed between March 1 and July 1, that "current taxes and assessments" shall include amounts representing tax liens disencumbered by the tax sale.

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This bill would delete the above inclusion.

(13) Existing law provides that certain transfers, corrections, or cancellations with respect to the administration of property taxes may be performed upon the order or consent of the county board of supervisors, the county legal advisor, or the district attorney, or a specified combination of the foregoing parties.

This bill would delete provisions requiring those orders or specified consents.

(14) Existing law provides, notwithstanding any other provision of law, that taxes due on escape assessments for prior fiscal years may upon written request be paid in installments, as specified, under certain conditions where the assessee was not at fault. It requires the tax collector, where an installment account is paid in full or placed on the tax rolls due to a defaulted payment plan and the tax collector has filed for record a certificate of lien, to file for record a release of that lien, and provides that the filings of certificates of lien and release of lien shall not be subject to recording fees.

This bill would require, in the case of unsecured taxes, that the written request for installment payment be filed with the tax collector prior to the date those taxes become delinquent. It would require, in the case of unsecured taxes, that the required annual installment be paid on or before August 31. It would instead require the tax collector, where the installment account is paid in full before 5 p.m. on June 30 of the year in which the account has become defaulted and the tax collector has filed for record a certificate of lien, to file for record a release of that lien.

(15) Existing law authorizes a county board of supervisors to prescribe that where the amount of unpaid taxes, penalties, and costs to be transferred to the unsecured roll pursuant to specified provisions is less than $10, those amounts may be canceled rather than transferred.

This bill would instead authorize a county board of supervisors to prescribe cancellation rather than transfer when the amounts in question are less than $20 with respect to a given fiscal year.

(16) This bill would also make various clarifying and technical, nonsubstantive changes with respect to property taxation.

Ch. 533 (SB 1086) Rogers. Odessa Water District.

Under existing law, certain special districts are authorized to establish programs for the development of water resources within their boundaries.

This bill would enact the Odessa Water District Act. The bill would authorize the City Council of the City of Barstow to adopt an ordinance requiring the creation of the Odessa Water District. The bill would prescribe the formation, organization, boundaries, management, powers, duties, and financing of the district.

Ch. 534 (SB 1088) McCorquodale. Protection and advocacy services.

Existing law provides that all information and records obtained in the course of providing intake, assessment, and services to persons with developmental disabilities, or in the course of providing specified mental health services to either voluntary or involuntary recipients of services, are confidential with certain exceptions. One of these exceptions applies to the protection and advocacy agency designated by the Governor in this state to fulfill the requirements and assurances of specified provisions of federal law.

The bill would prescribe, in accordance with federal law, the powers of the protection and advocacy agency. These powers would include the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of persons with developmental disabilities and persons with mental illness; provide information and referral to programs and services addressing the needs of persons with developmental disabilities and persons with mental illness; and investigate any incident of abuse and neglect of persons with developmental disabilities or persons with mental illness if the complaints are reported to the protection and advocacy agency or if probable cause exists to believe that abuse or neglect has occurred.

The bill would authorize the protection and advocacy agency to have access to the records of certain individuals with developmental disabilities or persons with mental illness.

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The bill would exempt the protection and advocacy agency, its employees, and designated agents from civil or criminal liability for discretionary actions and certain actions performed in good faith. It would also prohibit an employee or agent of a facility from subjecting a person with developmental disabilities, or his or her representative, to reprisals or harassment for making a report to the agency relative to the abuse, neglect, or other violation of the rights of the developmentally disabled.

Ch. 535 (SB 1090) Rogers. Coastal zone.

(1) Existing law, the California Coastal Act of 1976, requires new or expanded refineries or petrochemical facilities to be permitted in designated areas only if the negative impacts are offset by reduction of gaseous emissions, as specified.

This bill would delete that requirement.

(2) Under existing law, development within the coastal zone, as described, is subject to regulation under the act. Under existing law, a local government may, in accordance with prescribed requirements, establish procedures for the filing, processing, review, modification, approval, or denial of a coastal development permit for development within its jurisdiction in the coastal zone prior to certification of its local coastal program.

This bill would provide that prior to certification of the local coastal program a coastal development permit shall be required only from the California Coastal Commission for a specified modification of a refinery or petrochemical facility to provide for reformulated or alternative fuels

Ch. 536 (SB 1095) Vuich. Migrant worker housing.

(1) 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.

This bill would provide that, notwithstanding any other provision of law, no school facilities fees or other related fees, charges, definitions, or requirements shall be applied to the new construction, reconstruction, or rehabilitation of agricultural migrant worker housing owned by the state and subject to a contract pursuant to, and in compliance with, a specified program of the Department of Housing and Community Development. The bill would thereby impose a state-mandated local program as to school districts which have adopted a school facilities fee or other requirement for application for a development project.

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

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

Ch. 537 (SB 1104) Davis. California Insurance Guarantee Association.

Under existing law, the California Insurance Guarantee Association, consisting of specified classes of insurers, is required to pay and discharge covered claims of member insurers that are insolvent. A "covered claim," except in the case of a claim for workers' compensation benefits, does not include any claim of $100 or less, nor the first $100 of any claim in excess of $100, nor that portion of any claim which is in excess of any applicable limits provided in the insurance policy issued by an insolvent insurer.

This bill would do all of the following:

(1) Provide that a covered claim for unearned premiums is not subject to the above limitations.

(2) Provide that "covered claims" do not include obligations incurred after an insurance policy has been canceled by a liquidator, and make related changes.

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(3) Specify indemnity and subrogation rights of an insurer, insurance pool, or underwriting association with respect to an insured of an insolvent insurer, as specified.

(4) With respect to workers' compensation matters, provide the association with the same time limits within which to exercise its authority as set forth in other provisions of law, as specified.

Ch. 538 (SB 1133) Roberti. Hazardous waste source reduction.

(1) Under existing law, the Hazardous Waste Reduction and Management Review Act of 1989 requires each generator of hazardous waste, as specified, on or before September 1, 1991, and every 4 years thereafter, to complete and conduct a source evaluation review and plan and a source evaluation review and plan summary specifying source reduction measures which will be implemented by the generator. The review and plan are required to identify and provide specified information concerning all routinely generated hazardous waste streams which exceed specified amounts. A violation of the provisions regulating hazardous waste is a crime pursuant to other provisions of law

This bill would specify when a routinely generated hazardous waste stream exceeds that amount, 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.

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

Ch. 539 (SB 1135) Johnston. Insurance: investment practices of insurers.

Existing law sets investment qualifications for admittance within a specified time period of newly formed insurers.

This bill would eliminate the use of certain bonds and securities for purposes of determining whether a newly formed insurer has sufficient assets to qualify for admittance within that time period.

Under existing law, domestic incorporated insurers may invest their assets in specified general investments including obligations secured by a first lien upon unencumbered real property and obligations secured by a second lien including wraparound mortgages upon real property.

This bill would eliminate these classes of investments from those investments which may be made from the assets of a domestic incorporated insurer and would instead provide that these classes of investment may only be made from excess funds investments, as specified.

Under existing law, domestic incorporated insurers may invest their assets in an account in insured banks or savings and loan associations.

This bill would provide that those insurers may make those investments to the extent their accounts are insured and that an account may include a certificate of deposit.

Under existing law, domestic incorporated insurers may, in certain circumstances, invest their excess funds in, among other investments, certain corporate stocks, options, corporate and other obligations as specified, mortgage-backed bonds, participation certificates, and real estate, as specified.

This bill would, among other specified changes, (1) limit excess funds investments made in specified interest-bearing obligations to obligations of a nonaffiliate institution, as defined, or certain obligations of an affiliate (2) provide that investments in deposits or debt obligations of banks or savings and loan associations must be in banks and savings and loan associations whose accounts are insured by an agency or instrumentality of the federal government, (3) require that excess funds investments in an electronic computer or data processing machine or system used in connection with the business of the insurer, must have an original cost of at least $250,000 and must be amortized in full over a 4-year period, and (4) prohibit the acquisition of any high-yield, high-risk obligation, as specified, by a domestic insurer without prior approval of the commissioner.

This bill would also place other specified restrictions upon the excess funds investment

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activities of domestic insurers.

Ch. 540 (SB 1150) Deddeh. District agricultural associations: Del Mar Race Track.

(1) Under existing law, the State Race Track Leasing Commission is authorized to lease the Del Mar Race Track and other property owned or controlled by the 22nd District Agricultural Association.

This bill would, in addition, authorize the commission to enter into other agreements for the use of that race track and other property owned or controlled by the 22nd District Agricultural Association, and would make various other conforming changes.

The bill would authorize the commission to convert the lease for use of the Del Mar Race Track, which was executed on December 19, 1989, to an agreement having substantially the same provisions, as determined by the commission, without complying with certain specified provisions relating to the lease of property and reporting to the Legislature.

(2) Existing law requires the commission to prepare a master plan for the long-range comprehensive development and improvement of, and construction upon, the property of the 22nd District Agricultural Association

Existing law specifies that the leasing of the Del Mar Race Track is not contingent upon the adoption of that master plan.

This bill would delete this provision as to the leasing of the race track.

Ch. 541 (SB 1153) Bergeson. Vehicles: local authorities: ecological reserves or environmentally sensitive areas: highways.

Under existing law, local authorities may generally control the operation of vehicles on highways subject to their respective jurisdictions except as otherwise provided by law. Local authorities have limited authority to restrict vehicular access to highways.

This bill would permit local authorities to enter into agreements to transfer among themselves responsibility for maintaining, operating, or controlling public access, as specified, to a highway located in or adjacent to an ecological reserve, as defined, or an environmentally sensitive area, as defined.

Ch. 542 (SB 1161) Hart. Child support: statewide uniform guidelines.

SB 101, as enacted, will enact various provisions relating to the enforcement of family law support. Among other things, it will revise existing law relating to information required to be furnished to the district attorney by the parent's employer or labor organization.

This bill would revise provisions to specify that the employee's initials may be provided, and that compensation is reported W-2 compensation. It would also provide for a penalty on employers or labor organizations that fail to provide relevant information within 30 days instead of 20 days.

SB 101, as enacted, would establish a statewide guideline on child support, which would remain in effect only until January 1, 1994, when that provision would be repealed.

This bill would eliminate the January 1, 1994, repeal of those provisions and would delay the operative date of related provisions.

SB 101, as enacted, would add provisions precluding state professional licensing agencies from issuing or renewing a license if the licensee is on a list of persons who have not complied with support orders.

This bill would further revise those provisions. Among other things, it would add definitions and time limitations, it would require notices to licensees to include specified information, it would permit judicial review to include modification of the support order, and it would revise provisions relating to the duties of the State Department of Social Services and the professional licensing boards. It would also permit, rather than require, the issuance of a temporary license to a person listed as being in noncompliance with support orders. The bill would require the State Department of Social Services to report to the Legislature and Governor. It would repeal those provisions on January 1, 1997.

Existing law provides for actions brought by the district attorney for child support.

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This bill would provide that judgment may be rendered in those actions pursuant to a noticed motion, as specified.

The bill would become operative only if SB 101 is enacted and becomes operative.

Ch. 543 (SB 1171) Committee on Public Employment and Retirement. State Teachers' Retirement System: general administration.

(1) Existing law, under specified circumstances, authorizes STRS members to receive credit for time served in the active military service of the United States without payment of contributions if the service was performed during various periods prior to September 14, 1978.

This bill would authorize STRS members to receive credit for specified active military service performed after August 1, 1990, without payment of monthly contributions by the member or employer.

(2) The State Teachers' Retirement Law provides specified benefits for members of the State Teachers' Retirement System and Section 415 of the Internal Revenue Code imposes specified limits thereon.

This bill would specify that, with respect to members whose membership effective dates are on or before December 31, 1989, benefit enhancements due to plan amendments enacted after October 14, 1987, are subject to the limitations imposed by Section 415 and that, with respect to members whose membership effective dates are on or after January 1, 1990, retirement benefits, including enhancements due to plan amendments, are subject to the limitations imposed by Section 415.

(3) The State Teachers' Retirement Law defines the terms "compensation" and "salary" for retirement benefit computation and other purposes.

This bill would authorize the system to establish procedures to ensure compliance with information reporting requirements.

(4) Existing law authorizes employer agreements with employee organizations to provide for retirement benefits to be based upon 12 months of earnings rather than 36 months.

This bill would make a technical corrective change in that law

(5) An existing provision of the State Teachers' Retirement Law authorizes the establishment of a home loan program utilizing the retirement fund to assist currently employed members and retirants, through financing, to obtain homes in this state, subject to specified conditions.

This bill would change the categories of eligible people to members currently employed in positions requiring or permitting STRS membership, inactive members, disabilitants, and retirants.

(6) Existing law requires that member applications for various retirement benefits contain the spouse's signature, unless specified conditions are met, including the making of specified declarations under penalty of perjury, and, authorizes a spouse who refuses to sign the application to be considered a "nonmember spouse," within the meaning of the 1988 family law provisions of that law, and to petition the court to divide the retirement benefit as provided in the 1988 family law provisions and to be awarded a separate "nonmember spouse" account with specified powers and rights.

This bill would, instead, authorize members to bring court actions to enforce the spousal signature requirement or to waive the spousal signature requirement.

(7) Existing law requires the county superintendent and other employing agencies to furnish such further information concerning any member or beneficiary as the Teachers' Retirement Board may require.

This bill would require each employing agency to annually provide the system with copies of documents respecting employee compensation, would authorize the Teachers' Retirement Board to establish 2 full-time positions, as required, to implement that requirement, and would appropriate $50,000 from the Teachers' Retirement Fund for those purposes

Ch. 544 (SB 1176) Committee on Public Employment and Retirement. Public Employees' Retirement System: partial retirement program.

Existing statutes authorize certain state miscellaneous employees to elect to partici-

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pate in the concurrent reduced worktime and partial service retirement program and authorize public agencies to participate in PERS by entering into and amending contracts with PERS.

This bill would authorize public agencies to elect, by contract or contract amendment, to participate in a similar partial retirement program.

This new authorization would impose on local public agencies state-mandated local program costs since its exercise would be subject to negotiation under the 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. 545 (SB 1188) Davis. Corporations: dissolution.

Existing law provides that upon the dissolution of a corporation, its shareholders may be sued in the corporate name of the corporation upon a cause of action arising before its dissolution.

This bill would provide that causes of action against a dissolved corporation, whether arising before or after the dissolution of the corporation, may be enforced against the dissolved corporation, to the extent of its undistributed assets, and, if any of the assets have been distributed to shareholders, against shareholders of the dissolved corporation to the extent of their pro rata share of the claim or to the extent of the corporate assets distributed to them upon dissolution of the corporation, whichever is less.

The bill would require claims against shareholders to be commenced before the expiration of the statute of limitations, but in no case later than 4 years after the dissolution of the corporation.

The bill would apply to corporations dissolved on or after January 1, 1992.

Ch. 546 (SB 1194) Roberti. Use of campaign funds.

Existing provisions of the Political Reform Act of 1974 provide that all campaign contributions deposited into a candidate's campaign account are held in trust for expenses associated with the election of the candidate to the specific office the candidate intends to seek or expenses associated with holding that office. An expenditure to seek office is within the lawful execution of the trust if it is reasonably related to a political purpose, while an expenditure associated with holding office must be reasonably related to a legislative or governmental purpose; expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose. The act also imposes various other specific limitations on the use of campaign funds.

This bill would require any expenditure by a committee not subject to these trust provisions, such as a ballot measure committee, to be reasonably related to a political, legislative, or governmental purpose of the committee, and would require any expenditure by a committee that confers a substantial personal benefit on any individual or individuals with authority to approve the expenditure of campaign funds held by the committee, to be directly related to such a purpose.

Existing law provides that for purposes of these provisions governing the use of campaign funds, "substantial personal benefit" means an expenditure of campaign funds which results in a direct personal benefit with a value of more than $100 to a candidate or elected officer.

This bill would further provide that "substantial personal benefit" also means an expenditure of campaign funds which results in a direct personal benefit with a value of more than $100 to any individual or individuals with authority to approve the expenditure of campaign funds held by a committee. The bill would also make these individuals subject to certain specific existing restrictions on the use of campaign funds to benefit

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candidates, elected officers, members of their immediate families or households, campaign treasurers, or employees or staff members of committees or the elected officers' governmental agencies.

Existing law permits the expenditure of campaign funds to pay employer costs of health care benefits of a bona fide employee of a committee.

This bill would also permit the expenditure of campaign funds to pay employer costs of health care benefits of a bona fide independent contractor of a committee.

Existing law permits the expenditure of campaign funds for attorney's fees and other costs in connection with administrative, civil, or criminal litigation where the litigation arises directly out of a candidate's or elected officer's activities, duties, or status as a candidate or elected officer.

This bill would additionally permit the expenditure of campaign funds for these litigation costs where the litigation is directly related to activities of a committee that are consistent with its primary objectives or where the litigation arises directly out of a committee's activities.

Existing law permits the expenditure of campaign funds to lease a vehicle if the lessee is a committee or a state or local agency and the use of the vehicle is directly related to political, legislative, or governmental purposes.

This bill would also permit the expenditure of campaign funds to lease a vehicle if the lessor is a state or local government agency and the use of the vehicle is directly related to a political, legislative, or governmental purpose.

This bill would permit surplus campaign committee funds under the control of a former candidate or elected officer to be used for the payment of professional services reasonably required by the committee to assist in the performance of its administrative functions.

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. 547 (SB 1196) Russell. Commissioner of Corporations.

Existing law authorizes the Commissioner of Corporations to petition the court for relief against certain persons who are subject to regulation by the commissioner under the Corporate Securities Act, and in connection with that action, to seek the appointment of a receiver, monitor, conservator, or other person. Existing law contains similar provisions applicable to check cashers and sellers, escrow agents, and securities depositories.

This bill would provide that for provisions of specified laws administered by the Commissioner of Corporations, upon a proper showing, an injunction, restraining order, or writ of mandate shall be granted and a receiver, monitor, conservator, or other designated fiduciary or officer of the court may be appointed, or ancillary relief may be granted. It would provide that expenses and fees may be paid from property held by the receiver, monitor, conservator, or other designated fiduciary or officer, but that the state, the Business, Transportation and Housing Agency, and the Department of Corporations shall not be liable for those expenses and fees unless provided for by contract.

The bill would authorize the receiver, monitor, conservator, or other designated fiduciary or officer to do certain things.

The bill would prohibit persons with actual or constructive notice of the receivership from interfering with the discharge of the receiver's duties. It would prohibit a person from filing an action or enforcing or creating a lien or taking other specified action without court approval.

The bill's provisions would be cumulative to all other provisions of law.

Ch. 548 (SB 1201) Bergeson. Vessel sanitation devices: disabling: water pollution.

Existing federal law prohibits a state or political subdivision from adopting or enforcing any statute or regulation with respect to the design, manufacture, installation, or use

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of any marine sanitation device on any vessel, as described, excepting houseboats, as specified. However, federal law provides that a state may prohibit all discharge of any sewage from all vessels in particular waters if the Administrator of the Environmental Protection Agency determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for that water. Federal law requires the administrator to adopt a regulation prohibiting the discharge.

Existing state law makes any person who disconnects, bypasses, or operates a marine sanitation device so as to discharge sewage into the waters of this state guilty of a misdemeanor, unless the particular discharge is permitted, as specified.

This bill would express the intent of the Legislature that every vessel with a toilet comply with federal standards for marine sanitation devices.

The bill would prohibit a person from disconnecting, bypassing, or operating a marine sanitation device so as to discharge sewage into the waters of this state unless expressly authorized or permitted by law . The bill would make violation of this provision a misdemeanor.

In no-discharge areas, as defined, the bill would prohibit a person from disconnecting, bypassing, or operating a marine sanitation device so as to discharge sewage, and from occupying or operating a vessel in which a marine sanitation device is installed unless the device is properly secured, as defined. The bill would make the first violation of these provisions of the bill an infraction and a second or subsequent violation a misdemeanor.

The bill would create 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. 549 (SB 1254) Johnston. Service Authority for Freeway Emergencies.

Under existing law, a Service Authority for Freeway Emergencies may be established in counties by action of the county board of supervisors and a majority of cities within the county. A county transportation commission may be designated as the authority in specified counties. The Metropolitan Transportation Commission may function as the service authority for freeway emergencies in any or all of 9 specified counties and a city and county.

This bill would, upon the adoption of a specified resolution by the affected counties and cities within the counties, authorize the Sacramento Area Council of Governments to function as a service authority for freeway emergencies in any or all of the Counties of Sacramento, Yolo, Yuba, Sutter, and San Joaquin.

This bill would make additional changes in Sections 2551 and 2553 of the Streets and Highways Code, to be operative only if this bill and AB 1390 are both chaptered and become effective on or before January 1, 1992, and this bill is chaptered after AB 1390.

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

Ch. 550 (AB 29) Klehs. Seismic safety: disclosure.

(1) Existing law requires the Seismic Safety Commission to develop, adopt, and publish a Homeowner's Guide to Earthquake Preparedness, with prescribed contents, by January 1, 1992.

This bill would make a conforming change in that law by changing a reference from department to commission. The bill would also change the title of that publication to Homeowner's Guide to Earthquake Safety.

(2) Under existing law, operative April 1, 1991, the State Geologist is required to compile, in accordance with prescribed requirements, maps identifying seismic hazard zones, consistent with specified guidelines and priorities, and subject to review by concerned jurisdictions, as prescribed.

This bill would authorize the State Geologist, if additional funding is available, to include information on the potential effects of tsunami and seiche.

(3) Under existing law, a city or county is required to collect a specified fee from each applicant for a building permit. A portion of the fee is deposited in the Seismic Hazards

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Identification Fund and the remainder is deposited in the Strong-Motion Instrumentation Special Fund.

This bill would require the Division of Mines and Geology to advise counties and cities as to the portion of the fee to be deposited in the Seismic Hazards Identification Fund, so that this information may be provided to building permit applicants. The bill would make other changes.

Ch. 551 (AB 55) Alpert. Crimes: controlled substances.

(1) Existing law prohibits a person from visiting or being in any room or place where specified controlled substances are being unlawfully smoked or used with knowledge that this activity is occurring, punishable as a misdemeanor.

This bill would add methamphetamines to the specified controlled substances subject to this provision.

This bill would also provide that this provision would apply only where the defendant aids, assists, or abets the perpetration of the unlawful smoking or use of the controlled substances subject to this provision and would declare that this limitation is declaratory of existing law as expressed in People v. Cressey.

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. 552 (AB 170) Bentley. Sentencing: drug or alcohol program.

Under existing law, upon being convicted of an offense, the court may require the defendant to be sentenced to jail or prison, pay a fine, impose certain other reasonable conditions, or all of these terms.

This bill would require a court, upon conviction of any felony in which the defendant is sentenced to state prison and in which the court makes specified findings, including, among others, a determination that the defendant at the time of the offense was under the influence of an alcoholic beverage or under the influence of any controlled substance, to recommend that the defendant participate in a counseling or education program that has a substance abuse component while imprisoned.

Ch. 553 (AB 174) Kelley. Reclaimed water: nonpotable uses.

Existing law declares that the use of potable domestic water for the irrigation of greenbelt areas, including cemeteries, golf courses, parks, and highway landscaped areas, is a waste or an unreasonable use of that water, and prohibits a person or public agency from using that water for that purpose, if reclaimed water meeting specified conditions is available and other requirements are met.

This bill would, instead, declare that the use of potable domestic water for nonpotable uses, including cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of water, and would prohibit a person or public agency from using potable water for those purposes, if reclaimed water is available under specified conditions. The bill would provide that any amendments to Sections 13550 and 13551 of the Water Code made during the first year of the 1991–92 Regular Session of the Legislature are not intended to alter any rights, remedies, or obligations which may exist prior to January 1, 1992, pursuant to, but not limited to, those sections or specified provisions of the Public Utilities Code relating to water service duplication by a private utility or a political subdivision.

Ch. 554 (AB 214) Vasconcellos. 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 $984,021.92, as scheduled, to the Secretary of the State Board of Control to pay claims accepted by the State Board of Control.

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

Ch. 555 (AB 228) Clute. Horseracing: stewards: split meeting.

(1) The existing Horse Racing Law defines "split meeting" as a meeting having 2 periods of racing separated by at least 45 days, one period which is no more than 15 consecutive weeks in length and the other period which is no less than 4 consecutive weeks in length.

This bill would revise this definition by increasing the one period from 15 to 18 consecutive weeks.

(2) Under existing law, the California Horse Racing Board has various powers and responsibilities in administering horseracing meetings in the state, including the authority to contract with persons licensed as stewards in connection with the operation of these meetings.

This bill would require the board, if possible, to designate at least one steward at each track where a horseracing meeting is conducted who is a former jockey or at least one steward at each track where a harness meeting is conducted who is a former driver.

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

Ch. 556 (AB 446) Boland. Graffiti.

Existing law provides that vandalism, as defined, is punishable by imprisonment in the state prison or county jail, or by a fine, or by both the fine and imprisonment, as specified, depending upon the amount of defacement, damage, or destruction involved in the offense.

Existing law provides that upon conviction of acts of vandalism consisting of writing graffiti, the court may, in addition to any other punishment imposed under these provisions, at the victim's option, order the defendant to either clean up and repair the damaged property himself or herself, or pay for someone else to do so.

This bill would, in addition, provide that any person who writes, sprays, scratches, or otherwise affixes graffiti, as defined, on any real or personal property not his or her own is guilty of an infraction punishable by a fine not to exceed $250 if the amount of the defacement, damage, or destruction is less than $250. This bill would authorize, in addition to the fine, punishments of (1) community service not to exceed 48 hours for the first conviction and not to exceed 96 hours for a second or subsequent conviction during times other than the offender's school attendance or employment and (2) requiring the defendant at the victim's option to perform necessary labor to clean up, repair, or replace the property damaged, except as specified.

This bill would also provide, with regard to a minor unable to pay any fine levied pursuant to this provision, that the parent or legal guardian shall be liable for payment of the fine, which the court may waive upon a finding of good cause. The bill would further provide that a minor under the age of 18 years may perform any required community service under the direct supervision of his or her parent or legal guardian.

This bill would also provide that these provisions do not preclude application of the above provisions relating to vandalism.

Existing law also provides that any person who writes, sprays, scratches, or otherwise affixes graffiti on or in the facilities or vehicles of a governmental entity, of a public transportation system, or operated by entities subsidized by the Department of Transportation or other related specified facilities and vehicles for which these entities or facilities incur costs for cleanup, repair, or replacement is guilty of an infraction, punishable as specified. Existing law also authorizes the court to order the defendant to perform the labor necessary to cleanup, repair, or replace the property damaged by the defendant, as specified.

This bill, instead, would provide that this provision would apply only if the costs incurred by the above entities or facilities is less than $250.

This bill, instead, would authorize the court to require the defendant to provide the labor necessary to cleanup, repair, or replace the damaged property only at the victim's option.

This bill would impose a state-mandated local program by changing the penalty for

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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. 557 (AB 447) Roybal-Allard. State buildings.

Under existing law, the Director of General Services may lease state property under specified conditions.

This bill would authorize the Director of General Services to enter into an additional amendment to an existing joint powers agreement to provide for an additional office building, and a lease-purchase agreement, an agreement for the appointment of a bond trustee, and an agreement with the Department of General Services to act as agent for acquisition, planning, and construction matters, all of which would be required to be with a joint powers authority created between the state and the Community Redevelopment Agency of the City of Los Angeles in connection with the financing, planning, acquisition, and construction of an additional office building and parking facilities. The bill would specify that the amendment to the existing joint powers agreement shall provide that any authorization under the joint powers agreement for the joint powers authority to acquire property by means of condemnation shall not include the power to condemn a specified parcel of property. The bill would provide that the lease-purchase agreement may provide for space to be used for private commercial purposes. The bill would require the director to notify the chairperson of the Joint Legislative Budget Committee or his or her designee and the chairpersons of the committees of each house which consider appropriations of his or her intention to execute the lease-purchase agreement at least 20 days prior to execution.

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

Ch. 558 (AB 528) Felando. Fishing: use of aircraft.

(1) Under existing regulations of the Fish and Game Commission, aircraft may be used in specified circumstances to assist in the taking of fish.

This bill would prohibit a person from using an aircraft to take fish unless the person holds a commercial fishing license. The bill would also require persons operating an aircraft in connection with fishing operations for profit to file a registration statement with the department and pay a specified fee. Under existing law, all fees are deposited in the Fish and Game Preservation Fund, a continuously appropriated fund. By increasing the amount of fees deposited in that fund, this bill would make an appropriation.

(2) Under existing law, in effect until January 1, 1992, there is a local marine fisheries impact program, pursuant to which the Secretary of Environmental Affairs may grant funds for fishing vessels, safety, survey, and survival equipment to any commercial fisherman.

This bill would continue that existing law beyond January 1, 1992, by extending the repeal date to January 1, 1996. It would also make the program applicable to licensed support aircraft.

Ch. 559 (AB 536) Woodruff. Income taxes: debt collection.

The existing Personal Income Tax Law and the Bank and Corporation Tax Law authorize, until January 1, 1992, the Franchise Tax Board to enter into agreement with one or more persons for the purpose of collecting delinquent accounts with respect to amounts assessed or imposed under those laws, as specified.

This bill would extend the operation of those provisions indefinitely by deleting the January 1, 1992, repeal date.

The existing Personal Income Tax Law and the Bank and Corporation Tax Law also require, until January 1, 1992, that the Franchise Tax Board determine the amounts of the costs of implementing and administering those provisions and the contracting costs pursuant to those provisions, and require the Controller to transfer the amounts collected to the Delinquent Tax Collection Fund. The moneys in that fund are continuously

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appropriated for transfer and allocation to the Franchise Tax Board for reimbursement of its implementation and administrative costs and for the contracting costs, and the moneys remaining after those disbursements are continuously appropriated for transfer, as specified.

This bill would instead require, on and after July 1, 1993, the Franchise Tax Board to determine the amount of the contracting costs incurred under those provisions, and would limit the transfer and allocation of moneys continuously appropriated to the Franchise Tax Board to that amount. By extending the operation of those provisions indefinitely, including the continuous appropriations, this bill would make an appropriation.

The existing Personal Income Tax Law provides that, notwithstanding specified provisions, remittances of 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. Remittances in the form of an authorization to draw upon a specified credit account are required to include an amount, not to exceed 1⅓% of the balance otherwise due, for specified purposes.

This bill would increase that percentage to 2%.

Ch. 560 (AB 693) Bronzan. Medi-Cal: providers.

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.

This bill would require the State Department of Health Services and the Controller to cooperate in establishing a method of providing to the Controller periodically updated information regarding changes in the roster of Medi-Cal providers.

Under existing law, in order to qualify as a Medi-Cal provider of incontinence medical supplies, a dealer is required to meet certain requirements.

This bill would also require that in order to qualify, a dealer of durable medical equipment or incontinence supplies shall be subject to certain bonding requirements, with certain exceptions, and would authorize a dealer to request an exemption from the bonding requirement after 3 years of continuous operation as a provider of durable medical equipment or incontinence supplies.

The bill would authorize the State Department of Health Services to rescind the privilege of a Medi-Cal provider which fails to satisfy requirements regarding the provision of information to the department to bill and be reimbursed for the provision of health services under the Medi-Cal program.

Existing law establishes procedures for the State Department of Health Services to seek reimbursement for the cost of health care provided under the Medi-Cal program from 3rd parties, authorizes the department to execute a contract for the discovery and recovery of amounts subject to claims, and specifies that those claims shall include any matter on file with the Workers' Compensation Appeals Board for a period of more than 12 months unless the State Department of Health Services has previously identified the claims and has filed the appropriate liens or claims.

This bill would provide, until January 1, 1995, that the contract may include or be amended to include previously identified claims or potential lien claims if the department determines that it will not otherwise be able to effectively process recovery. This bill would require a report on these contracting out provisions.

Existing law provides that, commencing 60 days after the issuance of the first statement of account status or demand for repayment of an overpayment of a reimbursement from a Medi-Cal provider resulting from an audit or examination, interest at the rate equal to the monthly average received on investments in the Surplus Money Investment Fund during the month the first statement of account status or demand for repayment was issued.

This bill would also provide that, with respect to providers of durable medical equipment or incontinence supplies, interest accrues from the day following the last day of the period covered by an audit or examination, and the rates would be as determined

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pursuant to a specified provision relating to taxation.

The bill would specify that principal labelers and other primary suppliers to providers of incontinence supplies shall be subject to audit or examination by the State Department of Health Services or the Controller.

Existing law provides that when it is established that an institutional Medi-Cal provider of health care services fraudulently claimed and received payments under the Medi-Cal program, the provider shall pay a penalty of 25% of the amount improperly claimed, plus the cost of the audit and interest.

This bill would, with respect to providers of durable medical equipment or incontinence supplies, increase the amount of the penalty for fraudulently claimed and received Medi-Cal payments to 300% of the amount improperly claimed, plus the cost of the audit and interest.

Under existing law, if any amount is due and unpaid as a result of an overpayment to a Medi-Cal provider for health care services identified through an audit or examination conducted by or on behalf of the Director of Health Services, the director may, not later than 3 years after the payment became due and owing, file in the office of the County Clerk of Sacramento County, and with the county clerk of the county in which the provider has his or her principal place of business, a certificate containing the amount due and owing and unpaid and interest at a rate equal to the rate received on investments in the Surplus Money Investment Fund commencing on the date that an audit or examination finding is mailed.

This bill would provide that their interest would begin to accrue when the overpayment was disbursed from the State Treasury.

Ch. 561 (AB 722) Kelley. Fish and game: county funds.

(1) Existing law authorizes the board of supervisors of any county to enter into a written agreement with the board of supervisors of any other county for the expenditure of any funds deposited in its fish and wildlife propagation fund for specified purposes

This bill would authorize the board of supervisors of any county to enter into such an agreement with one or more counties.

(2) Under existing law, expenditures from the fish and wildlife propagation fund of any county may be made only for certain purposes, including the removal and disposal of carcasses of dead seals, sea lions, and other marine mammals found on ocean beach areas in the county.

This bill would delete the authority to make expenditures from the fund for those purposes.

(3) Existing law also authorizes the expenditure of money in the fund for "reasonable" administrative costs, not to exceed 3% annually of the money in the fund, for secretarial service, travel, and postage by the county fish and wildlife commission when authorized by the county board of supervisors.

This bill would provide that "reasonable" administrative costs means an amount that does not exceed 3% of the average amount received by the fund during the previous 3-year period, or $3,000 annually, whichever is greater, excluding any funds carried over from a previous fiscal year.

(4) Existing law, in addition, authorizes the expenditure of money in the fund for youth education relating to the scientific principles of fish and wildlife conservation, including aids to education such as literature, audio and video recordings, and training models.

This bill would broaden this purpose from youth education to public education and would include nature studies facilities as an aid to education for purposes of this provision. The bill would also authorize expenditures from the fund for contributions to a secret witness program for the purpose of facilitating enforcement of Fish and Game Code provisions and regulations, and for costs incurred by the district attorney or city attorney in investigating violations of the Fish and Game Code.

(5) Because a violation of the restrictions on use of money in a county fish and wildlife propagation fund would be a misdemeanor under other provisions of law, the bill would impose a state-mandated local program.

(6) 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. 562 (AB 725) Wright. Castaic Lake Water Agency Law.

(1) Under the Castaic Lake Water Agency Law, the Board of Directors of the Castaic Lake Water Agency has specified powers, including the authority to contract with the counties in which the agency is located for the collection of prescribed fees.

This bill would expand that authority to allow the board to contract with cities for those purposes.

(2) Under the agency law, the board is required to hold prescribed public hearings and to publish and post notice of those hearings according to specified procedures. The agency law also requires the notice to be mailed to each person or entity to whom land is assessed, as shown on the last equalized assessment roll, as prescribed.

This bill would revise the posting requirements relating to that notice and would authorize the board to not include within the published notice specified matters in legal description form, if certain conditions are met. The bill would impose a state-mandated local program by requiring the notice to be mailed to each person or entity to whom land is assessed as shown either on the last equalized assessment roll or specified records of the county assessor or tax collector.

(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. 563 (AB 731) Felando. Medi-Cal: contract drugs.

(1) Existing law requires the State Department of Health Services to provide for an annual audit of utilization data used to calculate the equalization amount contained in contracts for drugs under the Medi-Cal program, and to make the findings of the audit available to manufacturers within 60 days of receipt of the report from the auditor.

This bill would instead require the findings to be made available to manufacturers within 90 days of receipt of the report.

(2) Existing law authorizes the State Department of Health Services to impose utilization controls, which may include prior authorization for use, on certain drugs under the Medi-Cal program.

This bill would require that the department ensure the timely and efficient processing of requests for prior authorization for Medi-Cal drugs by providing for a telecommunication response to a request within 24 hours and the dispensing of a supply of a covered drug in an emergency.

Ch. 564 (AB 743) Nolan. Mobilehomes: abandoned mobilehomes.

(1) Under the existing Mobilehomes Residency Law, the management of a mobilehome park may institute certain procedures, including posting a notice and the filing of a petition, to obtain a court order declaring the abandonment of a mobilehome. Existing law defines an "abandoned mobilehome" to mean a mobilehome (A) less than 12 feet in width, (B) located in a mobilehome park on a site for which no rent has been paid to the management for the preceding 60 days, (C) that is unoccupied, and (D) which the management reasonably believes to be abandoned.

This bill would revise those procedures required to be followed by the management of a mobilehome park in obtaining a court order declaring the abandonment of a mobilehome. The bill would also revise the definition of an "abandoned mobilehome" to mean a mobilehome (A) located in a mobilehome park on a site for which no rent has been paid to the management for the preceding 60 days, (B) that is unoccupied, and (C) which a reasonable person would believe to be abandoned. The bill would also define a mobilehome, for these purposes, to include a trailer coach or a recreational vehicle which meets the criteria of an abandoned mobilehome. The bill would authorize

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a person having a right to possession of the abandoned mobilehome to recover and remove it from the premises, upon payment to the management of all rent or other charges due, including storage costs and other costs awarded by the court, and would, in that event, require the management to file an acknowledgment of satisfaction of judgment, as specified.

(2) The bill would require the Department of Motor Vehicles, upon its receipt of a copy of the judgment of abandonment, and evidence of sale, to issue a new certificate of ownership and registration card to the person presenting the copy of the judgment of abandonment and evidence of sale to the department, as specified.

Ch. 565 (AB 759) Horcher. Insurance.

Existing law generally requires insurance sold in California to be sold by admitted insurers, but permits the sale of insurance by nonadmitted insurers in limited instances if sold through surplus lines brokers.

This bill would require the Department of Insurance to conduct a study on the amount of personal automobile insurance written in California by nonadmitted insurers. The bill would require the study to include specified information, and a report to be made to the Chairpersons of the Assembly Committee on Insurance and the Senate Committee on Insurance, Claims, and Corporations, no later than July 1, 1992.

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

Ch. 566 (AB 766) Frazee. Architecture.

Existing law regulates the practice of architecture by creating a California State Board of Architectural Examiners to examine, license, and discipline architects, and by regulating architectural corporations. Existing law requires the board to include in its examination, questions regarding exterior and interior barrier free design, which questions must be reviewed periodically by the board and an ad hoc advisory committee of disabled persons appointed by the Department of Rehabilitation. Existing law also provides that a license which has expired may be renewed at any time within 5 years after its expiration, on filing of application for renewal and payment of the fee in effect on the last preceding regular renewal date.

This bill would provide that this body of law may be cited as the Architects Practice Act. This bill would change the name of the California State Board of Architectural Examiners to the California Board of Architectural Examiners, and would change references from "architectural corporation" to "professional architectural corporation." It would provide that the board may, instead of shall under existing law, formulate and enforce rules and regulations to carry out the provisions regarding professional architectural corporations.

The bill would also delete the requirement that examination questions regarding exterior and interior barrier free design be reviewed by an ad hoc advisory committee of disabled persons appointed by the Department of Rehabilitation. This bill would provide that a license which has expired may be renewed at any time within 5 years after its expiration, on filing of application for renewal and payment of all accrued and unpaid renewal fees. The bill would make other technical and conforming changes.

Ch. 567 (AB 835) Peace. Veterans: contracts and memorials.

(1) Under existing law, any state governmental entity that awards contracts for professional bond services and for construction and certain related purposes have annual statewide participation goals of not less than 3% for disabled veteran business enterprises. Existing law defines a "disabled veteran business enterprise" to mean a business concern certified by the administering agency as being, among other things, a sole proprietorship owned by a disabled veteran, or a firm or partnership, 100% of the stock or partnership interests of which are owned by one or more disabled veterans. Chapter 291 of the Statutes of 1991 added corporations wholly owned by disabled veterans and joint ventures with at least 51% management, control, and earnings held by one or more disabled veterans.

This bill would revise this definition of "disabled veteran business enterprise" to require a business enterprise to be certified by the administering agency as being at least

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51% owned by one or more disabled veterans, the parent corporation of a wholly owned subsidiary to have its voting stock at least 51% owned by one or more disabled veterans, or, in the case of a publicly owned business, at least 51% of the stock of which is owned by one or more disabled veterans. This bill would also authorize the department awarding the contract to exempt from the statewide participation goals, contracts for a dollar amount of $10,000 or less. This bill would also create certain civil penalties for violations of its provisions, as specified.

(2) Existing law authorizes the Veterans Memorial Commission to solicit designs for a veterans' memorial at the site on the grounds of the State Capitol selected by the commission. The design of the memorial is required to be as politically neutral as possible. The Veterans Memorial Account in the General Fund, consisting of private contributions for the construction of the memorial, is continuously appropriated to the commission to carry out its duties.

This bill would authorize the design to reflect all United States military conflicts, including, but not limited to, conflicts of the 19th and 20th centuries. The bill would authorize the memorial to emphasize wars and other periods in which Californians played a role, including, but not limited to, the Korean War. The bill would authorize the commission to report annually to the Legislature on the progress of the memorial. Because the bill would change the duties of the commission relating to the design of the memorial, and thereby add a new purpose of expenditure to a continuously appropriated fund, the bill would make an appropriation.

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

Ch. 568 (AB 837) Elder. Joint powers authorities: revenue bonds.

Existing law authorizes joint powers authorities to issue revenue bonds for specified purposes.

This bill would authorize the Alameda Corridor Transportation Authority to issue revenue bonds for the limited purpose of paying for acquiring the land, and designing, engineering, constructing, and improving that project, including facilities and improvements and all associated financing costs of the consolidated transportation corridor, but excluding any expenses for maintenance, operations, and administration.

Ch. 569 (AB 838) Peace. Charitable solicitations: bond.

Existing law requires defined "commercial fundraisers for charitable purposes," as a condition of soliciting funds for charitable purposes, to annually register with the Attorney General.

This bill would require each application for registration or reregistration to be accompanied by a cash deposit or prescribed bond in the amount of $25,000 for the benefit of any person damaged as a result of malfeasance or misfeasance in the conduct of the charitable solicitation and the receipt or control of funds or assets solicited for charitable purposes.

Ch. 570 (AB 857) Allen. Certificated employees: mandatory leave of absence.

Existing law, for purposes of the law relating to public elementary and secondary school employees, defines "sex offense" to include specified public offenses and any attempt to commit any of those offenses.

Existing law requires the Commission on Teacher Credentialing to deny any application for the issuance or renewal of a teaching credential by an applicant who has been convicted of a sex offense. Existing law also requires county boards of education, the State Board of Education, and the Commission on Teacher Credentialing to revoke any certificate or credential the agency has issued if the holder is convicted of a sex offense, when that conviction becomes final or the imposition of sentence is suspended. Existing law prohibits a school district from employing or retaining in employment in public school service, a person convicted of a sex offense. Existing law also requires the governing board of a school district to place a certificated employee charged with a sex offense on compulsory leave of absence, as specified.

Under existing law, it is a public offense, punishable as specified, for any person to commit any act of sexual battery, as defined, on another person. Existing law defines the

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term "sexual battery" as the nonconsensual touching of an intimate part of another person for sexual arousal, gratification, or abuse, as specified, while the victim is unlawfully restrained, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated.

This bill would expand the definition of "sex offense," for purposes of the law relating to certificated public elementary and secondary school employees, to include "sexual battery." By imposing additional obligations on school districts, by requiring districts to place any certificated employee charged with sexual battery on compulsory leave of absence, and by expanding their obligations related to dismissal of employees convicted of a sex offense, this bill would thereby create a state-mandated local program. This bill would make other conforming and related changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $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. 571 (AB 890) Clute. Charitable solicitations.

Existing law imposes disclosure requirements on solicitations for charitable purposes, including, among other things, the name of the organization or fund on whose behalf the money collected will be used, the tax status of the organization and the amount, stated as a percentage of the total gift or purchase price, that will be used for charitable purposes, or, in some cases, the estimated total cost of fundraising expenses.

This bill would, in addition, generally require the disclosure of the number of members in the organization and the number of members working or living within the county where the solicitation is being made if the organization making the solicitation represents any nongovernmental organization by the use of any name which includes, but is not limited to, the term "veteran," or "veterans" which implies that the organization is composed of veterans, unless it is a federally chartered or state incorporated veterans' organization with 200 or more dues paying members, a thrift store operated or controlled by a federally chartered or state incorporated veterans' organization, or a state incorporated community based organization that provides direct services to veterans and their families and qualifies as a tax-exempt organization under Section 501(c)(3) or 501(c)(19) of the Internal Revenue Code and Section 23701d of the Revenue and Taxation Code.

This bill would incorporate additional changes in Section 17510.3 of the Business and Professions Code, proposed by AB 2099, to be operative only if AB 2099 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

This bill would impose a state-mandated local program by creating new crimes since a violation of the above provisions 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. 572 (AB 894) Bentley. Controlled substances: nuisance.

Under existing law, the conduct of certain unlawful activities relating to controlled substances in any building constitutes a nuisance, which may be abated, as specified, in an action brought by a city attorney or county district attorney.

This bill would prescribe a notice and a request to abate the nuisance to be given by district attorneys and city attorneys to owners of buildings, and tenants, under certain circumstances, with respect to the abatement of these nuisances in a residential dwelling, residential building, or residential place and would prescribe related procedures.

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Except where there is a danger to the public, when prior notice would impede an investigation, or when the district attorney or city attorney determines there is good cause, as defined, to forego the notice, the bill would require the notice and order to be given prior to bringing an action to abate or prevent the nuisance. The bill would further provide that notice and an opportunity to be heard shall be given, as specified, to a particular tenant identified in the notice as responsible for the nuisance.

Existing law provides that if the existence of the nuisance is established in the nuisance abatement action, the court may assess a civil penalty not to exceed $25,000 against any or all of the defendants, based upon the severity of the nuisance and its duration.

This bill would provide that in establishing the amount of any civil penalty, the court shall consider the actions taken by the defendant to mitigate or correct the problem at the dwelling, building, or place or the reasons why the defendant did not take any such action, the cost to the government of investigating and correcting the condition, any previous nuisance abatement actions brought against the defendant, the failure of the district attorney or city attorney to serve notice as required by this bill, and any other factor deemed by the court to be relevant.

This bill would provide that while the failure of a district attorney or city attorney to serve a notice as required by this bill shall not be a cause for the dismissal or delay of a nuisance abatement action, the failure to give that notice without good cause may be considered by a court as a mitigating factor in its assessment of any civil penalty in a nuisance abatement action.

This bill would provide that the above provisions of law as amended by this act shall be repealed as of January 1, 1996, at which time those provisions of law as they read prior to the amendments by this act shall be reenacted.

Ch. 573 (AB 898) Tucker. Controlled substances: drug paraphernalia.

Existing law provides that any person who delivers, furnishes, or transfers, or who possesses or manufactures with intent to deliver, furnish, or transfer, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used for specified controlled substance offenses, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding $1,000, or by both that imprisonment and fine.

This bill would increase the penalty for this offense as it relates to the manufacture of drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used in prohibitions involving cocaine, cocaine base, heroin, phencyclidine, or methamphetamine by providing that any person who violates the manufacturing prohibitions of the above provision shall, instead, be guilty of a misdemeanor or a felony punishable by imprisonment in the county jail for not more than one year, or in the state prison for 16 months, or 2 or 3 years.

This bill would impose a state-mandated local program by increasing the term of imprisonment in the county jail.

Existing law provides that when there is a reason to believe that any person arrested for the possession, transportation, sale, or giving away of specified controlled substances may not be a citizen of the United States, the arresting agency is required to notify the appropriate federal agency having charge of deportation matters.

This bill would impose a state-mandated local program by providing that this notification requirement is also applicable when there is a reason to believe that any person arrested for the possession for sale or the purchase for sale of these specified controlled substances may not be a citizen of the United States.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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 States Mandates determines that this bill contains other costs mandated by the state, reimbursement for those

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costs shall be made pursuant to those statutory procedures and, if the statewide costs does not exceed $1,000,000, shall be payable from the State Mandates Claims Fund.

Ch. 574 (AB 909) Hunter. Medi-Cal: uniform billing form.

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, which contracts with fiscal intermediaries to provide claims processing services.

This bill would require that all contracts with fiscal intermediaries, entered into by the department on or after January 1, 1992, permit the use of prescribed billing forms.

This bill would also require that these billing forms be designed to be both optically scanned and automatically microfilmed.

Ch. 575 (AB 925) Hannigan. Sports officials.

Under existing law, a battery, as defined, that is committed against a person is punishable by a fine of not exceeding $2,000 or by imprisonment in the county jail not exceeding 6 months, or by both the fine and imprisonment.

This bill would specify that a battery committed against a sports official, as defined, immediately prior to, during, or immediately following an interscholastic, intercollegiate, or any other organized amateur or professional athletic contest in which the sports official is participating, shall be punishable by a fine not exceeding $2,000, or by imprisonment in the county jail not exceeding one year, or by both that fine and imprisonment.

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. 576 (AB 932) Hunter. Mobilehomes: removal upon sale.

Existing law generally prohibits the management of a mobilehome park from requiring the removal of a mobilehome from the park in the event of its sale during the term of the homeowner's rental agreement, but allows the management, in the event of sale, to require that a mobilehome be removed from the park where it is less than 10 feet wide, or where it is more than a specified number of years old and does not meet certain health and safety standards, in order to upgrade the quality of the park.

This bill would delete the exception regarding a mobilehome that is less than 10 feet wide. It would provide for inspection of mobilehomes for purposes of this provision, to determine compliance with the above health and safety standards. The bill would also allow for the removal, in the event of sale and in order to upgrade the quality of the park, of a mobilehome which does not meet the definition of "mobilehome" provided in the Mobilehome Residency Law.

Ch. 577 (AB 965) Alpert. Accountancy.

Existing law authorizes the State Board of Accountancy to enter into a contract with a nonprofit organization controlled by licensees of the board to provide volunteer accounting services, as specified, within the state. The maximum amount of the contract is not to exceed $100,000 per year. The provisions of this law are to be repealed on January 1, 1992.

This bill would change the maximum amount of the contract to an amount not to exceed $65,000 per year and would extend the repealer date to January 1, 1995.

This bill would also provide for an annual audit of the contract, as specified.

This bill would require the board to submit a report by June 30, 1993, to the appropriate policy committees of each house of the Legislature containing options and recommendations for funding future volunteer accounting services programs in this state.

Ch. 578 (AB 966) Peace. Insurance: assigned risk plan.

Existing law requires the establishment of a plan, commonly known as the assigned

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risk plan, for the equitable apportionment among automobile insurers of those applicants for automobile bodily injury and property damage liability insurance who are in good faith entitled to but are unable to procure that insurance through ordinary methods.

This bill would require a certificate of eligibility to accompany the application for coverage. The bill would require the certificate to indicate whether or not the applicant meets specified criteria and, if so, the name of the insurer and the insurer's representative that denied the applicant automobile insurance coverage. The certificate would be required to be signed by the applicant under penalty of perjury. The bill would thus create a new crime and impose a state-mandated local program. The agent or broker would also be required to sign and review the certificate.

The bill would also provide that, upon a determination by the plan that the certificate of eligibility is defective due to an immaterial omission or mistake, the plan shall immediately give written notice of the defect to the insured and to the agent or broker of record that the insured has 10 days from the postmark date of the notice of defect to correct the defect and postmark the correction or missing information for return to the plan, as specified. If a defect is material to determining the eligibility for coverage of an applicant, the policy would be void from inception.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. 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. 579 (AB 972) Cannella. Records.

Existing law provides that any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any peace officer while designating the peace officer as such, without the authorization of the agency which employs the peace officer, is guilty of a misdemeanor.

Existing law also provides for the confidentiality of the home address of various public officials, including peace officers, appearing in the records of the Department of Motor Vehicles.

This bill would extend these prohibitions to nonsworn police dispatchers, thereby expanding the scope of an existing crime and imposing a state-mandated local program.

Existing law authorizes the Department of Motor Vehicles to establish commercial requester accounts for individuals and organizations and to issue individual requester codes for the purpose of obtaining information from the department's files, except as specified. Individual requester codes are required to be issued for a period not to exceed 5 years and may be renewed upon application for additional periods not to exceed 5 years each.

Existing law also requires the department to establish a commercial requester account when it determines that the applicant has a legitimate business need for the information requested and when the applicant files a bond in the amount of $50,000 and pays a $250 filing fee.

This bill, in addition, would provide that if the applicant does not request and is not issued a requester code permitting the applicant access to residence address information, only a filing fee of $50 shall be required with the original application and each biennial renewal 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.

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

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Ch. 580 (AB 985) Costa. Alcoholic beverage licensees: compensation for advertising.

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 authorizes the holder of a beer manufacturer's or winegrower's license to purchase advertising space pursuant to a written contract with an on-sale licensee that is the owner of a fully enclosed auditorium or theater, as specified. It provides that any holder of a beer manufacturer's license or winegrower's license who, through coercion or other means, induces a holder of a beer or wine wholesaler's license to fulfill those contractual obligations is guilty of a misdemeanor.

This bill would authorize, in addition, the holder of a beer manufacturer's or winegrower's license to purchase advertising space pursuant to a written contract with an on-sale licensee that is the owner of a motion picture studio facility at which public tours are conducted, as specified. Since the bill would provide that any holder of a beer manufacturer's license or winegrower's license who, through coercion or other means, induces a holder of a beer or wine wholesaler's license to fulfill those contractual obligations with respect to the contracts with the owner of a motion picture studio facility is guilty of a misdemeanor, it would impose a state-mandated local program by creating a new crime.

This bill would expressly authorize the holder of a distilled spirits manufacturer's license, beer manufacturer's license, or winegrower's license to purchase advertising space and time pursuant to contract from, or on behalf of, an on-sale retail licensee that is a zoo or aquarium operated by a nonprofit organization that is accredited by a specified zoological and aquarium association, under specified conditions. The bill would also make any holder of a distilled spirits manufacturer's license, beer manufacturer's license, or winegrower's license who, through coercion or other means, induces a holder of a distilled spirits wholesaler's license or beer and wine wholesaler's license to fulfill those contractual obligations guilty of a misdemeanor. The bill thus 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. 581 (AB 1025) Hughes. Education.

(1) Existing law provides for a county committee on school district organization in each county. Existing law requires that at least 2 members of each county committee be elected from among registered voters residing within each county supervisorial district in the county.

This bill would require that if any change in that district affects an incumbent member of the county committee, the affected member serve the remainder of his or her term and that succeeding county committees be elected in accordance with existing law.

(2) Under existing law, average daily attendance generated by elementary and secondary school pupils in voluntary Saturday school programs are eligible for summer school apportionments if those programs meet certain prescribed conditions and various obligations are imposed on school districts participating in these voluntary programs. Existing law provides that these provisions become inoperative on June 30, 1991, and, as of January 1, 1992, are repealed.

This bill instead would provide that those provisions become inoperative on June 30, 1996, and, as of January 1, 1997, are repealed.

Ch. 582 (AB 1051) Eastin. Jurisdiction and forum: construction contracts.

Under existing law, the courts of this state may exercise jurisdiction on any basis not inconsistent with the California or United States Constitution, but a court is authorized to stay or dismiss an action that it finds in the interest of substantial justice should be heard in a forum outside the state.

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This bill would make void and unenforceable provisions in specified construction subcontracts to be performed in this state by a subcontractor with principal offices in this state and which purport to require the dispute to be litigated or determined outside this state or which purport to preclude a party from litigating or otherwise obtaining resolution of the dispute in this state.

Ch. 583 (AB 1059) Sher. San Francisco Bay: dredging.

(1) Existing law, the McAteer-Petris Act, provides for the adoption and revision of the San Francisco Bay Plan by the San Francisco Bay Conservation and Development Commission. The plan includes findings and recommended policies relating to, among other things, dredging. Under existing law, a permit is required to be obtained from the commission to place fill or extract materials from the bay.

This bill would authorize the commission, until January 1, 1998, to impose a user fee not to exceed 10¢ per cubic yard of material upon any public agency or person who proposes to dredge material from, or dispose of dredged material in, the bay, subject to specified limitations and requirements to obtain funding from alternative sources for its costs of participating in the Long Term Management Strategy, as specified. The bill would create the Long Term Management Strategy Study Fund and would require funds from fees and alternative sources to be deposited in the fund, to be available, upon appropriation, only for costs associated with participation in the Long Term Management Strategy.

(2) The bill would make legislative findings and declarations.

Ch. 584 (AB 1076) Speier. Crimes: body vests: enhancement.

Under existing law, any person who, while armed with a firearm in the commission or attempted commission of a felony, has in his or her immediate possession ammunition for the firearm designed primarily to penetrate metal or armor, shall, in addition and consecutive to the specified punishment for the felony or attempted felony, receive an additional term of 3, 4, or 5 years, as specified.

This bill would add a similar enhancement with an additional term of 1, 2, or 3 years with regard to any person who wears a body vest, as defined, in the commission or attempted commission of a felony which is a violent offense, as defined.

Ch. 585 (AB 1094) Polanco. Postsecondary education: hate violence.

Existing law requires 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 to require the appropriate officials at each campus within their respective jurisdictions to compile records of all occurrences reported to police or campus authorities, and arrests for crimes involving violence, theft or destruction of property, or illegal drugs or alcoholic intoxication that occur on the campus.

This bill would require the governing bodies of these institutions of public higher education to require the appropriate officials at each campus to also compile records containing specified information of all occurrences reported to police or campus authorities and arrests for crimes involving hate violence, as defined, and all occurrences of noncriminal acts of hate violence.

The bill would also require the appropriate officials at each campus to report all occurrences and crimes involving hate violence to the appropriate governing body of the institution of public higher education. The bill would require these governing bodies to transmit a report regarding this compiled information to the California Postsecondary Education Commission no later than January 1 of each year, commencing January 1, 1993, and to submit a report containing specified information to the Legislature and the Governor on July 1, 1993, and every 2 years thereafter.

Ch. 586 (AB 1100) Lee. Used oil collection.

Existing law, the Used Oil Collection Demonstration Grant Program Act of 1990, requires the California Integrated Waste Management Board to develop and administer a used oil grant program. The board is required to adopt regulations by July 1, 1991, to

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administer this program.

This bill would require the board to adopt emergency regulations in accordance with specified provisions to administer that act and would delete the July 1, 1991 date.

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

Ch. 587 (AB 1126) Roybal-Allard. Vehicles: impoundment or immobilization for parking violations.

(1) Under existing law, when a police officer or local agency parking enforcement employee finds a vehicle on the highways or any public land and it is known that the vehicle has been issued 5 of more notices of parking violations, as specified, which remain outstanding, the vehicle may be impounded until the owner or person in control of the vehicle deposits bail for all notices of violation issued for the vehicle. Existing law permits the violator to pay parking penalties and fees to the Department of Motor Vehicles when registering the vehicle, and requires the department to transmit that payment to the agency responsible for processing notices of parking violation.

This bill would require the department, upon receiving that payment, to issue a receipt showing each parking violation paid and the vehicle involved and stating that, to reduce the possibility of impoundment or immobilization of that vehicle, a copy or other evidence of the receipt may be transmitted to the processing agency. The bill would require the processing agency, within 72 hours of receiving that copy or other evidence, to update its records to reflect those payments, thereby imposing a state-mandated local program. If the processing agency does not receive payment from the department within 4 months, the bill would permit it to revise its records accordingly.

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

(3) The bill would become operative on July 1, 1992.

Ch. 588 (AB 1129) Campbell. Educational facilities.

(1) Under existing law, priority for project funding of new school construction under the Leroy F. Greene State School Building Lease-Purchase Law of 1976 is determined, in part, upon whether the applicant school district has a substantial enrollment in multitrack year-round schools. Existing law defines "substantial enrollment," for this purpose, to mean enrollment of at least 30% of district pupils in kindergarten or any of the grades 1 to 6, inclusive, or 40% of pupils in the high school attendance area for which the school district is applying for new facilities.

This bill would limit the application of that definition to elementary and unified school districts, and would define "substantial enrollment" for elementary and unified school districts and high school districts to mean enrollment of at least 30% of district pupils or 40% of pupils in the high school attendance area for which the school district is applying for new facilities. The bill also would provide that the "substantial enrollment" criterion would be met by a high school district if the high school to be constructed is to operate on a multitrack year-round basis.

(2) Under statutory provisions commonly referred to as the "Field Act," school districts and community college districts are required to have certain buildings examined for safety for educational use, and are required to repair, reconstruct, or replace unsafe buildings.

This bill would exempt, from coverage under the Field Act, designated buildings currently leased by the Mendocino-Lake Community College District until construction of certain permanent facilities is completed or December 31, 1995, whichever occurs first.

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Ch. 589 (AB 1130) Wright. Care facilities.

Existing law requires a placement agency, as defined, to place individuals only in licensed community care facilities or licensed residential care facilities for the elderly, except as specified. Violation of these provisions is a misdemeanor under existing law.

This bill would include within the definition of "placement agency" conservators, as specified. The bill would impose a state-mandated local program by expanding the definition of a crime.

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

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

Ch. 590 (AB 1139) Woodruff. Teaching credentials.

(1) Under existing law, each allegation of an act or omission by an applicant for, or holder of, a teaching credential for which he or she may be privately admonished or for which his or her application or credential may be denied, suspended, or revoked is required to be presented to the Committee of Credentials, appointed by the Commission on Teacher Credentialing. Existing law requires that a written copy of a decision, after a meeting or hearing by the Committee of Credentials regarding the application or credential of a certified employee, be delivered to the employee, as specified, and that subsequently a recommendation by the committee to deny, suspend, or revoke a credential may be adopted by the Commission on Teacher Credentialing without further proceedings, under certain conditions.

This bill would add that a recommendation to issue a private admonition may also be adopted by the commission, as specified above. The bill would also require that a hearing by the commission to consider issuing the private admonition be held in executive session, and that no disclosures be made except as required by a related provision of existing law.

(2) Under existing law, except in specified circumstances, a county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed.

Under existing law, these temporary certificates are valid for 120 schooldays.

This bill would extend the period of validity of these temporary certificates for credential applicants to one calendar year and would require the county or city and county board of education to terminate the certificate or permit immediately upon the receipt of certain written information from the commission regarding the applicant's qualifications or criminal record.

(3) Existing law requires the Commission on Teacher Credentialing to revoke any credential issued by the commission or the State Board of Education upon the final conviction of specified felony offenses committed by the holder of that credential.

Existing law also requires the commission to suspend a credential when the holder of the credential is convicted of any sex or controlled substance offense, as defined.

This bill would also allow the commission to take any disciplinary action after the time for an appeal has elapsed, or a conviction has been confirmed on appeal, or an order granting probation is made, as specified. The bill would require that all credentials held by a person pleading nolo contendere be suspended until a final disposition regarding those credentials is made by the commission.

This bill would eliminate certain of those specified felony offenses that give rise to the revocation of teaching credentials.

This bill would preclude applicants from withdrawing their application for a credential, permit, or other certification document without the consent of the commission. The bill would authorize the commission to retain jurisdiction over any credential applicant or any holder of an expired or suspended credential, for purposes of instituting or continuing a disciplinary proceeding over the applicant, as specified.

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Ch. 591 (AB 1179) Hannigan. Release of medical records.

Existing law authorizes providers of health care to release medical information without a patient's consent in a number of instances, including disclosure to a governmental authority responsible for paying for health care services rendered to the patient, to the extent necessary to allow responsibility for payment to be determined and payment to be made.

This bill would authorize disclosure of medical records without the patient's consent to a governmental authority if (1) the patient is, by reason of a comatose or other disabling medical condition, unable to consent to the disclosure of medical information and (2) no other arrangements have been made to pay for the health care services being rendered to the patient, and (3) the information is disclosed to the extent necessary to determine the patient's eligibility for, and to obtain, payment under a governmental program for health care services provided to the patient.

Ch. 592 (AB 1188) Speier. Controlled substances.

Existing law specifies various requirements in regard to prescribing and dispensing controlled substances subject to the California Uniform Controlled Substances Act, and classifies controlled substances into 5 schedules.

Existing law requires, with respect to prescriptions for controlled substances classified in Schedule III, that the signature, date, and certain information be wholly written in ink or indelible pencil in the handwriting of the prescriber.

This bill would add controlled substances classified in Schedule IV to those to which this provision applies.

Existing law prohibits a person from causing a prescription for a controlled substance classified in Schedule III or IV to be refilled more than 5 times, unless renewed by the prescriber.

This bill would prohibit, instead, a person from causing a prescription for a controlled substance within those classifications to be refilled in an amount in excess of a 120-day supply.

Ch. 593 (AB 1220) Mays. County retirement: safety membership: Orange County.

The existing County Employees Retirement Law of 1937 provides generally for safety members, as defined, higher benefit formulas and higher employer contribution rates than those provided for general members.

This bill would, in a provision which is optional to the county, authorize the Board of Supervisors of Orange County to adopt an alternative prospective provision which makes specified law enforcement personnel eligible for safety membership.

This new authorization would impose upon Orange County state-mandated local program costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

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

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

Ch. 594 (AB 1253) Baker. Pharmacy: storage of medical devices.

Under existing law, the State Board of Pharmacy administers the licensing and regulation of pharmacies and pharmacists. Existing law permits the board to waive specified requirements of licensure for pharmacies, hospital pharmacies, and medical device retailers, as defined, if, in the opinion of the board, a high standard of patient safety can be provided.

This bill would permit the board to waive any requirement of licensure for pharmacies, hospital pharmacies, and medical device retailers if those conditions are met.

Under existing law, there are various regulations regarding medical devices, as defined. Among these, there is a requirement that no person other than a registered or intern pharmacist or other authorized person may enter an area, place, or premises

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wherein specified devices are stored, possessed, prepared, manufactured, derived, compounded, or repackaged.

This bill would provide that none of these regulations be construed to prevent the storage of medical devices in secure central or ward supply areas of clinics, hospitals, institutions, or establishments holding certain licenses or permits, or of the California Rehabilitation Center or certain facilities or institutions for judicial commitments.

Ch. 595 (AB 1272) Frazee. 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 with extensions permitted until October 2.

This bill would authorize the board to make additions and changes up to the time of the adoption of the final budget if they are proposed in writing and filed with the clerk of the board before the close of the public hearing or approved by the board by ⅘ vote. The changes may be recorded as changes to the final budget.

Ch. 596 (AB 1283) Moore. Dentistry.

Existing law provides for the licensure and regulation of dentists, as specified. Existing law sets forth actions by dental licentiates that constitute unprofessional conduct.

This bill would require a dentist, dental health professional, or other licensed health professional to sign his or her name or enter his or her identification number and initials in the patient's record next to the service performed and to date those treatment entries. The bill would require any person licensed under the Dental Practice Act who is the owner, operator, or manager of a dental office to ensure compliance with those requirements. Repeated violations of the above provision would constitute unprofessional conduct.

The bill would also authorize dental patients to rescind contracts or plans with a dental office or plan for a period of 3 days, as specified.

Ch. 597 (AB 1482) Lee. Property tax: tax sales: personal contact.

Existing law requires a county tax collector, with respect to tax-defaulted property, to send specified notices with respect to an impending tax sale. It specifically requires the tax collector to send a notice concerning the pending sale, rights of redemption, and proceeds from the sale by registered mail to the last known mailing address, if available, of parties of interest, as defined by a specified statute. It requires the tax collector to publish a notice of intended sale, containing specified information with respect to the property, the sale, and rights of redemption, once a week for 3 successive weeks in newspapers of general circulation.

This bill would additionally require the tax collector, or his or her agent, in the case of tax-defaulted property that is the primary residence of the last known assessee, indicated as specified, to make a reasonable effort to personally contact, as specified, the owner-occupant of the property, no more than 60 days and no less than 10 days prior to the date of the sale. It would require the tax collector or his or her agent, if the above personal contact is not made after reasonable efforts, to attempt to serve written notice, as specified, upon the owner-occupant, no less than 5 days prior to the date of the sale. It would require that the actual and reasonable costs incurred by the tax collector, or his or her agent, in complying with the foregoing requirements, in an amount not to exceed $100, be added to the required amount for redemption of the tax-defaulted property. It would provide that no transfer of title shall be invalidated by reason of failure to comply with the requirements of the provisions in this bill. By imposing new duties on county tax collectors, 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

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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. 598 (AB 1526) McClintock. Process servers: independent contractors.

Existing law requires any person who makes more than 10 services of process within the state during a year to file a certificate of registration with the county clerk of the county in which the process server resides or has his or her principal place of business, with specified exceptions. A person who is acting as an independent contractor for a registered process server is exempt from the registration requirement.

This bill would require specified conditions to be met before a registered process server shall permit an independent contractor to sign any proof of service and would further require that any proof of service which is signed by an independent contractor of a registered process server shall contain specified information.

Existing law provides that the certificate of registration of a registered process server may be revoked or suspended pursuant to an administrative adjudicatory hearing if it is determined that the process server served process improperly or in violation of law.

This bill would provide an additional ground for revoking or suspending the certificate of a registered process server where service completed by an employee or independent contractor of the registered process server is improper or does not comply with the law governing service of process. This bill would also provide that the decision of the administrative law judge in the adjudicatory hearing shall be final.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

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

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

Ch. 599 (AB 1545) T. Friedman. Occupational safety and health: civil penalties.

(1) Existing law generally authorizes the Division of Occupational Health and Safety in the Department of Industrial Relations to impose civil penalties upon employers pursuant to specified provisions, but specifically prohibits the imposition of those penalties against any employer for first instance violations of any standard, rule, order, or regulation, other than serious, willful, or repeated violations, resulting from the inspection of the employer's establishment or workplace, unless the establishment or workplace is cited, on the basis of the inspection, for 10 or more violations.

This bill would delete the foregoing prohibition on the imposition of civil penalties.

(2) Existing law with respect to occupational health and safety generally provides for the assessment of civil penalties for violations of certain occupational safety and health provisions. It specifically authorizes with respect to an employer who willfully or repeatedly violates any occupational safety or health standard, order, or special order, or a specified statute, the assessment of a civil penalty of not more than $10,000 for each violation, and not more than $20,000 for each serious violation. It also specifically authorizes, with respect to each employer who fails to correct a violation of any occupational safety or health standard, order, or special order, or a specified statute within the period permitted for its correction, the assessment of a civil penalty of not more than $1,000 for each day during which the failure or violation continues, and, in the case of a serious violation, of not more than $2,000 for each day during which the failure or violation continues.

This bill would increase, as specified, the amounts of civil penalties which may be assessed for violations of certain occupational safety and health provisions. It would instead authorize with respect to an employer who willfully or repeatedly violates any occupational safety or health standard, order, or special order, or a specified statute, the assessment of a civil penalty in the amount of not more than $70,000 for each violation, but not less than $5,000 for each willful violation. It would also instead authorize with respect to each employer, who fails to correct a violation of any occupational safety or

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health standard, order, or special order, for a specified statute within the period permitted for its correction, the assessment of a civil penalty of $7,000 for each day during which the failure or violation continues.

(3) Existing law imposes certain criminal penalties on any employer and specified employees convicted of a willful violation of any occupational safety and health standard, order, or special order or a specified statute, and that violation caused death or permanent or prolonged impairment of the body to an employee.

This bill would increase the dollar amounts of those criminal penalties.

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

Ch. 600 (AB 1576) T. Friedman. Workers' compensation.

Existing law requires every private employer to secure the payment of workers' compensation by obtaining insurance or becoming self-insured. Where an employer fails to secure these payments, the Director of Industrial Relations is required to issue a stop order prohibiting the use of labor by the employer and to assess monetary penalties in the amount of $500 per employee at the time the stop order is issued, and between $1,000 and $5,000 per employee at the time the appeal becomes final, to a maximum total penalty of $50,000.

This bill would increase these penalties from $500 to $1,000 per employee at the time the stop order is issued, from between $1,000 to $5,000 to between $2,000 to $10,000 per employee at the time the appeal becomes final, and from $50,000 to $100,000 for a maximum total penalty.

Existing law provides that failure of an employer, or others, as specified, to observe a stop order is a misdemeanor punishable by imprisonment in the county jail not exceeding 60 days or a fine not exceeding $1,000, or both.

This bill would impose a state-mandated local program by increasing the maximum fine to an amount not exceeding $10,000.

Existing law authorizes the legislative body of a city and county to impose certain business license taxes.

This bill would require that every employer, who applies for any license or renewal of any license for a business issued pursuant to a specified statute, must provide proof of valid workers' compensation insurance or proof of compliance with self-insurance provisions, with a specified exception.

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

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

This bill would provide additional funds for the Uninsured Employers Fund, a continuously appropriated fund, thereby making an appropriation.

Ch. 601 (AB 1712) Polanco. Health services.

Under existing law, the State Department of Health Services is required to develop a statewide plan for health service programs for special population groups.

This bill would, in addition, require the state department to report to the Legislature by July 1, 1992, and every 4 years thereafter, on its activities relating to the use of clinics to provide comprehensive health services pursuant to specified health services programs.

Under existing law, the State Department of Health Services carries out various health care programs relating to primary care services.

This bill would establish the Clinic Revolving Fund of the department for the purpose of expediting advance payments to primary care clinics under grants or contracts with the department pursuant to specified provisions of law, and would authorize the department to provide advance payment for services to be performed under pending grant agreements or contracts with clinics, under prescribed conditions.

Existing law authorizes state agencies to draw from revolving fund appropriations 3%, or up to 10% if approved by the Department of Finance or in excess of 10% if approved by the Board of Control, as specified, of the amount of the appropriation without at the

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time furnishing vouchers and itemized statements.

This bill would, to the extent certain local assistance appropriations are made and notwithstanding the above-described or other provisions of law, authorize the department to draw up to 50% of the funds appropriated for the purposes of the Clinic Revolving Fund without at the time furnishing vouchers or itemized statements

This bill would specify that the purposes of the fund do not include departmental costs, as specified.

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

Ch. 602 (AB 1725) Peace. Fire insurance.

Existing law, for purposes of arson investigation, defines an "authorized agency" to include the State Fire Marshal, the Director of the Department of Forestry and Fire Protection, the chief of any city or county department, the chief of any fire protection district, the Attorney General, any district attorney, any peace officer, or any federal agency.

This bill would include within that definition the Department of Insurance.

Existing law provides that an authorized agency may release specific information regarding a fire loss whenever it determines that an ongoing investigation would not be jeopardized.

This bill would instead provide that the agency shall release to the claimant's insurer that information at the earliest possible time unless it determines that an ongoing investigation would be jeopardized.

The bill would also provide, with respect to valued policies issued or renewed on and after July 1, 1992, if a loss arising out of fire is rebuilt or replaced, an insured covered by a valued policy, as defined, shall receive full payment for the loss up to the face amount of the policy. If the loss is not rebuilt or replaced, an insured shall receive either the replacement value of the loss or the face amount of the policy, whichever is less.

Existing law provides that a person is guilty of arson when he or she willfully and maliciously sets fire to or burns or causes to be burned or aids, counsels, or procures the burning of, any structure, forest land, or property, as specified.

This bill would provide, where arson is committed in retaliation against the owner or occupant or one believed to be the owner or occupant of the property or structure burned, for any eviction or other legal action taken by the owner or occupant or believed owner or occupant, that act shall be a circumstance in aggravation of the crime in imposing a term of imprisonment.

Ch. 603 (AB 1756) Speier Personal income tax: deductions: substandard housing.

The existing Personal Income Tax Law and the Bank and Corporation Tax Law disallow as a deduction for income tax purposes certain expenses derived from substandard housing, which is defined as housing which (1) has been determined by a state or local government regulatory agency to violate state law or local codes dealing with health, safety, or building, and (2) after written notice of the violation by the regulatory agency, as specified, the housing has not been brought into a condition of compliance, within a specified time period. Existing law requires, after a prescribed period of time has expired without compliance, that the regulatory agency notify the Franchise Tax Board of the noncompliance

This bill would create a state-mandated local program by requiring the regulatory agency to record a specified notice of noncompliance containing specified information in the office of the recorder for the county in which the substandard housing is located at the same time as it notifies the Franchise Tax Board of the noncompliance. It would permit the regulatory agency to charge the taxpayer a fee in an amount not to exceed the regulatory agency's costs incurred in recording any notice or issuing any release of that notice It would also require that the notice of compliance contain specified information and be recorded.

This bill would make other related clarifying and technical changes.

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

Ch. 604 (AB 1757) Klehs. Bank and corporation taxes: gross income: exclusions.

The existing Bank and Corporation Tax Law defines "gross income" by reference to a specified federal statute, except as otherwise provided. Existing law provides for various exclusions from gross income.

This bill would provide that gross income does not include any contribution to the capital of a taxpayer, including any "contribution in aid of construction," as specified. It would declare that the provisions of this bill are declaratory of the legislative intent of existing law, and are consistent with past and present Franchise Tax Board and industry practice, as demonstrated by specified facts and circumstances.

This bill would take effect immediately as a tax levy.

Ch. 605 (AB 1829) Umberg. Terrorism: cross burning.

(1) Existing law prohibits a person from burning or desecrating a cross or other religious symbol, knowing it to be a religious symbol, or placing or displaying a sign, mark, or symbol, including, but not limited to, a Nazi swastika on the private property of another, without authorization, for the purpose of terrorizing another or in reckless disregard of the risk of terrorizing another, a violation of which is punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed $5,000, or by both the fine and imprisonment for the first conviction or by imprisonment in a county jail not to exceed one year, by a fine not to exceed $15,000, or by both the fine and imprisonment for any subsequent conviction.

(2) This bill would, instead, prohibit the above acts if they are for the purpose of terrorizing the owner or occupant of the private property or in reckless disregard of the risk of terrorizing the owner or occupant of the private property. This bill would, with regard to the prohibition against a person burning or desecrating a cross, or other religious symbol, as specified, in addition to the above penalties, make a violation of this prohibition punishable by imprisonment in the state prison for 16 months or 2 or 3 years, by a fine of not more than $10,000, or by both the fine and imprisonment for either the first conviction or any subsequent conviction.

(3) This bill would, in addition, prohibit a person from engaging in a pattern of conduct by placing or displaying a sign, mark, symbol, emblem, or other physical impression, including, but not limited to, a Nazi swastika on the private property of another, on 2 or more occasions, for the purpose of terrorizing the owner or occupant of the private property or in reckless disregard of the risk of terrorizing the owner or occupant of the private property. A violation of this provision is punishable by imprisonment in the state prison for 16 months or 2 or 3 years, by a fine not to exceed $10,000, or by both the fine and imprisonment, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed $5,000, or by both the fine and imprisonment. This bill also provides that a violation of this provision would not constitute felonious conduct for the purposes of a specified provision.

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. 606 (AB 1939) Kelley. Lien sales: service to personal property.

Under existing law, persons performing service on personal property have a possessory lien for the compensation due for the service performed. Existing law authorizing a public sale of the property to satisfy such a lien requires 10 days' notice by publication in a newspaper as specified, or if there is no newspaper in the county, by posting in 3 of the most public locations in the town where the property is located.

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This bill, subject to certain preconditions, would authorize an alternative lien-sale procedure for liens for work costing no more than $150. The bill would require prescribed notice to be given to the owner by mail. The bill would authorize $2 per day storage charges and 12% interest after 30 days have elapsed following the first notice and would authorize a public or bona fide private sale of the property 30 days after the second notice, as specified, subject to a 20-day postsale right of redemption. The bill would not apply to service dealers registered with the Bureau of Repair Services if the dealer believes the serviced product is of nominal value, as defined.

Ch. 607 (SB 98) Lockyer. Civil rights.

(1) Existing law requires the State Bar to request the California Supreme Court to adopt a rule of court authorizing the State Bar to establish and administer a mandatory continuing legal education program in which 8 of the total 36 hours of education shall be in legal ethics or law practice management, 4 hours of which shall be in legal ethics.

This bill would require the State Bar to request the California Supreme Court to amend Rule of Court 958 to provide that one hour of the mandatory 8 hours of legal education activities in legal ethics or law practice management may be satisfied, instead, by one hour of legal education activity in the civil and criminal remedies available for civil rights violations.

(2) Existing law provides that whoever denies, or who aids, or incites the denial, or whoever makes any discrimination, distinction, or restriction on account of sex, color, race, religion, ancestry, national origin, or blindness, or other physical disability contrary to specified existing law, is liable for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, up to the maximum of 3 times the amount of actual damages, but in no case less than $250, and any attorney fees that may be determined by the court, as specified.

For these purposes, this bill would define "actual damages" to mean special and general damages. In addition, the bill would declare that this definition is declaratory of existing law.

(3) Under existing law, all persons within this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute. Existing law provides that whoever denies these rights or whoever aids, incites, or conspires in that denial, is liable for each and every offense for the actual damages suffered by any person denied that right and, in addition, an amount to be determined by the trier of fact up to a maximum of 3 times the amount of actual damages, a civil penalty of $10,000 to be awarded to the person denied these rights, and attorney fees as may be determined by the court. Under existing law, in the case of multiple offenders, the $10,000 civil penalty is prorated between the offenders.

This bill would delete the award of 3 times the amount of actual damages and, instead, would provide merely for an award of exemplary damages. The bill also would increase the civil penalty to $25,000 and would delete the proration of this civil penalty between multiple offenders.

(4) Existing law authorizes the Attorney General, district attorneys, city attorneys, and aggrieved individuals to bring actions for damages, injunctive relief, 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 specify that the cause of actions for damages includes, but is not limited to, among other damages, those damages set forth in (3).

(5) Under existing provisions of the California Public Records Act, in making a report available to the public, as specified, of certain crimes, including rape, the address of a victim shall not be disclosed and the name of the victim may be withheld at the victim's request or at the request of the victim's parent or guardian if the victim is a minor. Existing law provides that if a person is a victim of more than one of these specified crimes, information disclosing that the person is a victim may be deleted at the request of the victim, or the victim's parent or guardian if the victim is a minor.

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This bill would apply the above provisions to the victim of specified crimes committed because of the victim's race, color, religion, nationality, country of origin, ancestry, disability, or sexual orientation.

(6) Under existing law, no person shall by force or threat of force willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege, as specified, or knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege, as specified, because of the other person's race, color, religion, ancestry, national origin, or sexual orientation. A violation of the foregoing is punishable by imprisonment in a county jail not to exceed 6 months, by a specified fine, or by both that imprisonment and fine.

This bill also would prohibit these crimes because of the other person's disability. The bill also would increase the term of imprisonment in a county jail not to exceed one year, thereby imposing a state-mandated local program.

(7) Existing law also provides that any other crime which is not made punishable by imprisonment in the state prison may constitute a felony, if the crime is committed against the person or property of another for the purpose of intimidating or interfering with that person's free exercise or enjoyment of any right, as specified, because of the other person's race, color, religion, ancestry, national origin, or sexual orientation under specified circumstances, including the crime against property causing damage in excess of $1,000.

This bill, instead, would provide that the crime be committed for the purpose of intimidating or interfering with that person's free exercise or enjoyment of the right, as specified, and because of the other person's race, color, religion, ancestry, national origin, disability or sexual orientation under specified circumstances. In addition, the bill would provide that the crime against property must cause damage in excess of $500, rather than $1,000.

(8) With specified exceptions, existing law provides that a prior felony or attempted felony because of the victim's race, color, religion, nationality, country of origin, ancestry, or sexual orientation is a circumstance in aggravation of the crime for purposes of sentencing.

This bill would provide specifically that any person who commits a felony or attempts to commit a felony because of the victim's race, color, religion, nationality, country of origin, ancestry, disability, or sexual orientation, except as specified, may receive an additional term of 1, 2, or 3 years in state prison.

The bill also would provide that, except as specified, any person who commits a felony or attempts to commit a felony because of the victim's race, color, religion, nationality, country of origin, ancestry, disability, or sexual orientation and who voluntarily acted in concert with another person either personally or by aiding and abetting another person shall receive an additional 2, 3, or 4 years in state prison, at the court's discretion.

This bill would provide that, except when other specified enhancement provisions are imposed, a person punished by the above enhancements also shall receive an additional term of one year in the state prison for each prior felony conviction on charges brought and tried separately in which it was found by the trier of fact, or admitted by the defendant, that the crime was committed because of the victim's race, color, religion, nationality, country of origin, ancestry, disability, or sexual orientation.

The bill, however, would permit the court, as specified, to strike the additional term of imprisonment if the court determines there are mitigating circumstances.

(9) This bill would provide that a person granted probation for any of the offenses described in (6), (7), or (8) may be ordered by the court to complete a class or program on racial or ethnic sensitivity as a condition of probation. The bill would also declare that it is the intent of the Legislature to encourage the establishment of education and training programs to prevent violations of civil rights and hate crimes.

(10) This bill would incorporate additional changes in Section 52 of the Civil Code, Section 6254 of the Government Code, and Sections 422.6, 422.7, and 1170.75 of the Penal Code proposed by AB 1169, AB 1681, and AB 1009, to be operative only if AB 1169, AB 1681, or AB 1009 and this bill are chaptered and become effective on or before January

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1, 1992, and this bill is chaptered last.

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

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

Ch. 608 (AB 998) Peace. Credit cards: security.

Existing provisions of the Song-Beverly Credit Card Act of 1971 impose various requirements on issuers of credit cards.

This bill would require issuers of credit cards secured by real property or money or other personal property to (1) disclose in advertisements and solicitations that credit extended under the credit card is secured, (2) identify the credit card as a "secured credit card", and (3) describe the security by item or type.

This bill would also require any deed of trust executed in conjunction with a secured credit card to contain a statement that it is security for a secured credit card obligation.

The provisions of the bill would not be applicable (1) where the credit card agreement creates a purchase money security interest in property purchased with the credit card, but does not pledge, hypothecate, or place a lien on other property of the cardholder or any co-obligor or (2) to a loan or extension of credit subject to the Federal Home Equity Loan Consumer Protection Act of 1988. Violation of the bill's requirements would constitute unfair competition, as specified.

Ch. 609 (SB 67) Committee on Appropriations. Judgments and settlement claims against the state: appropriation [5]

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 appropriate $3,087,060, as scheduled, to the Attorney General to pay judgments and settlement claims.

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

Ch. 610 (AB 1727) Hunter. Emotionally disturbed children.

Existing law requires that the State Department of Mental Health shall establish program standards for any facility licensed as a community treatment facility providing mental health treatment services to seriously emotionally disturbed children.

Existing law provides that during the initial comment period following the adoption of emergency regulations, the community care facility licensing regulations proposed by the State Department of Social Services and the program standards proposed by the State Department of Mental Health shall be presented simultaneously.

This bill would delete that provision.

This bill would continuously appropriate $55,000 annually to the Attorney General for the purpose of representing the State Department of Mental Health when a facility appeals a denial of certification or decertification.

Existing law requires a community care facility licensed as a group home for children to meet certain requirements, including accepting only children who have been certified by the local mental health program.

This bill would revise the standards which a group home licensed under those provisions must meet.

The bill would require the local mental health program to certify, unless the State Department of Mental Health agrees to certify, that the group home program contains certain services, and assurances that the program services are available, as attested by the local mental health director. By requiring the local mental health program certification and attestation by the local mental health director, this bill would result in a state-mandated local program.

Existing law requires the State Department of Mental Health to develop an individualized needs assessment protocol for court wards and dependents by July 1, 1991, and to establish and maintain a special system of per child payments for supplemental mental health services rendered to these children by October 1, 1992, and to establish by

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regulation, certain definitions and procedures in this regard by January 1, 1992.

This bill would delay the required date of the development of the protocol until July 1, 1992, of the establishment of the system of payments to October 1, 1993, and of the establishment of definitions and procedures to January 1, 1993.

Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program pursuant to which eligible children receive foster care services. Under existing law, the State Department of Social Services establishes rates to be paid providers for the AFDC-FC program.

Existing law states the intent of the Legislature to establish a standardized schedule of rates for group homes, effective July 1, 1990. Existing law also requires that group home rates effective between July 1, 1989, and June 30, 1990, shall be set using current regulations and policies of the department.

This bill would delete this statement of intent and requirement for setting group homes rates, and would instead require the department to establish the level of state participation in out-of-state foster care group home program rates, to be effective January 1, 1992, by developing regulations after considering specified methods of calculation.

Under existing law, foster care providers licensed as group homes are reimbursed under the AFDC Foster Care program at rates that are established by classifying each group home program and applying a standardized schedule of rates that takes into account the level of services provided by the group home.

Under existing law, group homes that generate a sufficient number of points under the standardized schedule of rates for a rate classification level of 13 or 14 and which only accept children with special treatment needs and have, as part of their program, measurable performance standards developed by the county of origin shall be classified at rate classification level 13 or 14.

This bill would instead apply that method of classifying group homes at rate classification level 13 or 14 as of July 1, 1992, and would specify that, until July 1, 1992, a group home program shall be classified at rate classification level 13 or 14 as long as the group home program meets stated requirements, including agreeing to accept for placement only children who have been certified by the local mental health program as seriously emotionally disturbed and the child needs the level of care provided by the group home program.

The bill would require the local mental health program to certify, unless the State Department of Mental Health agrees to certify, that the group home program contains certain services, and assurances that the program services are available, as attested by the local mental health director. By requiring the local mental health program certification and attestation by the local mental health director, this bill would result in a state-mandated local program.

Existing law requires the State Department of Social Services to develop a standard format for group home program placements for ratesetting, licensing, and placement purposes, to develop a level of care instrument which shall match the assessed needs of dependent children and wards of the court and their families with group home services in each rate classification level by July 1, 1990.

This bill would delete that date and require those things be accomplished by July 1, 1992.

Existing law requires that in the case of a child receiving AFDC-FC who would otherwise be placed in the California Youth Authority, except for the child's placement in an out-of-state group home, the rate shall be the group home rate established by the ratesetting authority of the state in which the facility is located, and require these group homes to be audited.

This bill would repeal this provision.

This bill would authorize the transfer of up to $150,000 of specified funds in the Mental Health Subaccount of the Sales Tax Account in the Local Revenue Fund to a specified item of the Budget Act of 1991 for the purposes of the implementation of certain provisions of this bill.

This bill would require the department to adopt emergency regulations to implement certain provisions of this 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement 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. 611 (AB 1491) Bronzan. Public social services: realignment.

Existing law authorizes the State Department of Mental Health to disseminate information regarding mental health issues, and to distribute certain resources to counties for the provision of local mental health services. Existing law places certain duties on the department in the planning of mental health services, the development and maintenance of programs, the provision of supervision, assistance and funding to counties for local mental health services, and the establishment of rates for certain types of facilities and services.

This bill would expand the authority of the department in the dissemination of information and the distribution of resources, and would revise the department's duties in regard to the planning of mental health services, the development and maintenance of programs, the provision of supervision, assistance, and funding to counties, and the establishment of rates for facilities and services.

Existing law provides for a method under which the State Department of Mental Health is reimbursed by counties for the use of state hospital beds on a contract basis, subject to specified conditions.

This bill would revise the deparment's duties in the contracting process, as well as provide for the disbursement of certain unencumbered funds to counties for mental health purposes.

Under the Bronzan-McCorquodale Act, counties provide community mental health services to specified target populations based on a performance contract containing specified criteria.

This bill would revise the description of services to be provided and the target populations, as well as the criteria contained in the performance contract and the counties' duties in the preparation and submission of the contract.

Existing law requires local mental health advisory boards, the Organization of Mental Health Advisory Boards, and the California Council on Mental Health to assess and make certain reports on the impact of realignment on mental health services.

This bill would revise the duties of these entities in this regard.

This bill would also require the State Department of Mental Health and the State Department of Social Services to report to the Legislature by January 1, 1993, on the impact of certain statutory changes on the out-of-home placements of children under individualized education programs.

Under existing law, the Robert W Crown California Children's Services (CCS) Act, the State Department of Health Services administers a program of services for physically defective or handicapped persons under the age of 21 years, in cooperation with the federal government.

This bill would revise eligibility standards under that act, and would require the state to provide services under the act in certain circumstances.

The bill would require the Legislative Analyst to report to the appropriate committees of the Legislature on the impact of changes to the CCS program by this bill and Chapter 91 of the Statutes of 1991.

Existing law requires the Department of the Youth Authority to convene a task force to identify and recommend methods of achieving better coordination of, and savings in, the continuum of correctional, rehabilitative, and preventive services for youthful offenders, and to develop recommendations on factors related to those services.

This bill would expand the scope of those recommendations include funding juvenile

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justice systems.

Existing law requires the Department of the Youth Authority to provide funds to counties for various purposes.

This bill would revise the scope of those purposes, would eliminate the requirement that counties establish a county justice system advisory group as a condition of receiving those funds, and would repeal county funding allocation entitlement procedures.

Existing law provides for the allocation of funds to counties. This bill would revise the procedures which must be followed in the allocation of those funds.

This bill would also revise requirements proposed by SB 786 regarding conditions a county must meet for a waiver from existing regulations that hinder the coordination of children's services.

This bill would reallocate interest earnings in various funds to pay for health care services provided to persons under the County Medical Services Program.

The bill would also make various technical changes.

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

Ch. 612 (SB 1112) Mello Bronzan-McCorquodale program: licensure.

(1) Existing law requires that the licensure requirements for professional personnel, including psychologists, clinical social workers, and marriage, family and child counselors, 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 persons employed in publicly operated health facilities, who are gaining qualifying experience for licensure. The waiver cannot exceed 2 years from the commencement of employment in the state in the case of psychologists, 3 years for marriage, family, and child counselors, or 4 years for clinical social workers, with one additional year to be granted under extenuating circumstances for clinical social workers.

This bill would extend the durational limit of the department's waiver of licensure requirements to 4 years for marriage, family, and child counselors. The department would be able to grant an additional one-year extension of the waiver under extenuating circumstances as provided for personnel recruited from outside the state, psychologists, and marriage, family, and child counselors in addition to clinical social workers.

(2) Existing law requires persons employed or under contract to provide mental health services under the Bronzan-McCorquodale program to be subject to all applicable laws respecting professional licensure, and prohibits any person from providing services for which licensure is required unless the person possesses a currently valid license. Existing law authorizes the State Department of Mental Health to waive these requirements for persons in the profession of marriage, family, and child counseling for a period of 3 years, and for a period not to exceed 5 years for those employed less than full time, and for specified periods for persons in certain other professions, who are gaining qualifying experience for licensure in the profession in the state, subject to certain conditions. In addition, specified persons may be granted an extension of waiver under certain extenuating circumstances, as defined.

This bill would, instead, authorize waivers for a period of 4 years to persons in the profession of marriage, family, and child counseling and 6 years for those employed less than full time, and make all of the waivers applicable to persons who are gaining qualifying experience for licensure, under supervision, in the profession. It would also permit extensions of waivers for extenuating circumstances to be applied to persons in the profession of marriage, family, and child counseling.

Ch. 613 (AB 195) Bentley. Criminal law.

Existing law requires the Judicial Council to submit a report to the Legislature within 3 months of the end of each fiscal year setting forth specified information regarding costs of court operations and collection of revenues.

This bill, among other things, would require instead that a report be submitted by the Judicial Council on or before November 1 following the end of each fiscal year.

Existing law requires that retired judges be compensated for sitting in a trial court based upon a formula which depends upon whether they retired as a judge under the

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Judges' Retirement Law or not. These provisions specify that a county receiving the judge's services shall pay the state 50% of the salary as provided in specified provisions for the time the judge serves the receiving court.

This bill would require that the county pay the state at least 50% of the salary as provided in specified provisions for the time the judge serves the receiving court and would provide that the county may, at its option, agree to pay more than 50%. The bill would also make a clarifying change to these provisions with regard to compensation of judges on senior judge status.

Existing law requires, in the case of a felony offense not punishable by death, that a magistrate, if authorized by local rule of the superior court, upon the receipt of a plea of guilty or nolo contendere, as specified, immediately appoint a time for pronouncing judgment in the superior court.

This bill, in addition, would extend this provision to authorize the magistrate to appoint a time for pronouncing judgment in the municipal and justice courts. This bill also would delete from this provision the requirement that the above appointment of a time for pronouncing judgment in court be authorized by local rule of the superior court.

Existing law also provides procedures with regard to the forfeiture of bail, including, a requirement that if the court grants relief from bail forfeiture the court shall impose a monetary payment, reflecting actual costs, as a condition of relief to compensate the people for the costs of returning the defendant to custody.

This bill would except from this provision cases where the court determines that in the best interest of justice no costs should be imposed.

Existing law grants each municipal and justice court jurisdiction in all misdemeanor criminal cases, as specified, and grants jurisdiction to the superior court in felony cases.

This bill, in addition, would grant each municipal and justice court jurisdiction in all noncapital criminal cases to receive a plea of guilty or nolo contendere, appoint a time for pronouncing judgment, as specified, and refer the case to the probation officer if the defendant is eligible for probation.

This bill also would grant the superior court jurisdiction in all misdemeanor criminal cases to receive a plea of guilty or nolo contendere, appoint a time for pronouncing judgment, and pronounce judgment.

Existing law requires the Department of Motor Vehicles, before renewing the registration of any vehicle, to check the record of the registered owner for conviction of traffic violations or traffic accidents, and for notices of failure to appear or pay a fine filed with the department.

This bill would require, instead, that the department, before renewing the registration of any vehicle, check the driver's license record of all registered owners for the above information.

Existing law provides with respect to specified Vehicle Code offenses that whenever a person has failed for a period of 15 or more days to pay a lawfully imposed fine, as specified, the magistrate or clerk of the court may give notice of the fact to the Department of Motor Vehicles, except as specified. If the person subsequently pays that fine, the court is required to sign and file a certificate showing the fine was paid.

This bill, in addition, would provide that in lieu of the certificate or a notice from the court, the department shall with the consent of all registered owners collect the amounts which it has been notified are due pursuant to these provisions.

Existing law provides for the levy of a special assessment, as specified, by any court which conducts a night session of the court on all offenses involving a violation of a specified provision of the Vehicle Code or a local ordinance adopted pursuant to that code. Offenses relating to parking or registration or offenses by pedestrians or bicyclists are excepted from this provision.

This bill would delete offenses relating to registration or offenses by pedestrians or bicyclists from the exception to this provision.

Existing law requires the Judicial Council to study the economic effects of decriminalizing minor violations of the Vehicle Code and violations of ordinances, regulations, and provisions of the Vehicle Code governing the standing or parking of vehicles and report

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to the Legislature on or before March 1, 1992, which of those violations, if any, it recommends be decriminalized.

This bill, instead, would require that a report be made to the Legislature on or before July 1, 1992.

Ch. 614 (AB 203) Farr. Oilspills: wildlife.

Under existing law, the administrator for oilspill response in the Department of Fish and Game is required to establish rescue and rehabilitation stations for sea birds, sea otters, and other marine mammals affected by an oilspill in marine waters and to consult with specified agencies in the design, planning, construction, and operations of the stations.

This bill would require the first station to be located within the sea otter range on the central coast, and would require the administrator to proceed to bid on the construction contract by January 1, 1994, and to consult with the specified agencies by July 1, 1992.

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

Ch. 615 (AB 265) Hauser. California Seafood Council: nomination and compensation of members: duties.

(1) Existing law provides for the establishment of the California Seafood Council, by a referendum vote of receivers and fishermen, to give advice to, and perform duties delegated to it by, the Director of Food and Agriculture. The council is authorized to carry on various programs to promote the sale of seafood and seafood products from fisheries and to engage in specified promotional and educational programs. Under existing law, the director is required to give notice of vacancies that will occur in the membership of the council, and nominations of persons to fill those vacancies are required to be mailed to the director postmarked no later than March 15.

This bill would require the nominations to be mailed to the director postmarked no later than March 1. The bill would also authorize the council to recommend or contract for scientific research for the promotion, utilization, and benefit of seafood and seafood products for the purpose of successful seafood marketing, and to institute a credit-back program, as specified.

(2) Under existing law, the director is authorized to establish fees, to be paid by receivers or fishermen, to carry out these provisions. No fee may be increased without the approval of a majority of the voting members of the council. The voting members of the council are authorized, under existing law, to receive $40 per day per diem for each day spent in actual attendance at the meetings or on the business of the council and to be reimbursed for necessary traveling and other expenses incurred in the performance of their official duties except that, during the first year of council operations, all members serve at their own expense.

This bill would provide that no fee may be increased without the approval of ⅔ of the voting members of the council. The bill would also delete the requirement that, during the first year of council operations, all members serve at their own expense.

(3) Existing law defines fisheries, for purposes of these provisions, to mean all species of fish and shellfish landed in this state which are treated as a unit for purposes of research, development, promotion, and marketing, except various specified fish and shellfish. Included within the excepted species are tuna products landed for transshipment for canning in other states or nations.

This bill would limit the definition of fish and shellfish to fish and shellfish harvested in ocean water and, in addition, would exclude tuna landed for canning in this state from the definition of fisheries.

(4) This bill would require the department, pursuant to an interagency agreement between the department and the California Environmental Protection Agency, to contract with the California Seafood Council to complete a research study on the Pacific sardine fishery. The bill would authorize the council to expend $200,000 received from the department pursuant to an interagency agreement to conduct the study.

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

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Ch. 616 (AB 270) Hauser. Veterans benefits.

(1) Existing law defines veterans for the purpose of providing certain benefits to veterans, including educational assistance and assistance with the purchase of a farm or home.

This bill would add persons who meet specified residence requirements who served in the active military during the period commencing on or after August 2, 1990, to and including the date on which the territories in and around the Arabian Peninsula cease to be designated as a place where the armed forces of the United States are engaged in combat, as specified, to the definition of veterans for purposes of receiving these benefits. This bill would state the intent of the Legislature to make these benefits available to all veterans who were on active duty in the armed forces of the United States or were in the reserves or National Guard and who were called to active duty during this period, whether they served overseas or in the United States.

This bill would also add members of the reserves or National Guard who meet specified residence requirements and were called to and released from active duty, regardless of the number of days served, if called pursuant to a presidential executive order that specified the United States was engaged in combat.

(2) Existing law provides, upon the dissolution of marriage or legal separation of a veteran contract purchaser of a farm or home and the veteran's spouse, an assignment may be made in favor of the nonveteran former spouse at the same rate of interest and upon the same terms and conditions as are provided to veteran purchasers, provided the veteran's entire beneficial interest is transferred to the spouse and provided there are one or more dependent children occupying the property and the spouse agrees to actually reside in the home and continue to make the payments in the same amount as required by the purchase contract.

This bill would condition that assignment, instead, on there being one or more dependent children of the veteran occupying the property and on the spouse continuing to reside in the home and make the payments in the same amount as required by the purchase contract.

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

Ch. 617 (AB 273) Clute. Interscholastic athletics.

Existing law contains certain provisions governing interscholastic athletics policies, programs, and activities in school districts, in addition to certain policies and practices of the California Interscholastic Federation. Existing law also directs the State Department of Education to ensure that the interscholastic athletics policies of school districts, of associations of school districts, and of the California Interscholastic Federation comply with state and federal law, as specified. Under existing law, those provisions are repealed as of June 30, 1992, whereupon control over school athletic activities is assigned to the State Department of Education.

This bill would extend that repeal date to July 1, 1994.

The bill would also repeal certain provisions that govern the endorsement or recommendation of insurance by the California Interscholastic Federation and would instead prohibit the federation from endorsing any insurance program.

Existing law authorizes the State Department of Education to undertake designated actions to enforce the compliance with state and federal law of interscholastic athletics policies of school districts, of associations and consortia of school districts, and of the California Interscholastic Federation.

This bill would specify that the state law with which those policies are required to be in compliance includes, but is not limited to, regulations issued by the State Board of Education under existing statutory authority with regard to sex discrimination in interscholastic athletics.

Ch. 618 (AB 293) Bates. *Reimbursements claims: desegregation costs.*

Existing law authorizes the governing board of any school district maintaining a voluntary integration program, or a court-mandated desegregation program, to file a claim for reimbursement of the costs of those programs. Existing law imposes conditions on a school district for receipt of the reimbursement and establishes a maximum amount

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of reimbursement, according to calculations that are based on a district's "first full year of operation," and the amount of the "audited costs approved by the Controller for the first full year of operation."

This bill would require the Controller to designate fiscal year 1992–93 as the "first full year of operation" for purposes of the maximum reimbursements for the Oakland Unified School District under certain conditions. The bill also would require that the amount of "audited costs approved by the Controller for the first full year of operation" not exceed $9,700,000.

The bill would require the Controller to review implementation of the plan and report to the Joint Legislative Budget Committee by March 1, 1993. The bill also would authorize the district to become a regular recipient of specified budgeted desegregation funding starting in the 1993–94 fiscal year provided funds are included in the Budget Act of 1993.

Ch. 619 (AB 765) Polanco. Radon measurement and certification.

Existing law does not require certification of a person who tests for, analyzes, or mitigates against, the presence of radon, designs a mitigation system, purveys radon testing equipment or radon mitigation equipment to the general public, or represents or advertises that he or she may so test, mitigate, or purvey.

This bill would establish requirements for the certification of radon measurement laboratories, radon testing and consulting specialists, and radon mitigation contractors, as defined in the bill, by the State Department of Health Services, by adopting specified federal guidelines as state standards, unless objected to by a person adversely affected, and the bill would provide for nonrefundable application fees for the certification. These fees would be deposited into the Radon Contractor Certification Fund, which the bill would create. The moneys in the fund would be available, upon appropriation by the Legislature, to the State Department of Health Services for the purposes of the bill. The bill would provide for the revocation or suspension of the certification and would provide that violations of the bill would be misdemeanors with specified penalties, thereby imposing a state-mandated local program by creating a new crime. The bill would provide for specified exceptions and for reciprocal agreements with other states which have similar certification programs, as specified.

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

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

Ch. 620 (AB 799) Cortese. The California Water Plan.

Existing law provides for the control, protection, conservation, development, and use of the water resources in specified bulletins known as "The California Water Plan." Existing law authorizes the Department of Water Resources to periodically adopt amendments, supplements, and additions to the plan and provides that these changes become effective when reported to the Legislature. Existing law declares that it is the policy of the state that the plan, including the amendments, supplements, and additions to the plan, is the guide for orderly and coordinated control, protection, conservation, development, and use of water resources.

This bill would require the department to update the plan every 5 years and to report the amendments, supplements, and additions contained in the updates of the plan, together with a summary of the department's conclusions and recommendations, to the Legislature, as prescribed. The bill would require the department to release a preliminary draft of the plan, upon request, to interested persons and entities for review and comment. The bill would specify that it is the policy of the state that the plan, including the amendments, supplements, and additions to the plan, is accepted as the master plan which guides the orderly and coordinated control, protection, conservation, development, management, and efficient use of water resources.

The bill would require the department or, at the department's request, the California Water Commission, to conduct a series of hearings with specified persons and entities,

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as prescribed.

Ch. 621 (AB 839) Hauser. Common interest development associations.

Under existing law, common interest developments are required to be managed by an incorporated or unincorporated association. These incorporated associations are subject to the Nonprofit Mutual Benefit Corporation Law and the unincorporated associations are, with a certain exception, granted the powers of a nonprofit mutual benefit corporation.

This bill would require membership meetings of these associations to be conducted in accordance with a recognized or adopted system of parliamentary procedure. The bill would require notice of membership meetings to specify business to be considered, but consideration of other business at the meeting would not be precluded. The bill would require members to be given access to association records as provided in the Nonprofit Mutual Benefit Corporation Law. The bill, with certain exceptions, would authorize members to attend board meetings. The bill, with certain exceptions, would require minutes of association board of directors meetings, proposed minutes, or summaries to be made available to members within 30 days of the meeting and upon reimbursement of the costs of that distribution. It would require notification of that availability, as specified. The bill would also provide that, when 2 or more associations have consolidated their functions under a joint association, members of participating associations, with certain exceptions, shall be entitled to attend and participate in meetings of the joint association and be entitled to the same access to records of the joint association as to records of their participating association.

Ch. 622 (AB 952) Quackenbush. PERS: investments.

Existing law authorizes, until January 1, 1992, the Board of Administration of the Public Employees' Retirement System to maintain not more than 1% of the investment assets of the system, or $500,000,000, whichever is less, in small business venture capital.

This bill would extend the repeal date to January 1, 1995, and would specify that not more than 1% of the book value of the assets of the system may be maintained in small business venture capital. It would express the intent of the Legislature that the majority of these funds be invested in firms based and operating in California.

Ch. 623 (AB 986) Lancaster. PERS: state safety members.

The Public Employee's Retirement Law defines "state safety member" in terms of employees employed by specified state departments in specified job classifications and provides higher retirement benefit formulas and higher employer and employee contribution rates for state safety members than for state miscellaneous members.

This bill would include certain classifications of employees of the Department of Corrections and the Prison Industry Authority, within the state safety membership category, thereby increasing the amount of the state's continuously appropriated monthly contributions, which would constitute a General Fund appropriation.

Ch. 624 (AB 995) Statham. Regional occupational programs.

(1) Under existing law, a regional occupational program may apply for apportionments as a necessary small regional occupational program if the program has an annual total average daily attendance of 350 or less in the prior fiscal year and if the program provides instructional service to a comprehensive high school or schools that have an average daily attendance in grades 9 to 12, inclusive, during the fiscal year, of less than 350. Under existing law, those comprehensive high schools that have an average daily attendance of less than 350 during the fiscal year may receive allocations as a small school regional occupational program if a necessary small regional occupational program applies for those allocations.

This bill would provide, instead, that the average daily attendance of the comprehensive high school or schools served by the regional occupational program during the fiscal year must be 350 or less. The bill would authorize allocations for any or all comprehensive high schools within the program's boundaries having an average daily attendance of 350 or less during the fiscal year.

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(2) Existing law requires the county superintendent of schools to annually certify eligibility of regional occupational programs within their jurisdiction for funding based on certain criteria.

This bill would require the county superintendent to certify the eligibility of a regional occupational program as a necessary small regional occupational program and annually certify the eligibility of all comprehensive high schools within the boundaries that have been selected by the necessary small regional occupational program to receive small school regional occupational program service allocations.

(3) Existing law requires the Superintendent of Public Instruction to annually allocate small school regional occupational program service funding in accordance with a prescribed schedule for each comprehensive high school with an average daily attendance during the fiscal year of less than 350.

This bill, instead, would require the superintendent to allocate that funding to any and all comprehensive high schools certified as eligible and selected to receive small school regional occupational program service allocations.

(4) Existing law requires the reduction on a pro rata basis, as specified, of small school regional occupational service allocations if the regional occupational program has not certified the employment of the minimum number of full-time equivalent certificated employees at each school.

This bill would provide that full-time equivalency is equal to 6 teaching periods of comprehensive high school.

(5) Existing law establishes a necessary small regional occupational program service allocation schedule.

This bill would revise that schedule and specify that the small school service allocation amounts contained in the necessary small regional occupational program service allocation schedule are the dollar allocations for the 1990–91 fiscal year.

(6) Existing law requires regional occupational programs that apply for funding as a small regional occupational program to certify all concurrently enrolled average daily attendance generated during the previous year in each school receiving small school regional occupational program service funds pursuant to a specified formula, and requires that the calculation be completed the year a regional occupational program applies to become a necessary small regional occupational program.

This bill would revise that formula and provide, in addition, that the calculation also may be completed the year that the eligible regional occupational program selects any comprehensive high school to receive a small school regional occupational program service allocation.

This bill also would provide for the funding of a comprehensive high school that was removed from receiving, or became ineligible for, the small regional occupational program service allocation funding.

(7) Existing law requires that in fiscal years subsequent to 1985–86, the prior year's apportionment for small school regional occupational programs be adjusted by the same cost-of-living increase provided through the standard apportionment system for regional occupational programs.

This bill would provide for that adjustment in fiscal years subsequent to 1989–90.

Ch. 625 (AB 1008) Jones. State real property.

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 designate the funds into which the net proceeds are to be deposited and would require the reservation of mineral rights, as specified.

Ch. 626 (AB 1021) Hughes. Disabled students: reader services.

Existing law requires the Board of Governors of the California Community Colleges and the Trustees of the California State University, and authorizes the Regents of the University of California, to adopt regulations for their respective systems, regarding disabled student services. Existing law authorizes federal and state vocational rehabilita-

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tion funds to be utilized to provide reader and interpreter services to clients of the Department of Rehabilitation, if those funds are administered in full compliance with the requirements of applicable federal and state laws and regulations, and the policies and procedures of the Department of Rehabilitation.

This bill would require that California State University systemwide policy governing the provision of services to students with disabilities include a requirement that Disabled Student Services (DSS) directors maintain a list of readers who meet certain prescribed standards, and would require the systemwide policy to require that students and readers meet in a mutually agreeable public facility, either on or off campus, as appropriate to the student's coursework and consistent with campus policy. The bill would require a student to file a written request if he or she selects a reader who is not on a director's list or if he or she prefers to meet with a reader at a nonpublic facility.

The bill would require that, at the beginning of each term, students receive a notice informing them of the option to choose a reader who is not on the list and to choose a location for receiving reader services in a nonpublic facility. The notice is required to be signed by both the student and the DSS director, or his or her designee, and maintained on file.

The bill would also require that reader services for students with disabilities attending the California State University be provided for required reading not readily available on tape, handouts, and materials necessary for required research papers, as specified.

The bill, in addition, would make a technical nonsubstantive change.

Ch. 627 (AB 1057) Sher. Underground storage tanks· exemption.

Existing law generally regulates the storage of hazardous substances in underground storage tanks. Existing law exempts from these requirements a tank in the County of San Diego which is located in an underground structure and meets specified requirements.

This bill would delete the condition that the exempted tank be located in the County of San Diego.

Ch. 628 (AB 1065) Clute. Telecommuting: pilot project.

Under existing law, the Department of General Services, in coordination with the Department of Transportation, is required 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 designated locations in Orange County, Riverside County, and San Bernardino County, and to report, as specified, to the Legislature on the results of the pilot project with its recommendations by July 1, 1992. Existing law appropriates $200,000 of Petroleum Escrow Violation Account funds in the Federal Trust Fund to the Department of General Services for these purposes.

This bill would repeal the existing law and reappropriate those funds to the Department of General Services to conduct, in coordination with the Department of Transportation, such a study in Los Angeles, Orange, Riverside, and San Bernardino Counties, as specified. The bill would require the Department of General Services to contract with the Riverside County Transportation Commission and the San Bernardino Associated Governments to implement the project, and would authorize those local agencies to enter into separate contracts with private or public entities to implement all or a portion of the project. The bill would require the Department of General Services to distribute $100,000 of the appropriated funds to the Riverside County Transportation Commission and $100,000 to the San Bernardino Associated Governments, for these purposes, subject to specified conditions regarding contributions from those agencies and from private industry.

This bill would extend the date for the required report to January 1, 1993.

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

Ch. 629 (AB 1158) Speier. Dentistry: oral and maxillofacial surgery.

(1) Existing law, the Dental Practice Act, requires the Board of Dental Examiners of California to examine all applicants to practice dentistry and to issue licenses to practice dentistry in this state to qualified applicants. It also requires the examining committee

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of the board to assist the board in the examination of applicants for a dental license and provides that the subjects in which the applicant is to be examined shall be prescribed by the board.

This bill would permit any person licensed under the Medical Practice Act as a physician and surgeon who is not licensed to practice dentistry under the Dental Practice Act to apply to the board for an oral and maxillofacial surgery permit, as defined. The bill would authorize the board to issue a permit if the applicant has furnished evidence satisfactory to the board that he or she meets certain eligibility requirements.

The bill would require every provision of the Dental Practice Act applicable to a person licensed to practice dentistry to apply to a person to whom a permit is issued.

This bill would require automatic suspension of a permit for any period of time during which the holder does not possess a current, valid license to practice medicine.

(2) Existing provisions of the Business and Professions Code continuously appropriate the moneys in the State Dentistry Fund. Since this bill would require an application fee of $150 for a permit and renewal fee, as specified, which would be deposited in the fund pursuant to existing law, this bill would constitute an appropriation by increasing moneys into the fund.

(3) Existing law prohibits a dentist from administering or ordering the administration of general anesthesia, as defined, on an outpatient basis, unless the dentist possesses a license to practice dentistry in California and holds a general anesthesia permit.

Existing law also prohibits, on and after January 1, 1992, a dentist from administering or ordering the administration of conscious sedation, as defined, on an outpatient basis, unless the dentist possesses a license to practice dentistry and either holds a valid general anesthesia permit or obtains a permit to administer conscious sedation.

This bill would additionally permit persons who possess an oral and maxillofacial permit or a special permit to practice in a specialty field of dentistry, as specified in existing law, if he or she also possesses a permit to administer general anesthesia or, for purposes of administering conscious sedation only, a permit to administer conscious sedation.

(4) The Dental Practice Act contains several provisions making certain acts misdemeanors, including, but not limited to, willfully making a false statement in a material regard in an affidavit required for examination, license, or registration under the act, and requires the district attorney of each county to prosecute all violations of the Dental Practice Act in his or her county. Since this act would be providing for a new type of special permit and a new examination, it 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 630 (AB 1346) Woodruff. Vehicles: parking: disabled persons: penalties.

(1) Under existing law, any disabled person may apply to the Department of Motor Vehicles for a distinguishing license plate or a placard which allows the person specified parking privileges. It is unlawful for any person to park or leave standing a vehicle in a space designated for disabled persons unless the vehicle displays the distinguishing license plate or placard. A violation is an infraction punishable by a fine of not less than $100, no part of which may be suspended.

This bill would create an exception by permitting the court to suspend the imposition of the fine if the person convicted possessed at the time of the offense, but failed to display, a valid distinguishing license plate or placard issued by the department.

(2) Existing law does not specifically prohibit the unlawful use of the placard of a disabled person or disabled veteran.

This bill would make it a misdemeanor to lend or knowingly permit the use of that placard except as otherwise permitted. By creating a new crime, the bill would impose

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a state-mandated local program.

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

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

Ch. 631 (AB 1367) Clute. Railroad employees.

Existing law makes it a misdemeanor for any of the specified railroad employees to be engaged in their duties while intoxicated, and, if that employee does an act or neglects a duty that causes the death or bodily injury to any person, the offense is a felony.

This bill would additionally make it a misdemeanor for any of the specified railroad employees to be engaged in their duties when impaired due to the unlawful use of a controlled substance, and, if that employee does an act or neglects a duty by reason of illegal drug use, as specified, that causes the death or bodily injury to any person, the bill would make the offense a felony. The bill would thereby 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. 632 (AB 1382) Lancaster. Contractors: actions for compensation: licensure.

Existing law, with certain exceptions, provides that a person who engages in the business or acts in a capacity for which a contractor's license is required under the Business and Professions Code may not bring an action for compensation for performance of any act or contract for which the license is required without alleging and proving that he or she was licensed during the time of the performance of the act or contract. Existing law provides that the judicial doctrine of substantial compliance does not apply in these circumstances.

This bill would provide that the judicial doctrine of substantial compliance may apply in these circumstances if the court determines that the licensee has previously been properly licensed by the Contractors' State License Board, as specified, during a portion of the 90 days preceding the performance for which compensation is sought and that noncompliance with the licensure requirement was the result of inadvertent clerical error, or other error or delay not caused by the negligence of the licensee.

This bill would provide that the exceptions to the prohibition against the application of the judicial doctrine of substantial compliance shall have no retroactive effect.

Ch. 633 (AB 1561) Epple. Mobilehome parks: gas distribution systems.

Existing law requires mobilehome park operators with a master-metered natural gas distribution system to annually prepare and submit to the Public Utilities Commission a report on the gas distribution system and provides specified civil penalties for failing to file the report.

This bill would require every mobilehome park operator to maintain a map, drawing, or diagram which indicates the location of the distribution system's main and service lines, master-meter, and the identity of key valves, and specified reports and records.

Existing law requires the Public Utilities Commission to establish a uniform billing surcharge to be paid by operators with specified distribution systems on natural gas purchased for distribution to their tenants.

This bill would instead require the commission to establish a uniform billing per space or lot surcharge to be paid by those operators.

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.

The California Constitution requires the state to reimburse local agencies and school

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districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

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

Ch. 634 (AB 1631) Costa. Parks and recreation: startup costs for Sno-Park Permit Program.

Existing law provides for the Sno-Park Permit Program, and in 1984, appropriated $200,000 from the General Fund to the Department of Parks and Recreation as a loan for the startup costs of the program. The loan was to be repaid to the General Fund within 5 years from the date the loan was made.

This bill would extend the repayment period to 10 years from the date the loan was made.

Ch. 635 (AB 1714) Wright. Kidnapping: prosecution in this state.

Existing law provides that whenever a person, with intent to commit a crime, does any act within this state in execution or part execution of that intent, which culminates in the commission of a crime, either within or without this state, the person is punishable for that crime in this state in the same manner as if the crime had been committed entirely within this state.

This bill, in addition, would provide that whenever a person who, within this state, kidnaps another person as specified, and thereafter carries the person into another state or country and commits any crime of violence or theft against that person in the other state or country, the person is punishable for that crime of violence or theft in this state in the same manner as if the crime had been committed within this state.

Because this bill would have the effect of bringing about more prosecutions for the crimes of violence and theft in this state, the bill would have the same effect as creating new crimes, 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. 636 (AB 1747) Boland. Carriers: commercial balloon operations.

(1) Under existing law, the furnishing of specified passenger transportation services by a charter-party carrier of passengers is subject to the jurisdiction and control of the Public Utilities Commission and is required to be furnished pursuant to a certificate of public convenience and necessity or a permit issued by the commission. Existing law, to remain in effect until January 1, 1994, has established a class of certificate for persons who provide charter-party carrier services incidental to commercial river rafting or skiing, and has authorized the commission to set the filing fee for that class of certificate.

This bill would include persons who provide charter-party carrier services incidental to commercial balloon operations among those included in the class of certificate set forth above. Because violations of orders, decisions, rules, or other requirements of the Public Utilities Commission are misdemeanors, this bill would impose a state-mandated local program by creating new crimes.

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

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

Ch. 637 (AB 1824) Bentley. Alzheimer's disease.

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 July 1, 1995, and is repealed as of January

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1, 1996. Under that act, the Department of Aging is required to report to the Legislature annually on the grant programs described in that act.

This bill would repeal that requirement.

Existing law requires that the Department of Aging prepare and submit each year, on October 30th, a written report to the Governor, Speaker of the Assembly, the Senate Rules Committee, and the California Commission on Aging, regarding the department's 3-year state plan on aging, and any service data or evaluations completed by the department of programs administered by the department.

Under existing law, the Department of Aging is also required to submit reports on the implementation of the intrastate funding formula for the allocation of state and federal funds, the implementation of institutionalization prevention services, the Multipurpose Senior Services Program, the Brown Bag Program, the operations of the Governor, the Legislature, the California Commission on Aging, the federal Commission on Aging, the California Senior Legislature, the area agencies on aging, and licensing authorities for long-term care facilities, and the expenditure of funds appropriated for the Health Insurance Counseling and Advocacy Program.

This bill would repeal the above specific report requirements, and would, instead, require the Department of Aging to report, on January 1 of each year, to the Governor and the appropriate committees of the Legislature, on each program.

Ch. 638 (AB 1826) Bentley. Public offenses.

Existing law classifies certain offenses as infractions and provides that infractions are not punishable by imprisonment. Existing law also provides that a person charged with an infraction is not entitled to a trial by jury or a public defender or other appointed counsel at public expense, except as specified.

Existing law further classifies certain offenses as misdemeanors punishable by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding $1,000, or by both if a different punishment is not prescribed and, in any case, punishment consisting of imprisonment in the county jail is not to exceed one year.

Existing law also provides that a violation of the Vehicle Code is an infraction, except where otherwise provided. Existing law specifies certain violations of the Vehicle Code are misdemeanors.

Existing law provides that it is a misdemeanor (1) to drive a motor vehicle on the highway without being licensed, as specified, (2) to drive when driving privileges have been suspended or revoked because of a conviction of a violation of specified prohibitions, and (3) to engage in or aid or abet in any motor vehicle exhibition of speed on a highway.

This bill would provide, in addition, that each of these offenses is also punishable as an infraction.

Existing law provides that it is a misdemeanor to find lost property under specified circumstances and appropriate it without first making reasonable and just efforts to find the owner and to restore the property to the owner.

This bill, in addition, would provide that this offense is also punishable as an infraction.

Existing law provides that it is grand theft to take money, labor, or real or personal property of a value exceeding a specified amount, depending upon the property and the circumstances. Existing law provides that theft in other cases is petty theft punishable by a fine not exceeding $1,000, by imprisonment in the county jail not exceeding 6 months, or by both.

This bill, in addition, would provide that where the value of the money, labor, real or personal property taken does not exceed $50, the offense may be charged as a misdemeanor or an infraction, at the discretion of the prosecutor, provided that the person charged with the offense has no other theft or theft-related conviction, and would provide that the maximum punishment for an infraction would be a fine not exceeding $250.

Ch. 639 (AB 1870) Lee. Medical devices: occupational exposure.

Existing law requires the State Department of Health Services to establish and maintain a program on occupational health and occupational disease prevention, as pre-

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scribed.

This bill would require the program to review and analyze existing studies, data, and other information on safety-enhanced product design of medical devices that place health care workers at risk of exposure to bloodborne diseases in coordination with the Division of Occupational Safety and Health of the Department of Industrial Relations, to collect and evaluate information from health facilities which are using medical devices which have been redesigned to enhance worker safety, and to the extent that funding is available, to conduct demonstration projects to test the use of safety-enhanced medical devices. This bill also would require the program to report to the Legislature and the Department of Industrial Relations its findings regarding the use of safety-enhanced product design for medical devices, as prescribed.

The bill would require the program to conduct these activities to the extent the department obtains funds from private sources and the federal government.

Ch. 640 (AB 64) Floyd. Apprenticeship: fees.

Existing law provides for apprenticeship programs sponsored by specified entities or employers, and provides for the regulation of wages and working conditions of apprentices by the Department of Industrial Relations. It also authorizes the Director of Industrial Relations to assess fees on the participants or sponsors of the apprenticeship program, or both, and would allow the director to use the revenues derived from those fees to fund those apprenticeship programs he or she deems appropriate, in the event of unanticipated decreases in General Fund support.

This bill would repeal provisions authorizing the Director of Industrial Relations to impose fees on apprenticeship program sponsors and participants.

This bill would require $1,300,000 to be transferred from the Employment Training Fund to the Department of Industrial Relations, on or before February 1, 1992, for the support of the Division of Apprenticeship Standards, thereby making an appropriation.

Ch. 641 (AB 192) Katz. Gang risk intervention programs.

Existing law provides that, with specified exceptions, in all cases where property is seized pursuant to certain provisions and forfeited to the state or local governmental entity, and where necessary, sold, as specified, the money forfeited or the proceeds of sale, and any interest accrued thereon, shall be distributed by the state or local governmental entity, as specified. Existing law also provides that the distribution shall be first made to the bona fide or innocent purchaser or encumbrancer, conditional sales vendor, or mortgagee of the property, as specified. Existing law provides that the remaining balance be distributed, as specified.

Existing law provides that a distribution of the remaining balance include a deposit of 10% to the Asset Forfeiture Distribution Fund, to be subject to a continuous appropriation of $1,500,000 each fiscal year to the State Department of Mental Health to fund school-based primary prevention projects for the early detection and prevention of emotional, behavioral, and learning problems in primary grade children pursuant to specified provisions, and to be available for appropriation, in the annual Budget Act, of (1) $1,000,000 per year for the Los Angeles County Office of Education, in 1989 and 1990 only, to remain operative only until January 1, 1991, to fund grants and administer the Gang Risk Intervention Pilot Program, (2) 5% or less of the fund to cover specified administrative costs, (3) specified other amounts to be deposited in the Peace Officers' Training Fund for drug-related training and to provide financial assistance for a statewide program of education, training, and research for local public prosecutors, as specified.

This bill would extend the funding from the Asset Forfeiture Distribution Fund to the Los Angeles County Office of Education to the 1991–92 fiscal year. This bill also would, until July 1, 1992, delete the provisions providing that specified other amounts be deposited in the Peace Officers' Training Fund and be deposited to provide financial assistance for a statewide program for local public prosecutors, as specified, and, instead, would require that these other amounts revert to the General Fund on June 30, 1992.

Existing law makes certain findings and declarations concerning gang violence and declares the intent of the Legislature to develop a program to provide positive interven-

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tions in the schools to fight gang violence.

Existing law also requires the State Department of Education to contract with the Los Angeles County Office of Education for the development, administration, and implementation in Los Angeles County of community-based Gang Risk Intervention Pilot Programs. The Los Angeles County Office of Education, upon its election to enter into the contract, is required to follow specified procedures and the programs developed pursuant to this provision are required to include, as a minimum, specified counseling, community activities, and job training. The Los Angeles County Office of Education is required to monitor and evaluate the Gang Risk Intervention Pilot Programs pursuant to specified criteria.

This bill would delete these provisions from general law and codify the provisions with the only substantive change being the requirement that the Office of Criminal Justice Planning monitor and evaluate the Gang Risk Intervention Pilot Programs rather than the Los Angeles County Office of Education, the evaluation to include, in addition to the specified criteria, a comparison of children served by the Gang Risk Intervention Pilot Programs to children of similar socioeconomic and demographic environments.

Ch. 642 (AB 206) Floyd. Beverage container or grocery pallets.

(1) Existing law does not specifically regulate the possession of beverage container or grocery pallets.

This bill would regulate the possession of beverage container or grocery pallets, as defined. Among other things, the bill would require any purchaser of a beverage container or grocery pallet to retain proof of purchase indefinitely. The bill would prohibit the unauthorized possession of, or obliteration of markings on, a beverage container or grocery pallet, as specified. Violation would be subject to the same criminal penalties as theft. The bill would create 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. 643 (AB 245) Polanco. Tutoring and homework assistance program.

Existing law prior to July 1, 1991, required the Pasadena Unified School District to develop a model tutoring and homework assistance program for use in school districts throughout the state.

The district was also required to report annually to the Superintendent of Public Instruction, as specified. Existing law authorized the district to credit, for the purpose of summer school apportionments, the number of hours of homework and tutorial assistance provided in specified core academic areas.

Under existing law, these provisions would be repealed on January 1, 1992.

This bill would make certain findings and declarations regarding the Pasadena Unified School District Tutoring and Homework Assistance Program and would declare that the program should be continued on a statewide basis.

The bill would require the Pasadena Unified School District to furnish to the Superintendent of Public Instruction on or before July 1, 1992, a copy of its tutoring and homework assistance program.

The bill would allow any school district that implements the Tutoring and Homework Assistance Program to credit, for the purpose of summer school apportionments, the number of hours of homework and tutorial assistance, as specified.

The bill would authorize school districts to claim funding for tutoring and homework assistance programs if the school district has first claimed in regular summer school programs a specified budgeted funding level of hours. The bill would limit that funding, as specified, and would require that the number of hours utilized to submit a claim for funding for a tutoring and homework assistance program be certified for accuracy, as specified.

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Ch. 644 (AB 613) Cannella. Eminent domain.

Under the existing Eminent Domain Law, a local public entity may generally acquire property by eminent domain outside its territorial limits for water, gas, or electric supply purposes or for airports, drainage or sewer purposes if it is authorized to acquire property by eminent domain for the purposes for which the property is to be acquired.

This bill would permit a city, except as otherwise expressly limited, to acquire by eminent domain for park purposes unincorporated property within the same county if (1) that property is contiguous with the city at some point and is surrounded entirely or partially, as specified, by incorporated area, (2) the acquisition is consistent with the general plan of the city, and (3) the property, as improved, does not contribute materially to the owner's support. This authorization would be repealed on January 1, 1997.

Ch. 645 (AB 1967) Areias. Emergency evacuation plans for postsecondary student housing.

Existing law establishes in the office of the Governor the Office of Emergency Services and imposes various duties upon that office.

This bill would require the Office of Emergency Services to develop guidelines for campuses of the University of California and the California State University and for private colleges and universities to use in developing emergency evacuation plans for postsecondary student housing. The bill would require that the Office of Emergency Services consider specified existing regulations in developing the guidelines. The bill would require each campus of the University of California and the California State University and each private college and university to establish an emergency evacuation plan for its postsecondary student housing and would authorize them to consult with the Office of Emergency Services for guidance in developing and establishing the plan. The bill would specify that these provisions would not impose any requirement upon the University of California unless the Regents of the University of California adopt a resolution to that effect.

Ch. 646 (SB 299) Deddeh. Property taxation.

(1) The existing Property Tax Law requires the State Board of Equalization to transmit to each county auditor a property tax roll showing, as provided, assessments made by the board. It also authorizes the board, once the board roll has been transmitted to local auditors, to make an assessment of escaped property or a roll correction. It requires the board to provide notice, as specified, to the assessee describing time periods and procedures for the filing of a declaration of intent to petition for reassessment, and a petition for reassessment.

This bill would provide that if an assessee fails to file a declaration of intent to petition for reassessment within the time period specified by the board's notice, the escape assessment or roll correction shall become final at the end of that period. It would provide that, if the petition for reassessment itself is filed within the time period for the filing of the declaration of intent, no filing of a declaration of intent shall be necessary. It would provide that, if following the timely filing of a declaration of intent, a petition for reassessment is not timely filed, the escape assessment or roll correction shall become final at the end of the period specified by the board's notice for the filing of a petition for reassessment. It would also authorize the board to extend the period for filing a petition for reassessment once, for a period not to exceed 15 days, upon filing of a written request for extension prior to the expiration of the noticed period for filing a petition for reassessment.

(2) The existing Timber Yield Tax Law requires specified timber owners and other persons to register with the State Board of Equalization giving that information as the board may require.

This bill would additionally require every person who owns timber maintained for eventual harvest as Christmas trees to register with the State Board of Equalization giving that information as the board may require.

(3) This bill would also delete or repeal various obsolete property tax provisions that have purposes already fulfilled, or that are limited in their application to previous fiscal years.

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Ch. 647 (SB 879) Royce. Intellectual property.

Under existing law, it is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination, as specified.

This bill would add a severability clause to that provision.

Existing law provides for injunctive relief when there is likelihood of injury to business reputation or dilution of the distinctive quality of a registered mark or a mark or trade name valid at common law, notwithstanding the absence of competition between the parties or confusion as to the source of the goods.

Existing law also provides for injunctive relief when a person uses, or unlawfully infringes upon, as specified, a mark registered under state trademark law or federal law, as specified.

This bill would make a nonsubstantive change to existing law.

Under existing law, it is unlawful for any person to duplicate for the purpose of sale any manufactured item made by another without the permission of that other person using the direct molding process, or to sell any item so duplicated. A similar prohibition in Florida law has been held invalid as conflicting with federal law concerning intellectual property by the United States Supreme Court.

This bill would repeal that provision.

This bill would make a technical nonsubstantive change in a law concerning an employee assignment of rights to an invention.

Ch. 648 (SB 880) Royce. Vehicles: size, weight, and load limitations, and exceptions: safety regulations.

Under existing law, emergency vehicles of a governmental entity, purchased prior to January 1, 1992, are exempt from Vehicle Code restrictions relating to size, weight, and load when being used in connection with emergency fire calls. Emergency vehicles purchased on and after that date are required to comply with applicable permit requirements adopted by the Department of Transportation. Existing law also requires a fire apparatus exceeding 31,000 pounds to be equipped with a secondary brake system.

This bill would, with respect to a fire apparatus, instead, require a fire apparatus exceeding 31,000 pounds gross vehicle weight rating to be equipped with a retarder. The bill would define "retarder" and "fire apparatus."

Ch. 649 (SB 1137) Mello. Wards: appeals.

Existing statutory law provides that a judgment in a proceeding under the jurisdiction of the juvenile court by which a minor may be adjudged to be a ward of the court on the basis of criminal or noncriminal conduct may be appealed from in the same manner as any final judgment, and any subsequent order may be appealed from as from an order after judgment. However, case law has interpreted this provision as not authorizing appeals by the people from judgments or orders entered after judgments except as provided by statute as to rulings on motions to suppress evidence (People v. Superior Court (Arthur R.), 199 Cal. App. 3d 494).

This bill would expressly provide that the judgments described in the above provision may only be appealed from by the minor, but would authorize the people to appeal court rulings with respect to a motion to suppress evidence, orders made after judgment changing or modifying a previous order as to physical disposition of a minor, an order modifying a jurisdictional finding, an order or judgment of dismissal or termination of the action before the minor has been placed in jeopardy or where the minor has waived jeopardy, and the imposition of an unlawful order at a dispositional hearing. However, these provisions would not authorize the people to appeal an order granting probation, but would authorize the people to seek appellate review thereof by writ of mandate or prohibition.

Ch. 650 (SB 131) Robbins. Vehicles: driving records.

(1) Under existing law, a clerk or judge of any court which reverses a conviction for any violation of the Vehicle Code relating to the safe operation of vehicles, as prescribed, is required to forward to the Department of Motor Vehicles an abstract of the record

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within 30 days of the date the judgment of reversal becomes final, and, within 45 days of the date that judgment becomes final, the department is required to include that information within any record of the conviction and in any record or report it makes concerning that conviction.

This bill would require the department to remove any record of the conviction from the driver's record within 30 days of receipt of the abstract. The bill would also require the court to notify the department if it dismisses a charge of violating a promise to appear in court for a traffic violation, if a notice of that violation was given to the department, thereby creating a state-mandated local program. The department would be required to remove any record of that notice of violation within 30 days of receiving the notice of dismissal.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 651 (SB 757) Robbins. Records: county clerks: search fees; courts: Vehicle Code violations: assessments, and certificates of satisfaction.

(1) Existing law provides that the county clerk shall charge a $1.75 fee for each year for searching records or files.

This bill would, instead, make the fee $5 for each file.

(2) Existing law authorizes the board of supervisors in each county to establish municipal court administrative assessments, not to exceed $10, to cover the costs of recording and maintaining a record of convictions for Vehicle Code violations and the cost of notifying the Department of Motor Vehicles, as specified.

This bill would repeal and reenact these provisions, extending the authorization to apply, as well, to the superior court and justice court districts in each county.

(3) Existing law authorizes court magistrates and court clerks to notify the department whenever any person who, for a period of 15 or more days, violates a written promise to appear or fails to pay a fine for violations of specified provisions of the Vehicle Code, and requires the magistrate or clerk, when that case is adjudicated or the person who violated the promise appears in court or otherwise satisfies the order of the court, to file with the department a certificate to that effect.

This bill would provide that the magistrate or clerk shall file that certificate with the department if the person who violated the promise appears in court and satisfies the order of the court.

Ch. 652 (SB 822) Killea. State general obligation bonds.

The General Obligation Bond Law prescribes the contents of state general obligation bond acts.

This bill would add a provision to various general obligation bond acts previously enacted and approved by the electorate that if the Treasurer sells bonds that include an opinion that the interest on the bonds is excluded from gross income for federal tax purposes, the Treasurer may maintain separate accounts for the bond proceeds invested and the investment earnings on those proceeds, and may use or direct the use of those proceeds or earnings to pay any payment required under federal law necessary to maintain the tax-exempt status of those bonds, as specified.

Ch. 653 (AB 1850) Statham. Law enforcement.

(1) Existing law requires the State Board of Forestry to classify areas of the state for purposes of determining whether state, local, or federal agencies have the responsibility to prevent and suppress fires. Lands within the boundaries of a city are required to be excluded from state responsibility areas.

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This bill would authorize the board to include within state responsibility areas a city and county with a population of less than 25,000 if, at the time the city and county government is established, the county contains no municipal corporations.

(2) Under existing law, the Commissioner of the California Highway Patrol is generally required to enforce all laws regulating the operation of vehicles and the use of highways, and has full responsibility and primary jurisdiction for law enforcement on state highways constructed as freeways. City police may incidentally enforce state and local traffic laws and ordinances on state freeways within incorporated areas, and in any city with over 2,000,000 population, city police have full responsibility and primary jurisdiction over those laws and ordinances unless the city council requests enforcement by the commissioner.

This bill would provide that the commissioner has full responsibility and primary jurisdiction for law enforcement on all highways within any city and county with a population of less than 25,000, if, at the time the city and county government is established, the county contains no municipal corporations.

Ch. 654 (AB 1893) 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. It would, among other things, do all of the following:

(1) Revise the definition of "board" to include a "committee," "department," or "program."

(2) Authorize various licensing boards to release a social security number to an examination or licensing entity, only for the purpose of verification of licensure or examination status.

(3) Require the retention of records by certain persons contracting with the Department of Consumer Affairs or any board within the department for 3 years or until an audit can be performed. Authorize the auditing of other contracts, as specified.

(4) Revise existing law with respect to submission to the Director of Consumer Affairs of rules and regulations and fee changes promulgated by any of the boards, commissions within the department, or committees, as specified.

(5) Delete a requirement of approval by the Division of Allied Health Professions of the Medical Board of California of decisions by the Respiratory Care Examining Committee regarding the recovery of costs for investigation and prosecution of a disciplinary proceeding by a practitioner.

(6) Revise the applicability of pharmacy laws with respect to certain medical supplies, as specified.

(7) Retitle the Impaired Pharmacist Program, scheduled for repeal on January 1, 1992, as the Pharmacist Recovery Program and continue its provisions indefinitely.

(8) Extend indefinitely provisions of existing law which authorize the California State Board of Pharmacy, until January 1, 1992, to deny, revoke, or suspend a nonresident pharmacy registration for conduct which causes serious bodily or serious psychological injury to a resident of this state, subject to specified conditions.

(9) Revise licensure requirements for licensed clinical social workers with respect to "supervised" experience requirements.

(10) Revise certain procedures with respect to penalties and fines imposed upon persons licensed by the Board of Examiners in Veterinary Medicine, as specified.

(11) Authorize the Board of Landscape Architects to adopt guidelines for the delegation of its authority to grade examinations, as specified.

(12) Revise issue, expiration, and renewal dates and requirements, as specified, with respect to electronic and appliance repair dealers.

(13) Revise licensure requirements for persons licensed by the Bureau of Home Furnishings and Thermal Insulation to, among other things, increase from 5% to 30% the delinquency fee if the renewal fee and delinquency fee are not paid within 90 days after license expiration, for those licenses which expire on and after January 1, 1992, as specified.

(14) Authorize the denial, in addition to the suspension or revocation of licenses

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issued under the Private Investigators Law, and specifically include certain weapons permits as licenses.

(15) Delete the authority of a job listing service to accept a fee from any jobseeker based upon a bona fide oral job order for employment.

(16) Revise and recast various provisions of the Business and Professions Code to make technical corrections and changes, as specified.

Ch. 655 (SB 651) Lockyer. Criminal procedure.

Existing law authorizes the court, as specified, to revoke and terminate probation of a person rearrested for, or who has a warrant for rearrest based on, a violation of the terms or conditions of probation. Existing law requires, for the purposes of this provision, that all parties, including, as the case may be, the petitioner, the probation officer, the district attorney, and the probationer's attorney of record be notified of the court's motion or a petition filed by one of the parties with regard to the violation of probation and a revocation, modification, or change in the probation order.

Existing law also authorizes the court at any time during the term of probation to revoke, modify, or change its order of suspension of imposition or execution of sentence or probation order. Existing law additionally authorizes the court at any time when the ends of justice and the probationer's good conduct and reform merit it to terminate the period of probation and discharge the person.

This bill would require the court in the exercise of its authority pursuant to this provision, before any sentence or a term of probation is modified, to conduct a hearing in open court before the judge. This bill would also require that the prosecuting attorney be given a 2-day written notice of the hearing and an opportunity to be heard on the matter. This bill would require the judge, if the sentence or a term of probation is modified, to state the reasons for the modification on the record. This bill would provide that modification of sentence, for the purposes of this provision, include reducing a felony to a misdemeanor.

Under existing law, the court, unless good cause is shown, shall order a criminal action dismissed in certain cases, including, when a defendant is not brought to trial in superior court within 60 days after the finding of the indictment or filing of the information. However, an action shall not be dismissed under the foregoing if the action is set for trial on a date beyond the 60-day period at the request of the defendant or with his or her consent, express or implied, or because of the defendant's neglect or failure to appear if the defendant is then brought to trial on the date set or within 10 days thereafter.

This bill would additionally provide that the case shall not be dismissed if the defendant enters a general waiver of the 60-day trial requirement. The bill would provide that if the defendant, after proper notice, later withdraws his or her general waiver in the superior court, the defendant shall be brought to trial within 60 days of the date of that withdrawal.

This bill would modify the provisions which prohibit dismissal as a result of the defendant's neglect or failure to appear if the defendant is brought to trial on the date set or within 10 days thereafter and would instead provide that whenever a defendant has been ordered to appear in superior court on a case set for trial or set for a hearing prior to trial, and the defendant fails to appear on that date and a bench warrant is issued, the defendant shall be brought to trial within 60 days after the defendant next appears in the superior court unless a trial date had previously been set which is beyond that 60-day period.

Ch. 656 (SB 666) Boatwright. Driver's license revocation.

Existing law requires the Department of Motor Vehicles to immediately revoke the driving privilege of persons who have been convicted of certain crimes or offenses and prohibits the department from reinstating the privilege for 3 years and until the person meets a prescribed condition.

This bill would apply those provisions to persons who have been convicted of other specified driving offenses involving death or serious bodily injury.

The bill would make conforming and technical changes.

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Ch. 657 (SB 736) Davis. Victims of crime: indemnification.

Existing law authorizes a court to order a defendant convicted of a crime to pay a restitution fine and to pay restitution to the victim, as specified. However, in cases in which a victim has suffered economic loss as a result of the defendant's criminal conduct, and the defendant is denied probation, the court is required to order restitution to be paid to the victim in lieu of imposing all or a portion of a restitution fine.

This bill would provide that if a defendant has been convicted of felony child molestation, as specified, restitution to the victim may be ordered whether or not the defendant is denied probation, and the restitution may cover noneconomic losses, including, but not limited to, psychological harm.

Ch. 658 (AB 1001) Brown. Municipal bonds.

Existing law authorizes cities to issue bonds for the purposes of municipal improvements, as defined, sets forth the purposes for which counties may issue bonds, and establishes the procedures for the issuance of those bonds.

This bill would expand the purposes for which counties and cities may issue bonds to include seismic strengthening of unreinforced buildings and other buildings. The bill would permit the loan of the proceeds of these bonds to public entities or owners of private buildings for the seismic strengthening of buildings, subject to specified conditions, such as maintaining the number and level of rents of rental units for lower income households in a residential structure containing those units, and other financial and engineering requirements. The bill would declare that loans made pursuant to its provisions shall not be construed to be gifts of public funds.

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

Ch. 659 (AB 1137) Woodruff. Student Aid Commission.

(1) Existing law establishes, under the administration of the Student Aid Commission, the California Loan Programs for eligible postsecondary students and their parents. Existing law requires the commission to guarantee any student loan at 100% of the amount of the loan.

This bill would expressly require the commission to fulfill the collection efforts required by federal law, which includes the initiation of a civil suit against the borrower, if a borrower defaults on a guaranteed student loan and the lender's default claim has been paid. The bill would delineate the procedures to be followed in the civil action.

(2) Existing law authorizes the utilization of a common student application form for student loans in compliance with specified provisions.

This bill would additionally require that each application form for one of the California Loan Programs include a notice to the student informing him or her that the commission is entitled to seek employment, wage, and other information from the Employment Development Department on any person who defaults on a guaranteed student loan. The bill also would require that the application form include an authorization from the student releasing this information to the commission for purposes of collecting on a defaulted loan.

(3) Existing law requires the Director of Employment Development to permit use of information acquired by the department only for specified purposes.

This bill would permit the director to disclose to the commission information concerning individuals, other than persons who are receiving unemployment insurance benefits, who are delinquent or in default on guaranteed student loans or who owe repayment of funds received through other financial assistance programs administered by the commission, for the purpose of enabling the commission to collect on defaulted loans and other funds owed. The bill would provide that this information is to be released only upon written request from the director of the commission or by another employee authorized by name and title by that director. The bill also would require the commission to reimburse the department for all reasonable administrative expenses incurred pursuant to this provision.

(4) The bill would require the department to conduct a review and analysis of all of the provisions of the Unemployment Insurance Code that relate to the disclosure of confidential wage and claimant data maintained by the department and report its

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findings to the Legislature by February 1, 1992, as prescribed.

Ch. 660 (AB 1379) Baker. Child care: trustline.

Existing law requires the Department of Justice to operate a child care provider program in certain counties which, among other things, (1) establishes and staffs a toll-free telephone line to allow interested parents, employment agencies, and other child care referral groups and registries to give a child care provider's name and driver's license number or identification card number to the Department of Justice to determine if the provider's name and driver's license number or identification card number are registered in the Automated Child Abuse System, and (2) authorizes a professional child care provider, as defined, who possesses either a valid California driver's license or valid identification card issued by the Department of Motor Vehicles to initiate a certain background examination process. Existing law provides that those provisions shall become inoperative on June 30, 1991, and on January 1, 1992, are repealed.

This bill would enact other provisions which would permit any child care provider, as defined, who possesses any one of 4 identification cards to initiate a background examination process by submitting one set of fingerprints and a completed trustline application to the Department of Justice, as prescribed. The bill would require the Department of Justice to use the fingerprints to search the California Criminal History System and the California Child Abuse Central Index.

The bill also would require the Department of Justice to establish a trustline registry, as prescribed, and upon submission of the trustline application and fingerprints, to enter into the trustline registry, the provider's name, identification card number, and an indicator that the provider has submitted an application and fingerprints, which would be known as a "trustline applicant."

The bill also would provide for a registered trustline child care provider, and if, in the California Criminal History System, and the California Child Abuse Central Index, or in any report received by the department subsequent to these searches, a reported criminal conviction or substantiated child abuse information for which the provider could not request an exemption from the Director of Social Services for a license as a child care provider is found, the department would be required to notify the provider that all clearances are denied and delete all previously granted clearances from the trustline registry, as prescribed. The bill would provide for a provider's right to appeal if the department denies a registration in a case where there is a finding of a reported criminal conviction or substantiated child abuse information for which the provider could request an exemption from the Director of Social Services for a license as a child care provider, as prescribed.

The bill would authorize the department to charge a provider initiating a background examination a fee not to exceed the actual cost of the search.

The bill would require the State Department of Education to enter into a contract with the California Child Care Resource and Referral Network to administer the trustline, and would impose certain duties related to the trustline on the network, including establishing and maintaining a toll-free telephone line.

This bill would grant immunity from civil liability to officers and employees of the network for conduct pursuant to their responsibility to establish and maintain the toll-free telephone line, except as specified.

The bill would prohibit a private employment agency from making a referral to a child care provider who is not required to be licensed pursuant to specified provisions and who is not a trustline applicant or a registered trustline child care provider. This provision would become operative 6 months after the operative date of this bill.

The bill would impose duties on local child care resource and referral agencies related to the trustline.

The bill would require the California Child Care Resource and Referral Network to select, contract with, and monitor a private consultant for the purpose of evaluating the trustline, as prescribed. It would also require the Department of Education to transmit interim evaluation reports to the Legislature, and a final evaluation report, along with conclusions and recommendations that it develops in consultation with the advisory committee to the Legislature as prescribed.

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Except as otherwise provided, this bill would require child care providers who receive compensation from the Alternative Payment Program or the federal Child Care and Development Block Grant Program to register pursuant to the provisions of the bill described above in order to be eligible to receive the compensation. This bill would also require the Department of Education to reimburse, from certain federal trust funds, these child care providers for fees local child resource and referral agencies may charge to register a provider under this act, thereby making an appropriation.

The bill would provide that its provisions shall be operative under certain conditions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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 require the Superintendent of Public Instruction to allocate $574,000 from Item 6110-196-890 of Section 2.00 of the Budget Act of 1991 for certain purposes related to the bill, thereby making an appropriation.

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

Ch. 661 (AB 1866) Becerra. Violent crimes: near schools: enhancements.

Existing law provides that any person convicted of a felony which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, as specified, shall be punished, in addition and consecutive to the punishment prescribed for the underlying felony or attempted felony, by imprisonment in the state prison for 1, 2, or 3 years.

This bill would, in addition, provide that if the underlying felony is committed on the grounds of, or within 1,000 feet of, a 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 when minors are using the facility, the additional term would instead be 2, 3, or 4 years, at the court's discretion.

This bill would repeal the above existing law and the bill's changes on January 1, 1997.

Ch. 662 (SB 254) Davis. State property.

(1) Existing law provides generally and specifically for the leasing, sale, transfer, and exchange of state property.

This bill would permit the Director of General Services, with the approval of the State Public Works Board and upon giving specified notice to the Chairperson of the Joint Legislative Budget Committee, based on current market value and upon any terms and conditions, and with any reservations and exceptions, as in the director's opinion may be in the best interest of the state, to acquire the privately held inholding at 1114 P Street, in the City of Sacramento, and to sell another property within that block or another property within the area of the Capitol Area Development Plan.

(2) Existing law authorizes the Department of General Services, in cooperation with the State Department of Developmental Services and the State Department of Mental Health, to lease or sell specified property in Ventura County for the purpose of constructing and operating a children's crisis care center. Existing law specifies that this center is to be a 70-bed facility, and that the lease may be made for not more than 40 years.

This bill would eliminate the 70-bed restriction, and would authorize the lease to be for not less than 40, but not more than 99 years.

Existing law further specifies the categories and ages of children to be served by the crisis care center.

This bill would broaden these categories to include children who are one day through 17 years of age, including infants born suffering from the result of perinatal substance abuse.

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

Ch. 663 (SB 301) Ayala. Water: point of diversion or place or purpose of use.

(1) Existing law authorizes an applicant, permittee, or licensee to change the point of diversion, place of use, or purpose of use from that specified in the application, permit, or license if the State Water Resources Control Board agrees to the change. Existing law authorizes any permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use from that specified in the permit or license to petition for a conditional, temporary change order. Existing law authorizes a permittee or licensee to temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change, and other conditions are met.

This bill would authorize any person entitled to the use of water, whether based upon an appropriative, riparian, or other right, to petition the board pursuant to those above-cited provisions for a change for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation in, or on, the water. The bill would authorize the board to approve the petition, whether or not the proposed use involves a diversion of water, if specified conditions are met.

The bill would require the applicant, permittee, or licensee seeking to change the point of diversion or place or purpose of use from that specified in the application, permit, or license to notify the Department of Fish and Game in writing of the proposed change. The bill would require the permittee or licensee seeking to temporarily change the point of diversion or place or purpose of use due to a transfer of water or water rights to notify the department in writing of the proposed temporary change.

(2) Existing law authorizes the board, after providing notice and opportunity for a hearing, to approve a petition for a long-term water transfer if the change meets certain requirements.

This bill would provide that the notice and hearing requirements include written notice to, and an opportunity for review and recommendation by, the department.

Ch. 664 (SB 339) C. Green. Earthquake insurance.

Existing law prohibits the issuance of new policies of residential property insurance unless the insurer offers optional earthquake coverage.

This bill would provide that if an insurer charges an additional earthquake premium or deductible for a dwelling which fails to comply with specified retrofitting criteria, and that dwelling is subsequently brought into compliance with certain design and retrofit requirements, the additional premium or deductible attributable to noncompliance shall not be charged.

Ch. 665 (SB 348) Robbins. Earthquake insurance.

(1) 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. Existing law provides that the minimum offer of coverage shall include coverage for the dwelling, personal property, and living expenses in a specified amount in the event the dwelling is uninhabitable.

This bill would provide that in the case of a residential dwelling which is not owner occupied, the minimum coverage for living expenses may be waived in writing, upon notice to the applicant or policyholder that the coverage is offered. This bill would also make related and technical changes.

(2) 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, 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

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California standard form." Existing law also specifies that this provision does not exempt an insurer from, or permit an insurer to limit, its liability under a fire insurance policy or earthquake policy or endorsement to cover losses from a fire following or caused by an earthquake.

This bill would delete earthquake policies and endorsements from the latter provision.

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

Ch. 666 (SB 400) Craven. Public high schools: military recruiting.

Existing law contains no express requirement that public high schools provide access to military recruiters in order to share information on military careers with high school pupils.

This bill would prohibit each school district offering instruction in any of grades 9 to 12, inclusive, that provides on-campus access to employers, from denying access to the military services, as defined.

Ch. 667 (SB 435) Morgan. Department of General Services: state property.

Existing law authorizes the Director of General Services, with the consent of the state agency involved, to lease for a period not to exceed 5 years any real property that belongs to the state.

This bill would require the Department of General Services to conduct a pilot program to study the management of long-term leases of state-owned property in specified regions of the state and to report its findings to the Legislature. The bill would state the intent of the Legislature that if leases are entered into pursuant to future statutory authorization, the revenue derived from the leases, upon appropriation by the Legislature, would be utilized by the department to have an inventory conducted of the value of all state-owned property that is zoned for commercial or residential use.

Ch. 668 (SB 440) C. Green. Subdivisions: preliminary soils reports.

Existing law authorizes counties and cities to adopt local ordinances for the regulation of the subdivision of land parcels, including the action to be taken upon results of the mandatory preliminary soils report which is required for every subdivision for which a final map is required by the Subdivision Map Act and which may be required for other subdivisions, as provided by local ordinance. Existing law authorizes the waiver of the preliminary soils report under specified conditions and authorizes the ordinance to require a soils investigation of each lot in the subdivision if the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects. Existing law also requires the soils investigation to be done by a registered civil engineer and authorizes the local agency to approve the subdivision or portion thereof where these soils problems exist under specified conditions.

This bill would, additionally, authorize the local ordinances to include a requirement for a soils investigation of each potentially affected lot in the subdivision if the preliminary soils report indicates the presence of rocks or liquids containing deleterious chemicals that could cause construction materials such as concrete, steel, and ductile or cast iron to corrode or deteriorate. The bill would also require that soils investigation to be done by a registered civil engineer and would authorize the local agency to approve, under specified conditions, the subdivision or portion thereof where these soils problems exist.

Ch. 669 (SB 455) Killea. Appointment lists.

Existing law requires the Governor to prepare a central registry of appointive offices containing specified information relating to appointments to boards and commissions to which members are appointed by the Governor, any member of the executive branch, the Speaker of the Assembly, the President pro Tempore of the Senate, or the Senate Rules Committee, open to the public and available at specified locations, including each county clerk's office.

This bill would specify that this registry would be known as the State Appointments List.

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This bill would eliminate the requirement that this list be made available at each county clerk's office.

This bill would, instead, require the list to be made available at each of the following: municipal libraries serving a population of 50,000 or greater, as specified, as determined by the State Librarian; complete depository libraries; certain selective depository libraries; and certain other county libraries.

Existing law requires a legislative body of a local agency to annually prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency.

Existing law also requires that whenever an unscheduled vacancy occurs in any board, commission, or committee for which the legislative body has the appointing power, a special vacancy notice be posted in the office of the clerk of the local agency.

This bill would name this list as the Local Appointments List and require one copy of the list and any unscheduled vacancy notice to be posted in the public library designated by the legislative body as having the largest service population within its jurisdiction.

Since the bill requires local agencies to provide additional copies of these lists and 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 670 (SB 462) Bergeson. Coastal zone.

(1) Under existing law, the California Coastal Commission may adjust the inland boundary of the coastal zone the minimum distance necessary, but not more than 100 yards, to avoid bisecting any single lot or parcel, or to conform it to readily identifiable natural or manmade features.

This bill would extend that maximum distance to 200 yards where a landward adjustment is requested by the local government and agreed to by the property owner.

(2) The Budget Act of 1991 appropriates $125,000 to the commission for specified purposes relating to public access and waterfronts.

This bill would amend the Budget Act of 1991 to increase that amount to $180,000 and would specify the source of those funds.

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

Ch. 671 (SB 544) Calderon. Industrial loan companies.

Existing law provides an industrial loan company may make loans and acquire or discount obligations having a term in excess of 3 years secured primarily by real property, as specified, or secured solely or primarily by real property, as specified, provided that all of the loans and obligations in excess of 3 years shall not in the aggregate exceed 70% of the company's total assets.

This bill would instead authorize an industrial loan company to make loans and acquire or discount obligations having a term in excess of 7 years, secured as specified, provided that all of the loans and obligations in excess of 7 years shall not in the aggregate exceed 70% of the company's total assets.

Ch. 672 (SB 551) L. Greene. Evictions: transitional housing programs

Existing law specifies cause and procedures to be followed to evict a tenant or lodger. Existing law establishes unlawful detainer proceedings as a remedy for eviction of a tenant or lodger for breach of the lease or other occupancy agreement or upon termination of the tenancy or occupancy.

This bill would specify cause for eviction of participants in transitional housing pro-

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grams, as defined. The bill would authorize a new procedure for evicting program participants for specified serious violations of the program's requirements, rules, or regulations. The bill would authorize a program operator to seek, on its own behalf or on behalf of other participants or persons residing within 100 feet of the program site, a temporary restraining order and an injunction prohibiting abuse or misconduct by the participant with certain exceptions.

The bill would require a hearing to be held within 5 days of the filing of the petition for the temporary restraining order and would require the court to hear all relevant evidence or testimony. The bill would make any willful disobedience of any temporary restraining order or injunction granted by a court punishable as a misdemeanor.

The bill would provide procedures for the program operator to exclude the participant from the program site and recover the dwelling unit. The bill would require the Judicial Council to promulgate forms and related instructions to implement the procedures required by its provisions.

The bill would make its provisions operative on July 1, 1992.

Ch. 673 (SB 564) Beverly. Trespass: private property.

Existing law provides that every person who willfully commits a trespass by committing specified acts is guilty of a misdemeanor.

Existing law also provides that every person, other than a public officer or employee acting within the course and scope of his or her employment in the performance of a duty imposed by law, who enters or remains in any noncommercial dwelling house, apartment, or other such place without the consent of the owner, his or her agent, or the person in lawful possession thereof, is guilty of a misdemeanor.

This bill, in addition, would provide that, except as specified, any person who intentionally interferes with any lawful business or occupation carried on by the owner or agent of a business establishment open to the public, by obstructing or intimidating those attempting to carry on business, or their customers, and who refuses to leave the premises of the business establishment after being requested to leave by the owner or the owner's agent, or by a peace officer acting at the request of the owner or owner's agent, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to $400, or by both that imprisonment and fine.

Because this 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. 674 (SB 595) Marks. Political Reform Act: local requirements: Insurance Commissioner: travel expenses.

Existing provisions of the Political Reform Act of 1974 prohibit a local government agency from enacting any ordinance imposing filing requirements additional to or different from those set forth in the act for elections held in its jurisdiction, unless the local requirements apply only to committees formed or existing primarily to support or oppose a candidate or local ballot measure which is being voted on only in that jurisdiction, among other things.

This bill would permit a local government agency to enact filing requirements applicable to committees formed or existing primarily to support or oppose the qualification of a local ballot measure which is proposed only in that jurisdiction.

Under the Political Reform Act of 1974, individuals who hold specified elective state offices and statewide elective offices, as defined, are subject to the act and failure to comply with its proscriptions can result in administrative, civil, and criminal penalties.

This bill would add the office of the Insurance Commissioner to the definitions of elective state office and statewide elective office, thereby subjecting the commissioner to the proscriptions of the Political Reform Act and imposing a state-mandated local program by creating new crimes.

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Existing law provides that certain payments, advances, or reimbursements for travel are not prohibited under specified circumstances, including travel which satisfies certain criteria under federal income tax law statutes.

This bill would correct an erroneous reference to a specified federal statute.

Under the Political Reform Act of 1974, periodic campaign statements are required to be filed, containing specified information.

This bill would provide that when an expenditure is made to pay or reimburse the travel expenses or necessary accommodations of a candidate, his or her representative, or a member of the candidate's immediate family, the date, destination, and total expenditure for each trip shall be included in the campaign statement.

Under existing law, no elected state officer, as defined, may make or participate in the making of, or use his or her official position to influence, any governmental decision before the agency in which the officer serves, where he or she knows or has reason to know that he or she has a financial interest. An official knows or has reason to know that he or she has a financial interest under specified circumstances.

This bill would recast the circumstances under which an elected state officer would know or have reason to know that he or she has a financial interest.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. 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.

Proposition 103, an initiative measure approved by the voters at the 1988 statewide general election which created the elective office of the Insurance Commissioner, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house.

This bill would require a ⅔ vote and would declare that it furthers the purposes of the Political Reform Act and Proposition 103.

Ch. 675 (SB 599) Alquist. Health facilities 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, county, city and 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. The total amount of revenue bonds authorized to be outstanding at any one time is limited to $5,124,000,000.

This bill would increase the total amount of revenue bonds authorized to be outstanding at any one time by $875,000,000.

Since the California Health Facilities Financing Authority Fund is a continuously appropriated fund, and since this bill would authorize the deposit of additional moneys from the issuance of bonds in that fund, the bill would constitute an appropriation.

Ch. 676 (SB 614) Hill. Bond proceeds of local agencies.

Existing law establishes in the State Treasury the Local Agency Investment Fund to which a local governmental official, with the consent of the governing body of that agency, may remit money in its treasury not required for immediate needs for the purpose of investment to be held for a time determined by the local governmental unit. Existing law requires the Controller to distribute the interest and other increments derived from the investments quarterly to the governmental units.

This bill would permit a local agency, with the approval of its governing body, to deposit in the fund proceeds of the issuance of bonds, notes, certificates of participation, or other evidences of indebtedness pending expenditure for authorized purposes. The

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bill would require the Controller to maintain a separate account for each deposit of proceeds. The bill would also grant the trustee or fiscal agent of the local governmental unit the exclusive determination of the length of time proceeds from the issuance of bonds are to be held and to receive the interest and other increments.

Ch. 677 (SB 615) Mello. Commercial fishing: alternative fishing gear.

(1) Existing law provides for the issuance of not more than 12 experimental gear permits for alternative fishing methods or fishing gear within state waters and for fisheries for those species that are currently underutilized or for fisheries where a commercial harvest is biologically unacceptable.

This bill would repeal the limitation on the number of experimental gear permits that may be issued under those provisions. The bill would also revise the restrictions on permits issued for new types of commercial fishing gear and new methods of using existing commercial fishing gear. The bill would require that the use of nearshore trawl nets be phased out effective January 1, 1993.

(2) Existing law also requires the department to develop a program for developing and monitoring the use of alternative fishing methods and gear, to review proposals on new types of fishing gear and new methods of using existing commercial fishing gear, and to recommend to the commission the approval of an experimental gear permit. Existing law also provides for a low-interest loan program administered by the State Coastal Conservancy for financing the alternative fishing methods and gear.

This bill would repeal those provisions.

(3) Existing law provides that the unpaid balance of an outstanding loan from the State Coastal Conservancy for the purchase of alternative fishing gear shall be excused if an experimental gear permit is revoked.

This bill would additionally provide for the excuse of the outstanding balance of those loans if an experimental gear permit is not renewed pursuant to a judgment, a decision of the commission, or a legislative enactment.

(4) The bill would define "bait net" for purposes of certain provisions relating to commercial fishing.

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

Ch. 678 (SB 619) Presley. PERS: prepayment of contributions.

The existing Public Employees' Retirement Law requires both employers and employees to make periodic employer and employee contributions to the system, but does not specifically authorize the prepayment of those contributions.

This bill would authorize annual prepayment, pursuant to a contract with the retirement system, of all or any part of any required fiscal year employer contributions on an estimated basis. This bill would also authorize adjustment at the end of each fiscal year of any payments so made in advance and authorize the discounting of payments so made in advance at a rate to be established in the agreement.

These provisions would apply only to Riverside County as a 2-year pilot project between July 1, 1992, and June 30, 1994.

This bill would also require the board of administration to make a report to the Legislature, to contain specified information, and would make declarations regarding the necessity for this special law.

Ch. 679 (SB 630) Boatwright. Real estate: independent contractors.

(1) Existing law regulates persons involved in the sale, lease, or exchange of real property including real estate salesmen and real estate brokers. Existing law also regulates persons involved in the sale, lease, or exchange of mineral, oil, and gas property.

This bill would provide that all obligations created under specified provisions, all regulations issued by the Real Estate Commissioner relating to real estate salespersons, and all other obligations of real estate salespersons to members of the public, shall apply regardless of whether the relationship between the real estate salesperson and the broker is one of "independent contractor" or of "employer and employee."

This bill would provide that a real estate broker and a real estate salesperson licensed

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under that broker may contract between themselves as independent contractors or as employer and employee, subject to specified regulations.

This bill would state that it is not intended to change existing obligations of a real estate broker regarding liability or workers compensation insurance or to alter existing specified case law.

(2) Existing law contains various penalty provisions applicable to, among others, employees of corporations that violate the provisions of law described in paragraph (1), above.

This bill would expand the scope of an existing crime by including independent contractors within the scope of these provisions and thus 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.

Ch. 680 (SB 631) Johnston. River port commissions.

Under existing law, a river port district is governed by a port commission consisting of 5 members, appointed, as specified.

This bill would require that in addition to those 5 commissioners, the Sacramento-Yolo Port Commission of the Sacramento-Yolo Port District have one commissioner appointed by the City Council of the City of West Sacramento and one commissioner appointed jointly by the Board of Supervisors of the County of Sacramento and the City Council of the City of Sacramento, thus imposing a state-mandated local program. The bill would also impose a state-mandated local program by requiring, on or before the end of the fiscal year, that the City of West Sacramento and Sacramento County and the City of Sacramento pay the port district an amount equal to the costs to the district of the additional commissioners appointed under the bill.

The bill would also require that the creation of any indebtedness by the port district be approved by at least 5 of the members of the port commission.

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

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

Ch. 681 (SB 665) Petris. Mental health.

(1) The Lanterman-Petris-Short Act authorizes detention, for evaluation and treatment, of persons who are dangerous to themselves or others or who have been at risk for suicide while detained, or who are gravely disabled due to a mental disorder or chronic alcoholism.

This bill would provide that antipsychotic medication, as defined, may be administered to a person so detained, if that person does not refuse treatment.

This bill would require that, if a person detained pursuant to this authority refuses treatment with antipsychotic medication, a hearing be held within 24 hours of the filing of a petition whenever possible, and no later than 72 hours of the filing of a petition, for a hearing to determine that person's capacity to refuse treatment, and would thereby impose a state-mandated local program. It would allow medication to be administered prior to the hearing under emergency conditions, as specified, or pending appeal of a determination.

This bill would limit the effect of the determination of the person's incapacity to refuse treatment to the duration of specified detention periods, or until the capacity to refuse treatment has been restored according to standards developed by the hospital or facility, or by court determination, whichever is sooner.

This bill would require the State Department of Mental Health to report to the Legislature in regard to the capacity hearings and the use of patients' rights advocates by January 1, 1994.

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(2) The Lanterman-Petris-Short Act specifies the rights accorded psychiatric patients and mentally retarded persons in state hospitals.

This bill would include the right to refuse antipsychotic medication among those rights.

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

This bill would provide that no reimbursement 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. 682 (SB 740) Hill. Irvine Ranch Water District: directors: election.

Existing law requires that directors of the Irvine Ranch Water District be elected in accordance with specified provisions of the Elections Code and laws generally applicable to water districts.

This bill would specify a 4-year term for a director elected at an election to fill a vacancy where an election is required to be held at the next general district election under specified conditions.

The bill would declare that a special act is necessary and that a general law cannot be made applicable within the meaning of the California Constitution.

Ch. 683 (SB 753) Johnston. Youth: youth facilities.

Under the Youth Center and Youth Shelter Bond Act of 1988, the Department of the Youth Authority is required to allocate a maximum of 30% of funds from specified bond proceeds to shelters for abused and neglected children, to be prioritized among no more than 3 counties of the 1st to 10th class, inclusive, as defined, with first priority going to counties with existing youth shelters, as defined, with demonstrated overcrowding problems, and second priority going to counties which have a demonstrated need for additional shelter beds and have initiated planning and the permit process for construction of a new shelter.

Under the act, any remaining money that has not been awarded to shelters after the initial awards are made pursuant to specified provisions, is required to be awarded to shelters for runaway youths.

This bill would instead require that any money that has been awarded, and has not been encumbered by July 1, 1992, be reallocated according to a supplemental process to be developed by the Youth Authority. It would require the authority to accept new applications pursuant to this process from all counties which meet specified criteria, for additional youth shelter beds for abused and neglected children. The bill would specify that the department shall only establish the reallocation process when the total accumulated funds equals $500,000 or more.

Ch. 684 (SB 754) Dills. Gaming.

(1) Existing law provides that whoever prevails upon any person to visit any place kept for the purpose of gambling or prostitution is guilty of a misdemeanor punishable as specified.

This bill would specify that with respect to gambling, the place be kept for the purpose of illegal gambling.

(2) Under existing law, every person who by the game of "three card monte" or any other game, device, sleight of hand, pretensions to fortune telling, trick, or other means whatsoever, by use of cards or other implements or instruments, or while betting on sides or hands of any play or game, fraudulently obtains, as defined, from another money or property shall be punished as in the case of the theft of property of a like value.

This bill would provide that for the purposes of establishing the value of property under this provision, poker chips, tokens, or markers have the monetary value assigned to them by the players in any game.

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The bill would also set forth specified legislative findings, declarations, and intent with respect to the enactment of its provisions.

Ch. 685 (SB 761) Johnston. Health insurance.

Existing law provides that any disability insurer or health care service plan providing replacement coverage with respect to hospital, medical or surgical benefits on an expense-incurred or service basis within a period of 60 days from the date of discontinuance of a prior policy or contract providing those hospital, medical or surgical benefits shall immediately cover all employees and dependents who were validly covered under the previous policy or contract at the date of discontinuance, are within the definitions of eligibility under the succeeding carrier's policy or contract, and who would otherwise be eligible for coverage under the succeeding carrier's policy or contract, regardless of any provisions of the policy or contract relating to active full-time employment or hospital confinement or pregnancy, as specified.

This bill would specify that, except to the extent that benefits for the condition would have been reduced or excluded under the prior carrier's contract or policy, no provision in the succeeding carrier's contract, where an employee changes carriers due to a change in employment or other circumstances that would operate to reduce or exclude benefits for congenital craniofacial anomalies, as specified, on the basis that the condition giving rise to benefits preexisted the effective date of the succeeding carrier's contract, shall be applied to those employees and dependents validly covered under the prior carrier's contract or policy on the date the prior contract or policy terminated when payment or services had been commenced by the previous carrier.

Ch. 686 (SB 1039) Johnston. Insurance: Managing General Agents Act.

Existing law generally sets forth the duties and obligations of insurance agents and brokers, but makes no provision for the specific regulation of a managing general agent (MGA), as defined.

This bill would enact the Managing General Agents Act, which, among other things, would do all of the following:

(1) Define "Managing General Agent," as specified.

(2) Provide that no producer shall act in the capacity of a managing general agent, with respect to risks located in this state for an insurer which holds a certificate of authority unless that producer is licensed as a fire and casualty broker-agent, or as a life agent.

(3) Authorize the Insurance Commissioner to require a fidelity bond in an amount acceptable to him or her for the protection of the insurer.

(4) Authorize the commissioner to require a managing general agent to maintain an errors and omissions policy if that coverage is generally available at a reasonable cost, as specified.

(5) Require a written contract between the managing general agent and an insurer which sets forth the responsibilities of each party and which contains certain minimum provisions.

(6) Prohibit the managing general agent from performing certain acts, and specify duties of insurers, as specified.

(7) Provide penalties for violation of these provisions, and authorize the commissioner to adopt reasonable rules and regulations for the implementation of the act.

Ch. 687 (SB 1040) Johnston. Wards: aiding in the escape.

Existing law provides that any person who knowingly permits or aids any inmate of any institution under the jurisdiction of the Department of the Youth Authority to escape from that institution, or conceals the inmate with the intent of enabling him or her to elude pursuit, is guilty of a misdemeanor.

This bill would, instead, provide that a person is guilty of a misdemeanor if he or she without the use of force or violence willfully assists any parolee of the Department of the Youth Authority whose parole has been revoked, any escapee, any ward confined to a Department of the Youth Authority institution or facility, any ward who is being transported to or from that institution or facility, or any person in the lawful custody of

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any officer or person, to escape or in an attempt to escape from a Department of the Youth Authority institution, facility, or custody. This bill would also specify that any person who with the use of force or violence willfully provides that assistance is guilty of a felony or a misdemeanor, as specified. This bill would impose a state-mandated local program by changing the definition of an existing crime.

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

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

Ch. 688 (SB 1055) Hart Vital statistics: records: certified copies: fees.

(1) Existing law establishes a State Vital Record Improvement Project Fund in the State Treasury. Under existing law, not less than 10% of the moneys in the fund are allocated, upon appropriation, to local registrars for improving local vital record systems. Under existing law, the remainder is, upon appropriation, allocated to the State Registrar to improve and automate the processing of vital records maintained by the registrar.

This bill would instead require the allocation, upon appropriation, of not less than 10% of the moneys collected in the fund prior to or on December 31, 1992, less any fund reductions resulting from budget expropriations, to local registrars for the above-described purposes. This bill would provide that the remainder of the funds would, upon appropriation, be allocated to the State Registrar for the above-described purposes.

(2) Existing law, until January 1, 1992, 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 reduce, commencing January 1, 1993, the amount required to be deposited with the State Registrar in the state fund from $1 to 90¢. The bill would require the State Registrar to deposit any fees collected into the state fund.

The bill would extend the 1992 repeal date to January 1, 1997, thereby creating a state-mandated local program by expanding the duration of existing duties imposed on local agencies

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.

(3) 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.

Existing law, until January 1, 1992, requires any applicant for a certified copy of any of those records to pay an additional $1 fee to the State Registrar, and requires 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 would extend the operation of this requirement until January 1, 1997. By requiring these local officials to continue to collect and transmit this fee, this bill 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

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a ⅔ vote of each house of the Legislature.

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

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

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

Ch. 689 (AB 211) Tanner. Consumer warranties: motor vehicles.

(1) Existing law requires the Bureau of Automotive Repair, which is within the Department of Consumer Affairs, to establish and implement a program for certifying each 3rd-party dispute resolution process used for the arbitration of certain disputes involving new motor vehicles.

This bill would require this program to be administered directly by the Department of Consumer Affairs, instead of by the Bureau of Automotive Repair.

(2) Existing law provides that if a new motor vehicle is transferred by a buyer or lessee to a manufacturer because of the manufacturer's inability to repair a nonconformity to an express warranty, then no person shall sell or lease that motor vehicle unless the nature of the nonconformity is disclosed, the nonconformity is corrected, and the manufacturer provides a new warranty in writing.

This bill would provide that no person shall transfer, in addition to the prohibition against selling and leasing, a motor vehicle in that situation unless that correction is made, and that disclosure and warranty are provided. The bill would specify that, except for the requirement that the nature of the nonconformity be disclosed, these provisions do not apply to the transfer of a motor vehicle to an educational institution if the purpose of the transfer is to make the vehicle available for use in automotive repair courses.

Ch. 690 (AB 834) Floyd. Forms of parimutuel wagering.

Existing law prohibits the California Horse Racing Board from approving any form of wagering on more than one race unless all such races are conducted on the same racing program.

This bill would provide that, notwithstanding any other provision of law, each racing association or fair shall include the types of conventional and exotic wagers it proposes to offer on its application to conduct a horseracing meeting. The bill would also permit an association or fair to offer any form of parimutuel wager as defined by regulations adopted by the board, or as defined by the Uniform Rules of Racing as published by the Association of Racing Commissioners International. The bill would permit the board to prohibit any form of parimutuel wager if it determines that the proposed wager would compromise the honesty and integrity of racing in the state.

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

Ch. 691 (AB 506) Mountjoy. Contractors.

Existing law establishes the Contractors' State License Law, as specified, and exempts certain entities from its provisions.

This bill would, until January 1, 1996, exempt nonprofit organizations providing weatherization services at no cost to households under federally funded low-income programs administered by the Department of Economic Opportunity from the Contractors' State License Law, and would provide that those nonprofit organizations may contract any activities covered by federally funded Department of Economic Opportunity programs to properly licensed contractors, subject to the condition that those organizations contract with a properly licensed contractor when the activity would disturb a hazardous material or constitute asbestos-related work, as specified.

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

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Ch. 692 (AB 900) Roybal-Allard. Female prisoners' health care.

Existing law authorizes, until January 1, 1993, the Department of Corrections, the Department of the Youth Authority, and local law enforcement agencies, as specified, to operate licensed correctional treatment centers to provide inpatient and outpatient health services to that portion of the inmate population which does not require a general acute care level of basic services. The centers are required to provide, but not limited to providing, physician and surgeon, psychiatrist, psychologist, nursing, pharmacy, dental, and dietary services and are authorized to also provide laboratory, radiology, perinatal, and any other services approved by the department.

This bill would contain findings and declarations of the Legislature and would establish, until January 1, 1993, within the Department of Corrections the Women's Health Issues Task Force, as specified, to assure that appropriate health care services are available to address female prisoner health needs and to assure that the department accelerates its planning for female prisoner health care. The purpose of the task force would be to assist the department in its preparation of a 5-year Female Prisoner Health Care Master Plan. This bill would require the department to report to the Legislature, on or before December 31, 1992, the findings of the Women's Health Issues Task Force and to submit to the Legislature annual progress reports on the department's progress in meeting the goals established by the 5-year Female Prisoner Health Care Master Plan.

Ch. 693 (AB 1140) Woodruff. Governor's Professor of the Year Awards.

Existing law does not provide for the Governor's Professor of the Year Awards.

This bill would create, until July 1, 1997, the Governor's Professor of the Year Awards to be awarded commencing in 1992, and every year thereafter, to 3 or more faculty members teaching undergraduate courses at public or private postsecondary educational institutions. The recipients would be selected by a prescribed committee established by the Governor, with the assistance of the California Postsecondary Education Commission, as specified.

The bill would also require the commission to seek funding for these awards through contributions from the private corporate sector and, working in cooperation with the committee, to prepare a biennial report describing specific examples of successful innovative teaching strategies being used by undergraduate faculty in public and private postsecondary educational institutions.

Ch. 694 (AB 1143) T. Friedman. Habilitation services.

Under existing law, the Department of Rehabilitation is required to contract with the State Department of Developmental Services for the responsibility of purchasing community-based habilitation services for persons with developmental disabilities to prepare them for competitive employment, to prepare and maintain them at their highest level of vocational functioning, or to prepare them for referral to vocational rehabilitation services.

Existing law defines vocational rehabilitational services provided by the Department of Rehabilitation for persons who are physically or mentally impaired

This bill would revise that definition to revise the scope of those services.

Under existing law, rehabilitation facilities may provide vocational rehabilitation services, gainful employment, evaluation and work adjustment services and other specified services to persons with disabilities.

This bill would extend the scope of services which a rehabilitation facility may provide, to include supported employment services, intensive on-the-job training, followup and observation at the jobsite, and extended employment for the severely handicapped.

Existing law requires the Department of Rehabilitation to purchase habilitation services it determines to be necessary in the habilitation component of the individual program plan for eligible adults with developmental disabilities.

Existing law requires the Department of Rehabilitation to establish rates for each allowable habilitation service activity which reflects the reasonable cost of services, and, until July 1, 1993, requires the Department of Rehabilitation to set rates for work-activity program facilities based on the number of days of attendance by work-activity clients.

The bill would prohibit a reduction of the length of a work-activity program day, as

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defined, unless the change is approved by the department, and would authorize the department to change the habilitation services rate with respect to any work-activity program for which a change in the length of the work-activity program day is approved.

The bill would authorize a change in the length of a work-activity program day on an individual basis, if the change is approved by the habilitation specialist, and would require the work-activity program to document the change.

This bill would define a full day of service for purposes of billing under the Habilitation Services Program, and would extend until July 1, 1996, the inoperative date of the existing method of setting rates for work-activity program facilities.

Existing law provides that a habilitation team, comprised of the regional case manager, the work-activity case responsible person, a habilitation specialist appointed by the Department of Rehabilitation, and the client or his or her parent or guardian or conservator shall have certain responsibilities in the determination of a person's eligibility for habilitation services provided by the Department of Rehabilitation.

This bill would recast that requirement to specify that the habilitation team shall meet when it is necessary to determine or review eligibility, develop an individual habilitation component, or determine if the services available at the work-activity program or supported employment program best meet the needs of the consumer.

Existing law provides that only decisions made by the habilitation team or the habilitation specialist with respect to eligibility for services are subject to appeal.

This bill would include decisions made by the habilitation team or habilitation specialist with respect to the appropriateness of the service available from the provider within the scope of decisions which are subject to appeal.

Under existing law, a person is eligible for habilitation services if certain conditions exist.

This bill would add the condition that the habilitation specialist sign a statement that the person is eligible.

Existing law provides that when the Department of Rehabilitation has determined that a person is eligible for habilitation services, the person shall be placed in a work-activity program during a period of presumptive eligibility.

This bill would authorize the department to place that person in a work-activity program or a supported employment program.

Existing law states the intent of the Legislature that the Department of Rehabilitation provide monitoring, evaluation, and auditing of rehabilitation services for program effectiveness, taking specified factors into consideration.

This bill would recast that requirement and would include within those factors to be considered compliance with applicable standards of the Commission on Accreditation of Rehabilitation Facilities and compliance with certification standards adopted by the Department of Rehabilitation, and would authorize the department to impose immediate sanctions on providers of rehabilitation services for noncompliance with accreditation and services standards adopted by the department. This bill would specify the sanctions that may be imposed on providers.

Existing law requires that each work-activity program providing habilitation services to persons with developmental disabilities shall annually review the top 3% of its clients based on productivity ratings, in order to determine whether they meet certain criteria, and provides that any individual who meets all of the criteria shall be referred to the individual's habilitation team for a determination as to whether a recommendation should be made to the Department of Rehabilitation that the individual be considered for vocational rehabilitation services.

This bill would repeal those requirements, and instead, would require that each work-activity program facility annually review its consumers in order to determine whether they should be referred for vocational rehabilitation services, including supported employment.

Under existing law, the Department of Rehabilitation may purchase services from new work-activity programs or program components, even though the program or program component is not yet accredited, if the department can certify that the program or program component can deliver the services effectively, it can ensure the

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health and safety of the persons served, and that the program or program component can acquire accreditation within 4 years.

This bill would revise the 4-year accreditation limitation to, instead, require that the department verify that the program or program component commits, in writing, to apply for accreditation within 3 years, and that the program or program component is in compliance with accreditation standards applied by the department. This bill would require that the program apply for accreditation from a specified commission and be accredited within 4 years.

Existing law requires work activity programs, at the request of the Department of Rehabilitation or the regional center, to release accreditation and state licensing reports.

This bill would also require work activity programs to release consumer incident reports required by law and regulations in instances of suspected abuse.

Existing law authorizes the Department of Rehabilitation to approve new work-activity programs, after confirming the need for a new work-activity program, determining the capacity of a new work-activity program to deliver effective services, and assessing the ability of the program to comply with accreditation and certification requirements of the Habilitation Services Program.

This bill would delete the requirement that the department assess the program's ability to comply with certification requirements of the Habilitation Services Program.

Under existing law, work-activity programs or program components that receive the department's approval to provide supported employment services receive rates established according to the methodology based on attendance of work-activity clients, except that new programs or program components are based on their category and client history.

Existing law requires proposals for funding of supported employment programs and components by the Habilitation Services Program, administered by the Department of Rehabilitation, 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 October 1, 1992, and are repealed as of January 1, 1993.

This bill would extend the operative dates of those provisions from July 1, 1993 to July 1, 1996.

Existing law authorizes state and local governmental entities to purchase materials and supplies manufactured and services provided by public or private nonprofit California corporations operating workshops serving the handicapped, provided that corporations meet certain requirements.

This bill would revise that authorization to apply to goods and services provided by corporations that operate rehabilitation facilities, and would recast the requirements.

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

Ch. 695 (AB 1166) Moore. Public utilities: computer models.

Under existing law, the jurisdiction and control over public utilities is vested in the Public Utilities Commission, including the power to fix rates and charges and to specify the terms and conditions under which service is furnished. Every public utility is required to furnish the commission records and information required by the commission in its exercise of this authority.

Existing law also requires every public utility, other than a common carrier, and every affiliated business, as specified, to provide the commission with access to all computer models used to substantiate their showing in a proceeding, and specifies procedures for the verification and use of computer models, operations models, and data bases as evidence in hearings and proceedings before the commission.

This bill would require the commission to verify, validate, and review the computer models of any electric corporation that are used for the purpose of planning, operating, constructing, or maintaining the corporation's electricity transmission system, and that are the basis for testimony and exhibits in hearings and proceedings before the commission. It would also require the computer models to be available to, and subject to verification by, each party to a commission proceeding, as specified. A violation of this requirement would be a crime, as existing law makes any public utility who violates

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specified provisions regulating public utilities guilty of a misdemeanor, thus imposing a state-mandated local program.

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

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

Ch. 696 (AB 1185) Hannigan. Campaign disclosure: initiative measures.

Existing provisions of the Political Reform Act of 1974 require recipient campaign committees which are primarily formed to support or oppose the qualification, passage, or defeat of a state ballot measure to file semiannual and preelection statements disclosing contributions received and expenditures made. These provisions also require committees formed or existing primarily to support or oppose the qualification of a ballot measure and proponents of a state ballot measure who control a committee formed or existing primarily to support the qualification of a measure, to file a campaign statement 21 days after any petitions are filed, or 21 days after the deadline for filing petitions, whichever is earlier. A knowing or willful violation of the act is a misdemeanor

This bill would additionally require these campaign committees to file campaign statements for the first half of any semiannual period during which the committees are not required to file preelection statements. 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.

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. 697 (AB 1202) Woodruff. Adoption.

(1) 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.

(2) Existing law, operative July 1, 1991, recasts adoption laws by separately specifying procedures relating to different types of adoption, including independent adoptions.

This bill would make technical changes to various provisions relating to independent adoptions and would make a conforming change.

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

Ch. 698 (AB 1205) Costa. Water resources.

(1) Existing law requires the State Water Resources Control Board to submit annually a prescribed report to the Legislature on the status of a specified loan program established by the Water Conservation and Water Quality Bond Law of 1986, including a prioritized list of projects eligible for funding. Existing law authorizes the board to make a loan, upon the specific approval of the Legislature and after the receipt of that prescribed report.

This bill would make an appropriation by authorizing the board to make loans of not more than $30,210,000 from the Agricultural Drainage Water Account in the 1986 Water Conservation and Water Quality Bond Fund to the Santa Ana Watershed Project Authority (not more than $13,310,000), the City of Sanger ($5,300,000), and the Eastern Municipal Water District (not more than $11,600,000) to aid in the construction of drainage water management units and for related feasibility studies, as prescribed.

(2) The Budget Act of 1991 transfers certain revenues in the California Water Fund to the General Fund after prescribed allocations are made.

This bill would specify that those transfers may be made after additional allocations are made.

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

Ch. 699 (AB 200) Cortese. Earthquake protection.

Existing law does not require an owner of a building to provide documentation, upon sale, relating to the earthquake resistance of specified parts of the structure.

The bill would require after July 1, 1992, that the transferor of any real property built before January 1, 1960, containing any residential dwelling with 1 to 4 living units of conventional, light wood-frame construction, as defined, as soon as practicable prior to the transfer, furnish a copy of a specified earthquake preparedness guide and make an earthquake hazards disclosure to the transferee. The bill would require the transferor of real property to disclose specified deficiencies within the transferor's actual knowledge which would increase a dwelling's vulnerability to earthquake damage.

The bill would exempt certain dwellings and other specified transfers from these requirements, and would authorize the use of alternatives to these provisions with regard to historical buildings, as defined.

The bill would provide that no transfer of title shall be invalidated on the basis of a failure to comply with its provisions.

Ch. 700 (AB 1208) Burton. Disability compensation benefits: eligibility.

Existing law provides that, in order to qualify for disability benefits under the disability compensation law, an unemployed and disabled worker must wait for a period of 7 consecutive days. However, the remainder of the waiting period is waived where a worker is confined for one day in a hospital or receives treatment in a hospital surgical unit or a surgical clinic, as defined.

This bill would, in addition, waive until January 1, 1995, the remainder of the waiting period when an individual receives treatment in an institution that operates under the auspices of a postsurgical recovery care pilot designation, as specified. It would include in the definition of "surgical clinic" a clinic that is certified to participate in the federal Medicare program as an ambulatory surgical center, as defined.

This bill would make other clarifying, technical changes.

This bill would incorporate additional changes in Section 2627.7 of the Unemployment Insurance Code, proposed by AB 540, to be operative only if AB 540 and this bill are both chaptered and become effective January 1, 1992 and this bill is chaptered last.

Ch. 701 (AB 1212) Costa. Oil and gas wells: interstate oil compact.

(1) Existing law subjects the owner or operator of an oil or gas well to regulation by the State Oil and Gas Supervisor.

This bill would authorize the supervisor to deny approval of proposed well operations until an owner or operator who has failed to comply with an order of the supervisor

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brings its existing well operations into compliance with the order.

(2) Existing law designates the State Oil and Gas Supervisor as the assistant representative of the state on the Interstate Oil Compact Commission.

This bill would instead designate the Director of Conservation, and, in the director's absence, the State Oil and Gas Supervisor, as the assistant representative.

Ch. 702 (AB 1224) Hunter. Medi-Cal: nurse practitioners.

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 require that services provided by a certified nurse practitioner shall be covered under the Medi-Cal program to the extent mandated by federal law, and subject to utilization controls. This bill would further require the department to permit independent billing by certain categories of certified nurse practitioners, and to make direct payments to those nurse practitioners who elect to bill independently.

Ch. 703 (AB 1287) Vasconcellos. AIDS: vaccine: insurance coverage.

Existing law provides for an AIDS Vaccine Victims Compensation Fund to, among other things, pay damages for personal injuries due to a vaccination administered during a clinical trial.

This bill would prohibit any health care service plan, disability insurer, nonprofit hospital service plan, self-insured employee welfare benefit plan, or life insurer from withholding coverage based solely upon an individual's participation in an approved AIDS/HIV vaccine clinical trial, as specified. The bill would require the State Department of Health Services to maintain a confidential certificate, provided by the trial sponsor, subject to release by written authorization, as specified.

Ch. 704 (AB 1337) Isenberg. Sacramento Area Flood Control Agency.

(1) Under existing law, the Sacramento Area Flood Control Agency is organized pursuant to a joint powers agreement and is governed by a board of directors. Existing law requires the board to authorize the issuance of bonds by adoption of a resolution which provides for, among other things, the appointment of one or more banks or trust companies with specified authority.

This bill would require the resolution to provide for the appointment of the Sacramento County Treasurer or one or more banks or trust companies with specified authority.

(2) Existing law requires the bonds to be countersigned, as prescribed, by the Sacramento County Auditor.

This bill would, instead, require the bonds to be countersigned by the Sacramento County Treasurer, thereby imposing a state-mandated local program.

(3) Existing law authorizes any assessment or reassessment levied by the board to be apportioned on the basis of specified factors.

This bill would include among those factors infrastructure protection.

(4) Existing law authorizes each county which is a member of the agency to collect, at the request of the agency, assessments and special taxes levied by the agency and deposit those revenues into a specified fund to the credit of the agency. Existing law authorizes each county to deduct its reasonable collection and administrative costs.

This bill would authorize each county to require that the amount collected be increased to include a proportionate amount of its reasonable collection and administrative costs, not to exceed $10 per installment for each lot or parcel. The bill would also authorize the board to include within the agency's annual budget a general unappropriated reserve fund, as prescribed.

(5) Existing law requires the board of directors of the agency to adopt a resolution which, among other things, orders the levy of the assessments and the sale of bonds, if the board has determined to proceed with the levy and collection of assessments and the sale of bonds.

This bill would additionally require the agency, upon the adoption of the resolution, to record a notice of assessment, whereupon the assessment shall attach as a lien on the property assessed, as described.

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(6) Existing law requires assessments levied under the law to be collected in the same manner as ordinary property taxes and subjects those assessments to the same penalties and, among other things, the same lien priority as in the case of delinquency as provided for ad valorem taxes.

This bill would delete the reference to lien priority and would authorize the board, in the event of nonpayment of any levied assessment, to collect pursuant to an action brought in the superior court to foreclose the lien, as specified.

(7) Existing law requires bond proceeds, involving bonds sold by the board, to be used exclusively to finance or refinance projects pursuant to the report confirmed pursuant to statute.

This bill would additionally allow the proceeds to be used to pay incidental expenses pursuant to the report confirmed pursuant to statute.

(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. 705 (AB 1338) Harvey. Fuel: vehicles

Existing law contains various provisions relating to clean fuel and air quality.

This bill would declare the intent of the Legislature to direct the State Energy Resources Conservation and Development Commission to develop and submit recommendations to the Legislature for the creation of a program enabling the University of California and the California State University to purchase specified medium-duty, low-emission buses. The bill would require the commission, in consultation with the State Air Resources Board, to develop recommendations for a program to be implemented on the campuses of the University of California and the California State University to expand the use of alternative fuels in medium-duty vehicles, as specified. The commission would be required to submit its recommendations to the Legislature by March 1, 1992.

Ch. 706 (AB 1340) Eastin. Fiberglass Recycled Content Act of 1991.

(1) Under existing law, the California Beverage Container Recycling and Litter Reduction Act requires each glass container manufacturer to use a specified minimum percentage of California postfilled glass in the manufacturing of glass food, drink, or beverage containers. Under the act, specified payments are deposited in the California Beverage Container Recycling Fund, which is continuously appropriated to the department for specified purposes.

This bill would make a statement of legislative intent and would enact the Fiberglass Recycled Content Act of 1991 to require a fiberglass manufacturer to ensure that the annual tonnage of fiberglass manufactured or sold by that manufacturer on and after January 1, 1992, except fiberglass in inventory, contains specified percentages of cullet, as defined, unless the department makes a specified determination or the cullet does not meet minimum quality specifications.

The bill would require the department to include in its annual report to the Legislature a discussion concerning increasing the content of cullet in fiberglass.

The bill would require the department to refer to the Attorney General, for prosecution for fraud, the provider of any false or misleading information concerning the recycled content of glass cullet or the provider of any false or misleading certificate, and would make any person who violates the bill's minimum content requirements guilty of an infraction and punishable by a fine of not more than $1,000, thereby imposing a state-mandated local program by creating a new crime. The bill would also authorize the department to assess civil penalties for violation of the bill's requirements. The bill would require the department to deposit all fines and penalties in the Fiberglass Recycled Content Account, which this bill would create in the California Beverage Container Recycling Fund, and the bill would authorize the funds in the account to be expended by the department, upon appropriation by the Legislature, to administer the bill's provisions.

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

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

Ch. 707 (AB 1355) Bentley. Vehicles: commercial vehicles from other countries.

(1) Existing law prohibits any foreign motor carrier or foreign motor private carrier that is required to have a certificate of registration issued by the Interstate Commerce Commission from operating in this state without that permit, or beyond the limitations or restrictions specified in the certificate or from refusing to show that certificate to a peace officer upon request.

This bill would make it an infraction, punishable as specified, for any person to operate a commercial motor vehicle from another country outside a designated commercial zone, as defined, without operating authority from the Interstate Commerce Commission.

The bill would require a peace officer to issue a citation to the driver, and order the driver of the vehicle to return the vehicle to its country of origin, and authorize the officer to impound the vehicle and its cargo, as prescribed.

Since a violation of those 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. 708 (AB 1359) Cortese. Underground storage tanks: tank testers.

Existing law imposes various design, installation, monitoring, and release reporting requirements with regard to underground storage tanks, including requiring tank integrity testing, which is required to be performed by a licensed tank tester. An applicant for licensing is required to demonstrate either one year of qualifying experience or to successfully complete a course of study, and is also required to pass an examination specified by the State Water Resources Control Board.

Existing law requires the board to adopt regulations necessary to implement tank tester licensing.

This bill would require an applicant, in addition to passing the examination, to instead have either one year of experience in personally testing tanks or 6 months of experience in personally testing tanks and the completion of the course of study, as specified.

The bill would also delete the requirement that the board adopt these regulations.

Ch. 709 (AB 1361) Cortese. Fish and Game Commission: regulations.

Existing law generally provides that regulations adopted by the Fish and Game Commission may supersede any section of the Fish and Game Code.

This bill would provide that a regulation which is adopted pursuant to this provision shall be valid only to the extent it makes additions, deletions, or changes to the Fish and Game Code that are necessary for the protection of fish, wildlife, and other natural resources under the jurisdiction of the commission or if the commission finds that an emergency exists, as specified, or will exist unless the action is taken.

The bill would require a regulation which is adopted pursuant to this provision to be supported by written findings adopted by the commission at the time of the adoption of the regulation setting forth the basis for the regulation, and would provide that the regulation would remain in effect for not more than 12 months from its effective date.

Ch. 710 (AB 1389) Cortese. Hunting: antelope.

Under existing law, license tags for the taking of antelope are issued pursuant to regulations of the Fish and Game Commission, which is authorized to fix the number of antelope which may be taken. A fee of $55 is charged for issuance of a license tag, and

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the proceeds are required to be deposited in the Fish and Game Preservation Fund.

This bill would require the commission, until January 1, 1997, to direct the Department of Fish and Game to annually authorize not less than one antelope tag or more than 1% of the tags available for the purpose of raising funds for programs and projects to benefit antelope. Those tags could be sold at auction or by other method, and would not be subject to the $55 fee limitation.

Because increased revenues would be deposited in the Fish and Game Preservation Fund, which is a continuously appropriated fund, the bill would make an appropriation.

Ch. 711 (AB 1390) O'Connell. Parked vehicles: removal: service authority for freeway emergencies.

(1) Under existing law, the owner or person in lawful possession of private property may, under specified conditions, and pursuant to specified procedures, have a vehicle parked on that property removed.

This bill would prohibit a towing company from removing a vehicle from private property without first obtaining written authorization from the property owner or lessee, or an employee or agent thereof, except under specified conditions. If no written authorization is obtained and the vehicle is towed under those conditions, the towing company would be required to take a photograph illustrating that parking violation, as prescribed. The bill would also make the towing company liable to the vehicle owner for 4 times the towing and storage charges for an unlawful removal. Since, under other provisions of law, a violation of this provision would also be an infraction, this bill would impose a state-mandated local program by creating a new crime.

(2) Existing law authorizes a service authority for freeway emergencies established in a county to impose a fee on vehicles registered within the county and to use the proceeds of the fee for the implementation, maintenance, and operation of a motorist aid system of call boxes on freeways, expressways, and connecting highway routes in the county. Under existing law, a service authority for freeway emergencies may be established within a county upon the adoption of resolutions by the county board of supervisors and the city councils of a majority of cities having a majority of the population of cities within the county. Those resolutions may designate the county transportation commission as the service authority for freeway emergencies.

This bill would authorize a county and those cities to designate a council of governments formed pursuant to a joint exercise of powers agreement as the service authority for freeway emergencies for the county.

(3) This bill would make additional changes in Sections 2551 and 2553 of the Streets and Highways Code, to be operative only if this bill and SB 1254 are both chaptered and become effective on or before January 1, 1992, and this bill is chaptered after SB 1254.

(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. 712 (AB 1411) Lempert. Income taxes: returns: electronic imaging technology.

The existing Personal Income Tax Law and the Bank and Corporation Tax Law require that, except as provided by the Franchise Tax Board, any return, declaration, statement, or other document required to be filed under those laws contain, or be verified by, a specified written declaration, and be in a form as the Franchise Tax Board may prescribe.

This bill would require that any return, declaration, statement, or other document required to be made that is filed using electronic technology be in a form as the Franchise Tax Board may prescribe and be accompanied by a signed transmittal document, as specified. It would also require that any return, declaration, statement, or other document required to be signed that is filed in a traditional medium, as defined, and captured using electronic imaging technology, as defined, be deemed to be a valid original document upon reproduction to paper form by the Franchise Tax Board. It

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would make other related clarifying and technical changes.

Ch. 713 (AB 1414) Leslie. Highways: roadside rest areas: disabled persons.

Existing law requires the Department of Transportation to design safety roadside rests and specifies what facilities those roadside rests may contain.

This bill would require the department to develop a policy for the use of restroom facilities at safety roadside rests by disabled travelers at those locations on state highways having separate restroom facilities for disabled persons, which will permit a disabled person to be accompanied in the restroom by an attendant of the opposite sex to assist the disabled person. The bill would require the department to place signs at the roadside rests indicating that it is permissible for a person of the opposite sex to accompany a disabled person into the restroom.

Ch. 714 (AB 1430) Moore. Telephones: telecommunications devices for the deaf or severely hearing impaired and the disabled: surcharge.

Under existing law, the Public Utilities Commission implements programs whereby telecommunications devices or specialized or supplemental telephone communications equipment are provided to telephone subscribers who are deaf or severely hearing impaired or who are certified to be disabled. Existing law requires that these programs be paid for through a surcharge of not more than ½% uniformly applied to a subscriber's intrastate telephone service, with exemptions as specified. Existing law further requires that this surcharge shall be in effect until July 1, 1992.

This bill would require that the surcharge continue until January 1, 1995. The bill would require the commission to annually review the surcharge level and would authorize the commission to make necessary adjustments in the surcharge, as specified, while the surcharge remains in effect.

Ch. 715 (AB 1475) Tanner. Hazardous waste: recyclable materials.

(1) Existing law subjects recyclable materials to the requirements of hazardous waste control laws, unless the Department of Toxic Substances Control 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 not regulated pursuant to the federal Resource Conservation and Recovery Act of 1976, as amended (RCRA), if the material meets specified requirements. Existing law provides that recyclable materials are not subject to these exclusions unless the recyclable materials are managed in a specified manner and requires any person who manages excluded recyclable materials to provide specified information to the department and local agencies, upon request. Under existing law, a violation of the hazardous waste control law is a crime.

This bill would additionally require that a person recycling more than 100 kilograms per month of recyclable materials excluded from the hazardous waste control law, except as specified, provide specified information to the local health officer or public officer by July 1, 1992, and every 2 years thereafter, using a format developed by the department and to the generator, as specified, thereby imposing a state-mandated local program by creating a new crime. The bill would exclude recyclable materials from these reporting requirements until the material exits the unit in which it was generated or remains in the unit for more than 90 days, as specified.

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

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

Ch. 716 (AB 1485) Committee on Judiciary (as presented by Assembly Member Bentley on behalf of the Committee). Courts.

(1) Existing law specifies the number, compensation, and classification of municipal court personnel in Alameda, Butte, El Dorado, Fresno, Kern, Marin, Merced, Nevada, Sacramento, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Sonoma, Stanislaus, and Tulare Counties.

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This bill would revise the number, compensation, and classification of specified municipal court personnel in Alameda, Butte, El Dorado, Fresno, Kern, Marin, Merced, Nevada, Sacramento, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Sonoma, Stanislaus, and Tulare Counties, thus establishing a state-mandated local program.

(2) Existing law specifies the compensation of official court reporters in Alameda, Butte, Fresno, Kern, Sacramento, Santa Barbara, and Santa Clara Counties.

This bill would revise the compensation of official court reporters in Alameda, Butte, Fresno, Kern, Sacramento, Santa Barbara, and Santa Clara Counties, thereby establishing a state-mandated local program.

(3) Existing law provides that there is one court administrator for the superior and municipal courts in El Dorado and Nevada Counties, appointed by the board of supervisors with the concurrence of the majority of the county's judges, and provides for his or her compensation.

This bill would revise these provisions to only provide for the appointment of a court administrator for the municipal court, would provide that that appointment shall be made by the judges of the court, and would also revise the compensation for that position, thereby imposing a state-mandated local program.

(4) Existing law specifies the number, compensation, and classification of superior court and municipal court personnel in Orange County.

This bill would revise the number, compensation, and classification of specified superior court and municipal court personnel in Orange County, thereby imposing a state-mandated local program. This bill would also provide for one executive officer-municipal court for each judicial district appointed by a majority of the judges of the court and his or her compensation.

(5) Existing law authorizes the judge, the presiding judge, or the senior judge of the juvenile court to appoint a juvenile court referee whose salary is fixed by the board of supervisors.

This bill would provide that in lieu thereof, in Tulare County, the judges of the superior court by majority vote, may appoint a court commissioner, as specified, to perform specified duties. This bill would also provide that this position shall be counted for purposes of determining trial court funding or "court operations" under the Brown-Presley Trial Court Funding Act.

(6) Existing law prescribes the annual salary of the reporter of the decisions of the California Supreme Court and of the courts of appeal.

This bill would revise the statutory amount of the salary and, alternatively, authorize the Supreme Court, subject to the approval of the Chairman of the Judicial Council, to set the salary.

(7) Existing law defines "court operations" for purposes of the Brown-Presley Trial Court Funding Act.

This bill would revise the definition of "court operations" for purposes of the Brown-Presley Trial Court Funding Act.

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

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

Ch. 717 (AB 1515) Sher. Waste management.

(1) Under the California Integrated Waste Management Act of 1989, the California Integrated Waste Management Board is required to file a biennial report with the Legislature on or before March 31 of each odd-numbered year, summarizing progress achieved by the board in implementing programs established pursuant to the act and including specified matters.

This bill would require the board to file an annual report with the Legislature on or before March 31 of each year, and to include specified reviews and recommendations.

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The bill would delete specified special reporting requirements and would require the board to include specified information in its annual report. The bill would make related changes.

The bill would delete specified provisions relating to the Source Reduction Advisory Committee, the Recycling Market Development Commission, and the establishment of a pilot litter cleanup and abatement project on highways in Los Angeles County. The bill would require the board to assist cities and counties in disposing of nonyard wood wastes, as prescribed.

(2) Under existing law, after July 1, 1991, any person establishing a new major waste tire facility or expanding an existing minor facility is required to obtain a major waste tire facility permit from the board, and after September 1, 1992, it is unlawful to transfer or accept waste tires at a major facility unless the operator has obtained a permit.

This bill would delay those dates to July 1, 1992, and September 1, 1993, respectively.

(3) The bill would require specified hearings to be conducted by a hearing panel of 3 persons appointed by the chairperson of the board.

(4) The bill would make technical and other changes in the act.

Ch. 718 (AB 1520) Sher. Solid waste landfills: source reduction.

(1) Existing law requires cities and counties 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. Existing law, which will terminate October 1, 1991, defines "solid waste" for the purpose of determining the base amount of solid waste from which source reduction, recycling, and composting levels are calculated.

This bill would delay until July 1, 1992, the termination date of the statutory definition of "solid waste" for those purposes.

The bill would also require the California Integrated Waste Management Board, prior to determining that the diversion of sludge may be counted toward the diversion requirements, to make findings, as prescribed, and to establish specified monitoring requirements.

(2) The bill would appropriate $168,000 from the Integrated Waste Management Account in the Integrated Waste Management Fund to the board for purposes of the development and implementation of sludge reuse regulations.

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

Ch 719 (AB 1613) Lempert. Hazardous waste facilities: permitting.

(1) Existing law requires the Department of Toxic Substances Control to issue hazardous waste facilities permits and authorizes the department to grant interim status to a person who has applied for a permit for specified hazardous waste facilities. Existing law terminates the interim status grant for hazardous waste facilities by specified dates, unless, among other things, the facility's permit application specifies that only non-RCRA hazardous waste will be disposed of at that facility. Existing law requires the department to take final action on permits for these facilities by specified dates, unless the permits are for the transfer, treatment, storage, or disposal of non-RCRA hazardous waste. A violation of the hazardous waste control law is a crime.

This bill would prohibit the department from granting interim status for a hazardous waste facility, unless the facility became subject to hazardous waste facility permitting requirements on or after January 1, 1990. The bill would require the department to take final action by July 1, 1993, on each hazardous waste facilities permit application for onsite facilities which are not subject to specified time limits and which have been operating under interim status, as specified, and would terminate interim status for these facilities on July 1, 1992, except as specified. The bill would also require the department to take final action by July 1, 1993, on each hazardous waste facilities permit application for an offsite hazardous waste facility which is not subject to the other final action provisions. The bill would impose a state-mandated local program by creating a new crime, since a violation of the requirement concerning obtaining a hazardous waste facilities permit is a crime.

(2) Existing law, the California Environmental Quality Act, generally requires all

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state and local agencies to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project they intend to carry out or approve which may have a significant effect on the environment. In other cases, a negative declaration is required. Existing law generally requires all lead agencies to prepare an environmental impact report for a project for a new facility which would burn municipal wastes, hazardous waste, or refuse-derived fuel, or for any project which would expand the permitted capacity, as specified, of an existing facility which burns hazardous waste, except as specified.

This bill would provide that a modification to an offsite hazardous waste facility, as defined, operating under interim status that requires a revised application is a discretionary project for purposes of that act, except as specified.

The bill would additionally require a lead agency to prepare an environmental impact report for any project involving the issuance of a hazardous waste facilities permit to an offsite large treatment facility or the issuance of a hazardous waste facilities permit to a land disposal facility, as specified, thereby creating a state-mandated local program by imposing new duties upon local agencies.

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

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

Ch. 720 (AB 1621) Knowles. Superior court juries: Placer County.

(1) Existing law, with certain exceptions, requires superior court juries to be drawn from residents of the county and authorizes selection from the judicial district, where the court sits in a city that is other than the county seat, in the discretion of the judges.

This bill would generally preclude requiring residents of the Tahoe Judicial District to serve on superior court juries outside that judicial district during November, December, January, and February, but would require the Placer County Superior Court to provide prospective jurors from that area with an opportunity to elect to serve on juries elsewhere in the county during those months, and would permit the superior court to order a countywide venire in the interest of justice.

(2) Existing law specifies general duties of court commissioners. In certain counties these duties are or may be augmented pursuant to existing law.

This bill would authorize the Superior Court of Placer County to authorize that county's court commissioner, if he or she is an attorney admitted to practice law in this state for at least 5 years, to perform other duties specified by the superior court, including those of a probate commissioner and juvenile court referee. The bill would require compensation of this commissioner according to an annual contract recommended by the superior court and approved by the county board of supervisors. The bill would specify that the Placer County Court Commissioner shall not be counted for purposes of state trial court funding, as specified.

Ch. 721 (AB 1656) Jones. Juveniles: confinement and temporary custody.

Existing law provides that no court, judge, referee, peace officer, or employee of a detention facility shall knowingly detain any minor in a jail or lockup, except under specified circumstances. Existing law also specifies that a person under the age of 21 years at the time of apprehension who is convicted of a public offense and sentenced to not more than 90 days imprisonment, may be imprisoned only in a place which has been approved for that purpose by the Department of the Youth Authority.

This bill would repeal the latter provision. The bill also would require the Department of the Youth Authority to verify the facts in a required report concerning extended detention of specified minors upon detention of the minors in excess of 24, rather than 72, hours.

Existing law authorizes the Director of the Department of the Youth Authority to contract with any county to furnish temporary emergency detention facilities for persons under the age of 18 years who are in the custody of the county probation officer pursuant to specified provisions of law. Existing law specifies that these facilities may be

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used only on a temporary basis when existing county juvenile facilities are rendered unsafe or inadequate because of a natural or manmade disaster.

This bill also would authorize the facilities of the Department of the Youth Authority to be used when the continued presence of the minor or minors in the county juvenile facility would, in the opinion of the judge in the juvenile court having jurisdiction over the minor, of the chief probation officer of the county, and of the director, present a significant risk of violence or escape.

Ch. 722 (AB 1669) Margolin. Prepaid health plans

(1) 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 but which are also subject to regulations under certain provisions applicable to health care service plans.

Existing law establishes a Health Care Service Plan Advisory Committee to assist and advise the Commissioner of Corporations in the implementation of the duties of the Commissioner of Corporations under the law regulating health care service plans.

This bill would require the Commissioner of Corporations to discuss budget changes relating to the administration of the law regulating health care service plans with the committee and would authorize the committee to make recommendations to the Commissioner of Corporations.

(2) Existing law requires health care service plans to pay annually $2,500 plus an amount not to exceed 27¢ for each family unit enrolled, as defined, and nonprofit hospital service plans to pay annually $2,000 plus an amount not to exceed 1¢ for each family unit, as defined, to the Commissioner of Corporations as a regulatory fee. Violation of this provision is a misdemeanor.

This bill would, instead, require each plan to reimburse the commissioner for the actual cost of processing the application, including overhead, up to an amount not to exceed $25,000, as specified.

The bill would require each licensed health care service plan to pay to the commissioner as a reimbursement of its share of all costs and expenses, except as specified, in administering the law regulating health care service plans an amount as estimated by the commissioner for the ensuing fiscal year equal to $12,500, or $7,500 for certain plans, plus an additional amount, as prescribed.

The bill would authorize the commissioner to assess a pro rata special assessment, as specified.

The bill would authorize each health care service plan and nonprofit hospital service plan to be required to pay $2,000 plus a certain amount for its share of costs and expenses incurred by the commissioner in administering certain provisions of law relating to insolvency.

The bill would change the definition of a crime, thereby creating a state-mandated local program.

(3) The bill would provide that if the Commissioner of Corporations determines that assessments and charges set forth in the law regulating health care service plans for any year are in excess of the amount necessary, or are insufficient, to meet the expenses of administering that law for that year, the assessments and charges for the following year would be required to be adjusted, as specified.

(4) Existing law requires the commissioner to conduct examinations of the fiscal and administrative affairs and medical surveys of any health care service plan, as specified, and requires the expense of the examination to be charged against the plan.

This bill would require only additional or nonroutine examinations and medical surveys to be charged against the plan.

(5) This bill would incorporate additional changes in Section 1356 of the Health and Safety Code, proposed by SB 244, to be operative only if SB 244 and this bill are both chaptered and become effective January 1, 1992, 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

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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. 723 (AB 1698) Filante. Reclaimed water.

Existing law declares that the use of potable domestic water for the irrigation of greenbelt areas is a waste or an unreasonable use of water, and prohibits a person or public agency from using potable domestic water for that use, if reclaimed water is available and specified conditions are met.

This bill would declare that the use of potable domestic water for toilet and urinal flushing in nonresidential structures and other specified structures is a waste or unreasonable use of water, would authorize a public agency to require the use of reclaimed water for these uses in certain nonresidential or other specified structures, if specified conditions are met, and would exempt certain related activities from the California Environmental Quality Act.

The bill would authorize the State Department of Health Services and the State Water Resources Control Board to charge fees for costs incurred in connection with the bill's provisions, as specified.

Ch. 724 (AB 1731) Sher. Hazardous substances: underground storage tanks.

Existing law prohibits the ownership or operation of an underground storage tank used for the storage of hazardous substances unless a local agency issues a permit for its operation. Existing law also imposes various design, installation, monitoring, and release reporting requirements with regard to underground storage tanks. Existing law authorizes the granting of categorical variances from these provisions.

This bill would delete the provision allowing the granting of categorical variances from these provisions.

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

Ch. 725 (AB 1783) Speier. Department of Consumer Affairs: costs of proceedings.

Existing law provides for a State Board of Accountancy in the Department of Consumer Affairs. The board is authorized to initiate certain disciplinary proceedings, as specified.

This bill would authorize the executive officer of the board to request the administrative law judge, as a part of any proposed decision in a disciplinary proceeding, to direct any holder of a permit or certificate found guilty of specified acts of unprofessional conduct, involving specified felony convictions, or involving fiscal dishonesty, as specified, to pay to the board all reasonable costs of investigation and prosecution of the case, including, but not limited to, attorneys' fees, as specified, except that the board may not recover costs incurred at the administrative hearing.

All those costs recovered by the board would be deposited to the credit of the Accountancy Fund, which is continuously appropriated. The bill would, therefore, constitute an appropriation.

Ch. 726 (AB 1784) Floyd. Alcoholic beverages.

The Alcoholic Beverage Control Act prohibits, 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 acknowledgment, on a form prepared by the department, and which the licensee is required to keep on the premises at all times and available for inspection by the Department of Alcoholic Beverage Control.

This bill would provide, under the Alcoholic Beverage Control Act, that a licensee with more than one licensed off-sale premises in the state may comply with that requirement by maintaining an executed application and acknowledgment at a designated licensed premises or headquarters in the state. It would provide that an executed application and acknowledgment shall be valid for all licensed off-sale premises owned by the licensee and would require specified notification to the department. The bill would provide that a licensee electing to maintain application and acknowledgments at a

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designated site other than the licensed premises shall maintain at each licensed premises a notice of where executed application and acknowledgments are located, as specified.

Existing law authorizes licensed beer manufacturers to sell beer to consumers for consumption on the manufacturer's licensed premises or on premises owned by the manufacturer which are contiguous to the licensed premises and which are operated by and for the manufacturer.

This bill would, in addition, authorize a licensed beer manufacturer, at the licensed premises of production, to sell to consumers for consumption off the premises, beer which is produced and bottled by, or produced and packaged for that manufacturer.

Existing law authorizes the use of controlled access alcoholic beverage cabinets in motels and hotels having an on-sale general license, subject to issuance of a permit from the department, or having both an on-sale general license and an off-sale general license, without that permit requirement.

This bill would extend that authorization to motels and hotels having an on-sale general license for restricted service lodging establishments, thereby creating a new license category, as specified.

The Alcoholic Beverage Control Act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is guilty of a misdemeanor. This bill would expand existing crimes by imposing additional duties on a licensee under the act, thus, the bill would impose a state-mandated local program.

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

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

Ch. 727 (AB 1882) Felando. Vehicles: liens: storage fees.

(1) Existing law provides a lien dependent upon possession for any person who performs labor on or tows or stores a vehicle, and requires actual notice and the consent of the legal owner or lessor of a vehicle to be obtained for the portion of the lien in excess of $750 for any work or services or in excess of $400 for any storage, safekeeping, or rental of parking space to be valid.

In an action brought by the legal owner or lessor to challenge the validity of a lien, the prevailing party is required to be awarded attorney fees of not more than $1,250.

This bill would require a lienholder to permit the legal owner or lessor to inspect, as specified, a vehicle which is subject to a lien or the lien would be extinguished. The bill would prohibit the imposition of storage charges exceeding the charge imposed for one day of storage and safekeeping if a request for release of the vehicle is made 24 hours or less after the vehicle is placed in storage. The bill would also provide that, if the request is made 24 hours or more after the vehicle is placed in storage, charges may be imposed on a full, calendar-day basis for each day, or part thereof, the vehicle is in storage. In an action brought by the legal owner or lessor to challenge the validity of a lien, the bill would permit the award of attorney fees of not more than $1,750 to the prevailing party.

(2) Existing law provides that, whenever the Department of Motor Vehicles can ascertain the name and address of the legal owner of a motor vehicle which was towed pursuant to a parking or traffic violation, no fee or service charge may be imposed upon that legal owner for the parking and storage of that motor vehicle from the 16th day of possession until the written notice by certified mail with return receipt is sent to the legal owner.

This bill would provide that in any legal action brought by or on behalf of the legal owner regarding the imposition of those fees and service charges, to recover that motor vehicle alleged to be withheld by the person in possession of the motor vehicle by demanding the costs of the storage fees or charges after 15 days, the prevailing party is entitled to reasonable attorney's fees, not to exceed $1,750. The bill would also provide that the recovery of those fees is in addition to any other right, remedy, or cause of action of that party.

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Ch. 728 (AB 1885) Statham. General acute care hospitals: consolidated licenses.

Under existing law, the State Department of Health Services, upon application of a general acute care hospital which meets certain criteria, is required to issue a single consolidated license to a general acute care hospital which includes more than one physical plant maintained and operated on separate premises. One criteria for the issuance of the consolidated license is that the physical plants maintained and operated by the licensee which are to be covered by the consolidated license are located not more than 15 miles apart, except as specified.

This bill would provide that the 15-mile limitation shall not apply to two or more physical plants of a licensee when certain criteria is satisfied.

This bill would also, if the department issues a single consolidated license, expressly authorize the department to take any action authorized by certain provisions of law regulating health facilities with respect to any facility, as defined, or any service provided in a facility, which is included in the consolidated license.

This bill furthermore would require the eligibility for participation in the Medi-Cal program of any facility that is included in a consolidated license, provides outpatient services, and is located more than 15 miles from the health facility issued the consolidated license to be subject to a determination of eligibility by the department. It would, however, permit certain licensed professionals to bill the Medi-Cal program for services to eligible persons in a facility subject to the above-described determination of eligibility.

Ch. 729 (AB 1918) Moore. Dentistry: discrimination.

Existing law, the Dental Practice Act, provides for the regulation of dentistry by the Board of Dental Examiners of California. Under existing law, the Insurance Commissioner regulates nonprofit hospital service plans and self-insured employee welfare benefit plans. Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the regulation of health care service plans. Existing law also provides that the willful violation of provisions of the Knox-Keene Act constitutes a crime.

This bill would prohibit any agency of the state, prescribed local agencies, health care service plans, nonprofit hospital service plans, and self-insured employee welfare benefit plans from discriminating, with respect to employment, staff privileges, or the provision of, or contracts for, professional services, against a licensed dentist solely on the basis of the educational degree held by the dentist. Since the willful violation of these provisions with respect to health care service plans would constitute a crime, this bill would impose a state-mandated local program.

This bill also would state the intent of the Legislature that all persons licensed in this state to practice dentistry shall be accorded equal professional status and privileges, without regard to the degree earned.

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

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

Ch. 730 (AB 1929) Hughes. Housing: local housing elements.

Existing law requires each city and county to adopt a general plan which includes, among other elements, a housing element which consists of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing. Existing law further requires that the housing element include a program which sets forth a 5-year schedule of actions which the city or county plans to take to implement the housing element.

This bill would provide that the 5-year schedule of actions may include provisions addressing ways to mitigate the loss of dwelling units demolished by public or private action.

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Ch. 731 (AB 1940) Ferguson. Asbestos: notification.

Existing law requires the owner, as defined, of any building, as defined, constructed prior to 1979, who knows that the building contains asbestos-containing construction materials, to provide notice of this to all employees within the building and any other owners of the building. Existing law requires the owner to provide this notice to new employees within 15 days of commencing work in the building and annually thereafter.

Under existing law, the definition of building does not include residential dwellings.

Existing law also requires a supplemental notice of specified new information obtained during a 90-day period to be provided within 15 days of the 90-day period.

This bill would clarify that the 90-day interval for obtaining new information begins after notice is first provided pursuant to existing law.

This bill would provide that the owners of a building or part of a building within a residential common interest development or association, as defined, would not be required to provide this asbestos notice to other owners when certain conditions are met.

This bill would make certain technical, nonsubstantive changes.

Ch. 732 (AB 1941) Kelley. Department of Fish and Game: fees: loan.

(1) Under existing law, the Department of Fish and Game is required to annually adjust all fees for licenses, stamps, permits, and tags issued by the department, except commercial fishing fees, in accordance with the change in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce, for the 3rd calendar quarter of the current year compared to the 3rd calendar quarter of the previous year.

This bill would require the adjustment to be made in accordance with the change in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the 1st calendar quarter of the current year compared to the 1st calendar quarter of the previous year.

(2) Existing law provides for an appropriation of $3,556,000 from the Environmental License Plate Fund and of $3,000,000 from the Off-Highway Vehicle Fund as loans to the Fish and Game Preservation Fund to pay for expenditures made pursuant to specified items of the Budget Act of 1989.

This bill would delete the requirement that the funds be repaid to the Environmental License Plate Fund and would extend the repayment dates of the loan from the Off-Highway Vehicle Fund from 1992 to 1994, and from 1993 to 1995.

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

Ch. 733 (AB 1956) Tanner. Farm products: contracts.

(1) Existing law requires agricultural processors and produce dealers to be licensed by the Director of Food and Agriculture. Under existing law, it is unlawful for a licensed processor or produce dealer that has changed its legal entity, or after its corporate status has been suspended by the Secretary of State, to continue to operate after the change of entity or suspension of corporate status, without obtaining a new license or until the corporate status has been reinstated.

This bill would also make it unlawful for a licensed processor or produce dealer to purchase or handle any farm product from a person who had a farm product contract with the former licensee at the time of the change in entity without notifying that person, in writing, of the change in entity, or to use any invoice, contract, or other document associated with the purchase, consignment, or brokerage of any farm product that identifies the former licensee unless the new entity is conspicuously identified on the same invoice, contract, or other document as the entity responsible for the transaction.

(2) Existing law authorizes the new entity to petition the director to grant a new license retroactive to the 1st day of the month during which the change occurred, as prescribed.

This bill would require that this petition be made within 120 days of the change of the entity.

(3) Under existing law, the Secretary of State may suspend the corporate status of licensees.

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This bill would provide that if the Secretary of State suspends the corporate status of the licensee, the license is suspended by operation of law. The bill would provide for reissuance of the license by the director, under prescribed conditions.

(4) Existing law prescribes the fees to be paid by an applicant for a license as an agricultural processor or a produce dealer.

This bill would provide that it is a misdemeanor for any applicant to pay license fees in an amount less than the amount specified, thereby imposing a state-mandated local program. Any person who pays less than the required amount for 2 or more consecutive years would be required to pay to the director treble the amount of the license fees due.

(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. 734 (AB 1980) Horcher. Occupational safety and health: appeals.

Existing law provides that a petition for reconsideration is deemed to have been denied by the Occupational Safety and Health Appeals Board if the board does not act upon the petition within 30 days from the date of filing. It permits the appeals board, upon a showing of good cause, to extend for up to 30 days, the time within which it may act upon a petition for reconsideration.

This bill would extend to 45 days from the date of filing the time within which the appeals board is to act upon a petition for reconsideration before the petition is deemed to have been denied. It would also permit the appeals board, upon a showing of good cause, to extend the time, not to exceed 15 days, within which it may act upon a petition for reconsideration.

Ch. 735 (AB 1982) Polanco. Medi-Cal: billing intermediaries: penalties: benefits.

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. Existing law requires that contracts with fiscal intermediaries allow for electronic transmission of claims, and requires the department to develop reasonable standards for participation by providers to utilize these transmission methods so they are able to submit technically competent claims.

This bill would revise this requirement to ensure that providers submit technically complete claims, and would define that term.

Under existing law, billing intermediaries are required to register with the Director of Health Services, and to comply with certain billing procedures and requirements.

This bill would authorize the director to suspend the registration of a billing intermediary who commits specified violations of these requirements. This bill would require the director to notify the billing intermediary in advance of a proposed suspension and to allow the billing intermediary to demonstrate why the suspension notice should not be issued

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 in part by federal and state funds, and administered by the State Department of Health Services. Existing law requires that categorically needy persons be covered under the Medi-Cal program, and defines a categorically needy person for purposes of determining eligibility for coverage.

This bill would revise the definition of a categorically needy person.

Existing law requires that claims for payment for services be submitted within certain time limits, and in a form prescribed by the director.

This bill would also require that the department reduce, by additional specified percentages, the amount paid to a provider for any claim that is not submitted within certain time periods, and would specify that in no event shall a provider be reimbursed for claims submitted more than one year after the service billed for was provided.

Under existing law, providers or persons who submit claims when they know or have

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reason to know the claim is false, or may not be paid for specified reasons, are subject to civil money penalties.

This bill would require the imposition of civil money penalties under additional described circumstances.

This bill would additionally provide for community supported living arrangement services as a covered benefit, for the establishment of program standards by the department, and implementing regulations. This bill also contains the conditions under which this section would cease to be operative and would express the intent of the Legislature.

Ch. 736 (SB 392) Killea. General obligation bonds: issuance.

Under the State General Obligation Bond Law, the committee empowered under a bond act to authorize the issuance of general obligation bonds, whenever it determines that the sale of all or any part of the bonds authorized to be issued by a state or local entity is necessary or desirable, is required to adopt a resolution to that effect. The resolution is required to contain various information, including the aggregate number, aggregate par value, denominations, and the date of the bonds to be sold, as well as the dates of maturity and the annual rate of interest which the bonds to be issued will bear.

Existing law does not, however, specifically provide for the issuance of zero or capital appreciation bonds.

This bill would authorize the committee to provide for the issuance of all or part of the bonds authorized to be issued as zero coupon or capital appreciation bonds, in which case the committee would be required to adopt a resolution containing information substantially similar to that which is required under existing law. Zero coupon bonds would be permitted to have a zero interest rate, and capital appreciation bonds would be permitted to bear a stated rate of interest payable only at the time of maturity.

The bill would impose certain requirements on any bonds other than zero coupon or capital appreciation bonds which the committee decides to issue as part of the same bond authorization in which, and at the same time as, zero coupon or capital appreciation bonds are to be issued. It would require that for purposes of determining the principal amount of bonds of any voted authorization outstanding, in the case of any bonds which are zero coupon or capital appreciation bonds and do not provide for payment of interest on the bond prior to maturity, the principal amount of the bonds shall be the cash price paid by the initial purchasers of the bonds to the state, and deposited in the fund, plus the amount of any costs of issuance of the bonds.

Ch. 737 (AB 1245) Connelly. Roadside vegetation control: economic poisons.

Existing law provides for the control and eradication of various pests, including abatement of plant life by the use of economic poisons.

This bill would enact the Property Owners' Roadside Vegetation Control Information Act of 1991. The bill would declare legislative findings relating to economic loss or damage to crops on adjacent or contiguous property caused by the use of economic poisons to control roadside vegetation. The bill would declare legislative intent that representatives of state government and private property owners, as defined, enter into voluntary agreements to control vegetation adjacent or contiguous to roadways, as defined.

This bill would require a state agency that has responsibility for roadside vegetation control operations on, or along, roadways to provide specified information to a property owner upon request. The bill would prohibit the agency from conducting roadside vegetation control operations until certain conditions are met. The bill would provide for meetings of representatives of the agency and property owners to develop and adopt schedules and methods of roadside vegetation control. The bill would provide judicial remedies for the enforcement of these provisions.

Ch. 738 (AB 1269) Mays. Subdivisions: maps.

Under the existing Subdivision Map Act, a certificate or statement is required to be filed with the legislative body by the county surveyor or city engineer, as specified, for a subdivision for which a final map is required. Existing law requires the certificate to contain certain statements, including, the statements that the person has examined the

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map, the subdivision as shown is substantially the same as it appeared on the tentative map, all provisions of the Subdivision Map Act and other applicable local ordinances have been complied with, and the official is satisfied that the map is technically correct. Under the existing Professional Land Surveyors' Act, the preparation of maps and documents in connection with any survey required under the Subdivision Map Act may only be performed by a person licensed as a land surveyor with certain exceptions.

This bill would authorize city or county engineers registered as civil engineers after January 1, 1982, to make the statements that they have examined the map, the subdivision as shown is substantially the same as it appeared on the tentative map, and that all provisions of the Subdivision Map Act and other applicable local ordinances have been complied with. This bill would expressly authorize persons eligible to practice land surveying pursuant to the Professional Land Surveyors' Act or persons registered as civil engineers prior to January 1, 1982, pursuant to the Professional Engineers' Act to make the statement that they are satisfied that the map is technically correct.

Under the existing Subdivision Map Act, a county surveyor or city engineer, as specified, is required to examine a parcel map submitted for a subdivision and requires, if the official is satisfied that the map is technically correct, the map to include the official's statement that the map conforms with the requirements of the Subdivision Map Act and local ordinances.

This bill would impose a state-mandated local program by requiring the statement to contain additional information about the map, including, among others, the statement that the official has examined the map and a statement that the subdivision as shown is substantially the same as it appeared on the tentative map, if required, and any approved alternatives thereof. This bill would authorize city or county engineers registered as civil engineers after January 1, 1982, to make the statements that they have examined the map, the subdivision as shown is substantially the same as it appeared on the tentative map, and that all provisions of the Subdivision Map Act and other applicable local ordinances have been complied with. This bill would expressly authorize persons eligible to practice land surveying pursuant to the Professional Land Surveyors' Act or persons registered as civil engineers prior to January 1, 1982, pursuant to the Professional Engineers' Act to make the statement that they are satisfied that the map is technically correct.

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

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

Ch. 739 (AB 1787) Seastrand. Juveniles: Youth Authority.

(1) Existing law authorizes the Director of the Youth Authority to require wards of the authority to perform work necessary to construct, renovate, or maintain facilities of the authority, and, in this regard, authorizes the use of hired or staff labor forces to renovate or maintain those facilities if wards are a majority of the labor force and the estimated cost of the project does not exceed $200,000.

This bill would provide that hired or staff labor forces may also be used under these circumstances to construct these facilities. The bill would provide for the determination of the unencumbered balance of certain minor capital outlay and maintenance projects which utilize ward labor.

The bill would also provide that, for the purposes of these provisions, at least 90% of any nonward day labor utilized by the authority in conjunction with ward labor shall be performed by individuals who are represented by a duly authorized employee representative unless individuals with that qualification are not reasonably available. The bill would also prohibit dividing projects for the purpose of keeping within the $200,000 limitation.

(2) Existing law generally authorizes the director to provide useful work projects or assignments to persons committed to the authority and to pay wages for the work from available funds.

This bill would prohibit contracts for employment of persons committed to the Youth

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Authority in job classifications of employees on strike or subject to a lockout, as defined, at the time of execution of the contract. The bill would also limit work hours of persons committed to the Youth Authority who are working in classifications of persons who go on strike or are locked out, as defined, during that strike or lockout, to the average daily hours for the prior 6 months, or for the period of operation if the contract has been in effect less than 6 months.

Ch. 740 (AB 1789) Elder. Catastrophic health insurance.

Existing law requires the Director of Health Services to take specified action regarding the provision of catastrophic health insurance to residents of the state. Existing law also provides for an advisory committee to assist the State Department of Health Services.

Those provisions of existing law require the director, in consultation with the Department of Insurance, to contract with a disability insurer or insurers, including a nonprofit hospital service plan, to provide defined catastrophic health insurance to any resident. The coverage required by that insurance is required to indemnify for losses in excess of $50,000.

This bill would provide that the coverage is subject to a lifetime benefit limit of $1,000,000.

This bill would authorize the director to appoint a full-time employee, and other staff as required, to implement the provisions regarding catastrophic health insurance.

The bill would also provide that, if studies or research demonstrates that it is in the best interest of the program, the director may adopt regulations setting forth modifications to the coverage provided under the program, as specified.

Ch. 741 (AB 1808) Hayden. Higher education accountability programs.

(1) Existing law contains various provisions with respect to the accountability of higher education programs.

This bill would require the University of California, the California State University, and the California Community Colleges to each prepare a list of reports required to be submitted on a regular basis to the Legislature and to state agencies, and to submit this information to the education policy and fiscal committees of the Legislature, the Department of Finance, and the California Postsecondary Education Commission prior to March 1, 1992. The imposition of this requirement on community colleges would create a state-mandated local program.

(2) The bill would require the commission to review and comment on the utility of these required reports and to offer recommendations for consolidating or eliminating existing reporting requirements, to submit a higher education report to the Legislature and the Governor on or before November 15, 1994, and annually thereafter, which provides specified information to the citizens of the state on the significant indicators of performance of the public colleges and universities, and to develop and adopt a format for the annual higher education report and the information to be included.

(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. 742 (AB 1822) Frazee. Real estate brokers: disclosures.

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 either one of 2 prescribed criteria, are subject to special requirements as to advertising, reporting, trust funds, and disclosure.

This bill would add an additional criteria, as specified, under which a real estate broker

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would be subject to special requirements as to advertising, reporting, trust funds, and disclosure.

Ch. 743 (AB 1832) Areias. Structural pest control.

Existing law specifies the requirements to obtain an original operator's license for the practice of structural pest control.

This bill would add to the requirements for an original operator's license for the practice of structural pest control, effective January 1, 1993, licensure as a structural pest control field representative for a period of at least one year or two years, as specified, or equivalent training and experience, as specified.

Ch. 744 (AB 1855) Ferguson. Air pollution.

(1) Existing law prescribes criminal and civil penalties for the violation of air pollution control laws, orders, rules, and regulations.

This bill would require air pollution control districts and air quality management districts to publish and make available to any interested party a list which describes potential violations subject to those penalties . The list would be required to include minimum and maximum penalties for each violation. The requirement on districts 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. 745 (AB 1863) Hauser. Mobilehomes: Subdivision Map Act.

(1) Existing law, the Subdivision Map Act, generally requires that a tentative and final map shall be required for all subdivisions creating 5 or more condominiums, as defined, with specified exceptions.

Existing law requires that, at the time of the filing of a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park to another use, the subdivider file a report on the impact of the conversion upon the displaced residents of the mobilehome park to be converted.

This bill would require subdividers to offer each existing tenant an option to purchase his or her condominium unit which is to be created by the conversion of the park into condominium interests or to continue residency as a tenant. In the event the tenant elects to continue residency in a condominium conversion made pursuant to the Mobilehome Park Purchase program, administered by the Department of Housing and Community Development, a procedure would be applicable requiring the subdivider to avoid the economic displacement of all nonpurchasing residents of these parks. The bill would set the allowable rate of increase in monthly rent for nonpurchasing residents of these parks, specifying alternative procedures for nonpurchasing residents who are, or are not, lower income households, as defined. By authorizing a new purpose for which moneys from the continuously appropriated Mobilehome Park Purchase Fund could be expended, this provision would make an appropriation.

(2) Existing law exempts mobilehome parks where at least ⅔ of the owners of mobilehomes who are tenants have applied, as specified, for a waiver from provisions which generally require the filing of a tentative and final map for all subdivisions creating 5 or more condominiums unless significant design or improvement requirements necessitated by health or safety concerns or an exterior boundary discrepancy exist, the existing lot or lots were not created by a recorded parcel or final map, or the conversion would result in the creation of additional parcels.

Existing law requires that the local agency approve or deny an application for a waiver from these mapping requirements within 60 days.

This bill would recast these provisions. The bill would also reduce the time limit for a local agency to approve or deny an application for a waiver from these mapping requirements to 50 days. The bill would authorize an applicant whose waiver application is denied to proceed to convert the mobilehome park to resident ownership, as defined,

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after filing a parcel map and a tentative and final map.

Because this bill generally requires local agencies to alter existing procedures with regard to conversion of mobilehome parks, this bill would impose a state-mandated local program.

(3) Existing law establishing the Mobilehome Park Purchase Fund under the administration of the Department of Housing and Community Development requires that, before the department may provide financing from the fund for purchase of a mobilehome park, the department shall require verification that either no mobilehome park residents shall be displaced or that the impacts of the displacement shall be mitigated in accordance with the law, among other things.

This bill would provide that compliance with specified provisions of the bill, summarized in (1) above, shall be conclusively presumed to meet this requirement, thereby making an appropriation from the continuously appropriated Mobilehome Park Purchase 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.

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

Ch. 746 (AB 1898) Frizzelle. Parimutuel wagering.

The existing Horse Racing Law provides that, in order to encourage and develop the racing of all horses in California, regardless of breed, whenever the California State Fair and Exposition, a county fair, or a district agricultural association fair conducts a program of parimutuel wagering, it may provide a program of mixed breed racing that includes thoroughbred racing, harness racing, quarter horse racing, Arabian racing, paint racing, Appaloosa racing, steeplechase races, barrel races, and show jumping races. That law further provides that all recognized breeds of horses may compete in barrel races, show jumping races, and steeplechase races, and that parimutuel wagering may be conducted on these races.

This bill would specify that parimutuel wagering may be conducted at these races at any public or private facility which has been approved and licensed by the California Horse Racing Board.

Ch. 747 (AB 1900) O'Connell. Horses, ponies, mules, and burros: Equine Protection Act of 1991.

(1) Existing law regulates the branding of various animals and provides for inspection and protection against theft of the animals.

The bill would enact the Equine Protection Act of 1991. The bill would create a program of equine protection and identification in the Department of Food and Agriculture to administer and enforce its provisions.

The bill would prohibit any person from purchasing, consigning, selling, or accepting the donation of an animal, defined as a horse, pony, mule, or burro, which is destined for slaughter unless a written bill of sale or any written instrument containing specified information is provided, as prescribed. The bill would provide for the seizure of any animal for which a valid bill of sale is not provided. The bill would require the operators of auction yards and dealers who handle animals destined for slaughter to keep and show specified records to investigators of the program or other peace officers, as prescribed. The violation of these provisions would be an infraction. The bill would also make it a misdemeanor for any person to transport an animal for slaughter out of the state under false pretenses in order to avoid an inspection, and subject that person to a fine of $500 per animal so transported.

The bill would impose a state-mandated local program by creating new crimes.

The bill would require inspections of animals destined for slaughter and provide for the issuance of the certification of inspection, containing various prescribed information. The bill would require the payment of specified fees for inspection of these animals and would provide for the deposit of these fees in the Department of Food and Agriculture Fund.

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(2) Existing law requires that funds collected from the payment of specified penalties pursuant to the provisions regulating the treatment of horses and other equine animals be deposited with the entity under which jurisdiction the officers who issued the citation operate, and be expended as prescribed.

This bill would delete that requirement. The bill would authorize a district attorney or city attorney to prosecute any person who violates designated provisions regulating the treatment of horses and other equine animals, as prescribed.

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

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

Ch. 748 (AB 1903) Hauser. Forestry: professional foresters

(1) Under existing law, the State Board of Forestry is required to establish an examining committee of at least 5 members to examine applicants for registration as professional foresters, as specified. Under existing law, any professional forester serving on the committee is entitled to receive $25 per day for performance of official duties.

This bill would increase the examining committee to at least 7 members, composed of 2 public members with one selected from the membership of the board, at least 4 professional foresters, and at least one other natural resource professional. The bill would require the committee to review complaints and make disciplinary recommendations to the board, and establish ad hoc committees. The bill would increase the compensation of committee members to $100 per day, if requested.

(2) Existing law prescribes a schedule of fees for professional foresters.

This bill would require the fees to be established by regulations of the board within specified ranges and based upon the amount of revenues reasonably required to carry out the Professional Foresters Law. The bill would specify related disciplinary powers of the board in regard to registrants and would prescribe related matters.

(3) Existing law authorizes a registered professional forester to also be certified as a specialist in one or more fields of forestry.

This bill would specify that registration in a speciality area does not prohibit a professional forester from providing services within that forester's field of expertise and would allow a public agency or professional society to submit for recognition an independent certification program. The bill would also authorize recognition of programs by federal agencies to certify persons considered as qualified but exempt from registration for activities on federal lands.

(4) The bill would prohibit the Professional Foresters Law from being construed as authorizing a registered professional forester to practice landscape architecture.

Ch. 749 (AB 1915) Quackenbush. Public employees. health benefits plans.

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.

This bill would authorize certain state employees enrolled in the state flexible benefits program to enroll, under specified conditions, in board-administered health benefits plans under the act either for self alone or for self and all eligible dependents and to be entitled to the benefit of the applicable employers' contributions toward the health benefits plan costs.

The act authorizes 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.

This bill would make those provisions also applicable to contracting agencies and their active employees performing duties outside of California and to active, as well as retired, employees who choose to reside outside of California. This new authorization would impose state-mandated local program costs since its exercise would be subject to negotia-

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tion under existing law relating to local public employer-employee relations.

These changes would provide for the expenditure of continuously appropriated funds for new purposes and would, therefore, constitute an appropriation and necessitate a ⅔ vote.

The act authorizes contracting agencies to amend their contracts to participate in a Medicare reimbursement program for enrollees in Medicare supplement health insurance and requires that the participation requirements be prescribed by board regulations.

This bill would delete the requirement that the participation requirements be prescribed by board regulations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 750 (SB 534) Hart. Ojai Basin Groundwater Management Agency.

(1) Under existing law, there are no specific provisions for groundwater management within the Ojai Groundwater Basin.

This bill would enact the Ojai Basin Groundwater Management Agency Act which would create the Ojai Basin Groundwater Management Agency to provide for groundwater management within the prescribed boundaries of the agency. The bill would specify the powers and duties of the agency and provide for the management and financing of the agency.

The bill would require the agency to develop a prescribed plan and to undertake specified studies. The bill would provide that any person who intentionally violates the act or any agency ordinance is guilty of an infraction, thereby imposing a state-mandated local program by creating a new crime, and would subject that person to an administrative fine in an amount not to exceed $500, as prescribed. The bill would subject any person who negligently or intentionally violates the act or any agency ordinance to civil liability in an amount not to exceed $1,000 per day for each day of violation, as prescribed. The bill would impose a state-mandated local program by imposing various duties on local entities.

(2) Existing law requires that the Ojai Water Conservation District be governed by the Water Conservation District Law of 1931.

This bill would require the district to be governed by the Water Conservation Act of 1927.

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

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

Ch. 751 (SB 565) Bergeson. Freeways: motorist aid system.

Under existing law, a $1 fee may be imposed and collected on vehicles registered within a county and the proceeds used for the implementation, maintenance, and operation of a motorist aid system of call boxes on freeways and expressways and connecting highway routes in the county.

This bill would also authorize the proceeds of those fees, which are in excess of the amount needed for the motorist aid system of call boxes, to be used for additional motorist aid services or support, including safety-related projects, as specified.

The bill would require review and approval by the Department of Transportation and the Department of the California Highway Patrol of any amendment by an authority to its existing plan for a motorist aid system adopted for any state highway route prior

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to implementation, and would require the authority to reimburse each department for the costs of that review.

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

Ch. 752 (SB 566) Bergeson. Transportation agencies: Orange County.

(1) Existing law authorizes the Orange County Transportation Commission to direct that interest earned by money retained in the local transportation fund for the development of transit be allocated to the county, cities, and the Department of Transportation for public street and highway and exclusive public mass transit guideway purposes, as determined by the commission.

This bill would, instead, authorize the commission to direct the allocation of that money for transportation purposes, including public street and highway and exclusive public mass transit guideway purposes.

(2) The County Transportation Commissions Act creates, specifies the membership of, and prescribes the functions of, the Orange County Transportation Commission. The Orange County Transit District Act of 1965 creates, and prescribes the functions of, the Orange County Transit District, specifies the membership of the board of directors of the district, permits the board to pay its members per diem and traveling expenses, as specified, and requires the district to appoint a general manager.

Under existing law, the commission, the district, and other specified local transportation agencies are required to jointly develop a comprehensive plan for the consolidation of their functions and to submit that plan to the Legislature, the Governor, and the Controller by December 1, 1991. Existing law, which will become operative when that plan is submitted, or on December 1, 1991, whichever is earlier, renames the commission the Orange County Transportation Authority and makes the members of the authority the board of directors of the district.

This bill would do all of the following:

(a) Authorize rather than require, the district to appoint a general manager.

(b) Delete the authority of the district to pay per diem and expenses, and authorize the Orange County Transportation Authority to pay per diem and traveling expenses.

(c) Make all provisions of the County Transportation Commissions Act regarding powers and functions of the authority equally applicable to the district, as determined by the district.

(d) Make all provisions of the Orange County Transit District Act of 1965 regarding powers and functions of the district equally applicable to the authority, as determined by the authority.

(e) Make all provisions of the Orange County Transit District Act of 1965 regarding employer-employee relations, employee benefits, and conditions of employment for the district equally applicable to the authority, except as otherwise provided in (h) below. By making these provisions applicable to the authority, the bill would impose a state-mandated local program.

(f) Authorize the authority to enter into agreements for the joint use or joint development of property and for the exercise of other specified functions.

(g) Authorize the authority to exercise other specified powers regarding transportation facilities and services.

(h) Require each person employed by the Orange County Transportation Commission on January 1, 1992, to elect, by February 1, 1992, to either remain a member of the Public Employees' Retirement System or become a member of the Orange County Employees Retirement System, and require all persons employed by the commission after February 1, 1992, to be members of the county retirement system.

(i) Extend to all employees of the district who are members of the Orange County Employees Retirement System, rather than only administrative and professional employees, an exemption from a requirement that the district obtain coverage under specified provisions of the federal Social Security Act.

(j) Prescribe the membership of the authority.

(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.

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

Ch. 753 (SB 579) Royce. Health facility construction and expansion: loan insurance.

(1) Under the California Health Facility Construction Loan Insurance Law, the Office of Statewide Health Planning and Development is authorized to insure health facility construction, improvement, and expansion loans, as specified, to a total of not more than $2,000,000,000, except the office may exceed this limit for the refinancing of preexisting office-guaranteed loans under certain conditions. For purposes of this law, a nonprofit corporation is defined.

This bill would revise the definition of nonprofit corporation to delete a provision authorizing incorporation in another state and also to require the corporation to meet certain provisions of federal law.

This bill also would increase the limit to $2,500,000,000, or to $3,000,000,000 on January 1, 1993, if specified conditions are met, thereby constituting an appropriation by increasing the amount of loans authorized to be insured from a continuously appropriated fund.

(2) Existing law requires the office to develop a state plan based upon an inventory of existing health facilities and a survey on the need to construct, improve, and expand certain health facilities.

This bill would require the office to submit copies of the state plan to certain committees of the Legislature.

Ch. 754 (SB 580) Royce. Public contracts: bidding procedure.

Existing law applicable to the construction of public improvements, and known as the Subletting and Subcontracting Fair Practices Act, requires each subcontractor submitting bids to a prime contractor to be prepared to submit faithful performance and payment bonds if so requested by the prime contractor.

This bill would require subcontactors to submit faithful performance and payment bonds only if this request is specified by the prime contractor in his or her written or published request for subbids.

Ch. 755 (SB 600) Dills. Vehicles: tow trucks.

(1) Existing law authorizes a tow truck to stop or park upon a highway under certain circumstances.

This bill would, with specified exceptions, make it a misdemeanor for the owner or operator of a tow truck to (a) stop at the scene of an accident or near a disabled vehicle unless summoned to the scene, requested to stop, or flagged down by the owner or operator of the vehicle or a law enforcement officer or public agency, and (b) move any vehicle from public property without the authorization of the owner or operator of the vehicle or a law enforcement officer or public agency when the vehicle has been left unattended or when there is an injury as the result of an accident.

Because the bill would create new crimes, 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.

Ch. 756 (AB 675) O'Connell. Education.

(1) Existing law establishes the Year-Round School Grant Program and provides implementation grants of up to $25 per pupil enrolled in the site planned for year-round operation. Existing law also makes various provisions related to multitrack year-round schools.

This bill, for newly constructed schools, would require the grant to be based on a formula calculating enrollment as if the school were operated on a traditional 9-month school year basis. The bill would provide a formula for allocating grants if applications

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approved for the program exceed available appropriations for the program. The bill would also make certain technical changes to provisions of law governing multitrack year-round schools.

(2) Under existing law, certain school districts adopting a merit system of employment may establish area eligibility lists for employment as classified employees, which lists have a life of one year.

This bill would allow the personnel commission to extend the life of that list for up to an additional year.

(3) Existing law authorizes any person 16 years of age or older, and who has been enrolled in or will complete 10th grade, as specified, to have his or her proficiency in basic skills taught in public high schools verified by a test administered by the State Department of Education. The department may charge a fee of up to $20 per examination application.

This bill would increase the maximum amount of that fee to $40.

(4) Existing law provides that children whose physical or mental condition prevents, or renders inadvisable, attendance at school or application to study, are exempt from provisions relating to compulsory education.

This bill would repeal that exemption.

(5) Existing law contains provisions authorizing the operation and funding, for a temporary period of time that has since concluded, of certain year-round educational programs.

This bill would repeal those provisions.

(6) Existing law places certain limits upon the amount of excess reserves in the adult education fund that may be maintained by certain school districts from one fiscal year to the next.

This bill would repeal those limits.

(7) Under existing law, each school district, special education local area, or county office must ensure that a continuum of program options is available to meet the needs of individuals with exceptional needs for special education and related services.

This bill would include within those option settings other than the classroom where specially designed instruction may occur, and would thereby create a state-mandated local program.

(8) Under existing law relating to special education, the county superintendent must compute a support service amount for each school district and county office of education operating special education programs. Existing law requires the support service units amount for certain instructional personnel services added between first and second principal apportionment and designated instruction and service units in excess of the number of those units operated in the 1980–81 fiscal year to be reduced by one-half, as specified.

This bill would repeal this provision as to designated instruction and service units in excess of the number of those operated in the 1980–81 fiscal year.

(9) This bill would also make certain technical changes to provisions of law relating to pupil expulsion, special education, the calculation of average daily attendance, and public school funding.

(10) Under existing law, as set forth in the Budget Act of 1991, funding is appropriated for special education programs for exceptional children, including the amount of $33,228,000 for a preschool grant program. Of that preschool grant program appropriation, existing law requires that the sum of $1,228,000 be used for in-service training programs.

This bill instead would authorize, but not require, that $1,228,000 from that preschool grant program appropriation be used for in-service training programs.

(11) Existing law governs the manner in which school districts are organized or reorganized, including the manner in which bonded indebtedness is divided when territory is taken from one district and annexed to, or included in, another district.

This bill would direct the manner in which bonded indebtedness is to be divided, notwithstanding any other provision of law, if territory is taken from the Healdsburg Union High School District and annexed, or included in, the Windsor Unified School

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District. The bill would thereby impose a state-mandated local program.

(12) Under existing law, the Superintendent of Public Instruction, for the 1989–90 fiscal year, is required to apportion to each school district or county superintendent of schools an amount pursuant to a specified funding formula for home-to-school transportation services rendered pursuant to a joint powers agreement, a cooperative pupil transportation program, or a consortium.

The Budget Act of 1990 appropriated a certain amount for school apportionments for transportation during the 1990–91 fiscal year.

This bill would require that $6,000,000 of the unencumbered balance of that appropriation be allocated by the Superintendent of Public Instruction for the above-referenced transportation services, pursuant to a specified funding formula, thereby making an appropriation.

(13) The bill would appropriate $700,000 to augment the apportionment made under the Budget Act of 1991 to the San Jose Unified School District for reimbursement of court-ordered desegregation costs, as specified.

(14) The bill would appropriate $4,000,000 for allocation to school districts to fund instruction that is required by existing law to be offered in public secondary schools on the effects of alcohol, narcotics, restricted dangerous drugs as defined, and other dangerous substances upon prenatal development, as specified.

(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.

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

Ch. 757 (AB 1650) Hansen. School pupils: school-based early mental health intervention and prevention services grants.

Existing law establishes various means for providing health and social services for pupils within public elementary schools.

This bill would establish a school-based early mental health intervention and prevention services matching grant program, to be administered by the State Director of Mental Health, to provide school-based early mental health intervention and prevention services to eligible pupils, as specified, in kindergarten and grades 1 to 3, inclusive, by a variety of mental health service providers. The grants would be awarded upon application, as specified, to local education agencies for a maximum of 3 years and for a maximum amount of funds to be determined by the State Director of Mental Health. Grantees would be required to report no later than September 1, 1992, and annually thereafter throughout the grant period. Based on these reports from grantees, the director would be required to evaluate the effectiveness of these grants by January 1, 1994, and to report to the Governor, Legislature, and Secretary of Child Development and Education by April 1, 1994.

The bill also would provide that all funding made available to the program or facility under the School-based Early Mental Health Intervention and Prevention Services for Children Act of 1991 is subject to certain prohibitions relating to religious instruction and orientation.

This bill would appropriate $10,000,000 to the State Director of Mental Health for the 1991–92 fiscal year, for the purposes of administering the school-based early mental health intervention and prevention services for children grants program and of providing the grants. To the extent the funds appropriated by this bill are allocated to a school district, as defined by existing law for purposes of Section 8 of Article XVI of the California Constitution, and the use of those funds furthers the educational mission of that entity, the funds may be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

This bill would prohibit the State Director of Mental Health from awarding a grant in the 1991–92 or 1992–93 fiscal years, or both, to a local educational agency that has also been awarded a grant for the Healthy Start Support Services for Children Act of 1991

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This bill would declare the intent of the Legislature that no later than the 1993–94 fiscal year a single schoolsite that receives assistance pursuant to both the Healthy Start Support Services for Children Act, if enacted, and the School-based Early Mental Health Intervention and Prevention Services for Children Act of 1991, shall combine and subsume assistance received under both programs under the Healthy Start Support Services for Children program.

This bill also would declare the intention of the Legislature that, if the Healthy Start Support Services for Children Act is not enacted, no later than the 1993–94 fiscal year, a single schoolsite that receives funding pursuant to both the School-based Early Mental Health Intervention and Prevention Services for Children Act of 1991, if enacted, and the CalSTAR Early Intervention and Prevention Program, shall combine and subsume the financial assistance received under both programs under the CalSTAR program.

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

Ch. 758 (AB 1670) Hansen. State Preschool Program: funding.

Existing law requires the Superintendent of Public Instruction to administer all state preschool programs that include part-day and preschool appropriate activities for prekindergarten children 3 to 5 years of age, as prescribed.

This bill would expand access to the state preschool programs for all eligible children who are 3 and 4 years of age, pursuant to specified conditions.

This bill would appropriate $180,000 to the Superintendent of Public Instruction for allocation to the child care and development resource and referral agencies, as specified, for the purposes of the child care resource and referral programs.

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

Ch. 759 (SB 620) Presley. Healthy Start Support Services for Children Act.

Existing law establishes the Early Intervention for School Success Program to, among other things, identify pupils between the ages of 4 to 7 years, inclusive, who have developmental deficiencies. Under existing law, this program is repealed as of July 1, 1991.

Existing law establishes the Child Care and Development Services Act, under which several child care and development and preschool programs are administered by the State Department of Education and the Superintendent of Public Instruction.

This bill would establish the Healthy Start Support Services for Children Act. The bill would provide for the Healthy Start Support Services for Children Program Council to, among other things, develop, promote, and implement the policy of the act, to review grant applications, and to provide recommendations to the Governor. The bill would also establish a grant program whereby the Superintendent of Public Instruction would award grants to local educational agencies or consortia for the costs of planning and operating programs in qualifying schools that provide support services to eligible pupils and their families, as specified. The bill would require the State Department of Education to implement the program only to the extent specified funding is made available for that purpose.

This bill, as part of the grant program, would establish certain eligibility requirements of applicants and certain application content requirements.

This bill would require that the grants awarded be matched by the participating local educational agency, as specified, unless the superintendent waives the matching requirement.

This bill would require that no more than 5% of the grant moneys may be used by the superintendent for program administration, evaluation, and technical assistance, as specified.

This bill would provide for an assessment of plan effectiveness, and requires each grant recipient to report to the superintendent, the secretary and the agency secretary no later than January 1, 1994, as specified. The bill would require that the superintendent cause an evaluation of the effectiveness of the grants awarded to be conducted, as specified.

This bill also would require the superintendent to submit to the Legislature, the Governor, the secretary, and the agency secretary the results of that evaluation and a

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summary of the above reports, no later than June 1, 1994.

This bill would further require grant applicants to consult and collaborate with other local agencies, as specified, to, among other things, participate in the development and evaluation of the proposed program.

This bill would provide that all money appropriated by the Legislature to the superintendent for this program would be allocated by the superintendent to the participants. The bill would allow any amount not allocated to be carried over to subsequent fiscal years, as specified.

This bill also would provide that all funding made available to any local educational agency or consortium under the provisions of this bill is subject to certain prohibitions relating to religious instruction and orientation, and the space in which the program is operated.

This bill would declare the intent of the Legislature that, no later than the 1993–94 fiscal year, a local educational agency that receives assistance pursuant to both the School-based Early Mental Health Intervention and Prevention Services for Children Act of 1991, if enacted, and the Healthy Start Support Services for Children Act, or both the CalSTAR Early Intervention and Prevention Program, if enacted, and the Healthy Start Support Services for Children Act, shall combine and subsume assistance received pursuant to both programs under the Healthy Start Support Services for Children Act, as specified.

Ch. 760 (SB 662) Hart. Pupil testing.

(1) Existing law provides for a variety of school testing programs.

This bill would repeal those programs as of January 1, 1995.

(2) Existing law requires the State Board of Education to require a testing program in all school districts in order to obtain an accurate estimate of statewide performance, school district performance, and school performance of pupils in grades 3, 6, 8, 10, and 12 in designated subject areas.

This bill would revise that testing program to instead address pupil performance in grades 4, 5, 8, and 10, as specified, and to include in that testing an assessment of individual pupil performance, thereby imposing a state-mandated local program. The bill would direct the State Board of Education to make available models of exemplary assessment instruments that classroom teachers may use to evaluate the effectiveness of the instructional program in the elementary grades.

The bill would direct the Superintendent of Public Instruction to design and implement a statewide pupil assessment program to implement that testing program in accordance with legislative objectives, and to develop and submit to the Legislature, no later than March 1, 1992, a 5-year cost and implementation plan for that program. In addition, the bill would require the State Department of Education to review and approve other pupil tests, as specified. The bill would identify the elements that are required to be included in that program beginning in the 1991–92 academic year.

This bill would declare the intent of the Legislature to require the Superintendent of Public Instruction to conduct and publish reviews of pupil tests and examine the feasibility of developing authentic, performance-based vocational certification examinations.

This bill would require that each pupil have an individual record of accomplishment by the end of grade 12, as specified.

This bill would prohibit the use of statewide pupil assessments for the placement or tracking of a pupil, as defined. The bill would authorize a pupil to retake all or any portion of the test given in grade 10 in grade 11 or 12, or both, thereby creating a state-mandated local program.

(3) Existing law authorizes that testing program to include information for use under a designated program of fiscal incentives for improved school performance, as provided for under existing law.

This bill would repeal that authority.

(4) Existing law establishes the Golden State Examination Program to measure high school pupil achievement under statewide standards of competency in designated subject areas, and to award a special honors designation and insignia on a high school diploma for qualifying pupils. Under existing law, participation in that program is volun-

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tary on the part of school districts and pupils.

This bill would provide that the governing board of each participating school district shall determine the extent to which pupils of the district would be required to participate in the Golden State Examination.

The bill also would declare the intent of the Legislature that the Superintendent of Public Instruction, the President of the University of California, the Chancellor of the California State University, and the Chancellor of the California Community Colleges work together to determine the feasibility of the joint development and scoring by those institutions of the Golden State Examination in written composition and of using the results of that test to assist in postsecondary admission and course placement.

(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.

(6) This bill would appropriate $9,250,000 to the Superintendent of Public Instruction for the operation of the statewide pupil assessment program and would apportion $5,000,000 of that amount to one or more school districts or county offices of education for the provision of services relating to the development and implementation of the statewide pupil assessment program. To the extent the funds appropriated by this bill are allocated to a school district, as defined by existing law for purposes of Section 8 of Article XVI of the California Constitution, and the use of those funds furthers the educational mission of that entity, the funds may be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

Ch. 761 (SB 317) Davis. California coastal resources: cease and desist orders.

The California Coastal Act of 1976 provides for judicial review and enforcement procedures, with prescribed civil penalties for violating its provisions.

This bill would, in addition, authorize the California Coastal Commission and the executive director of the commission to issue cease and desist orders if it is determined that any person or governmental agency has undertaken, or is threatening to undertake, any activity that may require a permit from the commission without securing a permit or that may be inconsistent with any permit previously issued by the commission. The bill would also authorize the order to be issued to enforce requirements of, or requirements of the act subject to the jurisdiction of, a certified local coastal program or port master plan under specified circumstances.

The bill would provide for judicial review of the cease and desist orders, and would provide for civil liability in a sum not to exceed a specified amount for intentionally or negligently violating cease and desist orders issued, reissued, or amended by the commission or the executive director. The bill would prohibit the issuance or enforcement of any cease and desist order as to any activity undertaken by a local governmental agency pursuant to a declaration of emergency by the board of supervisors of the county in which the activity is being or may be undertaken.

Ch. 762 (SB 906) Hill. Wildlife Conservation Board. California Riparian Habitat Conservation Program.

(1) Under the existing Wildlife Conservation Law of 1947, 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 is authorized to acquire the lands, rights in land, water, or water rights as may be necessary to carry out the purposes of the Wildlife Conservation Law of 1947.

This bill would permit the board to authorize the acquisition of certain types of interests and to authorize the Department of Fish and Game to accept federal grants

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and other types of financial support from public or private sources. The bill would require the proceeds from any of these sources to be deposited in the Wildlife Restoration Fund. The bill would also permit the board to authorize the Department of Fish and Game to lease, including the lease of degraded potential wildlife habitat lands under specified conditions, rent, sell, exchange, or otherwise transfer any real property, interest in real property, or option acquired pursuant to the Wildlife Conservation Law of 1947. The bill would also permit the board to authorize the department to acquire former wildlife habitat real property, and restore and sell the real property to private owners and governmental entities under specified conditions.

(2) Existing law permits the Department of Fish and Game, with the approval of the Department of General Services, to enter into agreements with any other department or agency of this state, a county, city, public corporation, or public district of this state, to provide for the construction, management, or maintenance of the facilities authorized by the board.

This bill would also permit the department to enter into that type of agreement with a nonprofit organization. It would also permit the board to make grants or loans to nonprofit organizations and governmental entities for various purposes in connection with fish and wildlife habitat.

This bill would also require the board, through the department, to establish and administer a California Riparian Habitat Conservation Program, the purpose of which would be the protection, preservation, and restoration of riparian habitats. The bill would permit the board to undertake specified activities in order to accomplish the objectives of the program.

Ch. 763 (AB 151) Katz. Transportation.

(1) This bill would enact the Safe Rail Transportation Act of 1991, as summarized in the remainder of the digest below.

(2) Existing law requires the Governor to establish a state toxic disaster contingency plan, which is required to provide for specified state agencies to implement the plan.

This bill would require the plan to additionally designate a lead agency to direct strategy to ameliorate the effects of a toxic disaster.

(3) Existing law authorizes the Public Utilities Commission to regulate railroad corporations, as specified.

The bill would require the commission, not later than July 1, 1992, and annually thereafter, to identify track sections which it determines pose local safety hazards, and report on those sites to the Legislature. The bill would also require the commission, not later than December 31, 1992, to propose regulations it determines would establish a program to eliminate or reduce the safety hazards identified in the report. The bill would require the commission to dedicate sufficient resources necessary to adequately carry out the State Participation Program for the regulation of rail transportation of hazardous materials as authorized by certain federal laws. The bill would require the commission to hire specified additional personnel for the purpose of enforcing compliance by railroads operating in this state with state and federal safety regulations.

This bill would require the commission, on or before July 1, 1992, to establish, by regulation, a minimum inspection standard to ensure inspection of railroad locomotives, equipment, and facilities in Class I yards not less frequently than every 180 days, and inspection of all branch and main line track not less frequently than every 12 months.

(4) The bill would require the commission, on or before July 1, 1992, to request the appropriate federal agencies to do specified actions relating to hazardous materials and substances and to report the status of the requests to the Legislature every 6 months beginning September 30, 1992, until September 30, 1995.

(5) The bill would become operative only if SB 152 is enacted.

(6) The bill would provide that it is not to be construed to make reference to a "California Environmental Protection Agency" for purposes of a specified provision of the 1991–92 Budget Act.

(7) The bill would appropriate $480,000 from the Public Utilities Commission Transportation Reimbursement Account to the commission for those costs incurred in carrying out its purposes.

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Ch. 764 (AB 684) Moore. Transportation: rail safety.

Existing law requires the Public Utilities Commission to require the payment of fees by every common carrier and related business, except, among others, railroad corporations, and by every other category of public utility, with the requirement that these fees equal the amount of the commission's annual budget prorated to the extent of the commission's regulatory duties with respect to each class of carrier or related business or public utility for whom each particular fee is established. The commission is required to establish uniform fees from carriers and related businesses with gross annual intrastate revenues of not more than $100,000; the fees for these carriers and related businesses, commercial air operators, and for-hire vessels are due every January 15.

This bill would require that these fees, if any, which are paid by railroad corporations, be used for specified activities of the safety division of the commission, which would be responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description by rail, to advise the commission on rail safety, and to propose to the commission rules, regulations, orders, and other measures necessary to reduce the dangers caused by unsafe conditions on the railroads of the state.

The bill would become operative only if SB 152 of the 1991–92 Regular Session is enacted.

The bill would appropriate the sum of $1,800,000 from the California Public Utilities Commission Transportation Reimbursement Account for the purposes of this act.

Ch. 765 (AB 2172) Kelley. Natural community conservation.

(1) Under existing law, it is the policy of the state to conserve, protect, restore, and enhance any endangered species or any threatened species and its habitat and, consistent with conserving the species, to acquire lands for habitat for these species.

This bill would authorize the Department of Fish and Game to enter into an agreement with any person to prepare and implement a natural community conservation plan. The bill would authorize the department to prepare nonregulatory guidelines for the development and implementation of natural community conservation plans, and would permit community conservation planning to be undertaken by local, state, or federal agencies independently or in cooperation with other persons. The bill would require the department to be compensated for the actual costs incurred in preparing and implementing natural community conservation plans.

(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 increase the revenues to the fund, the bill would make an appropriation.

Ch. 766 (SB 48) Thompson. Railroads: accidents: spills.

(1) This bill would make a statement of legislative intent concerning the transportation of hazardous materials by rail.

(2) Existing law requires the Public Utilities Commission to set a fee to be paid by specified carriers and operators, for the costs of regulating these carriers and related businesses. Existing law excludes railroad corporations from the fee. The fee is required to be established to produce a total amount in funds equal to the budget for the commission, less specified amounts.

This bill would subject railroad corporations to this fee. The bill would also exclude, in calculating the amount to be produced by the fee, funds from the Transportation Planning and Development Account in the State Transportation Fund. This provision would become operative only if SB 152 is enacted, as specified.

(3) Existing law requires every railroad corporation which is involved in an accident while transporting hazardous materials, as defined, to immediately report the accident in a specified manner, and to provide the emergency response agency with specified information. Existing law requires every railroad corporation which transports hazardous materials to annually submit specified information to the Office of Emergency Services.

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This bill would revise the definition of hazardous materials, for purposes of these requirements, to include other materials, including commodities on a list which the Office of Environmental Health Hazard Assessment would be required to provide to the commission by July 1, 1992, and on or before July 1 annually thereafter.

The bill would require the Public Utilities Commission to report to the Legislature by July 1, 1992, and by July 1 annually thereafter, on sites on railroad lines in the state it finds to be hazardous. The report would include a list, prepared by the Office of Environmental Health Hazard Assessment, of all commodities transported on railroad lines in the state that could pose a hazard to the public or the environment in the event of a train derailment or other accident. The commission would be required to adopt regulations by January 1, 1993, to reduce potential railroad hazards, including regulations concerning the transporting of hazardous or potentially hazardous commodities and railroad equipment and training standards.

(4) The bill would create the Rail Accident Prevention and Response Fund in the State Treasury, to be administered by the Secretary of Environmental Protection.

The bill would create, within the Railroad Accident Prevention and Response Fund, the Hazardous Spill Prevention Account. The bill would specify the purposes for which funds in the prevention account could be expended. This provision would become inoperative on December 31, 1995.

The bill would create the Railroad Accident Prevention and Immediate Deployment Force in the California Environmental Protection Agency, and would require the agency to develop a state railroad accident prevention and immediate deployment plan, in consultation with specified agencies and businesses.

The bill would authorize the filing of an action in the superior court or before the Public Utilities Commission by an appropriate prosecuting agency, as specified, for a temporary restraining order, preliminary or permanent injunction, or other order against any person violating, or threatening to violate, the requirements imposed by the bill. The bill would impose criminal penalties, including fines and specified terms of imprisonment, upon any person who, except as specified, knowingly fails to follow the direction or order of the Secretary of Environmental Protection or the commission arising from a rail accident or release; causes, or aids or abets in, a discharge or spill from a railcar; or fails to comply with regulations adopted by the commission and that failure results in, or creates a significant risk of, a rail accident or release of hazardous materials, as specified. The bill thereby would impose a state-mandated local program by creating new crimes. The bill also would impose specified civil penalties for specified violations of its provisions.

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

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

(6) The bill would declare that, if any of its provisions or applications is held invalid, that invalidity would not affect other provisions or applications which could be given effect without the invalid provision or application, and that to this end the provisions of the bill are severable.

Ch. 767 (SB 152) Killea. Rail safety.

Existing law requires the Public Utilities Commission to require the payment of fees by every common carrier and related business, except, among others, railroad corporations, and by every other category of public utility, with the requirement that these fees equal the amount of the commission's annual budget prorated to the extent of the commission's regulatory duties with respect to each class of carrier or related business or public utility for whom each particular fee is established. The commission is required to establish uniform fees from carriers and related businesses with gross annual intrastate revenues of not more than $100,000; the fees for these carriers and related businesses, commercial air operators, and for-hire vessels are due every January 15.

This bill would delete the exemption for railroad corporations from the requirement of paying these fees, thereby subjecting railroad corporations to the payment of these

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fees. The bill would include railroad corporations with annual gross intrastate revenues of $10,000,000 or less within the uniform fee and annual fee provisions. This bill would require that, by January 31, 1992, the commission establish the initial fee amount to be paid by railroad corporations under these provisions, and would require that the commission commence collection of the fee from railroad corporations on February 1, 1992. It would also require the commission to submit a budget to the Legislature for expenditure of these fees, as specified. The fees would be required to be used for rail safety, as specified. Under other provisions, a violation of this requirement would be, among other things, a misdemeanor, thereby imposing a state-mandated local program.

Existing law requires that specified funds in the Transportation Planning and Development Account in the State Transportation Fund be appropriated to the commission for its passenger rail responsibilities.

This bill would change the purpose for which the funds are appropriated to the commission passenger rail safety responsibilities, 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. 768 (SB 223) Presley. AIDS testing: prisoners.

Existing law sets forth procedures, operative until July 1, 1991, pursuant to which HIV testing may be required of an inmate of a correctional institution, a person arrested or taken into custody, whether or not the person is currently in a correctional institution, or a parolee or probationer. The procedures provide, among other things, that a chief medical officer, as defined, is authorized to require HIV testing if (1) he or she concludes there are clinical symptoms of AIDS or AIDS-related complex, as specified, in an inmate, (2) upon the request of a law enforcement employee who believes that he or she has come into contact with the bodily fluids of the inmate, person, or parolee or probationer, or (3) upon the request of an inmate of a correctional institution if he or she has reason to believe that he or she has come into contact with the bodily fluids of another inmate, in specified situations, including, but not limited to, rape or sexual contact with a potentially infected inmate, or tattoo or drug needle sharing.

Existing law, operative until July 1, 1991, also provides, among other things, that where parole and probation officers are required to notify local law enforcement who are assisting them in apprehending or taking into custody a parolee or probationer with a record of assault on a peace officer of any knowledge they have that a parolee or probationer has AIDS or AIDS-related condition, it is a misdemeanor for local law enforcement to make willful use or disclosure of or negligent disclosure of the information.

This bill would provide, instead, that these procedures would remain operative until July 1, 1994, thereby extending the operation of these procedures. This bill would also repeal these provisions, as of January 1, 1995.

This bill would impose a state-mandated local program by extending the time period during which various duties would be required of county health officers and law enforcement agencies pursuant to these provisions. This bill would also impose a state-mandated local program by extending the time during which specified acts would be a misdemeanor.

Existing law, as a part of the above procedures, requires a law enforcement employee, as defined, to report any instance in which he or she comes into contact with the bodily fluids of an inmate of a correctional institution, person arrested or taken into custody, whether or not the person is currently in a correctional institution, or a parolee or probationer, to the chief medical officer. In the report, the law enforcement employee may request an HIV test of the person who is the subject of the report.

Existing law also requires the chief medical officer to decide, considering specified factors, whether or not to require HIV testing of the inmate or other person in the absence of a request.

This bill would require the chief medical officer, in the absence of a request, to order

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an HIV test only if he or she finds that, considering all of the facts and circumstances, there is a significant risk that HIV was transmitted taking into consideration the specified factors.

Existing law also requires the chief medical officer to see that personal counseling is provided to a law enforcement employee who files the above report.

This bill, in addition, would require the Department of Corrections, the Department of the California Youth Authority, and each law enforcement agency in which a request for a test has been filed during the previous calendar year, to annually, until January 15, 1995, report data to the Joint Legislative Committee on Prison Construction and Operation on all requests made during the previous calendar year, plus specifics of the disposition of each request, the counseling provided, and its extent for each case. The reporting requirement for local law enforcement agencies would impose a state-mandated local program. The bill would require these reports to be provided by the committee to the Legislative Analyst, who, in consultation with the Office of Aids, within the State Department of Health Services, would compile a report to the Legislature on or before January 30, 1995, on whether the program is meeting the objectives of the AIDS testing provisions and a recommendation on whether the provisions should be continued, terminated, or changed.

The bill would provide that the names of persons seeking tests or the subject of a request for a test shall not be included in any document made public as a result these reporting requirements.

Existing law requires the correctional, custodial, or law enforcement agency or the chief medical officer of a correctional, custodial, or law enforcement agency to which these procedures apply to report each reportable incident involving a law enforcement employee for the purposes of these provisions together with the disposition of each case to the State Department of Health Services. Existing law prohibits the release of the identity of the law enforcement employee or the source person by the local law enforcement agency or the chief medical officer of the local agency to the department. Existing law also requires the department to release the data, upon written request, to any law enforcement agency or to specified nonprofit entities, provided the identity of any law enforcement employee, person who is the subject of a report, or person tested pursuant to these provisions remains anonymous. Existing law makes it a misdemeanor to release information leading to the identity of a person whose identity is protected pursuant to these provisions. Existing law requires the department to report to the Legislature on or before July 1 of each year, as specified, with regard to these provisions. Existing law provides that these provisions shall be repealed as of January 1, 1996.

This bill would provide, instead, that these provisions would remain operative until July 1, 1994, and would be repealed as of January 1, 1995, thereby making the date of repeal consistent with related provisions.

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

This bill would provide that 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.

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

Ch. 769 (SB 235) Hart. Rigid plastic packaging containers.

(1) Existing law requires all rigid plastic bottles and containers to be labeled with a specified code which indicates the resin used to produce the bottles or containers.

This bill would make a statement of legislative intent and would require every rigid plastic packaging container, as defined, sold or offered for sale in the state to meet specified criteria, commencing January 1, 1995, except as specified. The bill would

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authorize the California Integrated Waste Management Board to grant waivers upon specified findings. The board would be directed to adopt regulations by July 1, 1994, concerning certifying compliance with the bill's requirements.

The bill would require the board to refer to the Attorney General, for prosecution for fraud, the provider of any false or misleading certificate and would make any person who violates the bill's requirements guilty of a public offense punishable by a fine of not more than $100,000, thereby imposing a state-mandated local program by creating a new crime. The bill would also authorize the board to assess civil penalties for a violation of the bill's requirements. The bill would require the board to deposit all fines and penalties in the Rigid Container Account, which the bill would create in the Integrated Waste Management Fund in the State Treasury. The bill would require the funds in the account to be used to assist local governmental agencies for purposes of the bill.

The bill would require the board by March 31, 1993, to submit to the Legislature and the Governor a study on specified matters relating to implementation 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. 770 (SB 351) Davis. Sales and use tax: use fuel tax: nonspecification fuel.

The existing California Sales and Use Tax Law imposes sales and use taxes on the sale, storage, use, or other consumption in this state of tangible personal property. That law requires any person whose estimated tax liability averages specified amounts per month to make specified prepayments of tax. It requires those amounts to be deposited to the credit of the Retail Sales Tax Fund for transfer by the Controller, as specified. The existing Use Fuel Tax Law imposes an excise tax upon the use of specified fuel and requires the tax to be collected by the vendor from the user.

This bill would require, under the California Sales and Use Tax Law, a producer, as defined, or importer to collect prepayments of retail sales taxes from the person to whom fuel, as defined, is first sold in this state at a specified rate and to remit the taxes to the State Board of Equalization in accordance with a specified procedure for deposit by the board and transfer by the Controller, as specified. It would authorize the board to require a producer subject to these requirements to place with the board any security, subject to specified maximum amounts, to ensure compliance with the requirements of certain provisions of the bill. It would provide specified criminal penalties for violations in connection thereto, thereby creating a state-mandated local program.

This bill would require, under the Use Fuel Tax Law, a wholesaler, as defined, to collect the excise tax imposed on fuel in the state for resale to a retailer or to a person who is not a retailer who subsequently uses the fuel, as specified.

This bill would require the State Air Resources Board to purchase specified equipment for purposes of implementing and enforcing provisions relating to air pollution, and make a specified report relating to unfinished fuels and fuel blending components. It would appropriate $199,000 from the Motor Vehicle Account in the State Transportation Fund to the Controller for allocation to the State Air Resources Board, as specified. It would transfer $605,586, as a loan to be repaid as specified, from the Motor Vehicle Account in the State Transportation Fund to the General Fund, and would appropriate $605,586 from the General Fund to the State Board of Equalization, for specified purposes.

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

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

Ch. 771 (SB 389) Johnston. Insurance: violations.

Existing law imposes various duties on an admitted insurer's officers, directors, trustees, and persons who have authority in the management of the insurer's funds. Existing

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law also provides for the licensure of insurance agents, brokers and other production agencies, and provides for the revocation of licensure in various instances.

This bill would provide that the Insurance Commissioner may issue an order suspending or removing a director, officer, employee, or other natural person who participates in the management, direction, or control of an insurer, from his or her office or employment with an insurer, as defined, in enumerated circumstances. The bill would provide that it is unlawful, subject to specified civil penalties, for a person against whom certain of those orders has been issued to participate in any manner in the business of an insurer without the consent of the commissioner. The bill would enact substantially similar provisions with respect to production agencies.

Existing law, the California Life Insurance Guaranty Association Act, provides that it shall not apply to any insurer that is insolvent or impaired, or unable to fulfill its contractual obligations on January 1, 1991.

This bill would, instead, provide that the act is inapplicable to any insurer found by the commissioner, prior to January 1, 1991, to have been insolvent or impaired, or unable to fulfill its contractual obligations.

Ch. 772 (SB 395) Morgan. Department of Motor Vehicles: social security account numbers.

Existing law requires the Department of Motor Vehicles to prescribe and provide suitable application forms and all other forms requisite or necessary for purposes of the Vehicle Code. The department is not required to provide space for an applicant's social security account number on those forms.

This bill would require that every form prescribed by the department for use by an applicant for the issuance or renewal of a driver's license or identification card or for the issuance, renewal, or transfer of the registration of, or certificate of title to, a motor vehicle or vehicle, as defined, contain a section for the applicant's social security account number. The bill would require any person who submits such an application form to the department to furnish the applicant's social security account number in the space provided. The bill would prohibit the department from accepting as complete any application which does not include the required social security account number of the applicant. The bill would prohibit the department from including an applicant's social security account number on any driver's license, identification card, registration, certificate of title, or other document issued by the department. The bill would declare that information obtained by the department concerning an applicant's social security account number is not a public record and would prohibit the department from disclosing that information except for the purpose of (1) responding to a request for information from an agency carrying out specified federal laws relating to (a) aid to families with dependent children, (b) child support and establishment of paternity, and (c) federal payments for foster care and adoption assistance or (2) enforcement of state laws prohibiting the issuance or renewal of a driver's license of a person with unpaid, delinquent parking violation penalties or renewal of vehicle registration of a person who has violated a promise to appear or failed to pay a lawfully ordered fine.

Ch. 773 (SB 409) C. Green. School safety.

(1) Existing law known as the Interagency School Safety Demonstration Act of 1985 makes various findings with regard to school crime and vandalism.

This bill would revise those legislative findings with respect to school crime, including vandalism, drug and alcohol use, gang membership, and gang violence and make conforming changes throughout the act.

(2) Existing law establishes the School Safety Partnership comprised of the Superintendent of Public Instruction and the Attorney General. Existing law also requires the partnership to establish for the 1985–86 and 1986–87 school years 30 interagency safe school model programs.

This bill would rename the partnership the School/Law Enforcement Partnership and make conforming changes to existing law. The bill would require the partnership to establish interagency safe school programs without regard to school year or a specified number of programs. The bill would require the partnership to encourage applicants to

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review available materials and programs relating to drug abuse and gang membership prevention from the State Department of Education and the Office of Criminal Justice Planning. The bill would require the project period for approved programs not to exceed 3 years.

(3) Existing law requires the partnership to make available to school districts, county offices of education, and law enforcement agencies at least 4 regional conferences to identify exemplary programs and techniques. Existing law also requires the partnership to establish statewide interagency school safety cadre for the purpose of facilitating interagency coordination and to appoint up to 50 professionals from education and law enforcement to the statewide cadre for the 1985–86 fiscal year and up to an additional 50 representatives in the 1986–87 fiscal year.

This bill would require the partnership to sponsor at least 2 regional conferences for the entities specified in the preceding paragraph. The bill would delete the references to the 1985–86 and 1986–87 fiscal years and would require the partnership to appoint up to 100 professionals from education and law enforcement to the statewide cadre and to provide technical assistance to grantees of programs established under the drug and alcohol abuse, and gang prevention education programs.

(4) Existing law requires the partnership to undertake an interim evaluation, as specified, of the Interagency School Safety Demonstration Act.

This bill would require the partnership to annually evaluate the programs under that act and would additionally require the report to include statewide dissemination of the program, as specified. The bill would repeal the requirement that the partnership submit a final report to the Legislature on or before January 1, 1988.

(5) Existing law requires 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 pupils.

This bill would require the commission to consult with the State Department of Education, Office of Criminal Justice Planning, Department of the Youth Authority, and the School/Law Enforcement Partnership and to consider the policies, programs, guidelines, other resource and training materials, and experts identified, funded, and developed by these agencies to reduce violent behavior by pupils.

(6) Existing law requires the State Department of Education to prepare and distribute to school districts and county offices of education, no later than February 15, 1989, guidelines for incorporating in-service training in gang violence and drug and alcohol abuse prevention for designated school personnel and shall, upon request, assist school districts and county offices of education in developing comprehensive gang violence and drug and alcohol abuse prevention in-service training programs, as specified.

This bill would encourage each school that uses the assistance of the department related to in-service training in gang violence and drug and alcohol abuse prevention, to develop a single plan and to incorporate that plan into its school improvement plan or school safety plan, where appropriate, provided the school has a plan.

Ch. 774 (SB 679) Mello. Abuse of elders and dependent adults: civil actions.

Existing law requires the reporting by certain health practitioners and employees of law enforcement agencies to report known or suspected instances of abuse, as defined, of elders or dependent adults.

This bill would authorize the award, by courts, of attorney's fees and costs where it is proven by clear and convincing evidence that a defendant is liable for abuse of an elder or dependent adult, and that the defendant has been guilty of recklessness, oppression, fraud, or malice in the commission of the abuse. This bill would further provide that the superior court having jurisdiction over probate conservatorships shall have concurrent jurisdiction over these suits, and would set forth the factors to be considered in determining an award.

This bill would also specify that actions against health care professionals for professional negligence shall be governed by laws specifically applicable to professional negligence actions, rather than by these provisions.

This bill would incorporate additional changes to cross references of code sections to

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be renumbered by SB 1177, to be operative only if SB 1177 is chaptered and becomes operative.

Ch. 775 (SB 732) Committee on Transportation. Highways.

(1) Existing law requires the Department of Transportation, in cooperation with local transportation officials, to develop guidelines to implement the Traffic Systems Management Program, as prescribed.

This bill would make a technical, nonsubstantive change to those provisions.

(2) Existing law requires the department to develop an interregional and intercounty road system plan and to identify projects on those routes upon which construction can be started not later than June 30, 2000.

This bill would include Route 132, west of Route 99, among the specified routes eligible for inclusion in the interregional road system plan.

The bill would require the department, as part of the 1994 state highway improvement program, to adopt, by April 1, 1993, guidelines permitting county transportation commissions which include nonurbanized areas to submit, by October 1, 1993, recommendations for changes in the eligible interregional and intercounty routes under the plan. The bill would require the department to report, as specified, on these matters to the Legislature by January 1, 1994.

(3) Under existing law, the department, 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. The Director of Transportation is required to establish a statewide priority list for retrofit projects based on these inspections, and the department and those counties are required to prepare retrofit plans, specifications, and estimates for projects included in the priority list. With specified exceptions, the department and the counties are 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.

This bill would require the director to extend the December 31, 1991, date to December 31, 1992, upon notification by a county and, in this event, the date for retrofitting or replacement of those bridges would be extended until December 31, 1993.

(4) Existing law requires, if more than one exclusive public mass transit guideway project from a county is submitted to the California Transportation Commission for review, that the commission determine the priority of proposed projects on the basis of the extent that the projects meet the regional transportation needs.

This bill would delete that requirement.

(5) Existing law establishes a state scenic highway system and enumerates the highway routes comprising that system. Existing law does not specify which of those routes have actually been designated as state scenic highways.

This bill would declare that the enumerated routes are either eligible for designation as state scenic highways or have been so designated.

The bill would include a specified portion of Route 174 in the state scenic highway system.

(6) Existing law defines Route 231 as being from Route 5 near the border of the Cities of Tustin and Irvine to Route 91.

This bill would redefine Route 231 as being from Route 5 at Route 133 to Route 91.

The bill would define Route 261 as being from Route 5 near the border of the Cities of Tustin and Irvine to Route 231.

(7) Existing law, with specified exceptions, makes it a misdemeanor for any person to park a vehicle or place a structure wholly or partly within any highway for the purpose of selling that vehicle, or any article or thing from that structure or vehicle, or repairing or otherwise working upon that vehicle.

This bill would add to those specified exceptions, coin-operated public telephones and related telephone structures in park and ride lots, vista points, and truck inspection facilities within state highway rights-of-way for use by the public.

(8) $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

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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 specified 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.

This bill would add the City of Oceanside to those 8 specified cities.

Ch. 776 (SB 1013) Thompson. Alligator farms.

Under existing law, it is unlawful to import, transport, possess, or release alive into this state, among other animals, any alligators, except under a revocable, nontransferable permit, as specified.

This bill would, notwithstanding any other provision of law, prohibit a permit from being issued for the operation of a farm for alligators or any species of the family crocodilidae if the animals are kept for the use and sale of the meat or hides. The bill would also prohibit a permit for the operation of a farm for alligators or any species of the family crocodilidae from being renewed if the animals are kept for the use and sale of the meat or hides.

Ch. 777 (SB 1021) Hart. Environmental report and message.

Under existing law, the Governor is not required to submit an annual environmental report.

This bill would require the Governor to transmit to the Legislature, not later than March 15 of each year, an environmental report designated as the "Environmental Report of the Governor" and an environmental message setting forth specified information.

Ch. 778 (SB 1059) Russell. PERS: administration.

The Public Employees' Retirement Law establishes PERS and provides for various benefits for various membership categories.

This bill would make technical, corrective, and clarifying amendments in provisions relating to final compensation, normal contributions, state peace officer/firefighter members, and the purchase of service credit by state members in the Second Tier.

This bill would also authorize the Franchise Tax Board to provide to PERS names and addresses or other identification or location information solely for the purposes of disbursing unclaimed benefits and annually distributing member statements and would make any unauthorized disclosure a misdemeanor, which, in turn, would impose 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.

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

Ch. 779 (SB 1127) Torres. Highways: airspace: lease.

Existing law authorizes the Department of Transportation to lease to public agencies or private entities, for any term not to exceed 99 years, the use of areas above or below state highways. With a specified exception, revenues from the leases are required to be deposited into the State Highway Account in the State Transportation Fund.

This bill would require the department to reserve and designate all rights to the airspace immediately above a specified segment of the Santa Ana Freeway in the City of Los Angeles for lease for development of a cultural center as proposed by a specified entity. Lease of the airspace would be required to be at fair market value, and would be subject to specified conditions. The bill's provisions would be repealed on January 1, 2000.

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Ch. 780 (AB 60) T. Friedman. Child welfare services.

Under existing law, state and federal funds are appropriated for the Family Maintenance, Family Reunification, and Permanent Placement components of the Child Welfare Services program, as well as cost-of-living adjustments for the program, to the State Department of Social Services through the annual Budget Act.

The bill would appropriate $3,800,000 from the General Fund to the State Department of Social Services, for allocation to the Los Angeles County Department of Children's Services, would require the allocation of the money on the basis of the percentage of cases located by the county, as determined by the department in its July 1991 welfare service compliance review, and would specify that any funds not allocated by that procedure shall revert to the General Fund.

Existing law provides for a child welfare training program for child welfare services workers and mandated child abuse reporters.

This bill would require the department to contract with the University of California or the California State University system to develop a statewide protocol for telephone screening of emergency response referrals, and to incorporate it into the child welfare training program no later than February 15, 1992. It would require the department to provide specified information regarding the protocol to the Legislature no later than January 15, 1992, and to adopt emergency regulations for the implementation of the protocol by February 15, 1992.

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

Ch. 781 (AB 382) Hughes. Education: basic skills proficiency tests study.

Existing law requires a state basic skills proficiency test to be administered to all teaching credential candidates, as specified. Existing law requires all candidates to pass the proficiency test as a prerequisite to receiving a teaching credential.

This bill would require the Commission on Teacher Credentialing to complete a study of the Pre-Professional Skills Test, or its successor, developed by the Educational Testing Service. The bill would require the commission, upon completion of the study, to adopt standards for issuing credentials to persons who have taken that test and have received a score equal to or exceeding the minimum acceptable score set by the commission.

This bill would require the commission to submit a report to the Legislature on the results of the study, and on the adoption of standards for the issuance of teaching credentials to persons taking the Pre-Professional Skills Test no later than March 1, 1993.

Ch. 782 (AB 429) Farr. Geographic and land information systems.

Existing law vests various agencies with authority to collect data and conduct mapping for various purposes. Existing law also establishes the California Coordinate System of 1927 and the California Coordinate System of 1983 for use in defining and stating positions and locations in surveying and mapping in California.

This bill would create a Geographic Information Task Force, to be convened by the Office of the Governor. The task force would be composed of 13 members, as specified.

The bill would require the task force to submit a report containing specified minimum recommendations to the Governor and the appropriate committees of the Legislature by October 1, 1992.

The bill would provide for the termination of the task force on December 1, 1992.

The bill would declare that it is to take effect immediately as an urgency statute, and would repeal its provisions as of January 1, 1993.

Ch. 783 (AB 547) Moore. California State World Trade Commission.

Under existing law, the California State World Trade Commission serves as the primary state agency responsible for the coordination of activities to expand international trade for the state. Existing law authorizes the commission to establish offices in foreign countries, if appropriate and economically feasible, for specified purposes.

This bill would require the commission to conduct a study, which would not exceed one year in duration, to determine export and investment opportunities in sub-Saharan Africa, to consider in which particular countries the greatest opportunities exist, to consider the relative merits of establishing a presence in the region, and to report its

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findings to the Governor and the Legislature.

Ch. 784 (AB 676) Speier. Family day care providers: homeowners' insurance.

Under existing law, with certain exceptions, the arbitrary cancellation of a policy of homeowners' insurance solely because the policyholder is engaged in a licensed family day care business at the insured location, subjects the insurer to administrative sanctions authorized by the Insurance Code. A similar provision of law subjecting an insurer to administrative sanctions, except as specified, for the arbitrary refusal to renew a policy of homeowners' insurance solely because the policyholder is engaged in a licensed family day care business at the insured location became inoperative on January 1, 1990.

This bill would make the provisions regarding arbitrary cancellation of an existing policy applicable where the policyholder has a license to operate a family day care home. The bill would also subject an insurer to administrative sanctions for arbitrarily refusing to renew a policy of homeowners' insurance solely because the applicant has a license to operate a family day care home at the location for which insurance is sought, except as specified.

Ch. 785 (AB 800) Frazee. Contractors: public works contracts.

Existing law provides that it is a misdemeanor for any person to submit a bid to a public agency in order to engage in the business or act in the capacity of a contractor within this state without having a license therefor, with specified exceptions. A public agency is required, prior to awarding a bid, to verify that the contractor was properly licensed when the contractor submitted the bid, subject to specified exceptions. Those provisions do not affect the right or ability of a licensed architect or registered professional engineer to form joint ventures with licensed contractors to render services within the scope of their respective practices.

This bill would, instead, require a public agency, prior to awarding a contract or issuing a purchase order, to verify that information. Any contract awarded to, or any purchase order issued to, an unlicensed contractor would be void. It would also authorize, subject to specified exceptions, the Register of Contractors to issue a citation to the responsible officer or employee of a public entity who knowingly awards a contract or issues a purchase order to an unlicensed contractor, and would subject them to civil penalties, as specified.

The bill would additionally provide that it does not affect the right or ability of a land surveyor to form joint ventures with licensed contractors to render services within the scope of their respective practices, and makes related changes.

The bill would enlarge the class of persons subject to civil penalties. Those civil penalties would be deposited into the Contractors' License Fund which is continuously appropriated. The bill would therefore make an appropriation.

Ch. 786 (AB 923) Polanco. Employee housing: labor camps.

(1) Existing law, known as the Employee Housing Act, defines a labor camp and prohibits a person operating a labor camp consisting only of permanent housing from terminating tenancy of a tenant who exercises specified rights. Existing law also provides that tenants of labor camps shall have a defense of retaliation in any action for possession if the employer or landlord acts in violation of these provisions.

This bill would extend the applicability of these provisions to all labor camps. The bill would also extend the defense of retaliation to tenants or employees who are discharged within 6 months of the exercise of any of the specified rights.

Since violation of these provisions is a misdemeanor, this bill, by extending their applicability, would create new crimes and, therefore, impose a state-mandated local program.

The bill would also provide that any person found in contempt of a court order or injunction, or who is convicted for a 2nd or subsequent time within a 5-year period after a prior finding of contempt, a prior conviction, or the prior issuance of an injunction relating to the enforcement of specified provisions relating to labor camps, may be ordered by the court, on its own motion or pursuant to a trial by jury if that is requested by the defendant, to be placed in house confinement in the labor camp or any accommo-

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dation within the labor camp that is the subject of the court action.

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

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

Ch. 787 (AB 1378) Connelly. Air pollution: rice straw burning.

(1) Existing law prohibits agricultural burning without a permit issued by an agency designated by the State Air Resources Board.

This bill would impose additional limitations on the burning of rice straw in the Sacramento Valley Air Basin, by limiting the acres that may be burned on and after specified dates, and prescribing conditions and procedures for the issuance of conditional rice straw burning permits. These provisions would impose a state-mandated local program by imposing new duties on air pollution control districts and air quality management districts, and on the county agricultural commissioner. The bill would authorize the county agricultural commissioner, until January 1, 2004, to charge applicants for a rice straw burning permit a fee. The bill would require the adoption of regulations and the performance of other prescribed duties by the state board and the Department of Food and Agriculture. The bill would specify that reductions in emissions from rice straw burning qualify for air quality offsets, as prescribed. The bill would impose criminal penalties for violation of the provisions of the bill, and would increase the penalties applicable to violation of existing prohibitions relative to agricultural burning in the Sacramento Valley Air Basin, thereby imposing a state-mandated local program. The bill would also impose specified civil penalties.

The bill would authorize the Sacramento Valley Basinwide Air Pollution Control Council to impose, and require that districts within the Sacramento Valley Air Basin collect, a fee not to exceed $5 per permit, per year on each permit issued by a district within the basin, for the purpose of administering all basinwide air pollution control efforts. The bill would require the districts to impose fees on growers. The state board would be authorized to adjust the district fee, as specified. The bill would require the adjustment to be collected by the districts and remitted to the state board and deposited in the Motor Vehicle Account in the State Transportation Fund. These requirements on the districts 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 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. 788 (AB 1440) Archie-Hudson. Private postsecondary education: educational services.

(1) Existing law imposes various requirements on private postsecondary educational institutions, with certain exceptions, with respect to providing certain student protections. These protections relate to prohibitions against false or misleading statements, advertising, recruitment, disclosures required to be made by the institutions, rights of students to cancel contracts for courses, and other related topics.

This bill would expand the list of institutions exempt from these requirements to include nonprofit religious schools, 2-year degree granting schools, and graduate schools. The bill would also exempt, among others, entrance examination and professional license examination programs, programs of 3 or more academic years, programs offered pursuant to a contract between the institution and a community college, a high school,

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or an employer who has the responsibility for applicable costs, programs which cost $750 or less, and programs that cost between $750 and $1,500 if certain conditions are met.

(2) Under existing law, one of the requirements a private vocational educational institution is required to meet is that every instructor and administrator hold an applicable and valid certificate of authorization for service issued by the Council for Private Postsecondary and Vocational Education in the competence area in which the individual will serve.

This bill would specify the eligibility requirements necessary for an applicant to acquire and maintain a valid certificate.

(3) Under the Bagley-Keene Open Meeting Act, state bodies, as defined, are required to hold open meetings except under specified circumstances, including consideration of the appointment, employment, or dismissal of a public employee.

This bill would permit the Council for Private Postsecondary and Vocational Education to hold a closed session when considering matters pertaining to the appointment or termination of its executive director.

Ch. 789 (AB 1639) Katz. Contracts: asbestos and hazardous substances.

Existing law prescribes various requirements for contract work with asbestos, as defined, and hazardous substances.

This bill would require all asbestos-related work, as defined, and hazardous substance removal, as defined, to be performed pursuant to a contract separate from any other work to be performed when the presence of asbestos or hazardous substances is not disclosed in the bid or contract documents.

This bill would require a public entity in an emergency condition, as defined, to contract and perform asbestos-related and hazardous substance removal pursuant to specified procedures, thereby imposing a state-mandated local program.

This bill would also require a contractor to cease work on the area where the contractor encounters materials he or she reasonably believes to be asbestos or a hazardous substance. This bill would also require the contractor to notify the owner, owner's representative, or architect of this in writing. It would permit the contractor to continue work in unaffected areas reasonably believed safe.

This bill would require contractors performing asbestos-related work or hazardous substance removal to have registration and certificates required by existing law, 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. 790 (AB 1816) Polanco. Employee housing.

(1) Existing law, known as the Employee Housing Act, provides for the licensure and regulation of labor camps, as defined, by the Department of Housing and Community Development. The Employee Housing Act authorizes any city, county, or city and county to assume enforcement responsibility for the act. The act includes provisions governing the issuance of permits to, and regulation of, labor camps. Existing law requires a local enforcement agency exercising authority under the Employee Housing Act to annually submit, and the Department of Housing and Community Development to annually gather, specified information regarding labor camps.

This bill would expressly provide that the information regarding labor camps annually collected by the local enforcement agencies be submitted to the Department of Housing and Community Development.

(2) Existing law requires the operators of labor camps, as defined, to comply with regulations of the Department of Housing and Community Development and with

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building standards relating to labor camps and published in the State Building Standards Code. Existing law requires the operators of labor camps to obtain a permit to operate the camp, and requires those operators who fail to obtain the permit to pay double the amount prescribed for the permit or, in the event of a subsequent violation within a 5-year period, to pay 4 times the amount prescribed for the permit.

This bill would require labor camp operators who fail to obtain a permit to operate the camp to pay 10 times the amount prescribed for the permit in the event of a subsequent violation within a 5-year period after a first violation. The bill would provide that the penalties for subsequent violations shall be applicable to violations cited either by the same enforcement agency or by 2 or more enforcement agencies.

(3) Existing law requires the Department of Housing and Community Development to conduct an annual evaluation of the enforcement of the Employee Housing Act, other rules and regulations adopted pursuant to the act, and the building standards relating to labor camps published in the State Building Standards Code.

This bill would require the Department of Housing and Community Development to submit a written summary of this evaluation to the Legislative Analyst on or before October 1 of each year.

(4) Existing law requires the Legislative Analyst to provide an annual report to the Legislature on the implementation of the Employee Housing Act.

This bill would make technical and conforming changes in this requirement.

(5) Existing law provides that a person who violates, or causes another person to violate, any provision of the Employee Housing Act is guilty of a misdemeanor. Existing law also provides that any person who willfully violates any provision of the Employee Housing Act shall be liable, as specified, for a civil penalty in an action brought by the enforcement agency.

This bill would impose a state-mandated local program in creating a crime by requiring that any person who violates, or causes another person to violate, any provision of the Employee Housing Act, provided that the violation causes personal injury to any person, is guilty of a felony, as specified. The bill would also authorize any person or entity affected by a willful violation of the Employee Housing Act to bring a civil action to collect a civil penalty against the violator, as specified.

(6) Existing law prescribes penalties for persons found in contempt of a court order or injunction issued pursuant to the Employee Housing Act.

This bill would increase these penalties, as specified.

(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. 791 (AB 1825) Bentley. Private postsecondary education: exemption.

Existing law, known as the Private Postsecondary and Vocational Education Reform Act of 1989, establishes various requirements and standards for the approval of private postsecondary educational institutions to operate in California and award degrees and diplomas. Existing law further provides that these requirements and standards do not apply to institutions which are accredited by the Western Association of Schools and Colleges and which meet other specified criteria.

This bill would revise the criteria exempting an institution from those requirements and standards for approval, as specified. The bill would also exempt an institution that is accredited by any nationally accredited agency recognized by the United States Department of Education from those requirements and standards if the Council for Private Postsecondary and Vocational Education makes certain determinations.

Ch. 792 (AB 2005) Speier. Health research.

Under existing law, there is an AIDS Vaccine Research and Development Grant Program under which the State Department of Health Services makes grants for prescribed research and development projects.

This bill would require state agencies, as defined, to adopt, and would state that it is

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the intent of the Legislature that the University of California adopt, policies based on specified publication of the National Institutes of Health, so that women and members of minority groups are appropriately included as subjects of health research projects carried out by state agencies and the University of California.

The bill would require state agencies and the University of California to transmit copies of the adopted policies to the Legislature by September 30, 1992.

The bill would require state agencies to, and would state that it is the intent of the Legislature that the University of California, provide special opportunities for funding certain research, and ensure that funding will enable researchers to adapt to changing population distribution of diseases.

The bill would require state agencies and the University of California to make specified reports regarding administration of state funds.

The bill would require state agencies and the University of California to adopt certain procedures for collecting and classifying data by June 30, 1992, and would require certain information concerning research supported by state agencies and the University of California to be incorporated into periodic program reports required under existing law.

It would declare the intent of Legislature to encourage research on the effectiveness of RU-486 (mifepristone), as specified.

Ch. 793 (AB 2047) Margolin. Disability compensation: contributions.

Existing law requires each worker to pay contributions, at the rate determined by the Director of Employment Development, to the Disability Fund which is appropriated for the purpose of providing disability benefits.

This bill would require specified rates of worker contributions for calendar year 1992 if the ratio of the Disability Fund balance to the total disbursements for the prior 4 consecutive calendar quarters falls below 45% on September 30, 1991. It would further require that the rate of worker contributions, for calendar years 1993 and 1994, shall not exceed 1.25%, unless on September 30 of the prior year, the ratio of the fund balance to total disbursements for the prior 4 consecutive calendar quarters falls below 30%, in which case the rate of worker contributions shall not exceed 1.3%.

This bill would require the Director of Employment Development to prepare a study of the worker contribution rate formula and other factors influencing the revenue and cost to the Disability Fund to be completed and submitted to the Legislature on or before December 31, 1993.

This bill would incorporate additional changes in Section 984 of the Unemployment Insurance Code, proposed by AB 248, to be operative only if AB 248 and this bill are both chaptered and become effective on January 1, 1992, and this bill is chaptered last.

Ch. 794 (AB 2061) Polanco. Regulations.

(1) Under existing law, if a state agency, in proposing to adopt or amend any regulation, determines that the action may have a significant adverse economic impact on small business, the agency is required to include specified information in the notice of proposed action on the regulation.

This bill would require state agencies proposing to adopt or amend any regulation to assess the potential for adverse economic impact on California small business enterprises and individuals, as specified.

(2) The bill would authorize a court to declare a regulation invalid if a declaration by the adopting agency that the regulation will not have a significant adverse economic impact on small business is in conflict with substantial evidence in the record.

(3) Under existing law, before adopting, amending, or repealing a regulation, an air pollution control district or air quality management district board is required to make findings of necessity, authority, clarity, and consistency, as defined.

This bill would add findings of nonduplication and reference, as defined, to those required findings, thus imposing a state-mandated local program.

The bill would also require such a district with over 500,000 persons to perform an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of a regulation, as specified. It would require these districts, on or before June 1, 1992, to enter into a contract with an independent firm to perform a review and analysis, as

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specified, of the methods by which the district assesses socioeconomic impacts of district rules and regulations, with these analyses to be completed and submitted to the Legislature and the Governor on or before October 1, 1992. These requirements would also impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 795 (AB 2164) Polanco. Employee housing: labor camps.

(1) Existing law provides that any person operating or maintaining a labor camp without first having obtained a permit to operate from the law enforcement agency is required to pay double the fees prescribed for the permit to operate the camp, and that any person found for a 2nd or subsequent time within a 5-year period to be operating or maintaining a labor camp without first having obtained a permit to operate from the enforcement agency is required to pay 4 times the fees prescribed for the permit to operate the camp.

This bill would increase to 10 times the prescribed fees the penalty for 2nd or subsequent violations. The bill would provide that the penalties for subsequent violations may be with regard to violations cited either by the same enforcement agency or by 2 or more enforcement agencies. It would require, in addition, any person who ceases to operate or maintain a labor camp that is subject to the permit requirement, to annually complete and submit a Certificate of Non-Operation to the enforcement agency for 2 years following the discontinuation of use of any area on the property as a labor camp. The bill would require the Certificate of Non-Operation to be submitted pursuant to specified procedures and mandatory inclusion of information.

The bill would authorize, in addition to other remedies, the Director of the Department of Housing and Community Development or his or her designee or an employee authorized by a local enforcement agency which has assumed jurisdiction pursuant to existing law, to issue a citation which assesses a civil penalty not to exceed $300 for each violation, or not to exceed $500 for each violation if specified additional conditions exist. The citation would be issued to any operator of a labor camp violating existing law, or regulations promulgated under existing law, if the operator has permitted the continuation of a violation for at least 30 days after issuance of an order to correct the violation or violations from the enforcement agency. The bill would require each citation and related civil penalty assessment to be issued no later than 7 months after issuance of the order to correct which is the basis of the citation. The bill would specify that these civil penalties are not in addition to the penalties established under specified provisions of existing law.

The bill would establish procedures for the levying of the civil penalty under this authority.

Since violation of the requirements of the bill would constitute a misdemeanor, this bill would establish a new crime, and thereby constitute a state-mandated local program. The bill would also impose a state-mandated local program by establishing new mandatory procedures to be followed by enforcement agencies.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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 deter-

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mines 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. 796 (AB 2227) Mays. Property taxation: manufactured homes.

The existing Mobilehome Property Tax Law provides for the taxation of mobilehomes, as defined, as personal property pursuant to requirements, definitions, and procedures similar to those applicable to the taxation of property generally.

This bill would rename the Mobilehome Property Tax Law as the "Manufactured Home Property Tax Law." It would define a "manufactured home" for purposes of property taxation to include both a "manufactured home," as defined, and a "mobilehome," as defined, and would make conforming changes to existing property tax provisions. It would provide that a manufactured home, otherwise subject to taxation under the Manufactured Home Property Tax Law, shall not, except as specified, be classified as real property for property taxation purposes that would be excluded from taxation under that law. It would specifically provide, notwithstanding any other provision of law, that a manufactured home otherwise subject to property taxation, removed from its situs and returned to a dealer's established place of business for purposes of resale, shall not be subject to property taxation during the period it is held in the dealer's inventory, provided it remains personal property.

Section 2 of Article XIII of the California Constitution authorizes the Legislature by a vote of ⅔ of the members of each house to exempt personal property from taxation.

This bill would, as specified above, exempt from taxation manufactured homes held in a dealer's inventory, and would therefore require a ⅔ vote.

Section 2229 of the Revenue and Taxation Code provides that no new classification or exemption of real 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 revenue 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.

Ch. 797 (AB 1979) Lee. Health coverage: lead testing.

Existing law requires health care service plans, nonprofit hospital service plans, and disability insurers which cover hospital, medical, or surgical expenses to offer coverage for certain health care services. Existing law requires every health care service plan that covers hospital, medical, or surgical expenses on a group basis to offer benefits for the comprehensive preventive care of children, as prescribed.

This bill would, for every health care service plan contract that covers hospital, medical, or surgical expenses on a group basis that is issued, amended, or renewed, on and after January 1, 1993, include within the required comprehensive preventive care of children screening for blood lead levels for covered children at risk for lead poisoning, as determined by a physician and surgeon affiliated with the plan, when the screening is prescribed by a physician and surgeon affiliated with the plan.

The bill would require, on and after January 1, 1993, every nonprofit hospital service plan contract which is issued, amended, or renewed, and every insurer issuing, amending, or renewing a policy of individual or group disability insurance, that covers hospital, medical, or surgical expenses, except for prescribed policies, to offer coverage for screening for blood lead levels for covered children, as prescribed.

Since a willful violation of the health care service plan provisions is a misdemeanor or a felony, 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

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reason.

Ch. 798 (SB 240) Torres. Occupational lead poisoning.

(1) Existing law requires the State Department of Health Services to establish and maintain a program of occupational health and occupational disease prevention. Under existing law, the department is also the enforcement agency for various provisions relating to hazardous waste control.

This bill would require the department to establish and maintain an occupational lead poisoning prevention program. It would also authorize the department to adopt implementing regulations.

(2) Existing law requires each person who disposes of hazardous waste, or who annually submits more than 500 pounds of hazardous waste for disposal or who submits hazardous waste for treatment, to pay a fee to the State Board of Equalization.

This bill would require a fee to be paid by those employers involved in industries which present a potential source of occupational lead poisoning. It would require the fee to be paid annually to the board, and would provide that the cost of the program shall not exceed the amount of revenue collected from the annual fee. It would require the fees to be deposited in the Occupational Lead Poisoning Prevention Account in the General Fund, which would be created, to be expended upon appropriation by the Legislature. Since failure to pay this fee would be a crime, pursuant to other provisions of law, this 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 for a specified reason.

Ch. 799 (AB 2038) Connelly. Lead poisoning.

(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.

This bill would expressly add certain fees assessed upon manufacturers, importers, and distributors of tableware to the above annual adjustment requirement.

(2) Under existing law, the State Department of Health Services is required to administer a variety of programs related to child health, including the Child Health and Disability Prevention Program.

This bill would enact the Childhood Lead Poisoning Prevention Act of 1991, which would require the department to adopt regulations establishing a standard of care by which all children would be required to be evaluated for risk of lead poisoning by health care providers, and would require the standard of care to require those children determined to be "at risk" for lead poisoning to be screened, as prescribed. The bill would require the standard of care to require health care providers to be responsible only for evaluation, screening, and medically necessary followup services, as specified. It would require that the standard of care not become operative before April 1, 1993.

The bill also would require the department, on or after April 1, 1993, in those instances in which a child is identified with lead poisoning, to ensure appropriate case management, as defined. The department would be required to collect and analyze all information necessary to effectively monitor appropriate case management efforts and to prepare a biennial report describing the effectiveness of appropriate case management efforts to be made available to local health departments and the general public.

The bill would give the department broad regulatory authority to fully implement and effectuate the purposes of the program.

The bill would impose a fee on certain manufacturers and other persons formerly, presently, or both formerly and presently engaged in the stream of commerce of lead or products containing lead, or who are otherwise responsible for identifiable sources of lead. The bill would require the program to be fully supported by the fees to be assessed on manufacturers and other specified parties which the department, by regula-

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tion, would be required to establish, as prescribed. The State Board of Equalization would be required to assess and collect the fee annually, as prescribed. The fees would be required to be deposited into the Childhood Lead Poisoning Prevention Fund, which would be created by the bill, to be expended for the program upon appropriation by the Legislature.

The bill would require that the program be implemented only to the extent those fee revenues are available for expenditure for purposes of the program.

This bill would require the fee to be paid by each assessed party in accordance with specified provisions of the Hazardous Substances Tax Law, which include misdemeanor and felony penalties for certain violations, thereby imposing a state-mandated local program by creating new crimes.

The bill would declare the intent of the Legislature, in subsequent legislation, to appropriate $128,000 from the General Fund for deposit into the Childhood Lead Poisoning Prevention Fund to the Controller for the allocation of funds as loans to the State Department of Health Services and the State Board of Equalization for the purpose of establishing, assessing and collecting the fees, as prescribed.

(3) Existing law requires an authorized agent of the State Department of Health Services to affix a detention tag to tableware whenever the agent has reason to believe, as described, that the tableware has the potential to release certain amounts of lead or cadmium.

This bill would instead impose the requirement whenever the agent has probable cause so to believe, as described.

(4) Existing law requires each piece of tableware sold or offered for sale in this state to be permanently and indelibly marked with the name or trademark of the manufacturer or importer.

This bill would permit the marking by name of the manufacturer or importer of one or more pieces of tableware set or pattern, rather than each piece of tableware when individual pieces cannot accommodate the name.

(5) Existing law provides that it is unlawful to manufacture, process, import, sell, deliver, hold for sale, supply, or offer for sale in this state any tableware that releases a level of lead or cadmium in violation of standards contained in a certain Compliance Policy Guide. Violation of this provision is a misdemeanor under existing law.

This bill would add another specified Compliance Policy Guide, the standards of which it would be unlawful to violate, thereby imposing a state-mandated local program by changing the definition of a crime.

(6) Existing law authorizes an enforcement officer to impound any utensil which is suspected of releasing lead or cadmium pursuant to specified tableware tests for lead or cadmium release.

This bill would permit the use of other tests, as specified.

(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. 800 (SB 968) Watson. Health services: production of blood and blood derivatives: parenteral or enteral therapies.

Under existing law, a person is prohibited from engaging in the production of human whole blood or human whole blood derivatives unless duly licensed pursuant to state law, as prescribed, or unless licensed by the Public Health Service, the United States Department of Health and Human Services, and the State Department of Health Services is required to make regulations governing the procedures used by blood banks in the production of human whole blood and human whole blood derivatives. Under existing law, the violation of any of the provisions relating to human whole blood and human whole blood derivatives is a misdemeanor.

This bill would, instead, exempt persons licensed by the Public Health Service, the United States Department of Health and Human Services from specified requirements of state law, and would prohibit any person from engaging in the production of human

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whole blood or human whole blood derivatives unless the person is licensed under specified provisions of law, and unless the human whole blood or human whole blood derivative is collected, prepared, labeled, and stored in accordance with the standards set forth in the 13th Edition of "Standards for Blood Banks and Transfusion Services," as published by the American Association of Blood Banks and in effect on November 15, 1989, or subsequent amendments thereto, thereby imposing a state-mandated local program by creating a new crime. The bill would delete the requirement that the department adopt regulations, and would authorize the department, by the adoption of regulations, to establish and require compliance with requirements in addition to, or in lieu of, those indicated above as the department deems appropriate to reflect changing technology or to improve the safety of human whole blood or human whole blood derivatives. The bill also would provide that, until the time superseded by any regulation adopted pursuant to the above provision, certain provisions of Title 17 of the California Code of Regulations shall remain in effect with the exception specified provisions. This bill would define the terms "blood component" and "blood derivative."

Existing law prohibits any person from engaging in the production of cytapheresis products unless the "Standards for Blood Banks and Transfusion Services," as published by the American Association of Blood Banks, in effect on July 1, 1986, are complied with, as specified. Existing law authorizes the department to establish and require compliance with standards in addition to, or in lieu of, those standards, and requires that one copy of the appropriate standards be on file with the department and one copy be readily available in the licensed facility.

This bill would delete these provisions.

Existing law, with a prescribed exception, prohibits any person from engaging in the production of biologics, as defined, without a license.

This bill would delete this provision.

Existing law requires that applications for licenses to produce biologics contain specified information.

This bill would require, additionally, that the applications contain the name and address of each blood collection center, as defined, operated by the applicant and whether the applicant operates any mobile units, as defined.

Existing law requires that, if the department does not issue a permit within 60 days after the filing of the application, the department shall state the grounds and reasons for its refusal in writing.

This bill would, instead, require this written statement if the department does not issue a license in that period.

Existing law requires that each application for a license be accompanied by a fee determined by the department.

This bill would also require the applications for license renewals to be accompanied by a fee. The bill would specify that the fee for licensure and renewal shall not exceed actual costs, and shall not exceed $1,500 for a blood bank with one blood collection center at the same location, and $500 for each additional collection center irrespective of location, up to a maximum of $1,500 for 3 or more collection centers for the calendar year commencing January 1, 1992. This bill would require annual adjustment of these fees, as specified.

This bill would provide that it shall not be interpreted to exempt the state, a district, city, county, or city and county from payment of fees, or from meeting the requirements of this bill or regulations adopted thereunder.

Existing law requires the department to administer provisions relating to the production of biologics.

This bill would authorize any duly authorized representative of the department to, among other things, enter or inspect on an announced or unannounced basis any building, premises, equipment, materials, records, or information at any reasonable time to secure compliance or to prevent violation of these requirements or of regulations adopted pursuant to this bill, as specified.

Existing law, which will be repealed by its own terms January 1, 1992, exempts any licensed pharmacy engaged in providing, pursuant to an order of a physician and sur-

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geon, parenteral or enteral therapies administered by a licensed registered nurse employed, or whose services are arranged for, by the pharmacy, from specified provisions of law relating to home health agencies.

This bill would, instead, repeal that exemption on January 1, 1993, and would make a technical change.

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

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

Ch. 801 (AB 2209) Speier. Health: tissue.

(1) Existing law permits hospitals, specific procurement organizations, and accredited medical or dental schools, among others, to receive anatomical gifts under the Uniform Anatomical Gift Act.

Under existing law, it is a crime for any person to knowingly acquire, receive, sell, or promote the transfer of, or otherwise transfer any human organ or tissue, for purposes of transplantation, for financial gain or advantage.

This bill would require, with certain prescribed exceptions, that every tissue bank, as defined, operating in California on or after July 1, 1992, have a current and valid tissue bank license issued by the State Department of Health Services.

This bill would declare the Legislature's intent that the collection, processing, storage, or distribution of tissue for the purpose of transplantation be considered a service, and, therefore, exempt from statutes regulating the sale of goods.

The bill would authorize the department to adopt rules and regulations governing the administration and enforcement of the provisions enacted by the bill, which would be authorized to include minimum standards for prescribed matters concerning the operation of tissue banks.

The bill would prescribe the procedure and requirements for securing a license for a tissue bank, the term of the license, procedure and grounds for denial of a license, and for a hearing thereof, application and renewal fees for a license and provisional license and adjustment of the fees, and the procedure and grounds for the temporary suspension, suspension, or revocation of license. This bill would also establish in the State Treasury a Tissue Bank License Fund in which moneys deposited would be available to the department to administer the bill's provisions concerning tissue banks upon appropriation by the Legislature. This bill would permit the Director of Finance to make a loan, as specified, to the Tissue Bank License Fund from funds appropriated from the General Fund for that purpose.

The bill would prescribe the authority of duly authorized representatives of the department to make inspections of tissue banks and records, report test results, or other prescribed information and would authorize the department to require a licensed tissue bank to demonstrate satisfactory performance in a proficiency testing program approved by the department in laboratory procedures which the tissue bank performs.

The bill would make any person who violates the provisions enacted by the bill, or who willfully and repeatedly violates any rule or regulation adopted under these provisions guilty of a misdemeanor subject to specified penalties. Since the creation of a new crime is a state-mandated local program, the bill would impose a state-mandated local program.

The bill would also authorize the department to bring an action to enjoin the violation or threatened violation of the provision which would require, with certain prescribed exceptions, that every tissue bank operating in California have a current and valid tissue bank license issued by the department.

(2) Existing law requires the State Department of Health Services to adopt regulations requiring the screening for infectious diseases of all donors of organs, tissues, or body fluids for introduction into the body of another person, as prescribed.

This bill, except as specified, would instead prohibit any tissues from being transferred into the body of another person unless the donor of the tissues has been screened and found nonreactive by laboratory tests for evidence of infection, as prescribed. Since a

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violation of the above prohibition would be a misdemeanor under existing provisions of law, this bill would impose a state-mandated local program by creating a new crime.

This bill also would permit the department to adopt regulations requiring additional screening under prescribed conditions.

(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. 802 (SB 154) McCorquodale. Coastal resources.

(1) The existing California Coastal Act of 1976 provides for the planning and regulation of development within the coastal zone, as defined, which shall be based on various coastal resources planning and management policies set forth in the act. The California Coastal Commission has prescribed powers and duties with respect to administering the act.

This bill would require the commission to carry out a public education program regarding conservation and use of coastal resources, to the extent that its resources permit. The bill would encourage the commission to use prescribed methods of funding the program, and would require the commission to report to each house of the Legislature, as specified, regarding that funding and the progress of the program. The bill would encourage the commission to use interns in carrying out all of its programs.

The bill would also include in the policies set forth in the act a declaration that the economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

(2) Existing law authorizes the commission to require a reasonable filing fee and the reimbursement of expenses for the processing of any application for a coastal development permit under the act.

This bill would authorize the imposition of a reasonable filing fee by the commission for any other filing, as specified, except for local coastal program submittals.

Ch. 803 (SB 464) L. Greene. Health.

(1) Existing law establishes, until January 1, 1992, the State Maternal, Child, and Adolescent Health Board in the State Department of Health Services, and establishes, until January 1, 1992, local maternal, child, and adolescent health boards appointed by the boards of supervisors of counties, with powers and duties related to adolescent health.

This bill would extend the State Maternal, Child, and Adolescent Health Board and local maternal, child, and adolescent health boards to January 1, 1993. The bill would impose a state-mandated local program by continuing local maternal, child, and adolescent health boards to which the local health officer is required to provide support staff and services from state or federal funding and whose members are required to be reimbursed for actual and necessary expenses incurred in connection with their duties.

(2) This bill would, to the extent permitted by federal law, appropriate $300,000 from federal Maternal and Child Health Services Block Grant funds carried over from prior years, which are available for expenditure during the 1991–92 fiscal year and not otherwise appropriated in the Budget Act of 1991, to the State Department of Health Services for expenditure during the 1991–92 fiscal year for school-based clinics. The bill would require the department to allocate those funds to existent school-based clinics that the department determines provide comprehensive health services, as specified, to adolescents that would otherwise not be received by the adolescents, at no cost or at low cost.

The bill would require the appropriated funds to be used solely to develop the capacity of school-based clinics to find a permanent source of funding, 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.

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

Ch. 804 (SB 755) L. Greene. Local planning: general plans.

Existing law requires the planning agency of each city and county to prepare and the legislative body of each city and county to adopt a comprehensive long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears a relation to its planning.

Existing law provides that prior to action by a legislative body to adopt or substantially amend a general plan, the planning agency shall refer the proposed action to specified entities.

This bill would add to this provision, referral to any elementary, high school, or unified school district within the area covered by the proposed action, thereby creating a state-mandated local program.

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

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

Ch. 805 (AB 240) Peace. Hazardous and solid waste disposal: Indian country.

(1) Existing law prohibits the disposal, and the causing of the disposal, of any hazardous waste when the disposal is at a facility which does not have a permit from the Department of Toxic Substances Control or at any point which is not authorized. A violation of the provisions regulating hazardous waste is a crime. Existing law also prohibits the operation of a solid waste facility which is not issued a solid waste facilities permit by the local enforcement agency.

This bill would, upon receipt of a request from a tribe considering a proposal to construct a hazardous waste or solid waste facility in that tribe's Indian country, as defined, within the state, require the Secretary for Environmental Protection, in consultation with specified state agencies, to convene negotiations for purposes of reaching a cooperative agreement which provides for regulation of the facility that is functionally equivalent to that provided under the applicable state laws. The bill would prescribe procedures for determining whether the agreement contains provisions which meet the functionally equivalent requirements specified in the bill. The bill would prescribe requirements for the approval and enforcement of cooperative agreements and would prescribe related matters. Since the bill would deem a violation of the agreement to be a violation of a hazardous waste facilities permit, the bill would impose a state-mandated local program by creating new crimes concerning hazardous waste.

The bill would make legislative findings and declarations.

The bill would exclude a specified cocomposting facility from the bill's requirements until January 1, 1993, or until the facility complies with the bill, whichever date is earlier.

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

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

Ch. 806 (AB 386) Moore. Apprenticeship.

Existing law provides for apprenticeship programs within the Division of Apprenticeship Standards within the Department of Industrial Relations, sponsored by specific entities and employers, and requires the Chief of the Division of Apprenticeship Stand-

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ards to perform various functions with respect to apprenticeship programs and the welfare of apprentices. It establishes the California Apprenticeship Council within the Division of Apprenticeship Standards, and requires the council to aid the director in formulating policies with respect to apprentice regulation, to meet quarterly, and to issue apprenticeship standards with respect to various specified matters. It also requires the council to make biennial reports through the Director of Industrial Relations of its activities and findings to the Legislature and the public.

Existing law, as added by Chapter 269 of the Statutes of 1991 to be effective January 1, 1992, deletes the above requirement for biennial reports, and instead requires the Chief of the Division of Apprenticeship Standards and the California Apprenticeship Council to report annually through the Director of Industrial Relations on the activities of the division and the council, and further requires that the report include specified information with respect to the number of individuals, including numbers of women and minorities, registered in apprenticeship programs in this state.

This bill would additionally require that that report contain specified information with respect to the number of individuals, including numbers of women and minorities, registered in apprenticeship programs in this state, for the current year and in each of the previous 5 years. It would also require that the report contain specified information with respect to the number of apprenticeship programs, approved by the Division of Apprenticeship Standards, that are disapproved by the California Apprenticeship Council, and the reasons for those disapprovals.

Ch. 807 (AB 434) Sher. Air pollution: vehicles: fees.

(1) Existing law provides for the collection of registration and other specified fees on motor vehicles, including a $2 fee, which may be increased to $4, which may be imposed by a county, unified, or regional air pollution control district, or air quality management district, except the Sacramento and Bay Area Air Quality Management Districts, and used to reduce air pollution from motor vehicles and for related planning, monitoring, enforcement, and technical studies, as specified.

This bill would authorize the Bay Area Air Quality Management District to impose that additional fee. The bill would prescribe the distribution of revenues from the imposition of that fee by the bay district, and would require agencies receiving the funds to audit funded programs, as specified.

(2) Existing law, with respect to the distribution of those fee revenues in the South Coast Air Quality Management District, prohibits a city or county from receiving those funds unless the city or county has adopted and transmitted to the south coast district an ordinance containing prescribed matters.

This bill would require the ordinance to have been adopted and transmitted on or before April 1, 1992, or, for a newly incorporated city, within 90 days of the date of incorporation. The bill would also require the redistribution of revenues, as specified, in cases in which the south coast district has determined that an agency receiving fee revenues has expended the fees contrary to law.

Ch. 808 (AB 538) Eaves. Urban open-space and recreation program: City of San Bernardino land.

(1) Under existing law, the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act authorizes the Department of Parks and Recreation to coordinate and conduct a statewide needs analysis in relation to that act, and report its findings and recommendations to the Legislature.

This bill would authorize the department to recommend specific legislative changes.

(2) The bill would authorize the City of San Bernardino to sell at current market value or trade certain lands deeded to the city by the state, if the proceeds are used to develop new parks or to expand or improve existing parks.

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

Ch. 809 (AB 595) Bates. School facilities: building plans.

(1) Existing law, relating to the construction of school buildings, requires the Department of General Services to pass upon and approve or reject all plans for the construc-

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tion or, if the estimated cost exceeds $20,000, the alteration of any school building, and to supervise the design and construction or alteration of any school building.

This bill, commencing January 1, 1992, would require all plans and specifications for the construction of a new or modernized, as defined, elementary school building to be designed to provide appropriate space according to need, as specified, to accommodate before-school and after-school child care programs. The bill would specify that the State Allocation Board may waive this requirement under certain conditions. The bill would require that multipurpose space be given 1st priority in considering space to be used for before-school and after-school child care programs.

In addition, the bill would prohibit funding for any child care program or facility pursuant to this provision if that program or facility is used for sectarian purposes.

(2) Existing law, the Leroy F. Greene State School Building Lease-Purchase Law of 1976, authorizes the State Allocation Board to provide state funding to eligible school districts for the construction and modernization of school facilities. Under this law, no project may be approved for modernization of any school facility that was constructed less than 30 years prior to the date of the approval of the project applied for.

This bill would authorize the State Allocation Board to waive this requirement if the building has been declared by the office of the State Architect to be, or is in imminent danger of becoming, a health or safety hazard, as specified.

Ch. 810 (AB 709) Floyd. Sheriff: fees.

Existing law prescribes fees for serving, executing, and processing required court notices, writs, orders, and other state services performed by sheriffs and marshals.

This bill would increase specified fees.

Ch. 811 (AB 771) Chacon. Postsecondary education: disclosure of information to state agencies.

(1) Existing law imposes various requirements on institutions of public higher education with respect to the disclosure of information contained in student records.

This bill would provide that, for purposes of recruitment and the potential employment of students and former students with the State of California, a state agency may request from an institution of public higher education, and an institution shall provide, certain limited information relating to its students or former students, as specified.

The bill would require institutions of public higher education to inform students that this information may be provided to state agencies for purposes leading to employment with the State of California, and would require the release of this information if the student or former student requests the institution in writing to release the information.

The bill would specify that its provisions do not apply to the University of California unless the regents adopt a resolution making the bill applicable to the university.

The imposition of additional duties on community colleges with respect to the provision of this information would create a state-mandated local program.

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

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

Ch. 812 (AB 785) Eaves. Evidence: admissibility.

Existing law relating to evidence provides all relevant evidence is generally admissible, except as specified Existing law also provides for the introduction of opinion testimony by expert witnesses, as specified.

This bill would specify that in a criminal action, expert testimony is admissible regarding battered women's syndrome, as specified, with certain exceptions. The bill would also state the intent of the Legislature in this regard.

Ch. 813 (AB 958) Areias. Seismic safety: cellular telephone facilities.

Existing law does not require the State Architect to adopt seismic safety building guidelines for the construction and maintenance of cellular telephone facilities.

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This bill would direct the Seismic Safety Commission to administer a privately funded task force, with specified membership, to consider the development of seismic safety building guidelines for the use of state and local governmental agencies in evaluating applications for the construction of new cellular facilities. The task force would be required to report its guidelines to the Legislature by December 1, 1992.

The bill would specify that buildings that house cellular radio facilities constructed after January 1, 1992, may be required to meet the specified standards for essential service buildings, if so determined by the task force.

Ch. 814 (AB 1024) Hughes. School property acquisition: hazardous substances.

Existing law governs the manner in which property may be acquired through exercise of the power of eminent domain, including procedures for the valuation of the property.

This bill would establish a procedure, to be administered by the court in which the eminent domain proceeding is brought, under which payments required of a party as compensation for the property to be acquired would be applied, from funds held by a court-appointed trustee, to the cost of removal or other remedial action required by law with regard to any hazardous substance in the property. The bill would make available to the plaintiff all remedies in law that are available to a purchaser of real property, as specified It would entitle the plaintiff to the benefit, as defined, conferred on the property by reason of the remedial action, in the event that the eminent domain proceeding is abandoned, and apply that benefit as an offset to any entitlement of the defendant to damages and, if the benefit exceeds the amount of those damages, it would constitute a lien when recorded, as specified.

The bill also would exclude any hazardous substance within a property from consideration in the appraisal of the property for purposes of the deposit of compensation for the property, and in determining the fair market value of the property.

This bill would specify that these provisions only apply to property to be acquired by school districts.

Ch. 815 (AB 1063) Bentley Vehicle dealers: consignment sales.

(1) Existing law defines a consignment as an arrangement under which a dealer agrees to accept possession of a vehicle of a type required to be registered by law from an owner of record for the purposes of selling the vehicle and to pay the owner of record or the owner's designee from the proceeds of the sale, except that a consignment does not include the wholesale sale of a vehicle at a licensed auto auction.

This bill would delete that exemption, and would make a technical, nonsubstantive change to those provisions.

(2) Existing law requires a dealer engaged in consignments to execute a consignment agreement, as prescribed, and the failure to execute or comply with that agreement, or to pay the agreed amount to the consignor or his or her designee within 20 days after the sale of the vehicle, is cause for suspending or revoking the license of the dealer.

The bill would impose that requirement only if the consignment agreement is between a dealer and an owner not licensed as a dealer, manufacturer, manufacturer branch, distributor, or a distributor branch.

(3) Existing law requires any dealer engaging in a consignment of a motor vehicle to execute a prescribed consignment agreement containing specified terms, phrases, conditions, and disclosures. The agreement is required to contain specific statements, including information which provides an accounting of the date of sale, sale price, name of purchaser, authorized repairs supported by work records, and the exact amount of any liens payable to the lienholder and evidence of payment.

This bill would require that statement to include the total sales price rather than the sale price, and would delete the requirement that it include the name of the purchaser.

Ch. 816 (AB 1131) Campbell. Acutely hazardous materials management.

(1) Existing law requires the administering agency to make a preliminary determination whether there is a significant likelihood that a handler's use of an acutely hazardous material may pose an acutely hazardous materials risk. If the administering agency determines that there is a significant likelihood of risk, the administering agency is

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required to require the handler to prepare and submit a risk management and prevention program (RMPP), including a hazard and operability study and an offsite consequence analysis, as specified. In reviewing the RMPP, the administrative agency is authorized to have access to the information reasonably necessary to make a determination concerning the RMPP. A knowing violation of these requirements, after reasonable notice, is a crime.

This bill would require the offsite consequence analysis in the RMPP to include a map containing specified information, thereby imposing a state-mandated local program by creating a new crime.

The bill would require the handler to submit the offsite consequence analysis to the administering agency when completed, thereby imposing a state-mandated local program by creating a new crime. The bill would require the administering agency to make an RMPP available to the public within 15 days after the agency determines that the RMPP is complete, thereby imposing a state-mandated local program by imposing additional requirements on the administering agency.

The bill would make legislative findings.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated 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. 817 (AB 2076) Sher. Oil recycling

(1) Under existing law, a public agency operating a hazardous waste collection program, 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, which imposes liability for hazardous substance cleanup, if specified conditions are met concerning the handling and transportation of the waste.

This bill would additionally include within this immunity provision any person operating a certified used oil collection center, as would be provided by the bill.

(2) Existing law requires every procuring agency to revise its procedures and specifications for the purchase of lubricating oil and industrial oil to eliminate any exclusion of recycled oils and any requirement that oils be manufactured from virgin materials.

This bill would require that revision to be done by July 1, 1992.

(3) Existing law requires local agencies to purchase lubricating and industrial oils from sellers with the highest percentage of recycled oil under specified conditions.

This bill would define "local agency" for that provision.

(4) Existing law requires the California Integrated Waste Management Board to maintain a toll-free telephone for the sole purpose of informing callers of specified information relating to used oil.

This bill would delete the limitation of that toll-free telephone to that sole purpose.

(5) Existing law requires the board to prescribe guidelines for providing facilities for the deposit of used oil by persons possessing not more than 5 gallons at one time at no cost to those persons. Existing law also requires manufacturers of containers for lubricating oils or industrial oils for sale to consumers in California to label the containers, as specified, or provide specified signs or other written material to retailers. Existing law regulates used oil as a hazardous waste and requires used oil which is not recycled to be disposed of as a hazardous waste, as specified.

This bill would enact the California Oil Recycling Enhancement Act, under which, beginning October 1, 1992, every oil manufacturer, as defined, would be required to pay quarterly 4¢ to the board for each quart, or 16¢ for each gallon, of lubricating oil sold or transferred in this state or imported into this state in that quarter, except as specified. The bill would thereby impose a tax for purposes of Article XIII A of the California Constitution. The bill would require the revenues of the payments and specified penalties and fines to be deposited in the California Used Oil Recycling Fund, which the bill would create, and the money in the fund would be continuously appropriated to the board and the department for specified purposes of the bill, including, until June 30,

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1994, paying the costs of the department relating to inspecting used oil recycling facilities and, on and after July 1, 1994, upon appropriation by the Legislature for this program. The bill would require the excess amounts over those expenditures to be transferred to the Used Oil Market and Collection Promotion Account, which would be created in the fund, and the money in the account would be available solely for appropriation to the board for a specified used oil recycling program in the bill.

The bill would require the board to pay a recycling incentive to every industrial generator, as defined, curbside collection program, and every certified used oil collection center, as defined, for used lubricating oil collected from the public, or generated by the used oil collection center or the industrial generator, after April 1, 1993, and transported, as specified, to a certified used oil recycling facility, excepting that a collection center would be prohibited from knowingly accepting used oil for which the payment has not been paid. The bill would require the board to pay a recycling incentive to every electric utility for used lubricating oil generated after April 1, 1993, and used by the utility for electrical generation under specified conditions. The bill would authorize the board to raise the recycling incentive if it finds specified facts.

The bill would require the Department of Toxic Substances Control to annually inspect used oil recycling facilities on and after July 1, 1992. The bill would also require the board to certify used oil collection centers and used oil recycling facilities, as specified. The bill would require oil manufacturers, industrial generators of used lubricating oil, used oil collection centers, curbside collection programs, used oil haulers, and used oil recycling facilities to report to the board, as specified, the amounts of oil sold, collected, transported to certified used oil recycling facilities, and processed, as specified, and would require the board to include this information in a biennial report which the board is required to file with the Legislature.

The bill would provide that a local government is eligible for a block grant from the board if it develops and submits a local used oil collection program to the board which meets specified criteria.

The bill would provide civil and criminal penalties, as specified, for violations of the bill, thereby imposing a state-mandated local program by creating a new crime.

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

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

Ch. 818 (AB 11) Hughes. AIDS: prevention instruction: instructional materials.

Existing law establishes the required course of study for grades 1 to 12, inclusive, as specified

This bill would require that, commencing in the 1992–93 school year, school districts, county boards of education, county superintendents of schools, and the State Schools for the Handicapped ensure that pupils in grades 7 to 12, inclusive, or the equivalent thereof, receive AIDS prevention instruction at least once in junior high or middle school and once in high school, unless the parent or guardian requests that the pupil not attend this instruction. The bill would prohibit provision of this instruction if this request is made. The bill would require that notice be provided to parents or guardians regarding this instruction. The notice would be required to specify that any parent or guardian may request that his or her child or ward not receive instruction in AIDS prevention.

This bill would provide that, if authorized by the school district governing board, a school district may require consent of the parent or guardian prior to providing instruction on AIDS prevention to any minor pupil, and would require that school districts ensure that related instructional materials be available, appropriate, and effective for use with pupils from a variety of backgrounds and special needs, as specified. By requiring this instruction, this notice, and these instructional materials, this bill would impose a state-mandated local program.

This bill would require county offices of education and school districts to provide in-service AIDS prevention instruction and training to all teachers and school staff who provide AIDS prevention instruction, and would thereby impose a state-mandated local

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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. 819 (SB 1105) Dills. Consumer credit: regulation of finance charges.

Existing law, operative until January 1, 1992, (1) provides that a holder of a retail installment account may charge, collect, or receive a finance charge as disclosed to the buyer, as specified; (2) prohibits an annual fee or charge in any retail installment contract; and (3) sets forth the finance charges permissible upon the repayment or refinancing of a retail installment contract. A willful violation of any of these provisions is a misdemeanor pursuant to an applicable general misdemeanor provision.

Existing law, scheduled to become operative on January 1, 1992, (1) prescribes the maximum finance charge which may be assessed on retail installment sales made pursuant to a retail installment contract or a retail installment account, as specified; (2) authorizes administrative finance charges in certain retail installment contracts; (3) revises the finance charges permissible upon the repayment or refinancing of a retail installment contract; (4) prohibits administrative finance charges or refinance charges on a retail installment contract from exceeding the finance charge prescribed by law; and (5) prohibits more than one minimum finance charge in a series of add-on transactions. A violation of these provisions also would be a misdemeanor.

This bill would continue the operation of the current law indefinitely and repeal the provisions scheduled to become operative on January 1, 1992.

This bill would also make it unlawful for any seller to solicit buyers, in any advertisement, to enter into a retail installment contract with it, if the seller does not intend to sell that retail installment contract to a financing agency or other assignee, unless the advertisement clearly states the periodic rate or range of periodic rates that will be used to determine the finance charge imposed on the retail installment contract. A violation of this new provision would constitute a misdemeanor, thereby imposing a state-mandated local program by establishing 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. 820 (SB 475) Presley. Minors.

(1) Existing law requires notice to a prisoner and, upon request of the prisoner, temporary removal of the prisoner from the institution where he or she is confined for production before the court in which parental rights of the prisoner are being adjudicated, pursuant to a general provision governing the termination of parental rights or where an action seeks to adjudge the child a dependent of the juvenile court.

This bill would provide for required notice to, and, upon request, temporary removal of, a prisoner in cases where parental rights are terminated or a legal guardianship is established for a minor who is adjudged a dependent child of the juvenile court.

(2) 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 within a maximum time period not to exceed 12 months. Existing law provides that if the parent or guardian is incarcerated or institutionalized, the court shall order reasonable reunification services unless the court determines those services would be detrimental to the minor.

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This bill would authorize the presiding judge of the juvenile court of each county to convene representatives of the county welfare department, the sheriff's department, and other appropriate entities to develop and enter into protocols for ensuring the notification, transportation, and presence of an incarcerated or institutionalized parent at all court hearings involving specified proceedings affecting the minor, thereby imposing a state-mandated local program. This bill would provide that if the incarcerated parent is a woman seeking to participate in a community treatment program for incarcerated women and their children operated by the Department of Corrections, the court shall determine whether the parent's participation in the program is in the child's best interest and whether it is suitable to meet the needs of the parent and child.

(3) Existing law provides that a woman who is a state prison inmate is eligible for admission to the community treatment program for incarcerated women and their children if among other things, she has not been found to be an unfit parent. Existing law provides that an applicant shall not be denied the opportunity to participate in the program based in whole or in part on a determination that she is an unfit mother unless that decision is made pursuant to an action brought for the purpose of declaring a child under the age of 18 years free from the custody and control of his or her parent, for specified reasons, or declaring a child a dependent child of the juvenile court.

This bill instead of the latter provision would provide that the fact that an applicant's child has been found to be a dependent child of the juvenile court shall not, in and of itself, be grounds for denying the applicant the opportunity to participate in the program.

(4) Existing law requires the court, at the 18-month hearing, to order the return of the minor to the physical custody of his or her parent or guardian unless, by a preponderance of the evidence, it finds that return of the child would create a substantial risk of detriment to the physical or emotional well-being of the minor. If the minor is not returned to a parent or guardian at the 18-month hearing and the court determines that reasonable services have been offered or provided to the parent or guardian, the court is required to develop a permanent plan. Existing law requires the court to direct the agency supervising the child and the licensed county adoption agency or the State Department of Social Services when acting as the adoption agency, whenever a court orders that a dependency hearing be held, to prepare an assessment which includes, among other things, a review of the amount and nature of any contact between the minor and his or her parents since the time of placement.

This bill would require a court to determine whether reasonable services have been offered or provided to the parent or guardian but would delete that requirement as a precondition for developing a permanent plan. This bill would also require the assessment to include a review of the amount of and nature of any contact between the minor and other members of his or her extended family, as described.

(5) Existing law specifies the procedures for permanently terminating parental rights with regard to, or establishing legal guardianship of, a minor while the minor is a dependent child of the juvenile court.

This bill would provide that the court shall not terminate parental rights if at each and every hearing at which the court was required to consider reasonable efforts or services, the court finds that reasonable efforts were not made or that reasonable services were not offered or provided.

(6) Existing law provides an opportunity for a fair hearing to an applicant for or recipient of public social services upon the filing of a request with the appropriate state agency under specified circumstances related to dissatisfaction with any action of the county department relating to his or her application for or receipt of public social services or the procedures therefor.

This bill would provide an opportunity for a state hearing to an applicant for or recipient of public social services, as described above.

(7) Existing law, known as the Homeless Youth Act of 1985, among other things, requires each homeless youth emergency services project to collect data based upon client service histories, as specified.

This bill would repeal the provision imposing this requirement

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(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. 821 (SB 514) Marks. California Environmental Protection Program.

Existing law authorizes the Department of Motor Vehicles to issue personalized environmental license plates In addition to regular motor vehicle registration fees, the department is generally required to charge $35 for the issuance of the plates, and $20 for their renewal. Existing law requires the license plate fees to be deposited in the California Environmental License Plate Fund. After certain transfers have been made, the balance of money in the fund is available for appropriation for the purposes and uses of the California Environmental Protection Program. Funds may be used only to support identifiable projects and programs of state agencies, cities, counties, districts, the University of California, and private research organizations.

This bill would increase those fees to $40 and $25, respectively, and would until January 1, 1995, require 50¢ of each fee to be set aside for use by the Resources Agency, upon appropriation, to increase awareness of the environmental license plate program through the mass media.

The bill would include private nonprofit environmental and land acquisition organizations as eligible to receive funds

The bill would require the Governor's Budget to include as proposed appropriations for the program only projects and programs recommended for funding by the Secretary of the Resources Agency, as prescribed.

Ch. 822 (SB 625) Presley. Air pollution: hearing board.

(1) Existing law, the Lewis-Presley Air Quality Management Act, requires the governing board of the South Coast Air Quality Management District to appoint a hearing board. Existing law also requires the district to maintain an office of public advisor and small business assistance.

This bill would require the south coast district governing board to appoint a replacement hearing board with specified membership, on the basis of recommendations from a specified advisory committee. The bill would also require the district budget to have a line item for staff and other support for the hearing board, which staff would also assist the office of public advisor and small business assistance These requirements 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 823 (SB 659) Hill. Regional park or open-space districts: Los Angeles County

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-

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space or regional open-space district in Los Angeles 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.

Ch. 824 (SB 768) Vuich. Sexual assault victims: examination costs.

Existing law provides that with regard to costs incurred by specified medical facilities for the examination of a victim of a sexual assault when the examination is performed for the purposes of gathering evidence for possible prosecution, the costs shall be charged to the county if the examination is provided at a county or city hospital, or hospital district facility, and to the local governmental agency in whose jurisdiction the alleged offense was committed if the examination is performed at a private hospital or in the office of a qualified health care professional

This bill would provide, instead, that the costs of these examinations would be charged to the local governmental agency in whose jurisdiction the alleged offense was committed regardless of where the examination is provided.

Ch. 825 (SB 955) Torres. Minimum wages: violations: civil actions.

Existing law permits the Department of Industrial Relations or the Division of Labor Standards Enforcement, with the consent of the employee or employees affected, to commence and prosecute a civil action to recover unpaid minimum wages or unpaid overtime compensation owing to any employee, as specified, and additionally entitles the department or division to recover costs of suit.

This bill would instead permit the department or division, with or without the consent of the employee or employees affected, to commence and prosecute a civil action to recover unpaid minimum wages or unpaid overtime compensation, including interest thereon, owing to any employee, as specified, and would provide that the department or division shall be awarded reasonable attorney's fees, and costs of suit

Existing law provides that, notwithstanding any agreement to work for a lesser wage, any employee receiving less than the legal minimum wage or the legal overtime compensation applicable to the employee is entitled to recover in a civil action the unpaid balance of the full amount of the minimum wage or overtime compensation, together with costs of suit.

This bill would additionally entitle any employee seeking to recover the unpaid balance of the full amount of the minimum wage or overtime compensation in a civil action pursuant to the above provisions to recover interest thereon and reasonable attorney's fees.

This bill would provide that, in any action to recover wages because of the payment of a wage less than the minimum wage fixed by order of the Industrial Welfare Commission pursuant to specified statutes, an employee shall also be entitled to recover liquidated damages in an amount equal to the wages unlawfully unpaid and interest thereon, but would provide that these provisions shall not be construed to authorize the recovery of liquidated damages for failure to pay overtime compensation. It would permit a court, in its discretion, if the employer demonstrates to the satisfaction of the court that the act or omission giving rise to the action was in good faith and that the employer had reasonable grounds for believing that the act or omission giving rise to the action was not a violation of specified provisions relating to minimum wage, or an order of the commission, to refuse to award liquidated damages or award any amount of liquidated damages not to exceed an amount equal to the wages unlawfully paid and interest thereon.

Ch. 826 (SB 965) Morgan. Assumption Program of Loans for Education: child development professionals.

Existing law establishes the Assumption Program of Loans for Education Among other things, this program authorizes the issuance of a conditional warrant for the assumption of student financial aid loans of applicants who are students with outstanding

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ability, or who agree to participate in specified training or to complete specified coursework in a designated subject matter shortage area.

This bill would express findings and declarations of the Legislature with regard to the need for trained child development professionals. The bill would establish the Child Development Teacher Loan Assumption Program to be administered by the Student Aid Commission for the assumption of student financial aid loans of students who agree to teach or supervise in the field of child care and development, as specified. The bill would require the State Department of Education to enter into an interagency agreement with the Student Aid Commission to allocate federal funds received annually for purposes of this program, and would require the commission to report on the program to the Governor and the Legislature by January 1, 1995.

Ch. 827 (SB 1085) Mello Health coverage.

Existing law permits disability insurers and nonprofit hospital plans to contract with health care providers for alternative rates and to offer the benefit of those rates to insureds or, alternatively, to limit payment to services secured from those providers.

Existing law defines a self-insured government plan generally as a self-insured plan that a public entity establishes or maintains for its employees.

This bill would require, on January 1, 1993, the amount of patient copayment to be calculated exclusively from the alternative rate for the service rendered, when disability insurers, nonprofit hospital service plans, and self-insured governmental plans contract for alternative rates of payment with professional or institutional providers, as specified. It would prohibit certain disability insurers, nonprofit hospital service plans, and self-insured governmental plans from charging or collecting copayment amounts greater than those calculated pursuant to this requirement.

The bill would also provide, on January 1, 1993, for a similar calculation of enrollee copayment when a health care service plan, except a specialized health care service plan, negotiates and enters into a contract with providers for alternative rates of payment of the type authorized for disability insurers and nonprofit hospital service plans. It would prohibit certain health care service plans and providers from charging or collecting copayment amounts greater than those calculated pursuant to this requirement. A willful violation of that requirement by a health care service plan would be a crime under existing law. The bill would thus 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.

Ch. 828 (SB 1093) Vuich. Nuisance: agricultural activity.

Existing law provides that no agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, due to any changed condition in or about the locality, after it has been in operation for more than 3 years if it was not a nuisance at the time it began, except as specified.

This bill would add that, except as specified, no activity of a district agricultural association that is operated in compliance with specified provisions of law shall be or become a nuisance due to any changed condition in or about the locality, after it has been in operation for more than 3 years if it was not a nuisance at the time it began.

Ch. 829 (SB 1100) Bergeson. Smokeless tobacco and cigarette distribution.

Existing law prohibits any person from offering, as part of an advertising plan or program, promotional offers of smokeless tobacco products which require proof of purchase of a smokeless tobacco product, unless it designates that the offer is not available to minors.

Existing law prohibits any person from distributing free smokeless tobacco samples within 2 blocks of any premise or facility which is intended to be used by minors.

Under existing law, any person, firm or corporation who knowingly sells or gives a

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minor any tobacco, cigarette, or any other preparation of tobacco is subject to a misdemeanor criminal action or civil penalty of at least $200.

This bill would prohibit any person, agent, or employee of a person in the business of, selling or distributing smokeless tobacco or cigarettes from engaging in the nonsale distribution of smokeless tobacco or cigarettes to any person on or in public property, as specified.

This bill would define various terms for purposes of its provisions.

This bill would make each violator of these provisions subject to a specified civil penalty.

This bill would not preempt any existing or proposed local ordinances which are more stringent in regulating smokeless tobacco or cigarette sample distribution than its provisions.

Ch. 830 (AB 223) Felando. Cosmetology: apprenticeships.

Existing law provides for the regulation and licensure of cosmetologists by the Board of Cosmetology until July 1, 1992, and, after that date those provisions will be repealed and new provisions will become operative that provide for the regulation and licensure of cosmetologists by the Board of Barbering and Cosmetology. Both the pre-July 1, 1992, and the post-July 1, 1992, versions of existing law require persons seeking to be licensed as cosmetologists to have completed a specified course of training, or to have completed a junior operator program and provide for an apprenticeship program for barbering. The post-July 1, 1992 version of existing law also provides for an apprenticeship program for electrolysis.

This bill would revise the post-July 1, 1992 version of existing law to permit persons who have completed an apprenticeship program in cosmetology, skin care, nail care, or electrology to be examined and licensed as cosmetologists, estheticians, manicurists, and electrologists, and would require minimum preapprentice training as established by the board. It would also provide that no person holding a license as an apprentice shall, after completing the required training, work for more than 3 months, instead of the 6 months allowed under existing law, without applying for and taking the examination for licensure.

Since apprentices would be required to pay a fee, which would be deposited into a continuously appropriated fund, the bill would result in an appropriation.

This bill would incorporate additional amendments to Sections 7321, 7324, 7326, and 7330 of the Business and Professions Code proposed by AB 1161, contingent upon the prior enactment of that bill.

This bill would become operative on January 1, 1993.

Ch. 831 (AB 278) Costa. Resource conservation.

(1) Under existing law, a resource conservation district may be formed in accordance with prescribed procedures for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities.

This bill would prescribe new procedures for the formation of resource conservation districts and would provide for the board of directors to consist of 5, 7, or 9 directors, selected, as prescribed.

The bill would authorize the districts to establish and charge fees for services provided to, and upon the request of, persons or governmental entities, as specified. The bill would authorize districts to acquire conservation easements, as prescribed. The bill would authorize each district to provide technical assistance to private landowners or land occupants within the district to support practices that minimize soil and related resource degradation The bill would authorize districts to develop districtwide comprehensive annual and long-range work plans, as prescribed. The bill would authorize each district to develop and disseminate or utilize conservation education programs for use in kindergarten through grade 12, as specified.

The bill would generally authorize the Imperial Irrigation District to exercise the powers of a resource conservation district in any area within its boundaries in which there is no resource conservation district organized and operating.

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(2) Under existing law, resource conservation districts may levy assessments in accordance with prescribed procedures. Under existing law, the treasury of the principal county is the depository of all of the funds of the district.

This bill would alternatively permit districts to deposit funds of the district in accordance with specified provisions applicable to local agencies generally.

Ch. 832 (AB 305) T. Friedman. Residential care facilities for persons with chronic, life-threatening illness.

(1) Existing law authorizes the State Department of Health Services to approve up to 35 pilot projects to provide housing and food for homeless persons who have AIDS or ARC, and authorizes the department to provide funding to a selected number of those projects. Existing law also provides for the licensure of residential care facilities for persons with chronic, life-threatening illness, as defined, by the State Department of Social Services.

This bill would redefine the term chronic, life-threatening illness for purposes of that law to mean HIV disease or AIDS.

This bill also would provide that the department may provide supplemental funding to AIDS shelters in accordance with the above-described provisions and to residential care facilities for persons with a chronic life-threatening illness, as prescribed.

(2) The bill would authorize the Director of Social Services to bring an action to enjoin the violation or threatened violation of the licensure requirement of residential care facilities for persons with chronic, life-threatening illness, as specified.

(3) Existing law requires the State Department of Social Services to provide licensees with copies of all adopted changes in regulations applicable to residential care facilities for persons with HIV, and requires an applicant for licensure to attend an orientation regarding the operation of residential care facilities for persons with HIV.

This bill would instead make these requirements applicable to regulations governing and an orientation regarding residential care facilities for persons with chronic, life-threatening illness.

(4) Existing law requires a hearing, upon the denial of any application for a license, to be conducted in accordance with provisions of law providing for administrative adjudication upon receipt by the department of a petition by the applicant.

This bill would require proceedings for suspension, revocation, or denial of a license to be conducted in accordance with those provisions. The bill also would impose other procedural requirements and authority applicable to those hearings.

(5) The bill would authorize the department to prohibit a licensee from employing, or continuing the employment of, or allowing in a licensed facility, or allowing contact with clients of a licensed facility by, certain employees or prospective employees, and would impose related notice and procedural requirements.

(6) This bill would prohibit any license from having any property value for sale or exchange and would prohibit the sale or exchange of licenses. It would require a facility to reveal its license number, as specified.

(7) Existing law requires the department to inspect facilities within 90 days of initial licensure.

This bill would prohibit a licensee from discriminating or retaliating in any manner against certain persons, on the basis, or for the reason, that a person has initiated or participated in an inspection.

The bill would provide that it is a misdemeanor to inform certain persons of an impending or proposed inspection or evaluation, as specified, thereby imposing a state-mandated local program by creating a new crime.

(8) This bill would require the licensee to prepare and submit to the department a written relocation plan, comply with the terms of the plan, and provide other information as may be required, as specified, if the department orders the licensee to remove a resident who has a health condition which cannot be cared for within the limits of the license or special permit, as prescribed.

(9) This bill would provide that violation of the law regulating residential care facilities for persons with chronic, life-threatening illness is a misdemeanor, thereby imposing a state-mandated local program by creating a new crime. It would require operation of

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a residential care facility for persons with chronic, life-threatening illness without a license to be subject to a summons to appear in court.

The bill would require district attorneys and certain city attorneys to institute and conduct the prosecution of any action for violation of the law regulating residential care facilities for persons with chronic, life-threatening illness, upon their own initiative or upon application by the department. It would impose a state-mandated local program by requiring local agencies to institute and conduct prosecutions upon application of the department.

(10) Existing law requires a residential care facility serving 6 or fewer persons to be considered a residential use of property, as specified.

This bill would prohibit anything in the law regulating residential care facilities for persons with chronic, life-threatening illness from authorizing rent regulations or controls for the facilities. The bill would prohibit the facilities from being subject to rent controls imposed by any state or local agency or other local government or entity.

(11) The bill would make related technical changes.

(12) The bill would require the department to adopt any regulations required by the bill as emergency regulations on or before March 31, 1992.

(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

Ch. 833 (AB 348) Chacon State employment: traveling and moving expenses.

(1) Existing law provides that for the purpose of facilitating the recruitment of professional and technically trained persons to fill positions for which there is a shortage of qualified applicants, the Department of Personnel Administration may, upon the certification of the appointing power and the department that the expenditure is necessary in order to recruit qualified persons needed by the state, authorize payment of all or a part of the travel expense of applicants who are called for interview and all or a part of the travel and moving expense of persons who change their place of residence to accept employment with the state.

Existing law also requires each state agency to adopt goals and timetables for hiring persons in underutilized classes.

This bill would, in addition, permit the department to pay travel expenses for applicants called for an interview or travel and moving expenses for persons accepting employment with the state, in order to facilitate hiring to achieve the goals for hiring persons in underutilized classes.

(2) Existing law provides for the reimbursement of Members of the Legislature for authorized travel expenses at the rate of 15¢ per mile when common carrier service is unavailable or not feasible.

This bill would change the above reimbursement rate to a rate not to exceed the rate established by the Department of Personnel Administration for the reimbursement of officers and employees of the state.

Ch. 834 (AB 865) Brulte. San Bernardino County Flood Control District: property.

Under the San Bernardino County Flood Control Act, the San Bernardino County Flood Control District is governed by the county board of supervisors. Under that act,

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the board of supervisors is authorized to hold, use, acquire, manage, sell, or lease property for the uses and purposes of the district, according to a specified procedure.

This bill would authorize the board of supervisors to sell, lease, or contract for the management, marketing, operation, or leasing of the property for purposes of cultural, residential, commercial, or industrial use or development, and to otherwise participate in the development of the property for those purposes, in accordance with specified provisions of existing law, if certain conditions are met.

The bill would prohibit the district from acquiring property to develop or manage the property for those purposes.

Ch. 835 (AB 888) Mays. State lands: oil and gas exploration and development.

Under existing law, the State Lands Commission is generally prohibited from leasing state-owned tide and submerged lands for oil and gas purposes within specified areas, including a specified area within Santa Barbara County.

This bill would, until January 1, 1995, include an additional specified area of Santa Barbara County within this prohibition and would, in addition, generally include within the prohibition all other tide or submerged lands situated in Santa Barbara, Los Angeles, and Orange Counties not under lease on January 1, 1992, unless prior authorization is granted by the Legislature, or except in the case of a national emergency as determined by the commission. The bill would make other conforming changes.

The bill would also authorize the commission to modify the boundaries of existing leases to encompass all of a field partially contained within the existing lease under specified conditions.

Ch. 836 (AB 967) Jones. District agricultural associations: contracts

Existing law requires boards of directors of district agricultural associations to obtain the approval of both the Department of General Services and the Department of Food and Agriculture prior to engaging in various activities.

This bill would authorize those boards, notwithstanding those provisions, to enter into revenue generating contracts with the approval of the Department of Food and Agriculture, and to enter into revenue generating contracts involving hazardous activities, as determined by the Department of Food and Agriculture, as long as adequate insurance coverage is provided, as determined by the Department of Food and Agriculture in consultation with the Department of General Services.

Ch. 837 (AB 1000) Hauser. Slaughtered animals.

(1) Existing law specifies the method by which designated animals are required to be slaughtered by any person engaged in the business of slaughtering those animals or by any person when all, or any part, of that animal is subsequently sold or used for commercial purposes.

This bill would include poultry, except spent hens and small game birds, within those provisions, as specified. The bill would require the Department of Food and Agriculture to adopt regulations to implement those provisions as to the slaughter of poultry, on or before December 31, 1993, and thereafter, to enforce those regulations. The bill would specify that the department shall not utilize personnel to enforce these regulations in any poultry plant in this state which is not subject to designated provisions.

Since under existing law, a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

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

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

Ch. 838 (AB 1052) Archie-Hudson. Bail bonds: disclosure.

Under existing law, a bail bond or undertaking of bail of an admitted surety insurer shall be accepted or approved by a court or magistrate without further acknowledgment if executed by a licensed bail agent of the insurer, as specified.

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This bill would require a written disclosure statement in 14-point bold type on a separate sheet or on the face of the bond application, as specified, informing the real property owner that the bond will be secured by a lien against his or her real property, as specified, and that failure of the applicant to pay bond premiums or a failure of the defendant to comply with the conditions of bail could result in the loss of the real property. The bill would require that the property owner be given a completed copy of certain documents, including the disclosure statement, prior to the execution of any instrument creating a lien against the real property.

The bill would also require the bail bond licensee, within 30 days after the notice is given by any individual, agency, or entity to the surety or bail bond licensee of the expiration of the time for appeal of the order exonerating the bail bond, or within the 30 days after the payment in full of all moneys owed on the bail bond obligation secured by any lien against real property, whichever is later in time, to deliver to the property owner a fully executed notarized reconveyance of title, a certificate of discharge, or a full release of any lien against real property to secure performance of the conditions of the bail bond, as specified. If a licensee fails to comply with that requirement the property owner would be authorized to petition the superior court to issue an order directing the clerk of that court to execute a full reconveyance of title, a certificate of discharge, or a full release of any lien against real property created to secure performance of the conditions of the bail bond.

This bill would also impose civil liability for damages, as specified, including statutory damages of $300, court costs, and reasonable attorney's fees, as specified, for specified violations of these provisions.

Ch. 839 (AB 1169) Lee. Hate crimes.

Existing law, the Unruh Civil Rights Act, provides that all persons in the state are free and equal and entitled to full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind.

Existing law prohibits discrimination against, boycott or blacklist of, refusal to buy from, sell to, or trade with any person in the state because of race, creed, religion, color, national origin, sex, or blindness or other physical disability of the person.

Existing law also provides that all persons in the state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute.

Existing law further provides for the civil liability, as specified, of a person who denies, aids or incites a denial, of these rights or makes any discrimination, distinction, or restriction based on the characteristics described in these provisions. Existing law requires that a complaint, as specified, seeking relief from the denial of these rights be based upon reasonable cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of these rights and that the pattern or practice is of that nature and is intended to deny the full exercise of these rights.

This bill would delete the requirement that the complaint, for these purposes, be based upon reasonable cause to believe that a person or group of persons is engaged in a pattern or practice of resistance. This bill would, instead, require that the complaint be based upon reasonable cause to believe that a person or group of persons is engaged in conduct of resistance. This bill would make conforming changes, consistent with this change.

This bill would express the legislative intent (1) to modify the prerequisite for injunctive relief under the above provisions relating to civil liability for violating specified civil rights and (2) not to limit the availability of this remedy for any other form of discrimination which is prohibited by the above provisions by providing a civil remedy for the classes of persons specifically identified in those provisions.

Existing law specifies civil rights violations which are criminally punishable and provides that certain of those provisions shall not be construed to prevent or limit the prosecution of any person pursuant to any provision of law.

This bill would expand this provision to apply to all of the specified civil rights viola-

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tions within those provisions.

This bill would incorporate additional changes in Section 52 of the Civil Code proposed by SB 98, to be operative only if SB 98 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

Ch. 840 (AB 1232) Harvey. Dairy products.

(1) Existing law regulates the content and quality standards for dairy products that are produced or sold in this state.

Existing law authorizes various dairy products to contain, among other things, specified amounts of stabilizers, emulsifiers, coagulating enzymes, or sweeteners as approved by the Director of Food and Agriculture.

This bill would authorize those dairy products to contain sweeteners, stabilizers, emulsifiers, or coagulating enzymes as specified by the United States Food and Drug Administration pursuant to designated federal regulations. Since under existing law a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

(2) Existing law contains provisions for the formation and adoption of stabilization and marketing plans by the Director of Food and Agriculture that prescribe the minimum prices for various classes of market milk.

This bill would authorize the director to provide for a temporary increase in the minimum prices of milk for certain classes of milk in an emergency, as defined. The bill would also authorize the director to adopt an additional program in the stabilization and marketing plan or the pooling plan, or both, to encourage the availability of market milk for usage by certain classes of milk. These provisions would only be operative when a milk equalization pooling plan is in effect. These provisions would be repealed as of January 1, 1997

(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. 841 (AB 1244) Polanco. Pharmacy technicians

Existing law, with specified exceptions, makes it unlawful for any person to manufacture, compound, sell, or dispense, as defined, any dangerous drug or devices, or to dispense or compound any prescription of a medical practitioner unless he or she is a registered pharmacist, as defined.

This bill would, with specified exceptions, permit a pharmacy technician, as defined, to perform packaging, manipulative, repetitive, or other nondiscretionary tasks while assisting, and while under the direct supervision of, a registered pharmacist.

The bill would also impose specific requirements on pharmacy technicians, including being registered with, and certified by, the California State Board of Pharmacy, except that these requirements would not apply to persons employed or utilized as pharmacy technicians in the filling of prescriptions for an inpatient of a hospital or for an inmate of a correctional facility.

The bill would require that the ratio of registered pharmacists to pharmacy technicians performing the tasks which they are permitted to perform pursuant to the bill, not exceed 1 to 1, except for tasks performed for inpatients of a licensed health facility, for inmates of certain correctional facilities or for persons receiving treatment in facilities operated by the State Department of Mental Health, the State Department of Developmental Services, or the Department of Veterans Affairs. With respect to tasks performed for inpatients of a licensed health facility or for patients of a licensed home health agency, the bill would provide that the ratio would be set pursuant to regulations adopted by the board.

The bill would also require the board to adopt regulations to implement the provisions of the bill.

Existing law provides for various fees and penalties to be fixed by the board in accordance with a specified schedule.

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This bill would require the board to charge a fee for the processing and issuance of a registration to a pharmacy technician and a separate fee for the biennial renewal of the registration. It would set the amounts of these fees, and provide that they may be increased to specified maximums.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Pharmacy Board Contingent Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch. 842 (AB 1327) Farr. Waste management.

(1) Under existing law, local agencies are required to certify to the Department of Boating and Waterways that, for specified small craft harbor facilities funded by the department, adequate shoreside facilities are provided or to provide written findings showing why the facility cannot certify to these conditions

This bill would include adequate vessel pumpout facilities, oil recycling facilities, and recycling receptacles within the shoreline facilities.

(2) Under existing law, the State Water Resources Control Board is required to adopt standards for the construction, operation, and maintenance of vessel pumpout facilities.

This bill would include standards for the location of those facilities.

(3) Under existing law, every vessel pumpout facility is required to have a notice posted on the facility identifying the local enforcement agency where a violation may be reported.

This bill would require the notice to identify the city, county, public health officer, or boating law enforcement officer responsible for enforcement, with a telephone number where a violation may be reported.

(4) Existing law establishes the California Integrated Waste Management Board, with various powers and duties relating to the disposal of solid waste.

This bill would require the board to adopt a model ordinance for adoption by local agencies relating to adequate areas for collecting and loading recyclable materials in development projects, as defined. The bill would require local agencies, by a specified date, to adopt such an ordinance, or to enforce the model ordinance which would take effect if the agency does not adopt an ordinance. By imposing this requirement on local agencies, the bill would impose a state-mandated local program.

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

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

Ch. 843 (AB 1381) Areias. Solid waste: schoolsites.

Under existing law, the California Integrated Waste Management Board is required to develop, produce, and disseminate supplementary materials to teach the concepts of source reduction, recycling, and integrated waste management in California schools.

This bill would require the board to develop and implement a source reduction and recycling program for school districts which includes specified elements and would prescribe related matters.

The bill would require the board, after March 31, 1994, to include in a specified biennial report of the board a report on the status and effectiveness of the programs implemented pursuant to the bill and make recommendations on administrative and legislative changes to improve the program's effectiveness.

The bill would appropriate $125,000 from the Integrated Waste Management Account in the Integrated Waste Management Fund to the board to develop and implement the program.

Ch. 844 (AB 1386) Cortese. Fines and penalties.

(1) Under existing law, it is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream or lake designated by the Department of Fish and Game, or use any material from the streambeds, without first notifying the department of the activity. A violation of this

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provision is a misdemeanor, punishable by, among other things, a maximum fine of $1,000. Under existing law, it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this state any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance, or any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, mill or factory of any kind. A violation of this provision is a misdemeanor, punishable by, among other things, a maximum fine of $2,000.

This bill would make persons who violate these provisions subject to a civil penalty of not more than $25,000 for each violation.

(2) Under existing law, 50% of the fines and forfeitures collected for a violation of the provisions of the Fish and Game Code are distributed to the county in which the offense was committed, and 50% are deposited in the Fish and Game Preservation Fund, a continuously appropriated fund.

This bill would require 50% of the civil penalties described in (1) to be deposited in the county fish and wildlife propagation fund of the county in which the action is prosecuted, and 50% to be deposited in the Fish and Game Preservation Fund. By increasing the amount of those fines available for expenditure from a continuously appropriated fund, this bill would make an appropriation.

Ch. 845 (AB 1506) Sher Mining

(1) The existing Surface Mining and Reclamation Act of 1975 exempts certain activities from its provisions.

This bill would additionally exempt the solar evaporation of sea or bay water to produce salt and related minerals.

(2) Under existing law, no person may conduct surface mining operations unless a permit is obtained from, a reclamation plan has been submitted to and approved by, and financial assurances for reclamation have been approved by, the lead agency for the operation, in accordance with prescribed procedures and requirements.

This bill would require, if a mining operation is sold or ownership is transferred to another person, that the existing financial assurances remain in force and not be released by the lead agency until new financial assurances are secured from the new owner and have been approved by the lead agency. The bill would make related changes.

(3) Existing law requires the owner or other specified persons in charge of a mining operation to report annually to the State Geologist and the lead agency on specified matters, including whether an appeal or review of financial assurances is pending.

This bill would additionally require the reports to state whether review of a reclamation plan or interim management plan is pending.

(4) Existing law requires the State Mining and Geology Board to exercise specified powers if the board finds that the lead agency has failed to take certain actions as required by the Surface Mining and Reclamation Act of 1975. The board is authorized to exercise those powers only after giving the lead agency 45 days to correct the deficiencies and a public hearing with 45-day written notice to the lead agency, affected surface mining operators, and the public.

This bill would require that the 45-day written notice be given in a newspaper of general circulation within the city or county, and directly mailed to the lead agency and to specified surface mining operators. Those operators would have the right to present evidence at the hearing.

Ch. 846 (AB 1603) Committee on Education (as presented by Assembly Member Eastin on behalf of the Committee) School facilities construction.

(1) Under existing law, as set forth in the Leroy F. Greene State School Building Lease-Purchase Law of 1976, the State Allocation Board is authorized to approve the apportionment of state funding to applicant school districts for the construction, as defined, of school facilities. Existing law authorizes the board, for the purpose of determining the project funding eligibility of an applicant school district, to calculate the allowable building area of that district under the program, based upon current and project average daily attendance for the district and the existing area of adequate school construction in the district.

As to projects for which the application for project funding is received by the State

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Allocation Board on or after July 1, 1992, except as specified, this bill would direct each "self-certifying" district to perform those calculations, pursuant to standards adopted for that purpose by the State Allocation Board, and to certify the results of the calculations to the State Allocation Board, which would be directed to use those results for the purpose of determining project funding eligibility The bill would specify that the determinations made by a self-certifying district are subject to subsequent audit by the State Allocation Board.

The bill would define a "self-certifying" district to mean, as to any project, an applicant district that provides 50% or more of the cost of the project from local sources.

The bill also would direct a self-certifying district to provide to the State Allocation Board certification, rather than documentation, of its compliance with various other prerequisites to project funding, including the current inadequacy of school district facilities to be replaced, the compliance, subsequent to funding approval, of a project with applicable building cost and area standards, the compliance of a project with the so-called Field Act, the existence within the district of substantial enrollment in multitrack year-round schools for purposes of project funding priority, the district's compliance with certain standards and procedures concerning the securing of site appraisals and construction bids, as specified, and the exclusion from the computation of the existing area of adequate school facilities of facility footage that is no longer usable for school purposes.

The bill would require the board to conduct random audits of information certified by a self-certifying district. The bill would authorize the board to impose specified penalties in the event of material inaccuracies by the district. The bill would authorize a school district against which one or more of those penalties is imposed to submit the matter to arbitration, as specified.

The bill would require that an applicant district comply with the standards established by the State Department of Education for school site selection and building plans and specifications, direct self-certifying districts to certify that compliance, authorize the department to audit that compliance, and direct the State Allocation Board to impose specified penalties in the event of material inaccuracies by the district, as specified.

The bill also would require the board, prior to approving any new school facilities, to make a determination that the applicant will use existing facilities to the extent possible and to require the applicant to explore cooperative efforts with adjacent school districts, or in the case of county superintendents of schools, with adjacent county superintendents of schools.

In addition, the bill would preclude the State Allocation Board from requiring an update of estimates of average daily attendance from an applicant district under an approved project more often than once every 12 months subsequent to that board's approval of the project

The bill would require the State Allocation Board, no later than November 1, 1992, to distribute to each school district in the state standards, appropriate forms, and detailed instructions to assist in the implementation of the calculations and certifications described above.

The bill would specify that, for purposes of the California Environmental Quality Act, the applicant district is deemed to be the "lead agency" as to a project funded under the state school building program described above.

(2) Under existing law, before acquiring title to property for a school site that is within 2 miles, measured by air line, of the point on an existing or potential airport runway nearest the site, a school district governing board is required to provide written notification to the State Department of Education. The review procedure set forth for this purpose in existing law directs the department, in turn, to provide notice to the State Department of Transportation, which conducts an investigation, as specified, and, based on that investigation, to submit a written report and recommendations to the district.

This bill would eliminate the role of the State Department of Education from that review process and would require, instead, that a school district governing board provide notice directly to the Department of Transportation, which would investigate the matter and respond directly to the school district, as specified.

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(3) Under existing law, the State Department of Education reviews and approves the selection of school sites to be acquired by a school district, and the plans and specifications to be used by each district in the construction of any school building.

This bill would repeal that authority, and direct the department to provide that assistance to school districts on an advisory basis, as requested, pursuant to initial monitoring by the oversight committee described above.

The bill would require the department to establish standards for use by school districts with regard to the design and construction of school facilities. The bill also would require the department to establish standards for use by school districts in the selection of school sites, and to investigate reports of noncompliance with those standards. The bill would require that the 5-year plan for school facilities construction and rehabilitation that applicant districts must submit to the State Allocation Board in order to qualify for project funding under the Leroy F. Greene State School Building Lease-Purchase Law of 1976 comply with standards adopted by the department for that purpose.

(4) Under existing law, school districts are required to make certain investigations relating to selection of a school site prior to acquiring the real property for the school site.

This bill would also require the governing board of a school district to evaluate the property at a public hearing using the site selection standards established by the State Department of Education.

Ch. 847 (AB 1605) Costa. Water transfers.

Under existing law, water appropriated for one specific purpose is not deemed appropriated for any different purpose, but the purpose of the use may be changed in accordance with prescribed procedures.

This bill would permit surface water to be leased for a period not to exceed 5 years to assist water conservation efforts, subject to specified terms and conditions.

The bill would limit the water which may be subject to a lease agreement, as specified. The bill would require the lessor, if the lessor or lessee is a water district or a water company, to file a notice of the lease agreement, including specified information, with the State Water Resources Control Board. The bill would require the lessor, if the lessor and lessee are private parties, to file an application with the board for approval of the lease agreement. The bill would require the board to give specified public notice and would require the lessor to pay a fee to the board, as prescribed. The bill would require any lease of water involving the transfer of water from the Sacramento-San Joaquin Delta to provide outflow for prescribed carriage water requirements. The bill would require any water lease agreement providing for the lease of water from a lessor north of the Sacramento/San Joaquin Delta to a lessee south of the delta to provide for an amount of water for delta salt water repulsion and environmental purposes, as prescribed. The bill would require each lease agreement to include enforceable terms which will ensure that the water lease will not injure any legal user of water and will not unreasonably affect fish, wildlife, or other instream beneficial uses.

The bill would prescribe related matters.

Ch. 848 (AB 1615) Hannigan. Residential care facilities for the elderly: administrator certification.

Under existing law, an administrator of a residential care facility for the elderly, if other than the licensee of the facility, is required to successfully complete a prescribed certification program for licensees of those facilities, except as specified. Violation of those provisions is a misdemeanor under existing law.

The bill would require an applicant for licensure as an administrator of a facility to attend an orientation, as specified.

The bill would require a person who becomes an administrator of a facility on or after January 1, 1992, to meet certain minimum qualifications.

This bill would provide that the above-described certification program only be operative until prescribed regulations are adopted by the State Department of Social Services implementing the administrator certification program required by its provisions. The bill would require the department to secure a criminal record, as specified, prior to

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issuing a certificate of completion of the administrator certification program required by its provisions.

The certification program required by this bill would contain different requirements for an individual designated as an administrator who holds a valid license as a nursing home administrator, and for an individual, who was both the licensee and administrator on or before July 1, 1991. The certification program established by the bill would generally require a minimum of 40 hours of prescribed classroom instruction and successful completion of a written test administered by the department.

This bill would establish application and certification fees and would set forth certification renewal requirements, including continuing education requirements. For purposes of this program, this bill would create new crimes, thereby imposing a state-mandated local program. It would also permit the department to revoke the certificate in certain instances.

This bill would require the department to establish, by regulation, the program content, the testing instrument, the process for approving certification vendors, and criteria to be used in authorizing individuals, organizations, or educational institutions to conduct certification programs and continuing education courses. It would permit the department to charge a fee to certification program vendors, as specified. This bill would provide that the program is to be operative upon adoption by the department of the above-described regulations

The bill would create the Residential Care Facility for the Elderly Fund, consisting of specified appropriations, fees, penalties, and fines, which upon appropriation of the Legislature, shall be expended for purposes of the department's administration of certain provisions of law relating to residential care facilities for the elderly including those added by the bill. It would transfer $150,000 from the General Fund for deposit in the fund and would appropriate $150,000 from the fund to the department for the above-described purposes. It would also provide for the repayment of that amount including interest, 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. 849 (AB 1760) Eastin Solid waste: metallic waste.

Existing law regulates the disposal of solid waste, and requires any hazardous waste, as defined, that is disposed of in a solid waste landfill, to be disposed of in a hazardous waste facility, as defined.

This bill would, after January 1, 1994, prohibit a solid waste facility from accepting for disposal any major appliance, vehicle, or other metallic discard, as defined, which contains enough metal to be economically feasible to salvage as determined by the solid waste facility operator.

The bill would require the California Integrated Waste Management Board to evaluate, as prescribed, the use of recycling residue, as defined, for use as solid waste landfill cover materials, as specified, or extenders for currently used cover material.

The bill would, after January 1, 1994, prohibit any person, except as specified, from placing a major appliance or other metallic discard in mixed municipal solid waste or disposing of a major appliance or other metallic discard in or on land. The bill would require after January 1, 1994, that materials which require special handling, as defined, be removed from major appliances and vehicles in which they are contained prior to crushing for transport or transferring to a baler or shredder for recycling. The bill would require the board by January 1, 1993, to develop and submit to the Legislature a management plan for the removal of materials which require special handling from major appliances and vehicles. The bill would prescribe related matters.

Ch. 850 (AB 1793) Moore. Public services.

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.

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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. Federal law authorizes a state to amend its medicaid plan.

Federal law and regulations authorize states to amend their state medicaid plan to provide personal care services under the medicaid program.

This bill would require the State Department of Health Services and the State Department of Social Services to investigate obtaining federal medicaid matching funds for personal care services provided through the IHSS program that will not result in net General Fund expenditure increases when fully implemented.

Ch. 851 (AB 1811) Isenberg. State-owned wetlands.

(1) Under existing law, the Department of Fish and Game and the Department of Parks and Recreation are authorized to acquire certain lands to further the protection, preservation, restoration, and enhancement of wetlands.

This bill would require the Department of Fish and Game to conduct a survey, as specified, of state-owned wetlands and nonwetlands suitable for restoration which are larger than 100 acres in the Sacramento Valley and the San Joaquin Valley. The bill would require submission of a report on the survey to the Legislature and the Governor by January 1, 1994, and would prescribe related matters.

The bill would require each state agency to prepare a list of properties of more than 100 acres owned by that state agency in the Sacramento Valley and the San Joaquin Valley.

(2) Existing law makes contracts entered into by state agencies subject to certain provisions governing contracting by state agencies, including the State Contract Act.

This bill would provide that any contract entered into for the expenditure of certain funds appropriated to the Department of Fish and Game to carry out the purposes of the Central Valley Habitat Joint Venture are not subject to those provisions.

(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.

This bill would authorize the use of the money in that fund for additional purposes, thereby making an appropriation.

(4) The bill would make legislative findings and declarations.

Ch. 852 (AB 2054) Polanco. Public utilities: expenditures for economic development.

Existing law permits the Public Utilities Commission to allow the inclusion of expenses for research and development incurred by an electrical corporation when setting the rates to be charged by the electrical corporation utilizing specified guidelines.

This bill would require the commission to authorize public utilities to engage in programs to encourage economic development, as specified, and require reasonable expenses for economic development programs to be allowed, to the extent of ratepayer benefit, when setting rates to be charged by those public utilities electing to initiate these programs.

Ch. 853 (AB 2055) Hayden. Postsecondary education: nonresident tuition.

(1) Existing law expresses the intent of the Legislature that public institutions of higher education apply uniform rules in determining whether a student is to be classified as a resident or a nonresident.

This bill would entitle a student who is enrolled in a state government legislative or executive fellowship program administered by the state or the California State University to resident classification at the California State University during the period of the fellowship.

(2) Existing law authorizes community college districts to admit, and requires community college districts to charge a nonresident fee to, nonresident students. Existing law authorizes the exemption of certain persons from the fee.

This bill would authorize community college districts to charge to nonresident stu-

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dents who are both citizens and residents of a foreign country, in addition to the fee described above, an additional amount computed pursuant to a formula prescribed by the bill, which amount would be required to be limited to 50% of the authorized nonresident tuition fee described above. The bill would exempt from this fee any student who can demonstrate economic hardship, as described, or who is a victim of persecution or discrimination in the country in which he or she is a citizen and resident. The bill would require that revenue from this fee charged be expended only for purposes of capital outlay, maintenance, and equipment.

Ch. 854 (SB 412) Hill. Earthquake insurance.

Existing law establishes the California Residential Earthquake Recovery Fund, and provides for the collection of a surcharge and earthquake coverage after January 1, 1992. Under that act, coverage is provided for structural damage to residential property caused by an earthquake. Existing law defines residential property to include privately owned single-family residential structures, condominium units, and mobilehomes.

This bill would also include certain multiple-unit structures, and make other revisions to the definition of residential structures.

This bill would require the Insurance Commissioner, by regulation, to define structure and qualifying structural damage, and define the qualifying earthquake events for which coverage is provided.

Existing law provides for the collection of a fee to cover an insurer's administrative expenses, which in the first year may not exceed $1. Existing law authorizes insurers to submit a request for approval of the fee on January 1, 1993.

This bill would change that date to October 1, 1992.

Existing law requires insureds at the time of paying the premium for the policy of residential property insurance on property located within the state, to pay the earthquake surcharge.

This bill would require the surcharge to be incorporated on the billing statement and billing invoice, as specified. It would provide that if the policy provides for installment payments, an insurer may collect and remit the surcharge on an installment basis as well. It would also provide that an insurer shall not be required to transmit funds in satisfaction of any surcharge obligation that is owed and unpaid by an insured if the transmittal of those funds would make the insured delinquent in meeting the obligations of the policy of residential property insurance.

Existing law requires insurers to transmit the surcharge to the Treasurer quarterly.

This bill would require that transmission monthly, and would make related changes.

This bill would provide that neither an insurer, an agent or broker, nor the fund shall be liable to a policyholder for the return of the surcharge, or any part thereof, after it has been paid, on account of the termination or cancellation of the underlying policy of residential property insurance. The bill would provide, however, for the establishment of a single fixed surcharge for property insured by policies of residential property insurance purchased by a lender as a result of a borrower's failure to provide residential property insurance, and would provide in certain instances for the refund of that surcharge.

This bill would provide for earthquake coverage purchased by associations or groups of persons, as specified. It would require a condominium owners association to pay the surcharge for its condominium owners.

Existing law provides for coverage during the first year of the fund to persons who have not paid the surcharge if the underlying insurance policy renewal date has not occurred.

This bill would provide for the payment of the surcharge prior to the renewal date pursuant to regulations of the Insurance Commissioner, and it would limit the coverage provided when the renewal date has not occurred to exclude policies for which the next time of collection of premiums is after December 31, 1992.

Under existing law, the commissioner may contract with insurers, licensees of the department, or other persons or entities for the provision of adjustment services.

This bill would authorize the commissioner to contract with insurance brokers and reinsurance providers to obtain reinsurance coverage, and receive reinsurance claims

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payments, in connection with the expected liabilities of the fund.

This bill would provide that all covered structural damage to a residential structure that is caused by a qualifying earthquake event shall give rise to a single claim under the fund.

This bill would require the commissioner to conduct certain studies and to make certain reports. The bill would require the commissioner to adopt regulations related to the bill.

Ch. 855 (SB 483) C. Green. Physical therapy.

(1) Under existing law, a Physical Therapy Examining Committee of California within the jurisdiction of the Medical Board of California is required to administer and enforce the Physical Therapy Practice Act, and after the conduct of appropriate proceedings under the Administrative Procedures Act, the committee is empowered to suspend, revoke, or impose probationary conditions upon, or issue, subject to terms and conditions any license, certificate, or approval under the act for specified causes.

This bill would authorize the examining committee, in any order issued in resolution of a disciplinary proceeding before the examining committee, to request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the committee a sum not to exceed the actual and reasonable costs of the investigation and prosecution, as prescribed, and would specify procedures to enforce an order for payment. The bill also would prohibit the committee from renewing or reinstating the license or approval of any person who has failed to pay all of the costs ordered, except under prescribed conditions where a financial hardship has been demonstrated. This bill would require all costs recovered to be deposited into the Physical Therapy Fund, which is continuously appropriated to the committee. Because this bill would increase the amount of money available in a continuously appropriated account, it would make an appropriation.

This bill would require the committee to provide 2 committees of the Legislature with a report on investigation and enforcement actions, as specified.

(2) Under existing law, the initial license fee and renewal fee for a physical therapist license is required to be fixed by the committee at not more than $50. Existing law also requires the committee to set fees of not more than $50 for each application for approval as a physical therapist assistant and for renewal of each approval as a physical therapist assistant. Existing law requires the delinquency fee to be 50% of the renewal fee, but not more than $25. Under existing law those fees are credited to the Physical Therapy Fund which is continuously appropriated to the examining committee.

This bill would require the initial license fee for a physical therapist licensee and the renewal fee for that license to be $80, unless a lower fee is fixed by the committee. This bill would also require the fees for the issuance of and for the renewal of each approval as a physical therapist assistant to be $80, unless a lower fee is fixed by the committee. This bill furthermore would delete the $25 limitation of the delinquency fee. Because this bill could increase the amount of money available in a continuously appropriated account, it would make an appropriation.

Ch. 856 (SB 691) Killea. State General Obligation Bond Law

The General Obligation Bond Law prescribes the contents of state general obligation bond acts and the process by which these bonds are sold and issued.

This bill would make the following changes to that law:

(a) Revise a requirement regarding a provision in the bond act relating to transfers back to the General Fund from the bond act fund for debt service payments.

(b) Add a requirement that a statement be included in the bond act that if the Treasurer sells bonds that include an opinion that the interest on the bonds is excluded from gross income for federal tax purposes, the Treasurer may maintain separate accounts for the bond proceeds invested and the investment earnings on those proceeds, and may use or direct the use of those proceeds or earnings to pay any payment required under federal law necessary to maintain the tax-exempt status of those bonds.

(c) Add a requirement that a statement be included in the bond act that the state agency involved may request the Pooled Money Investment Board to make a loan from

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the Pooled Money Investment Account for the purpose of carrying out the bond act.

(d) Include provisions on interim financing.

(e) Revise the method of determining the lowest interest cost bid as prescribed in the bond resolution.

This bill would transfer from any bond fund created for the proceeds of the sales of state obligation bonds, the amounts necessary to reimburse the Treasurer for specified actual expenses related to administering the bond programs.

SB 392 of the 1991–92 Regular Session would, if enacted, amend the State General Obligation Bond Law to permit the committee empowered under a bond act to authorize the issuance of general obligation bonds, to provide for the issuance of all or part of the bonds authorized to be issued as zero coupon or capital appreciation bonds.

This bill would, if SB 392 is enacted, amend those provisions to require the committee, in the resolution authorizing the issuance of the zero coupon or capital appreciation bonds, to provide that the state shall set aside, in a separate trust fund within the State Treasury, an amount each year representing the amount of interest accrued during that year, to be payable at the maturity of the bonds, with these payments to be deemed a payment of debt service on the bonds.

Ch. 857 (AB 1271) Speier. Political Reform Act: statements of economic interests: gifts.

Under the Political Reform Act of 1974, every designated employee who assumes office is required to file a statement of economic interests within 30 days of assuming office disclosing reportable investments, business positions, interests in real property, and income received at any time during the 12 months before the date of assuming office unless the individual resigns the position within 30 days following initial appointment, under specified circumstances.

This bill would instead provide that an individual who resigns the position within 45 days following initial appointment, under specified circumstances, is not required to file a statement of economic interests.

Under the Political Reform Act of 1974, a member of a state licensing or regulatory board, bureau, or commission is required to file the original of his or her statement of economic interests with his or her board, bureau, commission, or code reviewing body.

This bill would require a member of a state licensing or regulatory board, bureau, or commission to file the original of his or her statement of economic interests with his or her board, bureau, or commission and would require the board, bureau, or commission to make and retain a copy and forward the original to the Fair Political Practices Commission.

This bill would also delete obsolete provisions of the Political Reform Act of 1974.

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. 858 (AB 1635) Bates. Mental health: primary intervention program.

Existing law expresses the intent of the Legislature to establish a system of school-based primary prevention projects for the early detection and prevention of emotional, behavioral, and learning problems in primary grade children. Existing law requires the State Department of Mental Health to award grants and develop 3-year contracts for these projects, to be administered by local mental health programs, funded by funds allocated to the department for this purpose from a special fund, and to provide specified services through school districts or preschool programs.

This bill would rename the primary prevention projects the primary intervention program, and would express the intent of the Legislature to expand the program throughout the state. It would require the department to award grants subject to the availability of funds, and, in addition to its other duties, to develop contracts with school districts or mental health programs to provide for the establishment of technical assistance centers for the implementation of the program. It would limit contracts for the

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program to one year, subject to renewal for 2 additional years. It would require, in counties over 100,000 in population, that an application be the product of a joint proposal between the local mental health program and a school district or publicly funded preschool, and that the grant be administered by the local mental health program. In counties with 100,000 in population or under, it would require that an application be the product of a joint proposal or submitted by the county superintendent of schools or by a school district, in which case the grant would be administered by, and the state contract developed with, the county office of education or school district, pursuant to certain conditions.

This bill would provide that the grants for programs would also be funded from moneys allocated from the General Fund and other funding.

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

Ch. 859 (AB 1968) Areias. Seismic safety: wall anchorage.

Existing law required local building departments to identify all potentially hazardous buildings, as defined, in their jurisdictions on or before January 1, 1990, and to establish a specified mitigation program for those buildings. Existing law does not require an owner of a commercial building to provide documentation, upon sale, relating to the earthquake resistance of specified parts of the structure.

The bill would require, on or before January 1, 1993, the Seismic Safety Commission to develop, adopt, and publish, with specified contents, for distribution to real estate licensees, a Commercial Property Owner's Guide to Earthquake Safety. The bill would require the commission to charge a fee to defray costs of the guide The bill would require the delivery of a copy of the guide to a transferee in connection with the purchase of real property.

The bill would provide that no other information concerning geologic or seismic hazards that affect real property is required to be given by the seller or broker if the guide is delivered to the transferee in connection with the transfer of the real property.

The bill would also require, with specified exceptions, on and after January 1, 1993, that the transferor, or his or her agent, of any precast concrete or reinforced masonry building with wood frame floors or roofs, built before January 1, 1975, before the sale, transfer, or exchange of the building, deliver to the transferee a copy of the Commercial Property Owner's Guide to Earthquake Safety. The bill would provide that no transfer of title would be invalidated on the basis of a failure to comply with this provision of the bill.

The bill would prohibit a transferee who has received notice under the bill from receiving payments from any state assistance program for earthquake repairs resulting from an earthquake until all other applicants have been paid, if the transferee has not complied with specified wall anchorage requirements.

Ch. 860 (AB 2057) Katz. Los Angeles County Transportation Commission: rail transit facilities.

Under existing law, the Los Angeles County Transportation Commission has various duties and functions regarding transportation programs in Los Angeles County.

This bill would authorize the Los Angeles County Transportation Commission to solicit proposals and enter into agreements with private entities for the study, planning, design, development, acquisition, installation, construction, leasing, and warranty of rail transit systems that implement advanced rail transit technology. For purposes of facilitating these projects, the bill would authorize the agreements to include provisions for the lease of facilities, rights-of-way, and airspace, the use of eminent domain, the granting of development rights and opportunities, the granting of easements and rights of access, the issuance of permits and authorizations, protection from competition, as defined, sharing of costs and liabilities, remedies for default, and the granting of contractual and real property rights. The bill would authorize the commission to exercise any power it possesses to facilitate implementation of rail transit systems. The bill would specify that these projects shall not require funding from transactions and use tax revenues of the commission or from state funds directly. The bill would require projects in Los Angeles County to include a system linking the Los Angeles International Airport

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with the Palmdale Regional Airport and would require any project developed by the commission to include an option to develop a system linking the eastern and western portions of the San Fernando Valley.

The bill would require the Department of Transportation, at the request of the commission, to lease to the commission for up to 99 years at $1 per year for the first 35 years, and at 50% of fair market value thereafter, and would authorize the commission to sublease, areas above or below existing state highways and the untraveled portion of the right-of-way of state highways directly used for rail transit systems, intermodal facilities, and related commercial development. The bill would require the revenues from those subleases to be deposited into a special fund to be used to pay or reimburse the commission for its costs in connection with the development, operation, and maintenance of the rail transit system to which the sublease is related.

Ch. 861 (AB 1617) Vasconcellos State lands: Agnews State Hospital.

Under existing law, the Director of General Services, with the consent of the state agency concerned, may let any real or personal property belonging to the state for a period of not to exceed 5 years, if the letting is not expressly prohibited by law and the director deems the letting to be in the best interests of the state.

This bill, among other things, would authorize the director, with the approval of the State Public Works Board, to lease for 66 years, 102 acres of real property on the northerly side of the east campus of Agnews State Hospital, subject to specified restrictions.

This bill would require that net revenues, as defined, generated by the lease of this land be deposited 50% in the General Fund and 50% in a special account of the State Department of Developmental Services. It would state the intent of the Legislature that the appropriations from this account be for nonrecurring expenditures within the State Department of Developmental Services.

This bill would also require the director, as to any property leased pursuant to this bill to except and reserve to the state all mineral deposits as specified, without surface rights of entry.

Ch. 862 (AB 2236) Costa. Public utilities: electric corporations: rates.

Existing law requires specified public utilities, including electric corporations, as defined, to obtain a certificate of public convenience and necessity from the Public Utilities Commission before construction of an electric plant, as defined, or a gas plant, as defined. The rates charged by electric corporations are also established or approved by the commission after considering specified factors.

This bill would prohibit the commission from increasing, or approving an increase in, rates for electrical services by an amount more than the system average rate increase for agricultural and, if applicable, pumping customers before June 1, 1992, and would require the State Energy Resources and Development Commission to conduct, and submit to the Legislature before June 1, 1992, an analysis of the economic implications of higher rates to agricultural class customers and the various alternatives available to reduce their electricity demands or to develop alternative, less expensive, power sources.

Ch. 863 (AB 1230) Hansen. Health facility construction inspectors.

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, requires, in part, the Office of Statewide Health Planning and Development to observe the construction of or addition to any hospital building, as defined, and to pass upon and approve or reject all plans for the construction or the alteration of any hospital building to assure compliance with specified seismic safety requirements.

Existing law requires the hospital governing board or authority to provide for and require competent and adequate inspection during construction or alteration by an inspector satisfactory to the architect or structural engineer, or both, and to the statewide office, or where the alterations are to be conducted under the supervision of a professional engineer, as specified, the inspector need only be satisfactory to the professional engineer and the statewide office.

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This bill would require the statewide office to approve one or more classes of inspectors including, but not limited to, "A" inspectors, who may inspect all phases of construction, "B" inspectors, who may inspect all phases of construction, except structural, and "C" inspectors, who may inspect all phases of construction projects that the statewide office determines do not materially alter the mechanical, electrical, architectural, or structural integrity of the health facility.

Ch. 864 (AB 1039) Mays. Hospital buildings: inspections.

Existing law requires the Office of Statewide Health Planning and Development to approve or reject plans for and to inspect hospital buildings and the work of construction or alteration in order to enforce the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983.

This bill would require the office to issue a written citation to the hospital governing board or authority, including a proper reference to the regulation or statute being violated, if the office finds a violation which requires correction.

This bill would incorporate additional changes in Section 15043 of the Health and Safety Code, proposed by AB 47, to be operative only if AB 47 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

This bill would incorporate additional changes in Section 15051 of the Health and Safety Code, proposed by AB 47 or AB 1230, or both, to become operative only if AB 47 or AB 1230, or both, and this bill are chaptered and become effective on January 1, 1992, and this bill is chaptered last.

Ch. 865 (AB 47) Eastin. Architecture, development, and construction.

(1) Existing law establishes the State Architect in the Department of General Services.

This bill would specify that the State Architect reports directly to the Director of General Services. The bill would also transfer other duties relating to plan checking and construction inspection to the State Architect.

The bill would transfer various other responsibilities to adopt building standards from the State Energy Resources Conservation and Development Commission, the State Fire Marshal, with specified exceptions, and the Department of Housing and Community Development to the State Building Standards Commission.

(2) The bill would revise and eliminate provisions involving the use of contractual agreements between the Office of Statewide Health Planning and Development, the Department of General Services, and the State Fire Marshal.

(3) This bill would incorporate additional changes in Section 15043 of the Health and Safety Code, proposed by AB 1039, to be operative only if AB 1039 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

(4) This bill would incorporate additional changes in Section 15051 of the Health and Safety Code, proposed by AB 1039 or AB 1230, or both, to become operative only if AB 1039 or AB 1230, or both, and this bill are chaptered and become effective on or before January 1, 1992, and this bill is chaptered last.

Ch. 866 (AB 363) Nolan. Domestic violence.

(1) Existing law provides with respect to an order of contempt made affecting the victim of a sexual assault, where the contempt consists of refusing to testify concerning that sexual assault, that the execution of any sentence shall be stayed pending the filing within 3 judicial days of a petition for extraordinary relief testing the lawfulness of the court's order, a violation of which is the basis for the contempt.

This bill would provide a similar provision with respect to an order of contempt made affecting the victim of domestic violence where the contempt consists of refusing to testify concerning that domestic violence, as defined

(2) Existing law requires the presiding judge of the superior court of each county to designate a judge, commissioner, or referee to be reasonably available to orally issue ex parte emergency protective orders, as specified, when the superior court is not in session.

This bill would require the presiding judge to make this designation whether or not

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the court is in session.

(3) Under existing law, if the victim of a sexual assault, as defined, refuses to testify concerning that sexual assault, and is because of that refusal held in contempt of court, the court may not imprison the victim or otherwise confine or place the victim in custody.

This bill would impose similar restrictions with respect to victims of domestic violence, as defined, if the contempt consists of refusing to testify concerning the domestic violence, provided that the victim may be incarcerated in a subsequent finding of contempt for refusal to testify arising out of the same case. The bill would provide that the court may, however, in the first instance, require the victim to attend up to 72 hours of a domestic violence program for victims or impose up to 72 hours of appropriate community service.

(4) Under existing law a summons may be served by any person who is at least 18 years of age and not a party to the action.

This bill would authorize probation or parole officers or parole agents of the Department of Corrections to serve any process regarding the issuance of a temporary restraining order or other protective order against a person committed to the care of the officer or agent, as specified.

(5) Existing law requires the surrender of certain weapons to specified officers at the scene of a domestic violence incident involving a threat to human life or a physical assault. Under existing law, the officer is required to give the owner or person who possessed the firearm a receipt to permit that person to recover the firearm not less than 48 hours after the seizure. However, under existing law, the firearm may not be retained more than 72 hours.

This bill would authorize a law enforcement agency that has seized a firearm or other deadly weapon under the above provisions to retain the firearm or other deadly weapon if the agency has reasonable cause to believe that the return of the firearm or other deadly weapon would be likely to result in endangering the person reporting the assault or threat. The agency would be required to notify the owner and petition the superior court within 10 days of the seizure for a determination as to whether the firearm or other deadly weapon should be returned and would thus impose a state-mandated local program. The bill would permit the owner of the firearm or other deadly weapon or the person who had lawful possession to request a hearing, as specified. If no request for a hearing is made within 30 days to the court clerk, the bill would authorize the law enforcement agency to petition the court for an order of default.

The bill would permit the disposal of the firearm or other deadly weapon, as specified, by the law enforcement agency if a default is entered or if the owner or person who had lawful possession of the firearm or other deadly weapon is unsuccessful in gaining return of the firearm or other deadly weapon by court order, as specified.

(6) Under existing law, whenever a person who has been detained or apprehended for examination of his or her mental condition or a person who is one of specified persons is found to own or have in his or her possession or under his or her control any firearm or other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon. Existing law provides that upon the release of the person without judicial commitment, the confiscating law enforcement agency has 15 days, unless good cause is shown, to initiate a petition to determine whether the return of the firearm or other deadly weapon would be likely to result in endangering the person or others, as specified. Under existing law, the person then has 15 days to respond to the court clerk to confirm his or her desire for a hearing. If the person responds and requests a hearing, the court clerk is required, under existing law, to set a hearing no sooner than 30 days but not later than 60 days from receipt of the request. If the law enforcement agency does not initiate proceedings within the 15-day period it is required to make the weapon available for return.

This bill would instead reduce the time for the law enforcement agency to initiate the petition from 15 days to 10 days after the person's release, would require release of the weapon within 10 days if it does not initiate proceedings, and would provide the person

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with 30 days to respond to the court clerk to confirm his or her desire for a hearing. The bill would instead require the court clerk to set a hearing if requested no later than 30 days from receipt of the request.

(7) This bill would incorporate additional changes in Section 546 of the Code of Civil Procedure proposed by AB 108, to be operative only if both bills are enacted and become operative on or before January 1, 1992, and this bill is enacted last.

(8) This bill would incorporate additional changes in Section 12028.5 of the Penal Code proposed by SB 1126, to be operative only if both bills are enacted and become operative on January 1, 1992, and this bill is enacted last.

(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. 867 (SB 684) Calderon. Child care programs.

(1) Under existing law, extended day care programs, as specified, operated on a functioning schoolsite in the same facilities that have housed school children during the day, before or after school hours, or before and after school hours, by an entity which contracts with the school to provide staff and program, is not required to meet square footage or toilet requirements imposed by the State Department of Social Services on child day care facilities.

This bill would instead provide that a room used as a classroom by a schoolage child care program, as defined, would not be required to meet those requirements if the program is operated (1) on a functioning schoolsite in the same facilities that have housed school children or (2) on a functioning schoolsite in facilities certified as usable as a classroom for instruction, as specified.

The bill would also exempt school grounds, other than rooms used as classrooms, used by a schoolage child care program operated on a functioning schoolsite from certain requirements imposed by the department on child day care facilities.

(2) Existing law requires the Community Care Licensing Division of the department to distribute a list of rights available to providers of child day care facilities.

This bill would revise those rights.

(3) Existing law requires child day care facilities to be provided with applicable regulations and revisions upon initial licensure

This bill would require certain other copies to be provided, and would require all applicants for licensure to be provided with the copies upon attendance at an orientation meeting, as specified. The bill would prohibit the department from citing a licensee for a deficiency under a revised regulation until 60 days after the mailing of the revised regulation. The bill would require the department to mail revised regulations to agencies, as specified.

(4) Existing law requires the Child Development Programs Advisory Committee to review a regulation relating to prohibiting the director of a combination program from inclusion in the teacher-child ratio, as specified.

This bill would repeal that provision and require that directors of combination programs be included in the teacher-child ratio under certain circumstances.

(5) Existing law requires the department to secure from an appropriate law enforcement agency a criminal record for certain persons involved in a child day care facility. Existing law authorizes the department to permit an individual to transfer a current criminal records clearance, under specified circumstances.

This bill would instead require the department to permit the transfer, under different circumstances.

(6) Existing law requires the department to review and make a final determination within 60 days on all applications for a license to operate a day care facility for children

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at another site. Existing law requires the department to grant a provisional license for 6 months if the department is unable to comply with the 60-day requirement, as specified. Existing law requires the department to immediately develop certain expedited procedures and appeal procedures.

This bill would require the department to request certain clearances within 5 days of receipt of an application, except as specified.

The bill would require the department to issue a provisional license if the department knows of no life safety risks, if the criminal records clearances are complete, and if the fire safety clearance is complete.

The bill would require the department to issue a notice to an applicant if the department does not issue a provisional license, as specified.

The bill would require the department to develop and publish certain expedited procedures.

Ch. 868 (AB 546) Bronzan. Public assistance: family preservation services.

Existing law provides for the allocation of state and federal funds to counties to provide child welfare services, including Aid to Families with Dependent Children-Foster Care services (AFDC-FC).

Existing law provides for a program permitting participating counties to claim, on an annual basis, a prescribed portion of the state's share of that county's AFDC-FC General Fund 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, who probably would be within the jurisdiction of the court under specified conditions, or who could be returned to their families with the provision of services.

Existing law provides that, if a county's total expenditures, added to the amount expended from the advance to the county, exceeds its total projected AFDC-FC General Fund expenditures by more than 5%, it shall fund the overage on a 100% basis, except that the county's share of the excess may be reduced based on consideration of any unanticipated factors.

This bill would authorize a participating county also to claim, to the extent permitted by federal law, the federal share of that county's AFDC-FC expenditures in advance. This bill would specify some of the unanticipated factors that may be considered in reducing the county's share of the overage.

Existing law permits counties to claim in advance up to 10% of the projected state share of AFDC-FC funds to be advanced to the county.

This bill would specify that the amount to be advanced, for purposes of that computation, is the amount to be expended for children who are eligible for family reunification and family maintenance services, and would revise the percentage that may be claimed in advance to be an actual dollar amount not to exceed 25% of the projected expenditures.

Existing law authorizes counties to provide certain services under the family reunification and maintenance program.

This bill would authorize counties to provide mental health and substance abuse treatment services, and would specify that counties which choose to provide these services shall identify and develop these services in consultation with specified county agencies. This bill would also require counties to utilize available private nonprofit resources of at least equal quality and cost prior to developing new county-operated resources, and to utilize available county resources of at least equal quality and cost prior to new private nonprofit resources

Existing law requires that participating counties provide services to families of specified children.

This bill would expand the types of children whose families are to receive services, to include certain children who become wards of the court for habitual truancy or commission of a crime, and seriously emotionally disturbed children who are determined to require out-of-home placement under specified provisions of law, subject to the approval of the State Department of Social Services.

Existing law sets forth criteria for determining the success of the program Existing

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law provides that counties may continue to claim funds in advance if they demonstrate successful outcome under these criteria.

This bill would revise these criteria, and would clarify this requirement to specify that counties shall only receive funding in advance if the department finds the county has demonstrated the successful outcome of the program under these criteria.

Existing law authorizes a county welfare department to return a dependent minor or ward who has been removed from his or her home to the home after an appropriate court order and with the provision of specified services.

This bill would authorize the county probation department to refer cases to the county welfare department for provision of these services through an interagency agreement.

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 AFDC-FC program.

This bill, by revising the use for which a portion of those continuously appropriated funds may be used by counties statewide, would revise the continuous AFDC-FC appropriation, thereby resulting in an appropriation.

The bill would also reallocate money appropriated by the Budget Act of 1991 to authorize the use of the money for the purposes of this bill. By revising the permissible uses of that money, this bill would make an appropriation.

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

Ch. 869 (AB 322) Areias State property.

(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.

This bill would additionally require the inventory to contain (1) a description of the exact current and projected use of, and the extent of the use for, each property included therein that has been identified by the department as warranting further development consideration and (2) an estimated value for each property located in a metropolitan area that either has commercial applications or is not currently in use or has no projected use and that has been identified by the department as warranting further development consideration.

(2) Existing law authorizes the Director of General Services to acquire title to real property in the name of the state whenever the acquisition of real property is authorized or contemplated by law, if no other state agency is specifically authorized and directed to acquire it.

This bill would permit the director, on behalf of the state to enter into an agreement to convert an existing lease or leases for specified real property in the City of Sacramento into a lease-purchase agreement for the purpose of acquiring office and parking facilities, and any other improvements, betterments, and facilities related thereto to provide office space for any state agency. It would prohibit the total purchase price, excluding financing costs, from exceeding the market value as determined by the department

The bill would permit the director to proceed with acquisition if the total cost through ownership based on an analysis of savings to the state over a period commensurate with the useful life of the building, as specified, is determined to be of significant savings to the state. It would require, in order to ensure that this condition is met, the department to provide, through the Department of Finance, the Joint Legislative Budget Committee with a report concerning the cost-effectiveness of the acquisition and information regarding the quality of construction prior to entering into any lease-purchase agreement.

The bill would authorize the State Public Works Board to issue revenue bonds, negotiable notes, and negotiable bond anticipation notes to finance the acquisition, as specified, in the bill.

The bill would also state that the director shall not utilize the provisions of the bill for more than one project.

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

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Ch. 870 (AB 1350) Vasconcellos. Nursing.

(1) Existing law, the Nursing Practice Act, provides for the certification of nurse-midwives and nurse practitioners, and authorizes nurse practitioners to furnish drugs and devices under prescribed conditions, including the condition that they are furnished incidentally to the provision of family planning services or are furnished incidental to routine health care rendered to essentially healthy persons within a clinic, as defined.

This bill would change the above-described condition regarding the furnishing of drugs and devices by nurse practitioners to include those furnished in certain health facilities, and would add provisions authorizing certified nurse-midwives to furnish drugs and devices similar to those provisions applicable to nurse practitioners. These provisions would include the requirement that the Board of Registered Nursing charge a certified nurse-midwife for issuance, renewal, and penalty for failure to renew a number to be included on all orders for drugs or devices by the midwife. The fees would be equal to those charged to nurse practitioners and would be deposited in a continuously appropriated fund under the provisions of existing law, thus this bill would make an appropriation by increasing the revenues in that fund.

(2) Existing law provides for the regulation of health care service plans, policies of disability insurance, and nonprofit hospital service plans, and requires those plans and policies to offer coverage to certain services.

This bill would require every policy of disability insurance and nonprofit hospital service plan contract issued, amended, or renewed on or after January 1, 1992, that offers coverage for perinatal services to contain a provision providing for direct reimbursement, as defined, to certified nurse-midwives and nurse practitioners for perinatal services. The bill would authorize certified nurse-midwives and nurse practitioners to collect payment for any unpaid portion of a fee, as specified.

Ch. 871 (AB 160) Floyd. Horseracing stewards.

(1) Existing law requires the California Horse Racing Board to license stewards and to prepare both written and oral examinations to be taken by persons applying for qualification as stewards The board is also required to license any person who participates in, or who has anything to do with, the racing of horses.

This bill would revise and recast the provisions relating to the authority of the board to license and regulate stewards and racing officials, as defined. The bill would create a stewards' committee to advise the board on matters relating to stewards and racing officials. The committee would consist of 7 persons selected by the board, with one person who is a member of the board and 6 persons who represent specified fields of horseracing.

(2) Under existing law, when satellite wagering facilities are receiving a live audiovisual signal of a horseracing meeting, the board is required to designate a steward at the track where the meeting is being conducted to monitor the satellite wagering activities at the track and at all facilities receiving the signal.

This bill would repeal this requirement. The bill would require the board to set forth requirements for the position of satellite facility supervisor for all satellite wagering facilities operated by the state or on public land. The satellite facility supervisor would be required to monitor other licensees at the satellite wagering facility.

(3) Under existing law, the board may authorize an association conducting a racing meeting in this state to accept wagers on the results of out-of-state harness or quarter horse feature races or stake races and, with the board's approval and with the concurrence of the horsemen's organization contracting with the association, other designated harness or quarter horse races during the period it is conducting the racing meeting if certain conditions are met.

This bill would include among these conditions a requirement that, on a day during a racing meeting on which live races are not being run, the out-of-state feature race have a gross purse of at least $100,000.

Ch. 872 (AB 315) T. Friedman. Redevelopment: Low and Moderate Income Housing Fund.

(1) Under the existing Community Redevelopment Law, not less than 20% of all tax

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increment revenues which are allocated to a redevelopment agency are required to be held in a separate Low and Moderate Income Housing Fund and 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.

This bill would substantially revise the criteria for, and ability of, a redevelopment agency to make those annual findings. This bill would also authorize agencies that have more than one project area to satisfy the requirement of allocating not less than 20% of all tax increment revenues by instead allocating the difference between the amount allocated and the 20% required to the Low and Moderate Income Housing Fund from tax increment revenues from other project areas.

Existing law requires, whenever dwelling units housing persons and families of low and moderate income are destroyed or removed from that housing market, as specified, the redevelopment agency to rehabilitate, develop, or construct for rental or sale to those persons and families an equal number of replacement dwelling units within the territorial jurisdiction of the agency.

This bill would require each redevelopment agency, prior to January 1, 1993, to adopt a prescribed plan to comply with these requirements for each project area.

Because this bill would impose new duties on redevelopment agencies relating to the allocation of tax increment revenues, 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. 873 (AB 642) Hauser. Sea urchins: landing tax: assessments; angel sharks.

(1) Existing law requires, until January 1, 1992, 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 Existing law also provides for establishment of the Commercial Sea Urchin Advisory Committee until January 1, 1992

This bill would increase the amount of this tax from January 1, 1992, to March 1, 1994, to 1¢ for each pound, or fraction thereof, of sea urchins. The revenues derived from the increase in the tax would be allocated to fund the grant described above. Under existing law, these funds would be deposited in the Fish and Game Preservation Fund, which is a continuously appropriated fund. By increasing the amount of funds to be deposited in a continuously appropriated fund, this bill would make an appropriation.

This bill would also continue in effect, until January 1, 1996, the provisions governing the purposes for which the landing tax may be expended, and providing for the establishment of the Sea Urchin Advisory Committee. The bill would require the department to make a grant to a nonprofit organization of sea urchin divers in an amount not to exceed $400,000, for various specified purposes, and would appropriate $400,000 from the Fish and Game Preservation Fund to the department for that purpose.

(2) Existing law, which is to be repealed on January 1, 1992, specifies size limits, measurement guidelines, and procedures for the use of gill or trammel nets with respect to the possession and landing of angel sharks.

This bill would continue that existing law beyond January 1, 1992, by deleting the repeal date.

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

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Ch. 874 (AB 859) Vasconcellos. Air pollution: halogenated refrigerants.

Existing law prohibits the manufacture and sale of specified chlorofluorocarbons (CFCs) as aerosol propellants, but does not otherwise expressly regulate CFCs. Existing law prohibits the discharge of air contaminants which cause injury, detriment, nuisance, or annoyance, or which endanger health or safety, and requires the State Air Resources Board to evaluate programs to reduce CFC emissions from motor vehicle air-conditioning systems.

This bill would make a statement of legislative intent, define terms, and would limit the percentage of new motor vehicles equipped with air-conditioners which utilize CFC-based products, as specified, and would require the state board to adopt regulations to provide for the enforcement of those provisions.

The bill would impose a civil penalty upon persons violating these provisions.

Ch 875 (AB 1152) T. Friedman. State park system: easements: roads.

Existing law authorizes the Department of Parks and Recreation to grant permits and easements, on terms the department may prescribe, to a public agency for public roads

This bill would authorize the department, subsequent to the creation of an easement for a roadway connecting to Mulholland Drive through the Mulholland Scenic Corridor and Topanga State Park or other state-owned parkland, to impose conditions and restrictions on the development of the roadway and upon contiguous portions of Mulholland Drive if the Director of Parks and Recreation finds that geologic or other circumstances exist which cause or may cause substantial damage to state-owned park resources. The bill would prescribe related matters.

Ch. 876 (AB 1171) Lee. California Youth Entrepreneur Program.

Existing law provides for the establishment of regional occupational centers, vocational classes, technical training programs, apprenticeship education, and work experience education, all designed to prepare pupils for gainful employment after high school

This bill would establish the California Youth Entrepreneur Program, which would require the Superintendent of Public Instruction to develop and conduct a 3-year program to encourage pupil involvement in entrepreneurial activities.

This bill would provide for a process by which school districts, regional occupational centers, and county offices of education may apply for funding to develop and implement entrepreneurial programs pursuant to the bill, and would require the superintendent to fund local entrepreneur programs in specified areas, commencing July 1, 1992.

This bill would require applicant school districts, regional occupational centers, and county offices of education to submit a plan outlining the applicant's proposed entrepreneur program and to demonstrate that the applicant's proposed program will meet certain requirements.

This bill would require that applicants ensure that the local entrepreneur program be composed of specified pupils, and that the superintendent must ensure that the application adequately describes the program and the fiscal resources that will be used to implement it, as specified.

This bill would require the superintendent to develop criteria to evaluate the local entrepreneur programs implemented pursuant to the bill and to conduct program and fiscal review, as specified. The bill would declare the intent of the Legislature that each program grant be awarded for a 3-year period, in an amount as specified.

This bill would declare the intent of the Legislature that the program established pursuant to the bill conform to certain federal requirements. The bill would encourage the State Job Training Coordinating Council to make that program one of its funding priorities, and to use funds available to it from a specified federal act for the support of local entrepreneur programs.

This bill would make the California Youth Entrepreneur Program inoperative on July 1, 1995, and would repeal it as of January 1, 1996.

Ch. 877 (AB 1196) Hughes. California Museum of Science and Industry: peace officers

(1) Existing law sets forth provisions governing the California Museum of Science and

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Industry.

This bill, in addition, would authorize the executive director of that entity to appoint a chief and an assistant chief of museum security and safety to keep order and preserve the peace at the premises of the California Museum of Science and Industry and of Exposition Park premises on a year-round basis, as specified.

(2) Existing law enumerates specified persons who are peace officers whose authority extends to any place in the state for purposes of performing their primary duty or when making an arrest under specified provisions of law. The authority of these peace officers to carry firearms is subject to prior authorization and terms and conditions specified by the employing agency.

This bill would include in these provisions the chief and assistant chief of museum security and safety of the California Museum of Science and Industry, as specified in (1) above.

(3) The Public Employees' Retirement Law provides increased benefits and higher contribution rates for peace officer/firefighter members than those provided for state miscellaneous members. The state's employer contributions to the Public Employees' Retirement Fund are appropriated monthly from the General Fund.

Since this bill would provide that the chief and assistant chief of museum security and safety of the California Museum of Science and Industry are peace officers, thereby including these employees within the category of peace officer/firefighter members, it would make an appropriation from the General Fund.

Ch. 878 (AB 1663) Eaves. Electricity rates.

Existing law requires every electrical corporation which serves a steel producer, frozen food processor, or other heavy-industry customer to prepare and file with the commission tariffs applying to service to these customers providing for rates lower than the system average rate, as defined, for specific service requirements of each customer, for incentives to achieve conservation, improvements in efficiency, and time-of-day load shifting, and for implementation at the option of the customer. Existing law requires the Public Utilities Commission to consider and approve and put into effect these tariffs on or before July 1, 1986.

This bill would add cost of service as a factor to be considered under this provision, and would require these tariffs to be considered, approved, and in effect on and after July 1, 1992.

This bill would authorize the commission to approve contracts between an electrical corporation and its heavy industrial customers as determined by the electrical corporation, of not more than 10 years' duration, in which the electrical corporation buys from the heavy industrial customer the right to interrupt the customer's service on short notice, as determined by the commission. The bill would expressly authorize the commission to amend these contracts, and would require the inclusion of a provision in each contract recognizing that authority.

Ch. 879 (AB 1785) Katz. Housing: HOME and HOPE programs.

(1) Under existing law, the Director of Housing and Community Development administers various programs for the provision of housing to persons in need. Under existing federal law, the so-called HOME programs and the Homeownership and Opportunity for People Everywhere (HOPE) program, which are part of the Cranston-Gonzalez National Affordable Housing Act, provide funding for homeownership programs for specified persons and entities that receive matching funding, as specified, from nonfederal sources.

This bill would express the intent of the Legislature that this bill provide a mechanism for California to fulfill the nonfederal matching funds requirements of the federal HOME and HOPE programs

The bill would authorize local government agencies to exempt, for a period of up to 20 years, specified housing projects receiving funding pursuant to the federal HOME and HOPE programs from local taxes, fees, or assessments. The bill would impose a state-mandated local program by requiring redevelopment agencies that use their nonlow and moderate-income funds in conjunction with specified federal programs and

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funds to include a description of that activity in their annual reports. The bill would authorize the California Housing Insurance Fund to use its resources to assist specified entities that receive the federal funding.

The bill would require, on or before April 15, 1992, that the Advisory Task Force on Affordable Housing, created by the bill in the Department of Housing and Community Development with membership and staff support as specified, submit a written report to the Legislature regarding ways in which state housing programs may be restructured in order to benefit the greatest number of Californians by obtaining maximum federal funding under the Cranston-Gonzalez National Affordable Housing Act, with particular attention to be paid to the federal HOME and HOPE programs.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 880 (SB 236) Robbins. Insurance agents and brokers.

Existing law requires the Insurance Commissioner to issue or deny an application for a certificate of authority to transact insurance within 180 days after the date the application is perfected.

This bill would require that issuance or denial within 180 days of the application and would prohibit the commissioner from seeking a waiver to extend that period.

Existing law requires certain statements to be filed with the commissioner in triplicate with the San Francisco office.

This bill would require those statements to be filed in quadruplicate with the Los Angeles office.

Existing law permits insurance advisory organizations to develop and draft common forms, coverages, and endorsements for insurance policies, subject to various restrictions.

This bill would also permit the development of manuals by advisory organizations and their use by insurers. Since Proposition 103 repealed provisions authorizing advisory organizations, and since this bill would amend provisions enacted after Proposition 103 that authorize certain activities by advisory organizations to permit additional activities, this bill would have the effect of amending Proposition 103, and would require a ⅔ vote for enactment.

Under existing provisions of the Public Records Act, certain records of the Department of Insurance are required to be made available to the public.

The bill would require all public records of the department and commissioner subject to disclosure under the Public Records Act to be available for inspection and copying at the offices of the department in San Francisco, Los Angeles, and Sacramento. It would require adequate copy facilities to be made available, and would require copies to be made available at cost. Since the fee would be deposited into the continuously appropriated Insurance Fund, this would result in an appropriation. The bill would also require records submitted as computer data on an electronic medium, in addition to any other formats, to be made available to the public through an electronic medium.

Ch. 881 (SB 306) Royce. Retirement: volunteer firefighters

Existing law provides for the Volunteer Firefighters Length of Service Award System Fund, administered by the Board of Administration of the Public Employees' Retirement System, and funded by contributions from contracting departments, from which volunteer firefighters may receive up to $100 per month for life, based on their length of service.

This bill would permit a supplemental amount, not to exceed $50, to be added to the award, based on an actuarial analysis of the condition of the fund as determined by the

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board. It would require the board to review this amount annually to ensure the maintenance of adequate actuarial reserves in the fund.

This bill would specify that supplemental payments would not commence until any outstanding loan to the Volunteer Firefighters Length of Service Award System has been repaid to the General Fund.

Ch. 882 (SB 405) Deddeh. San Diego Municipal Court· "900" telephone numbers.

Existing law does not provide for the establishment of "900" telephone numbers by municipal courts.

This bill would authorize the San Diego Municipal Court to establish "900" telephone numbers for traffic, misdemeanor, and other telephonic arraignment, for court scheduling, and for rendering tentative civil decisions, with the proceeds to be continuously appropriated to the use of the court, as specified.

Ch. 883 (SB 585) Torres. Courts: interpreters.

(1) Existing law requires the State Personnel Board to administer an examination for court interpreters, and to publish a list of recommended and qualified interpreters.

This bill would require the State Personnel Board to test interpreters in the area of medical terminology, and to publish a list of recommended interpreters who have passed this examination.

(2) Existing law provides that a sworn interpreter shall be provided for any witness who is incapable of understanding or speaking the English language. An existing provision of the California Constitution provides that a defendant in a criminal case who does not understand English has a right to an interpreter throughout the proceedings. Existing law also provides that in civil cases, interpreter fees shall be paid by the litigants.

This bill would provide that in any proceeding in a civil action for which a record is being made, except actions prosecuted in small claims court, in which a party does not proficiently speak or understand the English language and that person is present, an interpreter shall be present to interpret the proceedings and to assist communication between the person and his or her attorney. It also would require an interpreter to be present to interpret for such a party to a civil action, during any medical examination requested by an insurer or by the defendant and conducted for the purpose of determining damages, and would require the insurer or defendant requesting the examination to pay the interpreter's fees.

This bill would also provide that the court shall not commence proceedings until the interpreter is present, and that the record of any medical examination conducted in violation of these provisions shall be inadmissible in any civil proceeding.

(3) The above provisions would be effective until January 1, 1993.

(4) Existing law requires the presence of a qualified interpreter in any civil or criminal action where a party or witness is a deaf or hard-of-hearing person, as specified It also requires the Judicial Council to conduct a study and establish guidelines with regard to the certification of these interpreters, and to approve one or more entities to administer testing for these interpreters, by January 1, 1992.

This bill would require the Judicial Council to perform these functions by July 1, 1992.

Ch. 884 (SB 648) C. Green County community schools.

Existing law authorizes county boards of education to enroll certain pupils in county community schools, including homeless children.

This bill would authorize county boards of education also to enroll pupils whose school districts of attendance have approved, at the request of the pupil's parent or guardian, the pupil's enrollment in a county community school.

The bill also would specify that the enrollment of any homeless child in a county community school under existing law is exempt from the requirement, as set forth in the Budget Act of 1991, that persons may be enrolled in a county community school only after an individualized review and certification of the appropriateness of enrollment, as specified.

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Ch. 885 (SB 669) Morgan. Hazardous waste: administrative orders.

Existing law authorizes the Department of Toxic Substances Control to issue an order for specifying a schedule for compliance or correction whenever the department determines that a person violated, or threatens to violate, various statutes, regulations, or permits concerning hazardous waste and substances. A person who is served with the order is authorized to file a notice of defense with the department within 10 days after being served an order and if a notice of defense is not filed within that period, the order becomes final.

This bill would allow a person served with such an order, who chooses to resolve the order directly with the department and who does not file an administrative or judicial appeal, to request a written statement from the department, which the department would be required to prepare, to explain the violation and the penalties applied, as specified.

The bill would incorporate amendments to Section 25187 of the Health and Safety Code proposed by SB 966, which would become operative only if both bills are enacted and this bill is enacted last.

Ch. 886 (SB 966) Bergeson. Hazardous waste: enforcement.

(1) Existing law requires the Department of Toxic Substances Control and any local health office or a local public officer designated by the Director of Toxic Substances Control to enforce the standards and regulations concerning hazardous waste. Existing law authorizes the department to issue an order specifying a schedule for compliance or correction for violations of these laws and regulations and allows the department to issue a complaint imposing a civil penalty upon a person who violates these laws and regulations. Under existing law, the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) requires that all penalties collected for violations of these laws are to be apportioned in a specified manner, of which 50% are to be deposited in the Hazardous Substance Account in the General Fund, 25% paid to the office which brought the action, and 25% paid to the department to fund the activities of the local health officer.

This bill would make a statement of legislative intent and would repeal the provisions authorizing the issuance of a complaint imposing a civil penalty. The bill would instead allow the department to include in the order the imposition of an administrative penalty. The bill would revise the procedures for requesting a hearing concerning the order, including requiring review by an administrative law judge pursuant to specified procedures for administrative adjudication, and would specify procedures for judicial review of the administrative law judge's decision.

The bill would, until January 1, 1997, authorize the department to delegate to local health officers in not more than 8 counties, as part of a 5-year pilot program, the department's authority to issue an order specifying a schedule for compliance or correction, including the imposition of civil penalties, with regard to specified enforcement actions against certain persons and facilities.

The bill would require the department to establish a task force, consisting of representatives from specified groups and organizations, to evaluate this pilot program and issue 2 reports on the pilot program, one by July 1, 1995, and the other by September 1, 1996.

The bill would require administrative penalties collected by the department to be deposited in a separate subaccount in the Hazardous Waste Control Account, for expenditure by the department upon appropriation by the Legislature. The bill would require 50% of the penalties collected as a result of enforcement actions brought by local health officers to be paid to the city or county of the local health officer imposing the penalty for deposit into a special account to fund hazardous waste enforcement activities, upon the department making a specified determination, and 50% paid to the department, for deposit in the Hazardous Waste Control Account, for expenditure by the department, upon appropriation by the Legislature, to fund costs incurred by the department in implementing specified enforcement provisions. The bill would make related changes.

(2) Under existing law, the Safe Drinking Water and Toxic Enforcement Act of 1986

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requires any person who knowingly disposes, treats, or stores any hazardous waste at, or transports hazardous waste to, an unpermitted or unauthorized facility, as specified, to be punished, upon conviction, by imprisonment and by a fine of $5,000 and $100,000 for each day of violation and a fine of up to $250,000 for each day of violation, if the violation caused great bodily injury or a substantial probability that death could result.

The bill would define the term "each day of violation" for purposes of this provision, thereby imposing a state-mandated local program by changing the penalty for a crime.

(3) The bill would make a statement of legislative intent that the bill furthers the purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986.

(4) The bill would incorporate changes to Section 25187 of the Health and Safety Code proposed by SB 669, which would become operative only if both bills are enacted and this bill is enacted last

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

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

Ch. 887 (SB 883) Beverly Political Reform Act· public officials: financial interest.

Under the Political Reform Act of 1974, "public official" means every member, officer, employee, or consultant of a state or local government, with certain exceptions, and a public official is prohibited from making, participating in making, or in any way attempting to influence a governmental decision in which the public official has a financial interest, as defined

This bill would provide that a registered professional engineer or licensed land surveyor who renders professional services as a consultant to a state or local government, does not have a financial interest in governmental decisions under specified circumstances

This bill would also provide that any person who makes a payment to a state agency or local government agency to defray the estimated reasonable costs to process any application, approval, or action by the agency, as specified, shall not by reason of that payment be a source of income to a person who is retained or employed by the agency.

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

Ch 888 (SB 994) Mello. Care facilities

(1) Existing law requires the State Department of Social Services to license child day care facilities, as defined, community care facilities, as defined, residential care facilities for the elderly, as defined, and residential care facilities for persons with a chronic, life-threatening illness, as defined.

Existing law authorizes and requires, as specified, the department to inspect child day care facilities, community care facilities, residential care facilities for the elderly, and residential care facilities for persons with a chronic, life-threatening illness

Existing law makes it a misdemeanor for any person, without authorization, as specified, to inform an owner, operator, agent, or resident of a community care facility, child day care facility, or a residential care facility for the elderly of an impending or proposed inspection or evaluation of that facility by personnel of the department.

This bill would change the definition of this crime by making it a misdemeanor for any person, without authorization, as specified, to inform an owner, operator, agent, or resident of a community care facility, or a child day care facility of an impending and unannounced site visit to that facility by personnel of the department, thereby imposing a state-mandated local program. This bill would also add this provision with regard to residential care facilities for persons with a chronic, life-threatening illness. It would also change the definition of this crime by making it a misdemeanor for any person, without

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authorization, as specified, to inform an owner, operator, agent, or resident of a residential care facility for the elderly of an impending and unannounced site visit to that facility by personnel of the department, except for a site visit prior to licensing the facility.

(2) Existing law relating to residential care facilities for the elderly exempts from its provisions, among other things, any arrangement for the receiving and care of persons by a relative or any other arrangement for the receiving and care of persons from only one family by a close friend of the guardian or conservator, if the arrangement is not for financial profit and occurs only occasionally and irregularly, as defined.

This bill would change this provision to exempt any arrangement for the care and supervision of a person or persons by a family member, as defined, or any arrangement for the care and supervision of a person or persons from only one family by a close friend, under certain circumstances.

This bill would expressly exclude from the exemption any person appointed conservator of a person, or estate, or both, if the person receives care and supervision from the conservator, unless otherwise prescribed.

(3) Existing law requires certain persons to be fingerprinted and sign a declaration under penalty of perjury regarding any prior criminal record as a condition to employment, residence, or presence in a community care facility, residential care facility for persons with chronic, life-threatening illness, child day care facility or residential care facility for the elderly. Existing law requires these facilities to terminate the employment of a person, remove the person from the facility, or bar the person from the facility when the facility is notified by the department that the person has been convicted of certain crimes.

This bill would provide that if the licensee or facility is required by law to deny or terminate employment based on the above-described notification, then the licensee or facility would not incur civil liability or unemployment insurance liability.

(4) Existing law permits the department to prohibit licensed community care facilities, licensed residential care facilities for the elderly, and licensed child day care facilities from employing or continuing the employment of, or allowing in a licensed facility, or allowing contact with clients of a licensed facility by, any employee or prospective employee who, among other things, has engaged in conduct inimical to the health, welfare, or safety of either an individual in, or receiving services from, the facility, or the people of the state.

This bill would provide the department with the same authority with respect to residential care facilities for persons with a chronic, life-threatening illness.

This bill would provide that if the licensee or facility is required by law to deny or terminate employment based on the above-described findings, then the licensee or facility would not incur civil liability or unemployment insurance liability.

(5) Existing law prohibits a residential care facility for the elderly from requiring patients to purchase drugs, or rent or purchase medical equipment, from any particular pharmacy or other source.

This bill would make these provisions applicable to residents instead and would revise these provisions to refer to medications, medical supplies or equipment. It would provide that these provisions do not preclude a facility from requiring the patient's pharmacy or other source to comply with certain facility policies and procedures.

(6) Existing law requires placement agencies, as defined, to place individuals only in licensed residential care facilities for the elderly or facilities exempted from existing licensing requirements. It also prohibits these agencies from placing, referring, or recommending placement of persons in facilities operating without a license. Violation of these provisions is a misdemeanor under existing law.

This bill would include certain conservators within the definition of placement agencies thereby imposing a state-mandated local program by expanding the definition of a crime. It would prohibit these agencies from placing individuals in licensed facilities when the individual cannot be cared for within the limits of the license or requires inpatient care in a health facility. It would make a violation of this provision a misdemeanor, thereby imposing a state-mandated local program by creating a new crime.

This bill would prohibit an agency from placing a person in a facility providing care

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and supervision, or protective supervision, unless the facility is licensed as a residential care facility or exempt from that licensure. Violation of this provision would be a misdemeanor under existing provisions of law, thereby imposing a state-mandated local program.

(7) Existing law prohibits an employee of a placement agency, as defined, from placing, referring, or recommending placement of a person in a facility operating without a license, unless exempt, as specified. Existing law provides that violation of this provision is a misdemeanor.

This bill would provide that placement agencies are also subject to the same prohibition, thereby imposing a state-mandated local program, since a violation would be a misdemeanor.

(8) The bill would state the intent of the Legislature to develop and implement a plan to establish 3 levels of care for residential care facilities for the elderly, as specified.

(9) This bill would incorporate additional changes in Sections 1522, 1568.09, and 1569.17 of the Health and Safety Code, proposed by AB 1797, to be operative only if AB 1797 and this bill are both chaptered and become effective on or before January 1, 1992, and this bill is chaptered last.

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

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

Ch. 889 (SB 1019) L. Greene. Housing elements: reports.

(1) Existing law requires each city, county, and city and county to adopt, according to specified deadlines, a general plan for its jurisdiction which includes certain mandatory elements, including a housing element. Existing law requires the Department of Housing and Community Development to review local housing elements for conformity with specified provisions of law, including provisions relating to the regional housing needs of the city or county.

This bill would impose a state-mandated local program by requiring each city, county, and city and county to include the need identified as the locality's share of the regional housing need in its quantified objectives. The bill would also require the program of implementation to include, under specified conditions, provision for sufficient sites with zoning which permits owner-occupied and rental multifamily residential use by right, as defined.

(2) Existing law requires the share of a city or county of the regional housing needs to include all income levels within the area significantly affected by a general plan of the city or county. The council of governments or the department is required to determine housing market areas and to define the regional housing need, as specified.

This bill would impose a state-mandated local program by requiring the housing element adopted by the legislative body and any amendments made to that element to be delivered to all special districts and to other private entities that provide water services at retail or sewer services within the territory of the legislative body. The bill would define the phrase "water services at retail" for these purposes. The bill would impose a state-mandated local program by requiring these special districts and entities, when allocating or making plans for the allocation of new resources or services designated for residential use, to grant a priority for the provision of these new resources or new services in a manner consistent with the allocated regional housing needs, as specified.

(3) This bill would impose a state-mandated local program by requiring a copy of the annual report on the status of a local general plan and progress on its implementation, required to be prepared by a local planning agency and submitted to the local legislative body, also to be submitted to the Department of Housing and Community Development within 30 days after receipt by the legislative body.

(4) The bill would specify that the additional requirements and duties created by its provisions are applicable upon the next amendment or periodic review of the housing element by the legislative body.

(5) This bill would make additional conforming changes in Section 65583 of the

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Government Code if AB 1929 is enacted, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 890 (SB 1209) Committee on Energy and Public Utilities Energy efficient homes.

Under existing law, the Public Utilities Commission is vested with regulatory authority over public utilities

Existing law requires 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 specifies various requirements for the incentives program

This bill would permit the commission to authorize gas and electrical corporations to include in ratepayer-supported research and development programs activities that relate to improving the energy efficiency of manufactured housing and mobilehomes, as specified, to provide incentives to seniors, low-income households, and others who buy new manufactured homes, or mobilehomes that incorporate energy efficient measures, and to recover through rates the reasonable costs associated with these programs.

The bill would authorize the commission to develop a program involving utilities, representatives of the manufactured housing and mobilehome industries, and organizations representing senior citizens and consumers to increase the construction and marketing of energy efficiency measures for mobilehomes and manufactured housing.

This bill would require the commission to report to the Legislature on the status of utility programs to support the construction and purchase of energy efficient manufactured homes and mobilehomes, as specified

Ch. 891 (SB 1237) Presley. Air pollution.

Existing law requires the State Air Resources Board to adopt regulations to reduce emissions of reactive organic compounds from consumer products, as specified.

This bill would require the state board, prior to adopting regulations governing emissions of reactive organic compounds from health benefit products, as defined, to consider recommendations received from governmental public health agencies and medical experts, and after the adoption of the regulations, to report to the Governor and the Legislature, as specified. The bill would require the state board to consider the effect of those regulations proposed for health benefit products on the efficacy and availability of the products.

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

Ch. 892 (SB 1242) Maddy. Retirement systems.

(1) Existing law establishes the Legislators' Retirement Fund, the Public Employees' Contingency Reserve Fund, the Public Employees' Health Care Fund, the Old Age and Survivors' Insurance Revolving Fund, and the Volunteer Firefighters Length of Service Award Fund.

The bill would provide that those funds are continuously appropriated, without regard to fiscal year, for their designated purposes.

(2) The existing Legislator's Retirement Law defines "compensation" and "salary" for the purposes of the Legislator's Retirement Systems.

This bill would provide that for purposes of computing a retirement allowance or benefit of a member of the Legislature, the salary used shall be the highest salary received by the Member of the Legislature while in office.

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(3) The Public Employees' Retirement Law designates various categories of public employees who are excluded from membership in the Public Employees' Retirement System.

This bill would exclude from membership any person employed under the Senate Fellows, Assembly Fellows, or Executive Fellows programs.

(4) The Public Employees' Retirement Law presently includes state and local employees as members of the system irrespective of any probationary period.

This bill would restate that policy with respect to employees who enter or reenter local agency service on and after January 1, 1992.

(5) Existing law authorizes courts to divide member contribution accounts in the Public Employees' Retirement Fund and the Judges' Retirement Fund in community property settlements.

The bill would authorize members to receive service credit by redepositing contributions withdrawn by nonmembers.

(6) The Public Employees' Retirement Law presently authorizes members covered by the Social Security Act, but not yet eligible to receive a benefit, to elect to receive a temporary annuity, based upon their anticipated primary social security benefit until they receive that benefit.

This bill would authorize all members to elect to receive temporary annuities not based only upon anticipated social security benefits.

(7) The Public Employees' Medical and Hospital Care Act conditions enrollment in a health benefits plan by either a new annuitant who retires within 120 days of separation from employment and receives a retirement allowance or an exempt employee, as defined, who separates from employment, upon the annuitant or exempt employee having been enrolled or covered at the time he or she became an annuitant or separated from employment, respectively. The Public Employees' Medical and Hospital Care Act continuously appropriates certain funds for the provision of health benefits plan coverage to state and local public employees and annuitants.

This bill would provide that, until December 31, 1991, a legislative employee who elects because of Proposition 140 to retire, on or after January 1, 1991, and prior to July 1, 1991, and within 120 days following the separation date, either with or without that additional service credit and elects to enroll, within 60 days after the effective date of this act, would be deemed to have been enrolled on the date of separation from employment. This bill would also provide that, until December 31, 1991, a legislative employee who is both an exempt employee, as defined, and an annuitant, as defined, or a state employee, as defined, but was not enrolled at separation, and who elects because of Proposition 140 to resign, on or after January 1, 1991, and prior to July 1, 1991, or who is laid off and who elects to enroll within 60 days after the effective date of this provision, would be deemed to have been enrolled or covered on the date of separation from employment. 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 an appropriation.

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

Ch. 893 (AB 274) Felando. Vehicles: disabled persons and disabled veterans: license plates and placards.

Existing law provides for the issuance to disabled persons and disabled veterans of special identification license plates and placards which, among other things, confer specified parking privileges.

This bill would require those license plates and placards to bear the International Symbol of Access ("wheelchair symbol"), as specified, unless the applicant for license plates requests plates without that symbol.

The bill would make other related and conforming changes.

Ch. 894 (SB 234) Kopp. Vehicles: parking: disabled persons.

(1) Under existing law, any disabled person may apply to the Department of Motor Vehicles for issuance of a distinguishing placard providing preferential parking privileges, as specified, and also permits a person who is temporarily disabled for less than

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one year to apply for a placard. A placard is required to be renewed every 2 years. Existing law prohibits the lending of a placard, but permits another person to use a disabled person's placard in transporting that disabled person.

This bill would redefine temporary disability for these purposes as disability for less than 6 months, rather than less than one year. The bill would authorize a disabled person, to whom a disabled person's placard has been issued, to permit another person to use the placard in the transportation of that disabled person only while in the presence or reasonable proximity of the disabled person.

The bill would require the department to include on the placard instructions for its lawful use and a summary of penalties applicable to its unlawful use. The bill would require the department to design the placard so as to inhibit its unlawful reproduction.

The bill would require any person using a placard for purposes of parking to present identification and evidence of the issuance of the placard to that person upon request of a peace officer or parking enforcement person. Since a violation of this requirement would be an infraction under other provisions, the bill would impose a state-mandated local program by creating a new crime. The bill would authorize the officer or parking enforcement person to confiscate a placard being used by other than the person to whom issued.

The bill would also require the department to conduct a study which cross-references death records and the department's records of issuance and renewal of these placards to ascertain the extent of their unauthorized use and renewal after the death of the disabled person to whom originally issued, and to report to the Legislature thereon on or before July 1, 1992

The bill would make additional changes which would become operative only if AB 274 is enacted, and other changes only if AB 274 is not enacted.

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

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

Ch. 895 (SB 980) Keene. Health care decisions.

(1) Under existing law, known as the Natural Death Act, an adult person may execute a specified directive directing the withholding or withdrawal of life-sustaining procedures, as defined, in a terminal condition, as defined. Existing law requires the directive to be executed in the presence of 2 witnesses who are required to meet certain criteria. Additional requirements for the witnesses, under existing law, are imposed. Existing law provides that the directive is effective for 5 years from the date of execution, as specified. Under existing law, if the declarant is determined by 2 physicians to be afflicted with a terminal condition in a specified manner for at least 14 days prior to executing or reexecuting the directive, the directive is conclusively presumed to be the directions of the patient, and a physician refusing to effectuate the directive or transfer the patient is guilty of unprofessional conduct. In other instances where a directive is executed, under existing law, the physician and surgeon may consider other factors prior to the withholding or withdrawal of life-sustaining procedures.

Existing law provides that no physician or health facility which, in acting in accordance with the requirements of the act, causes the withholding or withdrawal of life-sustaining procedures from a qualified patient is subject to civil liability therefrom. Existing law provides that it is a crime to commit certain acts in violation of the act, including unlawful homicide, as specified.

This bill would repeal the existing Natural Death Act. The act as added would be known as the Natural Death Act and would contain similar provisions. This bill would permit an individual of sound mind and 18 or more years of age to execute a declaration governing the withholding or withdrawal of life-sustaining treatment, except that if a physician knows a patient is pregnant, the declaration would not be given force or effect during the pregnancy. It would set forth a permissible form for the declaration.

This bill would provide that a declaration becomes operative when it is communicated to the attending physician, as defined, and the declarant is in a terminal condition or

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permanent unconscious condition and no longer able to make decisions regarding the administration of life-sustaining treatment. It would require the attending physician and other health care providers to comply with the declaration or transfer the care of the patient, as specified. A violation of this requirement would be a misdemeanor. The creation of a new crime would impose a state-mandated local program.

This bill would authorize the declarant to revoke the declaration at any time, as specified, but would not otherwise limit the length of time the declaration would be effective.

This bill would provide that a physician or other health care provider whose actions under its provisions are in accord with reasonable medical standards, is not subject to criminal or civil liability, as specified.

The bill would create certain other new misdemeanors for violation of its provisions and would thereby impose a state-mandated local program.

The bill would provide that an instrument executed before the bill's effective date and which substantially complies with certain requirements for the execution of a declaration shall be given effect pursuant to the Natural Death Act.

(2) The bill would make additional changes in Section 7186 of the Health and Safety Code if Assembly Bill 1332 is enacted

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

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

Ch. 896 (AB 793) Polanco. Durable powers of attorney for health care.

Existing law provides that a durable power of attorney for health care expires 7 years after its execution, unless at the end of the 7-year period the person lacks capacity to make health care decisions.

This bill would instead provide that a durable power of attorney for health care exists for an indefinite period of time unless specifically limited in duration. This bill would also make conforming changes.

Ch. 897 (SB 997) Thompson. Property taxation: welfare exemption.

(1) Existing property tax law provides for a welfare exemption under which property used exclusively for religious, hospital, scientific, or charitable purposes, and owned and operated by community chests, funds, foundations, or corporations organized and operated for those purposes, is exempt from taxation if specified requirements are met. It provides, for purposes of the foregoing exemption, that "property used exclusively for religious, hospital, or charitable purposes" shall include facilities in the course of construction on or after a specified date, together with the land on which the facilities are located as may be required for their convenient use and occupation, to be used exclusively for religious, hospital, or charitable purposes. It also provides that "property used exclusively for religious, hospital, or charitable purposes," for purposes of the foregoing definition, shall include the demolition or razing of a building with the intent to replace it with facilities to be used exclusively for religious, hospital, or charitable purposes.

This bill would provide that "facilities in the course of construction" also includes definite onsite physical activity connected with the construction or rehabilitation of a new or existing building, to be used exclusively for religious, hospital, or charitable purposes. It would provide that activity as described above having been commenced and not yet finished, unless abandoned, shall establish that a building is "under construction" for purposes of a specified provision of the California Constitution. It would also provide that construction shall not be considered "abandoned" due to reasonable causes and circumstances beyond the assessee's control, that occur notwithstanding the exercise of ordinary care and the absence of willful neglect. It would contain legislative findings and declarations that the foregoing amendments do not constitute changes in, but are declaratory of, existing law.

(2) Existing law requires that property tax escape assessments be made within 4 years after July 1 of the assessment year, as defined by a specified statute, in which the

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property escaped taxation or was underassessed.

This bill would provide, notwithstanding the foregoing requirement, that the assessor may assess as escaped property any property for which a welfare exemption was granted while that property was "in the course of construction" as provided by this bill if either (a) the construction is abandoned, or (b) upon completion of the construction the property is used other than exclusively for religious, hospital, or charitable purposes.

(3) 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 this bill.

Ch. 898 (SB 118) Robbins. Health care service plans.

Under existing law, the Commissioner of Corporations has the responsibility for the administration and enforcement of the Knox-Keene Health Care Service Plan Act which regulates health care service plans and specialized health care service plans, as defined.

This bill would require plans, when requested by a public entity or political subdivision of the state with whom it has entered into a contract, to report within a reasonable time period, not to exceed 60 calendar days, the method and data used in calculating the rates of payment for the contracts the plan has entered into with the public entity or political subdivision of the state.

Under existing law, any person who willfully violates any provision of the Knox-Keene Health Care Service Plan Act or any rule or order thereunder is, upon conviction, to be punished with a specified fine or imprisonment, or both. Because this bill would require specified plans to make the above-described report, it would create 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. 899 (SB 327) Hill. State administrative regulations.

(1) Existing law permits any interested person to submit a petition to a state agency proposing the adoption, amendment, or repeal of an administrative regulation. The agency may, either in whole or in part, grant or deny the petition.

This bill would require every decision to be in writing, and to be transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register, at the earliest practicable date. The decision would be required to contain specified information.

(2) Existing law requires every state agency to maintain a rulemaking file of each rulemaking, which is deemed to be the record for that rulemaking procedure. The file is required to contain specified documents.

This bill would, in addition, require the file to contain a copy of any decision granting, in whole or in part, a petition for the adoption, amendment, or repeal of an administrative regulation.

(3) This bill would specify that any action by the Department of Finance to adopt and update, as necessary, instructions to any state or local agency for the preparation, development, and administration of the state budget, including any instructions included in the State Administrative Manual, would be exempt from provisions relating to the Office of Administrative Law.

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

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Ch. 900 (SB 1214) Killea. Fuel: petroleum displacement.

(1) Existing law contains legislative findings and declarations relative to vehicular air pollution and energy conservation.

This bill would include findings and declarations relative to dependence on petroleum fuels, and would find and declare, among other things, that it is the policy of the state to establish a state transportation energy policy that results in the least environmental and economic cost to the state, as specified.

(2) Existing law imposes various duties on the State Energy Resources Conservation and Development Commission relating to energy conservation.

This bill would require the commission to include specified forecasts concerning fuel use in a specified biennial report. The bill would require the commission, in consultation with specified agencies, to identify and evaluate energy programs which might be used to achieve the forecast of energy use under a least environmental and economic cost scenario. The bill would require the commission to report on long-range and interim targets for transportation energy use reduction and fuel diversity, designed to achieve that forecast.

(3) 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 in the State Treasury, a continuously appropriated fund

This bill would, to the extent permitted by federal law, appropriate $260,000 of those funds, to be used by the State Energy Resources Conservation and Development Commission for the purposes of this bill.

Ch. 901 (SB 1245) Alquist. Seismic research.

Existing law requires the Seismic Safety Commission to establish the California Center for Earthquake Engineering to provide research programs and other activities related to earthquakes.

Existing law requires the Division of Mines and Geology, with the advice of the Office of Competitive Technology in the Department of Commerce, to make grant awards for the 1990–91 fiscal year to not more than 5 California companies to conduct feasibility studies to evaluate new technologies relating to impending earthquakes to the extent funds are available.

This bill would establish the Alfred E. Alquist Earthquake Act.

This bill would require not more than 5 grant awards be made for the 1991–92 fiscal year to commercialize technologies relating to impending earthquakes The bill would require the program to be administered by the Office of Competitive Technology in the Department of Commerce with the advice of both the Division of Mines and Geology of the Department of Conservation and the Seismic Safety Commission

The bill would prescribe the procedure for awarding the grants.

This bill would establish the Alfred E. Alquist Earthquake Fund in the State Treasury, and would continuously appropriate money in the fund for the grants awarded pursuant to this bill

The bill would require the Controller to transfer not more than $750,000 from the Pooled Money Investment Account as a loan to the fund established by this bill for distribution for the purposes of this bill.

The bill would establish the California Earthquake Residential Recovery Fund, would continuously appropriate money in the fund for purposes of the bill, and would specify that the money loaned to the Alfred E. Alquist Earthquake Fund created by this bill from the Pooled Money Investment Account shall be paid, with interest, from the California Earthquake Residential Recovery Fund by the earlier of January 1, 1997, or when the balance of the California Residential Earthquake Recovery Fund reaches $1,500,000,000.

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

Ch. 902 (AB 157) Roybal-Allard. Air pollution: volatile organic compounds.

(1) Existing law allows an air pollution control officer to request specified information from an applicant or the holder of a permit.

This bill would authorize the officer to require specified information from a supplier, wholesaler, or distributor of volatile organic compounds or chemical substances, and

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would require the supplier, wholesaler, or distributor to disclose that information to the district.

The bill would prohibit disclosure of trade secrets, customer lists, and supplier names, by specified persons, except as specified.

Since a violation of the above provisions would be a misdemeanor, the bill would impose a state-mandated local program by creating new crimes.

(2) Under the California Public Records Act, public records, with specified exceptions, of state and local agencies are open to inspection by the public during office hours.

This bill would provide that the act does not require the disclosure of specified information received or completed by an air pollution control officer relating to volatile organic compounds or chemical substances.

(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. 903 (AB 255) Costa. Groundwater management.

(1) Under existing law, certain special districts are authorized to establish programs for the management of groundwater resources within their boundaries.

This bill would, subject to specified limitations, authorize any local agency whose jurisdiction includes specified groundwater basins identified by the Department of Water Resources in a specified bulletin as being subject to critical conditions of overdraft, and which is authorized by law to provide water service and is exercising that authority, to establish, by ordinance, or by resolution if not authorized to act by ordinance, programs for the management of groundwater resources within the area in which that water service is being provided in accordance with prescribed procedures. The bill would authorize the local agency to exercise specified powers of a water replenishment district and, subject to approval of the voters of the agency, to fix and collect fees for the extraction of groundwater and to levy a water replenishment assessment. The bill would require local agencies with overlapping boundaries which conduct groundwater management programs pursuant to the bill's provisions to meet, at least annually, to coordinate their groundwater management programs, 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. 904 (AB 757) Roybal-Allard. Cigarette lighters.

(1) Under existing law, the State Fire Marshal has the duty to foster, promote, and develop ways and means of protecting life and property against fire.

This bill would require the State Fire Marshal to adopt regulations, as specified, by January 1, 1994, that set forth standards for the design of cigarette lighters that result in cigarette lighters being significantly difficult for children under 5 years of age to operate, as defined. The bill would suspend the effectiveness of those regulations if and when federal standards for that purpose are in effect.

The bill would require each manufacturer to provide for the testing of its cigarette lighters, through laboratories approved by the State Fire Marshal, and to bear the cost of product testing, as specified. The bill would authorize the State Fire Marshal to collect fees from manufacturers to pay for the application and approval process The bill would establish the Cigarette Lighter Safety Account in the General Fund and would require the fees collected from the manufacturers to be deposited into the account, and to be available, upon appropriation by the Legislature, for reimbursing the State Fire Marshal for the application and approval costs. The bill would suspend these requirements if the regulations are not in effect.

The bill also would prohibit the sale, offer for sale, and distribution of a cigarette

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lighter that does not comply with the standards adopted by the State Fire Marshal. The bill would make a violation of this prohibition an infraction punishable by a fine of up to $100 for each cigarette lighter sold in violation of the prohibition, and would thereby impose a state-mandated local program by creating a new infraction. The prohibition would be operative only when the regulations are in effect.

The bill would make specified findings related to the above.

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

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

Ch 905 (AB 1642) Sher. Environmental quality: reports, declarations.

(1) Existing law requires an environmental impact report or negative declaration prepared under the California Environmental Quality Act to be prepared by, or under contract to, a public agency.

This bill would include draft environmental impact reports within that requirement The bill would require the lead agency to independently review and analyze those reports and declarations, as specified.

(2) Existing law provides for comment by public agencies to the lead agency, as defined, on the environmental effects of a project.

This bill would require the lead agency to provide a written proposed response, to comments it has received, at least 10 days prior to the certification of an environmental impact report. The bill would require the lead agency to notify any public agency which comments on a negative declaration, of the public hearing or hearings, if any, on the project for which the negative declaration was prepared. The bill would create a state-mandated local program by imposing new duties on local agencies.

(3) The bill would apply only to projects for which notice has not been provided as of January 1, 1992, pursuant to existing provisions, that a public agency is preparing an environmental impact report or negative declaration.

(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. 906 (AB 1754) T. Friedman. Public works. damages related to competitive bidding: workers' compensation· unemployment insurance: violations rights of action.

(1) Existing law with respect to workers' compensation provides for a program of insurance for both public and private employees with respect to work-related injuries, and imposes various duties and requirements on employers and employees for purposes of implementing and administering that program. The existing Unemployment Insurance Code provides for a program of unemployment insurance for both public and private employees, and imposes various requirements on employers and employees with respect to that program.

This bill would authorize the second lowest bidder, and any person, firm, association, trust, partnership, labor organization, corporation, or other legal entity which has entered, as specified, into a contract with the second lowest bidder, that suffers damages as a result of a competitive bid for a public works project, as defined, not being accepted as a proximate result of the successful bidder's violation, as evidenced by the conviction of the successful bidder therefor, of specified provisions with respect to either workers' compensation or unemployment insurance, to file an action for damages in the appropriate state court against the violating person or legal entity. The bill would prohibit a second lowest bidder who has been convicted of a violation of a requirement to provide workers' compensation insurance or unemployment insurance, or both, within one year prior to filing the bid and who has failed to take affirmative steps to correct that violation or those violations from taking any action authorized by this provision.

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The bill would provide that there shall be a rebuttable presumption that a successful bidder who has been convicted of a violation of a requirement to provide workers' compensation insurance or unemployment insurance, or both, to employees, as defined, was awarded the bid because of the violation or violations, as specified. The bill would authorize courts to award costs and reasonable attorney's fees to prevailing parties in actions brought pursuant to the bill. It would provide, as specified, for the application of workers' compensation or unemployment insurance provisions, or a specified provision, in determining employee status for purposes of an action authorized by this bill

(2) Under existing law, the State Contract Act provides a comprehensive statutory scheme for the regulation of contracts entered into by specified state agencies which are subject to the act. The Local Agency Public Construction Act provides a comprehensive statutory scheme for the regulation of contracts entered into by specified local governmental agencies which are subject to that act. Both of these acts require a competitive bidding process in respective, specified circumstances.

This bill would add provisions to both the State Contract Act and the Local Agency Public Construction Act which would permit the second lowest bidders, and those entities with contractual relationships with the second lowest bidders, on contracts subject to either of these acts to file civil actions in superior court when these entities suffer damages as a result of losing bids to successful bidders who have been convicted of a violation of legal requirements to provide unemployment insurance or workers' compensation insurance, or both, to employees, as defined. The bill would prohibit a second lowest bidder who has been convicted of a violation of a requirement to provide workers' compensation insurance or unemployment insurance, or both, within one year prior to filing the bid and who has failed to take affirmative steps to correct that violation or those violations from taking any action authorized by this provision.

The bill would provide that there shall be a rebuttable presumption that a successful bidder who knowingly violates requirements to provide unemployment insurance or workers' compensation insurance, or both, to employees, as defined, was awarded the bid because of the violation or violations, as specified. The bill would authorize courts to award costs and reasonable attorney's fees to prevailing parties in actions brought pursuant to this provision

Ch. 907 (AB 1905) Frazee. Subdivision Map Act.

(1) Under the Subdivision Map Act, when a subdivision, as defined, is of a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing Existing law provides that for a designated remainder parcel, the fulfillment of construction requirements for improvements cannot be required until a permit or other grant of approval for development of the remainder parcel is issued by the local agency or, where provided by local ordinance, until the construction of the improvements is required pursuant to an agreement between the subdivider and the local agency.

This bill would alternatively authorize a subdivider, under these conditions, to omit entirely that portion of any unit of improved or unimproved land which is not divided for the purpose of sale, lease, or financing. The bill would provide that if the subdivider elects to omit all or a portion of any unit of improved or unimproved land which is not divided for the purpose of sale, lease, or financing, the omitted portion is not to be counted as a parcel for purposes of determining whether a parcel or final map is required, and the fulfillment of construction requirements for offsite improvements cannot be granted until a permit or other grant of approval for development is issued on the omitted parcels. The bill would also require any designated remainder or omitted parcel to be outside the boundary of the parcel or final map.

(2) Under existing law, an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months. Existing law specifies that this period of time prior to the expiration does not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence.

This bill would specify that the period of time prior to the expiration includes any

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extension thereof.

Existing law provides that upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of 3 years.

This bill would specify that this period of extension is in addition to any other period of time as provided.

Existing law defines a "development moratorium," for these purposes to include, among other things, actions of public agencies which regulate land use, development, or the provision of services to the land, other than the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map.

This bill would instead include actions of the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map within the definition of a development moratorium.

(3) The bill would also authorize multiple parcel maps relating to an approved or conditionally approved tentative map to be filed prior to the expiration of the tentative map, under certain conditions.

(4) Since the bill would impose additional duties upon local agencies in reviewing and approving maps under the Subdivision Map Act, 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. 908 (AB 2212) Sher. Beverage containers: redemption payments: processing fees.

(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 moneys in the fund are continuously appropriated to the department to carry out the act. 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. A container manufacturer is required to pay or credit a beverage manufacturer the amount of the processing fee on a date no later than the date the manufacturer submits the invoice to the manufacturer A violation of the act is a crime.

The bill would require the Department of Finance to prepare and submit a specified report to the Legislature and the Governor by January 10, 1992.

The bill would require the department to recalculate the refund values for glass beverage containers and postfilled containers by November 1, 1991.

The bill would require the department to increase the redemption payment by an additional ½¢, if the department makes a specified determination, thereby making an appropriation and thereby imposing a tax for purposes of Article XIII A of the California Constitution. Since a failure to pay this payment would be a crime pursuant to other provisions of law, the bill would impose a state-mandated local program.

This bill would delete the requirement that the processing fee payment or credit be made not later than the date when the invoice is submitted.

The bill would revise the calculation of the processing fees for glass beverage containers and would require the department to use a specified recycling cost in calculating the processing fee on or before January 1, 1992, thereby making an appropriation and imposing a state-mandated local program by creating a new crime. The bill would

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require the department to make a specified calculation for plastic beverage container processing fee payments by December 1, 1991, and to pay certified processors a specified amount for plastic beverage containers The bill would require willing purchasers to pay an amount necessary to maintain a statewide scrap value, thereby imposing a state-mandated local program by creating a new crime, and thereby making an appropriation, since the penalties for a violation of this requirement would be deposited in the fund.

(2) Existing law requires that after all expenditures have been made from the California Beverage Container Recycling Fund, the balance is deposited in the Redemption Account, which is continuously appropriated to the department for specified purposes concerning recycling programs. The department is required to annually expend $8,000,000 from the Redemption Account for litter abatement and recycling activities and is authorized to expend up to $18,500,000 of the amount deposited in the Redemption Account for convenience incentive payments to assist in establishing recycling locations. Existing law also requires the department to deposit all amounts paid as processing fees for glass beverage containers in the Glass Processing Fee Account, which is continuously appropriated to the department to pay processing fees to processors. The department is also required to pay a market development payment to container manufacturers and processors who use cullet.

This bill would provide that the moneys in the Glass Processing Fee Account may be expended by the department only upon appropriation by the Legislature in the annual Budget Act The bill would decrease the amount which the department is required to expend for litter abatement and recycling activities to $7,500,000 and would decrease the amount for convenience incentive payments to $15,000,000. The bill would require the department to make market development payments within 45 days after receiving a request for payment The bill would also prohibit the department from expending more than $2,750,000 for statewide advertising for the 1991–92 fiscal year.

(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 909 (SB 191) McCorquodale. Criminal fines: day-fine system.

Existing law provides that when a person is convicted of any crime punishable by imprisonment in a county jail or the state prison, and for which there is no prescribed fine, the court may, in addition, impose a fine on the offender of up to $1,000 for misdemeanors, and up to $10,000 for felonies.

This bill, in addition, would include legislative findings and declarations concerning the implementation of a "day-fine system" which imposes fines against persons convicted of committing certain misdemeanors. In addition, the bill would authorize the Judicial Council to establish in one county, a 2-year pilot program which would implement a day-fine system for misdemeanants, as specified. The bill would set forth goals of the pilot program and would authorize the Judicial Council to apply for nonstate foundation funds to implement and evaluate the pilot program.

The bill would specify that its provisions shall remain in effect only until January 1, 1995, and as of that date are repealed unless a later enacted statute, which is enacted before that date, deletes or extends that date.

Ch. 910 (SB 249) Davis. Peace officers.

(1) Existing law authorizes, with respect to higher education labor relations, an employee organization to become the exclusive representative for the employees of an appropriate unit for purposes of meeting and conferring, as defined. Existing law also requires the Public Employment Relations Board to determine the appropriateness of a unit after considering specified criteria, and prohibits the board from determining that any unit is appropriate if it includes, together with other employees, certain specified peace officers.

This bill would make a technical, nonsubstantive change in those provisions by cor-

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recting an erroneous cross-reference.

(2) Under existing law, the Board of Supervisors of Sacramento County is authorized to abolish the Sacramento County Marshal's Department and consolidate the services and personnel of the Sacramento County Marshal's Department into the Sacramento County Sheriff's Department, as specified. This consolidation of the Sacramento County Marshal's Department and the Sacramento County Sheriff's Department is inoperative on June 30, 1992, and is repealed as of January 1, 1993, at which time the marshal's department is reestablished in Sacramento County.

This bill would provide that the authorization for consolidation of the Sacramento County Marshal's Department and the Sacramento County Sheriff's Department would be inoperative on June 30, 1997, and would be repealed as of January 1, 1998, at which time the marshal's department would be reestablished in Sacramento County.

(3) Existing law provides that every able-bodied person above 18 years of age who neglects or refuses to join a posse comitatus or the power of the county by neglecting or refusing to aid and assist when lawfully required by any uniformed peace officer, or by a specified peace officer who identifies himself or herself with a badge or identification card issued by the officer's employing agency or by any judge is punishable by a fine of not less than $50 nor more than $1,000.

This bill would make a technical, nonsubstantive change in those provisions by correcting an erroneous cross-reference.

(4) Existing law specifies certain persons employed by the state as peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest, as specified. Existing law authorizes these peace officers to carry firearms only if authorized and under those terms and conditions as are specified by their employing agencies.

This bill would provide that, notwithstanding this provision, a peace officer authorized by this provision shall not be authorized to carry firearms by his or her employing agency until the employing agency has adopted a policy on the use of deadly force by the peace officers of the agency and until the peace officers have been instructed in the employing agency's policy on the use of deadly force. This bill also would require every peace officer authorized pursuant to this provision to carry firearms by his or her employing agency to qualify in the use of the firearms at least every 6 months.

(5) Existing law also provides that among the peace officers specified in (4) are investigators of the office of the Controller, provided the primary duty of these investigators is the enforcement of the law relating to the duties of that office. Existing law prohibits these peace officers from carrying firearms, notwithstanding any other law.

This bill would provide, instead, that these peace officers are prohibited from carrying firearms, notwithstanding any other provision of law, except as authorized by the Controller, thereby permitting the Controller to authorize investigators of the office of the Controller to carry firearms.

(6) Existing law further provides that among the peace officers specified in (4) is the Chief of the Bureau of Fraudulent Claims of the Department of Insurance and those investigators as designated by the chief provided that the primary duty of those investigators shall be enforcement of a specified provision of the Insurance Code.

This bill would make a technical, nonsubstantive change in those provisions by correcting an erroneous cross-reference.

(7) Existing law provides that specified persons are not peace officers but may exercise the powers of arrest of a peace officer, as specified, during the course and within the scope of their employment upon successful completion of a specified course.

This bill would provide, in addition, that persons regularly employed as inspectors, supervisors, or security officers for transit districts, as specified, may exercise the powers as provided by this provision.

(8) 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.

(9) Existing law also provides that no allocation shall be made from the Peace Officers' Training Fund to a local governmental agency if the agency was not entitled to

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receive funding under any of certain specified provisions regulating the allocation of funds from the Peace Officers' Training Fund for training expenses, as the provisions read on December 31, 1989.

This bill would extend the provisions in (8) to peace officer members of a county coroner's office notwithstanding the provisions described in (9).

(10) This bill would incorporate additional changes in Section 830.3 of the Penal Code proposed by AB 1196 or SB 51, or both, to be operative only if AB 1196 or SB 51, or both, and this bill are chaptered and become effective on January 1, 1992, and this bill is chaptered last.

Ch. 911 (SB 277) Davis. Courts: Los Angeles and Ventura Counties.

(1) Existing law specifies the number, classification, and compensation of municipal court personnel in Los Angeles and Ventura Counties.

This bill would revise the number, classification, and compensation of municipal court personnel in Los Angeles and Ventura Counties, 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. 912 (SB 421) Watson. Peace officer training: domestic violence.

Existing law requires specified law enforcement officers to receive training conducted by the Commission on Peace Officer Standards and Training in handling and responding to domestic violence complaints.

This bill would require, in addition, that any peace officer of the University of California Police Department, as defined, and any peace officer of the California State University Police Departments, as defined, receive the training in responding to domestic violence complaints.

This bill would also make a nonsubstantive change in this provision to correct an incorrect statutory reference.

Ch. 913 (SB 568) Hill. Air pollution: high emission vehicles.

Under existing law, the State Air Resources Board has specified powers and duties relating to the control of emissions from motor vehicles.

This bill would require the state board, in consultation with specified agencies, to prepare and submit to the Legislature and the Governor, by January 1, 1993, a report which identifies actions which could be taken to reduce air pollution from, or expedite the removal from the state's streets and highways of, high emission motor vehicles which contribute to excessive air pollution, and would specify related matters

These provisions would be repealed as of January 1, 1993.

Ch. 914 (SB 668) Russell. Child care: staff development and training.

Existing law establishes a career ladder program for child development program classroom staff and specifies the requirements for employment.

This bill would require the Superintendent of Public Instruction to design a professional staff development program, as specified, for aides, teachers, supervisors, program directors, administrators, and other staff employed in child development programs to assist child development staff to serve children exposed to drugs, including alcohol, in utero. The bill would require the superintendent, through an application and selection process, to award grants to school districts, childrens' hospitals, and county agencies to accomplish specified goals. The bill would repeal these requirements as of January 1, 1994.

This bill would appropriate $250,000 to the Superintendent of Public Instruction for the 1991–92 fiscal year from funds received pursuant to the federal Child Care and Development Block Grant Act of 1990, for the purposes of administering the grant program and providing grants pursuant to certain conditions. The bill would provide

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that administrative costs of the superintendent shall not exceed 3% of the appropriation.

Ch. 915 (SB 771) 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.

This bill would revise the law regarding actions in small claims court with respect to various procedural and jurisdictional matters, including extensions of time, prejudgment attachment, retention of jurisdiction following judgment, limits on multiple claims, fees for service by mail, pretrial discovery, service on out-of-state motorists, postponements, venue, fictitious business names, appearance by representative, assistance for parties not fluent in English, the content, delivery, and recordation of judgments, motions to vacate a judgment, fees, costs, notices, and other procedural matters on appeal, enforcement of judgments, and entry of satisfaction of judgments.

Ch. 916 (SB 820) Thompson. Attorneys' actions against for civil conspiracy.

Existing law prohibits inclusion in any pleading of a cause of action against an attorney for civil conspiracy, unless the court enters an order allowing the pleading upon a finding that there is a reasonable probability that the party making the claim will prevail in the action.

This bill would limit these provisions to civil conspiracies between an attorney and a client arising from any attempt to contest or compromise a claim or dispute, and which involve the attorney's representation of the client, excluding causes of action where (1) the attorney has an independent legal duty to the plaintiff, or (2) the attorney's acts go beyond the attorney's duties to the client, and involve conspiracy to violate a legal duty in furtherance of the attorney's financial gain The bill would also specify that failure to obtain the court order, where required as described above, would constitute a defense which must be raised at the first available opportunity or be deemed waived

Ch 917 (SB 1077) Killea. Physician assistants.

Existing law provides for the licensure of physician assistants and prescribes various functions to be performed by the Division of Allied Health Professions of the Medical Board of California and the Physician Assistant Examining Committee in connection with this licensure.

Existing law limits the amounts of the various fees the committee determines will be paid by the physician assistants as part of licensure and by physicians and surgeons who seek board approval to supervise a physician assistant. The existing limit for the initial license fee for physician assistants is $100 and the biennial renewal fee is $150. The existing limit for approval fees for physician assistant supervisors is $100 to be charged upon approval of an application to supervise a physician assistant and the biennial renewal fee is $150.

This bill would raise the limit of the initial license fee for physician assistants to $250 and the biennial renewal fee to $300. This bill would raise the limit of the approval fee for physician assistant supervisors to $250 to be charged upon approval of an application to supervise physician assistants and would raise the limit of the biennial renewal fee to $300. This bill would also establish a fee for letters of endorsement, good standing, or verification of licensure or approval, as specified.

This bill would require the committee to submit a report to the Legislature identifying the percentage of funds derived from any increase in fees permitted under this bill that are to be used for investigations or enforcement activities by the committee and board.

Existing law requires that all approvals to supervise a physician assistant expire at midnight of the last day in May of each even-numbered year.

This bill would, instead, require that an approval to supervise physician assistants expires at midnight of the last day of the birth month of the physician and surgeon and would require the board to establish a cyclical renewal program for approvals, as specified.

The bill also would make technical, nonsubstantive changes to the provisions summarized above.

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Existing law requires the above-described fees to be paid into the Physician's Assistant Fund, a continuously appropriated fund.

By raising the fee limits and creating new fees, this bill could result in an increase of moneys in the fund, thereby making an appropriation.

Ch. 918 (SB 1152) Russell. Mental health: institutions for mental disease.

Existing law authorizes institution for mental disease providers to collect Supplemental Security Income/State Supplementary Program for the Aged, Blind, and Disabled benefits from an eligible client or a client's payee, according to specified procedures.

This bill would require providers to make reasonable efforts to collect SSI/SSP benefits between August 1, 1991, and June 30, 1992, and remit the funds to the department. It would define certain terms and specify certain procedures in regard to the collection of benefits.

This bill would authorize the department to liquidate accounts receivable from individual clients or payees of clients from institution for mental disease funds appropriated by the Legislature, when determined by the department to be uncollectible.

This bill would require the department to make data available to the Legislature regarding SSI/SSP collections made by providers.

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

Ch. 919 (SB 1181) Thompson. State boards and commissions: delegation of authority.

Existing law creates the California School Financing Authority and the California Urban Waterfront Area Restoration Financing Authority.

This bill would permit these authorities to delegate to their executive directors the power to sign contracts on behalf of the respective authorities.

Existing law creates the California Educational Facilities Authority, the California Debt Advisory Commission, the Commission on State Finance, the California Health Facilities Authority, the California Industrial Development Financing Advisory Commission, the Hazardous Substance Cleanup Financing Authority, the California Pollution Control Financing Authority, the Tax Credit Allocation Committee, and the Alternative Energy Source Financing Authority.

This bill would change references from the executive secretary of each of these entities to the executive director, and would permit each of these entities to delegate to their respective executive directors the authority to sign contracts on behalf of the respective entity.

Ch. 920 (SB 1258) Torres. Health records

Existing law provides for the inspection of patient records, and requires any patient or patient's representative to be entitled to copies of the patient records which he or she has a right to inspect, upon presenting a written request to the health care provider, as prescribed, together with a fee which is prohibited from exceeding prescribed amounts per page and any additional reasonable clerical costs incurred in making the records available. For certain health care providers, a willful violation of the access provisions is an infraction, and for other health care providers, a willful violation is punishable as unprofessional conduct.

This bill would provide that those provisions shall be construed as prohibiting a health care provider from withholding patient records or summaries of patient records because of an unpaid bill for health care services. This bill also would provide that any health care provider who willfully withholds patient records or summaries of patient records because of an unpaid bill for health care services shall be subject to the above sanctions, thereby imposing a state-mandated local program by changing the definition of an infraction.

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

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

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Ch. 921 (SB 1259) L. Greene. California Housing Finance Agency: bonds.

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 922 (AB 1201) Woodruff. Vessel operations.

(1) Existing law exempts small craft harbors or boating facilities funded by the Department of Boating and Waterways from liability for damages, except for damages caused by their negligent acts, which occur on vessels using the facilities or pursuant to operation of the vessels, other than on the harbor or boating facilities.

This bill would reenact those provisions to correct a technical error in Chapter 775 of the Statutes of 1990.

(2) Existing law requires specified vessels to be registered with the Department of Motor Vehicles. Existing law also requires that vessels operated in the waters of this state, with specified exceptions, be equipped pursuant to regulations of the Department of Boating and Waterways. The operation of vessels are also regulated. Existing law prescribes criminal penalties for violations of those laws, and, generally, makes a person convicted of those violations guilty of a misdemeanor.

This bill would make violations of the equipment and operation laws and regulations, generally, infractions with specified fines, excepting certain provisions relating to speeding, equipment regulations, and operation of vessels towing persons on water skis or aquaplanes, which would remain misdemeanors. The bill would, additionally, make violation of an order of a peace officer or harbor peace officer to terminate operation of a vessel, which is found to be unsafe for operation, a misdemeanor. The bill would also change the penalties for specified misdemeanors. Because the bill would create crimes, it would impose a state-mandated local program.

(3) The bill would incorporate changes to Section 668 of the Harbors and Navigation Code proposed by SB 515 to become operative if both bills are enacted and become operative on January 1, 1992, and this bill is enacted last.

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

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

Ch 923 (SB 515) Select Committee on Maritime Industry Driving offenses. vessels

(1) Existing law prescribes the punishment for a person convicted of operating a vessel or manipulating any other water device, as specified, while under the influence of an alcoholic beverage, any drug, or a combination thereof, and while so operating, does an act which causes bodily injury to another person. The punishment is enhanced if the person had been convicted of one or more prior convictions of specified related offenses within 7 years.

This bill would authorize the court, if it grants probation to a person convicted of that crime, to order as a condition of probation that the person participate in a manner satisfactory to the court in one of the specified treatment programs, thereby imposing a state-mandated local program. The bill would require each person referred to the licensed programs to pay the program's costs commensurate with the person's ability to pay.

The bill would make conforming changes.

Because the bill would change the conditions of probation the court may impose for the punishment for a crime, which the treatment program would be required to furnish to those unable to pay, the bill would impose a state-mandated local program.

(2) The bill would incorporate changes to Section 668 of the Harbors and Navigation Code proposed by AB 1201, to become operative if both bills are enacted and become

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operative on January 1, 1992, and this bill is enacted last.

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

This bill would provide that 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. 924 (AB 100) Elder. State Fire Marshal: oil refineries and chemical plants: California Oil Refinery and Chemical Plant Safety Preparedness Act of 1991.

Under existing law, the State Fire Marshal is required to foster, promote, and develop ways and means of protecting life and property against fire and panic.

This bill would enact the California Oil Refinery and Chemical Plant Safety Preparedness Act of 1991. The bill would create the Technical Advisory Committee on Oil Refinery and Chemical Plant Safety Preparedness, with specified membership, in the office of the State Fire Marshal. The committee would be required to submit specified findings and recommendations to the Governor and the Legislature on or before January 1, 1993. The bill would also require the State Fire Marshal to establish a Statewide Oil Refinery and Chemical Emergency Preparedness Information Clearinghouse, with specified purposes and responsibilities.

The bill would create the California Oil Refinery and Chemical Plant Safety Fund. The bill would authorize the State Fire Marshal to issue emergency regulations for the collection of fees, as specified, from operators of oil refineries and chemical plants, as defined, for the purposes of the bill. The proceeds of the fees would be deposited in the fund, and would be available, for purposes of the bill, upon appropriation by the Legislature.

Ch. 925 (AB 329) Moore. Public utilities: contracts.

Under existing law, the Public Utilities Commission may investigate the contracts of public utilities. Under existing law, contracts awarded by public utilities are subject to specified conditions.

This bill would require any person or corporation which has contracted to do business with a public utility to pay subcontractors within a specified period of time, subject to a procedure for withholding 150% of any disputed amount, and would require the payment of a penalty for the failure to do so.

Ch. 926 (AB 770) Farr. Postsecondary education.

(1) Existing law expresses the intent of the Legislature that public institutions of higher education apply uniform rules in determining whether a student is to be classified as a resident or a nonresident.

Existing law provides that a student who is a member of the armed forces stationed in this state on active duty, except as specified, is entitled to resident classification until he or she has resided in the state the minimum time necessary to become a resident.

Existing law entitles a student who is a member of the armed forces, as described above, to resident classification at a campus of the California State University regardless of the length of his or her residency in the state.

This bill would entitle a student who is a member of the armed forces, as described above, to resident classification at a campus of the California Community Colleges if the student meets specified requirements and if the campus has not exceeded its funded growth limitation pursuant to a specified provision of the Education Code. These provisions entitling students who are members of the armed forces to resident classification at a campus of the California State University or the California Community Colleges would be repealed on January 1, 1994. By requiring community colleges to charge resident tuition to the persons affected by this bill, rather than charging those persons tuition at the higher nonresident rate, the bill would impose a state-mandated local

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program.

(2) Existing law requires the Board of Governors of the California Community Colleges to adopt regulations to establish and maintain the minimum qualifications for service as a faculty member in the community colleges and prohibits the board of governors, on and after July 1, 1990, from accepting credential applications.

Existing law contains certain transitional provisions which provide that every person who is authorized to serve in a designated capacity under a credential retains the right to serve under the terms of that credential and is deemed to possess the minimum qualifications specified for every discipline or service covered by the credential until the expiration of that credential.

This bill would, notwithstanding that prohibition, authorize the board of governors to accept and either approve or deny the credential application of any qualified individual who submitted a completed credential application to a community college prior to July 1, 1990, but whose credential application was not received by the board of governors prior to that date. The bill would require any credential applicant who meets these requirements to resubmit his or her application directly to the board of governors. The bill would authorize the board of governors to either approve or deny only those credential applications submitted in accordance with these provisions that are received by the board of governors prior to January 15, 1992.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 927 (AB 842) Polanco. Highway carriers: false reports.

(1) Existing law requires persons or corporations which transport property on the highways for hire, and persons who transport passengers for compensation, with exceptions, to obtain certificates of public convenience and necessity or permits from the Public Utilities Commission. The commission is authorized to cancel, suspend, or revoke the certificate or permit for specified acts or failures to act by the person or corporation, including convictions of enumerated misdemeanors. A violation of certain of those provisions is a misdemeanor with penalties as prescribed.

Existing law also authorizes the commission, as an alternative to the denial of the suspension, revocation, alteration, or amendment of a certificate for a highway common carrier or the permit of a household goods carrier, to impose a fine of not more than $5,000 for a first offense and not more than $20,000 for a subsequent offense. The fine revenues are required to be deposited in the General Fund.

This bill would additionally authorize the commission to suspend or revoke the permit upon conviction of an enumerated felony while holding operating authority issued by the commission or for knowingly and willfully filing a false report of understated revenues and fees. The bill would also expressly make every highway permit carrier and every officer, director, agent, or employee of a highway permit carrier who knowingly and willfully makes a false statement of the carrier's gross operating revenues in order to underpay the commission's reimbursement fees guilty of a misdemeanor. The bill would change the alternative fine amount for highway common carriers or household goods carriers to not more than $20,000 for any offense. The bill would impose a state-mandated local program by creating new crimes.

(2) Existing law also authorizes the commission to investigate and issue a cease and desist order against a passenger stage corporation, highway common carrier, or a cement carrier which operates after its certificate is canceled or revoked, the violation of which order is a crime. Existing law authorizes the commission to grant or deny a permit for a highway permit carrier or a household goods carrier, or to grant or deny a certificate or a permit for a charter-party carrier of passengers, upon evidence of cancellation or

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revocation of a prior permit or certificate or upon facts which would be cause for the permit or certificate to be canceled or revoked.

This bill would require the commission, if, after a hearing, it finds that one of those carriers has continued to operate as such after its certificate or permit has been suspended pursuant to that existing law, to either revoke the certificate or permit of the carrier or to impose upon the holder of the permit or permits a civil penalty of not less than $1,000 nor more than $5,000 for each day of unlawful operations. The bill would require the penalties to be deposited in the Transportation Rate Fund, which is continuously appropriated to the commission to augment its current appropriations for administration of specified motor carrier laws. The bill would, thereby, make an appropriation. Because existing law would make a violation of the commission's order a misdemeanor, the bill would impose a state-mandated local program.

(3) This bill would incorporate changes in Sections 1033.7, 1070.5, 3774 5, 5285.5, and 5378.5 of the Public Utilities Code proposed by both this bill and AB 1886, to become operative on the operative date of this bill, if both bills are enacted on or before January 1, 1992, each bill amends all of those sections, and this bill is enacted last. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

Ch. 928 (AB 1886) Katz. Transportation.

(1) Existing law requires the Department of Transportation to submit a project delivery plan to specified legislative committees by November 15 of each year and to submit an updated project delivery plan by March 1 of each year.

This bill would change the dates for the submission of those reports to January 15 and April 15, respectively.

(2) Existing law specifies the membership and composition of local transportation commissions.

This bill would specify, for Monterey County, a membership for the local transportation commission consisting of the board of supervisors and a member appointed by the city council of each incorporated city in the county.

(3) Under existing law, the state highway system consists of defined routes.

This bill would delete Route 206.

(4) Existing law defines a motor-driven cycle in terms of its gross brake horsepower

This bill would redefine those vehicles in terms of engine displacement.

(5) Existing law requires a court or hearing officer that grants a traffic offender a continuance to attend traffic violator school, or other court-approved program of driving instruction, which results in a dismissal of the complaint in return for that attendance to prepare and forward to the Department of Motor Vehicles an abstract of the court record or board proceeding.

This bill would require that abstract to specify whether the vehicle involved in the traffic violation was transporting hazardous material at the time of the offense, thereby imposing a state-mandated local program.

(6) Existing law requires employers of drivers of certain vehicles to obtain a report of the driver's current driving record from the department and, in certain cases, to participate in a pull notice system.

This bill would specify what constitutes a current report, and would require employers to make these reports and pull notice system reports available to members of the California Highway Patrol upon request.

(7) Existing law requires the Commissioner of the California Highway Patrol to adopt regulations governing compressed or liquefied natural gas and liquefied petroleum gas fuel containers and fuel systems.

This bill would require the operator of every facility for filling gas containers having a capacity of between 4 and 200 pounds of gas to post the applicable regulations in a conspicuous place. Since, under other provisions, a violation of this requirement would be an infraction, the bill would impose a state-mandated local program by creating a new

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crime.

(8) Under existing law, the failure to comply with specified regulations of the Department of the California Highway Patrol are misdemeanors.

This bill would include within that category regulations regarding the safe operation of certain buses and general public paratransit vehicles. The bill would also make certain violations by employers of commercial vehicle drivers misdemeanors, rather than infractions.

(9) Under existing law, any class A or class B licensed driver, except a driver holding specified certificates or endorsements, who has a driving record point count of 6 or more points in 12 months, 8 or more in 24 months, or 10 or more in 36 months is presumed to be a prima facie negligent operator.

This bill would, until January 1, 1993, exempt from this prima facie determination a class A or class B licensed driver holding a tour bus driver's certificate.

(10) Existing law requires the Department of Motor Vehicles to issue an applicant for a driver's license or an identification card, an organ donor card, and a medical card, to be carried together with the driver's license or identification card.

This bill would make revisions in the format of the organ donor card and medical card.

(11) Under existing law, the department may issue an identification card to a person in exchange for the person's driver's license when surrendered because of the person's physical or mental condition, and that identification card is valid for the remaining term of the surrendered license.

This bill would, instead, permit the department to issue an identification card if a person having a physical or mental condition requests cancellation of the driver's license or if the department has revoked the person's driving privilege based on that physical or mental condition. The bill would delete the specific limitation of the term of the identification card to the remaining term of the surrendered or revoked driver's license.

(12) Under existing law, any local authority and any person in charge of an offstreet parking facility may designate parking stalls or spaces for the exclusive use of vehicles displaying distinguishing license plates or a placard issued to a disabled person, and existing law specifies how these parking stalls or spaces are to be designated, including by the posting of a sign that states, in part: "Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons will be towed away at owner's expense."

This bill would, on and after January 1, 1992, require that every new or replacement sign refer to "disabled persons" rather than to "physically handicapped persons."

(13) Under existing law, a peace officer may, on complaint, remove a parked vehicle from a residence district if that vehicle's alarm device has sounded for 45 minutes and the officer is unable to locate the owner.

This bill would also permit removal from a business district under those circumstances.

(14) Existing law requires a service authority for the abatement of abandoned vehicles to be staffed by existing county and city personnel.

This bill would permit that authority to also be staffed by existing personnel of the county transportation commission.

(15) Existing law specifies the circumstances under which authorized emergency vehicles used by different categories of peace officers may display steady or flashing blue warning lights. Under existing law, those lights may be displayed by an authorized emergency vehicle used by a Sergeant-at-Arms of the Legislature in the performance of his or her duties.

This bill would limit that authorization to instances in which the vehicle is driven in response to an emergency call, engaged in rescue operations, used in the immediate pursuit of an actual or suspected violator of the law, or responding to a fire alarm.

(16) Existing law requires the Department of the California Highway Patrol to regulate the safe operation of various categories of commercial vehicles, including the establishment of limitations on driving hours.

This bill would require the regulations to exempt from the driving hours limitations the driver of an electrical, gas, or telephone corporation vehicle engaged in the emergency restoration of utility service.

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(17) Under existing law, the Department of the California Highway Patrol is required to inspect, at least every 25 months, every terminal of a motor carrier or tour bus operator, and requires the carrier or operator to submit an application in this connection together with a specified fee.

This bill would specify that the fee is nonrefundable, would provide for the issuance of a satisfactory or unsatisfactory compliance rating after the department's inspection, and would require a reinspection upon issuance of an unsatisfactory compliance rating for an additional nonrefundable fee. The bill would make additional revisions in connection with the terminals inspection program.

(18) Existing law specifies penalties for violating provisions prohibiting or restricting certain vehicle exhaust emissions and specifies that 25% of the revenues collected from fines imposed are to be allocated to the prosecuting agency.

This bill would revise that allocation, to provide 15% to the court and 10% to the prosecuting agency or, if no prosecuting agency is involved, 25% to the court. The bill would require the district to use its allocation for programs to regulate or control emissions from vehicular sources of air pollution.

(19) The bill would make other technical and corrective changes.

(20) This bill would incorporate changes in Sections 1033.7, 1070.5, 3774.5, 5285.5, and 5378.5 of the Public Utilities Code proposed by AB 842, to become operative on the operative date of AB 842, if both bills are enacted on or before January 1, 1992, each bill amends all of those code sections, and this bill is enacted last.

(21) The bill would incorporate changes in Section 34501.2 of the Vehicle Code proposed by SB 123, to become operative on the operative date of SB 123, if both bills are enacted on or before January 1, 1992, each bill amends Section 34501.2, and this bill is enacted last.

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

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

Ch 929 (AB 903) Clute. Clandestine laboratories: local enforcement costs.

Existing law known as the Clandestine Laboratory Enforcement Program provides that, to the extent moneys are available therefor, the Controller, in accordance with criteria and procedures adopted by the Department of Justice, may reimburse, as specified, counties with a population under 1,250,000 for the costs of prosecuting or investigating specified controlled substance offenses relating to the unlawful manufacture of controlled substances in clandestine laboratories, or for the costs of removing, disposing of, or storing toxic waste from those laboratories.

This bill would, instead, authorize the Controller to reimburse counties with a population under 1,750,000 for those costs.

Ch. 930 (AB 1222) Mays. Lodgers. removal

Existing law provides that a lodger in an owner-occupied dwelling unit is guilty of an infraction if the lodger remains on the premises of the owner-occupied dwelling unit after receipt of a notice terminating the hiring, and expiration of the notice period, which period is at least as long as the term of the hiring itself, not exceeding 30 days. Existing law provides that the owner may arrest a lodger who is guilty of this offense pursuant to a provision authorizing private persons to arrest another.

This bill would authorize a court-appointed conservator, executor, or administrator representing an owner to arrest a lodger who remains on the premises after receipt of

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a notice terminating the hiring, and expiration of the notice period, pursuant to the provision authorizing private persons to arrest another.

Ch. 931 (AB 1247) Alpert. School facilities.

Under existing law, the State Allocation Board is authorized to apportion funds to school districts to provide air-conditioning equipment, and related materials and services, to qualifying year-round schools.

This bill would authorize a school district to apply for that funding on a basis that groups 2 or more qualifying schools, and to expend the funding allocated for air-conditioning and related purposes for actual allowable project costs, as specified

Existing law establishes the Year-Round School Grant Program that provides financial assistance to school districts implementing new multitrack year-round educational programs and school districts that currently operate those programs. Existing law provides that grants be available on a one-time basis for each new multitrack year-round schoolsite in an amount up to $25 per pupil currently enrolled at that site

This bill would require that the pupil enrollment calculated for that purpose be the enrollment data identified in the CBEDS report, as defined, transmitted by the school district to the State Department of Education to provide enrollment data, among other things, to the department, as specified.

This bill also would require that the repayment of an implementation grant be made within a specified period if the recipient of that grant did not begin timely operation of the multitrack year-round program, as specified.

Existing law requires that schoolsites that currently operate those programs and that apply for year-round school grants certify the number of pupils in excess of the capacity of the schoolsite, as specified.

This bill would require that the excess pupil capacity calculated for that purpose reflect only the additional capacity that has been generated as a result of operation on a multitrack year-round basis.

Ch. 932 (AB 1646) Sher. Enforcement of claims.

(1) Existing law neither authorizes nor precludes entry of a money judgment in a foreign currency.

This bill would enact the Uniform Foreign-Money Claims Act, which would be applicable to foreign-money claims in an action or distribution proceeding. Under the bill, parties to a transaction could agree to payment in whole or in part in a foreign currency. The bill would establish rules for determining the currency applicable to a transaction for which no currency is designated by the parties. The bill would enact rules respecting claims involving conversion of currencies. The bill would make the issue of the proper currency of a claim a question of law, and would make any money claim for which a foreign-money claim is not asserted a claim for United States dollars. The bill would make a judgment or award on any foreign-money claim payable either in that currency or United States dollars, as specified. The bill would provide for related matters such as attachment and other provisional remedies, bonds and undertakings, prejudgment interest, and cost awards The bill would require amendment of a judgment or arbitration award where there has been a substitution of the foreign currency (by the issuing country) in which the judgment or award is made. The bill would apply to defined actions and distribution proceedings commenced on or after January 1, 1992.

(2) Under existing provisions of the Uniform Federal Lien Registration Act, certain notices respecting federal tax liens and other liens are required to be filed. Under these provisions, if the lien is upon personal property and the person against whose interest the lien applies is a corporation or partnership, as defined by federal law, with principal offices in this state, the notice is required to be filed in the office of the Secretary of State. In all other cases, these notices respecting liens on personal property are required by existing law to be filed with the county recorder where the person resides whose interest is subject to the lien.

This bill would require these notices to be filed with the Secretary of State if the lien is against the interest of a trust or a decedent's estate.

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Ch. 933 (AB 1648) Costa. Local government: public contracts.

Existing law authorizes certain public works contracts to include a provision for arbitration and requires inclusion in invitations for public agency bids and in public agency contracts, of provisions providing for the substitution of equivalent securities for moneys withheld to ensure performance.

These provisions are scheduled to be repealed on January 1, 1992

This bill would extend these provisions indefinitely.

The bill would specify that if the contractor requests that the local agency transfer retention payments to the escrow agent, at the expense of the contractor, the agency must do so, thus imposing a state-mandated local program.

The bill would also require the contractor to pay to subcontractors interest, as specified, on the amount of retention withheld to insure the performance of the contractor.

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

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

Ch. 934 (AB 1673) Margolin. Business practices.

(1) Existing law, effective January 1, 1992, would generally provide that any person acting individually or through his or her employees or agents, who engages in the practice of processing, presenting, or negotiating claims, and who offers, delivers, receives, or accepts any rebate, refund, commission, or other consideration as compensation or inducement to or from any person for the referral or procurement of clients, cases, patients, or customers is guilty of a crime, but no punishment is specifically prescribed.

This bill would provide, instead, that a violation of this provision is a public offense and is punishable upon a first conviction by imprisonment in the county jail for not more than one year, or by imprisonment in the state prison, or by a fine not exceeding $10,000, or by both that imprisonment and fine, and is punishable upon a second or subsequent conviction by imprisonment in the state prison. This bill would impose a state-mandated local program because it would change the penalty for a crime.

(2) Provisions added by Chapter 116 of the Statutes of 1991, prohibit rebates, refunds, and similar consideration as compensation to perform or obtain services pursuant to the Workers' Compensation Law, except as otherwise permitted by law.

This bill would specify that the prohibition does not apply to a person or other entity which is both operating on behalf of an insurer or self-insured person or entity, and operating within the scope of specified licenses.

(3) Provisions added by Chapter 116 of the Statutes of 1991, prohibit certain false or fraudulent acts in connection with claims for workers' compensation. That law provides for a sentencing enhancement for prior violations of the same law or a provision of the Penal Code relating to insurance fraud

This bill would also provide for a sentencing enhancement for a prior violation of a provision of the Insurance Code relating to false and fraudulent insurance claims.

(4) Provisions amended by Chapter 116 of the Statutes of 1991 establish within the Department of Insurance a Bureau of Fraudulent Claims to, among other things, enforce the provisions of specified statutes with respect to workers' compensation. It also authorizes the Insurance Commissioner, where the bureau has reason, to believe as provided, that a person has engaged in, or is engaging in, an act or practice that violates those statutes, to, in his or her discretion, make public or private investigations that he or she deems necessary to determine whether a person has violated or is about to violate any provision of those statutes. Provisions of law, added by Chapter 116 of the Statutes of 1991, require the Insurance Commissioner to ensure that the Bureau of Fraudulent Claims aggressively pursues all reported incidents of workers' compensation fraud as defined by one of those specified statutes

This bill would specify an additional statute to be enforced by the Bureau of Fraudulent Claims within the Department of Insurance, and would extend the Insurance Commissioner's discretion to make public or private investigations apply to violations

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or impending violations of that statute. It would additionally require the Insurance Commissioner to ensure that the Bureau of Fraudulent Claims aggressively pursues all reported incidents of workers' compensation fraud as defined by that statute.

(5) Provisions added by Chapter 116 of the Statutes of 1991 establish the Fraud Assessment Commission, consisting of 5 members, including 4 members appointed by the Governor. It requires the commission to determine an annual assessment, collected pursuant to a specified statute, for purposes of funding the increased investigation and prosecution of workers' compensation fraud. It provides that the amount collected pursuant to the assessment, together with fines collected for violations described in a specified statute, may be used, upon appropriation by the Legislature, only for enhanced workers' compensation fraud investigation and prosecution.

This bill would provide for staggered initial terms of office for 3 of the members to be appointed by the Governor, and would provide, as specified, for payment to each member of per diem and travel expense amounts. It would also provide that fines collected pursuant to an additional specified statute may be used, upon appropriation by the Legislature, only for enhanced workers' compensation fraud investigation and prosecution, as provided.

(6) The Workers' Compensation Insurance Fraud Reporting Act, added by Chapter 116 of the Statutes of 1991, defines an "insurer" for purposes of the act to include an insurer admitted to transact workers' compensation insurance in this state, an employer that has secured a certificate of consent to self-insure pursuant to a specified statutory provision, or a 3rd-party administrator that has secured a certificate pursuant to a specified statute. The act also provides that no authorized governmental agency, or its employees, that assists in any investigation of a suspected violation of specified statutes conducted by an authorized governmental agency, shall be subject to any civil liability where the authorized governmental agency acts in good faith, without malice, and reasonably believes the action taken was warranted by the then known facts, obtained by reasonable efforts.

This bill would expand the definition of "insurer" under the Workers' Compensation Insurance Fraud Reporting Act to also include the State Compensation Insurance Fund. It would also extend the foregoing exemption from civil liability to apply to assistance in any investigation of suspected violations of an additional specified statute. It would also require certain reports to be on a form prescribed by the Department of Insurance.

(7) Existing law authorizes the Workers' Compensation Appeals Board to determine, and allow as liens against any sum to be paid as compensation, any of several specified items, including, a reasonable attorney's fee for legal services pertaining to any claim either before the board or an appellate court, and the reasonable disbursements in connection therewith. It, however, provides, as of January 1, 1992, that no fees for legal services shall be awarded to any representative who is not an attorney.

This bill would provide, as an exception to the above prohibition, that a representative who is not an attorney may be awarded fees for legal services with respect to those claims for compensation where an application, pursuant to a specified statute, has been filed with the Workers' Compensation Appeals Board on or before December 31, 1991, or a disclosure form, pursuant to a specified statute, has been sent to the employer, or insurer or third-party administrator, if either is known, on or before the same date. It would require a representative who is not an attorney to notify the board in writing.

(8) Existing law requires attorneys who represent employees in workers compensation claims to furnish a written disclosure form setting forth, among other things, procedures and fee ranges.

This bill would require the form to include a statement that a person who makes a false or fraudulent material statement or representation for the purpose of obtaining or denying worker's compensation benefits or payments is guilty of a felony.

This bill would also make other technical, nonsubstantive changes

(9) Provisions added by Chapter 116 of the Statutes of 1991, would provide that any person who solicits or refers any person to any individual or entity with the knowledge that, or with reckless disregard for whether, the individual or entity for whom the solicitation or referral is made, or the individual or entity who is solicited or referred,

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intends to violate specified provisions relating to fraudulent insurance claims is guilty of a crime, for which a second or subsequent conviction is punishable by imprisonment in the state prison for 16 months or 2 or 3 years, or by a fine not exceeding $10,000, or by both that fine and imprisonment.

This bill would provide, instead, that a second or subsequent conviction of that provision is punishable only by imprisonment in the state prison for 16 months or 2 or 3 years.

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

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

(11) The bill would appropriate $1,500,000 from the General Fund to the Workers' Compensation Fraud Account in the Insurance Fund, as a loan, and that amount would be appropriated from that account for purposes of pursuing workers compensation fraud. The Department of Insurance would be required to reimburse the amount of the transfer, plus interest, no later than one year from the date on which the loan was made.

Ch 935 (AB 1763) Sher. Vehicles. sales: advertising.

(1) Existing law prohibits, among other things, a licensed motor vehicle dealer from advertising a motor vehicle price at a specified amount above, below, or at the manufacturer's or distributor's invoice price to the dealer, unless the advertisement clearly and conspicuously states that the invoice amount may exceed the actual dealer cost because of allowances provided to the dealer by the manufacturer or distributor.

This bill would, instead, prohibit advertising the selling price of a vehicle that is above, below, or at either the manufacturer's or distributor's invoice price to the dealer, or the dealer's cost. The bill would specify limited exceptions involving face-to-face negotiations and certain commercial purchases, as described.

The bill would set forth certain Legislative findings and declarations

The bill would make these provisions applicable only to advertisements made on or after January 1, 1992, and prohibit the legislative history and record of this bill from being admissible or considered for any purpose in connection with any action or proceeding involving an advertisement made before January 1, 1992

Since a violation of these provisions would be a misdemeanor, the bill would impose a state-mandated local program by expanding the scope of an existing crime.

(2) The bill would make additional changes in Section 11713.1 of the Vehicle Code to be operative only if this bill and SB 245 are both enacted and amend that section and this bill is enacted after SB 245.

(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. 936 (AB 1767) Gotch. Structural pest control.

Existing law provides for the licensing and regulation of structural pest control companies by the Structural Pest Control Board. Under existing law, fumigation shall be performed only under the direct and personal supervision of a licensed individual. Existing law provides a list of lethal fumigants.

This bill would revise the list of lethal fumigants, as specified. This bill would also provide that simple asphyxiants, identified as liquid nitrogen and carbon dioxide, are not fumigants and that the board shall establish and shall, as necessary, amend the list of simple asphyxiants.

Existing law specifies various branches of pest control licenses under which pest control work is conducted, including Branch 4 licenses which involve roof restoration work, as specified. Under existing law, no Branch 4 registered company or licensee may commence work until an inspection is made and a written inspection report containing specified information is delivered to the person requesting the inspection or that person's designated agent. If a contract for roof restoration work is entered into, a copy of

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this report shall be filed with the board not later than 5 working days after the date the contract for work is executed.

This bill would provide instead that a copy of this report shall be filed with the board at the time the report is delivered or not later than 5 working days after the date the inspection is made.

By revising the requirements for the delivery of those reports to the Structural Pest Control Board, 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. 937 (AB 1797) T. Friedman. Care facilities: criminal records.

(1) Existing law requires the Department of Justice to furnish, upon request of a human resource agency or an employer, as defined, records of all convictions or any arrest for which a person is released on bail or on his or her recognizance pending trial, involving any sex crimes, drug crimes, or crimes of violence 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.

Existing law also requires, as a condition to employment, residence, or presence in a community care facility, residential care facility for persons with chronic, life-threatening illness, child day care facility, or residential care facility for the elderly that specified persons be fingerprinted. Existing law requires that the licensee of the care facility submit the fingerprints to the licensing agency, as specified. The State Department of Social Services is required to submit the fingerprints to the Department of Justice, as specified. Upon receipt of the criminal history information from the Department of Justice, the Department of Social Services is required to notify the licensee of the criminal convictions, as provided.

This bill would require, instead, that the licensee of the care facility submit the fingerprints directly to the Department of Justice, as specified. This bill would require that the care facility and the State Department of Social Services be notified by the Department of Justice if no criminal record information has been recorded. It would require the Department of Justice, within 30 calendar days of receipt of the fingerprints, to notify the State Department of Social Services of the criminal record information, as specified. It would also require the licensee to transmit all fingerprint clearances, within 15 calendar days of their receipt from the Department of Justice, to the State Department of Social Services.

(2) This bill would provide that for the purposes of issuing a license, special permit, or certificate of approval to any person or persons to operate or manage a foster family home or certified family home, a fingerprint criminal record clearance provided pursuant to specified provisions of law relating to adoption agencies may be used.

This bill would require that foster family home agencies obtain fingerprints from certified home applicants and others, and submit them directly to the Department of Justice.

(3) Existing law permits a human resource agency or an employer to request from the Department of Justice to obtain specified criminal history information of persons who apply for a license, employment, or a volunteer position, in which he or she would have supervisory or disciplinary power over a minor or any person under their care.

Existing law defines a "human resource agency" for this purpose as a public or private entity responsible for determining the character and fitness of a person who is applying for a license, employment, or as a volunteer within the human services field, or applying to adopt a child or to be a foster parent.

This bill would exclude from this definition of a "human resource agency" any agency responsible for licensing facilities pursuant to specified provisions of law relating to community care facilities, residential care facilities for the elderly, residential care facilities for persons with chronic, life-threatening illness, and child day care facilities.

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(4) This bill would incorporate additional changes in Sections 1522, 1568.09, 1569.17, and 1596.871 of the Health and Safety Code, proposed by SB 994, to be operative only if SB 994 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

Ch. 938 (AB 1869) Speier. Water resources: urban water management.

(1) Existing law requires every urban supplier serving water directly to customers to prepare and adopt an urban water management plan, and to periodically review the plan, in a specified manner. Existing law requires an urban water management plan to describe and evaluate reasonable and practical efficient water uses and water conservation activities. A copy of the plan is required to be filed with the Department of Water Resources.

This bill would require an urban management plan to describe and evaluate water reclamation activities

(2) Existing law requires each urban water supplier to periodically review its plan at least once every 5 years.

This bill would require the urban water supplier to update its plan once every 5 years.

(3) Existing law requires an urban management plan to include prescribed elements.

This bill would revise those elements to require the urban management plan to include an estimate of projected potable and reclaimed water use, to identify reclamation measures being practiced and the method used to evaluate the effectiveness of those measures, to describe the use of any pool covers, to describe findings, actions, and planning relating to prescribed water audits and incentives and leak detection and repair, to describe actions and planning to eliminate the use of specified water systems, and to include certain information relating to reclamation measures and the use of reclaimed water.

(4) Existing law, requires every agricultural water supplier serving water directly to customers to prepare a prescribed informational report and requires certain agricultural water suppliers to prepare and adopt a specified agricultural water management plan.

This bill would, to the extent information is available, require the reports to identify reclamation practices used by the agricultural water supplier and the agricultural water management plans to describe any water reclamation programs, including treatment and distribution facilities and to identify the quantity and source of reclaimed water delivered to and by the supplier and economically feasible measures for water reclamation.

(5) Existing law authorizes an agricultural water supplier required to prepare a plan to consult with public agencies or persons with expertise relating to conservation.

This bill would authorize the agricultural water suppliers to consult with public agencies or persons with expertise relating to water reclamation.

Ch. 939 (AB 1926) Farr Vehicles: electric.

Existing law requires the Public Utilities Commission to encourage gas and electric companies to pursue activities in furtherance of the legislative goal of achieving market penetration of electric and compressed natural gas vehicles, and requires the commission, in cooperation with the State Energy Resources Conservation and Development Commission and other entities, to evaluate and implement policies relating to development of equipment and infrastructure to facilitate use of those vehicles.

This bill would require the State Energy Resources Conservation and Development Commission to facilitate the development and commercialization of ultra low- and zero-emission electric vehicles, battery technologies, and supporting infrastructure, as specified.

Ch. 940 (AB 2132) Sher. Dumbarton Bridge: exclusive or preferential lanes.

Existing law prohibits the Department of Transportation from establishing exclusive or preferential use lanes on the Dumbarton Bridge and its approaches for high-occupancy vehicles. Existing law also specifies various exceptions to this prohibition, and defines a high-occupancy vehicle as any vehicle containing 3 or more persons.

This bill would instead specifically permit the establishment of exclusive or preferen-

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tial lanes on the Dumbarton Bridge and the San Mateo Bridge and the approaches to those bridges for high-occupancy vehicles, which would be defined as vehicles containing 2 or more persons.

The bill would require the department to develop criteria for high-occupany vehicle lanes and the occupancy requirements for vehicles using those lanes, and prepare an engineering analysis based on those criteria. The bill would permit the department, after notification of the Legislature, consultation with the Metropolitan Transportation Commission, and holding a public meeting, to increase to 3 or more the number of occupants required for a vehicle to come within the definition of a high-occupancy vehicle for these purposes

Ch 941 (AB 227) O'Connell. Tidelands revenues: Long Beach.

(1) Under existing law, the State Lands Commission and the City of Long Beach are required to enter into a contractors' agreement and any other necessary contracts or agreements for the production of oil, gas, and other hydrocarbons from specified Long Beach tidelands, in accordance with prescribed requirements.

This bill would authorize the commission to negotiate and execute, on behalf of the state, a contract with a private contractor and the city for the implementation of an optimized waterflood program for the Long Beach Unit, in accordance with the prescribed requirements. The bill would specify related matters, to become operative only if the contract is executed.

(2) Under existing law, any expenditure of tidelands oil revenues by the City of Long Beach for capital improvements involving an amount in excess of $50,000 is subject to review by the commission in accordance with prescribed procedures.

This bill would increase that amount to $100,000 if the contract referred to above is executed.

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

Ch. 942 (AB 628) Filante. Floating homes.

(1) Existing law sets forth the Floating Home Residency Law, as specified

This bill would revise the Floating Home Residency Law regarding the definition of floating home marina, entry of a floating home by the management of a floating home marina, abandonment of a floating home, written notices of increases in rent, the applicability of the requirement for refunds of security deposits, the dimensions of for rent or for sale signs disclosing floating home ownership, and construction of the Floating Home Residency Law with respect to licensing of floating home salespersons and dealers. The bill would also make various technical, nonsubstantive changes.

(2) Existing law provides for the eviction of a person who holds over and continues in possession of a manufactured home, mobilehome, or real property after service of a 3-day notice to quit, as specified.

This bill would extend these provisions to floating homes.

(3) Existing law requires the filing of an impact report with a local agency, as specified, prior to the conversion of a mobilehome park to another use, with certain exceptions, as specified, or prior to the closure of a mobilehome park or cessation of use as a mobilehome park, as specified.

This bill would extend these provisions to floating home marinas as defined in the Floating Home Residency Law, and to other marinas and harbors, as specified, thereby imposing a state-mandated local program by expanding an existing local program.

(4) Existing law provides that no deficiency judgment shall lie in any event, after the sale of any floating home subject to registration, for failure of the purchaser to complete his or her sale contract given to the seller to secure payment of the balance of the purchase price of the floating home, unless there is substantial damage to the floating home other than wear and tear from normal usage

This bill would provide, in addition, that no deficiency judgment shall lie in any event under a deed of trust or mortgage or note on a floating home serving as a dwelling for not more than 4 families given to a lender to secure payment of a loan which was in fact used to pay for all or part of the purchase price of that dwelling occupied, entirely or in part, by the purchaser.

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(5) Existing law defines the entry of various, specified places with larcenous or other felonious intent as burglary, and defines the entry of various inhabited places, or a trailer coach, as burglary in the 1st degree.

This bill would add a floating home to the list of places the entry of which with larcenous or felonious intent constitutes burglary, and would specify that such entry constitutes burglary in the 1st degree, thereby imposing a state-mandated local program by expanding the definition of a crime.

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

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

Ch. 943 (AB 1524) Cannella. Child and spousal support enforcement: disclosure of information.

Existing law requires all state, county, and local agencies to cooperate in the enforcement of child and spousal support obligations by supplying the Department of Justice, any county probation officer, district attorney, or the Parent Locator Service with specified information regarding the individual that owes support. Existing law requires that certain officers and departments of counties use the information received for specified purposes only, and prohibits the disclosure of the information for any other purposes. Existing law further prohibits the Parent Locator Service from disclosing the information received for these purposes to any persons or entities except as specifically authorized by federal and state law.

This bill would revise these provisions to require that certain records established or maintained by any public entity during the administration of child and spousal support enforcement program shall be confidential, and shall be released or disclosed only in specifically enumerated circumstances and to certain entities. This bill would also make a clarifying change regarding the release of information to the California Parent Locator Service. This bill would provide that these provisions shall not be construed to compel the disclosure of any information required to be held confidential by regulations or federal law.

This bill would rename the California Parent Locator Service as the California Parent Locator Service and Central Registry, and would authorize that entity to request and receive specified information from public utilities, as defined, regarding individuals owing support. The bill would also require the Department of Justice, in consultation with specified entities, to develop regulations and procedures to implement this provision. The bill would require that the provisions pertaining to public utilities be implemented only where there is a reasonable likelihood that the costs of obtaining the information from public utilities would be less than the additional collections obtained through use of that information.

This bill would further provide that these public utilities shall not be subject to civil or criminal liability for release of the specified information.

Existing law authorizes the release of information to a person to whom child support has been awarded, regarding the location of, and the location of the employer of, the person owing support.

This bill would delete that authorization.

Existing state law authorizes release of information with respect to a parent who has abducted a child, and to courts in custody and abduction proceedings in certain circumstances. Existing law also requires conformity with federal law as a condition of receiving federal funds. Federal law does not authorize the release of this information.

This bill would delete these authorizations for purposes of conforming to federal law. This bill would also specify that to the extent not prohibited by federal law, information regarding abducted or concealed children may be disclosed to certain entities for specified purposes.

This bill would provide that certain information may be released to authorized per-

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sons, as defined, only if the authorized person has filed a request, and only if the requested information has been provided to the California Parent Locator Service by the federal Parent Locator Service.

This bill would make the willful, knowing, and intentional violation of these confidentiality provisions 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. 944 (AB 1685) Chandler. Pest control operations: pesticides structural pest control.

(1) Existing law provides that the inspection report regarding wood destroying pests by a registered structural pest control company or licensee, other than a Branch 4 licensee, shall contain certain information, including information regarding parts subject to attack by wood destroying pests or organisms

This bill, in addition, would require that report to contain information concerning roof framing that includes the eaves, rafters, fascias exposed timbers, exposed sheathing, ceiling joists, and attic walls.

In addition, the bill would provide that roof leaks are to be reported as conditions usually deemed likely to lead to infestation or infection.

(2) Existing law provides that the inspection report regarding wood destroying pests by a registered structural pest control company or licensee, other than a Branch 4 licensee, shall include an indication or description of any areas normally subject to damage which are inaccessible or for other reason not inspected, with suggestion for further inspection, if practicable.

This bill, instead, would provide that the inspection report shall include an indication or description of any areas that are inaccessible or not inspected, with suggestion for further inspection, if practicable.

(3) Existing law restricts Branch 4 registered companies to inspections limited to the wood shakes or shingles on wood shake or shingle roofs.

This bill, in addition, would restrict Branch 4 registered companies to inspections on properties that are not offered for sale, lease, or exchange.

(4) Existing law specifies various branches of pest control licenses under which pest control work is conducted, including Branch 4 licenses which involve roof restoration work, as specified. Under existing law, no Branch 4 registered company or licensee may commence work until an inspection is made and a written inspection report containing specified information is delivered to the person requesting the inspection or that person's designated agent. If a contract for roof restoration work is entered into, a copy of this report shall be filed with the board not later than 5 working days after the date the contract for work is executed.

This bill would provide instead that a copy of this report shall be filed with the board at the time the report is delivered or not later than 5 working days after the date the inspection is made.

(5) Existing law regulates pest control operations, including the use of pesticides, in the state and provides for criminal and civil penalties for violating these provisions.

Under existing law, any person who violates these provisions is guilty of a misdemeanor punishable by a fine of not less than $100 nor more than $1,000, or by a specified term of imprisonment, or by both the fine and imprisonment.

This bill would increase the minimum fine from $100 to $500 and the maximum fine from $1,000 to $5,000.

(6) Existing law imposes a civil penalty in an amount not to exceed $500 for violating the provisions regulating pest control operations.

This bill would impose a minimum civil penalty in an amount not less than $1,000 and increase the maximum penalty from $500 to not more than $10,000 for violating these provisions.

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(7) (A) Under existing law, any person who violates specified pesticide provisions relating to agriculture chemicals, livestock remedies, and commercial feeds is civilly liable in an amount not to exceed $10,000.

(B) Existing law further provides that any person who commits a 2nd or subsequent violation of those provisions that is the same as, or similar to, a prior violation, or whose intentional violation resulted, or reasonably could have resulted, in the creation of a hazard to human health or the environment or in the disruption of the market of the crop or commodity involved, is civilly liable in an amount not to exceed $25,000.

This bill would impose a minimum penalty of $1,000 for violating the provisions described in (A), and $5,000 for violating the provisions described in (B).

Ch. 945 (SB 200) Select Committee on Maritime Industry. Oil spills. VTS systems' liability.

(1) Under existing law, the administrator for oil spill response is required to attempt to negotiate an agreement with the Coast Guard by December 31, 1991, for a vessel traffic service (VTS) system to protect the harbors of the state. If the administrator cannot negotiate an agreement on VTS systems by December 31, 1991, the administrator is required, in consultation with the Coast Guard, to develop a plan for implementing vessel traffic service systems for the Ports of Los Angeles and Long Beach, the harbors of San Francisco, San Pablo and Suisun Bays, and the Santa Barbara Channel, and any other areas where establishing a VTS system or vessel monitoring and communications system is recommended by the Coast Guard. Only systems which will be operated by the Coast Guard may be included in the plan.

This bill would also permit systems which have direct communication with a Coast Guard officer who has Captain of the Port enforcement authority to be included in the plan.

The bill would allow the Marine Exchange of Los Angeles and Long Beach Harbors to operate a VTS system if the system is approved by the Coast Guard and certified by the administrator, and would authorize the Port of Los Angeles and the Port of Long Beach to impose fees upon all covered vessels for the funding of a VTS system operated by the marine exchange. The bill would terminate this authority upon certification by the administrator that the Coast Guard has commenced operation of a VTS system for the Ports of Los Angeles and Long Beach. The bill would also authorize the administrator to revoke, in accordance with prescribed procedures, this authorization for the marine exchange if the exchange does not comply with an order within 6 months of issuance.

The bill would grant immunity to liability for negligence, as prescribed, to the marine exchange or any officer, director, employee, or representative of the marine exchange, and would provide that specified provisions providing immunity for directors and officers of nonprofit corporations apply to the marine exchange, and its officers and directors. The bill would require the marine exchange to submit a specified report to the administrator by July 31, 1993, and on or before July 31 of each odd-numbered year thereafter, concerning the VTS system operated by the exchange. The administrator would be required to determine if the VTS system is consistent with the Harbor Safety Plan for the Ports of Los Angeles and Long Beach, upon receiving the report, and to issue a specified order to eliminate inconsistencies The bill would prescribe related matters.

(2) Under existing law, the proceeds from actions against parties responsible for oil spills are paid into the State Water Pollution Cleanup and Abatement Account of the State Water Quality Control Fund, unless the spill was in marine waters, in which case they are paid into the Oil Spill Response Trust Fund.

The bill would make clarifying changes in these provisions.

Ch. 946 (SB 228) Robbins. Department of Insurance: reporting requirements: vehicles: financial responsibility.

(1) Existing law requires the Insurance Commissioner to make an annual report to the Legislature and to the Governor containing specified information.

This bill would require that the report include both an analysis of the activities of the Department of Insurance in implementing the provisions of Proposition 103 and recom-

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mendations and proposals, including suggested legislation, as specified, and an analysis of the results of the program to reduce the number of uninsured motorists and the relationship of affordable private passenger vehicle liability insurance rates pursuant to (2).

(2) (a) Existing law requires owners of motor vehicles to maintain in force one of the forms of financial responsibility specified in law.

This bill would require the Department of Motor Vehicles to conduct a study and evaluation, as described, of methods for verifying financial responsibility with respect to vehicles being registered or reregistered and to transmit a preliminary report to the Legislature by April 1, 1992, and a final report by December 1, 1992, containing its recommendations for a verification program.

(b) The former Robbins-McAlister Financial Responsibility Act, which was repealed on January 1, 1991, required possession and presentation upon a peace officer's request of evidence of financial responsibility, made presentation of false evidence a misdemeanor, and provided for related matters

This bill would reenact that act. The bill would also revise the act to make it applicable to single-vehicle accidents occurring on private property and make other changes.

(c) Under existing law, the driver's license of a person involved in a motor vehicle accident who fails to prove the existence of financial responsibility at the time of the accident, is required to be suspended by the department. Existing law also authorizes the department to issue a restricted license, instead of suspending the license, under specified conditions.

This bill would change the conditions under which a restricted license may be issued and make related changes

(d) The bill would impose various requirements on insurers, the violation of which would be a crime, and make it a misdemeanor to provide false evidence of financial responsibility. The bill would make certain of these provisions operative from January 1, 1992, to January 1, 1996, others operative from July 1, 1992, to January 1, 1996, and others operative from July 1, 1993, to January 1, 1996. Thus, the bill would impose a state-mandated local program by creating new crimes.

(e) These provisions would become operative only if SB 941, AB 1375, or AB 2041, or any combination of those bills, is enacted and becomes effective on or before January 1, 1992, and would, except as specified in (d), above, be repealed on January 1, 1995.

(f) The bill would appropriate $1,056,000 as a loan from the Motor Vehicle Account in the State Transportation Fund to the department to implement 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.

Ch. 947 (SB 606) Hill. Real estate: qualified resort vacation club.

(1) Existing law regulates the sale of "accessible urban subdivisions," as defined, under the law relating to out-of-state land promotions. Existing law, with respect to out-of-state land promotions, requires an appraisal of each parcel of real property which relates to a transaction subject to those laws relating to real property securities, except as to accessible urban subdivisions.

This bill would provide the same exception for a qualified resort vacation club, as defined.

(2) Existing law requires any person who intends to offer subdivided lands within this state for sale or lease to file with the Department of Real Estate an application for a public report, as specified. "Subdivided lands" for these and other purposes include time-share projects, as defined, except as specified.

This bill would provide that a qualified resort vacation club shall be deemed to be a time-share project and would prohibit the issuance of a permit for a qualified resort vacation club unless the Real Estate Commissioner determines that the project conforms to specified requirements.

(3) Existing law provides a comprehensive scheme regulating the leasing or sale of

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real estate, including out-of-state lands and accessible urban subdivisions.

This bill would prohibit a person acting as a principal or agent in this state from selling or leasing, or offering for sale or lease, interests in a qualified resort vacation club, except as provided in provisions regulating real property securities dealers, out-of-state land promotions, and subdivided lands.

(4) Existing law makes special provision for accessible urban subdivisions with respect to the public report required under the subdivided lands law.

This bill would make those special provisions applicable to qualified resort vacation clubs, as well, as specified.

(5) This bill would authorize the Real Estate Commissioner to adopt regulations necessary to enforce these provisions, as specified.

(6) This bill would require the Department of Real Estate to submit a preliminary report to the Legislature on or before January 1, 1995, and to submit a final report to the Legislature on or before January 1, 1996, on the effectiveness of these provisions in the regulation of the marketing of qualified resort vacation clubs

(7) This bill would repeal the provisions applicable to qualified resort vacation clubs on January 1, 1997. Notwithstanding this repeal, the Real Estate Commissioner would be authorized to issue, amend, or renew permits for a qualified resort vacation club or the continued operation of a qualified resort vacation club, for which an original permit was issued prior to January 1, 1997, as specified.

Ch. 948 (SB 905) Killea. Children: child abuse testimony.

Under existing law, in any criminal proceeding, as specified, the court may order that the testimony of a minor 10 years of age or younger, as specified, be taken by contemporaneous examination and cross-examination in another place and out of the presence of the judge, jury, defendant, and attorneys, and communicated to the courtroom by means of 2-way closed-circuit television if the court makes certain findings including a finding that the equipment available for use of 2-way closed-circuit television would accurately communicate the image and demeanor of the minor to the judge, jury, defendant, and attorneys. Existing law also requires that the examination be under oath, and the defendant's image be transmitted live to the witness via 2-way contemporaneous closed-circuit television.

This bill would authorize the communication of the child's testimony to the courtroom by one-way closed-circuit television in specified circumstances with the minor's testimony out of the presence of the judge, jury, defendant, and attorneys.

The bill would specify that it only applies to offenses alleged to have been committed on or after January 1, 1992.

Ch. 949 (SB 978) Keene. County health services: funding.

Existing law requires the State Department of Health Services to administer specified county health services pursuant to contracts between counties and the department. The County Health Services Fund is continuously appropriated to the department for various purposes, including administration and funding of those county health services.

This bill would appropriate $12,400,000 from the General Fund to the County Health Services Fund for the purposes of administering and funding those county health services pursuant to the contracts between counties and the department.

This bill would further require that none of the funds appropriated by the bill be disbursed until the Controller receives a certification from each participating county indicating, among other things, that the county agrees to forego receipt of payment from the state for certain state-mandated local programs, as determined by the Department of Finance, during the 1991–92 and 1992–93 fiscal years.

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

Ch. 950 (AB 618) Areias. Firearms.

(1) Existing law includes definitions of pistols, revolvers, and firearms capable of being concealed upon the person, and firearms, as those terms are used in Chapter 1 (commencing with Section 12000) of Title 2 of Part 4 of the Penal Code (the Dangerous Weapons Control Law).

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This bill, instead, would apply these terms to Title 2 of Part 4 of the Penal Code governing the control of deadly weapons.

(2) Existing law provides that every person who sells to a minor any firearm is guilty of a misdemeanor.

Existing law defines a firearm to include any instrument which expels a metallic projectile, such as a BB or a pellet, as specified, except with respect to certain crimes involving concealable firearms or weapons, the carrying of a loaded firearm, and the requirements for the sale and register of firearms.

This bill, among other things, would repeal this definition of a firearm and, instead, would provide that for the purposes of existing law which prohibits the sale of any firearm to a minor, the term "firearm" also shall include any instrument which expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, CO_2 pressure, or spring action, or any spot marker gun.

(3) Existing law makes it a misdemeanor offense for any person to engage in the business of selling, leasing, transferring, offering, or exposing for sale, lease, or transfer, specified concealable firearms unless he or she has been issued a license by a city, county, or city and county licensing authority in accordance with specified provisions of existing law. Existing law further restricts the sale, delivery, or transfer of these firearms unless that transaction is accomplished in accordance with specified procedures. A violation of these provisions is a misdemeanor.

This bill would add the requirement, commencing on and after October 1, 1993, that the purchaser or transferee of a pistol, revolver, or other firearm capable of being concealed upon the person present to the dealer a basic firearms safety certificate, as specified. Thus, to the extent the bill would increase the responsibilities of these dealers, the bill would expand the scope of an existing crime and create a state-mandated local program However, the bill would exempt from this safety certificate requirement certain transactions including, among others, the sale, transfer, or delivery of a pistol, revolver, or other firearm capable of being concealed upon the person (a) to a licensed dealer, as specified, (b) between or to importers and manufacturers of firearms, as specified, (c) to an active member of the United States Armed Forces, the National Guard, the Air National Guard, and the active reserve components of the United States, as specified, or (d) to any person honorably discharged from those organizations specified in (c).

(4) Existing law requires the Department of Justice to prepare a pamphlet which summarizes California firearms laws pertaining to persons other than law enforcement officers or members of the armed services which may include such matters as lawful possession, licensing procedures, transportation and use of firearms, acquisition of hunting licenses, and the availability of safety training programs.

The bill would require that the pamphlet include such additional matters as the safe handling and use of firearms, various methods of safe storage and child proofing of firearms, the responsibilities of firearms ownership, the operation of various types of firearms, and the lawful use of deadly force.

(5) Existing law does not provide for instruction in firearms safety for private persons.

This bill would require, beginning January 1, 1993, and prior to July 1, 1993, that the Department of Justice establish a basic firearms safety course of specified content and would provide for the issuance of basic firearms safety certificates. The bill would provide for the designation and certification by the department of instructors for the course and for fees to cover costs of instruction and certificates.

This bill, in addition, would establish fees for the issuance of basic firearms safety courses and certificates to be deposited in the Firearms Safety Training Fund Special Account of the General Fund, a continuously appropriated account, thus making an appropriation.

The bill would also provide for the transfer of funds from an unspecified nongeneral fund special account to the Firearms Safety Training Fund Special Account as a loan to be repaid, as specified.

The bill would permit certain persons such as full-time paid and honorably retired peace officers, and persons who have held a hunting license issued by the state that has

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not been revoked, among others, to be issued the basic firearms safety certificate, as specified, without completion of the basic firearms safety course, any objective tests, and without payment of any fee, as specified

(6) The bill would incorporate additional changes in Section 12001 of the Penal Code proposed by AB 242, to be operative only if both bills are enacted and become operative on or before January 1, 1992, and this bill is enacted last. The bill would incorporate additional changes in Section 12071 of the Penal Code, proposed by AB 242, AB 2029, and SB 134, to be operative only if all 4 bills, or a combination thereof, are enacted and become operative on or before January 1, 1992, and this bill is enacted last. The bill would incorporate additional changes in Section 12072 of the Penal Code, proposed by AB 664 and SB 134, to be operative only if all 3 bills, or a combination thereof, are enacted and become operative on January 1, 1992, 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. 951 (AB 664) Hauser. Crimes· weapons

(1) Existing law requires the Attorney General to keep and properly file specified documents and information to assist in the investigation of crime, the arrest and prosecution of criminals, and the recovery of lost, stolen, or found property.

This bill would add to the list of specified documents the Attorney General is required to keep for these purposes, forms provided under the procedure described in (10).

(2) Existing law provides that all copies of 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 5 days of a clearance by the Attorney General, except as specified.

This bill also would require that the forms submitted pursuant to the procedure described in (10) for firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person shall be destroyed, as specified above, thereby imposing a state-mandated program by requiring local officers to destroy additional specified forms.

(3) Existing law provides generally that any person who carries a concealed firearm, as specified, without a license to do so, is guilty of a misdemeanor.

Existing law also exempts from these provisions certain enumerated activities.

This bill, among other things, also would include in the exemptions from these provisions (a) the transportation of a firearm by a person when going directly to or coming directly from a law enforcement agency for the purpose of a lawful transfer of that firearm under the procedure described in (10), and (b) the transportation of a firearm by a person when going directly to or coming directly from a lawful camping activity for purposes of having that firearm available for lawful personal protection while at the lawful campsite. The bill would specify that these latter provisions shall not be construed to override the statutory authority granted to the Department of Parks and Recreation or any other state or local governmental agencies to promulgate rules and regulations governing the administration of parks and campgrounds.

(4) Existing law prohibits a person from engaging in the business of selling, leasing, transferring, offering, or exposing for sale, lease, or transfer, firearms unless licensed, as specified.

This bill, instead, would prohibit a person from engaging in the business of selling, leasing, or transferring firearms unless licensed, as specified.

(5) Existing law also provides that specified activities, including, but not limited to, the infrequent sale, lease, or transfer, offering, exposing for sale, lease, or transfer of firearms are not considered engaging in the prohibited business activities for these purposes.

This bill, instead, would provide that the infrequent sale, lease, or transfer of firearms is not considered engaging in the prohibited business activities for these purposes.

This bill also would add to the list of these excluded activities, the activities of a law

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enforcement agency under the procedure described in (10).

(6) Existing law provides that where neither party to a transaction to sell or otherwise transfer a firearm holds a dealer's license issued, as specified, the parties to the transaction are required to complete the transaction through a licensed dealer, as specified.

This bill, in addition, would permit the above described parties to complete the transaction through a law enforcement agency under the procedure described in (10).

(7) Existing law provides that every person in the business of selling, leasing, or otherwise transferring a firearm, except as provided, shall keep a register, as specified.

Existing law also requires the Department of Justice 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. Among other things, the forms must include information concerning the purchaser of a firearm, including the purchaser's status as a mental patient, or whether the purchaser is on leave of absence from a mental hospital pursuant to Section 8100 of the Welfare and Institutions Code

This bill, instead, would require the form to include the purchaser's status as a person described in Section 8100 of the Welfare and Institutions Code.

(8) Existing law requires that on the day that the sale, delivery, or transfer of a firearm is made to a full-time paid peace officer, as defined, and a dealer is not the seller or transferor, or is not otherwise responsible for the delivery of the firearm, the peace officer shall forward by prepaid mail to the Department of Justice a report of the same, including specified information concerning the buyer and the firearm.

This bill would exempt from this requirement a purchase which is conducted in accordance with the procedure described in (10) in which the purchase is conducted through a law enforcement agency in lieu of a dealer

This bill, in addition, would require that on the day that the purchase of a firearm is made, pursuant to the procedure described in (10), the law enforcement agency shall forward by prepaid mail to the Department of Justice a report of the same and the type of information concerning the buyer or transferee and the firearm as required under the procedure described in (10)

(9) Existing law also provides exemptions to the prohibitions described in (4) regarding engaging in specified business activities relating to firearms and to the requirements described in (6) regarding completing transactions to sell or transfer a firearm where the parties to the transaction do not hold a dealer's license

This bill would add to these exemptions the loan of a firearm for the purposes of shooting at targets if the loan occurs on the premises of a target facility, as specified, or on the premises of any club or organization organized for the purposes of practicing shooting at targets upon established ranges, whether public or private, if the firearm is at all times kept within the premises of the target range or on the premises of the club or organization.

(10) Existing law requires that the sale, delivery, and transfer of all firearms be completed through a licensed dealer, with specified exceptions.

This bill would provide a procedure whereby, in lieu of conducting a purchase of a firearm through a licensed dealer, a purchase may be completed through a sheriff's department in counties, with less than 200,000 persons, which elect to process purchases, sales, or transfers of firearms.

The bill would provide that any person knowingly furnishing false information or omitting required information, as specified, in regard to certain forms proposed in the above procedure, is guilty of a misdemeanor, thereby imposing a state-mandated program by creating a new crime.

The bill also would incorporate additional changes to these provisions to be operative only if AB 618 is enacted.

(11) Existing law provides that certain specified persons shall not own or have in their possession or under their custody or control, or purchase or receive, or attempt to purchase or receive, any firearms whatsoever or any other deadly weapon.

This bill would revise those provisions to specify that persons who come within certain categories shall not have in their possession or under their custody or control, or purchase or receive, or attempt to purchase or receive, any firearms whatsoever or any

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other deadly weapon. Included within these categories would be a person who communicates to a licensed psychotherapist, as defined, a serious threat of physical violence against a reasonably identifiable victim or victims, only if the licensed psychotherapist subsequently notifies a local law enforcement agency of the threat by that person. Such a person would not be able to have under his or her custody or control, or to purchase or receive, or attempt to purchase or receive, any firearms whatsoever or any other deadly weapon for a period of 6 months, as specified. However, the person would be able to own, possess, have custody or control over, or receive or purchase any firearm, if, under specified circumstances, a superior court finds that the person is likely to use firearms or other deadly weapons in a safe and lawful manner.

Because the bill would impose new notification requirements upon local entities and employees in this regard, it would impose a state-mandated local program.

(12) Under existing law, the Department of Justice is required to request and each public and private mental hospital, sanitarium, and institution is required to submit to the department information about present and former mental patients as necessary to carry out the department's duties, as designated in specified statutes.

Existing law also prohibits a person who is a mental patient in any hospital or institution or on leave of absence from any hospital or institution from owning or having in his or her possession, or under his or her custody or control, or purchasing or receiving, or attempting to purchase or receive, any firearm or any other deadly weapon, as defined, a violation of which is punishable by imprisonment in the state prison or in a county jail, or by a fine, or by both that imprisonment and fine.

This bill, instead, and among other things, would require that the department request and each public and private mental hospital, sanitarium, and institution submit to the department that information which the department deems necessary to identify those persons who are within the above prohibition, in order to carry out its duties in relation to firearms, destructive devices, and explosives. The bill also would make a conforming change.

(13) Existing law also requires the department to keep the above information confidential and use it only to determine eligibility to acquire and possess firearms.

This bill would make specified exemptions to the confidentiality provisions and would require the department to use the information only to determine eligibility to acquire, carry, and possess firearms, destructive devices, and explosives, rather than only to determine eligibility to acquire and possess firearms.

(14) Existing law contains legislative declarations of public policy to exempt any person who transfers a firearm 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 through a sheriff's department, as specified, in accordance with the procedure described in (10).

(15) The bill would purport to incorporate additional changes to Section 12072 of the Penal Code proposed by AB 618, to be operative only if this bill and AB 618 are both enacted and become operative on or before January 1, 1992, and this bill is enacted last.

(16) The bill would purport to incorporate additional changes to Section 12076 of the Penal Code proposed by AB 108 and SB 263, to be operative only if all 3 bills, or a combination thereof, are enacted and become operative on or before January 1, 1992, and this bill is enacted last.

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

This bill would 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.

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

Ch. 952 (AB 1904) Peace. Weapons.

(1) Existing law prohibits the carrying of a concealed firearm within a vehicle or upon the person without a license, as specified Exempt from these provisions are certain specified peace officers who have been honorably retired. Existing law specifies that these peace officers shall be issued identification certificates by the agencies from which the officers retired.

This bill, in addition, would specify that the issuing agency may charge a fee necessary to cover any reasonable expenses incurred by the agency in issuing these certificates.

(2) Existing law also provides that any officer retired after January 1, 1981, shall have an endorsement on the identification certificate specified in (1) which shall include, among other things, the date when the endorsement is to be renewed. In addition, existing law provides that no endorsement or renewal endorsement shall be effective unless it has a "CCW Approved" stamp on it.

This bill would repeal those provisions and, instead, would require the endorsement or renewal endorsement to be in a specified format.

(3) Existing law also specifies that certain specified peace officers employed by a local agency and retired after January 1, 1981, shall have an endorsement on the identification certificate specified in (2) stating that the issuing agency approves the officer's carrying of a concealed firearm. Existing law also provides that the endorsement may be "removed" by the issuing agency upon a hearing conducted, as specified.

This bill would provide that the endorsement may be revoked or denied upon a hearing, as specified, rather than removed upon the hearing.

Existing law specifies under these provisions that a retired officer, when notified of the revocation of his or her privilege to carry a concealed firearm, shall immediately surrender his or her identification certificate and endorsement to the issuing agency.

This bill would require the surrender of the identification certificate and endorsement after the hearing or upon forfeiting the right to a hearing.

(4) Existing law prohibits the carrying of a loaded firearm without a license, as specified. Exempt from these provisions are certain specified peace officers, whether active or honorably retired, and other specified peace officers As specified in (1), existing law also provides that any peace officer described in these provisions who has been honorably retired shall be issued an identification certificate by the agency from which the officer has retired.

This bill would make the same changes to the issuance of these certificates as specified in (1).

(5) Existing law, with limited exceptions, prohibits the distribution of assault weapons, as specified.

This bill would exempt from those provisions a person who is the executor or administrator of an estate that includes a registered assault weapon which is disposed of as authorized by the probate court, if the disposition is otherwise permitted by law, as specified. The bill also would exempt from those provisions a person who lawfully possesses and has registered an assault weapon who lends the assault weapon to another, as specified.

(6) Existing law provides that certain specified persons shall not own or have in their possession or under their custody or control, or purchase or receive, or attempt to purchase or receive, any firearms whatsoever or any other deadly weapon.

This bill would revise those provisions to specify that persons who come within certain categories shall not have in their possession or under their custody or control, or purchase or receive, or attempt to purchase or receive, any firearms whatsoever or any other deadly weapon. Included within these categories would be a person who communicates to a licensed psychotherapist, as defined, a serious threat of physical violence against a reasonably identifiable victim or victims, only if the licensed psychotherapist subsequently notifies a local law enforcement agency of the threat by that person. Such a person would not be able to have under his or her custody or control, or to purchase or receive, or attempt to purchase or receive, any firearms whatsoever or any other deadly weapon for a period of 6 months, as specified However, the person would be able to own, possess, have custody or control over, or receive or purchase any firearm, if,

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under specified circumstances, a superior court finds that the person is likely to use firearms or other deadly weapons in a safe and lawful manner. The bill also would provide that any person admitted and receiving treatment prior to January 1, 1992, shall be governed by provisions of law existing prior to the enactment of this bill.

This bill would specify that changes to these provisions of existing law shall become operative only if AB 664 is enacted, as specified.

Because the bill would impose new notification requirements upon local entities and employees in this regard, it would impose a state-mandated local program.

(7) Chapter 177 of the Statutes of 1990, known as "The Prohibition Against Rifle and Shotgun Registration Act of 1990," sets forth various provisions of law concerning firearms.

This bill would change the name of the act to "The Davis-Keene Prohibition Against Rifle and Shotgun Registration Act of 1990."

(8) This bill would incorporate additional changes to Section 12031 of the Penal Code proposed by AB 637, to be operative only if both bills are enacted and become operative on January 1, 1992, and this bill is enacted last.

(9) The bill would incorporate additional changes to Section 12280 of the Penal Code proposed by SB 263, to be operative only if this bill and SB 263 are both enacted and become effective on January 1, 1992, and this bill is enacted last.

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

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

Ch. 953 (AB 108) T. Friedman. Domestic violence.

(1) Existing law, the Domestic Violence Prevention Act, permits family or household members to petition for temporary restraining orders 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:

(a) Expand provisions for ex parte emergency protective orders to protect against domestic violence by a family or household member, to apply to all threats of domestic violence.

(b) 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.

(c) 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 court to order the county clerk to mail, if it does not order the petitioner or the attorney for the petitioner to deliver, a copy thereof to local law enforcement agencies and other locations, as specified, thereby imposing a state-mandated local program.

(d) Revise the duties of a local law enforcement agency to immediately notify the Department of Justice of personal information regarding persons who are the subject of domestic violence restraining orders, thereby imposing a state-mandated local program.

(e) Revise the required content of judicial forms for domestic violence restraining orders, thereby imposing a state-mandated local program.

(f) Require the court to notify persons personally appearing in court of prohibitions and penalties under a restraining order, as specified.

(2) Existing law prohibits the receipt, purchase, or acquisition, or attempted receipt, purchase, or acquisition, of firearms by persons subject to specified domestic violence restraining orders and protective orders.

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This bill would limit this prohibition to the purchase or receipt, or the attempted purchase or receipt, of a firearm by a person knowing that he or she is the subject of specified domestic violence restraining orders, with specified exceptions. The bill would also make a related change.

(3) Existing law authorizes the Department of Justice to charge a firearm dealer a fee, as specified.

This bill would expand the parameters which limit this fee, 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 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.

(5) This bill would also incorporate further changes to Section 546 of the Code of Civil Procedure proposed by AB 363, contingent upon its prior enactment.

(6) This bill would incorporate additional changes to Section 12076 of the Penal Code proposed by AB 664, to be operative only if this bill and AB 664 are both enacted and become operative on or before January 1, 1992, and this bill is enacted last

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

Ch. 954 (SB 263) Roberti. Firearms· assault weapons.

Under the Roberti-Roos Assault Weapons Control Act of 1989, it is a public offense, except as specified, punishable by imprisonment in the state prison or in a county jail, for any person to unlawfully possess an assault weapon, as defined.

However, existing law also provides that if the person presents proof to the Department of Justice by January 1, 1991, that he or she lawfully possessed the assault weapon prior to June 1, 1989, or prior to a declaration that the firearm is an assault weapon, and has since either registered that firearm or relinquished it, as specified, a first-time violation of these provisions is an infraction, punishable by a fine of up to $500, but not less than $350, if the person otherwise has lawfully possessed the firearm, as specified.

This bill would include declarations of legislative intent and would extend the January 1, 1991, deadline for registering assault weapons by providing for a forgiveness period for 90 days following the effective date of this bill or 90 days after the date a firearm is declared to be an assault weapon, as specified, provided the person lawfully possessed the assault weapon prior to the date it was specified as, or declared to be, an assault weapon. In addition, the bill would provide that any person who registers his or her assault weapon during this period, and any person whose registration form was received by the Department of Justice after January 1, 1991, and who was issued a temporary registration prior to the end of the forgiveness period, shall not be charged with a violation of failing to register his or her assault weapon, if law enforcement becomes aware of that violation only as a result of the registration of the assault weapon.

The bill would revise the definition of "assault weapon" as specified, and thus this bill would impose a state-mandated local program by changing the definition of the crime of unlawful possession of an assault weapon.

Existing law requires 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. Existing law also requires law enforcement agencies receiving descriptions of assault weapons to make the descriptions available to all agency personnel.

This bill, in addition, would require the Attorney General to promulgate lists that specify all firearms designated as, or declared to be, assault weapons, as specified, and to file these lists with the Secretary of State for publication in the California Code of

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Regulations.

The bill would require the Attorney General to adopt those rules and regulations that may be necessary or proper to carry out the purposes and intent of the act.

The bill also would require the Department of Justice to conduct a public education and notification program regarding the registration of assault weapons, as specified, and to develop posters describing gunowners' responsibilities under the Roberti-Roos Assault Weapons Control Act of 1989. The bill would require these posters to be posted in a conspicuous place in every licensed gun store in the state during this forgiveness period.

The bill would incorporate additional changes to Section 12076 of the Penal Code proposed by AB 108 and AB 664, to be operative only if all 3 bills, or a combination thereof, are enacted and become operative on or before January 1, 1992, and this bill is enacted last.

The bill would incorporate additional changes to Section 12280 of the Penal Code proposed by AB 1904, to be operative only if this bill and AB 1904 are both enacted and become effective on or before January 1, 1992, and this bill is enacted last

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

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

Ch. 955 (AB 242) Connelly. Firearms

(1) Existing law prohibits the unlicensed sale, lease, transfer, or advertising of firearms, and imposes various licensing requirements upon persons licensed by local agencies to sell firearms at retail. Existing law also prohibits sales and deliveries of firearms to certain classes of persons and requires transfers of firearms between unlicensed persons to be completed as specified Exempted from these provisions are unloaded firearms which are antique firearms, as defined, or a curio or relic, as defined.

This bill would recast this exemption to, as respects curios and relics, instead provide that the term "firearm" for purposes of these provisions does not include an unloaded firearm that is not a pistol, revolver, or other firearm capable of being concealed upon the person and is a curio or relic, as defined. By expanding the scope of an existing crime this bill would impose a state-mandated local program.

(2) Under existing law, any person who has been convicted of certain misdemeanor violations, including the willful discharge of a firearm in a grossly negligent manner, and who, within 10 years of the conviction, owns, or has in his or her possession or under his or her custody or control, any firearm, is guilty of a public offense, punishable as a misdemeanor or a felony, as specified.

This bill would provide that until January 1, 1993, any person whose continued employment is dependent on the ability to legally possess a firearm, who has been convicted of one of specified misdemeanor violations, at the time of sentencing, may petition the court for relief from the above-mentioned prohibition. The bill would authorize the court, in its discretion, to reduce or eliminate the prohibition, impose conditions, as specified, or otherwise grant relief from the prohibition as the court deems appropriate.

(3) Existing law, with specified exceptions, provides that no person shall engage in the business of selling, leasing, transferring, or offering, or exposing for sale, lease, or transfer, of firearms unless he or she has been issued a license, as specified. Any person who violates these provisions is guilty of a misdemeanor.

Existing law also provides that the Department of Justice shall issue statewide gun show licenses to all licensed persons, as specified.

This bill would delete these latter provisions and, instead, would except from the general licensing provisions the sale, lease, or transfer of used firearms, as defined, other than pistols, revolvers, or other firearms capable of being concealed upon the person, at gun shows or events, as specified, by a person other than a licensee or dealer, who shall be known as a "Gun Show Trader" provided the person has a valid federal firearms license and a certificate of eligibility from the Department of Justice, and provided all the sales, leases, or transfers are completed through licensed dealers, as specified. The

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bill would also provide that the person shall not engage in the sale, lease, or transfer of used firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person at more than 12 gun shows or events in any calendar year and would provide that the person shall not sell, lease, or transfer more than 15 used firearms, other than pistols, revolvers, or other firearms capable of being concealed upon the person at any single gun show or event. The bill would also specify that in no event shall the person sell more than 75 used firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, in any calendar year.

(4) Existing law provides that the duly constituted licensing authorities of any city, county, or city and county shall accept applications for, and may grant licenses permitting, the licensee to sell at retail within the city, county, or city and county any firearm.

This bill, in addition, would provide that for these purposes, the term "licensee" or "dealer" means a person who has (a) a valid federal firearms license, (b) any regulatory or business license, or licenses, required by local government, (c) a valid seller's permit issued by the State Board of Equalization, (d) a certificate of eligibility issued by the Department of Justice, as specified, and (e) a license issued in a specified format. Because these provisions would expand the scope of the existing crime of selling, transferring, or leasing, or offering or exposing for sale, lease, or transfer, firearms without a license, the bill would impose a state-mandated local program.

The bill, among other things, would provide that a license granted by the duly constituted licensing authority of any city, county, or city and county shall be valid for not more than one year from the date of issuance and shall be in a specified form. In addition, the bill would specify that local licensing authorities may assess fees to recover their full costs of processing applications for licenses.

(5) Existing law provides that a license is subject to forfeiture for the breach of certain prohibitions and requirements.

This bill would except from those prohibitions and requirements a licensee who takes possession of firearms and commences preparation of registers for the sale, delivery, or transfer of firearms at gun shows or events, as specified, provided the gun show or event is not conducted from any motorized or towed vehicle. In addition, the bill would provide that a licensee, at gun shows or events, also may engage in the business of selling, leasing, or transferring firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, provided the person (a) complies with all other applicable provisions of law, including, but not limited to, the 15-day waiting period, as specified, and (b) complies with all applicable local laws, regulations, and fees, if any. These persons also would be required to publicly display their licenses, or a facsimile thereof, at any gun show or event, as specified.

The bill also would except from those prohibitions and requirements a licensee who engages in the sale and transfer of firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, at auctions or similar events conducted by nonprofit mutual or public benefit corporations organized pursuant to the Corporations Code, as specified. These persons also would be permitted to accept delivery of firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, outside the building designated in the license, provided the firearms are being donated for the purpose of sale or transfer at one of these auctions or similar events.

(6) Existing law requires that the registry required to be maintained by every person in the business of selling, leasing, or otherwise transferring firearms contain specified information including, among other information, the date and time of sale, full name of the purchaser, identification of the purchaser, and all legal names and aliases ever used by the purchaser.

This bill would additionally require the register to include the auction or event waiting period exemption, as specified.

(7) Existing law provides that where neither party to the firearms transaction holds a dealer's license, in order for a person to sell or otherwise transfer a firearm, the parties to the transaction shall complete the transaction through a licensed dealer, as specified.

This bill would specify that these provisions shall not apply to the transfer of a firearm

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other than a pistol, revolver, or other firearm capable of being concealed upon the person, if the firearm is donated at an auction or similar event and the firearm is delivered to the nonprofit corporation immediately preceding, or contemporaneous with, the auction or event. In addition, the bill would provide that the waiting period, as specified, for the delivery of those firearms would not apply to a dealer who delivers firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, at such an auction or event

This bill also would require, within 48 hours of the sale, delivery, or transfer, if the firearm is donated at an auction or similar event pursuant to these provisions, the dealer to forward by prepaid mail to the Department of Justice a report of the same, including specified information concerning the buyer and the firearm.

(8) Existing law permits a seller or transferor and a purchaser or transferee to complete a sale or other transfer of a firearm through a dealer, as specified. Existing law allows the dealer under these circumstances to require a purchaser or transferee of a firearm to pay a fee not to exceed $2, plus the amount of a fee which the Department of Justice may charge, as specified, plus a fee not to exceed $5 to the dealer for processing the transfer or sale Under these provisions, the department may charge only one fee, as specified.

This bill, instead, would provide that the purchaser or transferee may be required by the dealer to pay a fee not to exceed $10, plus the fee which the Department of Justice may charge, as specified. In addition, the bill would specify that nothing in these provisions shall prevent a dealer from charging a smaller fee.

(9) Under existing law, 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, he or she 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 if the superior court upon petition of the person, as specified, has found, by a preponderance of the evidence, that the person is likely to use firearms in a safe and lawful manner. Existing law also provides that upon admission of, or upon certification for intensive treatment of, a person subject to these provisions, the facility shall inform the person of these provisions.

This bill, among other things, would provide, instead, that prior to, or concurrent with, the discharge from the facility or intensive treatment, the facility shall inform a person of these provisions.

(10) (a) The bill would incorporate additional changes in Section 12001 of the Penal Code proposed by AB 618, to be operative only if both bills are enacted and become operative on January 1, 1992, and this bill is enacted last.

(b) The bill would incorporate additional changes in Section 12021 of the Penal Code, proposed by AB 108, to be operative only if both bills are enacted and become operative on or before January 1, 1992, and this bill is enacted last.

(c) The bill would incorporate additional changes in Section 12071 of the Penal Code, proposed by AB 618, AB 2029, and SB 134, to be operative only if all 4 bills, or a combination thereof, are enacted and become operative on January 1, 1992, and this bill is enacted last

(d) The bill would incorporate additional changes in Sections 12070, 12077, and 12078 of the Penal Code, proposed by AB 664, to be operative only if both bills are enacted and become operative on January 1, 1992, and this bill is enacted last.

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

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

Ch. 956 (AB 2029) Connelly. Firearms.

(1) Existing law contains various provisions concerning the sale, lease, or transfer of firearms Existing law also contains provisions concerning the unlawful carrying and

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possession of firearms.

This bill, which shall be known as the Children's Firearm Accident Prevention Act of 1991, in addition, would create the new crime of "criminal storage of a firearm," as specified, thus imposing a state-mandated local program. More specifically, the bill would provide that a person commits the crime of "criminal storage of a firearm of the first degree" if he or she keeps any loaded firearm within any premise which is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person; and a person commits the crime of "criminal storage of a firearm of the second degree" under the same circumstances, except the child obtains access to the firearm and thereby causes injury, other than great bodily injury, to himself, herself, or any other person, or exhibits the firearm either in a public place or in violation of a specified provision.

(2) 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 any firearm 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 law.

Existing law further provides that the issuance of this license is subject to certain conditions, the breach of which subjects the license to forfeiture.

This bill would require these licensed persons to post conspicuously within the licensed premises a specified warning concerning the leaving of loaded firearms within the reach or easy access of a child.

Thus, because the bill would require cities, counties, and cities and counties to monitor compliance with this provision for licensing purposes, 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 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. 957 (AB 85) Katz. 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.

Existing law appropriates $400,000 from the Federal Trust Fund to the Department of Transportation to demonstrate the energy conservation and air quality benefits associated with installing systems to enhance traffic flow at 2 specified locations on State Highway Route 1.

This bill would reduce by $200,000 the amount made available for expenditure at one of those locations, and increase by $200,000 the amount made available for expenditure at the other location.

(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, to the extent permitted by federal law, transfer $6,833,000 of those federal funds to the Katz Schoolbus Fund and appropriate that amount therefrom to the commission for implementation of that program.

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Ch. 958 (AB 345) Hughes. PVEA: energy-related housing rehabilitation.

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 $2,500,000 of these funds to the Department of Housing and Community Development for energy-related housing rehabilitation for lower and very low income households, as prescribed.

Ch. 959 (AB 514) Floyd. Veterans' Home of California: second home: construction: Governor's Commission on a Southern California Veterans Home.

(1) Existing law authorizes the Department of Veterans Affairs to establish and construct a 2nd Veterans' Home of California in one of several specified counties in southern California. Under existing law, there is an Advisory Site Selection Committee, composed as specified, to advise the Director of Veterans Affairs on the site for the 2nd home.

This bill would repeal the provisions which created the advisory committee.

The bill would, instead, establish, until July 1, 1993, a 12-member Governor's Commission on a Southern California Veterans Home to advise the Governor and the Legislature on the establishment of a 2nd veterans home in southern California. The bill would specify the membership of the commission, including as nonvoting members the Chairperson of the Senate Committee on Veterans Affairs and the Chairperson of the Assembly Committee on Governmental Organization. It would provide for the appointment of a chairperson by the Governor, and authorize commission members to receive a specified per diem amount and reimbursement of necessary expenses for attendance at commission meetings The bill would require the commission to report, on or before July 1, 1992, as specified, its findings and recommendations regarding the establishment of a 2nd veterans home in southern California

The bill would authorize the commission to solicit and accept private donations for purposes of establishing the 2nd veterans' home, and would authorize state agencies to pay commission expenses, as specified.

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

Ch. 960 (AB 590) Moore. Smart freeway corridor telecommunications demonstration project.

(1) Existing law does not provide for smart freeway corridor demonstration projects.

This bill would impose a state-mandated local program by requiring a county transportation commission to coordinate smart freeway corridor telecommunications demonstration projects within the county, which would be comprised of specified elements related to vehicular traffic monitoring and management within segments of the state highway system.

The bill would require the county transportation commission to make the results of the demonstration projects available to state and local public agencies for possible application throughout the state.

The bill would require the county transportation commission to prepare and transmit a report on the demonstration projects to the Legislature.

The bill would require the Department of Transportation to reimburse the county transportation commission, from funds appropriated to the department for the demonstration projects, for the costs incurred by the commission under those provisions.

The bill would prohibit the use of money from the General Fund to operate a smart freeway corridor telecommunications project after the demonstration project is completed.

(2) 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.

The bill would, to the extent permitted by federal law, appropriate $1,000,000 of those funds to the department for allocation for purposes of the demonstration projects.

(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 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. 961 (AB 882) Murray. Weapons.

(1) Existing law prohibits a licensee, qualified manager, or registered security guard from carrying a concealed weapon, during the course and scope of licensed activity, unless the person has been issued a concealed weapons permit by a local law enforcement agency, as specified.

This bill, in addition, would authorize a person, who is employed as a guard or messenger of a common carrier, bank, or other financial institution, while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state, if certain conditions are met, to carry a concealed weapon.

(2) Existing law prescribes a renewal fee and branch office certificate fee for a combination private investigator and private patrol operator, AC or DC prefix.

This bill would delete from these provisions the reference to "AC or DC prefix."

(3) Existing law provides that the unlawful concealed carrying of certain specified weapons upon the person or within the vehicle of the carrier is a nuisance. Existing law also provides for the sale or destruction of these weapons by law enforcement agencies, as specified. Existing law also provides that any of these weapons or firearms owned, possessed, or used during the commission of crimes, as specified, shall be surrendered to the sheriff of a county or the chief of police or other head of a municipal police department of any city or city and county or the Commissioner of the California Highway Patrol.

This bill, in addition, would provide that, for these purposes, the Commissioner of the California Highway Patrol shall receive only weapons that were confiscated by a member of the California Highway Patrol.

(4) Existing law provides that a firearm of any nature used in the commission of any misdemeanor as provided in the Penal Code or any felony, or an attempt to commit any of these crimes, is a nuisance. Existing law also provides for the sale or destruction of these firearms by law enforcement agencies, as specified.

This bill would revise these provisions to apply also to any firearm of any nature owned or possessed in violation of specified provisions of the Penal Code. As a result, the bill would increase the instances where local law enforcement agencies would be required to sell or destroy these firearms, thus resulting in a state-mandated local program.

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

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

Ch. 962 (AB 1273) Speier. State buildings: energy conservation.

(1) Existing law authorizes the development of energy conservation measures and alternative energy supply sources for state agencies.

This bill would require all new public buildings constructed after January 1, 1993, to be models of energy efficiency and require all existing buildings when renovated or remodeled to be retrofitted to meet specified standards. Any new public building constructed after January 1, 1992, would be required to include meters or other technologies to measure energy use and the Department of General Services would be required to develop and submit to the Legislature on or before December 1, 1992, an energy plan

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for existing public buildings. The Department of General Services would be required on or before July 1, 1992, to review state building leases for energy savings purposes, and to submit to the appropriate policy committees of the Legislature a report which identifies ways to improve energy efficiency in buildings leased by the state, as specified.

(2) The bill would require the Department of General Services to, among other things, identify commodities purchased by the department that consume a significant amount of energy and determine specified life cycle costs, as defined, associated with those commodities and distribute to state agencies and departments a list of those commodities with the lowest life cycle costs and the methods of determining these costs.

(3) The bill would require state agencies and departments to purchase those commodities identified by the Department of General Services as having the lowest life cycle costs and to make every reasonable effort to identify and purchase other commodities with the lowest life cycle costs.

(4) The bill would only apply to public buildings in which energy costs exceed $10,000 per year.

(5) The bill would appropriate $40,000 from the Federal Trust Fund consisting of moneys from the Petroleum Violation Escrow Account to the Department of General Services for specified energy efficiency purposes.

Ch. 963 (AB 1281) Filante. AIDS.

(1) Existing law defines the term "HIV test" for purposes of several statutory provisions as any clinical laboratory test approved by the federal Food and Drug Administration for HIV (the etiologic virus of AIDS), component of HIV, or antibodies to HIV.

This bill would expand that definition to include any clinical test, laboratory or otherwise, used to identify HIV, a component of HIV, or antibodies or antigens to HIV.

(2) Existing law contains a variety of provisions regulating the use of information revealed by a blood test to detect antibodies to the probable causative agent of acquired immune deficiency syndrome and contains civil and criminal penalties for the violation of certain provisions.

This bill would extend those provisions to the use of information revealed by an HIV test, as defined pursuant to (1), thereby imposing 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. 964 (AB 1495) Tanner. Occupational safety and health: injury prevention programs.

Existing law requires every employer to establish, implement, and maintain an effective written injury prevention program including specified elements, and to provide specified training of employees in general safe and healthy work practices.

This bill would additionally require an employer's injury prevention program to contain specific provisions that include, among the employees covered by an injury prevention program, all of the employer's employees and all other workers who the employer controls or directs and directly supervises on the job to the extent these workers are exposed to worksite and job assignment specific hazards. It would permit a state agency employer, where a contractor supplies its employee to the state agency employer on a temporary basis, to assess a fee upon the contractor to reimburse the state agency for the additional costs, if any, of including the contract employee within the state agency's injury prevention program.

Ch. 965 (AB 1796) T. Friedman. Credit reporting: nonreporting of unlawful detainer.

Existing law precludes consumer credit reporting agencies and investigative consumer credit reporting agencies, with certain exceptions, from making a credit report concerning any person that includes an item of information on an unlawful detainer

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action in which the person was the prevailing party.

This bill would revise these prohibitions to instead prohibit those agencies from including in such a credit report an item of information on an unlawful detainer action unless the lessor was the prevailing party, as defined.

The bill would incorporate additional changes to Section 1785.13 of the Civil Code proposed by AB 2032 and SB 473, to be operative only if all 3 bills, or a combination thereof, are enacted and become operative January 1, 1992, and this bill is enacted last.

Ch. 966 (SB 507) McCorquodale. Assessments: Landscaping and Lighting Act.

(1) Under existing law, local agencies whose annual taxes are carried on the county assessment roll and collected by a county, may form an assessment district and levy assessments pursuant to the Landscaping and Lighting Act of 1972.

This bill would also make that act's provisions available to an agency or entity created pursuant to a joint exercise of powers agreement and made up solely of local agencies whose annual taxes are carried on the county assessment roll and are collected by the county.

(2) For purposes of an annual report required under that act for each fiscal year in which assessments are levied by a city, an estimate of costs may include a reserve for the estimated costs of maintenance and servicing to December 10 of the fiscal year, or whenever the city expects to receive its apportionment of special assessments and tax collections from the county, whichever is earlier.

This bill would make the applicable time the later of those 2 events, rather than the earlier.

(3) Under existing law, if all owners of property within territory proposed to be formed into an assessment district consent to the proposed action, the territory may be formed into an assessment district without the notice and hearing or the filing of an engineer's report which would otherwise be required.

This bill would delete that provision.

(4) The bill would make numerous technical and procedural changes in proceedings under the Benefit Assessment Act of 1982, the Landscaping and Lighting Act of 1972, the Improvement Act of 1911, the Improvement Bond Act of 1915, and the Municipal Improvement Act of 1913.

Ch. 967 (SB 1032) Committee on Natural Resources and Wildlife. Commercial fishing: fuel conservation program.

Under existing law, funds have been appropriated to the Energy Extension Service from petroleum overcharge settlement funds to establish a loan program to assist low-income fishing fleet operators to conserve fuel.

This bill would require the Energy Extension Service of the Office of Planning and Research to implement a revolving loan fund program to assist low-income fishing fleet operators reduce their energy costs and conserve fuel by providing low-interest loans to those operators, and would appropriate $1,000,000 of any petroleum overcharge settlement funds, to which the State of California is entitled, to the Office of Planning and Research for that purpose. The bill would also require the service to report to the Legislature on the loan program, as specified.

Ch 968 (SB 399) Rosenthal Energy resources: petroleum violation escrow funds.[6]

Under existing law, petroleum violation escrow funds, as defined in federal law, received by the state from the federal government, 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 $2,575,000 of those funds, in prescribed amounts, for use by the State Energy Resources Conservation and Development Commission for its intervenor award program, and by the Department of Economic Opportunity for certain low-income energy assistance programs.

Ch. 969 (AB 134) Elder. San Pedro Bay and Channel: vessel traffic management.

Existing law provides that persons providing piloting services to vessels in San Pedro Bay may limit liability for the rendering and performance of those services by contracts

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or tariffs meeting specified conditions, and requires insurance to be furnished by the pilot on request, as specified.

Existing law provides for the formation and operation of nonprofit mutual benefit corporations, under which law specified public agencies may associate themselves with other public agencies and private corporations or individuals for the purpose of carrying on a program of nonregulatory activities in the common interests of the members, as specified. Existing law also, until January 1, 1992, prohibits a cause of action for monetary damages against a director or officer of a nonprofit corporation for official acts in good faith, except as specified, if general liability insurance in specified amounts is in force.

This bill would authorize the Marine Exchange of Los Angeles-Long Beach Harbor, Inc., to operate a vessel traffic service. The bill would require specified vessels to report information to the corporation whenever the vessel is within a specified area of San Pedro Bay and San Pedro Channel. The bill would authorize the Ports of Los Angeles and Long Beach to impose fees on those vessels to pay the cost of operating the vessel traffic service.

The bill would declare the corporation is an agent of each vessel in the specified area for specified purposes, and would exempt the corporation and its officers and directors from liability, as provided by the existing law described above.

The bill would require the corporation to cooperate with the administrator for oil spill response of the Department of Fish and Game in the development and implementation of a specified vessel traffic service and would revoke the authorization for the corporation to operate its service upon certification by the administrator that the Coast Guard has commenced its operation of a vessel traffic service.

The bill would provide for not more than $5,000 per day in administrative fines if the corporation does not comply with orders of the administrator to modify its service to eliminate inconsistencies with the specified vessel traffic service or vessel traffic monitoring and communications system.

The bill would require the administrator to cause the establishment of a vessel traffic service if the authorization under the bill is revoked, in which case the bill would authorize fees on vessels, port users, and ports as provided in existing law. Because that existing law would require the fees to be deposited in the Vessel Safety Account in the Oil Spill Prevention and Administration Fund, which is continuously appropriated to the administrator for these purposes, the bill would make an appropriation.

The bill would provide for related matters.

Ch. 970 (AB 266) Hauser. Community services districts: land-use planning: Mendocino County.

(1) Existing law authorizes 2 or more legislative bodies to create a joint area planning agency, planning commission, or advisory agency for all or prescribed portions of their areas which may exercise those powers and perform those duties under the Planning and Zoning Law that the legislative bodies delegate to it. Existing law also authorizes the creation of a community services district to perform special services within its boundaries.

This bill would specifically authorize a community services district in the County of Mendocino to exercise the powers and duties of a planning commission under the Planning and Zoning Law that the legislative bodies delegate to it, as specified. The bill would provide that, in the County of Mendocino, service on the board of directors of a community services district shall not be considered incompatible with service as a member of a planning commission. This bill would provide for the repeal of these provisions on January 1, 1997.

(2) The California Constitution requires that a local or special statute is invalid in any case if a general statute can be made applicable.

This bill would express the finding and declaration of the Legislature that a special law is necessary and that a general law cannot be made applicable within the meaning of the California Constitution because of unique specified circumstances relating to the County of Mendocino.

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Ch. 971 (AB 1102) Speier. Consumer credit reporting agencies.

Existing law requires defined consumer credit reporting agencies which furnish reports for employment purposes, and which compile and report items of information on consumers which are matters of public record, to maintain strict procedures to ensure that the information is complete and up-to-date.

This bill would prohibit consumer credit reporting agencies which furnish reports for employment purposes from reporting information on the age, marital status, race, color, or creed of any consumer. The bill would also provide that prior to requesting a consumer credit report for employment purposes, the user of the report shall provide written notice to the person involved, as specified, and would require the user to request that a contemporaneous, free copy of the report be sent to the person if he or she responds to the notice indicating a desire to receive a copy of the report.

Ch. 972 (AB 1442) Eastin. Local fiscal affairs: local sales and use taxes; transactions and use taxes.

Under existing law, on and after July 1, 1992, no moneys in any continuously appropriated fund, other than a fund continuously appropriated in a Budget Act, may be encumbered unless the Legislature, by statute, specifies that moneys in the fund are appropriated for encumbrance.

This bill would specify that this limitation on encumbrance from a continuously appropriated fund does not apply to the scheduled disbursement of any local sales and use tax proceeds or transactions and use tax proceeds to an entity of local government, as specified

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

Ch. 973 (AB 1498) Peace. Transactions and use taxes: City of Calexico.

The existing Sales and Use Tax Law imposes a sales tax upon all retailers at the rate of 4.75% of gross receipts of the retailer and a use tax at the same rate with respect to the sales price of tangible personal property. Counties and cities are authorized pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law to impose local sales and use taxes in conformity with state sales and use taxes at the rate of 1.25%. Under the Transactions and Use Tax Law, counties, transit districts, and other public entities are further authorized to impose a transactions and use tax at varying specified rates. In addition, any county is authorized to impose an additional transactions and use tax of 0.5%, if the ordinance or resolution proposing that tax is approved by a ⅔ vote of all members of the board and the tax is approved by a majority vote of the qualified voters voting on the issue.

This bill would authorize the City of Calexico to impose an additional transactions and use tax of 0.5%, if the ordinance or resolution proposing that tax is approved by a majority vote of all members of the city council and the tax is approved by a ⅔ vote of the qualified voters voting in an election on the issue. It would require the net proceeds of the tax authorized by the bill to be used exclusively for the Heffernan Memorial Hospital District.

Ch. 974 (SB 403) L Greene. Fish and Game Commission: notices.

(1) Under existing law, an interested person may petition the Fish and Game Commission to add a species to, or remove a species from, either the list of endangered species or the list of threatened species. Existing law requires the commission to refer the petition to the Department of Fish and Game. Under existing law, the department may also recommend to the commission that it add a species to, or remove a species from, the list of endangered species or the list of threatened species.

This bill would require the commission to publish a notice in the California Regulatory Notice Register of the submission of a petition by the department or the receipt of a petition, or the commencement of an evaluation, to add a species to, or remove a species from, the list of endangered species or the list of threatened species, and would specify the information required to be included in the notice. The bill would also require the commission to notify persons interested in receiving these notices by mail, and would require the department to mail a copy of the notice to those persons.

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(2) Existing law requires the commission, at a scheduled meeting, to consider the petition, the department's written report, and comments received. Existing law requires the commission to make specified findings and enter those findings in the public record. Existing law also requires the commission to distribute the findings relating to the petition to interested persons, as specified.

This bill would expressly require the commission to publish the findings relating to the petition.

(3) Existing law requires the commission to distribute the related agenda of pending actions, and portions of its minutes of actions taken by the commission, to any individuals who have notified the commission of their interest concerning listing or delisting actions. Existing law requires that this notification meet the requirements of public notice as required for commission action under specified provisions of existing law.

This bill would require that the notification be published in the California Regulatory Notice Register

The bill would authorize the commission to impose an annual fee on those persons who request inclusion on the list to be so notified in order to offset the cost of creating and maintaining the list, and preparing and mailing the notices.

(4) 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 increase the revenues to be deposited in the fund, it would make an appropriation.

Ch. 975 (SB 518) Maddy. American Indians: vital statistics.

(1) Existing law requires the Rural Health Division of 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. Existing law also requires the department to identify ways to improve the quality of these statistics

This bill would require the department to implement these provisions and those described under (2) below only when funds are specifically appropriated for these purposes.

(2) Existing law requires the department to report to the Legislature, on or before January 1, 1994, regarding the implementation and results of the study.

This bill would require the department to report to the Legislature, on or before January 1, 1994, on the implementation of existing law, but would require the department to report to the Legislature on the results of the study on or before 4 years after the date that the initial funding is received to implement the study.

(3) The provisions of existing law will remain in effect until January 1, 1994.

This bill would delete this repeal provision.

Ch. 976 (SB 526) Killea. Offsets: counties fines collection.

(1) Existing law authorizes the Controller to offset any amount due a county from a person or entity that has been reduced to a judgment, is contained in an order of a court, or is delinquent unsecured property taxes, as specified, against any amount owing the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law. It also requires the Controller to deduct and retain from any amount offset in favor of a county an amount sufficient to reimburse the Controller and the Franchise Tax Board for the administrative costs of processing the offset payment.

This bill would additionally require the Controller, at the request of a county, to offset any amount due a county that is from a bench warrant for payment of any fine, penalty, or assessment, against any amount owing the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law, or on a claim for refund from the State Board of Equalization under the Sales and Use Tax Law. It would also require the Controller to deduct and retain from any amount offset in favor of a county an amount sufficient to reimburse the Controller and the Franchise Tax Board or the State Board of Equalization for the administrative costs of processing the offset payment.

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(2) Existing law provides for the imposition of various fines, forfeitures, or penalties upon persons convicted of a crime.

This bill would specify that a court may order a criminal defendant upon whom a fine, forfeiture, or penalty is imposed, to disclose to the court his or her social security number in order to assist in its collection.

Ch. 977 (SB 677) Johnston. Sacramento Regional Transit District.

The Sacramento Regional Transit District Act establishes the Sacramento Regional Transit District which comprises the Cities of Davis, Folsom, Roseville, Sacramento, and Woodland and portions of the unincorporated areas of Sacramento and Yolo Counties.

This bill would revise the descriptions of the unincorporated territory which may be included within the district, as specified.

Ch. 978 (SB 683) Marks. Harbor districts: revenue bonds.

Existing law authorizes the creation of harbor improvement districts, harbor districts, port districts, river port districts, small craft harbor districts, the San Diego Unified Port District, and the Humboldt Bay Harbor, Recreation, and Conservation District with the powers of acquisition, construction, maintenance, operation, development, and regulation of harbor works and improvements.

This bill would authorize these districts to levy and collect assessments and sell bonds in accordance with certain procedures to finance waterway construction projects and related operations and maintenance, as specified. The bill would prohibit any bond issued pursuant to this authority from being used to fund the routine maintenance dredging of channels.

Under existing law, a harbor district may be formed pursuant to certain provisions of law for the purposes of developing and improving the harbor within its territory. Existing law authorizes the district board to create a revenue bond indebtedness, by enactment of an ordinance, for the acquisition and construction, or acquisition or construction of any improvements of property or facilities contained within its powers. Existing law requires the ordinance to specify the total amount, denomination, method of maturity, and the rate of interest of the bonds. Existing law specifies that the lien of the bonds of the same issue is prior and superior to all revenue bonds subsequently issued.

This bill would also require the ordinance to specify whether other parity revenue bonds may be issued. This bill would specifically authorize the district to issue parity revenue bonds if the district board determines that the district's financial condition meets certain criteria.

Under existing law, the salaries of members of the board of harbor commissioners of a harbor district may be fixed by ordinance at an amount which does not exceed $500 per month when the yearly gross income of the district, exclusive of taxes levied by the district, exceeds $20,000 per year.

This bill would raise that limitation to $600 per month.

Under the existing Improvement Act of 1911, the legislative body of a city or county may, whenever it determines the public interest or convenience requires, order improvements for, among other things, the construction, repairing, or improving of public mooring places for watercraft, channel improvements, and the building, repairing, and improving of wharves, piers, docks, slips, quays, moles or other utilities, structures, and appliances necessary or convenient for the promotion or accommodation of commerce, navigation, and the protection of lands within the city, and for aiding and securing access to the waters of those lands to the people of the State of California, in the exercise of their rights to fish, or for the extension of public streets or places.

This bill would permit the legislative body of a city or county to also order the maintenance of those improvements.

Ch. 979 (SB 698) Boatwright. Financial institutions.

Existing law prohibits the Secretary of State from filing articles setting forth a name in which "bank," "trust," "trustee," or related words appear unless a certificate of approval from the Superintendent of Banks is attached.

This bill would additionally prohibit a filing in which the words "industrial loan

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company," "investment and loan company," "thrift company," or "thrift and loan company," appear, unless the name is used in connection with articles filed for a corporation organized under the Industrial Loan Law.

Existing provisions of the Industrial Loan Law provide that companies authorized to engage in the industrial loan business shall have the words "industrial loan company," "investment and loan," "thrift company," or "thrift and loan company," as part of the company name included in the articles of incorporation.

This bill would prohibit persons not authorized to engage in the industrial loan business from doing business under any name or title that contains those terms, as specified.

Ch. 980 (SB 704) Royce. Dependent children of the juvenile court: restraint of parents.

Under existing law, the juvenile court may order various dispositions with respect to a minor found to be a dependent child of the juvenile court, including a requirement for child welfare services or family reunification services.

This bill would specify that, when these or other services are ordered by the juvenile court with respect to a dependent child of the juvenile court and the services are provided by a social worker, the juvenile court may, upon application and for prescribed good cause shown, issue an ex parte restraining order restraining the parents of the dependent child from threatening the social worker, or any member of the social worker's family, with physical harm.

Ch. 981 (SB 1092) Hill. Vehicles: commemorative collegiate license plates.

Under existing law, the Department of Motor Vehicles issues, for additional fees, environmental and other special license plates.

This bill would require the department to issue commemorative collegiate reflectorized license plates containing the name, and reflectorized logotype, motto, symbol, or other design, as specified, of a participating California public or private postsecondary educational institution of the applicant's choice. The bill would impose an additional fee of $50 for the initial issuance of the plates, $40 for renewal, $15 for the transfer of the plates to another vehicle, and $35 for replacement plates. The bill would permit any such institution which is accredited or a candidate for accreditation by a specified association to inform the department of its determination to participate in the program and to submit its distinctive design for the logotype, motto, symbol, or other design. However, no institution could be included in the program until not less than 5,000 applications are received for license plates containing that institution's logotype, motto, symbol, or other design.

Each participating institution would be required to collect and hold applications for the plates until it has received at least 5,000 applications, and then submit the applications, along with the necessary fees, to the department by March 31 of any given calendar year. The bill would require an institution to return to all applicants any fees or deposits which have been collected if 5,000 applications have not been received within one year.

The bill would require the department, after deducting its costs, to deposit ½ of the additional funds collected under the program in the California Collegiate License Plate Fund, which the bill would create and continuously appropriate to the Controller for (1) distribution to the governing body of the participating public universities and colleges, in the proportion that funds are collected on behalf of each, to be used for need-based scholarships, as specified, and (2) with respect to funds collected on behalf of accredited nonprofit, private, and independent colleges and universities, to the California Student Aid Commission for grants to students at those institutions, in the proportion that funds are collected on behalf of each institution, who demonstrate eligibility and need pursuant to the California Educational Opportunity Grant program, but who did not receive an award based on a listing prepared by the California Student Aid Commission. The Auditor General would be required to audit that fund on December 1, 1993, and December 1, 1995. The remaining ½ would be deposited in the Resources License Plate Fund, which the bill would create, to be available, upon appropriation, for the purposes of natural resources preservation, enhancement, and restoration.

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The bill would set forth findings and declarations of the Legislature.

Ch. 982 (SB 1172) Committee on Public Employment and Retirement. County retirement: benefits.

(1) The County Employees Retirement Law of 1937 provides for retirement benefits to be paid by warrants drawn on the retirement fund.

The bill would authorize benefits to be paid by electronic fund transfer to accounts at financial institutions and would make related changes.

(2) Existing law authorizes members to elect optional settlements at the time of retirement.

This bill would require those elections to be in writing.

(3) Existing law prescribes various benefit alternatives for survivors of retirement system members.

This bill would add to certain provisions providing optional alternative survivors' benefits, an optional provision establishing alternative conditions under which surviving children become eligible for those benefits, and an optional provision providing for alternative increased amounts of those benefits. These new authorizations would impose state-mandated local program costs since their exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(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 983 (SB 1195) Boatwright. Business and professions.

(1) Existing law prescribes fees that apply to the issuance of certificates to practice podiatric medicine, including the initial license fee. Existing law also provides that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to 50% of the initial license fee fixed by the Medical Board of California, and permits the board to waive or refund the initial license fee where the license will expire within 45 days after it is issued.

This bill would delete the above-described provisions relating to the reduction, waiver, and refund of the initial license fee, and instead would permit the board to reduce the initial license fee by up to 50% of the amount of the fee for any applicant enrolled in a postgraduate training program approved by the board or who has completed a postgraduate training program approved by the board within 6 months prior to the payment of the initial license fee. This bill also would require the initial license to expire the 2nd year after its issuance on the last day of the month of birth of the licensee

(2) Existing law with a specified exemption prohibits a person from being certified as a respiratory care practitioner without passing a prescribed written examination.

This bill would prohibit an applicant from sitting for the examination unless a verification from the training program director declaring the applicant has graduated from the program is received at least 15 days prior to the examination by the Respiratory Care Examining Committee.

(3) Under existing law, an applicant for a physician's and surgeon's certificate is required to take an examination administered by the Division of Licensing of the Medical Board of California.

Existing law requires the examination to be practical in character, to be kept on file for one year, and authorizes the division to conduct the examination under a uniform examination system.

This bill would no longer require the examination to be practical in character, would instead require the examination to be kept on file for at least 2 years, and would additionally authorize the division to designate other equivalent written examinations.

Existing law requires a passing score of 75% on the examination, and requires applicants to pass an examination in certain enumerated subjects

This bill would instead require the division to determine the passing score and would instead require applicants to pass an examination in basic sciences and clinical sciences,

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as determined by the division.

Existing law requires at least 10 questions on each enumerated subject and provides that passing scores are valid for 4 years for purposes of qualification for participation in postgraduate training or licensure in California.

This bill would no longer require 10 questions on each enumerated subject and would extend the period of validity to 10 years for purposes of licensure in California. The bill would no longer specify a period of validity for passing scores for purposes of qualification for participation in postgraduate training. The bill would require an applicant to pass a specified examination or its equivalent upon expiration of the period of validity.

(4) Existing law requires the Medical Board of California and its Divisions of Medical Quality, Licensing, and Allied Health Professions, to give notice of their meetings in one daily paper published in Los Angeles, Sacramento, and San Francisco. Existing law, the Bagley-Keene Open Meeting Act, requires a state body, as defined, to provide prescribed notice of its meeting to any person who requests the notice in writing.

This bill would require the medical board and its divisions to give notice of their meetings in accordance with the Bagley-Keene Open Meeting Act.

Existing law requires the board to report, on or before June 30, 1989, to the Legislature actions it has taken to improve the opportunity for the public to file complaints against board licensed health providers concerning incompetence and the quality of individual professional care.

This bill would delete that requirement.

Existing law requires the board to report, on or before July 1, 1985, to the Legislature and the Governor on the efficiency of the Physician and Surgeon Incentive Pilot Program.

This bill would delete that requirement.

Existing law permits the licensing division to deny a physician and surgeon's certificate for unprofessional conduct or for any cause that would subject a licensee to revocation or suspension of his or her license. It also permits the division to issue a probationary certificate subject to terms and conditions. Existing law permits the medical quality division to initiate disciplinary proceedings to revoke or suspend the probationary license for any violation of probation.

This bill would permit the licensing division to modify or terminate these terms and conditions upon petition from the physician and surgeon. It would additionally permit the medical quality division to initiate disciplinary proceedings to revoke or suspend the probationary license for any cause that would subject a licensee to license revocation or suspension.

(5) Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of acupuncturists. The law requires the Acupuncture Committee to issue a license to practice acupuncture to any person who makes an application and meets certain requirements, including completion of a specified program approved by the committee

Existing law requires that on or before September 1, 1990, or within 5 years of initial approval by the committee, whichever is later, each program receive approval pursuant to specified provisions of law relating to the issuance of academic or honorary degrees.

This bill would instead require that each program receive full institutional approval within 3 years of initial approval, and would make a related technical change.

Existing law requires the committee to require each acupuncturist to complete 30 hours of continuing education every 2 years as a condition of renewal of his or her certificate.

This bill would, until January 1, 1996, instead, require the committee to require that each acupuncturist complete 15 hours of continuing education every year.

Existing law requires, as a condition of renewal of his or her license, each acupuncturist licensed prior to January 1, 1988, to, by January 1, 1993, submit to the committee evidence of satisfactory completion of 40 hours of continuing education.

This bill would require this evidence to be provided prior to his or her 1993 renewal date, and would make related technical and conforming changes.

Existing law requires that acupuncturist certificates expire on the last day of the birth

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month of the licensee during the 2nd year of a 2-year term.

This bill would, until January 1, 1996, instead, require that acupuncturist certificates expire annually on the last day of the birth month of the licensee.

(6) Existing law specifies certain practices which, when used as part of an advertising plan or program, are deceptive and constitute unfair trade practices, including, but not limited to, requesting the recipient of an incentive to pay, purchase, or rent any product or service in order to utilize the incentive, as specified.

This bill would exclude from this provision incentives which are an opportunity to stay in a hotel or in other resort accommodations at a discount if specified conditions are met.

Ch. 984 (SB 407) C. Green. Education: attendance accounting procedures.

(1) 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. Existing law excludes the absences of pupils for specified reasons from the computation of average daily attendance.

This bill would require that, as a condition of apportionment, governing boards of school districts and county superintendents of schools report separately to the Superintendent of Public Instruction, not later than July 1, 1992, the actual attendance and apportionable absences for each full school month in the 1990–91 school year. By requiring this report, the bill would impose a state-mandated local program.

(2) Under existing law, the Superintendent of Public Instruction is required to make certain computations to determine the revenue limits for special schools and classes, and vocational/technical schools and classes, operated by county superintendents of schools. Existing law also requires each county superintendent of schools to make specified calculations to determine a base revenue limit for each school district in the county, which contains an equalization adjustment for the 1985–86 school year.

This bill would require the Superintendent of Public Instruction to make, subject to the approval of the Director of the Finance, a one-time adjustment to the base revenue limit of each school district and county office of education for any fiscal year requested by the school district or county office of education, as specified.

(3) Existing law requires that a pupil be excused from school for justifiable personal reasons when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board. Existing law also provides that the absence of a pupil from school or class shall not be deemed an absence in computing the attendance of a pupil if the absence was for specified purposes.

This bill would provide that the absence of a pupil from school or class in specified school districts or county offices of education, shall not be deemed an absence in computing the attendance of a pupil if the absence was for specified purposes.

(4) Existing law requires the governing board of the school district of attendance to exclude any pupil of the school district who has not been immunized properly, as specified, and that the exclusion shall not be deemed an absence in computing average daily attendance if certain conditions are complied with.

This bill would provide that in county offices of education and school districts that have not had their base revenue limits adjusted, as specified, the first 5 days of the exclusion shall not be deemed an absence in computing average daily attendance if certain conditions are complied with.

(5) This bill would require the State Department of Education, prior to January 1, 1993, to review and make findings regarding the potential impact of this bill upon certain aspects of school finance and funding and to report the findings to the Director of Finance for his or her guidance in exercising the approval authority referred to in (2) above.

(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

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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.

(7) This bill would appropriate $45,000 to the Superintendent of Public Instruction for administrative costs associated with implementation of the alternative attendance accounting system required by this bill.

Ch. 985 (SB 681) Mello. Adult day health care.

Existing law, the California Adult Day Health Care Act, prohibits any person or agency from providing adult day health care, as defined, without first obtaining a license, and authorizes the State Department of Health Services to issue the licenses or provisional licenses.

Existing law requires the department to adopt rules and regulations prescribing standards of safety and sanitation for the physical plant of adult day health centers and standards for the quality of adult day health care services, including, but not limited to, staffing with duly qualified personnel.

This bill would require that the regulations include average daily attendance staffing. For purposes of computing average daily staff attendance, it would require maintenance programs for elderly persons to be included in the calculation for the month's total hours of service provided.

Existing law, the California Adult Day Health Care Act and the Adult Day Health Medi-Cal Law, provides legislative findings, declarations, and statements of intent relating to the establishment of adult day health care, including, but not limited to, adult day health care as a Medi-Cal benefit, and allowing "elderly" or "older persons," as defined, to receive adult day health care services. The California Adult Day Health Care Act defines "elderly" or "older person" to mean a person 55 years of age or older, and other persons who are chronically ill or impaired and who would benefit from adult day health care.

This bill would modify the statements of legislative findings, declarations and intent so as to relate them to the establishment of adult day health care, including, but not limited to, adult day health care as a Medi-Cal benefit for elderly person as defined, and would make conforming and related changes.

Existing law defines "license" for this purpose to mean "a basic permit to operate an adult day health center," which with respect to a licensed health facility, means a special permit empowering the health facility to provide adult health care services as a separate program in a distinct part of the facility.

This bill would delete from this definition the requirement that health facilities provide these services in a separate program in a distinct part of the facility.

Existing law provides for the transfer of powers and functions relating to administration of the California Adult Day Health Care Act from the State Department of Health Services to the Department of Aging, as specified, including, but not limited to, the requirement that an interagency agreement between the departments shall clarify the responsibilities of both departments, as specified.

This bill would define "department" or "state department," for this purpose, to mean either the State Department of Health Services or the Department of Aging, as specified in the interagency agreement between the departments.

The Adult Day Health Medi-Cal Law, requires all adult day health care providers before accepting an individual into the program, to conduct a multidisciplinary assessment directed towards assessing the individual's pathological diagnosis, physical disability, functional ability, psychological status, and social and physical environment, and requires that services be provided according to the results of the initial assessment, as specified

This bill would, in addition to the initial assessment, require specified services to be provided according to the results of subsequent reassessments by the multidisciplinary team, as specified.

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Ch. 986 (SB 695) Johnston. Insurance: supervision of insurers.

(1) Existing law requires insurers doing business in this state to comply with certain financial reporting requirements including the filing of an annual statement with the Insurance Commissioner.

This bill would require every domestic, foreign, and alien insurer doing business in this state to file with the National Association of Insurance Commissioners, as specified, a copy of its annual statement convention blank, along with any additional filings as prescribed by the commissioner. Foreign insurers domiciled in another state with a similar requirement would be deemed to be in compliance with this law.

This bill would, in the absence of actual malice, extend civil liability immunity to the National Association of Insurance Commissioners and other specified individuals charged with the responsibility of collecting, reviewing, analyzing, and disseminating the information derived from this filing.

This bill would provide that specified information concerning insurers derived from this filing which is submitted to the Department of Insurance by the National Association of Insurance Commissioners is confidential and may not be disclosed.

This bill would provide that the commissioner may suspend, revoke, or refuse to renew the certificate of authority of any insurer failing to file its annual statement with the National Association of Insurance Commissioners, as specified.

(2) Existing law provides for the establishment of the California Life Insurance Guaranty Association to pay covered claims of member insurers unable to pay claims under life insurance policies.

This bill would make various technical amendments in that law, and would revise the authorized actions of the association in the event of insolvency of a member insurer, and would specify that in certain instances, interest must be paid or credited in a manner consistent with specified limitations.

(3) Existing law authorizes the Insurance Commissioner to take various actions against insurers that are in violation of law. Among other things, the commissioner may seek a court order to act as a conservator in various instances, or to liquidate insurers, or the commissioner may serve on the insurer an order to correct deficiencies.

This bill would provide that if an insurer entering into contracts of life or disability insurance or annuities has exceeded its powers, as specified, or committed other acts, the commissioner may place the insurer under administrative supervision, and the insurer would be prohibited during the period of supervision from doing certain things without the approval of the commissioner or the supervisor. The bill would provide for the review of the commissioner's orders.

Ch. 987 (SB 700) Royce. Reimbursement for reasonable nonrecurring expenses incurred to adopt special needs children.

Under the existing Adoption Assistance Program, the state is required to reimburse adoptive parents in the adoption of special needs children, in an amount based on the child's needs, and requires that the county responsible for providing foster care for a child is required to provide financial aid for the adoptive family.

Existing law specifies that there shall be income eligibility requirements for adoptive parents in determining whether payments for nonrecurring expenses shall be made and that reimbursement for nonrecurring expenses shall be limited to costs incurred by or on behalf of adoptive parents which are not reimbursed from other sources.

This bill would provide that those requirements apply to an adoptive parent or adoptive parents.

Existing law provides that the county responsible for providing adoption assistance program payments shall directly provide reimbursement to eligible individuals who have adopted a special needs child for reasonable nonrecurring expenses, as defined by the department, incurred as a result of the adoption. Until January 1, 1992, the amount of the payment is limited to $400 for each special needs placement, as determined through agreement between the adopting parents and the adoption agencies.

This bill would make the $400 limitation effective until January 1, 1994, and as of that date, would repeal the limitations on the nonrecurring expenses payment , and would require the State Department of Social Services to assess the adequacy of the $400

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payment and report to the Legislature by March 1, 1993.

Ch. 988 (SB 705) Lewis. Courts: Orange County.

Under existing law, a majority of the judges of the superior court may order sessions of the court to be held at any place where a municipal court holds sessions within the county. Until January 1, 1990, a majority of the superior court judges in Orange County were authorized to order sessions to be held at any location within the county, as specified.

This bill, without respect to date, would authorize a majority of the superior court judges in Orange County, if they find that no suitable additional facilities exist at the county seat or where municipal courts hold session, to order sessions of the court to be held at any location in the county. The bill would impose a state-mandated local program by expanding the responsibilities of Orange County to provide adequate facilities for the superior court at each place where it holds session.

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

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

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

Ch. 989 (SB 706) Deddeh Transit capital improvements: indebtedness: funding.

(1) Existing law requires that a portion of the revenues derived from sales and use taxes be transferred to the Transportation Planning and Development Account in the State Transportation Fund, and that a portion of the amount so transferred be appropriated to the Controller for allocation to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board for allocation, as specified, by them for transportation planning and mass transportation purposes.

This bill would authorize those funds allocated for a transit capital project to be used for the payment of specified forms of indebtedness issued for the project.

(2) This bill would incorporate additional changes in Section 99313 6 of the Public Utilities Code, proposed by AB 993, to be operative only if both bills are enacted.

Ch. 990 (SB 713) Leonard. Vehicles. driving offenses. courts.

(1) Existing law requires certain driving offenders to successfully complete a prescribed alcohol or drug education and counseling program prior to the restoration of a suspended or revoked driving privilege.

This bill would define completion for that purpose.

(2) Under existing law, certain driving offenders may be required to participate in a prescribed alcohol or drug education and counseling program for at least one year, or 30 months if the person has previously successfully completed the program, as a condition of probation.

This bill would increase that one-year period to 18 months, and would prohibit referral of those persons to a 12-month or 18-month program unless a 30-month program is not available in the county of the person's residence or employment.

(3) Existing law requires a court to impose specified conditions of probation on certain driving offenders, including a requirement that the driving offender participate in a prescribed program for at least 18 months.

This bill would revise that probation condition to require the driving offender to participate in either an 18-month or 30-month program, as prescribed.

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

Ch. 991 (SB 722) Dills. Public contracts: Department of General Services.

Under existing law, the State Contract Act provides a comprehensive statutory scheme for the regulation of contracts entered into by specified state agencies which are subject to the act.

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The bill would require all state agencies subject to the State Contract Act, and which use installment purchase or lease-purchase contracts, to make periodic payments including interest computed from a date no later than the acceptance date of the equipment purchased pursuant to the contract.

If the contract requires an acceptance test, the bill would require interest to be computed from a specified date The bill would also provide that periodic payments would commence on a specified date. The bill would further specify when late charges would accrue

The bill would also authorize the Department of General Services to refinance installment purchase contracts when, in the determination of the department, it is financially beneficial to the state to do so.

Ch. 992 (SB 727) Calderon Revocable trusts: payment of claims, debts, and expenses.

Existing law provides that upon the death of a settlor who had retained the power to revoke the trust in whole or in part, the property that was subject to the power of revocation at the time of the settlor's death is subject to the claims of creditors of the deceased settlor's estate and to the expenses of administration of the estate to the extent that the decedent settlor's estate is inadequate to satisfy those claims and expenses

This bill would repeal this provision and instead enact provisions relating to the payment of claims, debts, and expenses from the revocable trust of a deceased settlor, specifically with respect to the filing of a petition for approval and settlement of claims, the publication and provision of notice to creditors, the filing of claims, the allowance and rejection of claims, the establishment of claims by money judgments, the allocation of debts between the trust and the settlor's surviving spouse, and the liability of the surviving spouse of the settlor.

Ch. 993 (SB 772) Bergeson. Public contracts: county contracts.

The existing Uniform Public Construction Cost Accounting Act authorizes, in cases of great emergency, as determined by the governing body of a public agency, including, but not limited to, states of emergency declared as specified, the governing body by majority vote, to proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts, when repair or replacements are necessary to permit the continued conduct of the operation or services of the public agency or to avoid danger to life or property.

This bill would require when the work is done wholly or in part by contract issued under the Uniform Public Construction Cost Accounting Act, the contractor to be paid the actual cost of the use of machinery and tools and of material, and labor and of workers' compensation insurance expended by him or her in doing the work, plus not more than 15% to cover all profits and administration The bill would also require, under these circumstances, no more than the lowest current market prices to be paid for materials whenever possible.

The bill would also provide, under those circumstances, authority for specified counties to contract for the construction or expansion of jail facilities without the formality of obtaining bids, adopting plans and specifications, or complying with certain provisions of the act, except as provided. The bill would also provide, until December 31, 1994, authority for a county 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 those court facilities without the formality of obtaining bids, adopting plans, and specifications, or complying with certain provisions of the act, except as specified.

Ch 994 (SB 786) Presley. Children and youth services.

Existing law provides for the development, at the local level, of comprehensive and collaborative delivery systems for all services provided to children and youth. Existing law states the intent of the Legislature to encourage development of this comprehensive and collaborative delivery system beginning at the local level, and states the goals of the

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system.

This bill would revise these provisions to state the intent of the Legislature to encourage the development of this system at the state and local level, and would add the goal of involving school districts in the planning and delivery of services for children.

Under existing law, each county board of supervisors is authorized to establish an interagency children's services coordination council with specified membership and duties. Existing law requires counties which elect to establish a council to develop a 3-year plan for phasing in a coordinated children's services system. Counties which participate are permitted to seek waivers of specified regulations and requirements.

This bill would revise these provisions relating to waivers to authorize waivers of regulations, and would require that requests also be submitted to the Secretary of the Youth and Adult Correctional Agency and the Secretary of Child Development and Education.

The bill would also authorize counties to request authorization to enter into a negotiated contract with the department which enables the repositioning and reallocation of existing resources to facilitate integrated case management and coordination among participating agencies.

Existing law provides that any waiver granted shall not reduce program standards or alter staffing requirements, and that no waiver shall be granted unless the department obtains any necessary federal waivers.

This bill would revise these provisions, and would require that certain minimum elements be included in any request for a waiver.

The bill would also require that written notification of the granting of a waiver or negotiated contract, any delay in the consideration of the request for waiver or negotiated contract, or denial of the waiver or negotiated contract, be issued within 60 days after the request for the waiver or negotiated contract is submitted.

Existing law requires the Legislative Analyst to provide an annual report to the Legislature, beginning January 1, 1992, regarding the success of each council's program based on enumerated measures of success

This bill would instead provide that these reports commence 2 years after the approval of an initial waiver request by a county, and would delete the requirement that the Legislative Analyst ascertain if a county has achieved substantial compliance with stated goals.

Existing law states the intent of the Legislature that the Secretary of Health and Welfare assign to one of the agency deputy secretaries the specific responsibility to assist state departments and counties to coordinate programs serving children and youth.

This bill would repeal that provision.

Ch. 995 (SB 791) Committee on Transportation. Transportation: highways: transit and rail passenger service.

(1) Existing law appropriates from the State Highway Account in the State Transportation Fund to the Department of Transportation the amount of the proceeds from the sale, lease, or rental of land acquired by the department for highway purposes, until a total of $25,000,000 has been appropriated. The amount so appropriated is required to be expended by the department for the acquisition of land for purposes of a prescribed transportation preservation program.

This bill would except from the amounts so appropriated proceeds from the sale of land for a highway route which was rescinded pursuant to specified procedures.

(2) Existing law requires the California Transportation Commission to submit to the Legislature and the Governor by April 1 of each year a highway systems operation and protection plan for the expenditure of transportation funds for major capital improvements that are not included in the state transportation improvement program.

This bill would require the plan to be submitted each even-numbered year, rather than each year.

(3) Existing law requires the commission to adopt guidelines for the preparation of the state and regional transportation improvement programs, and requires the department, transportation planning agencies, and county transportation commissions to comply with the guidelines.

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This bill would delete those requirements.

(4) Existing law prescribes the membership of the board of directors of the Stockton Metropolitan Transit District, the manner of appointing members and selecting a chairperson, and the amount of compensation of members of the board.

This bill would revise the method of selecting the chairperson of the board. The bill also would authorize the board, by ordinance or resolution, to provide for each member to receive $50, rather than $15, for attending meetings of the board, and would increase the maximum monthly allowance from $45 to $100.

(5) Under existing law, certain revenues resulting from the imposition of sales and use taxes on gasoline and diesel fuel are deposited in the Transportation Planning and Development Account in the State Transportation Fund, and, of the amount remaining after appropriations for designated planning, training, and research purposes, 50% is required to be appropriated for allocation to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board, as specified.

This bill would, among other things, revise the types of projects for which those allocations could be made, and would limit the amount which could be allocated for a transit capital improvement project to 50% of the nonfederal cost of the project.

(6) Under existing law, state transit assistance funds and local transportation funds are allocated for various transit and rail passenger service purposes.

This bill would revise conditions of eligibility for, and make other technical and clarifying changes in provisions providing for, the allocation of those funds.

(7) The bill would declare legislative intent that the commission continue to allocate funds from the State Highway Account and the Transportation Planning and Development Account for public mass transit guideway purposes notwithstanding the availability of rail bond funds.

Ch. 996 (SB 798) Ayala. Vehicles: salvage pools.

(1) Existing law defines a salvage pool as a person engaged exclusively in the business of disposing of total loss salvage vehicles, or recovered stolen vehicles, or both, for, or on behalf of, insurance companies or authorized adjusters. Various requirements are imposed on salvage pools, and a failure to comply with the requirements is a misdemeanor.

This bill would expand the definition of a salvage pool to include a person who disposes of those vehicles, sent to it by, or on behalf of, leasing companies, self-insured persons, or financial institutions, as well as insurance companies and authorized adjusters.

By expanding the definition, more persons would be subject to the misdemeanor provisions of existing law. Thus, the bill would impose a state-mandated local program by creating new crimes.

(2) Existing law prohibits the sale of a motor vehicle, to the ultimate purchaser or a subsequent purchaser, if the vehicle is not in compliance with air pollution control laws, rules, and regulations, except to a dealer, or for the purposes of being wrecked or dismantled.

This bill would require a salvage pool, except for vehicles sold to a dealer or for the purpose of being wrecked or dismantled or sold exclusively for off-highway use, to notify the Department of Motor Vehicles of the sale, pursuant to existing provisions of law which require vehicle owners to notify the department of a transfer of a vehicle and provide specified information, and to notify the buyer that the law requires the buyer to obtain a certificate of compliance or noncompliance and to register the vehicle, and that failure to do so will result in a lien against any vehicle owned by the buyer. Since a violation of that requirement would, under other provisions, be a crime, 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.

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Ch. 997 (SB 806) McCorquodale. Special education: developmentally disabled.

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, and to provide a full continuum of program options to meet the educational needs and service needs of individuals with exceptional needs in the least restrictive environment.

This bill would require the Superintendent of Public Instruction to develop and disseminate a report, as specified, by January 1, 1993, on model school programs that demonstrate the successful integration of special education pupils into regular school programs. In addition, the bill would require the superintendent to report to the Legislature by January 1, 1993, on certain specified special education indicators.

Ch. 998 (SB 819) Mello. Wild pigs: management plans.

(1) Under existing law, wild pigs may be hunted in specified areas of the state and any owner or tenant of land that is being damaged or destroyed by wild pigs may apply to the Department of Fish and Game for a permit to kill those animals.

This bill would require the department to prepare a plan for the management of wild pigs. The bill would also provide, effective July 1, 1992, for the sale of wild pig tags for a specified fee, and would make it unlawful to take any wild pig without first procuring a tag. Since under existing law, a violation of this provision would be a crime, this bill would impose a state-mandated local program by creating a new crime. Until July 1, 1992, the bill would exempt from the Public Contract Code any printing contracts made to carry out the provisions of the bill

(2) Existing law makes it unlawful to take wild boar by means of a trap in Monterey County.

This bill would repeal that provision

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

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

(4) 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 change the duties of the department and increase the revenues to be deposited in the fund, it would make an appropriation.

Ch. 999 (SB 835) McCorquodale. Rape victims.

Existing law sets forth the minimum standards for the examination, including examination for evidence, and treatment of victims of sexual assault or attempted sexual assault.

This bill, in addition, would specify that whenever there is an alleged violation of rape or other specified sex crimes, the law enforcement officer assigned to the case shall immediately provide the victim of the crime with a card that includes (a) the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers, (b) a simple statement on the proper procedures for a victim to follow after a sexual assault, and (c) a statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.

In addition, the bill would require the law enforcement officer, or his or her agency, to immediately notify the local rape victim counseling center whenever a victim of an alleged rape, as specified, is transported to a hospital for examination, and the victim approves of that notification.

Because the bill would increase the responsibilities of local law enforcement officials with regard to rape victims, 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

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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. 1000 (SB 840) L. Greene. Medi-Cal: acute psychiatric facilities: contracts.

Existing law provides for the rendering of health care services to specified persons through the Medi-Cal program. Existing law further provides for the limited implementation of and experimentation with Medi-Cal program alternatives, including specified pilot projects.

This bill would require the State Department of Mental Health to allocate funds to counties owning and operating acute psychiatric health facilities for the provision of mental health services to Medi-Cal eligible persons over 20 years of age. This bill would, however, only apply to those counties of over 1,000,000 population in which the number of acute general hospital psychiatric beds is 50 or less.

This bill would transfer an amount sufficient to make the allocations between specified items of the Budget Act of 1991, thus making an appropriation. This bill would express the intent of the Legislature that the allocations be made in the 1992–93 and future fiscal years from a specified item of the annual Budget Act.

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

Ch 1001 (SB 841) Rosenthal. Inside telephone wiring.

Existing law does not specifically address the respective responsibilities of residential landlords and tenants respecting installation and maintenance of telephone wiring.

This bill would make lessors responsible for installing a telephone jack and placing and maintaining "inside wiring," which the bill would define as that portion of the telephone wire connecting the telephone equipment at the customer's premises to the telephone network at a point of demarcation determined by the telephone corporation in accordance with orders of the Public Utilities Commission. The bill would also require lessors to ensure that inside telephone wiring meets the most recent National Electric Code standards, and would prohibit lessors from restricting or interfering with access to specified telephone network facilities. The bill would require telephone corporations to annually provide residential subscribers with prescribed information on their responsibilities and those of the telephone utility respecting "inside wiring," including an explanation of lessor and tenant responsibilities, an explanation of charges and procedures for determining whether a malfunction exists in the telephone network or in the inside wiring, and a specified description of any services offered by the utility with respect to inside wiring and whether those services are offered by nonutility providers.

Ch. 1002 (SB 842) Marks. Campaign funds: initiatives, referendums, and recall petitions: ballot measures.

Existing law provides that every person who is entrusted with money or things of value for the purpose of promoting or defeating any initiative, referendum, or recall petition which is to be filed in the office of the Secretary of State or any statewide measure which has qualified for the ballot, is considered a trustee of that money or things of value. Existing law specifies certain expenses to be within the due and lawful execution of this trust, including expenses for all persons employed in transacting business at the campaign headquarters or branch offices. Wrongful appropriation of money or things of value in violation of the trust is a misdemeanor.

This bill would provide that every person who is entrusted with money or things of value for the purpose of promoting or defeating any initiative, referendum, or recall petition or any measure that has qualified for the ballot, is a trustee. It would specify that expenses for all persons employed in transacting business at the campaign headquarters or branch offices are within the due and lawful execution of the trust if the business transacted is related to promoting or defeating an initiative, referendum, or recall petition or measure that has qualified for the ballot. It would also include attorney's fees and costs of litigation in specified litigation related to elections as expenses within the

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due and lawful execution of the trust and would state that this provision is declaratory of existing law.

Existing law also provides that specified personal expenses are not within the lawful execution of the trust.

This bill would provide that expenses for travel and necessary accommodations are within the lawful execution of the trust if the travel and accommodations are related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the 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.

By revising the definition of an existing crime, this 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 1003 (SB 882) Davis. Civil actions: relief from default.

(1) Existing law requires a court, upon timely application which includes an attorney's affidavit of fault, to vacate a default judgment entered against a party due to his or her attorney's mistake, inadvertence, surprise, or neglect.

This bill would require vacation of the clerk's default under comparable circumstances.

(2) Existing law requires the court in these cases to order the affiant attorney to pay compensatory legal fees and costs, and authorizes the imposition of prescribed monetary penalties on the offending attorney and the granting of other appropriate relief.

This bill would specify that, where the court orders the defaulting party's attorney to pay these compensatory legal fees, costs, or penalties or to comply with other sanctions, the relief from the clerk's default or default judgment shall not be made conditional on the attorney's compliance with the sanctions

Ch. 1004 (SB 887) Lockyer Vehicles: towing.

(1) Existing law provides that every person has a possessory lien for the compensation to which the person is legally entitled for the towing or storage of any vehicle which has been authorized to be removed by a public agency.

This bill would provide that no charge imposed for the storage and safekeeping of a vehicle shall exceed the charge imposed for one day of storage and safekeeping if a request for release of the vehicle is made 24 hours or less after the vehicle is placed in storage. The bill would also provide that if the request is made more than 24 hours after the vehicle is placed in storage, charges may be imposed on a full, calendar-day basis for each day, or part thereof, that the vehicle is in storage.

(2) Existing law provides that it is a misdemeanor for any person claiming a lien on a vehicle to knowingly violate specified provisions of law governing liens on vehicles.

This bill would provide that any person who improperly causes a vehicle to be towed or removed, as specified, in order to create or acquire a lienhold interest, or who violates any other related provisions, as specified, shall forfeit all claims for towing, removal, or storage of the vehicle, and shall be liable for damages, attorney's fees, and court costs

(3) Existing law provides that a tow truck may stop or park upon a highway under certain circumstances, and also specifies procedures for the owner or person in lawful possession of private property to follow in order to have a vehicle removed from that property.

The bill would provide that, except as specified, it is a misdemeanor for the owner or operator of a tow truck to (a) stop at the scene of an accident or near a disabled vehicle unless summoned or flagged down by the owner or operator of the vehicle or a law enforcement officer or public agency, and (b) move any vehicle from public property without the authorization of the owner or operator of the vehicle or a law enforcement officer or public agency when the vehicle has been left unattended or when there is an injury as the result of an accident. It would also require a towing company to obtain written authorization from a specified person before removing a vehicle from private property, except under specified circumstances. Under other provisions of law, a viola-

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tion of the latter provision would be an infraction.

Because the bill would create new crimes, it would impose a state-mandated local program.

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

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

Ch. 1005 (SB 889) Committee on Insurance, Claims, and Corporations. Insurance: valuation.

Existing law requires the Insurance Commissioner to annually value, or cause to be valued, the reserve liabilities for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer. Existing law provides minimum standards for the valuation of those policies and contracts, and provides that an insurer's aggregate reserves may not be less than the aggregate reserves calculated in accordance with those methods.

This bill would provide for a fee for valuation specified by the commissioner, instead of a fixed fee of $18. Since the fee would be deposited into the continuously appropriated Insurance Fund, this would result in an appropriation.

The bill would require insurers to furnish data for valuation by the 1st of March instead of the 1st of February.

The bill would revise provisions relating to valuation tables, including authorizing the commissioner to withdraw approval of previously adopted tables and replacement with tables newly adopted by the National Association of Insurance Commissioners.

This bill would also require each life and disability insurer to annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items of policies and contracts specified by the commissioner are computed appropriately, are based on satisfactory assumptions, are consistent with prior reported amounts, and comply with applicable law. The bill would require the commissioner to define the specifics of the opinion by regulation. The opinion would apply to all business, including individual and group disability insurance.

The bill would provide that the actuary is liable for damages caused by the opinion, as specified. The bill would also require life and disability insurers to submit an opinion as to the sufficiency of reserves and related actuarial items.

Existing law permits reserves for any category of policies, contracts, or benefits established by the commissioner to be calculated according to standards that produce greater aggregate reserves for that category.

This bill would authorize a company that had adopted a standard producing greater reserves to adopt a lower standard with the commissioner's approval, as specified.

The bill would make related changes.

The bill would also require the commissioner to adopt a regulation concerning the minimum standards applicable to the valuation of disability insurance.

Ch. 1006 (SB 891) Lockyer. Pilots for San Francisco, San Pablo, and Suisun Bays: charges.

(1) Under existing law, the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun is authorized to employ an executive director and an administrative assistant/secretary.

This bill would authorize the board to employ an executive director who is exempt from the civil service laws.

(2) Under existing law, the Executive Director of the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun is appointed, as specified, by the board for a term of 5 years.

This bill would specify that the first person appointed to the position of executive director shall be initially appointed by a vote of at least 4 members of the board.

(3) Under the existing San Francisco Pilot Pension Plan, each retired or disabled pilot is entitled to receive, as a monthly pension, that amount which is $110 multiplied by the

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number of full years, as defined, of service performed as a licensed pilot.

This bill would change the monthly pension to $144.

(4) Existing law limits the total amount of benefits which may be paid out by the San Francisco Pilot Pension Plan in any year to $750,000.

This bill would increase this limit to $1,000,000.

(5) Existing law prescribes the pilotage rates for the Bays of San Francisco, San Pablo, and Suisun, specifying, among other charges, a charge of $7.35 per draft foot of the vessel's deepest draft, as defined, augmented by a charge of 50.19 mills per high gross registered ton.

This bill would change these additional charges to 49 20 mills per high gross registered ton, with additional incremental rates as specified.

Because a designated percentage of the pilotage fees is paid into the continuously appropriated Board of Pilot Commissioners Special Fund, this bill would make an appropriation.

Ch. 1007 (SB 892) Lockyer Rent skimming: unlawful detainer actions. access to records.

(1) Existing law gives sellers of residential rental property, and a mortgagee or beneficiary under a trust deed, a civil action against a buyer of the property who engages in certain acts of "rent skimming," which existing law defines as using rent revenue during a specified period for purposes other than making payments on all mortgages and deeds of trust encumbering the property. Multiple acts of rent skimming are punishable as a crime. These provisions of existing law will be repealed on January 1, 1992.

This bill would extend those provisions indefinitely, thus creating a state-mandated local program by expanding the scope of an existing crime.

(2) Existing law specifies procedures that govern unlawful detainer proceedings.

This bill would, with respect to these proceedings, prohibit the clerk of a court from allowing access to the court file, index, register of actions, or other court records until 30 days following the date the complaint is filed, except (1) to a party in the action or other specified persons, or (2) pursuant to an ex parte order of the court upon a showing of good cause, as defined. This bill would require the clerk of the court to mail a notice containing a statement to this effect and providing other information, as specified, to each defendant named in the action, and one copy addressed to "all occupants," at the address provided in the complaint, and would thereby impose a state-mandated local program.

This bill would require a court, upon the adoption of a resolution by the county board of supervisors to that effect, to charge an additional fee of up to $4 as part of the filing fee for filing a 1st appearance by the plaintiff in unlawful detainer proceedings.

The provisions of the bill would operate as a pilot project applicable only in the San Diego Judicial District and in Los Angeles, Orange, and Alameda Counties, and would be repealed on January 1, 1995. The bill would also require a specified study to be conducted by the Judicial Council.

(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. 1008 (SB 894) Committee on Insurance, Claims, and Corporations. Insurance fraud reporting.

Existing law, the Insurance Frauds Prevention Act, generally prohibits various forms of insurance fraud and provides for the reporting of fraudulent claims, as specified. Existing law also provides that it is unlawful to do certain specified acts with respect to false and fraudulent insurance claims.

This bill would specify certain additional acts with respect to health care benefits that would be unlawful under that prohibition and would impose new penalties therefor, as specified. In so doing, the bill would impose a state-mandated local program

Existing law requires insurance companies to pay an annual fee, determined by the

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number of vehicles they insure in this state, in order to fund investigation and prosecution of fraudulent automobile insurance claims.

This bill would require disability insurers or an entity otherwise liable for any loss due to health insurance fraud to pay an annual fee in order to fund increased investigation and prosecution of fraudulent health insurance claims

The bill would also require the Insurance Commissioner to prepare an annual report with respect to the Bureau of Fraudulent Claims, 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. 1009 (SB 901) Committee on Insurance, Claims, and Corporations. Reinsurance intermediaries.

Existing law does not require licensure of persons, firms, or corporations that act as independent intermediaries to solicit, negotiate, or place reinsurance cessions or retrocessions on behalf of ceding insurers or to bind or manage assumed reinsurance of a reinsurer.

This bill would, with certain exceptions, require prescribed licensure of these reinsurance intermediaries. The bill would empower the Insurance Commissioner to license reinsurance intermediaries in this state, would specify requirements therefor, and would require a $250 application fee Because these fees would be deposited in the Insurance Fund, which is continuously appropriated, this bill would constitute an appropriation measure. The bill would require transactions between insurers and reinsurance intermediaries subject to the bill to be in writing The bill would require the filing of certain contracts between reinsurance intermediary-managers and reinsurers with the commissioner. These contracts would be subject to disapproval by the commissioner in accordance with criteria specified by the bill.

The bill would require reinsurance intermediary-brokers, as defined by the bill, to keep prescribed records of reinsurance contracts for at least 10 years The bill would prohibit certain acts by reinsurance intermediary-managers, as defined by the bill. The bill would specify obligations of reinsurers dealing with reinsurance intermediaries.

The bill would make reinsurance intermediaries covered by its provisions subject to examination by the commissioner, as prescribed. The bill would authorize the commissioner to impose administrative sanctions for violation of the bill, including monetary penalties, and revocation or suspension of licensure, after a hearing under the Administrative Procedure Act. The bill would authorize the commissioner to adopt implementing regulations.

Ch. 1010 (SB 913) L. Greene. Housing: affordability strategy.

(1) Existing federal law, the Cranston-Gonzales National Affordable Housing Act of 1990, requires each state and unit of local government to prepare a comprehensive housing affordability strategy plan in order to apply for, and receive, specified federal housing assistance.

This bill would express the intent of the Legislature with regard to the plan required by federal law. The bill would require the Department of Housing and Community Development to prepare the housing strategy plan required by the Cranston-Gonzales National Affordable Housing Act of 1990 and, in formulating the plan, to consult with individuals having expertise in housing, as specified. The bill would require the department to draft a final report on or before October 31, 1991, and to submit a report containing the plan to the United States Department of Housing and Urban Development.

The bill would provide that its provisions would be repealed as of January 1, 1994.

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

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Ch. 1011 (SB 918) Dills. Distance learning policy.

Existing law makes no provision for the establishment of a state policy with regard to the use of communications methods that permit instruction between an instructor and a pupil who are at different locations.

This bill would set forth a statement of legislative intent that legislation be enacted subsequently to implement designated state educational policy objectives with regard to "distance learning," defined to mean instruction in which the pupil and instructor are in different locations and interact through the use of computer and communications technology.

Ch. 1012 (SB 960) Hart. Solid waste: state paper recycling: mixed paper waste.

(1) Under existing law, the California Integrated Waste Management Board is required to file a biennial report with the Legislature on specified matters concerning solid waste.

This bill would require the board to submit recommendations to the Legislature by January 1, 1993, concerning programs which are needed to encourage high levels of recycling for mixed paper waste, as defined

(2) Under existing law, the Department of General Services, with the advice of the California Integrated Waste Management Board, is required to establish, implement, and maintain a recycling plan for legislative and state offices, as prescribed, and to carry out specified duties in connection with the state waste paper collection program.

This bill would transfer those duties to the board and would revise the purposes for which revenues received from the program may be expended.

Ch 1013 (SB 961) Committee on Business and Professions. Department of Consumer Affairs.

Existing law provides for the Department of Consumer Affairs comprised of specified boards, bureaus, and commissions, which regulate private businesses and professions in this state. Existing law also provides that the decisions of any of the boards within the department with respect to setting standards, conducting examinations, passing candidates, and revoking licenses, are final, except as specified, and are not subject to review by the Director of Consumer Affairs.

This bill would create exceptions to this law by providing that the director may initiate an investigation of any allegations of misconduct in the preparation, administration, or scoring of an examination which is administered by a board, or in the review of qualifications which are a part of the licensing process of any board.

The bill would also allow the director to intervene, as defined, in any matter of any board where an investigation by the Division of Investigation discloses probable cause to believe that the conduct or activity of a board, or its members or employees constitutes a violation of criminal law.

Ch. 1014 (SB 962) Petris. Genetic diseases.

Existing law authorizes the genetic disease unit, within the State Department of Health Services, to designate tests to be administered to each child born in the state, as specified, and to make grants or contracts for demonstration projects to determine the desirability and feasibility of additional tests or new genetic services, or to initiate the development of genetic services or to purchase or provide those services.

This bill would, in addition to making grants or contracts, authorize the genetic disease unit to make payments to vendors approved by the department for testing and counseling services, for the demonstration projects to initiate the development of genetic services, and to purchase or provide genetic services.

Existing law requires the genetic disease unit to evaluate and prepare recommendations on the implementation of tests for the detection of certain diseases and conditions.

This bill would specify certain other diseases and conditions.

Existing law requires the genetic disease unit to implement a program for the detection of phenylketonuria, galactosemia, hypothyroidism, and sickle cell anemia on or before July 1, 1988, and to prepare a related report.

This bill would delete that requirement.

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

Ch. 1015 (SB 985) Deddeh. Cosmetology: temporary licenses.

Existing law provides for the regulation and licensure of cosmetologists and electrologists by the Board of Cosmetology, and for the regulation and licensure of barbers by the Board of Barber Examiners, as specified until July 1, 1992, at which time the Cosmetology Act and the law regulating barbers will be repealed and the Barbering and Cosmetology Act will become operative providing for the regulation and licensure of barbers and cosmetologists by the Board of Barbering and Cosmetology. Existing law sets forth certain minimum qualifications for admission to examination for licensure or certification of barbers, cosmetologists, and electrologists.

This bill would require the board to adopt regulations providing for the submittal of applications for examination of cosmetology, electrology, or barbering students, as specified.

This bill would authorize a preapplication fee to be established by the board in an amount sufficient to cover processing and administration costs of the preapplication.

This bill would provide that specified provisions of the bill shall be operative only until July 1, 1992, at which time other provisions of the bill will become operative.

This bill would incorporate additional amendments to Section 7423 of the Business and Professions Code proposed by AB 1161, contingent upon the prior enactment of that bill.

Under existing law, the moneys in the Board of Cosmetology Contingent Fund are continuously appropriated.

Since this bill would increase the amount of moneys in that fund, it would constitute an appropriation

Ch. 1016 (SB 989) Lewis. Prisoners.

Existing law provides that female prisoners who have received a death sentence be delivered to the California Institution for Women.

This bill, instead, would provide that female prisoners who have received a death sentence be delivered to the Central California Women's Facility.

Ch. 1017 (SB 1009) Davis. Corrections.

Existing law provides that at least 30 days before the Board of Prison Terms meets to review or consider the parole suitability or the setting of a parole date for any prisoner sentenced to a life sentence, the board shall send written notice to specified persons. Existing law also provides that in the case of a prisoner sentenced to a life sentence for 1st degree murder, the board also shall send written notice to the next of kin of the person murdered where a request for the notice has been filed with the Board of Prison Terms by the next of kin.

This bill would repeal existing law which provides that in the case of a prisoner sentenced to a life sentence for 1st degree murder, the board also shall send written notice of the meeting to the next of kin of the person murdered.

Existing law provides that there is in the Youth and Adult Correctional Agency a Board of Corrections, as specified.

This bill, in addition, would provide that the Board of Corrections may delegate any ministerial authority or duty conferred or imposed upon the board to a subordinate officer subject to those conditions as it may choose to impose.

Existing law requires the Board of Corrections to file with the Legislature on March 31, in each even-numbered year, reports of the inspection of local detention facilities that have not complied with the minimum standards established by the board pursuant to specified provisions, to include, among other things, those areas in which the facility failed to comply and the estimated cost to the facility necessary to accomplish compliance with the minimum standards.

This bill would require, instead, that the reports be filed on June 30, in each even-numbered year.

Existing law provides for the Substance Abuse Community Correctional Treatment Act and creates the Substance Abuse Community Correctional Detention Centers Fund within the Board of Corrections. Among other things, the act specifies guidelines for the

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disbursement of funds and sets forth administrative responsibilities consistent with the purposes of these provisions.

The act also specifies 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 state Budget Act from the 1990 prison bond issues for the purposes of these provisions. In addition, the act also specifies that no more than 1½% of the total funds to be disbursed under these provisions is appropriated from the 1990 Prison Construction Fund and the 1990-B Prison Construction Fund to the board to be used for administrative costs.

This bill would provide that notwithstanding these latter provisions, the sum of $150,000 is appropriated from the funds disbursed under these provisions from the 1990 Prison Construction Fund to the Board of Corrections to be used for program evaluation, as specified.

Ch. 1018 (SB 1011) Beverly. Corporations.

Existing law establishes various fees under the Corporate Securities Law of 1968 A broker-dealer is required to pay the Commissioner of Corporations its pro rata share of all costs and expenses reasonably incurred in the administration of the broker-dealer program. That pro rata share is the proportion which the broker-dealer's number of agents and offices in this state bears to the aggregate number of broker-dealer offices and agents in this state as shown by the annual reports to the commissioner. The pro rata share does not include costs of any examination, audit, or investigation, as specified, unless those costs cannot be collected from the licensee examined, audited, or investigated

This bill would instead provide that the pro rata share is the proportion which the broker-dealer and the number of its agents in this state bears to the aggregate number of broker-dealers and agents in this state as shown by records maintained by, or on behalf of, the commissioner. It would authorize the pro rata share to include the costs of any examination, audit, or investigation, as specified. In the levying and collection of the assessment, the broker-dealer would not be assessed or permitted to pay less than $25 per year.

This bill would also increase various fees for filing an application for qualification of the sale of securities, and for the transfer in escrow of securities, and would provide for the annual payment of the fee for filing an application for an investment adviser.

Under existing law, fees, reimbursements, assessments, or other amounts charged and collected by the Department of Corporations are generally deposited into the General Fund.

This bill would establish the State Corporations Fund, from which all expenses and salaries of the Department of Corporations would be paid. It would provide that fees, reimbursements, assessments, or other amounts charged and collected by the Department of Corporations that otherwise would be deposited into the General Fund would be deposited into this fund in the 1992–93 fiscal year and in later years.

This bill would appropriate from the General Fund to the Department of Corporations, in augmentation of its appropriation contained in the Budget Act of 1991, the lesser of the amount of the fee increases authorized by the bill and realized in the 1991–92 fiscal year, or the amount of any reductions allocated to the Department of Corporations pursuant to specified provisions of the Budget Act of 1991.

Ch. 1019 (SB 1022) Mello. Conservatorship: estates.

(1) Existing law requires every county to provide all private professional conservators with written information concerning the conservator's rights, duties, limitations, and responsibilities; and authorizes a county to charge each private conservator a fee for providing this written information, not to exceed $10.

This bill would increase the fee that a county may charge each private conservator to cover the costs of providing this written information to an amount not to exceed $20. This bill would require specified private conservators, before the issuance of letters of conservatorship or temporary conservatorship, to file an acknowledgment of receipt of this written information and a statement of duties and liabilities of the office of conserva-

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tor. This bill would also require a conservator to record a certified copy of the letters with the county recorder's office in each county in which the conservatee owns an interest in real property, as specified, and would thereby impose a state-mandated local program by increasing the duties of the county recorder.

(2) Existing law prohibits a superior court from appointing a private professional conservator unless the conservator has filed specified information with the county clerk in each county where a petition for appointment has been filed.

This bill would specify that this provision also prohibits such a conservator from continuing to serve as a private professional conservator, and would revise the information required to be filed with the county clerk.

(3) Existing law provides for the removal of a conservator, or punishment for contempt, or both, with respect to a conservator who fails to file periodic accounts with the court, as specified.

This bill would extend this provision to apply to failing to set the account for hearing, as specified.

(4) Existing law authorizes the court to make an order that the guardian or conservator need not present the accounts otherwise required by law if specified conditions are met, including the requirement that the income of the estate for each month of the accounting period, excluding public benefit payments, was less than $300.

This bill would revise the latter requirement to provide that the accounts need not be presented if, among other conditions, the income of the estate for each month of the accounting period, excluding public benefit payments, is not more than $750.

(5) Existing law provides that the commissions payable to the public administrator and the attorney, if any, for the filing of an application for the summary disposition of small estates and for performance of any duty or service connected therewith is an amount determined by a specified formula which is based in part on the size of the estate. Existing law provides, however, that the public administrator is entitled to a minimum compensation of $350.

This bill would increase the minimum compensation to which the public administrator is entitled, from $350 to $600.

(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. 1020 (SB 1025) Davis. Insurance: surety.

Existing law prohibits a surety insurer from becoming surety on any one undertaking when its liability thereon, in excess of the amount reinsured by it in an admitted insurer, amounts to more than 10% of its capital and surplus.

This bill would provide that, in determining its liability on an undertaking for that purpose, an admitted insurer may reduce its liability by either deposits with the surety insurer, in a manner acceptable to the commissioner, or by conveyance to it in trust for its protection, of assets that would qualify as admitted assets, or by a clean and irrevocable letter of credit acceptable to the commissioner, or by both.

Ch. 1021 (SB 1031) Watson. Bond services. minority and women business participation goals.

Under existing law, each awarding state department is required to have annual statewide participation goals of not less than 15% for minority business enterprises and 5% for women business enterprises for contracts entered into by the awarding department during the year for professional bond services.

This bill would revise the definitions of "minority business enterprise" and "women business enterprise" for purposes of these requirements and make other related

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changes.

The bill would also require that a minority and a woman owner of a women business enterprise be a citizen of the United States or a lawfully admitted resident as defined pursuant to specified federal provisions.

Ch. 1022 (AB 637) T. Friedman. Loaded firearms.

(1) Existing law, with limited exceptions, 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 an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory is guilty of a misdemeanor.

(2) Existing law also provides that a peace officer may make an arrest in obedience to a warrant, or, pursuant to the authority granted him or her as specified, without a warrant, when, among other things, a person has committed a felony, although not in his or her presence, or whenever he or she has reasonable cause to believe that the person to be arrested has committed a felony, whether or not a felony has, in fact, been committed.

(3) This bill would amend the provisions specified in (1) to provide that notwithstanding the provisions of existing law specified in (2), a peace officer may make an arrest without a warrant when the person arrested has violated the provisions of (1), although not in the officer's presence, and whenever the officer has reasonable cause to believe that the person to be arrested has violated the provisions of (1), whether or not they have, in fact, been violated.

In addition, the bill would provide that every person who has been convicted previously of violating the provisions of (1) and 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 an incorporated city or in a prohibited area of unincorporated territory is guilty of a public offense, punishable by imprisonment in the state prison, or in a county jail not exceeding one year.

The bill also would provide that any person who has been convicted previously of violating the provisions of (1) and 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 an incorporated city or in a prohibited area of unincorporated territory and who is actively engaged in, or going to or from, as defined, a recreational, sport, including, but not limited to, competitive shooting, or hunting activity which may require the use of a firearm is guilty of a misdemeanor. Because the bill would create new crimes, it would impose a state-mandated local program.

This bill also would provide that a conviction under these provisions which is punished by imprisonment in a county jail not exceeding one year shall not constitute a conviction of a crime punishable by imprisonment for a term exceeding one year for the purposes of determining federal firearms eligibility.

This bill would incorporate additional changes to Section 12031 of the Penal Code proposed by AB 1904, to be operative only if both bills are enacted and become operative on January 1, 1992, and this bill is enacted last.

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

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

Ch. 1023 (AB 1090) Hayden. Energy resources: renewable.

Existing law authorizes the Public Utilities Commission to supervise and regulate public utilities.

This bill would require the commission to direct that a portion of electrical generating capacity be reserved or set aside for renewable resources until it completes a specified electrical generation procurement methodology.

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Ch. 1024 (AB 1930) Farr. Local government finance: local public financing authorities: transactions and use taxes: maximum rate increase.

(1) Existing law authorizes the board of supervisors of any county to impose a retail transactions and use tax at a rate of 0.25 or 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 county's qualified voters. It also authorizes the board of supervisors of any county to establish an authority for specific purposes and authorizes the authority to impose a retail transactions and use tax for those purposes at a rate of 0.25 or 0.5%, if the ordinance proposing the tax is adopted by a ⅔ vote of the authority and is approved by a majority of the voters. It further requires that any tax imposed pursuant to the above authorizations be in conformity with the Transactions and Use Tax Law.

This bill would provide that, upon the adoption of a resolution, subject to specified requirements, by the county board of supervisors or by a majority of the governing boards of school districts in a county, there shall be established in that county a local public finance authority for the purpose of financing specified services. It would provide that, for purposes of these provisions, the term "school district" includes a community college district. It would authorize the authority, by a ⅔ vote, as provided, of its board of directors and the approval by a majority of the qualified voters of that county voting on the measure, to impose a transactions and use tax, in conformity with the Transactions and Use Tax Law, at a rate of 0.25% or 0 5% for the authority's general purposes

This bill would require a county, with respect to the adoption of a transactions and use tax ordinance pursuant to the provisions of the bill, to call a special election, as provided, with respect to the approval of the ordinance by the voters, if the ordinance so requests. It would require that the county be reimbursed, as specified, for all costs of conducting elections pursuant to the authorizations of this bill. It would provide, notwithstanding any other provision of law, that the imposition and collection of any tax approved by the voters at an election held pursuant to the authorizations of this bill shall commence no sooner than the first day of the first calendar quarter commencing more than 90 days after the election results are certified by the county registrar. By requiring the county to conduct elections on tax measures submitted by a local public finance authority, this bill would impose a state-mandated local program.

(2) The existing Transactions and Use Tax Law provides that the combined rate of all taxes imposed pursuant to its provisions in any county shall not exceed 1%, and that no tax shall be considered in accordance with its provisions if, upon that tax's adoption, the combined rate will exceed 1%.

This bill would increase the maximum allowed combined rate of all taxes imposed pursuant to the Transactions and Use Tax Law in any county to 1.5%. It would further provide that no tax shall be considered in accordance with its provisions if, upon that tax's adoption, the combined rate will exceed 1.5%.

(3) Existing general law provides that the combined rate of tax imposed in any county by an entity pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, the Transactions and Use Tax Law, other specified provisions, and any other provision authorizing the imposition of a local sales or transactions and use tax, shall not exceed 2.25%.

This bill would repeal the above limitation.

(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 become operative only if AB 17 of the 1991-92 First Extraordinary Session is chaptered, and would then become operative on January 1, 1992. It would provide that any tax imposed pursuant to the provisions of this bill shall become operative on the later of January 1, 1993, or the date certain statutes relating to the state sales and use tax rate cease to be operative.

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Ch. 1025 (AB 2125) Chacon. Measures submitted to voters.

(1) Existing law requires each county clerk or registrar of voters to determine the total number of signatures affixed to a statewide initiative or referendum petition within 5 days after the petition is filed.

This bill would extend the time within which that determination must be made from 5 days to 8 days.

(2) Existing law requires the Secretary of State to notify county clerks immediately upon determining a statewide initiative or referendum petition has been signed by the required number of voters and requires the clerk or registrar of voters, within 15 days after that notification, to determine the number of qualified voters who have signed the petition.

This bill would extend the time within which that determination must be made from 15 days to 30 days.

(3) Existing law requires the county clerk to verify signatures on a statewide initiative or referendum petition by using a random sampling technique when sections of the petition contain more than 500 signatures The sampling must include an examination of at least 500, or 5%, of the signatures, whichever is greater

This bill would reduce the percentage of signatures which must be included in the sampling from 5% to 3%.

(4) Existing law requires county clerks within 30 days from the date of filing of a local initiative or referendum petition, to examine the petition and ascertain whether it is signed by the requisite number of voters in the prescribed manner.

This bill would provide that Saturdays, Sundays, and holidays would be excluded in calculating the 30 days within which the signatures must be verified.

(5) Existing law permits the county clerk to initially verify signatures on a local initiative or referendum petition which contains more than 500 signatures, within 30 days of filing the petition, by using a random sampling technique. The sampling must include an examination of at least 500, or 5%, of the signatures, whichever is greater.

This bill would provide that Saturdays, Sundays, and holidays would be excluded in calculating the 30 days within which the signatures must be verified and would reduce the percentage of signatures which must be included in the sampling from 5% to 3%.

(6) Existing law requires the county clerk to examine and verify each signature on a local initiative or referendum petition if the statistical sampling shows the number of valid signatures is within 90% to 110% of the required number of signatures

This bill would narrow the range of valid signatures from the statistical sampling which would require each signature on the petition to be verified from between 90% and 110% to between 95% and 110%.

The bill would also make related technical changes.

Ch. 1026 (SB 716) Roberti. Husband and wife: fiduciary duties

Existing law provides that generally a husband and wife are subject to the general rules which control the actions of persons occupying confidential relations with each other. Each spouse is required to act in good faith with respect to the other spouse in the management and control of the community property in accordance with these general rules until the property has been divided by the parties or by a court.

This bill would provide that a husband and wife are subject to the general rules governing fiduciary relationships which control the actions of persons occupying confidential relations with each other, and are subject to the same rights and duties provided by specified provisions of existing law for nonmarital business partners. This bill would, in this connection, (1) revise requirements with respect to the disclosure and notice that must be provided by one spouse to the other spouse, (2) revise provisions related to when a spouse may bring a claim against the other spouse for breach of this fiduciary duty, (3) recast and clarify the circumstances in which a spouse may make a gift or dispose of community personal property without the consent of the other spouse, and (4) provide additional remedies for breach of this fiduciary duty by a spouse to the other spouse

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Ch. 1027 (AB 205) Farr. Ocean resources: Ocean Resources Task Force: offshore development.

(1) Existing law requires the Ocean Resources Task Force to prepare a report and recommendations, as prescribed, on ocean resources management activities, and requires the chairperson of the task force to submit the report and recommendations to the Governor and the Legislature by January 1, 1993.

This bill would change the requirement for the preparation of a report and recommendations, to require instead that the Ocean Resources Task Force prepare a report and plan, as prescribed, to be submitted to the Governor and the Legislature by January 1, 1994. The bill would provide for the Secretary of the Resources Agency, rather than the Secretary for Environmental Protection, to be chairperson of the task force.

(2) Under the Coastal Resources and Energy Assistance Act, the Secretary for Environmental Protection is required to award block grants to coastal counties for purposes of aiding activities related to offshore energy development, as specified, and to award grants to coastal cities for activities related to offshore development.

This bill would repeal and reenact the Coastal Resources and Energy Assistance Act. The bill would transfer administration of the act to the Secretary of the Resources Agency and would authorize the secretary to award grants to coastal counties and cities as specified, for activities related to offshore development. The bill would authorize the secretary to award grants for specified commercial fishing activities until January 1, 1996. The bill would prescribe related matters.

(3) The bill would declare legislative intent that all nonstatutory marine and coastal resource programs which are currently administered by the Secretary for Environmental Protection be transferred to the Resources Agency, and would declare related matters

Ch. 1028 (AB 667) Lee. School district instructional materials: disposition.

Under existing law, a school district governing board is authorized to dispose of surplus or undistributed obsolete instructional materials in its possession that are usable for educational purposes, by donation to designated public agencies, nonprofit charitable organizations, or others, as specified, or by sale for a nominal price to any organization that agrees to use the materials within the state for educational purposes.

This bill would encourage the governing board of a school district to cause a public notice of its intention to dispose of those materials to be given prior to that disposition, as specified, and to permit representatives of designated entities and members of the public to address the governing board regarding that disposition. The bill would exempt from that provision any school district that, as of January 1, 1992, had in operation a procedure for that disposition

This bill also would require the Superintendent of Public Instruction annually to inform school districts of this provision.

Ch. 1029 (AB 1086) Eastin. Public contracts. public works claims.

Under the existing Local Agency Public Construction Act, certain procedures are required to be followed for public works claims of $375,000 or less which arise between a contractor and a local agency. Existing law authorizes, for claims of specified dollar amounts, the local agency to request, in writing, within 30 days of receipt of the claim, any additional documentation supporting the claim or relating to defenses or claims the local agency may have against the claimant.

This bill would, instead, authorize for claims of specified dollar amounts, the local agency to request, in writing, within 30 days of receipt of the claim, any additional documentation supporting the claim or relating to defenses to the claim the local agency may have against the claimant.

Under existing law, claims are required to be filed on or before the date of final payment Existing law requires, upon demand, the local agency to schedule a meet and confer conference within 30 days for settlement of the dispute. Existing law authorizes the claimant to file a claim pursuant to certain procedures, if following the meet and confer conference, the claim or any portion thereof remains in dispute. Existing law specifies that the running of the period of time within which a claim must be filed is

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tolled from the time the claimant submits his or her written claim until the time the claim is denied, including any period of time utilized by the meet and confer conference.

This bill would specify that the period of time within which a claim must be filed is tolled from the time the claimant submits his or her written claim until the time that claim is denied as a result of the meet and confer process, including any period of time utilized by the meet and confer process.

Under existing law, if the matter remains in dispute, the case is required to be submitted to judicial arbitration pursuant to certain provisions of law.

This bill would specify that upon stipulation of the parties, arbitrators appointed for these purposes are required to be experienced in construction law, and upon stipulation of the parties, would specify the rate of compensation of mediators and arbitrators.

The bill would also expressly authorize the court, upon request by any party, to order any witnesses to participate in the mediation or arbitration process.

Ch. 1030 (AB 1426) Gotch. Coastal development: appeal.

Existing law prescribes the grounds for an appeal to the California Coastal Commission of an action taken by a local government on a coastal development permit under the California Coastal Act of 1976.

This bill would revise these grounds for appeal, as specified.

Ch. 1031 (AB 1427) Gotch. Energy.

Existing law requires the San Francisco Bay Conservation and Development Commission and the California Coastal Commission, every 2 years, to update the designation of locations where the location of an electric transmission line or thermal powerplant would be inconsistent with state law, as specified.

This bill would require that update to be made not less than every 5 years

Ch 1032 (AB 1429) Gotch Veterinary medicine

(1) Existing law prohibits any person from practicing veterinary medicine or any branch thereof without being licensed pursuant to provisions regulating veterinary medicine. Existing law requires the examination for licensure to consist of a written and practical examination, with certain exceptions for out-of-state applicants

This bill would require the examination for licensure to consist of a national examination consisting of a basic examination and a clinical competency test, and a California state board examination, and would make certain changes to the licensure requirements for out-of-state applicants. It would permit the Board of Examiners in Veterinary Medicine to make contractual arrangements on a sole source basis with organizations furnishing examination material, as specified.

(2) Existing law requires a veterinarian to keep a written record of all animals receiving veterinary services and to provide a summary of the record to an owner upon request. Existing law authorizes the board at any time to inspect the premises in which veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced.

This bill would require that all records required by law to be kept by a veterinarian be open to inspection by the board, as specified. The bill would require the records to be provided to the board immediately upon request.

The bill would also require that equipment and drugs on the premises where veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced, or otherwise in the possession of a veterinarian for purposes of that practice, be open to inspection by the board, as specified.

(3) Existing law authorizes the board to deny, revoke, or suspend a license, or assess a fine, for specified actions of a person licensed to practice veterinary medicine, including conviction on a charge of cruelty to animals.

This bill would add to those specified actions cruelty to animals, and violation, or assisting or abetting violation, of any regulations adopted by the board.

Ch. 1033 (AB 1699) Kelley. Underground storage tanks.

Existing law requires an owner or operator of an underground storage tank containing petroleum to pay a storage fee for each underground storage tank issued a permit.

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Existing law defines the term underground storage tank as excluding specified tanks with a capacity of 1,100 gallons or less located at a person's residence or farm which are used for specified purposes and excludes these tanks from the requirement of obtaining a permit. Existing law also specifies that, for purposes of the provisions concerning petroleum tanks, the term "underground storage tank" only means those tanks defined as petroleum underground storage tanks in the federal statutes regulating these tanks, which exempts specified tanks located on residential property. Existing law requires the fee to be paid to the State Board of Equalization according to specified procedures. The board is required to deposit all fees collected in the Underground Storage Tank Cleanup Fund in the General Fund, and the State Water Resources Control Board is authorized to expend the money in the fund for specified purposes, including to reimburse eligible owners and operators for the costs of corrective action and 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. The board is required to award the claims in accordance with a specified priority ranking, which ranks tanks located on residential property first. Existing law imposes various eligibility requirements upon claimants applying for reimbursement.

This bill would authorize a person who owns a tank located on property zoned only for residential use, or property which the owner demonstrates is not used for agricultural purposes on and after January 1, 1985, as specified, to file a claim for the costs of corrective action if the tank meets specified requirements and would exempt the board from making findings concerning permitting and financial responsibility with regard to the payment of a claim for such a tank. The bill would specify that, in the priority ranking of claims, the claims for owners of these tanks are ranked first. The bill would specify the expenses for which a claimant may be reimbursed for compensating 3rd parties.

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

Ch. 1034 (AB 1771) Harvey. Property taxation: exemption: trees and vines.

(1) Existing provisions of the California Constitution provide that all property is taxable and shall be assessed at the same percentage of fair market value, unless otherwise provided by the California Constitution or federal law. Existing constitutional and statutory provisions also specifically exempt from property taxation fruit and nut trees until 4 years after the season in which they were planted in orchard form, and grapevines until 3 years after the season in which they were planted in vineyard form.

This bill would provide that, for purposes of the above exemption, any fruit- or nut-bearing tree, or any grapevine, severely damaged during the exemption period by the December 1990 freeze so as to require pruning to the trunk or bud union to establish a new shoot as a replacement for the damaged tree or grapevine, shall be considered a new planting in orchard or vineyard form.

(2) 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.

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

Ch. 1035 (AB 1933) Boland. Grade separation projects.

(1) Under existing law, where a grade separation project consists of an alteration or reconstruction of an existing grade separation for the purpose of increasing the capacity of the structure for highway purposes, the Public Utilities Commission is required to apportion 10% of the cost against the railroad and the balance against the public agency or agencies affected by the grade separation.

This bill would prohibit the apportionment of cost to the railroad if it did not bear any

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of the cost of the original project.

(2) Under existing law, where the project consists of an alteration or reconstruction of an existing grade separation for the purpose of increasing the capacity of the structure for railway purposes, the Public Utilities Commission is required to apportion 10% of the cost against the public agency or agencies affected and the balance against the railroad applying for authorization to alter or reconstruct the grade separation

This bill would prohibit the apportionment of cost to the public agency or agencies if the agency or agencies did not bear any of the cost of the original project

Ch. 1036 (AB 2105) Farr. Taxation: solar energy credits.

The existing Personal Income Tax Law and the Bank and Corporation Tax Law authorize, for taxable or income years beginning on or after January 1, 1990, and before January 1, 1994, solar energy tax credits against the taxes imposed by those laws, with respect to solar devices for the individual function of the production of electricity. The existing tax laws further provide, with respect to solar energy systems with a generating capacity in excess of 30 megawatts, that a credit may not be claimed for any taxable or income year for which the Internal Revenue Code does not allow at least a 10% tax credit for those systems which is equivalent in scope to the credit available under the Internal Revenue calendar year. The State Energy Resources Conservation and Development Commission is required to establish guidelines and criteria for solar energy which shall be eligible for the credit.

This bill would modify the requirements and restrictions with respect to those guidelines and criteria and with respect to eligibility of specified solar energy systems. It would require the commission to establish limits on the eligible costs of solar energy systems in terms of dollars per kilowatt. It would also authorize the commission to collect a claimant's social security number or taxpayer identification number for purposes of identifying a qualifying taxpayer, as specified. It would provide that, under certain circumstances, the credit shall be allowed for the taxable or income year to the extent of the specified cost paid or incurred during that taxable or income year, if the installation of a solar energy system is completed on or before the end of the 6th month of the taxpayer's next taxable or income year.

Existing law requires the State Energy Resources Conservation and Development Commission to report to the Legislature, as specified, no later than January 1, 1992, with regard to the environmental and fiscal benefits and fiscal costs associated with Chapter 1291 of the Statutes of 1989.

This bill would require that report to be submitted to the Legislature no later than June 1, 1993, and would authorize the commission to obtain specified information in connection with that report.

This bill would take effect immediately as a tax levy.

Ch. 1037 (AB 2187) Tanner. Fish and Game Commission: regulations.

(1) Existing law requires the Fish and Game Commission to provide copies of specified regulations to each county clerk, each district attorney, and each judge of a municipal court or justice court in the state.

This bill would make a technical, nonsubstantive change in that provision

(2) Existing law authorizes the Department of Fish and Game to issue sportfishing licenses to individuals who have met certain requirements.

This bill would require, after January 1, 1993, any person taking steelhead trout in inland waters to have in his or her possession a nontransferable steelhead trout catch report-restoration card issued by the department, as specified, and would require the department to adopt regulations necessary to implement these provisions. The bill would make revenue derived from the sale of the card available upon appropriation by the Legislature. The bill would also require the department to report to the Legislature regarding the operation of the catch report-restoration card program.

Ch. 1038 (SB 9) Presley. Community colleges.

(1) Existing law establishes the Advisory Committee on Extended Opportunity Programs and Services, composed of members appointed by the Board of Governors of the

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California Community Colleges, the Speaker of the Assembly, and the Senate Committee on Rules. Under existing law, the chairperson and vice chairperson of the committee are required to be designated by the board from among the members appointed by the board.

This bill would delete the requirement that the chairperson and vice chairperson be designated from among the members appointed by the board.

(2) Existing law requires the governing board of each community college district to meet in a public building that is owned or leased by the community college district. However, if in the judgment of the governing board, the interests of the district may be better served by holding its meetings elsewhere, existing law authorizes the board to meet at another place in the district, as the board, by resolution, determines.

This bill, instead, would require the governing board of a community college district to conduct its meetings within the boundaries of the community college district, except that the bill would authorize the governing board to meet outside of its district boundaries to meet with another local agency and to meet with the board's attorney, as specified.

(3) Existing law authorizes the governing body of a student body association to order that an election be held for the purpose of establishing a student representation fee of $1 per semester if a student body association has been established at a community college, as specified. Existing law prescribes, among other things, the election procedure, the procedure for collecting the fee, and the purposes for which the fee may be spent. These provisions are located in 2 areas of the Education Code, one governing the powers and duties of the governing boards of community college districts and the other governing community college student organizations.

This bill would repeal those provisions as they appear in the body of law governing the powers and duties of the governing boards of community college districts. The bill would require that, if a student body association has been established at a community college, any student representation fee be authorized and managed pursuant to specified provisions of existing law contained in the body of law governing community college student organizations.

(4) Existing law requires the governing board of each community college district to provide school library services for the students and faculty of the district, as specified.

This bill, instead, would require the governing board of each community college district to provide library services for the students and faculty of the district, as specified, rather than school library services.

(5) Existing law requires that the libraries be open for the use of the faculty and the students of the community college district during the schoolday.

This bill, instead, would require that the libraries be open for the use of the faculty and students of the community college district during the day, rather than the schoolday, thereby imposing a state-mandated local program.

(6) Existing law authorizes the governing boards of community college districts to establish and maintain community service classes. Existing law prohibits the governing boards from expending General Fund moneys to establish and maintain community service classes

This bill would require the Board of Governors of the California Community Colleges to collect data and maintain uniform accounting procedures to ensure that General Fund moneys are not used for community service classes

(7) Existing law authorizes community college districts to enter into energy management agreements for energy management systems with any person, firm, corporation, or public agency, as specified.

This bill would authorize the governing boards of community college districts to borrow funds from federal or state regulated financial institutions for design and construction costs associated with retrofitting buildings to become more energy efficient.

(8) Existing law contains provisions governing the financial support of the public school system in this state. These provisions are contained in an area of the Education Code governing community college finance. Existing law states that each county and district, through a uniform method, should contribute in accordance with its true finan-

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cial ability. Existing law also requires that the system of public school support should effect a partnership between the state, the county, and community college districts, with each participating equitably in accordance with its relative ability.

This bill would change the references to the public school system contained in those provisions to the California Community Colleges, would make other conforming changes, and would delete the statement regarding county and district contribution. The bill also would state that the system of public support for the California Community Colleges should effect a partnership between the state and community college districts, rather than a partnership involving the state, the county, and community college districts.

(9) The bill would provide that, commencing with the 1991–92 fiscal year, the term "community college average daily attendance" means full-time equivalent students as defined by regulations adopted by the Board of Governors of the California Community Colleges.

(10) Existing law prescribes a method of determining state apportionments to community college districts, based generally on district revenue limits less certain tax revenues received. Under existing law, these provisions became inoperative on July 1, 1991.

This bill would extend the operation of those provisions until July 1, 1995, only for the purposes of determining the minimum amount of revenue to which community college districts are entitled pursuant to specified provisions of existing law and for auditing calculations for prior years. The bill would repeal that law on January 1, 1996. To the extent that the bill would impose duties on community college districts pursuant to those provisions for a longer period of time, the bill would impose a state-mandated local program.

(11) Existing law authorizes the governing boards of community college districts that provide classes for inmates of city, county, or city and county jails, road camps, or farms for adults, or federal correctional facilities, to include the units of average daily attendance generated in those classes for purposes of state apportionments, with specified limitations

This bill would require the Chancellor of the California Community Colleges to compute each district's base inmate education allowance based on the prior year's level of funding, adjusted as specified.

(12) Existing law authorizes the governing board of any community college district to employ anyone who is enrolled in a teacher training program conducted in cooperation with the California State University, the University of California, or any other accredited teacher training institution in the state, as a teacher assistant, as specified.

This bill would repeal those provisions The bill would authorize the governing board of any community college district to establish a faculty internship program pursuant to regulations adopted by the Board of Governors of the California Community Colleges and to employ, as faculty interns within the program, graduate students enrolled in the California State University, the University of California, or any other accredited institution of higher education, as specified.

(13) Existing law requires the Board of Governors of the California Community Colleges to establish minimum conditions entitling districts to receive state aid for support of community colleges and to establish and carry out a periodic review of each community college district to determine whether it has met the minimum conditions prescribed by the board of governors.

This bill would require the board of governors, pursuant to those requirements, to adopt regulations that establish minimum standards regarding the percentage of hours of credit instruction that shall be taught by full-time instructors. The bill would require the Department of Finance to transfer any money deducted from district apportionments pursuant to these regulations to the Faculty and Staff Diversity Fund.

(14) Existing law authorizes the Public Works Board to acquire and engage in the construction of cogeneration equipment, alternative energy equipment, or conservation measures, and any combination thereof, and to enter into energy service contracts, at any structure, building, facility, site or work used, owned, or acquired by a governmental entity, including community colleges.

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This bill would require the Chancellor of the California Community Colleges to apportion state aid to a community college district in the case of a capital outlay project to include the amount necessary to meet its energy service contract obligation. The bill would also specify a procedure for community college districts to provide funding to meet energy service contract obligations out of annual state apportionments to those districts.

(15) Existing law contains obsolete provisions concerning community college finance.

This bill would repeal those provisions.

(16) Existing law authorizes the governing board of a community college district to sell any real property belonging to the district that is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. Existing law establishes procedures for the sale of real property by community college districts, including a bidding procedure.

This bill would, notwithstanding these provisions and any other provision of the Education Code, the Government Code, or the Public Contract Code, authorize the Kern Community College District, by direct negotiations or through a brokered agreement, to dispose of the Weill Center site in Bakersfield in accordance with specified conditions.

(17) This bill would also clarify provisions relating to the employment of administrators by appointment or contract.

(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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement 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.

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

Ch. 1039 (SB 74) Alquist. Personal income taxes: bank and corporation taxes: withholding.

The existing Personal Income Tax Law and Bank and Corporation Tax Law require specified withholding of tax, including withholding with respect to dispositions of a California real property interest, as defined.

This bill would require, under the Personal Income Tax Law, withholding of tax with respect to payments of partnership income or gains. It would provide, under both laws, with respect to dispositions of a California real property interest, that a transferee, as defined, shall not be required to withhold the tax if specified conditions are met. It would also provide, under both laws, that a transferee or real estate escrow person, as defined, shall not be liable for specified amounts for failure to withhold if certain conditions are met. It would also make various clarifying changes.

Existing law additionally requires the Franchise Tax Board to implement, until January 1, 1992, a pilot project of withholding on payments to independent contractors doing business with state agencies.

This bill would extend to January 1, 1995, the date until which the Franchise Tax Board is required to implement this pilot project.

Ch. 1040 (SB 110) Robbins. Insurance.

(1) Existing provisions of the California Risk Retention Act of 1990 provide for the regulation of risk retention groups and purchasing groups.

This bill would change the name of that act to the California Risk Retention Act of 1991 It would also make various technical and corrective changes to provisions of that act, as specified.

(2) Existing law authorizes the Insurance Commissioner to enjoin the solicitation or sale of insurance by, or the operation of, a risk retention group or purchasing group

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whose officers, organizers, or directors have been determined to possess a restricted license or found guilty of criminal liability, as specified.

This bill would, instead, authorize the commissioner to order a purchasing group or risk retention group to cease and desist from those activities if the officers, organizers, or directors have engaged in acts for which certain insurance licenses may be denied, suspended, or revoked, as specified.

(3) Existing law, commencing January 1, 1992, provides for the elimination of insurance agent and insurance broker as categories of licensure and instead provides for licensure of fire and casualty insurance broker-agents.

This bill would revise and recast various provisions of the Insurance Code in conformity with those provisions. The bill would also, among other things, do all of the following.

(a) Provide that no notice of appointment appointing a solicitor shall be filed with the Insurance Commissioner unless a notice of termination of employment has been filed with the commissioner for any previously filed notice of appointment of solicitor.

(b) With respect to specified prelicensing education requirements for a license as a fire and casualty broker-agent or a life agent, require the curriculum to be approved by a curriculum board and submitted to the commissioner for final approval, rather than certification by the Department of Insurance.

(c) Require the curriculum board to develop standards for providers and instructors of prelicensing and continuing education courses, programs, and seminars, as specified.

(d) Authorize the commissioner, as specified, to rescind approval for any of those prelicensing courses, programs, or seminars

(e) Revise continuing education requirements and specify exceptions to the requirements, as specified.

(f) Limit the number of classroom hours a teacher or lecturer of an approved course of instruction or seminar may qualify for, as specified.

(g) Set various prelicensing and continuing education applications for certification fees to be charged by the commissioner, and specify an effective certification period of 24 months. Since the fees would be deposited into the continuously appropriated Insurance Fund, the bill would make an appropriation

(4) Existing law, operative January 1, 1992, establishes various requirements and standards in connection with continuing education programs for persons licensed as fire and casualty broker-agents and life agents.

This bill would revise provisions governing the applicability of those requirements.

Ch. 1041 (SB 114) Robbins. Insurance: long-term care.

Existing law imposes various requirements for long-term care insurance. Existing law requires an outline of coverage to be delivered to prospective applicants for long-term care insurance. Existing law permits only certain limitations or exclusions in policies of long-term care insurance, but permits limitations or exclusions for preexisting conditions or diseases subject to certain requirements.

This bill would require all applications for long-term care insurance policies or certificates, except those that are guaranteed issue, to contain clear and unambiguous questions designed to ascertain the health condition of the applicant. It would require applications for long-term care insurance to contain a question that asks whether the applicant has had medication prescribed by a physician and ask that the medication be listed, and would provide that if a listed medication is known or should have been known at the time of application to be directly related to a medical condition for which coverage would otherwise be denied, then the policy or certificate shall not be rescinded for that condition.

The bill would require for policies or certificates, other than those that are guaranteed issue, that the insurer obtain specified information if the applicant is age 80 or older.

The bill would require a copy of the completed application to be delivered to the insured unless it was retained by the applicant at the time of application.

The bill would require every insurer or other entity selling or issuing long-term care insurance benefits to maintain a record of all policy or certificate rescissions, except as specified, and to annually file the information with the Insurance Commissioner.

Existing law prohibits long-term care insurance policies from preconditioning the

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availability of benefits on prior hospitalization, or preconditioning home health care benefits on prior institutionalization.

The bill would also impose various requirements for a long-term care insurance policy or certificate that provides benefits for home health care services. It would prohibit an insurer from excluding benefits for home health care services by requiring that the insured or claimant must otherwise need skilled care in a skilled nursing facility, by limiting services to certain professionals, by requiring that the insured or claimant have an acute condition, or by imposing certain other exclusions or limitations.

Ch. 1042 (SB 117) Kopp. State ballot measures: title and summary

Existing law requires the Attorney General to prepare a title and summary of the chief purpose and points of any initiative or referendum petition or any measure submitted to the voters of the whole state. Existing law also requires that the Attorney General determine whether the substance of the initiative measure would affect the revenues or expenditures of state or local government if the measure is adopted, and to include an estimate or an opinion of the measure's financial effect thereon.

This bill would provide that in the event that the Attorney General is a proponent of a proposed measure, the title and summary, including an estimate or opinion of the financial impact of the measure, shall be prepared by the Legislative Counsel.

Ch. 1043 (SB 123) Torres. Tank vehicles: flammable liquid

(1) Existing law prescribes penalties for driving at a speed greater than the applicable speed limit and for reckless driving.

This bill would, in addition to any other applicable penalty, subject the driver of a tank vehicle transporting more than 500 gallons of flammable liquid to a fine of not less than $500 for a 1st offense of speeding or reckless driving and not less than $2,000 and a suspension, not to exceed 6 months, of a hazardous materials or cargo tank endorsement, or both, for a 2nd or subsequent offense within 2 years of a prior offense.

(2) Existing law requires the Commissioner of the California Highway Patrol to adopt regulations for the design and construction of cargo tanks.

This bill would require the commissioner to expand those regulations to also include the structural safety of cargo tanks and, to the extent permitted by federal law, the stability of tank vehicles.

The bill would also require the commissioner to incorporate for intrastate shipments in this state, as soon as feasible, any new United States Department of Transportation standards concerning interstate shipments.

(3) Existing law generally imposes a maximum driving time within a work period for drivers of commercial vehicles operated in intrastate commerce of 12 hours, except as specified

This bill would impose a maximum driving time within a work period of 10 hours for drivers of tank vehicles transporting more than 500 gallons of flammable liquid.

(4) This bill would make additional changes in Section 34501.2 of the Vehicle Code to be operative only if this bill and AB 1886 are both enacted and amend that section and this bill is enacted after AB 1886.

(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 requirements the bill would impose, with regard to the maximum driving time for drivers of tank vehicles, 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. 1044 (SB 126) Kopp. The Montara Sanitary District: water service.

Under existing law, a sanitary district formed pursuant to the Sanitary District Act of 1923 is prohibited from supplying water service to any territory in the sanitary district where a city, water district, or other local agency already provides water service unless the sanitary district first obtains the consent of the city, water district, or other local

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agency.

This bill would, notwithstanding the provision of law described above and the Cortese-Knox Local Government Reorganization Act of 1985, authorize the Montara Sanitary District, after making a prescribed determination, submitting the question to the electors of the district, and receiving a favorable vote in the election, to exercise those powers of a county water district formed under the County Water Law for the purpose of supplying water in the district. By requiring the question to be submitted to the electors of the district, the bill would impose a state-mandated local program by imposing new duties on the county pursuant to the existing law governing the conduct of elections. It would provide that the costs of the election be borne by the district.

The bill would also make legislative findings and declarations regarding the necessity for this special law.

This bill would provide that, if the district is authorized to exercise those powers, the district shall plan to reimburse, as specified, the County of San Mateo $118,000 for the costs of acquiring the existing water system serving the Montara Sanitary District service area.

This bill would require the County of San Mateo to provide the district, upon request of the district, all books, papers, records, documents, and other information, including writings, as defined, resulting from, or produced by, the county to determine if the acquisition of the existing water system serving the district is feasible, thus imposing a state-mandated local program by imposing a new duty on the county.

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

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

Ch. 1045 (SB 138) Thompson. Courts: Shasta County.

Existing law provides for the number, classification, and compensation of the employees of the Shasta County municipal court.

This bill would revise the number and compensation of the employees of the municipal court, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

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

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

Ch. 1046 (SB 146) Robbins. Public assistance: eligibility reporting systems: disproportionate share provider payment adjustments.

Existing law requires the State Department of Social Services to establish a monthly reporting system for recipients of AFDC assistance for use in determining monthly eligibility and the amount of the grant.

This bill would permit the State Department of Social Services to conduct 3 pilot projects, in specified counties, to compare certain cost determinants of the monthly reporting requirements to alternative reporting requirements for purposes of determining eligibility for AFDC cash assistance and food stamps.

The bill would require the pilot counties to submit an evaluation of the pilot projects to the State Department of Social Services, which would be required to review and approve the evaluations submitted by the counties and to submit them to the appropriate policy and fiscal committees of the Legislature, and would require the evaluation to include an analysis of various factors of the reporting systems tested in the pilot projects,

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compared to each other and to the current reporting system. The bill would also provide that the pilot projects shall only be implemented upon receipt of a federal waiver

Existing law provides for a system of payment adjustments to increase reimbursement amounts paid to disproportionate share hospitals that provide certain acute inpatient health care services to Medi-Cal patients. Under existing law, implementation of the payment adjustment program is contingent on receipt of federal approval.

This bill would specify that this federal approval requires both approval of amendments to the Medi-Cal state plan and confirmation of the availability of a specified level of federal financial participation.

Existing law requires that the Office of Statewide Health Planning and Development provide specified data at certain times for purposes of calculating payment adjustments.

This bill would specify that for the 1991-92 payment adjustment year, the office shall submit data as it exists on the statewide data base file on August 30, 1991.

Existing law sets forth formulas for the reduction of payment adjustments when there are insufficient funds available to pay the payment adjustment amounts.

This bill would revise those provisions to specify that the reduction be made proportionately among all eligible hospitals, but in no event to a level at which payment adjustments to an eligible hospital would be less than 65% of the total payment adjustments due to that hospital.

Existing law authorizes the department to utilize existing administrative appeal procedures to resolve certain appealable matters arising under the payment adjustment system.

This bill would specify that certain additional matters are also appealable.

Existing law provides for intergovernmental transfers to the Medi-Cal Inpatient Payment Adjustment Fund to be made by certain public entities that are licensees of eligible hospitals, as defined, in equal monthly installments

This bill would revise the frequency and timing of these payments to be 8 equal payments to be made in specified months.

This bill would provide that if any disproportionate share hospital ceases to provide inpatient hospital services, the obligation of the public entity that operated that hospital to transfer funds to the Medi-Cal Inpatient Payment Adjustment Fund for the payment adjustment system for the 1991–92 fiscal year shall be waived.

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

Ch. 1047 (SB 176) Maddy. Horseracing: blood, urine, and saliva test samples.

Existing law provides for the taking and testing of blood, urine, saliva, and other samples from horses entered to race in this state. Existing law requires that any test sample required to be taken by the California Horse Racing Board be taken in duplicate if requested by the trainer or the owner of the horse to be tested if there is a sufficient test sample available after the official test sample has been taken Under existing law, one sample is to be sent to a prescribed official racing laboratory and the remaining sample is to be sent to an independent laboratory.

This bill would delete the requirement that the trainer or the owner of the horse to be tested request that the sample be taken in duplicate. The bill would provide that if the official test sample tests positive for medication, the steward shall inform the trainer and the owner of the results, and the trainer or the owner of the horse, upon being so informed, or the steward, may request that the duplicate sample be tested.

The bill would require the steward of the race meeting where the sample was taken to be in charge of handling and testing the sample, until the steward refers the matter to the board. The bill would require the results of the tests to be confidential, as prescribed.

Ch. 1048 (SB 185) Thompson. Driving offenses. impoundment of vehicle.

(1) Existing law permits a court, at the time of sentencing, to order the impoundment of the vehicle of a person convicted for driving with a suspended or revoked driver's license for not more than 6 months for a 1st conviction and not more than 12 months for a 2nd or subsequent conviction.

This bill would, in addition, permit that impoundment upon conviction of additional

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specified offenses.

The bill would also require every state and local law enforcement agency to report to the Department of the California Highway Patrol, as specified, on each vehicle pursuit conducted. The bill would require the department to compile these statistics and make them available to the Legislature upon request.

Since these provisions would require new local duties, 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 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. 1049 (SB 197) McCorquodale. Crimes: money laundering.

Existing law provides that any person who conducts or attempts to conduct a transaction involving monetary instruments of a value exceeding $5,000 through a financial institution for specified criminal purposes, or knowing that the monetary instrument represents the proceeds of, or is derived directly or indirectly from the proceeds of, criminal activity, is guilty of the crime of "money laundering."

Existing law also requires specified financial institutions, among other things, to make and keep a record of each transaction by, through, or to the financial institution which involves currency of more than $10,000 or results in the exchange of a monetary instrument or instruments of value in excess of $10,000 for another monetary instrument or instruments, and makes a violation of these provisions a crime.

Existing law provides that the above provisions regarding money laundering and financial institutions shall remain in effect only until January 1, 1992, and as of that date are repealed.

This bill would instead provide for the repeal of these provisions on January 1, 1997.

Because this bill would extend the operative date of these provisions to make the above activities continue to be unlawful after January 1, 1992, this bill would impose a state-mandated local program.

Existing law provides that the Department of Justice, in the discretion of the Attorney General, may make specified reports or information contained in specified reports concerning financial institutions' records of transactions involving $10,000 or more available to a district attorney, as specified

This bill, instead, would authorize the Department of Justice, in the discretion of the Attorney General, to make those reports or that information available to the district attorney or his or her designee, 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. 1050 (SB 206) Rogers. Vital statistics: marriage dissolution records and marriage certificates.

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 copy of the records of any birth, fetal death, death, marriage, or marriage dissolution registered with that official.

Existing law requires the State Registrar, as of January 1, 1991, and upon request and payment of a $15 fee by an applicant, to provide a decorative heirloom marriage certifi-

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cate designed by the department. The fee is 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, and is to be adjusted annually, as specified. The fee is deposited into the General Fund. A Sacramento County superior court in the case of Caballero v. McMahon (Case No. 365269) held that the statute which added the provisions described in this paragraph are in violation of the single subject rule contained in Section 9 of Article IV of the California Constitution.

This bill would repeal and add the provisions containing the above described changes without any substantive change except that this bill would include the special fee for a certified copy of a marriage dissolution record within the specified document fees for which there is an automatic adjustment.

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

Ch. 1051 (SB 209) Kopp. Campaign materials: false or forged documents.

Existing law prohibits any person from publishing or causing to be published, with intent to deceive, any campaign advertisement containing a signature which the person knows to be unauthorized. Existing law imposes criminal penalties for a violation of this prohibition and authorizes a civil cause of action for damages, as specified.

This bill would prohibit any person from publishing or causing to be published, with actual knowledge and intent to deceive, any campaign advertisement, as defined, containing false or fraudulent depictions or representations of official, or purportedly official, public documents. This bill would impose a state-mandated local program by imposing criminal penalties, as specified, upon persons who violate the prohibition imposed by this bill.

This bill would authorize any candidate for elective office whose election or defeat is expressly advocated in any campaign advertisement which violates the prohibition imposed by this bill to bring a civil cause of action for damages, 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. 1052 (SB 213) McCorquodale. Forest Resources Improvement Fund.

Under existing law, moneys in the Forest Resources Improvement Fund may be expended, when appropriated, for specified purposes relating to forest resources and to reimburse the General Fund for costs of operation of state forests administered by the Director of Forestry and Fire Protection.

This bill would permit moneys in the fund to be expended, upon appropriation, for forest pest research and management, technical transfer, and outreach.

Ch. 1053 (SB 214) Robbins. Insurance automobile assigned risk plans.

Existing law requires the Insurance Commissioner to approve or issue a reasonable plan for the equitable apportionment among certain insurers, of applicants for automobile bodily injury and property damage liability insurance, who are unable to procure that insurance through ordinary methods. Existing law authorizes the commissioner, upon holding a public hearing, to approve or issue reasonable amendments to that plan. It also provides that notice of those public hearings shall be published at least 45 days prior to the hearing or close of the public comment period.

This bill would instead provide that notice of those public hearings shall be published at least 60 days prior to the hearing or close of the public comment period.

Ch. 1054 (SB 245) Presley. Vehicles: air pollution.

(1) Existing law limits the cost of repairs under the motor vehicle inspection program, but exempts licensed fleet owners from the cost limits

This bill would subject those fleet owners to those cost limits in specified instances.

(2) Existing law authorizes the Department of Consumer Affairs to license the owner

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of a fleet of 15 or more motor vehicles to conduct smog tests on the fleet's vehicles.

This bill would authorize those licenses as to fleets of 10 or more motor vehicles.

(3) Existing law prohibits a licensed vehicle lessor-retailer or vehicle dealer from advertising the total price of a vehicle without including all costs to the purchaser, or from refusing or failing to sell a vehicle at the advertised total price except for, among other things, sales tax and certificate of compliance or noncompliance fees not exceeding $25.

This bill would increase that amount to $35 and, in the case of a dealer, would except taxes, rather than only sales tax.

(4) Existing law prohibits the sale of a motor vehicle to the ultimate purchaser or a subsequent purchaser which is not in compliance with air pollution control laws, rules, and regulations, except to a dealer or for the purpose of being wrecked or dismantled. Existing law requires an auctioneer or public agency which sells a noncompliant vehicle to notify each bidder in writing that a certificate of compliance is required before the vehicle may be registered, except when sold to a dealer or for the purpose of being wrecked or dismantled, or sold exclusively for off-highway use.

This bill would, with respect to the sale, by an auctioneer, of a vehicle not registered to a public agency or a public utility, require, instead of that notice, that the consignor of the vehicle provide the purchaser with a valid certificate of compliance or noncompliance, with specified exceptions. Since a violation of that requirement would, under other provisions, be a crime, the bill would impose a state-mandated local program by creating a new crime. If the consignor is an industrial loan company, the bill would specifically permit the company to recover the costs incurred in obtaining a certificate, as specified. The bill would add an exemption for lien sales from the requirement that the buyer be provided a certificate of compliance or certificate of noncompliance, if the lienholder gives prescribed notices to the Department of Motor Vehicles and the buyer.

(5) Under existing law, a motor vehicle conditional sale contract is required to disclose, among other things, an itemization of the amounts to be paid to any public officer for license, certificate of title, and registration.

This bill would require that disclosure to include the amount of any motor vehicle smog impact fee.

(6) Under existing law, if, in the opinion of an auctioneer or public agency, the cost of repairs to a vehicle exceeds the value of the vehicle to the auctioneer or agency, the auctioneer or agency is required, as transferee or owner, to surrender, to the Department of Motor Vehicles, the certificates of registration, documents satisfactory to the department showing proof of ownership, and any unexpired license plates issued for the vehicle.

This bill would extend these provisions to public utilities, as defined, and make related changes

(7) Existing law requires a private party vehicle market operator to maintain for not less than one year a record of specified information relating to vendors and vehicles.

This bill would require that information to include the number of the vehicle's current and valid certificate of compliance. Since, under other provisions, a violation of this requirement would be a crime, the bill would impose a state-mandated local program by creating a new crime.

(8) The bill would make additional changes in Section 11713.1 of the Vehicle Code to be operative only if this bill and AB 1763 are both enacted and amend that section and this bill is enacted after AB 1763.

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

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

Ch. 1055 (SB 271) Kopp Probate law and procedure: disposition of property.

Existing law repeals and reenacts the Probate Code, to be effective July 1, 1991.

This bill, operative as specified, would revise and recast various procedures relating to coownership of bonds and obligations of the United States; gifts in view of impending death; powers of attorney, the devolution of property on death; administration of dece-

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dents' estates; ownership of a manufactured home, mobilehome, commercial coach, truck camper, floating home, undocumented vessel, or vehicle held in beneficiary form and would authorize fees for registration in that form, thus making an appropriation; safe deposit box access; transfer of property held in trust; transfers to minors; California statutory wills; the claims of creditors; the collection or transfer of small estates without estate administration; the passage of property to a surviving spouse without estate administration; and liability for a decedent's property.

Ch. 1056 (SB 291) Johnston. Insurance: automobile physical damage.

Existing law, commencing January 1, 1992, requires insurers to inspect passenger automobiles prior to the issuance of collision and comprehensive coverage, except in specified circumstances, including when the automobile is new and unused and purchased from a dealer.

This bill would make that provision applicable instead commencing April 1, 1992, to all policies issued or amended to provide coverage to persons not formerly insured with the insurer or not insured with the insurer for that coverage. It would also include within that exception a vehicle which is new and unused and leased from a dealer.

Existing law provides that inspection report information and photographs as necessary shall be used by the insurer in settlement of all collision or comprehensive claims, as specified.

This bill would make that requirement applicable only to claims in excess of $2,000. It would also require the Insurance Commissioner to periodically increase the amount of damages for which it is necessary to utilize the inspection report to settle a collision or comprehensive claim to account for inflation.

Existing law also authorizes an exemption from the inspection requirements for any vehicle over 10 years old, and the situation where the insured's coverage is being transferred to a new insurer or to a new agent or broker within the existing insurer or insurer group and the agent or broker provides the new insurer or agent or broker with a copy of the inspection report completed on behalf of the previous insurer, as specified.

This bill would expand the vehicle age exemption to include all vehicles over 7 years old. The bill would also delete the requirement that the agent or broker provide the new insurer or agent or broker with a copy of the inspection report, and only specify that the new insurer or agent or broker be provided with a copy of the report, and would recast that exemption to specify that it applies to a transfer of coverage within an existing agency or production facility.

The bill would also specifically not prohibit the insurer from electing to require inspections of private passenger vehicles insured by the insurer on or before March 31, 1992. It would prohibit insurers, agents, brokers, and automobile dealers from misrepresenting private passenger automobile insureds as commercial insureds for purposes of avoiding inspection requirements. It would require insurers to apply inspection requirements uniformly, not based on age, race, sex, or marital status of an insured or applicant, the principal place of garaging, or the driving record of the insured or applicant.

Existing law provides for a suspension of insurance coverage following the 5th business day following the effective date of coverage, or other agreed upon date, if a vehicle is not inspected.

This bill would extend that time period to 7 days, and would provide coverage limited to payment of claims of a lienholder's interest where the lienholder is a federal or state regulated financial institution.

The bill would also define "additional vehicle" and "replacement vehicle" for inspection requirement purposes and make various related, clarifying, and corrective changes, as specified. It would authorize the cost of inspection to be included as an administrative expense for ratemaking purposes.

The bill would also require the Insurance Commissioner to make a study and report to be submitted to the Governor and the Legislature on the cost-effectiveness of the mandatory vehicle inspection program, as specified. The bill would appropriate $150,000 from the Insurance Fund for those purposes.

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Ch. 1057 (SB 292) Johnston. Insurance. assigned risk plans.

Existing law provides for an assigned risk plan for automobile insurance. Existing law requires the Insurance Commissioner to appoint an advisory committee of 15 members, except that the 8 members representing subscribing insurers are elected by the insurers. Under existing law, the committee has the authority to bring suit in actions related to the plan in the name of the plan.

This bill would require the subscribing insurers to elect their representatives annually and would require the commissioner to appoint the noninsurer members. This bill would authorize the advisory committee to retain counsel of its choice pursuant to a selection process adopted by the committee, and to bring and defend actions in both judicial and administrative proceedings related to the plan in the name of the plan. The bill would require the commissioner to administer and operate the plan and to develop, issue, and adopt regulations in consultation with the committee.

Existing law requires subscribing insurers of the assigned risk plan to file an annual report with the Insurance Commissioner containing information relative to its assigned risk business. The commissioner is required to report that information to certain policy committees of the Legislature on or before March 1, 1992, and March 1 of each year thereafter.

This bill would, as an exception to that requirement, provide that the report may be provided by April 15 if it includes a report on the operation of the plan required pursuant to other provisions of existing law and provided by the commissioner to the Legislature on or before April 15 of each year, in which case only a combined report would be required, as specified.

Ch. 1058 (SB 543) Calderon. Beverage containers: reporting requirements.

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. Under existing law, the department is required to establish reporting periods for the reporting of redemption and recycling rates, including the volumes of materials collected from certified recycling centers, by city or county The department is required to establish procedures to protect proprietary information

This bill would require the department to provide the information concerning the volumes of materials collected from certified recycling centers only to a governmental agency which requests the information, including a city or county, or an entity specifically designated by the city or county to receive the information if the entity requests the information, in accordance with specified conditions, including protecting the information as proprietary and confidential information.

Ch. 1059 (SB 563) Alquist. Secretary of State.

Existing law requires the Secretary of State, on demand, to furnish to any person paying the fees a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in that office.

This bill would authorize the Secretary of State, in lieu of filing or recording paper documents, to file or record any document using automated data processing, telecommunications, and other information technologies which do not permit additions, deletions, or changes in the original document, with a specified exception.

Existing law requires a variety of business and other documents to be filed with the Secretary of State.

Existing law permits, in lieu of filing all financing statements, termination statements, partial releases, assignments, or other related papers falling under the Commercial Code, the filing officer to record those papers, using a system of either microphotography, optical disk, or reproduction by other techniques which do not permit additions, deletions, or changes to the original document.

Existing law requires that a true copy of the microfilm or optical disk be kept in a safe and separate place for security purposes. It also makes reproduction of any document filed on microfilm or stored on optical disk pursuant to this section admissible in any court of law.

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This bill would, in addition, require a true copy of other storage medium for the recording of those documents, to be kept in a safe and separate place for security purposes.

The bill would make a reproduction of any document filed, recorded, stored, or retained, on microfilm optical disk, or by other technology, as admissible in any court as the original itself These provisions would also apply to documents filed with the Secretary of State.

Existing law contains various provisions for the collection of fees in connection with the filing of documents with the Secretary of State.

Existing law requires, at least weekly, that all fees collected by the Secretary of State be paid into the State Treasury

This bill would require that, except for fees to obtain copies of reports and statements filed with the Secretary of State under the Political Reform Act of 1974, commencing July 1, 1992, all fees collected by the Secretary of State pursuant to the Business and Professions Code, the Code of Civil Procedure, the Corporations Code, the Food and Agricultural Code, the Government Code, and the Harbors and Navigation Code, be placed in the Secretary of State's Business Fees Fund, which would be created by the bill for the administration of that portion of the Secretary of State's functions under these codes

The bill would state legislative intent that moneys deposited in this fund be used to support the programs for which the fees are collected, that fees be sufficient to cover the costs of these programs, and that moneys in the fund be expended, commencing in the 1992–93 fiscal year, to the extent that appropriations are made in the annual Budget Act.

The bill would require that all fees collected in excess of the Secretary of State's authority to expend pursuant to the annual Budget Act be transferred to the General Fund at the end of each fiscal year.

The California Public Records Act requires, with specified exceptions, that state and local agencies make their records available to the public. Existing law specifies that the fee for preparing a copy of any law, resolution, record, or other document on file in the office of the Secretary of State is $1 for the first page and 50¢ for each subsequent page.

This bill would require the Secretary of State to provide compilations, extracts, or summaries of information contained in its public records, at a charge, which would not exceed $10 per inquiry except where prescribed by statute, sufficient to recover costs and a return on investment. This bill would permit the Secretary of State to enter into contracts to provide information and copies and access to information, including direct access to computer information, as specified.

The bill would make conforming changes in other provisions of law.

Ch. 1060 (SB 846) Bergeson. Public utilities. recycled soil

Existing law requires cities and counties to reduce the amount of solid waste.

This bill would permit any public utility, or its contractor, to which an excavation permit has been issued by any local agency for the installation, removal, maintenance, or repair of underground facilities to backfill the permitted excavation in any public road or highway with native spoil, if specified conditions are met

Ch 1061 (SB 849) Bergeson. Government records.

Existing law requires counties to retain records pertaining to public social service cases for 3 years.

Existing law permits state agencies, counties, cities, and special districts, in general, and the State Registrar to maintain records in reproduced formats or storage media which comply with the standards of the National Institute of Standards and Technology.

This bill would, instead, permit these records to be maintained in reproduced formats or storage media if the reproduction or storage medium is in compliance with minimum standards or guidelines, or both, as recommended by the American National Standards Institute or the Association for Information and Image Management for recording of permanent or nonpermanent records, as applicable The bill would permit the transfer of public social service case records to a medium which meets these criteria instead of

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maintaining the original documents.

Ch. 1062 (SB 856) Bergeson. Medi-Cal: pregnancy coverage.

(1) Existing law provides for the provision of health care services to those persons meeting eligibility criteria under the Medi-Cal program.

This bill would provide for the continuity of Medi-Cal coverage during pregnancy and the post partum period for pregnant women who were certified as Medi-Cal eligible under the federal act.

Since counties are required to determine the eligibility of Medi-Cal recipients, this bill would impose a state-mandated local program to the extent it would increase the amount of those services.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 1063 (SB 878) Royce. Satellite wagering facilities: location.

Existing law requires any association or fair that operates a satellite wagering facility to conduct wagering on all racing that is offered to the satellite wagering facility if certain conditions are met, and permits any association that operates a satellite wagering facility to accept an audiovisual signal.

This bill would permit an association that conducts a racing meeting and a fair that operates a satellite wagering facility to agree to provide an audiovisual signal and to accept wagering on less than all of the races.

Ch. 1064 (SB 215) Craven. Teaching credentials: instruction in self-contained classrooms

Existing law permits the holder of a credential authorizing instruction in a self-contained classroom to teach in grades 5 to 8, inclusive, in a middle school, provided that he or she teaches 2 or more subjects for 2 or more periods per day to the same group of pupils.

This bill would, additionally, allow that teacher to teach in any of grades 5 to 8, inclusive, any of the subjects he or she is already teaching to a separate group of pupils at the same grade level as those he or she already is teaching, for an additional period or periods, as specified.

This bill also would allow the governing board of a school district to assign a teacher who holds that credential to teach any subjects in departmentalized classes in kindergarten or any of grades 1 to 8, inclusive, if the teacher consents to that assignment and the board verifies, in accordance with specified policies and procedures, that the teacher has adequate subject matter knowledge. The bill would require that those teaching assignments be reviewed annually, and that the exclusive representative of the certificated employees be notified of each such assignment. The bill would require school districts and county superintendents of schools to report those assignments pursuant to specified existing law.

The bill would authorize the commission to develop and recommend model criteria, standards, and procedures that school district governing boards may use in making those assignments to departmentalized classes. The bill would require the commission, to the extent that funds are provided from the Teacher Credentials Fund for that purpose, to study the implementation of those provisions, and to report the results to the Legislature on or before January 1, 1995.

The bill would repeal those provisions as of January 1, 1996.

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Ch. 1065 (SB 1154) Bergeson School boards: membership.

(1) Existing law provides generally that anyone who is 18 years of age or older, a California citizen, a resident of the school district or community college district, a registered voter, and not otherwise disqualified by law, is eligible to be elected or appointed to the governing board or legislative body of a school district or community college district, and specifies the deadline by which a candidate may file his or her candidacy therefor.

This bill would require an employee of a school district or community college district who is elected or appointed to the governing board or legislative body of that district to resign from his or her employment with that district before being sworn into office as a member of the governing board or legislative body. The bill would provide for automatic termination of employment upon being sworn into office, if the employee does not resign his or her employment.

The bill would provide for a specified exception from these requirements for certain part-time community college teachers.

(2) The bill would specify that Item 1, above, would apply to persons who are members of governing bodies and employees of those bodies prior to January 1, 1992, upon reelection or reappointment, on or after January 1, 1992, to the governing board of the respective governing body.

(3) This bill would make additional conforming changes.

Ch. 1066 (SB 1066) Dills. Waste management: recycling telephone directories.

Under existing law, the California Integrated Waste Management Board is required to promote recycling as a waste management practice.

This bill would require the board to conduct a study of the feasibility of requiring that all telephone directories, as defined, which are issued or sold in this state, be made of materials that will allow for the maximum volume of directories to be recycled. The bill would require the board to report the results of the study, as specified, to the Legislature on or before July 1, 1994. The bill would declare it to be the goal of the state that specified percentages of telephone directories distributed be recycled after prescribed dates, and would specify related matters

The bill would, if the study contains a specified finding, require all telephone directories distributed in the state to be made from materials that will allow for the maximum volume of directories to be recycled, as determined by the board. The bill would require the board to adopt general guidelines, as specified, regarding production of recyclable telephone directories.

The bill would appropriate $100,000 from the Integrated Waste Management Account to the California Integrated Waste Management Board for the implementation of the bill.

Ch. 1067 (AB 354) Hauser. Fish and Game: commercial salmon trollers: rock crab. slurp guns.

(1) Under existing law, until January 1, 1992, there is a commercial salmon trollers enhancement and restoration program, which prohibits the taking of salmon for commercial purposes unless a person has a commercial fishing salmon stamp, and which dedicates the fees obtained from the sale of the stamp to certain purposes. A violation of the commercial fishing salmon stamp requirement is, under existing law, a misdemeanor.

This bill would extend the termination date of this program to January 1, 1997. The extension of this program would continue the imposition of a misdemeanor thereby imposing a state-mandated local program, since the misdemeanor provisions would also continue in effect.

(2) Under existing law, a rock crab trap may have any number of openings of any size, but is required to have at least 2 rigid circular openings of not less than 3 ¼ inches, inside diameter.

This bill would require a rock crab trap constructed of wire mesh with an inside mesh measurement of not less than 1 ⅞ inches by 3 ⅞ inches, with the 3 ⅞ inch measurement parallel to the floor, to have at least one rigid circular opening of not less than 3 ¼ inches,

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as specified. The bill would also require any person taking rock crab to carry a measuring device, to measure any rock crab immediately upon removal from the trap, and to return any undersize rock crab to the water immediately.

(3) Existing law regulates the taking of fish from the waters of this state.

This bill would permit the use of "slurp guns," as defined, to take fish in fish and game districts 6, 7, 10, 17, 18, 19, 20, and 20A.

(4) Existing provisions of the Fish and Game Code continuously appropriate the money in the Fish and Game Preservation Fund to the Department of Fish and Game for all necessary expenses in carrying out the provisions of the Fish and Game Code.

Because this bill would extend the operation of an existing program that would continue to provide revenues to that fund, 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. 1068 (AB 365) Roybal-Allard. Rape and sexual assault education programs.

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. 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 to adopt and implement a rape and sexual assault education program for, and ensure maximum feasible participation of, students and student services professional staff members or student affairs professional staff members at each of their respective campuses or other facilities The bill would require each of those segments to perform that activity within existing resources. These requirements would not apply to the University of California unless the Regents of the University of California make them applicable or to the California Community Colleges unless and until the Legislature makes funds available to the California Community Colleges for purposes of the bill.

Ch. 1069 (AB 380) Margolin. Beverage containers: recycling centers: enforcement.

(1) Under existing law, the California Beverage Container Recycling and Litter Reduction Act establishes refund values for beverage containers and requires the Department of Conservation to implement its provisions. Every beverage container sold or offered for sale in this state is required to be labeled in a specified manner and to have a minimum refund value, if specified conditions are met concerning the redemption rate. The department is required to certify recycling centers and processors, pursuant to a specified procedure. The operator of a recycling center is required to accept and pay at least the refund value for all empty beverage containers, except under specified circumstances.

The redemption payments are deposited in the California Beverage Container Recycling Fund, which is continuously appropriated to the department for the payment of refund values and for other specified purposes. A violation of the act is a crime and the penalties for a violation are deposited into the fund

This bill would require recycling centers to meet all of the standards and requirements in the regulations for certification, thereby imposing a state-mandated local program by creating a new crime and making an appropriation, since the penalties for a violation of these requirements would be deposited in the fund.

The bill would revise the requirements for certified recycling centers and processors and would require recycling centers and processors to prepare and maintain specified documents, thereby imposing a state-mandated local program by creating a new crime

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and making an appropriation, since the penalties for a violation of these requirements would be deposited in the fund. The bill would allow the department to issue a probationary certification only pursuant to initial applications or enforcement actions.

(2) Existing law authorizes the department to establish and implement an auditing system.

This bill would authorize the department to conduct an audit or investigation with regard to any activity occurring 2 years before the audit or investigation and to determine if any violations of the act occurred during that period. The bill would require that an entity which is the subject of an audit or investigation provide the department with access to specified records, thereby imposing a state-mandated local program by creating a new crime and making an appropriation, since the penalties for a violation of these requirements would be deposited in the fund.

(3) Under existing law, the department is required to establish procedures to protect proprietary information concerning specified activities obtained while carrying out the act.

This bill would instead require the department to establish procedures to protect privileged, confidential, commercial, or financial information obtained while carrying out the act and would provide that this information is not a public record for purposes of the California Public Records Act

(4) Existing law requires that a recycling center be open for business at least 30 hours per week, with a minimum of 5 hours of operation occurring during periods other than from Monday to Friday, from 9 a.m. to 5 p.m., except that the department is authorized to require a certified recycling center to operate not more than 15 of those 30 hours during other than from 9 a.m. to 5 p m., if the department makes a specified determination concerning the goals of the act and conducts a hearing Existing law requires that there be at least one certified recycling center within every convenience zone in the state.

This bill would authorize the department to certify a recycling center which will operate less than 30 hours per week, if the convenience zone to be served is in a remote rural area and if the department makes a specified determination and conducts a hearing

(5) Existing law prohibits a person from paying a noncertified recycling center an amount which exceeds the specified scrap value for aluminum or which exceeds the costs of recycling, for glass and plastic, as determined by the department.

This bill would instead prohibit any person from paying an amount for empty plastic or glass beverage containers which exceeds the current scrap value, as determined by the department, or for empty aluminum beverage containers, an amount which exceeds the price paid to the processor, by the location of end-use on the date of purchase. The bill would prohibit any person from receiving or retaining any refund values, processing fees, or administrative fees for empty beverage containers which come from out of state, thereby imposing a state-mandated local program by creating a new crime and making an appropriation, since the penalties for a violation of these requirements would be deposited in the fund.

(6) Existing law requires the department to pay a processor, for every beverage container received by the processor, the refund value and other amounts, as specified. A processor is required to pay a certified recycling center the refund value, and other amounts, for every beverage container received by the processor.

This bill would authorize the department to authorize a certified recycling center to cancel containers. The bill would allow the department to require a recycling center to submit specified transaction information to the department and would authorize the department to suspend the certification of any recycling center which does not comply with this requirement.

(7) Existing law authorizes the department to assess a civil penalty for a violation of the act in the amount of $100 for each initial separate violation and up to $1,000 for any subsequent violation. The department is authorized to revoke, suspend, or refuse to renew a certificate for specified reasons.

This bill would repeal this provision and would instead authorize the department to

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impose a penalty of up to $5,000 for intentional or negligent violations of the act and up to $1,000 for all other violations, except as specified. The bill would revise the procedures for the revocation or suspension of certificates, including authorizing the department to suspend or revoke a certificate without a hearing if the department makes a specified determination. The bill would allow the department to assess the costs of bringing a civil or administrative action against a defendant or respondent, including attorneys' fees, and would allow a prevailing defendant or respondent to claim from the department the costs incurred in defending, or responding to, the action, upon the making of a specified finding. The bill would authorize the department to seek restitution for moneys illegally paid from the fund The bill would authorize the department to assess civil penalties, in a specified amount, on distributors and beverage manufacturers which make underpayments or late payments of the redemption value or on beverage manufacturers who fail to pay processing fees. The bill would authorize the department to assess a civil penalty of up to $10,000 upon any person, operation, or entity, which redeems, or attempts to redeem, previously redeemed beverage containers. The bill would require the court to enforce the department's enforcement orders in a specified manner, thereby imposing a state-mandated local program by creating new duties on local agencies.

The bill would make an appropriation, since the penalties imposed by the bill would be deposited in the fund.

(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.

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

Ch. 1070 (AB 381) Costa. Public water systems: fluoride levels.

Existing law requires the State Department of Health Services to adopt recommended public health levels for contaminants in drinking water, and to adopt primary drinking water standards for contaminants found in drinking water.

Existing law authorizes the department to exempt any public water system from any maximum contaminant level or treatment technique requirement for a period not to exceed 3 years if specified conditions are met. Also, in the absence of substantial community opposition, existing law requires the department to grant the Big Bear City Community Services District, the Twenty-nine Palms Water District, or the Kinneola Irrigation District, upon request of the district, a variance to exceed the maximum fluoride contaminant level contained in Title 22 of the California Code of Regulations for a period of up to 30 years, but restricts them to prescribed limits, and authorizes withdrawal of the variance if the department determines that the community no longer accepts the fluoride level authorized by the variance

This bill would delete existing provisions relating to granting the specified districts a variance from the maximum fluoride contaminant level, and would instead require the department, at the request of the Board of Directors of the Big Bear City Community Services District, or the Twenty-nine Palms Water District, or the Kinneola Irrigation District, or the Riverdale Public Utility District, in the absence of substantial community opposition, and if the variance does not pose an unreasonable risk to health, to grant the district a variance from the primary drinking water standard adopted by the department for fluoride for a period of up to 30 years, if specified conditions are met, but would restrict the district to prescribed limits. This bill would require the department to review the variance at least every 5 years, and would authorize the department to withdraw the variance if the department determines the community served by the district no longer accepts the fluoride level authorized in the variance.

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

Ch. 1071 (AB 410) Moore. Common carriers: industrial relations.

Existing law requires every private employer to secure the payment of workers' compensation by obtaining insurance or becoming self-insured. Where an employer fails to secure these payments, the Director of Industrial Relations is required to issue a stop order prohibiting the use of labor by the employer and to assess monetary penalties, as specified. Existing law requires the director to pay an award for workers' compensation from the Uninsured Employers Fund to any employee entitled thereto.

This bill would require, whenever a stop order has been issued to a highway common carrier, highway permit carrier, household goods carrier, cement contract carrier, passenger stage corporation, charter-party carrier of passengers, cement carrier, or household goods carrier, subject to the jurisdiction and control of the Public Utilities Commission, the director to transmit the stop order to the Public Utilities Commission within 30 days.

The bill would authorize, whenever a final judgment has been entered against a specified carrier as a result of an award of workers' compensation has been paid to an employee, the director to transmit a copy of the judgment to the commission and the name and address of any regulated entity and any persons, corporations, or other entities named therein which are jointly and severally liable for the debt to the State Treasury, and request that the commission immediately revoke the carrier's certificate of public convenience and necessity or permit. The bill would also require the commission, upon receipt of a complaint from the director, or after a hearing regarding the complaint if so requested, to revoke the operating authority of the entity or carrier 30 days from the date notice to corporation is mailed, unless the judgment is satisfied or discharged in bankruptcy. The bill would also prohibit the commission from issuing or transferring any certificate to any person or corporation against whom a final judgment has been entered and whose name has been transmitted to the commission pursuant to the bill, unless the judgment has been satisfied or discharged in bankruptcy. The bill would require the director to inform the commission within 7 days of any repayment of the debt by the carrier. The bill would also, generally, authorize the executive director of the commission to release to the Director of Industrial Relations any information concerning entities under its jurisdiction relevant to the enforcement of workers' compensation laws of this state.

The bill would appropriate the sum of $90,000 from specified sources to the commission for purposes of the bill.

Ch. 1072 (AB 423) O'Connell. Mobilehome parks: citation procedure.

(1) 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 which has assumed responsibility for enforcement of the 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 in accordance with a specified citation procedure.

This bill would alter the procedure to require the department or local enforcement agency to issue and serve specified notices of violation on the owners or operators of mobilehome parks as well as on the responsible persons, as defined. Because of the new procedures it would require of local enforcement agencies, this bill would constitute a state-mandated local program. The bill would authorize local enforcement agencies, at their sole discretion, to determine not to issue a notice of violation if the condition does not constitute a danger to life, limb, health, or safety.

(2) Existing law, operative prior to January 1, 1991, and to be operative again on January 1, 1996, sets specified fees relating to annual operating permits with regard to incidental camping areas of mobilehome parks. These fees are to be paid to the Department of Housing and Community Development and deposited in the continuously appropriated Mobilehome Parks Revolving Fund.

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This bill would change the operative date of this provision to January 1, 1997, 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 specified reasons.

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

Ch 1073 (AB 476) Costa. Hazardous waste fees and taxes: cities and counties.

Existing law allows a general law city or county to impose a license tax of up to a specified amount on the operation of a hazardous waste facility which was operating as of May 1, 1981. Existing law allows a city or county to impose a tax, for general purposes, or a user fee, on the operation of an offsite, multiuser hazardous waste facility located within the jurisdiction of the city or county.

This bill would prohibit a state agency from including the expenditures of revenues received by a city or county pursuant to these provisions in calculating the level of financial support that a city or county is required to maintain under any other provision of law, including expenditures for trial courts and funding for health services, but excluding allocations from the Highway Users Tax Fund.

Ch 1074 (AB 492) Campbell. Law enforcement: instructional technology.

Under existing law, the Commission on Peace Officer Standards and Training is responsible for developing and implementing programs to increase the effectiveness of law enforcement. The commission is required to adopt rules establishing minimum standards relating to physical, mental, and moral fitness governing the recruitment of specified peace officers.

This bill would require the commission to establish a learning technology laboratory to conduct pilot projects with regard to needed facilities and otherwise implement modern instructional technology to improve the effectiveness of law enforcement training, as specified. These pilot projects would terminate on or before January 1, 1995, unless funding is provided for the project continuation.

The bill would require the commission to develop an implementation plan for the acquisition of law enforcement facilities and technology, including specified items

This bill would require the commission to report to the Legislature on or before January 1, 1995, as to the status and effectiveness of the pilot projects.

The bill would only become operative upon the appropriation of funds for the purposes of the bill by the Legislature in the Budget Act of 1992.

Ch. 1075 (AB 524) Bronzan. Health facility reporting

Under existing law, the Health Data and Advisory Council Consolidation Act, every organization that operates, conducts, or maintains a health facility is required to make and file with the Office of Statewide Health Planning and Development specified financial reports. Under the act, hospitals, as defined, are required to file a hospital discharge abstract data record containing specified patient data, including, but not limited to, patient social security number if it is contained in the patient record, admission date, principal diagnosis, principal procedure and date, discharge date, and disposition of patient.

Under the act, the commission is required to, among other things, advise the office regarding the ongoing need to collect and report health facility data and on the format of individual health facility reports.

This bill would require the commission to advise the office regarding the ongoing need to collect and report health facility and other provider data. This bill would require the commission, in consultation with a 12-member technical advisory committee appointed for this purpose, to submit its recommendations to the office by January 1, 1993, regarding the data elements necessary for the production of risk-adjusted outcome reports as required by this bill.

This bill would declare that the recommendations should take into consideration the

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technical feasibility of developing reliable risk-adjustment factors. The bill would require the technical advisory committee to engage in a continuing process of data development and refinement applicable to both current and prospective outcome studies.

This bill would require the technical advisory committee to identify a limited set of core clinical data elements to be collected for all of the added procedures, conditions, and unique clinical variables necessary for risk adjustment of specific conditions and procedures selected for the outcomes report program.

This bill would require the office, commencing July 1993, and annually thereafter, to publish reports of "risk-adjusted outcomes," as defined, pursuant to a specified schedule, criteria, and groupings.

The bill would require the office to furnish a preliminary report to each hospital prior to the public release of the annual reports, and to allow the hospital and chief of staff 60 days to review the outcome scores and compare the scores to other California hospitals. The bill would authorize a hospital or its chief of staff to submit a statement to the office, within the 60 days, explaining why the outcomes do not accurately reflect the quality of care provided by the hospital. The bill would require the statement to be included in an appendix of the public report, and would require a notation that the hospital or its chief of staff has submitted a statement to be displayed, as specified.

This bill would require the office to provide hospitals, in addition to these reports, a report containing additional detailed information, as specified.

This bill would require the office to report, commencing July 1, 1992, and annually thereafter, its recommendations to the Legislature for outcome reports, and for undertaking specified projects, including, but not limited to, linking of patient discharge abstract record to state death registers and hospital readmission records, and addition of the admitting physician and surgeon's name or license number to the discharge abstract record.

The bill would require the office to fund the reports, preliminary findings, and computer disks with funds appropriated to the office from the California Health Data and Planning Fund. This bill would appropriate $670,000 to the office from the California Health Data and Planning Fund to cover the reasonable costs of the office in performing those duties.

Ch. 1076 (AB 552) Farr Program for middle school options for the 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 voluntary program wherein the Santa Cruz High School attendance area provides fiscal incentives to elementary school districts that participate in a consortium with the Santa Cruz High School District to provide middle school enrollment options to all pupils in grades 7 and 8. Participation would be limited to the Scotts Valley Union Elementary School District and the Soquel Union Elementary School District. The bill would require that 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 a middle school or a junior high school.

This bill would also require participating districts to provide evidence to the Superintendent of Public Instruction that funds allocated pursuant to the bill will be used only for pupils in grades 7 and 8.

This bill would prohibit a 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 funding for pupils participating in the enrollment option pursuant to these provisions be credited to the elementary school district of residence and that the average daily attendance of pupils attending the high school district be credited to the Santa Cruz High School District, for purposes of determining state apportionments and revenue limits.

This bill would require the Superintendent of Public Instruction annually to compute

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and allocate an amount in addition to the revenue limit for each participating elementary school district.

This bill would make a legislative finding and declaration of unique circumstances.

Ch. 1077 (AB 559) Polanco. Campaign committees: ballot measures.

Provisions of the Political Reform Act of 1974 require campaign committees formed or existing primarily to support or oppose the qualification of a ballot measure to file a campaign statement 21 days after any petitions to qualify the measure are filed, or 21 days after the deadline for filing the petitions, whichever is earlier.

This bill would require these committees to file the campaign statement 21 days after the deadline for filing the petitions.

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 incorporate additional changes to Section 84200.5 of the Government Code proposed by SB 397 to become operative only if both bills are enacted and become effective on January 1, 1992, and this bill is chaptered after SB 397 is chaptered.

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

Ch. 1078 (AB 560) Polanco. Campaign contribution account: exemption.

Existing provisions of the Political Reform Act of 1974 require an individual who intends to be a candidate for elective office to file a statement of intention to be a candidate for a specific office prior to soliciting or receiving any contribution or loan.

This bill would exclude from the definition of a contribution or loan any payments from the candidate's personal funds for a candidate filing fee or a candidate statement of qualifications fee.

Existing provisions of the Political Reform Act of 1974 require any individual who files a statement of intention to be a candidate for elective office to establish one campaign contribution account at an office of a financial institution in the state, requires all contributions or loans made to the candidate to be deposited in the account, and requires all campaign expenditures to be made from the account.

This bill would exempt from these requirements any candidate who will not receive contributions and who makes expenditures from personal funds of less than $1,000 in a calendar year to support his or her candidacy, except as specified It would also permit a candidate to make payment for the candidate filing fee and statement of qualifications directly from his or her personal funds.

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. 1079 (AB 580) Statham. Prisons: matching funds waiver.

Under existing law, the required county matching funds of 25% under the County Correctional Facility Capital Expenditure Bond Act of 1986 and the County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988 before funds are available for expenditure for county correctional and juvenile facilities, are waived as to the County of Butte.

This bill would expressly specify that these bond funds shall be expended to satisfy the 25% matching funds requirement under the above bond acts for either soft or hard match expenditure items which would otherwise be required from the County of Butte before these bond funds are available for expenditure for county correctional and juvenile facilities.

However, the bill would specify that bond funds identified for expenditure for juvenile facilities, as specified, shall not be used to satisfy the 25% matching funds requirement.

The bill also would specify that, notwithstanding the authorizations in these provi-

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sions, the bond funds used to satisfy the 25% matching funds requirement could only be used to pay certain costs, as specified.

However, the bill would expressly specify that funds shall not be used to construct facilities that the county is not able to safely staff and operate.

Ch. 1080 (AB 587) Lancaster. Insurers: investments.

Existing law limits the investments that may be made by insurers. Existing law authorizes any domestic incorporated life insurer having admitted assets of a specified amount to invest in, for purposes of bona fide hedging transactions, the purchase and sale of exchange traded options on stock indices, stock index futures contracts, or options on stock index futures contracts.

This bill would similarly authorize any domestic incorporated casualty insurer having admitted assets of a specified amount to invest in, for purposes of bona fide hedging transactions, the purchase and sale of exchange traded options on stock indices, stock index futures contracts, or options on stock index futures contracts, as specified The Insurance Commissioner would be required to collect specified fees which would be deposited in the continuously appropriated Insurance Fund, thereby resulting in an appropriation.

Ch 1081 (AB 622) Bane. Corporations: interindemnity agreements.

Existing law authorizes the creation of an unincorporated interindemnity or reciprocal or interinsurance contract, between members of a cooperative corporation whose members consist only of physicians and surgeons which contracts indemnify solely in respect to medical malpractice claims against members, and which do not collect in advance of loss any moneys other than contributions by each member to a collective reserve trust fund or for necessary expenses of administration. Under existing law, that arrangement is not generally subject to regulation under the Insurance Code, but the Commissioner of Corporations is authorized to investigate the arrangement and to bring court actions to enforce compliance with law.

This bill would provide that the cost of any review, examination, audit, or investigation made by the commissioner shall be paid to the commissioner by the person subject to the review, examination, audit, or investigation, as specified, and the commissioner may maintain an action for the recovery of these costs in any court of competent jurisdiction.

Existing law prohibits the sale of securities in California unless they are qualified or exempted from qualification requirements. Under existing law, any shares or memberships issued by any cooperative corporation are exempt from qualification requirements if certain requirements are met.

This bill would provide that the exemption for cooperative corporations does not apply to shares or memberships issued by a cooperative corporation organized to facilitate the creation of a physician and surgeon interindemnity arrangement of the type described above.

Existing law requires an interindemnity agreement or contract of the sort discussed above to provide for an average initial contribution of not less than $20,000 per participating member.

This bill would require the average contribution to the trust fund to continue at all times to be not less than $20,000 per participating member unless the interindemnity arrangement is qualified to admit members, as specified. It would also require the initial minimum reserve trust fund to be established by contributions from at least 500 members.

The bill would specify that the members of the board of directors are fiduciaries, and would impose signature requirements for withdrawals The bill would revise mailing requirements relating to voting to require first-class rather than certified mail.

Existing law provides for the withdrawal of members in various circumstances, including retirement after age 65 years.

This bill would permit the board of trustees to reduce the age to 55 years.

This bill would provide that no officer, director, trustee, or member of the interindemnity arrangement or the cooperative corporation, or any entity in which that person has a material financial interest, shall enter into any transaction or contract with the trust

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unless the material facts as to the transaction or contract and as to the interest of the person are fully disclosed to the participating members, and the transaction or contract is approved by an affirmative vote of at least 75% of the membership.

The bill would require services provided to the trust pursuant to a delegated contractual arrangement to be embodied in a written contract, to be disclosed annually.

The bill would require an interindemnity arrangement to immediately forward to the Commissioner of Corporations a current list of participating members, upon request of the commissioner.

Ch. 1082 (AB 631) Peace. Bank and corporation tax: suspension: failure to file return.

The existing Bank and Corporation Tax Law requires that every taxpayer subject to the tax imposed file a return, as specified, at the close of its income year. It also requires that certain taxpayers file specified returns including information returns, amended returns reporting specified federal changes or corrections, and returns by exempt organizations reporting unrelated business taxable income.

Existing law provides that, except for limited activities as specified, the corporate powers, rights, and privileges of a domestic corporation may be suspended, and the exercise of the corporate powers, rights, and privileges of a foreign taxpayer in this state may be forfeited, if a taxpayer fails to file a return.

This bill would limit the suspension or forfeiture of the corporate powers, rights, and privileges to the case of a taxpayer subject to the tax imposed who fails to file a specified required return at the close of its income year. It would also repeal the provisions that authorize the forfeiture or suspension of the corporate powers, rights, and privileges of a taxpayer that derives income from sources in this state but is not doing business in this state.

Existing law provides that a contract with a foreign corporate taxpayer not qualified to do business without a corporate account number from the Franchise Tax Board that fails to file a return, as required, is voidable under specified circumstances. It provides that the period in which a contract is voidable commences on the first day of the income year for which the taxpayer has failed to file a return or pay taxes, whichever is later, and ending on the later of the date the taxpayer qualified to do business in this state or the date the taxpayer obtained a corporate account number from the Franchise Tax Board.

This bill would, instead, provide that the period in which a contract is voidable commences on the first day of the income year for which the taxpayer has failed to file a return and ending on the earlier of the date the taxpayer qualified to do business in this state or the date the taxpayer obtained a corporate account number from the Franchise Tax Board

Existing law provides that a contract with a corporate taxpayer that fails to respond to certain requests from the Franchise Tax Board within 60 days of receiving the written demand is voidable under specified circumstances. It provides that the period during which a contract is voidable commences at the end of the 60-day period and ends on the date the taxpayer files the return or statement, or satisfies the liability to the Franchise Tax Board, as specified.

This bill would provide instead that the period in which a contract is voidable ends on the date relief from the voidability provisions is granted by the Franchise Tax Board, as specified, or the date the taxpayer qualifies to do business in this state.

Existing law requires, upon issuance of the certificate of revivor, that the Franchise Tax Board transmit the taxpayer's name and corporate number to the Secretary of State. It provides that information and the fact that taxpayer's powers, rights, and privileges have been revived is a matter of public record.

This bill would, in addition, provide that if the Franchise Tax Board determines that a suspension or forfeiture was in error by the Franchise Tax Board, the taxpayer's status is to be restored, retroactive to the date of the suspension or forfeiture, as if there had been no suspension or forfeiture. It would include that conclusion as part of the public record.

This bill would make other related technical changes, and would provide that the

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provisions of the bill are to be applicable with respect to income years beginning on and after January 1, 1991.

This bill would incorporate additional changes in Section 23301 of the Revenue and Taxation Code proposed by SB 720, to be operative only if SB 720 and this bill are chaptered and become operative January 1, 1992, and this bill is chaptered last.

This bill would incorporate additional changes in Section 23304.1 of the Revenue and Taxation Code proposed by SB 426, to be operative only if SB 426 and this bill are chaptered and become operative on or before January 1, 1992, and this bill is chaptered last.

Ch. 1083 (AB 643) Wright. Santa Barbara County process; Los Angeles County: courthouse construction.

(1) Existing law provides that the sheriff shall serve all process and notices in the manner prescribed by law.

This bill would provide that in Santa Barbara County, the board of supervisors may, by ordinance or resolution, transfer from the sheriff to the marshal of the Santa Barbara County Municipal Courts, the duty to serve all writs, notices, and other process issued by any state court or other competent authority. The bill would provide that, after adoption of such an ordinance or resolution, the marshal shall have this duty, and the sheriff shall be relieved of any obligation and liability in this regard.

This bill would state that these provisions constitute necessary special legislation.

(2) Existing law authorizes the collection in Los Angeles County of specified parking surcharges, and specified assessments on fines, penalties, and forfeitures imposed by the courts for criminal offenses including Vehicle Code violations and violations of ordinances adopted pursuant to the Vehicle Code, except specified parking offenses, to be deposited in the Robbins Courthouse Construction Fund. Existing law also specifies a framework for the expenditure of moneys from this fund or borrowed against the fund for courtroom construction in Los Angeles County, and requires that construction shall be within specified statistical areas, judicial districts, and communities, before further construction may begin.

This bill would revise the requirements for courthouse construction in the North Hollywood Redevelopment Project Area of the City of Los Angeles and the Santa Monica Judicial District, and would add the Long Beach Judicial District to a priority category.

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

Ch. 1084 (AB 715) Wright Hazardous waste· transportation

(1) Existing law requires the Department of the California Highway Patrol to conduct an annual inspection of specified vehicles used to transport hazardous waste, including any container used to transport hazardous waste. Existing law prohibits any person from transporting hazardous waste in certain vehicles or containers, except as specified, which have not been inspected by the Department of the California Highway Patrol. Existing law specifies the procedure for the denial, suspension, or revocation of a permit, registration, or certificate, including the registration of a hazardous waste hauler, and authorizes the Department of Toxic Substances Control to temporarily suspend any permit, registration, or certificate, if the department determines that the action is necessary to prevent or mitigate an imminent and substantial danger to public health or safety or the environment, pursuant to a specified procedure.

This bill would define various terms, including revising the term "container," and would additionally prohibit, until January 1, 1995, the transportation of hazardous waste in a rolloff bin which has not been inspected, certified, and maintained in compliance with the requirements imposed by the bill, thereby imposing a state-mandated local program by creating a new crime. The bill would authorize a hazardous waste transporter to apply, in writing, to the Department of Toxic Substances Control for authorization to annually inspect and self-certify rolloff bins owned by the hazardous waste transporter. The department would be required to issue a certificate of compliance to each transporter who submits a properly completed application and specified fees, and the transporter would be required to affix the certificate to the rolloff bin in a specified

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manner. The bill would specify the requirements for inspection, maintenance, and recordkeeping for a hazardous waste transporter who is issued a certificate of compliance pursuant to these provisions.

The bill would require the employees of the Department of the California Highway Patrol or the Department of Toxic Substances Control to make a random inspection of 25% of the rolloff bins in the state used to transport hazardous waste and would authorize these employees to remove the certificate of compliance on any rolloff bin which fails this inspection. The bill would authorize specified civil penalties to be imposed for a rolloff bin which violates the provisions regulating hazardous waste transporters and would require the Department of Toxic Substances Control to immediately revoke the self-certification authorization of a person violating these provisions for a second time.

The bill would, notwithstanding specified provisions, authorize the Department of Toxic Substances Control to immediately suspend the registration of a hazardous waste transporter for one year who violates the rolloff bin requirements, and would require the department to deny, suspend, or revoke the registration of any hazardous waste transporter to prevent or mitigate an imminent and substantial danger to the public health and the environment.

The changes which the bill would make would be repealed on January 1, 1995, unless a later enacted statute deletes or extends that date, except the bill would continue in effect the revised definition of container after that date.

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

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

Ch. 1085 (AB 719) Wright. Solid wastes: notification.

Existing law requires local agencies which do not directly charge residential households a fee for the collection, transportation, and disposal of solid waste and local agencies which directly charge residential customers a fee which represents less than 90% of the average cost of collecting, transporting, and disposing of residential solid waste, to arrange to inform all residential households of specified information at least once every 3 months.

This bill would permit that notification to be made by publication in a newspaper of general circulation, not more than twice in any calendar year, in the county in which the local agency is located.

Ch. 1086 (AB 984) Isenberg. Water: fees.

(1) Under existing law, the Department of Water Resources is authorized to design, construct, operate, and maintain various water development facilities. Existing law requires an application for a new dam, reservoir, or enlargement, as defined, to state the estimated cost of the dam, reservoir, or enlargement and to be accompanied by a filing fee based on a specified schedule. Existing law also requires the payment of an annual fee based on the height of the dam.

This bill would revise the filing fee schedule and the annual fees.

(2) Existing law requires that the money collected as fees and charges pursuant to prescribed provisions relating to the regulation of dams and reservoirs be paid into the State Treasury immediately after the department has made a prescribed certification.

This bill would require that the money be used by the department, upon appropriation, to carry out those provisions

(3) The bill would appropriate $1,100,000 to the department for the 1991–92 fiscal year to carry out those specified provisions relating to the regulation of dams and reservoirs.

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

Ch. 1087 (AB 1451) Hannigan. Bank and corporation taxes: banks and financial corporations: in-lieu rate

The existing California Constitution requires, unless otherwise provided by the Legislature, that taxes on state and national banks be in lieu of all other taxes and licenses,

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except as specified.

The existing Bank and Corporation Tax Law imposes a tax upon banks and a tax upon financial corporations at a specified rate of the total amount of net income allocable to this state. Under that law, the tax imposed on banks and financial corporations is in lieu of all other state, county, and municipal taxes and licenses, except as specified.

Existing law provides that the tax rate on banks and financial corporations is the lesser of 11.7% or the sum of the tax rate on general corporations and the "in-lieu" rate, as defined. It defines the "in-lieu" rate of tax as a specified formulary fraction.

This bill would change the in-lieu rate of tax to a different formulary fraction or 1 3%, whichever is greater, for income years ending after 1991 and before December 1, 1995. It would require the rate of tax for banks and financial corporations for income years beginning on or after December 1, 1995, to be the sum of the tax rate on general corporations plus 2%.

This bill would also make clarifying and conforming changes to those provisions.

This bill would take effect immediately as a tax levy.

Ch. 1088 (AB 1476) Eastin. Solid waste landfills: inspection and enforcement.

Existing law requires the State Water Resources Control Board to expend funds apportioned to it from the Solid Waste Disposal Site Cleanup and Maintenance Account in the Integrated Waste Management Fund for the inspection of solid waste landfills, enforcement of the landfills solid waste facilities permits, and enforcement of waste discharge requirements by regional water quality control boards.

This bill would, instead, require the state water board to expend those funds for support of solid waste landfill permit inspection and enforcement programs related to landfills in accordance with an interagency agreement with the California Integrated Waste Management Board.

Ch. 1089 (AB 1477) Areias. Credit cards and negotiable instruments: identification.

(1) Existing law prohibits, with limited exceptions, any person accepting a negotiable instrument as payment for goods or services from, among other things, requiring as a condition of acceptance that the person paying with the negotiable instrument provide a credit card as a means of identification, or for any other purpose, and from recording the credit card number. Existing law, however, permits a merchant to request that a purchaser display a credit card as an indicia of creditworthiness or financial responsibility, or as an additional identification, provided the credit card number is not recorded.

This bill would provide that the above provisions apply only to retail transactions, and would recast the definition of credit card for the purposes of these provisions. It would clarify that a retailer may request, but not require, a purchaser to voluntarily display a credit card for the purposes described above, as long as the number is not recorded, and would clarify that a retailer may require and record the purchaser's name, address, and telephone number. The bill would require retailers that request display of a credit card to inform customers that displaying a credit card is not required for check writing, either by posting a prescribed notice or by training and requiring clerks to so inform customers. The bill would also make related and conforming changes.

(2) Existing law prohibits, with certain exceptions, any person, firm, partnership, association, or corporation which accepts credit cards, from requiring as a condition of acceptance of a credit card, that the cardholder write or provide personal identification information for notation on the credit card transaction form or otherwise. Personal identification information is defined to include the cardholder's address and telephone number.

This bill would provide that the merchant in such a transaction may neither request personal identification information, nor require that information as a condition to acceptance of the card, for purposes of notation. It would specify that the merchant may require reasonable forms of identification, including a driver's license, provided that no information contained thereon is recorded on the credit card transaction form or otherwise. This bill would also make related and conforming changes.

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

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Ch. 1090 (AB 1484) Committee on Judiciary (as presented by Assembly Member Connelly on behalf of the Committee). Courts.

(1) Existing law specifies a statutory form for a power of attorney.

This bill would revise the contents of that form.

(2) Existing law sets various time limits for certain procedural steps in the conduct of civil actions.

This bill would revise the time limits for serving a defendant with respect to an application for a writ of attachment, for making a motion to set aside a default judgment, for responding to a complaint following a motion to transfer, and for conducting various discovery procedures

(3) Existing law provides for the satisfaction of a writ of execution, as specified.

This bill would authorize the clerk of a municipal or justice court to enter a writ of execution on a money judgment as wholly satisfied when the only amount uncollected is a minimal amount of interest, as specified.

(4) Existing law sets forth the procedure for judicial review of certain local agency decisions.

This bill would revise those procedures.

(5) Existing law provides for the retention and destruction of court exhibits and depositions in civil actions.

This bill would expand those provisions to include administrative records introduced into evidence in civil actions, thereby imposing a state-mandated local program by changing the duties of court clerks

(6) Existing law specifies the persons to whom subpoenaed records should be delivered.

This bill would change a section cross-reference with respect to those requirements.

(7) Existing law specifies the fee for filing the bond of a notary public.

This bill would make that fee applicable, as well, to canceling, revoking, or withdrawing the bond of a notary public, and would provide for the collection of the recording fee in those instances by the court clerk, thereby imposing a state-mandated local program by changing the duties of court clerks.

(8) Existing law requires a county auditor to file a copy of his or her report on specified audits with the district attorney as well as the board of supervisors.

This bill would require a copy of such a report to be filed with the district attorney only if it discloses fraud or gross negligence

(9) Existing law requires the district attorney to concur with a report by a county auditor regarding a shortage in a county account, in order for the board of supervisors to be authorized to cover the shortage out of the general fund of the county.

This bill would delete the requirement for the concurrence of the district attorney.

(10) Existing law specifies the standards for the maintenance of photocopies or electronic copies of superior court records.

This bill would revise those standards, thereby imposing a state-mandated local program by changing the duties of superior court clerks.

(11) Existing law requires a specified annual report by superior court reporters in San Diego County.

This bill would delete that requirement

(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. 1091 (AB 1487) Committee on Judiciary (as presented by Assembly Member Horcher on behalf of the Committee) Maintenance of the codes.

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes.

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This bill would restate existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 1991 and would not make any substantive change in the law.

Ch. 1092 (AB 1496) Murray. Confidential communication.

Under existing law, with certain exceptions, confidential communications between a patient and a physician, or between a patient and a psychotherapist, are privileged. Present exceptions do not include a coroner's formal inquest or other inquiry.

This bill would specify a procedure by which the coroner could enforce a subpoena duces tecum for records of confidential communications of a decedent subject to the physician-patient privilege or psychotherapist-patient privilege, when sought by a coroner for the purpose of inquiry into, and determination of, the circumstances, manner, and cause of violent, sudden, unusual, or other specified causes and circumstances of death or when sought by a coroner for the sole purpose of being introduced as evidence at a coroner's inquest proceeding. Under this procedure, written communications and records would be subject to screening by the presiding judge of the superior court for relevance. The bill would prohibit the coroner from distributing or making available to any other person or entity these confidential communications, except as used in evidence at an inquest. The bill would also require the court to order the records sealed following the investigation or inquest.

Ch 1093 (AB 1502) Wyman. Child and spousal support enforcement: district attorneys.

Existing law provides that the district attorney shall be exempt from the payment of any fees or costs, including filing fees, in an action or proceeding brought for the establishment or enforcement of a child or spousal support obligation. The district attorney may, pursuant to a plan of cooperation, agree to reimburse a county for clerical and administrative costs in excess of the amount which is normally offset by a filing fee.

This bill would delete the limitation on reimbursement of costs to those amounts in excess of the amounts which are normally offset by filing fees and authorize the district attorney to agree to reimburse a county for direct costs but not including any amount which is payable as a filing fee.

Ch. 1094 (AB 1777) Bronzan Health loan insurance.

Under the existing California Health Facility Construction Loan Insurance Law, the Office of Statewide Health Planning and Development is authorized to insure construction, improvement, and expansion loans for health facilities, as defined. The program is funded by the Health Facility Construction Loan Insurance Fund, which is continuously appropriated Existing law limits the principal obligation of the loans to not in excess of 90% of the total construction cost, except where the borrower is a political subdivision.

This bill would provide that any loan in the amount of $5,000,000 or less may be insured up to 95% of the total construction cost, thereby making an appropriation by authorizing an additional expenditure from a continuously appropriated fund.

This bill would enact the Community Health Center Facilities Loan Insurance Law.

The bill would expressly provide that loans in the amount of $5,000,000 or less for a community health center facility, as defined, may be insured up to 95% of the total construction costs.

The bill would permit community health center facilities applying for any loan insurance under the California Health Facility Construction Loan Insurance Law to use existing equity to meet specified equity requirements.

This bill would make certain provisions of the California Health Facility Construction Loan Insurance Law applicable to certain residential or nonresidential alcoholism or drug abuse recovery or treatment programs or facilities and certain facilities that provide organized or prescribed activities and services to persons with functional impairments.

By expanding the class of facilities that would be authorized to obtain loans under that law, this bill would constitute an appropriation by authorizing an additional expenditure from a continuously appropriated fund.

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Ch. 1095 (AB 1790) Elder. PERS disability retirement determinations: state safety members.

The existing Public Employees' Retirement Law requires the Board of Administration of PERS to make the determinations with respect to disability retirement applications of state members.

This bill would require the board to make those determinations within 3 months of receiving all the information required to make a determination for disability retirement on an application of state peace officer/firefighter members, state patrol members, and state safety members.

This bill would not become operative unless and until the Department of Finance or the Legislature authorizes augmentation of the PERS budget to include 3 additional permanent, full-time positions.

Ch. 1096 (AB 1873) Bentley. Strong-Motion Instrumentation Program.

(1) Existing law establishes the Strong-Motion Instrumentation Program, and requires cities and counties to collect building permit fees, as specified, except cities and counties that have adopted an ordinance requiring installation of accelerographs in structures, under specified conditions.

This bill would repeal that exception, thereby imposing a state-mandated local program.

(2) Under existing law, fees deposited in the Strong-Motion Instrumentation Special Fund are continuously appropriated to the Division of Mines and Geology in the Department of Conservation for purposes of the Strong-Motion Instrumentation Program

This bill would require the first $50,000 derived from the fees and charges received from dam owners pursuant to the dam safety program of the Department of Water Resources to be deposited in the fund to be used for the instrumentation of dams, thereby making an appropriation. The provision would become operative only if AB 984 is enacted and amends specified sections of the Water Code.

(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. 1097 (AB 2002) Horcher. Shorthand reporters.

Existing law governs the certification of shorthand reporters and establishes the Certified Shorthand Reporters Board. Existing law also establishes the Transcript Reimbursement Fund for the purpose of reimbursing the costs incurred by low-income litigants for shorthand reporting services.

This bill would:

(1) Provide that all certificates shall expire on the last day of the month of birth of the licensee unless renewed, instead of on April 30 of each year as provided under existing law.

(2) Provide that gross negligence or incompetency in practice are grounds for discipline or denial of certification, instead of gross incompetency as provided under existing law.

(3) Provide additional grounds for discipline or denial of certification, including physical or mental incapacity to perform the duties of a reporter, and inability to perform those duties because of abuse of chemical substances or alcohol, and provide that for purposes of determining the existence of these grounds, the board may require an applicant or licensee to submit to a physical or mental examination by a licensed physician. The bill would also provide for a hearing, as specified, for an applicant or licensee who was denied a license or had his or her license suspended pursuant to these grounds.

(4) Provide that a court reporter school is a court reporter training program or an institution which provides a course of instruction approved by the board, and which is approved by the Council for Private Postsecondary and Vocational Education, is a public school in this state, or is accredited by the Western Association of Schools and Colleges,

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instead of the court reporter training program of any department or institution, public or private, as provided under existing law.

(5) Provide that persons appearing pro se to represent themselves in a legal proceeding may not apply for reimbursement under the Transcript Reimbursement Fund.

(6) Require the board to prescribe an application form for reimbursement from the Transcript Reimbursement Fund.

(7) Change the delinquency fee for late renewal of a certificate, from no greater than $20 as provided under existing law, to 50% of the renewal fee but not less than $25 nor more than $150.

An existing provision, effective until June 30, 1996, sets forth a schedule of fees which are required under these provisions. Another provision, operative on June 30, 1996, changes this fee structure and lowers some of the fees.

This bill would amend the provision which is operative on June 30, 1996, to conform to the provision effective until June 30, 1996. Because the fees raised by this bill would be deposited in the Shorthand Reporters' Fund, which is continuously appropriated, this bill would constitute an appropriation measure.

The bill also makes related and technical changes.

Ch. 1098 (AB 2017) Kelley. Water: unauthorized diversion or use.

Under existing law, the State Water Resources Control Board may, during years declared to be critical by the Department of Water Resources, impose administrative civil liability upon a person or entity for the unauthorized diversion or use of water, which is a trespass. In those proceedings, the complaint is required to notify the person served that a hearing will be conducted within 60 days. The person may waive the right to a hearing, in which case the board is not required to conduct a hearing.

This bill would delete the requirement that administrative civil liability may be imposed only during years declared to be critical by the department The bill would require the complaint to notify the person served that the party may request a hearing. The bill would reduce the time within which a hearing is to be conducted to within 20 days after the party has been served, and would delete the provision relating to the right of a party to waive the hearing.

Ch. 1099 (AB 2021) Polanco. Dogs and cats.

(1) Existing law contains several requirements applicable to "retail dealers," as defined, of dogs and cats, and provides that those provisions shall not apply to publicly operated pounds and humane societies.

This bill would, instead, similarly define "pet dealers" of dogs and cats making these provisions applicable to "pet dealers," and would exclude from this definition breeders of dogs, as specified.

(2) Existing law requires every retail dealer receiving dogs or cats from a common carrier to transport, or have transported, dogs and cats from the carrier's premises within 6 business hours after receipt of notification by the carrier of the arrival.

This bill would require the transport from the carrier's premises within 4 hours.

(3) Existing law requires all dogs or cats received by a retail dealer to, prior to being placed with other dogs or cats, be examined for sickness.

This bill would prohibit the dog from being offered for sale by a pet dealer until the dog has been examined by a veterinarian licensed in this state.

This bill also would require a pet dealer to have each dog examined by a veterinarian licensed in this state within 5 days of receiving the animal and once every 15 days thereafter while the animal is in the possession of the dealer, to provide any sick dog with proper veterinary care without delay, to have any dog found to be afflicted with a contagious or infectious disease caged separately from healthy dogs until the time that a licensed veterinarian determines that the dog is free from contagion or infection, and to isolate in an area separated from the area of healthy dogs any dog diagnosed as suffering from a contagious or infectious disease, illness, or condition, as prescribed. The bill further would require a veterinarian to humanely euthanize an animal if the veterinarian deems an animal to be unfit for purchase due to a disease, illness, or congenital condition which is fatal or which causes, or is likely to cause, the dog to unduly suffer,

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or may surrender the dog to a consenting humane organization, as prescribed.

(4) The bill would prescribe certain conditions to be provided by pet dealers, including, but not limited to, the maintenance of facilities in which the dogs are kept in a sanitary condition, the provision of adequate nutrition and potable water, the provision of adequate space, the provision of adequate socialization, as defined, and the maintenance of a prescribed fire alarm or suppression system. The bill also would prohibit a pet dealer from being in possession of a dog which is less than 8 weeks old.

The bill would require that, if a licensed veterinarian states in writing that within 15 days after the purchaser has taken physical possession of a dog following the sale by a pet dealer, a dog has become ill of any illness or disease which existed in the dog on or before the date of delivery of the dog to the purchaser, or, if within one year after the purchaser has taken physical possession of a dog after the sale by a pet dealer, a licensed veterinarian states in writing that the dog has a congenital or hereditary condition which adversely affects the health of the dog, or which requires, or is likely in the future to require, hospitalization or nonelective surgical procedures, as defined, the dog is to be considered unfit for sale, and the pet dealer is to provide the purchaser with certain remedies which the purchaser would elect, as prescribed. The bill would provide similar remedies if the dog dies, regardless of the date of death, if a veterinarian, licensed in this state, states in writing that the dog has died due to an illness or disease which existed within 15 days after the purchaser obtained physical possession of the dog after the sale by a pet dealer, or states that the dog has died due to a congenital or hereditary condition which was diagnosed by the veterinarian within one year after the purchaser obtained physical possession of the dog after the sale by a pet dealer. The bill also would require every pet dealer that sells a dog to provide the purchaser at the time of the sale with a written notice of certain rights, as prescribed.

(5) Existing law requires every retail dealer to deliver to the purchaser of each dog and cat at the time of sale a written statement containing certain information.

This bill would require that this statement by a pet dealer, for the sale of cats, add information to be included in the statement, including, the breeder's and broker's name and address, if known, the date the dealer received the cat, and any information relating to worming treatments administered to the cat.

This bill would, for the sale of dogs, require that this statement be written and oral, would add information to be included in the statement, including breeder's name and address if known, the breeder's name, address, and federal identification number if licensed by the USDA, the date of birth of the dog, the breed, sex, color, identifying markings, and age of the dog, the date on which the pet dealer took possession of the dog, the individual identification tag, tattoo, or collar number of the dog if the dog is from a USDA licensed source, for dogs sold as being capable of registration, the names and registration numbers of the sire or dam and the litter number if known, a record of the medical treatment, and a disclosure relating to the health condition of the dog, as specified.

(6) Existing law requires every retail dealer to maintain a written record on each dog and cat received by him or her, which is required to contain certain information

This bill would require every pet dealer to maintain for a period of not less than one year after disposition of the dog or cat a written record on the health status and disposition of each dog or cat, and would also require the record to contain other prescribed information. The bill also would require those records to be available to humane officers, animal control officers, and law enforcement officers for inspection during normal business hours.

(7) Existing law requires any person violating the above and related provisions relating to the retail sales of dogs and cats to be subject to a civil penalty not to exceed $250, and permits an action for recovery of the penalty to be prosecuted by a district attorney, as prescribed.

This bill would increase the penalty amount to $1,000 per violation, except for specified violations relating to knowingly selling a dog which is diseased or ill or has a condition, any one of which requires hospitalization or nonelective surgical procedures, and also would permit a city attorney to prosecute an action for recovery of the penalty,

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as prescribed.

(8) Existing law, in lieu of the $250 civil penalty, requires any retail dealer who knowingly sells a dog which is diseased, ill, or has a condition any one of which requires hospitalization or surgical procedures to be subject to a civil penalty of up to $1,000, and permits an action for recovery of the penalty to be prosecuted by a district attorney, as prescribed.

This bill would increase the penalty amount to from $1,000 or a 30 days' prohibition from selling dogs, or both, for the first offense, to $10,000 or a one-year prohibition from selling dogs, or both, for the fourth and subsequent offense in a 5-year period, as specified, and also would permit a city attorney to prosecute an action for recovery of the penalty, as prescribed.

(9) Existing law requires every retail dealer, upon request, to make immediately available to prospective purchasers certain information on every dog offered for sale.

This bill would require additional information to be made available, including, but not limited to, the breeder's name and address, if known, the sex and color of the dog, the breed of the dog, a record of any known disease or sickness afflicting the dog at any time while in the possession of the pet dealer, and a notice of rights, as specified.

Existing law requires every pet dealer to post conspicuously within close proximity to the cages of dogs offered for sale, a notice indicating that information relating to the source of the dogs and veterinary treatments received by the dogs is available for review, as specified.

This bill would, also, require that the notice state that persons are entitled to a copy of a statement of consumer rights.

(10) This bill would provide that nothing in these provisions limits the rights or remedies otherwise available to the consumer nor limits agreements between the pet dealer and the purchaser, but would make any agreements which waive the purchaser's rights under these provisions null and void.

(11) This bill would enact provisions similar to provisions (4) to (8), inclusive, and (10), above, relating to dogs, applicable to dog breeders, as defined.

(12) This bill would prohibit a pet dealer from stating, promising, or representing to the purchaser directly or indirectly, that the dog is registerable or capable of being registered with an animal pedigree registry organization, unless the pet dealer provides the purchaser with the documents necessary for that registration within 120 days following the date of sale, and would entitle the purchaser to specified remedies if the dealer fails to provide the required documents.

Ch. 1100 (AB 2022) Costa. Correctional facilities.

Existing law requires, among other things, that a custodial officer, correctional officer, or person providing security at a parole violator facility, within 180 days following the date of the officer's or person's initial assignment to that position, satisfactorily complete the jail operations course prescribed by the Board of Corrections pursuant to specified provisions.

This bill, instead, would require a custodial officer, correctional officer, or person providing security at a parole violator facility, within one year following the date of that officer's or person's initial assignment to that position, to have satisfactorily met the minimum selection and training standards prescribed by the Board of Corrections.

Existing law also defines a custodial officer under specified provisions as a public officer, not a peace officer, employed by a law enforcement agency of a county having a population of 425,000 or less who has specified authority and responsibility, including, but not limited to, the authority to make warrantless arrests, as specified, only during the duration of his or her job.

This bill would, in addition, include within this definition of a custodial officer, a public officer, not a peace officer, employed by a law enforcement agency of San Diego or Fresno County.

Existing law authorizes the Director of Corrections to enter into a long-term agreement not to exceed 20 years with a city, county, or city and county to place parole violators in a facility which is especially designed and built for the incarceration of parole violators and state prison inmates.

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Existing law also prohibits a parole violator or other inmate from being confined in these facilities if the person has been convicted of a violent felony, as defined, or other specified offenses.

This bill, instead, would provide that the above provision applies if the person has been convicted within the last 10 years of a violent felony, as defined, or other specified offenses.

This bill would also make technical, nonsubstantive changes to these provisions of existing law.

Existing law, until January 1, 1992, also sets forth specified provisions governing the peace officers who may provide security at these and other special facilities.

This bill would delete the January 1, 1992, repeal date in these provisions, thereby extending them indefinitely. In addition, the bill would make technical, nonsubstantive changes to these provisions of existing law.

Existing law defines correctional personnel to include parole and probation officers and any class of persons who perform supervision, custody, care, or treatment functions and are employed by, among others, the Department of Corrections, the Department of the Youth Authority, or any correctional or detention facility.

This bill, in addition, would include within this definition correctional officers and custodial officers, as defined.

Existing law requires the Board of Corrections for the purpose of raising the level of competence of local corrections and probation officers to adopt rules establishing minimum standards for the selection and training of these officers employed by the city, county, or city and county.

This bill would, in addition, provide that the above requirement would be for the purpose of raising the level of competence of other correctional personnel employed by any city, county, or city and county who provide for the custody, supervision, treatment, or rehabilitation of persons accused of, or adjudged responsible for, criminal or delinquent conduct who are currently under local jurisdiction.

Existing law authorizes the establishment of substance abuse community correctional detention centers to be operated locally in order to manage specified offenders. Custody in these facilities which are secure is to be provided by peace officers who have completed the minimum standards for the training of local correctional peace officers established under specified provisions.

This bill, instead, would more specifically provide that the custody in these facilities which are secure would be provided by peace officers who are sheriffs, undersheriffs, or deputy sheriffs, as specified, police officers, as specified, marshals or deputy marshals, as defined, constables or deputy constables, port wardens or special officers of the Harbor Department, inspectors or investigators, as specified, or correctional or custodial officers, as defined.

Ch. 1101 (AB 2025) Cannella. Milk and dairy products. marketing and stabilization.

(1) Existing law regulates the marketing of milk and dairy products and provides for civil and criminal penalties for violating these provisions.

Existing law requires the contracts for the purchase of manufactured milk and market milk to require that payment be made for approximately ½ of the milk delivered in any calendar month not later than the 1st day of the following month and the remainder not later than the 15th day of that month.

This bill would revise this provision to require, with prescribed exceptions, that the payment be made for the amount of milk delivered during the 1st 15 days of any calendar month not later than the 1st day of the next following month and for the amount delivered during the remainder of the month not later than the 15th day of the next following month. The bill would provide for the payment schedule of milk delivered as a single transaction between the producer and handler.

(2) Existing law requires a handler who does not pay for the milk delivered at the time or in the manner specified in the contract to pay the producer a specified interest on the unpaid balance.

This bill would, if there is no contract or a delivery was made as a single transaction

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between the producer and handler, require a handler who does not pay for the milk when due, to pay the Director of Food and Agriculture that specified interest on the unpaid balance, as prescribed.

(3) Under existing law, the director is authorized to require handlers to make specified reports for the operation of the milk equalization pool under prescribed provisions.

This bill would authorize the director to impose and collect a prescribed civil penalty from a handler or a cooperative association acting as a handler that does not file this report on the date specified by the director.

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

This bill would impose a state-mandated local program by creating new crimes.

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

Ch. 1102 (AB 2232) Areias. Schools: child abuse complaint process information.

Existing law, namely the Child Abuse and Neglect Reporting Act, 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 make specific findings and declarations concerning the Child Abuse and Neglect Reporting Act. The bill would declare the intent of the Legislature that parents and guardians of school pupils be informed on how to recognize and report child abuse. The bill further would declare the intent of the Legislature that child protective agencies comply with the requirements of the Child Abuse and Neglect Reporting Act to investigate and report on any complaint of child abuse against a school employee by school pupils or their parents or guardians.

This bill would require the State Department of Education to adopt guidelines that describe procedures for the filing of child abuse complaints by parents or guardians, as specified. The bill also would require the governing boards of school districts and county offices of education to disseminate those guidelines concerning child abuse to parents and guardians in the primary language of those parents or guardians, thereby creating a state-mandated local program.

This bill would require a child protective agency that receives a child abuse complaint from a parent or guardian, as specified, to investigate that complaint and to send a substantiated report, as defined, to the governing board of the appropriate school district or county office of education, thereby creating a state-mandated local program. The bill also would require that governing board to follow existing specified statutory procedures relating to the placement of information in the personnel file of a school employee.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 1103 (SB 148) Davis. Vehicles.

(1) Existing law authorizes, until January 1, 1993, a county, by resolution of its board of supervisors, to establish a Misdemeanor and Traffic Violation Pilot Project providing 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, that the person issued a citation be advised verbally and in writing of the nature of the violation, and the procedures relative to additional civil assessments, as prescribed. The written notice is required to be signed by the person and constitutes prima facie proof of service.

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The procedures also require that the person be mailed an additional notice containing the amount of bail or fine, a form, as prescribed, upon which the person may disclose financial inability to pay the bail or fine and requesting a payment schedule to be arranged, and information regarding appearance in court.

This bill would delete the requirement that the person issued a citation be advised verbally of the nature of the violation and the procedures relative to additional civil assessments. The bill would also delete the provisions that require the written notice to be signed by the person and make that notice prima facie proof of service, and the requirement that the person be mailed the additional notice. The bill would, instead, require the court, if the person fails to appear, to advise the person in writing of the nature of the violation and the procedures relative to additional civil assessments

(2) Existing law requires the driver of a vehicle involved in an accident which results in damage to any property, including vehicles, at the scene of the accident, to present his or her driver's license and vehicle registration to the other driver or property owner, or leave a written notice which contains that specified information.

This bill, in addition, would require that driver to present evidence of financial responsibility, as prescribed, and would require, if a traffic or police officer is present at the scene of the accident and a police report is made, that each driver involved in that accident exchange information regarding driver's licenses, current residence addresses, vehicle registrations, and evidence of financial responsibility, unless rendered incapable

The bill would require the Department of Motor Vehicles to publish those reporting requirements in any driver's manual issued by the department on and after July 1, 1992.

Since a failure to present or exchange that information would be a misdemeanor and a willful noncompliance, as specified, would be an infraction, the bill would impose a state-mandated local program by expanding the scope of an existing crime and creating a new crime.

(3) Existing law requires, among other things, a driver of any vehicle involved in an accident resulting in injury to or death of any person to give specified information to the person involved in the accident, the occupants of the vehicle, or any traffic or police officer. Failure to comply with that requirement constitutes a crime, as specified.

This bill would include current residence addresses within the category of information which is required to be given and would require that information to be given to the traffic or police officer, in addition to the injured party or occupant. Thus, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 1104 (SB 170) Mello. 1992 World Exposition

This bill would appropriate $300,000 from the California Unitary Fund to the Business, Transportation and Housing Agency, a portion of which would be used to secure exhibit space at the 1992 World Exposition in Seville, Spain. The bill would exempt contracts entered into with specified foreign vendors pursuant to the bill and appropriations for the purchase of goods and services outside the United States for the 1992 World Exposition from specified provisions of the State Contract Act.

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

Ch. 1105 (SB 369) Robbins. California Health Insurance Guaranty Association.

Existing law provides for the liquidation of insurers in a proceeding by the Insurance Commissioner in certain circumstances. Existing law provides for the allowance of claims in a certain order of preference, with claims of the California Insurance Guarantee Association being given a 5th preference.

This bill would also give a 5th preference to claims by the Robbins-Seastrand Health Insurance Guaranty Association and would make related changes in provisions currently applicable to the California Insurance Guarantee Association.

Existing law provides for the establishment of the Robbins-Seastrand California

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Health Insurance Guaranty Association to protect persons covered by certain health insurance policies and contracts in the case of the failure of insurers to pay claims under health and supplemental policies or contracts due to insolvency or impairment, as specified. Disability insurers, among others, but not nonprofit hospital service plans, health care service plans, and fraternal benefit societies, among others, are required to organize the association, subject to the approval and supervision of the Insurance Commissioner.

This bill makes technical and corrective changes in the Robbins-Seastrand Health Insurance Guaranty Association Act, as specified. It would also delete a provision that authorized members of the Robbins-Seastrand California Health Insurance Guaranty Association to consider the association's assessments in determining premium rates

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

Ch. 1106 (SB 487) Bergeson Solid waste: Local Government Technical Advisory Committee.

(1) Under existing law, the California Integrated Waste Management Board is required to administer the California Integrated Waste Management Act of 1989. Existing law provides for the Source Reduction Advisory Committee to make specified recommendations to the board relating to source reduction.

This bill would create the Local Government Technical Advisory Committee in the board, whose members would be appointed, as specified, by the Governor, the Senate Committee on Rules, and the Speaker of the Assembly for terms of 2 years The bill would specify the duties of the advisory committee and would require the board to provide staff to assist the advisory committee.

Each member would be required to file a disclosure statement with the Fair Political Practices Commission. A member who participates in making any recommendation to the board if the member has an interest in any private solid waste enterprise, or who fails to file a statement, would be subject to a civil penalty of up to $1,000.

These provisions would remain operative until January 1, 1995, or until the operative date of any amendments to a specified provision requiring the appointment to the board of a representative of local government, whichever occurs earlier The provision would be repealed on January 1, 1995.

(2) Under existing law, until July 1, 1997, the board is authorized, 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, for the purpose of assisting the board and local agencies in complying with specified requirements for city or county recycling and resource recovery elements and promotion of the implementation of source reduction, recycling, and composting, environmentally safe transformation, and environmentally safe land disposal The board is authorized to establish and collect loan application fees for the loans.

This bill would instead provide for the fee to be set at a level to fund the board's cost of processing applications for loans, would require the board to establish a schedule of fees or points to fund administration of the revolving loan program, and would additionally authorize the board to fund administration of the program from the Integrated Waste Management Account upon appropriation in the Budget Act, if there are not sufficient funds in the Recycling Market Development Revolving Loan Account.

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

Ch. 1107 (SB 511) C. Green. Highways: soundwall projects: local funding: priority.

Existing law prescribes the procedures for ranking the priority for soundwall projects on freeways. The Department of Transportation is required, consistent with available funding, to include in its proposed state transportation improvement program, a program for the construction of soundwalls beginning with the highest priority. If a city or county constructs a freeway soundwall pursuant to specified criteria prior to the time that project would achieve priority for state funding, the department is required to reimburse the city or county when the funding priority is reached

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This bill would require that any soundwall project included for the first time in the state transportation improvement program (STIP) in 1992 or in subsequent years for which a city or county contributes at least 33% of the estimated cost, be given priority over all other soundwall projects included in that STIP for the first time, and would require, if 2 or more projects each qualify for that highest priority, that the relative ranking between the 2 projects is to be determined on the basis of their relative ranking prior to being accelerated.

The bill would also require the department to reimburse any public agency using public funds, in addition to a city or county, which constructs a freeway soundwall prior to its achieving priority for state funding.

Ch. 1108 (SB 623) Ayala. Public employees: annual leave: county retirement.

(1) Existing law provides that upon separation from service a state officer or employee eligible for annual leave is entitled to a lump-sum payment at the time of separation for any unused or accumulated annual leave.

This bill would authorize those persons when applying for retirement to elect to take all or any portion of that annual leave rather than accept the lump-sum payment on or prior to the effective date of retirement and would provide that their retirement under the Public Employees' Retirement System would not become effective until the expiration of their annual leave.

(2) The Public Employees' Medical and Hospital Care Act authorizes contracts with health benefit plans for employees offered by employee organizations.

This bill would permit the board of administration to rebate funds to active employers from those health benefit plans to make rebates in order to limit employee out-of-pocket health contributions during the 1991–92 contract year.

(3) The County Employees Retirement Law of 1937 contains various alternative benefit provisions which may be selected by various counties.

This bill would authorize county boards of retirement to determine the period of time required to make installment payments by members who have transferred benefit plans. The bill would state the intent of the Legislature respecting the administration of optional defined contribution plans. This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(4) The County Employees Retirement Law of 1937, in provisions applicable only to Los Angeles County, requires employees hired, and persons becoming eligible for membership in the county retirement system, on or after January 1, 1991, to elect, subject to specified time limitations and procedures, coverage by Retirement Plan E or Plan D.

This bill would revise those time limitations and procedures for employees hired, and persons becoming eligible for membership in that county retirement system, on or after January 1, 1992. Any resulting costs to the employer would constitute state-mandated local 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.

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. 1109 (SB 672) Davis. Crimes: grand juries.

Existing law provides that in counties of specified populations, the presiding judge of the superior court may order and direct the impanelment of one additional grand jury in certain circumstances.

This bill would provide that in any county having a population of more than 370,000 but less than 400,000 as established by a specified provision of law, the presiding judge of the superior court, upon application by the district attorney, may order and direct the drawing and impanelment at any time of one additional grand jury, as specified.

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Ch. 1110 (SB 682) Mello. Improvement districts.

(1) Existing law permits a local public agency, in addition to the powers granted to the agency in its principal act, to impose certain charges for services and facilities by ordinance adopted by the agency's legislative body.

This bill would add storm drainage to the purposes for which this authority may be exercised.

(2) 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.

This bill would authorize a district to, in addition, operate traffic system and demand management programs. The bill would also authorize a district to finance the construction or undergrounding of water transmission and distribution facilities. The bill would expressly authorize a district to finance the acquisition, improvement, rehabilitation, or maintenance of real or other tangible property for flood and storm protection services and would declare that this is not a change in the law, but declaratory of existing law. The bill would also authorize tax revenues to be used to make lease or debt service payments on district facilities.

Existing law requires that at least 12 registered voters reside within the territory for 90 days prior to the close of the protest hearing and that a ⅔ favorable vote is required to levy a special tax to finance certain services and facilities.

This bill would remove that requirement with respect to the levying of a special tax to finance parks, parkways, museums, and cultural facilities.

Under existing law, all or any part of the cost of any school facilities financed by a community facilities district may be shared by the State Allocation Board as specified. Existing law requires a district, if the board shares in that cost, to take one of several actions, including reducing the amount of bonds authorized to be issued by the district, reducing the amount or duration of any special tax which is levied within the district.

This bill would require a district, if the board shares in that cost, to take one of those actions in an amount to reflect the reduced funding needs resulting from the amount that the board contributes to the project

Existing law permits the legislative body of a community facilities district to annex territory to the district which is not contiguous to territory of the existing district

This bill would also permit the annexation of territory outside the territorial limits of the agency which formed the district under specified conditions.

Existing law does not permit a resolution of annexation of a community facilities district to govern annexation of identified territory in the future.

This bill would establish a procedure for this purpose.

Existing law permits the legislative body of a community facilities district to transfer moneys to the district or to a zone within the district, for the benefit of the district or zone, from any funds available to the legislative body.

This bill would, instead, permit that legislative body to transfer moneys to the district or to an improvement area within the district, for the benefit of the district or improvement area, from any of those funds

Existing law requires that after a hearing on changes in a special tax the legislative body of the district may abandon the proceedings or submit the question of levying a new special tax or revising a special tax or changing the types of facilities and services to be financed to the electors.

This bill would permit, when the question of levying a special tax appears on the same ballot as the question of annexation of the same territory to a school district, the effectiveness of each ballot measure to be made contingent on the passage of the other The bill would also require the legislative body, after the canvass of any election, to determine whether the changes or a new special tax have full legal effect and to record notice of the changes, as specified. The bill would also require the legislative body to prepare a map showing annexations to the district.

This bill would also specify that for purposes of voting on propositions relating to the levy of a special tax, the incurring of bonded indebtedness, or to establish or change an appropriations limit, certain election provisions of existing law governing the imposition

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of a special tax apply.

Existing law permits the legislative body of a district, upon the adoption by the voters of a proposition incurring bonded indebtedness, to provide for the investment of any bond proceeds and other revenues.

This bill would also permit the legislative body to provide for payment to the United States of excess investment earnings required to be rebated by federal law.

The bill would provide that the bond indenture or other bond documents may require the legislative body to notify the underwriter if specified events occur which may affect the market value of outstanding bonds.

Existing law permits a district, when bonds are outstanding, to order that any delinquent special taxes levied for the payment of bonds be collected by an action in superior court to foreclose the lien of special tax.

This bill would permit the collection of all special taxes, interest, penalties, costs, fees, and other charges that are delinquent in that foreclosure action.

This bill would revise notice requirements for bond redemption.

Existing law requires the proceedings for the establishment of a community facilities district to be instituted by the adoption of a resolution of intention which states, among other things, the description of the boundaries of the territory proposed for inclusion in the district.

This bill would require those boundaries to include the entirety of any parcel subject to taxation by the proposed district.

Existing law permits the legislative body of a district to commence and diligently pursue any foreclosure action regarding delinquent installments of any amount levied as a special tax

This bill would permit the legislative body to employ a trustee to commence and diligently pursue those actions.

Existing law authorizes the legislative bodies of 2 or more local agencies, or community facilities districts, or any combination of these, to enter into a joint community facilities agreement, as specified, or a joint powers agreement.

This bill would restrict this authorization to the legislative bodies of 2 or more local agencies, and, as to time, to any time prior to the adoption of a resolution of formation of a district.

The bill would permit the Mello-Roos Community Facilities Act of 1982, in effect at the time of certain pending proceedings, to apply instead of the bill's provisions, under a specified procedure.

(3) Under the Parking and Business Improvement Area Law of 1989, a parking and business improvement area may be formed to levy benefit assessments on businesses within the area for the purpose of providing specified improvements and activities.

This bill would authorize the levying of assessments under the act for the additional purpose of financing public programs to promote tourism within the area. The bill would make other changes in procedures prescribed by the act. This authorization for cities to form a parking and business improvement area for the purpose of promoting tourism would impose a state-mandated local program since assessments would be collected by the county in the same manner as taxes.

(4) This bill would make other technical, nonsubstantive changes to existing law.

(5) This bill would incorporate changes to Section 5471 of the Health and Safety Code proposed by AB 1875, which would become operative only if both bills are enacted and this bill is enacted last.

This bill would incorporate changes to Section 53313.5 of the Government Code proposed by SB 410, which would become operative only if both bills are enacted and this bill is enacted last.

This bill would incorporate changes to Section 53356 of the Government Code proposed by SB 485, which would become operative only if both bills are enacted and this bill is enacted last.

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

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

Ch. 1111 (SB 689) McCorquodale. GAIN: pilot program.

Under existing law, employment, training, and supportive services are provided to recipients of Aid to Families with Dependent Children assistance through the Greater Avenue for Independence (GAIN) program, which is administered by the State Department of Social Services through county welfare departments, and funded in part by the federal government.

This bill would revise various provisions regarding the submission of county plans and program budget proposals under the GAIN program, the displacement of current employees by GAIN participants, and the appeals process for participants not satisfied with a decision regarding a GAIN work assignment. In addition, the bill would require the department to provide for a grievance process, to consist of specified components, for regular employees and their representatives who wish to file a complaint in regard to the employee displacement provisions under the GAIN program.

This bill would also require the department to establish a 3-year pilot program in Napa, San Diego, Santa Clara, and Stanislaus Counties which would permit each participating county to waive or modify certain state requirements and design its own GAIN program, which may contain specified components, within federal requirements It would require the department to approve county plans and process waivers in sufficient time to enable county implementation by July 1, 1992.

This bill would require pilot counties to conduct evaluations of the program and report annually to the Legislature beginning July 1, 1993.

Ch. 1112 (SB 787) Presley. Children: children's services.

(1) Existing law sets forth the procedures for licensing foster family homes by the county welfare department.

This bill would require the department to ensure that the county licensing staff or placement agency conduct one or more home interviews with prospective foster parents as part of the licensing procedure, and that no license would be issued unless a home interview has been conducted.

By requiring a new duty of counties implementing these provisions, this bill would impose a state-mandated local program.

(2) Existing law requires county welfare department staff to provide or arrange for family reunification services in order to reunite a child separated from his or her parent because of abuse, neglect, or exploitation, and family maintenance services in order to maintain the child in his or her home.

This bill would require each agency or entity, except for a community college, which offers a parenting course as part of a family maintenance effort or family reunification effort for a parent or parents of a child who has been adjudicated or is in the process of being adjudicated a dependent child of the court for reasons of, among other things, abuse and neglect, or whose family is participating in a voluntary family maintenance program, to meet specified requirements.

This bill would require, as of July 1, 1992, organizations which receive state funding for the purpose of providing parenting classes to meet these requirements as a condition of receiving state funding

This bill would impose a state-mandated local program since a higher level of service would be required of local agencies implementing its 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.

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Ch. 1113 (SB 826) Maddy. Horseracing: parimutuel pool.

(1) Existing law requires that 126 days after the close of any thoroughbred, harness, or quarter horse meetings, 90% of the redistributable money in a parimutuel pool from unclaimed tickets be distributed, in a prescribed manner, to the California Horse Racing Board to support research on matters relating to horseracing and racetrack security, for deposit in the General Fund, and to a welfare fund established by the horsemen's organization. Existing law requires that 140 days after the close of any horseracing meeting, any remaining redistributable money is to be distributed equally between the board and the horsemen's welfare fund.

Under existing law, notwithstanding the above provisions, the state is required to receive as additional license fees, 50% of any redistributable money in a parimutuel pool arising from wagers at a satellite wagering facility in the central or southern zone, but not successfully claimed within a specified period

Under existing law, the above provisions will be repealed on January 1, 1993.

This bill would continue those existing provisions beyond January 1, 1993, by deleting the repeal date.

(2) Existing law authorizes the formation of organizations to represent a majority of the horsemen with respect to particular breeds of horses and provides that those organizations may receive certain distributions of funds under the Horse Racing Law.

This bill, until January 1, 1993, would authorize the organization that represents thoroughbred horsemen to elect to contribute purses from one race annually to a welfare fund.

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

Ch. 1114 (SB 899) Boatwright. Family counselors: interns and trainees.

Existing law provides for the licensure and regulation of marriage, family, and child counselors. The provisions are administered and enforced by the Board of Behavioral Science Examiners

Existing law requires an applicant for licensure as a marriage, family, and child counselor to have obtained 3,000 hours of supervised experience, which may be earned as a trainee enrolled in a master's or doctor's degree program and as an intern, who has earned the qualifying master's or doctor's degree.

Under existing law, the applicant must obtain the 3,000 hours of experience within 6 years immediately preceding the date of filing the application for licensure, except as provided. At least 1,500 hours experience must have been obtained as an intern. Also, existing law requires that an intern register with the board once every year for not more than 6 years.

Existing law permits those persons who were granted 6-year intern registrations prior to January 1, 1983, that had expired prior to the completion of the experience requirements for licensure to continue intern registration status and continue to gain hours of experience in all allowable work settings, except private practice, through December 31, 1989

This bill would, instead, permit interns to annually apply to the board to extend their registration beyond the 6-year maximum and would permit the board to grant an extension as long as the intern meets the educational requirements in effect at the time of the application for extension and no grounds exist for its denial, suspension, or revocation. It would permit an intern who is granted an extension to work in all allowable work settings. It would add similar provisions for those interns whose registration expired on or after December 31, 1989, and who applies for an extension on or before January 1, 1993.

This bill would limit the number of extensions to 3 times.

In addition to requiring interns to be registered with the board while obtaining experience, existing law requires those persons who enrolled in a qualifying degree program on or after January 1, 1990, to register with the board within 90 days of the date of enrollment, or prior to the commencement of gaining trainee hours of experience.

This bill would only require those persons who enroll on or after January 1, 1990, to register with the board prior to the commencement of gaining trainee hours of experience.

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Under existing law, there is a continuously appropriated Behavioral Science Examiners Fund into which revenues received pursuant to the law regulating marriage, family, and child counselors are deposited, including annual renewal fees for persons whose registration as an intern expires.

By expanding the period during which these renewal fees could be paid, this bill could increase the revenues available in the fund, thereby making an appropriation.

Ch. 1115 (SB 977) Keene. Oil spills: small craft marinas.

Under existing law, for purposes of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, a marine facility includes, except as specified, any facility of any kind, other than a vessel, which is or was used for the purposes of exploring for, drilling for, producing, storing, handling, transferring, processing, refining, or transporting oil and is located in marine waters, or is located where a discharge could impact marine waters.

This bill would exclude a facility placed on a small craft marina, as specified, which does not exceed 20,000 gallons in a single storage tank, from the definition of marine facility.

Ch. 1116 (SB 1076) Killea. Senior health insurance.

Existing law specifically regulates disability insurance policies and certificates offered for sale to individuals age 65 years or older in California by providing that there must be a 30-day examination period, a comparison with existing health coverage, by prohibiting the unnecessary replacement of senior health insurance policies, and the sale of policies that would result in coverage for more than 100% of actual medical expenses, and by otherwise regulating those policies.

However, these provisions do not apply to Medicare supplement insurance or to long-term care insurance.

This bill would also exempt employer provided disability insurance, certain travel insurance, blanket disability insurance, credit disability insurance, accidental death insurance, certain disability policies sold through direct response, and disability income, as specified, from this regulation. It would provide that certain requirements do not apply to transportation ticket policies and baggage insurance until December 31, 1993.

Existing law requires brokers, agents, or other entities offering a policy or certificate of disability insurance to persons age 65 years or older to provide a comparison with existing health coverage.

This bill would provide that the comparison of disability insurance policies and certificates offered for sale to individuals age 65 years or older in California shall be in writing, and would authorize the adoption of a standard comparison form by the Insurance Commissioner.

Existing law prohibits insurers, brokers, and agents from causing an insured aged 65 years or older to replace a disability insurance policy unnecessarily. Existing law specifies that the prohibition prohibits replacement of insurance which results in a decrease of benefits and an increase in premium.

This bill would delete the latter specification. It would specifically prohibit insurers, brokers, and agents from causing or promoting the overloading of insurance coverage for an insured aged 65 years or older.

This bill would provide that insurance policies or certificates of senior health insurance shall return to policyholders or certificate holders benefits that have a minimum loss ratio of 60% for individual policies and 75% for group policies.

The bill would require sales of disability insurance to persons aged 65 years or older, including Medicare supplement and long-term care insurance, to be registered with the commissioner and would require specified filings to contain certain information. The bill would require the commissioner to adopt regulations, including a system of assessment of insurers for costs. Since the assessment would be deposited into the continuously appropriated Insurance Fund, this would result in an appropriation.

Ch. 1117 (SB 1109) Russell. Los Angeles County Waterworks District No. 4: Department of Corrections.

(1) Under existing law, the Antelope Valley-East Kern Water Agency is organized

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under a special act of the Legislature. Existing law authorizes the agency to supply and deliver water to specified entities. Under existing law, the Los Angeles County Waterworks District No 4 is a county waterworks district formed pursuant to the County Waterworks District Law.

This bill would require the Department of Corrections and the district to enter into a contract for the district to meet the operational needs of the California State Prison—Los Angeles County for water, to be supplied to the district by the Antelope Valley-East Kern Water Agency, thereby imposing a state-mandated local program. The bill would require the department to use that water as its primary source of water and to use the Antelope Valley groundwater basin only as a supplementary source of drinking water or as an emergency backup supply. The bill would exempt the contract entered into by the department and the district, and the delivery of water undertaken pursuant to that contract, from the California Environmental Quality Act.

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

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

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

Ch. 1118 (SB 1128) Lockyer. Dogs and cats.

(1) Existing law contains several requirements applicable to "retail dealers," as defined, of dogs and cats, and provides that those provisions shall not apply to publicly operated pounds and humane societies.

This bill would, instead, similarly define "pet dealers" of dogs and cats making these provisions applicable to "pet dealers," and would exclude from this definition breeders of dogs, as specified.

(2) Existing law requires every retail dealer receiving dogs or cats from a common carrier to transport, or have transported, dogs and cats from the carrier's premises within 6 business hours after receipt of notification by the carrier of the arrival.

This bill would require the transport from the carrier's premises within 4 hours

(3) Existing law requires all dogs or cats received by a retail dealer to, prior to being placed with other dogs or cats, be examined for sickness

This bill would prohibit the dog from being offered for sale by a pet dealer until the dog has been examined by a veterinarian licensed in this state.

This bill also would require a pet dealer to have each dog examined by a veterinarian licensed in this state within 5 days of receiving the animal and once every 15 days thereafter while the animal is in the possession of the dealer, to provide any sick dog with proper veterinary care without delay, to have any dog found to be afflicted with a contagious or infectious disease caged separately from healthy dogs until the time that a licensed veterinarian determines that the dog is free from contagion or infection, and to isolate in an area separated from the area of healthy dogs any dog diagnosed as suffering from a contagious or infectious disease, illness, or condition, as prescribed. The bill further would require a veterinarian to humanely euthanize an animal if the veterinarian deems an animal to be unfit for purchase due to a disease, illness, or congenital condition which is fatal or which causes, or is likely to cause, the dog to unduly suffer, or may surrender the dog to a consenting humane organization, as prescribed.

(4) The bill would prescribe certain conditions to be provided by pet dealers, including, but not limited to, the maintenance of facilities in which the dogs are kept in a sanitary condition, the provision of adequate nutrition and potable water, the provision of adequate space, the provision of adequate socialization, as defined, and the maintenance of a prescribed fire alarm or suppression system. The bill also would prohibit a pet dealer from being in possession of a dog which is less than 8 weeks old.

The bill would require that, if a licensed veterinarian states in writing that within 15 days after the purchaser has taken physical possession of a dog following the sale by a pet dealer, a dog has become ill of any illness or disease which existed in the dog on or before the date of delivery of the dog to the purchaser, or, if within one year after the purchaser has taken physical possession of a dog after the sale by a pet dealer, a licensed

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veterinarian states in writing that the dog has a congenital or hereditary condition which adversely affects the health of the dog, or which requires, or is likely in the future to require, hospitalization or nonelective surgical procedures, as defined, the dog is to be considered unfit for sale, and the pet dealer is to provide the purchaser with certain remedies which the purchaser would elect, as prescribed. The bill would provide similar remedies if the dog dies, regardless of the date of death, if a veterinarian, licensed in this state, states in writing that the dog has died due to an illness or disease which existed within 15 days after the purchaser obtained physical possession of the dog after the sale by a pet dealer, or states that the dog has died due to a congenital or hereditary condition which was diagnosed by the veterinarian within one year after the purchaser obtained physical possession of the dog after the sale by a pet dealer. The bill also would require every pet dealer that sells a dog to provide the purchaser at the time of the sale with a written notice of certain rights, as prescribed.

(5) Existing law requires every retail dealer to deliver to the purchaser of each dog and cat at the time of sale a written statement containing certain information.

This bill would require that this statement by a pet dealer, for the sale of cats, add information to be included in the statement, including, the breeder's and broker's name and address, if known, the date the dealer received the cat, and any information relating to worming treatments administered to the cat.

This bill would, for the sale of dogs, require that this statement be written and oral, would add information to be included in the statement, including breeder's name and address if known, the breeder's name, address, and federal identification number if licensed by the USDA, the date of birth of the dog, the breed, sex, color, identifying markings, and age of the dog, the date on which the pet dealer took possession of the dog, the individual identification tag, tattoo, or collar number of the dog if the dog is from a USDA licensed source, for dogs sold as being capable of registration, the names and registration numbers of the sire or dam and the litter number if known, a record of the medical treatment, and a disclosure relating to the health condition of the dog, as specified.

(6) Existing law requires every retail dealer to maintain a written record on each dog and cat received by him or her, which is required to contain certain information.

This bill would require every pet dealer to maintain for a period of not less than one year after disposition of the dog or cat a written record on the health status and disposition of each dog or cat, and would also require the record to contain other prescribed information. The bill also would require those records to be available to humane officers, animal control officers; and law enforcement officers for inspection during normal business hours.

(7) Existing law requires any person violating the above and related provisions relating to the retail sales of dogs and cats to be subject to a civil penalty not to exceed $250, and permits an action for recovery of the penalty to be prosecuted by a district attorney, as prescribed.

This bill would increase the penalty amount to $1,000 per violation, except for specified violations relating to knowingly selling a dog which is diseased or ill or has a condition, any one of which requires hospitalization or nonelective surgical procedures, and also would permit a city attorney to prosecute an action for recovery of the penalty, as prescribed.

(8) Existing law, in lieu of the $250 civil penalty, requires any retail dealer who knowingly sells a dog which is diseased, ill, or has a condition any one of which requires hospitalization or surgical procedures to be subject to a civil penalty of up to $1,000, and permits an action for recovery of the penalty to be prosecuted by a district attorney, as prescribed.

This bill would increase the penalty amount to from $1,000 or a 30 days' prohibition from selling dogs, or both, for the first offense, to $10,000 or a one-year prohibition from selling dogs, or both, for the fourth and subsequent offense in a 5-year period, as specified, and also would permit a city attorney to prosecute an action for recovery of the penalty, as prescribed

(9) Existing law requires every retail dealer, upon request, to make immediately

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available to prospective purchasers certain information on every dog offered for sale.

This bill would require additional information to be made available, including, but not limited to, the breeder's name and address, if known, the sex and color of the dog, the breed of the dog, a record of any known disease or sickness afflicting the dog at any time while in the possession of the pet dealer, and a notice of rights, as specified.

Existing law requires every pet dealer to post conspicuously within close proximity to the cages of dogs offered for sale, a notice indicating that information relating to the source of the dogs and veterinary treatments received by the dogs is available for review, as specified.

This bill would, also, require that the notice state that persons are entitled to a copy of a statement of consumer rights.

(10) This bill would provide that nothing in these provisions limits the rights or remedies otherwise available to the consumer nor limits agreements between the pet dealer and the purchaser, but would make any agreements which waive the purchaser's rights under these provisions null and void.

(11) This bill would enact provisions similar to provisions (4) to (8), inclusive, and (10), above, relating to dogs, applicable to dog breeders, as defined.

(12) This bill would prohibit a pet dealer from stating, promising, or representing to the purchaser directly or indirectly, that the dog is registerable or capable of being registered with an animal pedigree registry organization, unless the pet dealer provides the purchaser with the documents necessary for that registration within 120 days following the date of sale, and would entitle the purchaser to specified remedies if the dealer fails to provide the required documents.

Ch. 1119 (SB 1189) Killea. Alternative birth centers: Medi-Cal reimbursement.

Under existing law, the State Department of Health Services, in administering the Medi-Cal program, is charged with a number of responsibilities designed to assure access to obstetrical care

This bill would require the department to adopt regulations providing Medi-Cal reimbursements to alternative birth centers. The bill would require a center to satisfy certain criteria in order to be eligible for reimbursement, and would require each alternative birth center awarded reimbursement to gather data and annually report outcome measures relating to the safety, cost-effectiveness, and patient acceptance of the center to the department which would make the report available, upon request, to the Legislature.

This bill would contain legislative findings regarding the need for the pilot project.

Ch. 1120 (SB 1197) Kopp. Crime: littering and dumping.

Under existing law, it is unlawful to dump or cause to be dumped any waste matter in or upon any public or private highway or road or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner or in or upon any public park or other public property other than property designated or set aside for that purpose by the governing board or body having charge of that property. Existing law also provides that it is unlawful to litter, as defined, or cause to be littered in or upon any public or private property and the violation of this provision is an infraction.

Under existing law, every person who litters or causes to be littered, or dumps or causes to be dumped, any waste matter into any specified body of water or upon a bank, beach, or shore, as specified, is guilty of a misdemeanor.

The bill would provide that a person who knowingly causes any hazardous substance, as defined, to be deposited into or upon any road, street, highway, alley, or railroad right-of-way, or upon the land of another without permission of the owner or into the waters of this state is punishable by imprisonment in the county jail for not more than one year or by imprisonment in the state prison for a term of 16 months, 2, or 3 years, or by a fine of not less than $50 nor more than $10,000, or by both the fine and imprisonment, except 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

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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. 1121 (SB 1206) Committee on Energy and Public Utilities. State facilities: energy conservation

Existing law authorizes the development of energy conservation and conservation measures and alternative energy supply sources for state agencies.

This bill would require the Department of General Services to develop a multiyear plan for cost-effective energy efficiency in state facilities. The bill would require the Department of General Services or each state agency having jurisdiction to ensure that all new state buildings are designed and constructed to meet specified energy efficiency standards.

Ch. 1122 (AB 604) Kelley. Hazardous waste fees and taxes: public agencies.

(1) Existing law prohibits public agencies from paying any fees for the performance of an official service, except that existing law exempts from this prohibition fees or charges paid pursuant to the laws regulating hazardous waste or the Carpenter-Presley-Tanner Hazardous Substance Account Act

Existing law imposes various fees upon persons handling hazardous waste Specifically, each person who disposes of hazardous waste is required to pay a fee for disposal of hazardous waste to land, for deposit in the Hazardous Substance Account. Existing law imposes a schedule of fees for various hazardous waste facilities permit applications, for deposit in the Hazardous Waste Control Account, and requires every generator of hazardous waste to pay, as prescribed, a surcharge, in specified amounts, for each generator site for each calendar year, for deposit in that account. Existing law requires each operator of a hazardous waste facility to pay to the State Board of Equalization a facility fee for each fiscal year, except as specified, and each generator of hazardous waste to pay to the board a fee for each generator site for each calendar year, and requires the board to assess a fee for persons requesting the classification of a waste, for deposit in the Hazardous Waste Control Account. Existing law exempts from the disposal and generator fees hazardous waste which results when a state or local agency, or its contractor, removes or remedies a release of hazardous waste caused by another person.

This bill would additionally exempt hazardous waste, which results when a local government agency, or its contractor, investigates, removes, or remedies a release caused by another person, from the permit and variance fees, the waste assessment fees, and the generator surcharge fee The bill would exempt from the facility fee a facility used solely to manage hazardous waste resulting when a government agency or its contractor investigates, removes, or remedies such a release. The bill would specify that the provision allowing hazardous waste fees to be imposed on public agencies does not apply to this exempted hazardous waste or exempted facilities.

The bill would require a government agency to send a copy of its extremely hazardous waste permit to the Department of Toxics Substances Control when the permit is used for emergency response activities, thereby imposing a state-mandated local program by imposing a new duty upon local agencies.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 1123 (SB 194) Torres. Hazardous substances: fees and taxes. liens.

(1) 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 of Toxic Substance Control prior to construction for a determination as to whether the land should be designated a hazardous waste property or a border zone property. Existing law requires the State Board of Equalization 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 Hazardous Waste Control Account in the General Fund.

Under existing law, the Hazardous Substances Tax Law specifies procedures for the collection of various fees and taxes related to the handling of hazardous waste and substances and prescribes specified criminal penalties for a violation of these provisions.

This bill would include the collection of this fee within the Hazardous Substances Tax Law, thereby imposing a state-mandated local program by creating a new crime. The bill would also define the term "feepayer" for purposes of this law and would make various changes concerning statutory references.

(2) 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, for deposit in the Hazardous Waste Control Account.

This bill would instead require, as of July 1, 1991, that the facility fee be paid for each reporting period and would make related changes. The bill would require an operator subject to the fee to pay the fee annually on the last day of the month following the calendar year, except that the operator would be required to make a prepayment by April 25 in the amount of the applicable fee for the months of January, February, and March. The bill would impose a state-mandated local program by creating new crimes concerning the payment of these fees.

(3) The Carpenter-Presley-Tanner Hazardous Substance Account Act provides for the recovery of costs incurred and payable from the Hazardous Substance Account or Hazardous Substance Cleanup Fund for remedial and removal actions to hazardous substance release sites Any party found liable for these costs is required to pay only for the portion of the costs attributable to that party's action, if the party establishes this attribution by a preponderance of the evidence, unless the trier of fact finds the evidence insufficient to establish each party's portion of the costs or expenditures. Any person who has incurred removal or remedial action costs in accordance with that act is authorized to seek contribution or indemnity from any other person who is liable under the act, as specified.

Under existing law, the money in the Hazardous Substance Account may be expended by the department, 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.

This bill would require a response action contractor who is found liable for these costs or expenditures to pay only for the portion of the costs or expenditures attributable to the response action contractor's actions, if the contractor establishes this attribution by a preponderance of the evidence, notwithstanding any other provision of the act. The bill would instead allow any person who has incurred removal or remedial action costs under the act, or under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, to seek recovery of these costs from any other person liable under the act, as specified. The bill would provide that any costs or damages incurred and payable from the account or fund by the department constitutes a claim and lien upon the real property owned by the responsible party which is subject to, or affected by, the removal and remedial action, as specified. The bill would require the funds recovered to be deposited in the Hazardous Substance Account, except as speci-

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fied, thereby making an appropriation.

(4) Existing law provides that a public entity, public safety employee, other specified public employees or officers, or a person authorized by a public agency is not liable for an injury or property damage caused by an act or omission taken by those persons acting within the scope of employment to abate or attempt to abate hazards reasonably believed to be an imminent peril to public health or safety, caused by the discharge, spill, or presence of a hazardous substance, unless the action taken was performed in bad faith or in a grossly negligent manner, as specified.

This bill would define the term "public agency" for purposes of this immunity to include the federal government to the extent permitted by law.

(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. 1124 (AB 304) Wright. Hazardous waste: small quantity generators: fees.

(1) Existing law requires the Department of Toxic Substances Control 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. A small quantity commercial source is defined as a business which generates less than a specified amount of hazardous waste per month. Existing law requires a local agency operating such a program, or any person operating a household hazardous waste collection program under an agreement with a public agency, to prohibit the acceptance of more than 50 kilograms of halogenated organic compounds per month from any one small quantity commercial source. The violation of any regulation, requirement, or standard concerning hazardous waste is a crime under existing law.

This bill would impose an additional eligibility requirement upon small quantity generators participating in a household hazardous waste program by requiring compliance with specified federal regulations concerning conditionally exempt small quantity generators, thereby imposing a state-mandated local program by creating a new crime. The bill would delete the limitation on the acceptance of halogenated organic compounds and would revise the definition of small quantity commercial sources to mean a business which generates less than 100 kilograms of household waste, as defined in specified federal regulations, or which meets criteria for conditionally exempt small quantity generators, as specified in federal regulations, or, if the hazardous waste is perchloroethylene, a business which generates less than 50 kilograms per month and meets the criteria set forth in specified federal regulations.

(2) Existing law directs the department, when issuing a hazardous waste facilities permit, to require corrective action for all releases at the facility from any solid or hazardous waste management units.

This bill would exempt from this requirement a permit issued to a local government agency for operating a household hazardous waste program which is operated for only a limited and specified period of time.

(3) Existing law requires the State Board of Equalization to assess fees, in specified amounts, for applications for hazardous waste facilities permits, variances, or certifications, and requires that the fees be deposited in the Hazardous Waste Control Account Under existing law, the money in the Hazardous Waste Control Account is available, upon appropriation, to the department for hazardous waste management, and for state operational costs with respect to the oversight of removal and remedial actions to the hazardous substance releases, and may also be expended by the Office of Emergency Services, upon appropriation in the annual Budget Act, to implement the federal Emergency Planning and Community Right-to-Know Act of 1986.

This bill would delete an exemption from these fees for facilities previously operating under a grant of interim status. The bill would specify a lower fee for a variance which

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contains no significant changes and would exempt from the fee a variance granted pursuant to specified regulations The bill would revise the fee amount for permit modifications, based upon the class of the permit modification, would increase the fee amount for class 3 permit modifications, and would delete the reference to operating facilities with respect to these fees, 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 a permit for postclosure under specified circumstances and would specify the fee for the 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 define the terms "small," "medium," and "large" facility with reference to the fees imposed for postclosure. The bill would exempt from the fee an extremely hazardous waste permit or a variance or permit issued to a local government agency to transport wastes from a household hazardous waste facility receiving hazardous waste from small quantity commercial sources.

The bill would exempt from the fees for an application to manage extremely hazardous waste, any hazardous wastes which result when a government agency, or its contractor, removes or remedies or investigates a release of hazardous waste caused by another person.

The bill would require a government agency to send a copy of its extremely hazardous waste permit to the department when the permit is issued for emergency response activities, thereby imposing a state-mandated local program by imposing a new duty upon local agencies.

(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, except the bill would provide that no reimbursement is required by this act for certain costs for a specified reason.

Ch. 1125 (AB 646) Wright. Hazardous waste treatment: recycling permits.

(1) Existing law requires operators and owners of hazardous waste facilities to obtain a hazardous waste facilities permit from the Department of Toxic Substances Control. Existing law requires operators of hazardous waste facilities to provide financial assurance for damage claims, as specified. Under existing law, a violation of any provision regulating hazardous waste is a crime.

This bill would prohibit a local agency from deeming a generator that generates and treats onsite dilute aqueous waste containing metals, as defined, or a generator of effluent from the processing of silver halide that treats the waste onsite, pursuant to a permit by regulation, to be operating a hazardous waste treatment facility for purposes of making a land use decision, as defined, and would exempt these generators from specified regulations. The bill would require the department to inspect these facilities in a specified manner. The bill would also exempt a generator of that silver halide processing effluent hazardous waste from hazardous waste facility requirements, if specified conditions are met, thereby imposing a state-mandated local program by creating new crimes. The bill would exempt, until January 1, 1993, these generators conducting this treatment from the requirements for providing financial assurances for damage claims, but would require these generators to have in place financial assurances on and after January 1, 1993, thereby imposing a state-mandated local program by creating a new crime. The bill would require the Insurance Commissioner to submit a report to the Legislature by January 1, 1993, on the availability and affordability of 3rd-party environmental liability insurance and to conduct public hearings concerning this matter in northern and southern California.

(2) Existing law requires each operator of a hazardous waste facility to pay to the

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State Board of Equalization a fee for each calendar year, for deposit in the Hazardous Waste Control Account. Under existing law, the money in the account is available, upon appropriation, to the department for hazardous waste management, and for state operational costs with respect to the oversight of removal and remedial actions to hazardous substance releases, and may also be expended by the Office of Emergency Services, upon appropriation in the annual Budget Act, to implement the federal Emergency Planning and Community Right-to-Know Act of 1986. Existing law exempts facilities operating pursuant to a permit by regulation from the facility fee payment requirement and exempts recycled hazardous waste from the determination of the facility fee.

This bill would revise the definition of "facility" for purposes of these fees. The bill would exempt a facility operating pursuant to a permit by regulation which conducts specified activities in prior fiscal years from the facility fee for those prior fiscal years when the activities were conducted, except as specified. The bill would additionally exempt certain treated aqueous waste from the determination of the facility fee, would specify that this change is declaratory of existing law, and would exempt a generator of aqueous waste that meets specified conditions from the fee for all fiscal years prior to the 1991–92 fiscal year

(3) The bill would incorporate changes to Section 25205.1 of the Health and Safety Code proposed by SB 194 and AB 604, which would become operative only if either or both bills are enacted and this bill is enacted last.

The bill would also incorporate changes to Section 25205.2 and 25205.5 of the Health and Safety Code proposed by SB 194 which would become operative only if both bills are enacted and this bill is enacted last.

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

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

Ch. 1126 (AB 1713) Wright. Hazardous substances: fees.

(1) Existing law presumes a hazardous waste to be a RCRA hazardous waste until the Department of Toxic Substances Control adopts regulations to designate the waste as a non-RCRA hazardous waste.

This bill would delete that presumption.

(2) Existing law defines a storage facility to include facilities at which hazardous waste meets certain requirements.

This bill would include facilities at which the hazardous waste is held other than in a container or tank, or is held in a tank, as specified.

(3) Existing law excepts recyclable materials from hazardous waste provisions, as specified.

This bill would revise the criteria for that exception, as specified. The bill would, by subjecting additional materials to the provisions relating to hazardous waste, impose a state-mandated local program by creating new crimes.

(4) Existing law requires the owner or operator of a hazardous waste facility who holds a hazardous waste facilities permit to comply with the permit conditions, laws, and regulations, as specified.

This bill would include holders of a grant of interim status in that requirement. The bill would state that this change is declaratory of existing law.

(5) The bill would make related changes.

(6) Existing law requires a potentially responsible party to pay various fees for costs incurred by the department in connection with the oversight of a removal or remedial action to a hazardous substance release site, based on the classification of the size of the hazardous substance release site. The department is authorized to reclassify a site as to size, based on information supplied by the department, but the reclassification is prohibited from resulting in a change in the fee amount for any activity which is underway.

These fees are deposited into the Hazardous Substance Account and the money within this account may be expended by the department, upon appropriation by the Legislature, to pay for, among other things, removal and remedial actions related to the release

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of hazardous substances, except that specified sums are continuously appropriated from the 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.

This bill would authorize the department to reclassify the site based on specified information but would instead prohibit the reclassification of a site more than 120 days after the completion of an activity for which the department proposes to charge the revised fee, thereby making an appropriation

(7) The bill would incorporate changes to Sections 25143 2 and 25143.9 of the Health and Safety Code proposed by AB 1899, which would become operative only if both bills are enacted and this bill is enacted last.

The bill would incorporate changes to Section 25174 6 of the Health and Safety Code proposed by AB 1991 and this bill, which would become operative only if both bills are enacted and this bill is enacted last.

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

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

Ch. 1127 (AB 1991) Filante. 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 Department of Toxic Substances Control, 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. Existing law specifies the base rate for hazardous waste subject to the fee and provides that the fee for the disposal of solid hazardous waste residue in the state and outside of the state resulting from specified treatment methods are specified percentages of this base rate. A violation of the hazardous waste control law is a crime

This bill would delete as of January 1, 1993, those base rates for those types of hazardous waste residue, thereby making an appropriation and imposing a tax for purposes of Article XIII A of the California Constitution, as this waste would be subject to a new base rate. 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.

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

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

Ch. 1128 (SB 49) Torres. Hazardous materials: petroleum storage tanks.

(1) Under existing law, the Aboveground Petroleum Storage Act regulates the operation of aboveground tanks containing crude oil or its fractions and defines crude oil as meaning crude petroleum or all products in liquid form derived from petroleum The act requires each California regional water quality control board to periodically inspect each tank at a facility. The act requires each owner or operator of a tank facility to submit a storage statement on or before July 1, 1990, and on or before every July 1 of every 2 years thereafter, to the State Water Resources Control Board, accompanied by a fee set in a specified amount, according to the storage capacity of the tank facility. The board is required to deposit these fees in the Environmental Protection Trust Fund and the state board is authorized to expend the money in the fund, upon appropriation by the Legislature, for specified purposes, related to spills or releases. A tank facility owner or

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operator is required to establish a monitoring program within 180 days after preparing a specified plan or filing the storage statement, as specified

This bill would define the term petroleum as meaning crude oil, or any fraction thereof, which is liquid at a specified temperature and pressure and would apply the provisions of the act to aboveground tanks containing petroleum. The bill would revise the definition of the term "tank facility" with respect to the piping integrally related to a tank. The bill would require the regional board to instead conduct a periodic inspection of either each storage tank or a representative sampling of the storage tanks at each facility. The bill would require the storage statement to include information concerning the total storage capacity of the facility and would require the monitoring program to be established within 360 days after notification from the regional board. The bill would also increase the amount of fees submitted to the board

(2) Existing law requires the state board to submit a study by January 1, 1992, to the Legislature and the Governor concerning improving oversight of aboveground storage facilities.

This bill would extend the date when the study is due to January 1, 1993.

(3) Existing law requires any business, except as otherwise provided, which handles a specified quantity of hazardous material to establish and implement a business plan for emergency response to a release or threatened release of a hazardous material. Existing law imposes a civil penalty upon a business which violates these requirements and requires the penalties to be apportioned in a specified manner, including 75% to the local EMS agency or poison control center for their emergency response expenses Existing law requires any business, except as specified, which handles acutely hazardous materials in specified amounts, to complete and file an acutely hazardous materials registration form by January 1, 1988, with the administering agency. Existing law requires the administering agency to make a preliminary determination whether there is a significant likelihood that the handler's use of an acutely hazardous material may pose an acutely hazardous materials risk. If the administering agency determines that there is a significant likelihood of risk, the administering agency is required to require the handler to prepare and submit a risk management and prevention program (RMPP) A knowing violation of the requirements relating to acutely hazardous materials management, after reasonable notice, is a crime.

Existing law authorizes the administering agency to adopt a schedule of fees to be collected from each business required to submit a business plan. Existing law defines "business" for purposes of these provisions and provides that when any railroad car containing any hazardous material or hazardous substance remains within the same facility for a specified time, or a business knows that the railroad car will remain at the facility for that specified time, the hazardous material or hazardous substance is deemed stored at that location for purposes of the regulation of hazardous material

This will would require the registration form to be filed pursuant to a specified schedule, thereby imposing a state-mandated local program by creating a new crime. The bill would include a county, city, and fire district among the agencies eligible for apportionment of the civil liability penalties, thereby imposing a state-mandated local program by imposing new duties on administering agencies.

The bill would, instead, provide that, when any hazardous material contained in any rail car, rail tank car, rail freight container, marine vessel, or marine freight container, except as specified, remains within the same facility for a specified time, or a business knows that the rail car, rail tank car, rail freight container, marine vessel, or marine freight container containing the hazardous material will remain at that facility for that specified time, the hazardous material is deemed stored at that location for purposes of the regulation of hazardous material. These changes would impose a state-mandated local program by creating new crimes and imposing additional requirements on the administering agency.

(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. 1129 (SB 108) Kopp. Bonded stop notices: Consumer Contract Awareness Act of 1990.

(1) Existing law, the Consumer Contract Awareness Act of 1990, requires delivery of copies of specified consumer contracts or consumer guaranty contracts to the consumer or guarantor within 10 days after the seller receives the consumer contract or the consumer contract guaranty, as applicable. Existing law provides that the failure to provide a copy of the consumer contract, as specified, does not create a new basis for rescission, but is admissible to establish a basis for rescission of the contract otherwise authorized by law.

This bill would define "days" for the purpose of the act as calendar days. It would extend the application of the act to leases and exclude certain persons from its provisions applicable to guarantors. This bill would specify that the failure to provide a copy of the consumer contract does not create an independent basis for rescission. It also would require that the copy of the contract that is provided to the consumer shall not contain any blank spaces to be filled in after the consumer signs the contract, shall contain the signature of the seller if it provides for that signature, and may also contain the signature of the consumer.

The bill also would specify that copies of contracts for safe deposit rental agreements or personal property safekeeping and storage agreements required by existing law to be delivered to consumers shall be delivered within 10 calendar days, rather than 10 days, and impose requirements similar to the above-specified requirements as to the copy to be provided and the prohibition against blank spaces.

(2) Under existing law, if a construction lender subject to a bonded stop notice for private work prevails against the claimant who filed the bonded stop notice, the lender is entitled to recover its attorney's fees as part of the "damages" indemnified by the bond. Existing law does not provide statutory authorization for recovery of noncontractual interest or attorney's fees by a claimant under a bonded stop notice who prevails in an action against the construction lender.

This bill would provide for an award of attorney's fees to the prevailing party, as specified, in an action to enforce a bonded stop notice for private work, and would also require an award to a plaintiff who prevails in an action to enforce such a bonded stop notice, to include interest at the legal rate calculated from the date the bonded stop notice is served on the owner or construction lender.

Ch. 1130 (SB 285) Mello. Monterey County Water Resources Agency.

(1) The Monterey County Water Resources Agency Act creates the Monterey County Water Resources Agency and provides that the Board of Supervisors of Monterey County is the ex officio board of supervisors of the agency. The act specifies the powers and duties of the agency.

This bill would require the agency to be governed by a 9-member board of directors, to be appointed by the board of supervisors in accordance with a prescribed procedure. The bill would require the board of directors to establish policy objectives, subject to review by the board of supervisors, and to oversee the work of the agency, to advise the board of supervisors on certain matters; to prepare an annual budget for approval by the board of supervisors; to approve certain contracts; to establish procedures for the hiring of a general manager of the agency; to meet on a regular basis, as prescribed; to adopt bylaws; and to take other specified action.

The bill would require the board of supervisors to approve certain contracts; to select the general manager pursuant to a specified procedure; and to retain the exclusive authority to adopt ordinances and the agency budget, to initiate litigation, and to impose prescribed financing measures.

The bill would provide the general manager of the agency with specified authority and would require the general manager to take specified action. The bill would require the board of supervisors and the board of directors to hold, on or after January 1, 1995, one or more joint meetings, as prescribed. The bill would specify related matters. The bill would impose a state-mandated local program by imposing various duties on the

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board of supervisors.

(2) The act establishes procedures applicable to the levying of an assessment.

This bill would revise those procedures.

(3) The act authorizes the board of supervisors to institute projects pursuant to specified procedures.

This bill would revise those procedures.

(4) The act authorizes the board of supervisors to establish zones within the agency and to amend any of those zones under certain circumstances, pursuant to specified procedures.

This bill would revise those procedures.

(5) The act requires the board of supervisors to include specified matters in any resolution providing for the issuance of revenue bonds

This bill would revise those matters which are required to be included in such a resolution.

(6) The act authorizes the board of supervisors to adopt ordinances to implement the act. The act authorizes the board of supervisors to specify in any such ordinance that a violation of the ordinance is an infraction.

This bill would authorize the board of supervisors to declare that a violation of an ordinance adopted to implement the act is a nuisance, as prescribed

(7) This bill would prohibit the transfer of prescribed water from the coastal watershed area, as specified. The bill would require the agency, the Monterey Peninsula Water Management District, and the Pajaro Valley Water Management Agency, on or before February 1, 1992, to make a good faith effort to enter into a memorandum of agreement as to the manner in which the agency exercises powers in any area of overlapping jurisdiction among those entities, thereby imposing 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.

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

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

Ch. 1131 (SB 680) Morgan. Family Law pilot projects.

Existing law sets forth procedures for obtaining orders for temporary child support and other temporary orders under the Family Law Act, the Uniform Parentage Act, and the Domestic Violence Prevention Act.

This bill would authorize the superior courts of Santa Clara and San Mateo Counties to establish pilot projects of special procedures for making and hearing motions for temporary child support and other temporary orders under the Family Law Act, the Uniform Parentage Act, and the Domestic Violence Prevention Act. Among other things, these special procedures would preclude participation of attorneys in the proceedings, except (1) an attorney who is a party or (2) an attorney appointed to represent a child. By mutual agreement of the parties, where one party agrees to pay the attorney's fees for both parties, or where the court determines extreme hardship, as specified, the parties could be represented by attorneys, but the hearing would not be conducted pursuant to the bill. The bill would provide that its provisions do not apply to a child for whom services are, or are required to be, provided by the district attorney, but district attorneys would be authorized to provide limited waivers for participation in the pilot projects by custodial parents receiving assistance under Aid to Families with Dependent Children. The bill would require the Senate Office of Research to study the effectiveness of the pilot projects, as specified, and to report thereon to the Legislature by July 1, 1994.

Because the above new procedures would potentially add county costs in San Mateo and Santa Clara Counties, 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.

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

Ch. 1132 (AB 339) Murray. Adult education: funding.

(1) Existing law authorizes any high school or unified school district to budget and accumulate an amount known as a "general reserve," not to exceed 10% of the previous year's expenditures for the operation of the adult education program, and amounts known as the designated fund balance and as the unappropriated fund balance. Under existing law, net ending balances in excess of 15% of the amount expended in the prior year shall be deemed to be excessive regardless of the year accumulated and this excess amount shall be subtracted from the school district's total revenue limit.

This bill would remove the restriction on the amount of excess reserves that may be maintained by school districts in that general reserve fund.

(2) Existing law requires the Superintendent of Public Instruction to determine an adult education block entitlement for school districts that maintain education programs for adults, based on average daily attendance. Existing law requires that those funds be expended only for adult education purposes.

Existing law provides for a reallocation of any surpluses generated by the adult education block entitlement if a district's actual adult average daily attendance is less than the adult average daily attendance used to compute the adult education block entitlement. That reallocation is required to be made pursuant to specified priorities.

This bill would require that school districts receiving funds reallocated from those surpluses apply those funds exclusively to their respective adult education programs. The bill would also require the superintendent annually to notify each school district that receives surplus adult education funds and each director of that school district's adult education programs that those reallocated funds are for specified adult education purposes.

Ch. 1133 (AB 433) Floyd. Horseracing.

(1) Under existing law, the California Horse Racing Board is authorized to allocate a total of 77 weeks per year for harness racing and quarter horse racing in the combined central and southern zones.

Existing law authorizes the board to allocate 12 weeks of harness racing from those weeks to the 22nd District Agricultural Association, as prescribed, but restricts the allocation of those weeks to the months of January, October, November, and December

This bill would delete that restriction.

(2) Existing law prohibits a horserace authorized by the board, except the last scheduled race of any racing day, to be commenced after midnight

This bill, instead, would prohibit the commencement of any race, except the last scheduled race of any racing day, after 12 30 a.m. on the next calendar day.

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

Ch. 1134 (AB 540) Margolin. Unemployment insurance: disability.

Existing law provides that payments to an individual for vacation pay which was earned, but not paid for services performed prior to termination of employment, or commencement of unemployment caused by disability, as the case may be, is not to be construed to be wages or compensation for personal services for purposes of unemployment compensation and shall not be the basis for a denial of or reduction in benefits payable to that individual.

This bill would delete the provision that payments to an individual for earned vacation pay which was earned, but not paid for services performed prior to commencement of unemployment caused by disability, shall not be construed to be wages or compensation for personal services for purposes of unemployment compensation, and shall not be the basis for a denial or reduction in benefits payable to that individual.

Existing law provides that disability benefits are payable to an individual for each day during which the individual is unemployed due to a disability if the Director of Employment Development finds that the individual has made a claim for benefits, and has complied with a 7-day waiting period and other requirements, as specified It requires

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the waiver of unexpired full days of the waiting period for an individual who is confined on order of his or her physician in a hospital for at least one day. It also applies the foregoing waiver to an individual confined in a nursing home, as defined, but only if immediately prior to that confinement the individual was confined in a hospital, other than a nursing home, for 15 consecutive days by order of his or her physician, or was confined to the nursing home under specified circumstances. It also requires the waiver of unexpired full days of the waiting period where an individual, by order of his or her physician, receives treatment in a hospital surgical unit or surgical clinic requiring a stay of less than 24 hours, and is as a result of that treatment disabled for a period of 8 days or more during the disability benefit period. It also requires that all of the above waivers be supported by verifying certificates, as provided, and authorizes the Employment Development Department, where obtaining certain of the certificates is impractical, to use any means it deems reasonable to obtain or verify the required information.

This bill would delete requirements for verifying certificates and would authorize the Employment Development Department to use any means it deems reasonable to obtain or verify the information required by the above provisions.

Existing law requires that an individual who is eligible to receive disability benefits and who receives wages or regular wages from his or her employer be paid disability benefits for any day in an amount not to exceed the individual's maximum daily amount which together with the wages or regular wages does not exceed for that day ⅐ of his or her weekly wages, exclusive of wages for overtime, for the period immediately prior to commencement of the disability.

This bill would instead require that an individual who is eligible to receive disability benefits and who receives wages or regular wages from his or her employer be paid disability benefits for any 7-day week or partial week, in an amount not to exceed his or her maximum weekly amount which together with wages or regular wages does not exceed his or her weekly wage, exclusive of wages for overtime, for the period immediately prior to the commencement of the disability. It would provide that, for purposes of these provisions, vacation pay is not considered wages for determining eligibility for disability benefits

Existing law requires that an individual be disqualified from receiving benefits if he or she has willfully, for the purpose of obtaining benefits, either made a false statement or representation, with actual knowledge of the falsity thereof, or withheld a material fact in order to obtain any benefits It provides that an individual disqualified from receiving benefits for any of those reasons under a determination transmitted to him or her by the department shall be ineligible to receive benefits for the day during which the disqualifying event occurred and for not more than 35 subsequent days for which he or she is otherwise eligible for benefits.

This bill would instead provide that an individual disqualified from receiving benefits pursuant to these provisions shall be ineligible to receive benefits from the date the disqualifying determination was issued and for not less than 7 nor more than 35 subsequent days for which he or she is otherwise eligible to receive benefits. The bill would make an appropriation by postponing an individual's ineligibility to receive benefits, and thereby increasing amounts payable from the Unemployment Fund which is a continuously appropriated fund.

Existing law prescribes the manner and time for filing, completing, and computing claims for disability benefits.

This bill would require that any continued medical certification with respect to a claim for disability benefits be submitted to the Employment Development Department within 20 days of the date the claimant is issued a notice of final payment or departmental request for additional medical certification, and would require the department to extend this time limit upon a showing of good cause.

Existing law provides that the Director of Employment Development shall require for each uninterrupted period of disability that the first claim for disability benefits be supported by the certificate of a physician, nurse-midwife, dentist, or duly certified or licensed podiatrist, or in the case of a disability related to normal pregnancy or childbirth, a nurse-practitioner acting within the scope of his or her practice, as specified. It

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requires that this certificate contain a statement of the facts as known to the physician or practitioner, his or her conclusion with respect to the disability, and his or her opinion concerning the probable duration of the disability. It also provides that the claim of any individual who obtains care and treatment outside this state or in any foreign country may, pursuant to authorized regulations, be supported by a like certificate of a licensee of the state or foreign country in which the claimant receives care, or in the case of an eligible claimant who is hospitalized, as provided, by a hospital chart signed by the registrar or a certificate as to the individual's disability signed by any duly authorized medical officer of the facility.

This bill would make certain clarifying changes and would provide that those provisions shall not be construed to preclude the department from requesting additional medical evidence to supplement the first or any continued claim for disability benefits where the additional evidence can be procured without additional cost to the claimant. It would authorize the department to require that the additional evidence include a statement as to the facts of the claimant's disability by the treating physician or practitioner, the registrar, authorized medical officer, or other duly authorized official of the hospital or health facility treating the claimant, or by an examining physician or other representative of the department

This bill would incorporate additional changes in Section 2627.7 of the Unemployment Insurance Code, proposed by AB 1208, to be operative only if AB 1208 and this bill are both chaptered and become effective January 1, 1992 and this bill is chaptered last.

Ch. 1135 (AB 645) Farr. Organic foods.

(1) Existing law prohibits the sale of food as organic unless it meets specified requirements.

Under existing law, the Director of Food and Agriculture, and county agricultural commissioners under the supervision and direction of the director, are required to enforce certain provisions of the California Organic Foods Act of 1990 applicable to certification organizations which certify food sold as organic.

This bill would, instead, provide that only the director shall enforce those provisions of that act.

(2) Existing law requires that, on or after March 1, 1991, every person engaged in the production or handling of raw agricultural commodities or eggs sold as organic, except retailers of food sold as organic, or engaged in the production, handling, or processing of meat, fowl, and dairy products sold as organic, register with county agricultural commissioners and annually renew the registration, as prescribed.

The bill would, instead, require these persons to register commencing on the effective date of this act.

(3) Existing law requires the registration form to be accompanied by the payment of a nonrefundable registration fee. Under existing law, producers are required to pay a fee in accordance with a specified schedule based on gross sales of food sold, or expected to be sold, as organic by the registrant, as prescribed.

Existing law requires the director to establish another fee schedule to be paid by handlers and processors to cover the administrative and enforcement costs of the provisions regulating the sale of organic foods.

This bill would, instead, require handlers and processors to pay the same fee as the producers

The bill would require any person required to register and who does so on or before June 30, 1992, to pay an initial registration fee equal to 1½ times the amount specified by existing law.

(4) Under existing law, the director is required to establish the Organic Food Advisory Board with prescribed membership, powers, and duties.

This bill would specify that the members of the board shall be reimbursed for the reasonable expenses actually incurred in the performance of their duties, as determined by the board and approved by the director.

(5) Existing law requires the director to adopt regulations that list specific substances which are either in compliance or not in compliance with the definition of prohibited materials for purposes of the California Organic Foods Act of 1990. Existing law requires

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the director, prior to the adoption of these regulations, to administratively issue a preliminary list of those materials by March 31, 1991, based on prescribed publications.

This bill would extend the date for the issuance of the preliminary list to July 1, 1991.

(6) Existing law authorizes any person to file a complaint with the director concerning suspected noncompliance with the California Organic Foods Act of 1990, in accordance with the procedures established by the director, as prescribed.

This bill would also authorize any person to file the complaint with the director concerning suspected noncompliance of the provisions regulating the sale of organic foods. The bill would require the director to carry out the functions and objectives of the California Organic Foods Act of 1990 to the extent that funds are made available for those purposes.

(7) Existing law requires any certification organization which certifies raw agricultural commodities, eggs, meat, fowl, fruit, or dairy products sold as organic to register with the director, as prescribed.

This bill would, instead, require the registration of nongovernmental certification organizations which conduct those activities

(8) Existing law requires the registration of the certification organization to be on a form provided by the director. Under existing law, the director is required to make these forms available on or before July 31, 1991.

This bill would require the director to make these forms available on or before December 31, 1991.

(9) Under existing law, the director is required to establish and collect an annual registration fee based on the acreage, unit of weight or measurement, number of head, gross sales, or other measure of the amount of food certified by the organization, to cover the costs of supervision, in an amount not to exceed $2,000 per organization.

This bill would, instead, require the director to collect an annual registration fee of $2,000 per organization.

(10) Existing law, commencing July 31, 1991, requires the director, and county agricultural commissioners under the supervision of the director, if requested, to establish a voluntary certification program for producers of organic food and processors of organic meat, fowl, and dairy products under the enforcement jurisdiction of the director.

This bill would, instead, require the director and county agricultural commissioners, commencing October 31, 1991, to establish the voluntary program if requested by a sufficient number of persons to cover the costs of the program in a county as determined by the director.

(11) Existing law authorizes the director or the commissioner that conducts the program to establish a fee schedule for program participants, as prescribed.

This bill would specify when these certification fees are due and payable and would provide for the payment of a penalty and interest on any unpaid balance.

(12) Existing law provides for the recognition of any certification program operating outside of the state which certifies raw agricultural commodities, eggs, meat, fowl, or dairy products if the director determines that the program meets minimum standards substantially similar to those contained in the California Organic Food Act of 1990.

This bill would recast this provision to apply to recognition of a certification organization, and would require the director, on or before January 1, 1992, to establish an application procedure for the recognition of these organizations.

(13) Existing law requires that any fees and civil penalties collected by the director be deposited in the Department of Food and Agriculture Fund and, upon appropriation by the Legislature, expended to fulfill the responsibilities of the director in carrying out the provisions regulating the sale of organic products. Existing law requires that any fees or penalties collected by a county agricultural commissioner pursuant to the voluntary certification program be expended to fulfill the responsibilities of the commissioner pursuant to the program.

This bill would require that the fees and penalties collected by the director or the commissioner, except for the fees and penalties collected pursuant to the voluntary certification program, be deposited in the Department of Food and Agriculture Fund and expended to fulfill the responsibilities of the director and county agricultural com-

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missioners acting under the direction and supervision of the director. The bill would require that the fees and penalties deposited in the fund be used to cover the costs of carrying out the provisions regulating the sale of organic food, including reimbursement to the counties for reasonable costs incurred in the enforcement of these provisions.

(14) This bill would provide for the condemnation and destruction of any food product which is represented as organically produced by any person who is not registered as required or which is not in compliance with the provisions regulating the sale of organic foods or the California Organic Foods Act of 1990.

(15) Existing law provides for the payment of fees by producers, handlers, processors, or registered certification organizations to the director for purposes of carrying out the provisions regulating the sale of organic foods.

This bill would require any such person or organization that does not pay the prescribed fee on the due date to pay a specified penalty and interest on any unpaid balance.

(16) Existing law defines prohibited materials, for purposes of the California Organic Foods Act of 1990, as excluding the application of nonionic surfactants before harvest.

This bill would delete that exclusion

(17) Existing law prohibits the sale of food as organic which contains any prohibited material residue as a result of spray drift or any other contamination beyond the control of the producer, handler, processor, or retailer unless the amount of residue does not exceed a specified percentage of the federal Environmental Protection Agency tolerance level or, where there is no tolerance level, the federal Food and Drug Administration action level.

This bill would delete the alternative condition of not exceeding the federal Food and Drug Administration action level.

(18) Existing law requires producers, handlers, and processors to keep certain specified records in connection with the production and sale of food that is sold as organic

This bill would revise those recordkeeping requirements

(19) Existing law requires, on or after January 1, 1991, any certification organization which certifies processed food sold as organic, except for processed meat, fowl, or dairy products, to register with the State Director of Health Services and to annually renew the registration.

This bill would extend this date to January 1, 1992.

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

Ch. 1136 (AB 665) T. Friedman. Acquired immune deficiency syndrome: HIV drug treatment.

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 AIDS. 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 director to urge the county health department to increase the recipients' access to drugs included in this program by decentralizing its distribution.

This bill would require the State Department of Health Services to establish a payment schedule, as opposed to a repayment schedule, as prescribed, to determine the payment obligation of a person receiving drugs, as prescribed, and would make conforming changes to related provisions

This bill also would prohibit a county public health department administering the program pursuant to an agreement with the State Director of Health Services from using more than 5% of total payments it collects to cover any administrative costs related to eligibility determinations, reporting requirements, and the collection of payments.

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

Ch. 1137 (AB 760) Bates Minors: specialized health care needs.

(1) Existing law defines "small family home" as any residential facility providing 24-hour care for 6 or fewer foster children with specified disorders or disabilities and who require specialized supervision as a result of those disorders or disabilities.

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This bill would require that the facility be in the licensee's family residence, and would, in addition, permit the small family home to accept children with special health care needs.

(2) Existing law defines "specialized foster care home" as a licensed foster family home or certified family home where the foster parents have been trained to provide specialized in-home health care to foster children. Medical conditions requiring special in-home health care include dependency on various specified treatments, regimens, or ministrations imposed by medical or surgical procedures rendering the child dependent upon ongoing health care and assessment.

This bill would instead define "specialized foster care home" as a licensed foster family home, a licensed small family home, or a certified license pending home, where the foster parents reside in the home and have been trained to provide specialized in-home health care to foster children. It would, in addition, require that medical conditions requiring special in-home health care require dependency on the treatments, regimens, or medical or surgical procedures, and would delete the provision requiring that the procedures render the child dependent upon ongoing health care and assessment.

(3) Existing law requires the State Department of Health Services and county social services departments to administer a program for the establishment of foster care homes for children with special health needs with foster parents trained by health care professionals.

Existing law requires each county department of social services to develop a plan, to be submitted for approval to the State Department of Social Services and the State Department of Health Services, not later than April 1, 1990, for foster care placement of children with special health needs

Existing law provides that the county shall place no more than 2 children at a time in a specialized foster care home except that a 3rd child may be placed in the home when no other placement is available, the needs of the children will be met by the placement, and the individualized health care plan team responsible for the ongoing care of each child involved has waived the 2-child limit.

This bill would specify that the department shall not have any responsibility for evaluating in-home health care provided in specialized foster care homes.

This bill would further specify that regional centers shall not be required to submit a plan, but would require that certain requirements be met before a regional center places a child with special health care needs who is not a dependent of the court.

(4) Existing law prohibits the placement of more than 2 children in a specialized foster care home, except that a 3rd child with special health care needs may be placed in the home under certain conditions.

This bill would instead specify that a specialized foster care home may have a 3rd child with special health care needs placed in the home under those conditions, and would permit a small family home to exceed that placement limit, and accept children with or without special health care needs, when certain additional conditions are met.

This bill would also provide that a foster family home that has more than 3 children with special health care needs is exempt from a certain application fee when it applies for licensure as a small family home in order to continue to provide care for those children.

This bill would provide that group homes may provide care to children with special health care needs only under certain circumstances, and would require these homes either to apply for small family home licensure, or reduce the capacity of the home.

Existing law provides that notwithstanding certain provisions of law, counties may place children with special health care needs in foster family homes and shall permit trained foster parents to provide specialized in-home health care to the child.

This bill would also authorize counties to permit trained assistant caregivers and respite caregivers to provide this care.

Ch 1138 (AB 1954) Becerra. Underground storage tanks: unauthorized release.

(1) Existing law prohibits the ownership or operation of an underground storage tank used for the storage of hazardous substances unless a local agency issues a permit for its operation. Existing law also imposes various design, installation, monitoring, and release

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reporting requirements with regard to underground storage tanks, including requiring the tank system to be operated to prevent unauthorized releases during the operating life of the tank. For purposes of these provisions, an unauthorized release is defined as including any unauthorized release which does not conform to specified statutes, unless authorized by the State Water Resources Control Board or a California regional water quality control board. An unauthorized release from the primary or secondary containment is required to be reported, as specified, and a knowing failure to provide this notice is a crime. Local agencies are required to review the tank permit whenever there is an unauthorized release.

This bill would specify that an unauthorized release includes a spill or overfill of a hazardous substance that occurs while the hazardous substance is being placed in a tank and is due to specified failures or errors. The bill would require the person causing the spill or overfill to notify the tank operator and the operator would be required to take specified actions. The bill would require the underground tank system to be operated to prevent unauthorized releases during gauging, sampling, and testing the tank's integrity. The bill would impose a state-mandated local program by creating a new crime and imposing new duties upon local agencies.

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

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

Ch. 1139 (SB 817) Marks. Displaced Homemaker Emergency Loan Act.

Existing law establishes the Displaced Homemaker Emergency Loan Act, which is an emergency loan program pilot project in the Counties of Marin, San Francisco, and Alameda designed to assist displaced homemakers, as specified. The act is administered by the California Commission on the Status of Women.

Existing law terminates this program on January 1, 1992.

This bill would extend the termination date for this program to January 1, 1995.

The act contains legislative findings concerning the need for the program.

This bill would make findings about the need for various types of services for displaced homemakers, which, along with the loan program, should be provided at displaced homemakers' resource centers.

The bill would expand the pilot project to also include Los Angeles, Orange, and San Diego Counties.

Existing law requires that loan guarantee applications be filed with the commission within 12 months of the displacement date.

This bill would increase the time permitted for filing loan guarantee applications to 18 months from the displacement date.

Existing law requires repayment of a loan to a displaced homemaker within 48 months of repayment.

This bill would, in addition, permit the time for repayment to be extended in cases of need documented by the commission.

The bill would require that loans be made only to displaced homemakers being served by displaced homemaker resource centers which have developed a collaborative effort of local communities and state agencies into a one stop source of supportive services for displaced homemakers.

Under the act, displaced homemaker is defined as a person who has been abandoned by, or separated from, a spouse, divorced or widowed and who has an economic need caused by the displacement.

This bill would delete the reference to spouse, and instead refer to the primary income provider.

Existing law contains criteria, any of which, if met, will demonstrate the existence of an economic need caused by the displacement.

This bill would add to those criteria a person who has provided unpaid services to family members and has lost their primary source of income because of the displacement.

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Existing law creates the Displaced Homemaker Emergency Loan Fund, which is continuously appropriated to the commission, for purposes of making loans under the act.

Since the bill would expand the counties in which the pilot project is to be implemented, as well as the types of persons eligible for loans, the bill would constitute an appropriation.

The bill would require the commission, by March 1, 1994, to report to the Legislature on the Displaced Homemaker Emergency Loan program, as specified.

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

Ch. 1140 (SB 1065) Boatwright Sacramento-San Joaquin Delta flood protection and levee maintenance

(1) Existing law requires the Department of Water Resources (department) to develop project plans to accomplish needed flood protection work in the Sacramento-San Joaquin Delta, in cooperation with specified entities, including the Department of Fish and Game. Existing law requires the project plans to include provision for the protection of fish and wildlife habitat determined to be necessary by the Department of Fish and Game, as prescribed. The Department of Fish and Game is prohibited from approving project plans under certain circumstances

This bill would require the Resources Agency to supervise the implementation of specified special flood control projects and certain levee projects. The bill would require the Resources Agency, the department, the Reclamation Board, and the Department of Fish and Game to enter into a memorandum of understanding to coordinate the implementation of those projects and would require that agreement to include a provision requiring the Department of Fish and Game to enforce mitigation requirements involving those specified projects.

The bill would require the Resources Agency to provide the Legislature with a specified report by January 15 of each year.

(2) The Budget Act of 1991 , among other things, appropriates funds for the support of the department and the Department of Fish and Game.

This bill would amend Item 3860-005-144 of Section 2.00 of that act to increase funding for the support of the department from $5,350,000 to $12,000,000, payable from the California Water Fund, for transfer to the Delta Flood Protection Fund.

The bill would also amend Item 3600-001-176 of that section, which appropriates $3,350,000 from the Delta Flood Protection Fund to the Department of Fish and Game, to make that appropriation available during the 1991–92, 1992–93, and 1993–94 fiscal years. The bill would also appropriate $6,650,000 from that fund to the department for support and local assistance and make a conforming change.

Ch. 1141 (SB 1068) Bergeson. Child support.

(1) Existing law provides for court orders requiring the payment of child support, as specified.

This bill, the Child Support Security Act, would authorize every order or judgment to pay child support to require the payment by the child support obligor of a child support security deposit to be put into a child support trust account, which would be maintained and disbursed, as specified, in order to guarantee the monthly payment of child support.

The bill would declare the findings of the Legislature in this regard.

The bill would impose a state-mandated local program by empowering the courts to require new accounting and fiduciary duties of court personnel and district attorneys. The bill would also require the Judicial Council to prescribe various rules and forms.

The bill would not apply to temporary child support orders but would apply to specified modifications and applications for the modification of child support orders, and would apply to child support orders or judgments entered after January 1, 1993, ordering a child support obligor to pay any existing child support arrearage, including arrearages incurred prior to 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

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procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement 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. 1142 (SB 1182) Bergeson. Water.

(1) Existing law authorizes, until January 1, 2000, the State Public Works Board to develop energy conservation and cogeneration measures and alternative energy supply sources for state agencies, and to enter into energy service contracts, as defined, with state agencies, as prescribed. The board is authorized to issue revenue bonds, in specified amounts, to finance the cost of cogeneration equipment, alternative energy equipment, and conservation measures in the public buildings, as defined. Under existing law, "energy service contracts" are generally identified to mean a contract entered into by the board or any other state agency with any person, as described, pursuant to which the person will provide electrical or thermal energy or conservation measures.

This bill would include in those provisions the development of water conservation and alternative water supply sources for state agencies. The bill would redefine "energy service contracts" to include providing for water conservation measures, make corresponding definitional changes, and conform restrictions regarding acquisition, construction, and authorized sales to the changes made by the bill.

(2) Under existing law, any amount necessary to pay monthly for electrical or thermal energy or conservation measures for any state agency under an above-described energy service contract, or to pay for conservation measures or electrical or thermal energy received by any state agency, as specified, is appropriated each fiscal year, under specified conditions, from the fund in the State Treasury from which an agency derives its appropriation for support.

This bill would include within the described appropriation any amount necessary to pay monthly for water conservation measures for any state agency under an energy service contract, or to pay for water received, thereby making an appropriation.

(3) Existing law sets forth the policy of the state to use available resources at state facilities which can substitute for traditional energy supplies or produce electricity at its facilities when use or production will reduce long-term energy expedition.

This bill would include with the above described state policy available resources at state facilities which can substitute for traditional water supplies or produce water at state facilities when use or production will reduce long-term water expenditures. The bill would make conforming changes to this provision.

(4) Existing law declares that it is the policy of the state to encourage 3rd-party financing of energy projects at state-owned sites and that development of energy projects at state-owned sites can be accelerated where reasonable incentives are provided. Existing law sets forth specified incentive benefits between the state and the institutions siting the energy projects.

This bill would expand this state policy to include encouraging 3rd-party financing of water projects at state-owned sites.

(5) Existing law requires every private energy producer to be in compliance with state laws relating to the control, appropriation, use, and distribution of water, and generally declares every contract entered into by a private energy producer to sell electricity or electrical generating capacity from a hydroelectric project on and after either of specified dates, whichever is applicable, void in the absence of that compliance.

This bill would declare such a contract which would otherwise be void to be valid if the private energy producer meets specified conditions.

(6) The California Safe Drinking Water Bond Law of 1988 permits bond proceeds in the California Safe Drinking Water Fund to be used for a grant program with grants provided, subject to specific approval of the Legislature, to prescribed entities.

This bill would make an appropriation by authorizing grants from the California Safe Drinking Water Bond Fund to specified entities for the purpose of improving their

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domestic water systems to meet, at a minimum, safe drinking water standards. The bill would require the Department of Water Resources to determine eligibility for, and the amount of, the grants in accordance with the California Safe Drinking Water Bond Law of 1988.

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

Ch. 1143 (SB 1183) Marks. San Francisco tidelands: Mission Bay Development Area.

Under existing law, the City and County of San Francisco has been granted lands from the state, in trust for purposes of commerce, navigation, and fisheries and subject to specified terms and conditions relating to the operation of the Harbor of San Francisco.

This bill would authorize the State Lands Commission to grant to the City and County of San Francisco filled tidelands and submerged lands within the Mission Bay Development Area, as described, for the purpose of effectuating specified exchanges of lands between the city and county and private property owners to promote public trust uses in accordance with the Mission Bay Specific Plan adopted by the city and county. The bill would, in this connection, authorize the city and county, with the approval of the commission, as prescribed, to sell portions of the granted tidelands which were reserved to the state for street purposes. The bill would prescribe related matters.

The bill would make legislative findings and declarations.

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

Ch 1144 (SB 1227) Russell. Vehicles private and interstate carriers: financial responsibility.

Under the Interstate and Foreign Highway Carriers' Registration Act, every interstate and foreign highway carrier, and under the Private Carriers' Registration Act, every private carrier, is required to apply for and be granted registration by the Public Utilities Commission. Pursuant to the registration process, a carrier is required to file proof of financial responsibility, as specified. Under existing law, the Department of the California Highway Patrol reports certain motor carrier violations to the Public Utilities Commission.

This bill would require the commission, upon determining that the proof of financial responsibility required of the carrier has lapsed or been terminated, to suspend the carrier's registration in the case of a private carrier, or to suspend, cancel, or revoke the registration in the case of an interstate or foreign highway carrier.

The bill would require the commission, upon the department's recommendation, to suspend the registration of a private carrier which has failed to maintain its vehicles in safe condition, if that failure is either a consistent failure or presents an imminent danger to public safety, or has failed to enroll its drivers in the department's pull notice system. The bill would permit a carrier to obtain a reinspection of its terminal and vehicles by the department by submitting a written request for reinstatement to the commission and paying a reinstatement fee of $125. It would require the commission to reinstate the registration upon written recommendation from the department. It would also permit the commission to revoke the registration at any time 90 days or more after its suspension if the commission has not received a recommendation for reinstatement and the carrier has not filed a written request for a hearing.

The bill would permit the commission to increase the initial registration fee for a private carrier from $25 to not more than $35, and the annual renewal fee from $20 to not more than $30, if it finds and determines that to do so is necessary to defray the costs of implementing the bill with respect to private carriers. The bill would, in that event, require the commission to prepare and submit a report containing prescribed information to the Joint Legislative Budget Committee, the Assembly Utilities and Commerce Committee, and the Senate Energy and Public Utilities Committee.

Since the fees paid by those private carriers which are carriers of property are deposited in the Transportation Rate Fund, a continuously appropriated fund, the bill would make an appropriation

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Ch. 1145 (AB 2032) Allen. Credit reporting agencies.

Existing law prohibits credit reporting agencies from making a consumer credit report containing specified types of information, including bankruptcies which antedate the report by more than 14 years, except for use with respect to certain transactions.

This bill would instead prohibit the reporting of bankruptcies which antedate the report by more than 10 years, except as specified. The bill would also require information in consumer credit reports regarding a bankruptcy to designate the chapter of the federal bankruptcy law pursuant to which the bankruptcy proceeding was filed.

The bill would incorporate additional changes to Section 1785.13 of the Civil Code proposed by AB 1796 and SB 473, to be operative only if all 3 bills, or a combination thereof, are enacted and become operative January 1, 1992, and this bill is enacted last.

Ch. 1146 (AB 2033) Allen. Distance Learning Pilot Projects: English as a Second Language and Adult Workforce Skills.

Existing law requires the California Postsecondary Education Commission to develop a state policy on the use of distance learning technology in education pursuant to certain requirements.

This bill, in addition, would establish Distance Learning Pilot Projects for English as a Second Language and Adult Workforce Skills to provide English language instruction and work force skills for adults with limited English proficiency. The commission, in consultation with interested parties, would be required to (a) establish and implement a request for proposals for the establishment of those projects, (b) solicit and review proposals for the projects, (c) establish guidelines for the operation of the projects, (d) award grants, and (e) conduct an evaluation based on the criteria required to be established by the bill. The bill would require funding to establish and maintain the projects to be obtained only from grants from federal agencies or private foundations, or both.

Ch. 1147 (AB 2039) Connelly. Long-term care: California Partnership for Long-Term Care.

Existing law provides for the California Partnership for Long-Term Care to link private long-term care insurance, and health care service plans 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 policies and subsequently exhausted the benefits of these private policies.

Under existing law, only those policies or health care service plan contracts that are delivered, issued for delivery, or renewed between July 1, 1991, and June 30, 1996, inclusive, or before the termination of the pilot program, whichever is sooner, are eligible for the income and resource protection provided by the program

This bill would revise these provisions to specify that the in-home supportive services and Medi-Cal benefits for which participants in the program are eligible, are those for which they would otherwise have been eligible, but for their resources. This bill would also revise these provisions to instead include policies or contracts delivered, issued for delivery, or renewed during an enrollment period of January 1, 1992, to December 31, 1996, inclusive.

Existing law requires that the department only certify insurance policies and health care service plans providing long-term care benefits under the program when they meet certain requirements.

This bill would require that insurance policies also meet the standards set forth in specified publications of the National Association of Insurance Commissioners.

Existing law provides that, upon the termination of the pilot program, participants shall remain eligible, for life, for the in-home supportive services and Medi-Cal benefits provided for by the pilot program, as long as they maintain their insurance policy or health care service plan contract in force.

This bill would delete the reference to termination of the program, and specify that participants shall remain eligible, for life, for those benefits for which they are eligible under the pilot program, as long as they maintain their policy or contract in force, or

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otherwise qualify for continued benefits in accordance with regulations promulgated by the departments

Existing law requires the State Department of Health Services and the State Department of Social Services to adopt implementing emergency regulations within 210 days of the enactment of the program, and provides that regulations adopted within 210 days of the enactment of the program shall not be subject to the review and approval of the Office of Administrative Law. Existing law further provides that these regulations shall not remain in effect more than 120 days unless the departments comply with all requirements of the Administrative Procedure Act.

This bill would eliminate the 210-day limitation for adoption of emergency regulations.

Ch. 1148 (AB 2045) Hannigan. Property taxation: audit requirement: threshold amount.

Existing property tax law requires the county assessor, in any case where locally assessable trade fixtures and business tangible personal property owned, claimed, possessed, or controlled by a taxpayer engaged in a profession, trade, or business has a full value of $200,000 or more, to audit the books and records of that profession, trade, or business at least once every 4 years. It requires, with respect to those required audits, a person owning, claiming, possessing, or controlling property subject to local assessment to, upon the assessor's request, make available at his or her principal place of business, principal location or principal address in California, or at a mutually agreed location, a true copy of business records relevant to the amount, cost, and value of all property he or she owns, claims, possesses, or controls within the county.

This bill would increase to $300,000 the threshold full value of locally assessable trade fixtures and business tangible personal property requiring an audit by the county assessor under that law. It would also allow a taxpayer, in the case of a taxpayer that has its principal place of business outside of California and has been requested by a county assessor to make business records available, as an alternative response to the assessor's request for records, to pay the county the expenses, as specified, incurred by the assessor's representative in traveling to the place outside California where the requested records are available for examination and performing his or her official duties with respect to the examination of those records. By imposing new duties on county assessors, this bill would impose a state-mandated local program.

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

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

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

Ch. 1149 (AB 2094) Costa. Public employees.

(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 act conditions the vesting of the right of state employees to the benefit of the applicable employer's contributions toward annuitants' health benefits costs upon having various minimum periods of service credit at retirement.

This bill would provide that former employees of the County of Merced who became state employees as a result of an assumption of firefighting functions shall be credited with service for the purpose of vesting postretirement health benefits. The Department of Forestry and Fire Protection would be required to include a cost factor for funding that service in cooperative agreements with local agencies.

These changes would provide for the expenditure of continuously appropriated funds for new purposes and would, therefore, constitute an appropriation and necessitate a ⅔ vote.

(2) Under existing law, the board of supervisors of any county, under the County

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Employees Retirement Law of 1937 may, by ordinance or resolution, provide for the contribution by the county from its funds and not from the retirement fund toward the payment of all or part of the consideration for any hospital service or medical service corporation, contract, or for any combination thereof, for the benefit of any retired member or his or her dependents.

This bill would authorize the board of supervisors, alternatively, to adopt a resolution to authorize a board of retirement to provide for certain retirees, a surviving spouse, or specified surviving children, for payments toward the payment for the consideration for a hospital service or medical service corporation through the establishment of a health insurance trust fund consisting of funds that are contributed to provide group health benefits.

This new authorization would impose state-mandated local program costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $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. 1150 (AB 2099) Leslie. Charitable organizations: regulation.

(1) Existing law governing solicitations and sales solicitations for charitable purposes requires the solicitor or seller to exhibit to the prospective donor or purchaser a solicitation or sale for charitable purposes card, and regulates the activities of uncompensated charitable volunteers with respect to such solicitations and sales solicitations, as specified.

This bill would specify that these provisions are severable.

(2) Under existing law, the Uniform Supervision of Trustees for Charitable Purposes Act, every commercial fundraiser for charitable purposes is required to file specified annual financial reports with the Attorney General.

This bill would specify that these provisions are severable.

This bill would also require a copy of this report to be filed with the sheriff of each county in which the fundraiser intends to solicit funds or the sheriff's designee, but would not require the sheriff or his or her designee to maintain on file those reports.

(3) This bill would incorporate additional changes in Section 17510.3 of the Business and Professions Code, proposed by AB 890, to be operative only if AB 890 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last

Ch. 1151 (AB 2104) Bane. Cal-OSHA: video display terminals.

The existing provisions of the California Occupational Safety and Health Act of 1973 provide for standards to maintain safe and healthful working conditions, as enforced by the Division of Occupational Safety and Health.

This bill would require the Division of Occupational Safety and Health, on or before July 1, 1992, to compile existing research studies and other information, current as of June 1, 1992, on the effects of continuous exposure to low-frequency magnetic radiation emitted from video display terminals, including personal computer screens, and all other computer display monitors, and to report its findings to the Assembly Committee on Rules and the Senate Committee on Rules. It would further require the State Department of Health Services to provide the Assembly Committee on Rules and the Senate Committee on Rules in writing of any information, current as of June 1, 1992, it has concerning the effects of continuous exposure to low-frequency magnetic radiation emitted by video display terminals, including personal computer screens, and all other computer display monitors.

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Ch. 1152 (AB 2118) Wright. Health insurance: dependent children.

Existing law authorizes combined maximum contractual benefits on behalf of dependent children when both a husband and a wife are covered under a group disability policy, self-insured employee welfare benefit plan, nonprofit hospital service plan, or health care service plan.

This bill would prohibit those group policies and plans from excluding coverage of a dependent child solely on the basis that the child does not reside with the insured or plan member, except that a health care service plan would not be required to enroll a dependent child who resides outside the plan's geographic service area. This bill would require coverage, upon application by the employer or group administrator, of a dependent child of the noncustodial parent, as specified, where a court order for medical support exists. In the case of children eligible for medicaid, the State Department of Health Services or the district attorney in whose jurisdiction the child resides would be authorized to make that application

Ch. 1153 (AB 2121) Elder. Public Employees' Retirement System.

(1) Existing law prescribes various powers and duties of the members of the Board of Administration of the Public Employees' Retirement System.

This bill would require the counsel to the board to notify, as specified, each member of that board that he or she is subject to the gift provisions of the Ethics in Government Act of 1990

(2) Existing law imposes certain standards of conduct on board members in regard to the discharge of their financial duties.

This bill would, in addition, prohibit a board member, during any process involving a request for proposal or the selection of any vendor or contractor for goods or services by the board, except as specified, from communicating concerning any matter relating to the request for proposal or selection with any applicant or bidder, outside of the application or bidding process.

Ch. 1154 (AB 2126) Chacon. Elections. ballots.

Existing law allows the statement of measures submitted to the voters to be abbreviated provided that each and every statement of measures on the ballot is so abbreviated. It also limits the statement to 20 words for each measure where possible.

This bill would impose a state-mandated local program by requiring that the statement of measures for each measure submitted to the voters be abbreviated. It would also increase the number of words permitted for each measure described in the statement from 20 to 75 words.

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

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

Ch. 1155 (AB 2146) Chandler. Real property.

(1) Existing law provides civil and criminal penalties for rent skimming and specified affirmative defenses for a natural person who is a defendant in a civil or criminal action for rent skimming. These provisions are to remain in operation until January 1, 1992.

This bill would delete the inoperative date of January 1, 1992, thereby continuing the operation of these provisions indefinitely This bill would impose a state-mandated local program by expanding the scope of an existing crime.

(2) Under existing law, when an obligation secured by a deed of trust has been satisfied, the beneficiary or the assignee of the beneficiary is required to execute and deliver to the trustee the original note and deed of trust and a request for a full reconveyance. The trustee is then required to execute and record the full reconveyance, except as specified, in the office of the county recorder in which the deed is recorded and to deliver the original note and deed of trust to the person making the request. Existing law also permits a trustee, beneficiary, or mortgagee to charge a fee to the trustor, mortgagor, or owner of the land for services rendered in connection with the prepara-

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tion, execution, or recordation of specified documents. Existing law, which is operative until January 1, 1992, conclusively presumes that a fee not exceeding $65 charged in this connection is reasonable.

This bill would change the inoperative date to January 1, 1995, thereby continuing the operation of the conclusive presumption for 3 additional years.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory 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 (AB 2147) Chandler. Energy technologies: research contracts.

Existing law authorizes the State Energy Resources Conservation and Development Commission to make loans and repayable research contracts for the purpose of making energy technologies more efficient and cost-effective, and to develop alternative energy sources. Existing law requires state agency contracts, including consulting services contracts, to be approved by the Department of General Services.

This bill would make the approval requirements inapplicable to those research contracts entered into by the commission.

Ch. 1157 (AB 2157) Bentley. Prisons: prison made goods: vehicles.

Under existing law, the Director of Corrections may provide for the restoration and rebuilding by specified inmates of donated salvageable vehicles, which may be sold at public auction to private persons, which activity is subject to specified public hearing requirements. The proceeds of the sale after deduction of the cost of materials are deposited into a special account in the Special Deposit Fund.

This bill would extend these provisions to include abandoned vehicles. This bill would also provide, instead, that these provisions would be subject to specified public hearing requirements at any time that the activity involves a gross annual production of more than $50,000. This bill would additionally provide, instead, that the proceeds of the sale after deduction of the cost of materials shall be deposited in the Restitution Fund, as specified.

This bill would also authorize the California Highway Patrol, any city, county, or city and county which has an abandoned vehicle abatement program, and any service authority established, as specified, with the consent of the Director of Corrections, to transport any abandoned vehicle to, and dispose of any abandoned vehicle at, any institution under the jurisdiction of the director which has a program established pursuant to the above provisions.

Ch. 1158 (AB 2158) Bentley. Construction Management Education Sponsorship Act of 1991.

Existing law provides for the licensure and regulation of licensed contractors in the state. Existing law provides for the establishment of the Contractors' License Fund in the Professions and Vocations Fund in the State Treasury. Moneys in the fund are appropriated for the purposes of the Contractors' State License Law.

This bill would establish the Construction Management Education Sponsorship Act of 1991 for the establishment of a grant program for qualified public postsecondary educational institutions, as described, for the support of courses of study in construction management. This bill would provide that the Contractors' State License Board shall establish an advisory committee of 11 persons to recommend grant awards, but any organization of contractors or organization of contractor organizations incorporated as a nonprofit corporation would be authorized to request the board to award grants to public postsecondary educational institutions of its choice. The total amount that may be awarded to one public postsecondary educational institution may not exceed an amount equal to 25% of the total funds available for this purpose. This bill would direct the manner in which grant funds may be used.

This bill would provide that the contractor's license fee form shall provide an alternative whereby a contractor may contribute, at the time the fee is paid, $25, which would

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be in addition to the license fee, to the Construction Management Education Account which is established by this bill as a separate account in the Contractors' License Fund.

This bill would require the board to report to the Legislature annually on the condition of the grant program, as specified, and would require the president of each participating public postsecondary educational institution to report to the board delineating the amount of the past grants received and how those funds were utilized.

Ch. 1159 (AB 2168) Gotch. PERS: disability retirement determinations: local safety members.

The existing Public Employees' Retirement Law requires that local governing bodies of PERS contracting agencies make the determinations with respect to disability retirement applications of local safety members.

This bill would authorize a local safety member to appeal the determination of the governing body and would require any appeal hearing to be conducted by an administrative law judge of the Office of Administrative Hearings pursuant to the statutes relating to administrative adjudication.

Ch. 1160 (AB 2190) Frazee. Contractors.

(1) Existing provisions of the Contractors' State License Law regulate the licensing and activities of contractors.

This bill would consolidate and renumber some of these provisions, and make other technical and related changes. The bill would add new crimes, thereby imposing a state-mandated local program

(2) Under existing provisions of the Contractors' State License Law, a contractor includes any person, except a nurseryman or gardener, who is employed as an independent contractor by any licensee to remove trees, prune trees, remove tree limbs or stumps, or to engage in tree or limb guying.

This bill would instead, for those purposes, define contractor to include any person not otherwise exempt under those licensing provisions, who performs tree removal, tree pruning, stump removal, or engages in tree or limb cabling or guying.

(3) Existing law excludes from the definition of contractor any person, including but not limited to, a nurseryman or gardener who is, or is employed by, an owner or occupier of property, as specified.

This bill would, instead, exclude from the definition of contractor a person performing the activities of a nurseryman who performs incidental pruning of trees, or guying of planted trees, in the normal course of routine work, or a gardener who in the normal course of routine work performs incidental pruning of trees measuring less than 15 feet in height after planting.

(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 1161 (AB 2207) Polanco. Desalination.

(1) Existing law authorizes the Department of Water Resources, either independently or in cooperation with public or private entities, to finance, construct, and operate saline water conversion facilities if specified conditions are met.

This bill would require the department to provide assistance to persons or entities seeking to construct desalination facilities for reducing the concentration of dissolved solids in brackish groundwater or seawater in the state.

(2) Existing law declares that the cessation of, or reduction in, the use of water under any existing right, as the result of the use of reclaimed water or prescribed polluted water, constitutes a reasonable beneficial use of water under certain conditions.

This bill would declare that the cessation of, or reduction in, the use of water under any existing right, as the result of the use of desalinated water, constitutes a reasonable, beneficial use of water, as prescribed.

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Ch. 1162 (AB 2214) Leslie. Correctional facilities· escape by minor.

Existing law provides that, under certain circumstances, a minor may be lawfully detained in an adult correctional facility instead of a juvenile facility Existing law also provides that it is a crime, punishable as specified, for (1) a minor committed to a juvenile facility, as specified, to escape or attempt to escape from that facility, and (2) an adult prisoner arrested and booked for, charged with, or convicted of a misdemeanor or a felony, who is confined in an adult correctional facility, as specified, to escape or attempt to escape from that facility.

This bill would provide that it is a crime, punishable as specified, for a person committed by order of the juvenile court to an adult correctional facility to escape or attempt to escape from that facility. This bill would impose a state-mandated local program by creating a new crime.

This bill would incorporate additional changes in Section 4532 of the Penal Code proposed by SB 151, to be operative only if SB 151 and this bill are both chaptered and become effective January 1, 1992, 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. 1163 (AB 2249) Elder. Long Beach tidelands.

Under existing law, the State Lands Commission and the City of Long Beach are required to enter into a contractor's agreement and any other necessary contracts or agreements for the production of oil, gas, and other hydrocarbons from specified Long Beach tidelands, in accordance with prescribed requirements.

This bill would authorize a specified Long Beach Harbor Tidelands Parcel and Parcel "A" Oil Contract to be extended, with the approval of the commission, such that the total term of the contract does not exceed 35 years.

The bill would make legislative findings and declarations

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

Ch 1164 (AB 745) Moore School meals[7]

Existing law requires each school district and county superintendent of schools to provide for each needy pupil enrolled therein, one nutritionally adequate free or reduced-price meal during each schoolday, except for family day care homes, which are reimbursed for 75% of the meals served. Existing law also makes various provisions for state reimbursements in conjunction with federal reimbursements for these meals.

This bill would require the State Department of Education to provide information and limited financial assistance to school districts and county superintendents of education, to encourage program startup and expansion into all qualified schools, as specified

This bill would require the Superintendent of Public Instruction to identify schools in which 75% of the meals served to pupils are free or reduced-priced meals that do not receive reimbursement from the state or the federal government for a second meal and to provide local educational agencies in which those schools are located with specified information. The bill also would require the superintendent to report to the Legislature no later than October 1, 1992, as specified.

This bill would appropriate $500,000 to the Superintendent of Public Instruction for the purpose of providing grants to school districts and county offices of education in the 1991–92 fiscal year for nonrecurring expenses in initiating school breakfast programs, as specified.

Ch. 1165 (SB 951) Watson. 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 serv-

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ices, 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 instead provide that plans submitted to the Office of Statewide Health Planning and Development between September 1, 1988, and June 30, 1994, are eligible, thereby expanding the number of capital projects eligible for reimbursement. This bill would also provide that in order to be eligible hospitals submitting projects between September 1, 1988, and June 30, 1989, shall have additional characteristics

Ch. 1166 (AB 1115) Archie-Hudson. Health care: disproportionate share hospital funding.

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.

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.

This bill would instead provide that plans submitted to the Office of Statewide Health Planning and Development between September 1, 1988, and June 30, 1994, are eligible, thereby expanding the number of capital projects eligible for reimbursement. This bill would also provide that in order to be eligible hospitals submitting projects between September 1, 1988, and June 30, 1989, shall have additional characteristics

Ch. 1167 (AB 1735) Isenberg Real property: remedies upon default.

Existing law provides that there can be but one form of action for the recovery of any debt or the enforcement of any right secured by mortgage upon real property, which action shall be in accordance with specified provisions, and in which action the court may, by its judgment, direct the sale of the encumbered property, and the application of the proceeds of the sale to the payment of the costs of court, the expenses of levy and sale, and the amount due the plaintiff.

Existing law also provides that in superior court a receiver may be appointed in, among others, an action by a mortgagee for the foreclosure of the mortgage and sale of the mortgaged property, where it appears that the mortgaged property is in danger of being lost, removed, or materially injured, or that the condition of the mortgage has not been performed, and that the property is probably insufficient to discharge the mortgage debt.

This bill would establish certain additional, alternative remedies with respect to specified real property security which is environmentally impaired, as defined, and where the borrower's obligations to the secured lender are in default. It also would establish an action for breach of contract with respect to real property which is the subject of a written warranty, indemnity, covenant, or promise relating to hazardous substances. These remedies and this action would not be subject to the one-form-of-action limitation. The bill would also authorize the appointment of a receiver to enable defined secured lenders to enter and inspect real property security for hazardous substances.

The alternative secured creditor's remedies and the breach of contract action provided by the bill would only apply to loans, extensions of credit, guaranties, or other obligations secured by real property made, renewed, or modified between January 1, 1992 and January 1, 2000.

Ch. 1168 (AB 2142) Frazee. Fines and fees.

(1) Existing law authorizes state university trustees to operate motor vehicle parking facilities for the use of specified persons and authorizes the facilities to charge parking fees. Existing law requires, except as specified, that revenues received from these park-

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ing facilities be deposited to the State Treasury to the credit of the State University Parking Revenue Fund.

Existing law requires the county treasurer to transfer, once a month, to the State Treasury to the credit of the State University Parking Revenue Fund, an amount equal to 50% of all fines and forfeitures of bail from any person arrested or notified by a member of the state university police and charged with specified parking regulation violations. Existing law requires that the moneys transferred to the fund pursuant to this provision be used exclusively for the development, enhancement, and operation of alternative methods of transportation.

Existing law requires that moneys in the State University Parking Revenue Fund be used exclusively for the development, enhancement, and operation of alternate methods of transportation of students and employees and for the mitigation of the impact of off-campus student and employee parking in university communities.

This bill would repeal this latter provision and would require, instead, that moneys in the State University Parking Revenue Fund received as parking fines and forfeitures be used exclusively for the above purposes, including, in addition, the administration of the parking fines and forfeitures programs, thereby permitting moneys in the fund received from parking facilities or other sources to be used for other purposes.

(2) Existing law provides fees for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded. The fee schedule specifies a $4 fee for recording the first page and a $3 fee for each additional page or fraction of a page. The fee schedule also specifies that $1 of each $3 fee for each additional page shall be transmitted by the county treasurer monthly to the Controller and deposited in the General Fund.

This bill would require, instead, that $1 of each $3 fee for each additional page be transmitted by the county auditor rather than the county treasurer.

(3) Existing law requires, upon conviction, the collection of an administrative screening fee of $25 for persons arrested and released on their own recognizance and the collection of a $10 citation processing fee for persons cited and released upon their promise to appear to be transmitted by the county treasurer monthly to the Controller for deposit in the General Fund

This bill would make these fees inapplicable where the arrest or citation is for an infraction. This bill would also require, instead, that these fees be transmitted by the county auditor monthly to the Controller for deposit in the General Fund.

(4) Existing law authorizes counties to establish various special funds and provides for assessment of additional penalties for criminal offenses, including parking and nonparking offenses, for deposit in these funds, but requires $1 from each additional penalty to be deposited in the General Fund.

This bill would limit application of the requirement for the $1 transfer to the General Fund, to parking offenses and, on and after January 1, 1997, would require these moneys to be deposited in the State Courthouse Construction Fund (as proposed by other currently pending legislation), rather than the General Fund. The bill would also make technical, clarifying changes in these provisions.

(5) Existing law authorizes each county to establish an Emergency Medical Services Fund, upon adoption of a resolution by the board of supervisors, with the money in the fund to be available for reimbursements to physicians, surgeons, and hospitals for patients who do not make payment for emergency medical services and for other emergency medical services purposes as determined by each county.

This bill would provide, in addition, that in any county that has neither practicing physicians nor hospitals, any balance set aside for physicians, surgeons, or hospitals at the end of the fiscal year may be utilized to fund other emergency services. This bill would also make technical changes to these provisions.

(6) Existing law requires that all fines and forfeitures collected upon conviction or upon the forfeiture of bail, together with moneys deposited as bail, in any superior court be deposited, as specified, with the county treasurer of the county in which the court is situated. Existing law also requires that an amount equal to 25% of this money collected during the previous month be transferred into the proper funds of the county once

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a month, that the total amount retained in the 1991–92 fiscal year by a county not exceed 25% plus an amount equal to 5% of such money retained by the county in the 1990–91 fiscal year, and that all money in excess of the amount transferred to the county pursuant to these provisions be transferred monthly to the General Fund.

This bill would repeal these provisions.

(7) Existing law authorizes a municipal or justice court to authorize specified state and local entities, including, but not limited to, the California State University and its campuses, upon request to receive, deposit, accept forfeiture, and otherwise process the posting of bail for state and local parking violations issued by an employee or agent of those entities.

This bill would require that if authorization is sought by the California State University or any campus thereof pursuant to this provision, all parking fines and forfeitures collected shall be deposited, once a month, to the State Treasury to the credit of the State University Parking Revenue Fund.

Existing law also requires pursuant to these provisions that entities which maintain an administrative appeals process for the review of all contested violations it has issued transfer 15% of amounts deposited directly with the entity to the general fund of the county, as specified, and that entities which do not maintain such an administrative appeals process transfer 5%, as specified.

This bill would require, instead, that entities which maintain the above administrative appeals process transfer 5%, as specified, and that entities which do not, transfer 15%.

(8) Existing law specifies procedures for distribution of fines and forfeitures collected for nonparking offenses. Existing law requires that state penalties, county penalties, special penalties, service charges, and penalty allocations be transferred to the proper funds as required by law and that base fines be distributed, as specified.

This bill would make clarifying changes in those provisions with regard to the distribution of base fines and its application to the collection of fines by probation.

(9) Existing law provides that notwithstanding any other provision of law, when an allocation and distribution of any fine, forfeiture, penalty, fee, or assessment collected in any criminal case is made pursuant to, but not limited to, specified provisions, the allocation and distribution of any payment may be based upon the law in effect during the accounting period when the payment is made.

This bill would provide, in addition, that the distributions specified in paragraph (8) of fines and forfeitures collected for nonparking offenses applies to all funds subject thereto distributed on or after July 1, 1991, regardless of whether the court has elected to allocate and distribute funds pursuant to paragraph (9).

(10) Existing law also specifies a formula, under existing property tax law, for the allocation by the auditor in each county of property tax revenues to various entities of local government and makes an adjustment from the general formula for, among other specified counties, Ventura County.

This bill would provide, in addition, that in Ventura County, as a county subject to the above adjustment from the general formula for the allocation of property tax revenue allocation by the auditor, the base fines which are not subject to specific distribution under paragraph (8) which result from arrests by a California Highway Patrol Officer on state highways constructed as freeways within the city whereon city police officers enforced the provisions of the Vehicle Code on April 1, 1965, shall be deposited as follows: 25% in the treasury of the appropriate city, 12.5% in the proper funds of the county, the remainder to the General Fund.

(11) Existing law provides that whenever a person is arrested for specified Vehicle Code violations, none of specified disqualifying conditions exist, and the officer issues a notice to appear, the notice shall, among other things, specify that the charge shall be dismissed on proof of correction. Existing law prohibits imposition of a fine or assessment of an administrative fee for a violation or for processing a proof of correction with respect to a violation for which proof of correction has been timely and properly secured.

This bill would delete the latter prohibition.

(12) Existing law requires persons ordered or permitted to attend traffic violator

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school or any other court-supervised program of traffic safety instruction to pay a prescribed fee. Existing law requires $1 to be deposited in each of specified county funds from each of these fees

This bill would limit the requirement for the $1 deposit to the county's Courthouse Construction Fund and Criminal Justice Facilities Construction Fund.

(13) Existing law provides for a state amnesty program for delinquent fines assessed and due on or before April 1, 1991, for infraction and misdemeanor violations of the Vehicle Code, other than parking offenses. Under existing law this program would be in effect from February 1, 1992, until April 30, 1992, and existing law specifies that the court may accept either 70% of the total fine or bail or $100 for an infraction and $500 for a misdemeanor. Existing law also preempts local amnesty programs for Vehicle Code violations, other than parking offenses.

This bill would require the program to be implemented by the courts in accordance with Judicial Council guidelines, require the courts to schedule payment amounts consistent with the above formula, and would preempt local amnesty programs for parking violations which commence on or after July 1, 1992. The bill would also except from the amnesty program for delinquent fines and bail imposed for an infraction or misdemeanor violation of the Vehicle Code additional Vehicle Code violations punishable as infractions or misdemeanors related to reckless driving and driving while under the influence.

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

Ch. 1169 (SB 946) Maddy. Emergency medical services.

(1) Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, permits each county to 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

This bill would require that interest earned on moneys in the fund be deposited to the fund for like disbursement, and would specify that disbursement percentages to providers are percentages of the balance of the fund after administrative costs.

(2) Existing law specifies certain requirements of the administering agency of the fund relating to the administration of the fund, including, but not limited to, establishing procedures and time schedules for the submission and processing of proposed reimbursement requests submitted by physicians and surgeons, and the schedule for disbursements, and requiring the agency to prorate payments if the fund is insufficient.

This bill would require appointment of an administering officer, it would prohibit the administering officer from giving preferential treatment, as specified. This bill would prohibit a hospital administrator of a hospital owned or operated by a county of a population of 250,000 or more as of January 1, 1991, or a person directly supervised by such a person from serving as the administering officer. The bill would authorize the board of supervisors of a county or any other county agency to serve as the administering officer. This bill would require that if the fund is insufficient, the agency shall fairly prorate payments, without preference.

This bill would require the administering agency to adopt and use the current version of the Physicians' Current Procedural Terminology, published by the American Medical Association, or a similar procedural terminology reference, for the purposes of submission and reimbursement of physician and surgeon claims.

Existing law requires each provider receiving payments from the fund to keep and maintain records of the services provided.

This bill would prohibit the administering agency from requiring any additional information from a physician and surgeon which is not available in the patient record maintained by the facility where the services were rendered, and from requiring the physician and surgeon to make eligibility determinations.

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This bill would require payments from the fund to physicians and surgeons to be limited to physicians and surgeons who, in person, provide onsite services in a clinical setting.

This bill would require that payments be made only for emergency services provided on the calendar day on which emergency medical services are first provided and on the immediately following 2 calendar days, however, this bill would prohibit payments for continuous service to a patient provided beyond a 48-hour period, unless it is necessary to transfer the patient to a second facility providing a higher level of care for the treatment of the emergency condition In which case, this bill would provide that reimbursement be available for services provided at the facility to which the patient was transferred on the calendar day of transfer and on the immediately following 2 calendar days, but would similarly prohibit payment beyond a 48-hour period.

This bill would require payment to be made for medical screening examinations required by law to determine whether an emergency condition exists, notwithstanding the determination after the examination that a medical emergency does not exist, would prohibit denial of payment solely because a patient was not admitted to an acute care facility, and would require payments to be made for services to an inpatient only when the inpatient has been admitted to a hospital from a basic or comprehensive emergency department, a site that was approved by a county prior to January 1, 1990, as a paramedic receiving station, or a standby emergency department in existence on January 1, 1989, as specified.

The above-described changes pertaining to the administration of the fund would impose a state-mandated local program for existing counties administering a fund.

This bill would require the administering agency to compile certain summaries of reimbursements paid from the fund and would require copies of these summaries and forms and instructions for making claims to be provided to the public for a specified fee, thereby imposing a state-mandated local program for existing counties administering a fund.

This bill would require each county to establish an equitable and efficient mechanism for resolving disputes relating to claims for reimbursements from the fund, and would require the mechanism to include a requirement that disputes be submitted either to binding arbitration conducted pursuant to specified provisions of law establishing procedures for conducting arbitration, and for enforcing arbitration awards, or to a local medical society for resolution by neutral parties. By requiring that counties establish this mechanism, this bill would impose a state-mandated local program for existing counties administering the fund.

(3) Existing law requires at least 50% of a specified portion derived in a fiscal year from the Physician Services Account of the Cigarette and Tobacco Products Surtax Fund to be transferred to county Physician Services Accounts which are established in county Emergency Medical Services Funds. The county Physician Services Accounts are required to be used to reimburse physicians and surgeons for losses, as specified

This bill would prohibit moneys contained in a county Physician Services Account in a county Emergency Medical Services Fund, from being subject to the law regulating the administration of other moneys contained in a county Emergency Medical Services Fund.

The bill would prohibit moneys contained in a county Emergency Medical Services Fund, other than moneys contained in a county Physician Services Account within the fund, from being subject to the law regulating the administration of county Physician Services Accounts contained within county Emergency Medical Services Funds.

(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 specified reasons.

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

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not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1170 (SB 99) Watson. Health care.

Existing law requires the State Department of Health Services to implement state and local tobacco education programs until July 1, 1991.

This bill would extend those requirements until July 1, 1994.

Chapter 278 of the Statutes of 1991 established specifications for the allocation of appropriated funds for the purpose of making grants for tobacco use prevention projects.

This bill would revise the reference to the appropriations to which the fund allocation specifications would apply.

Existing law allocates moneys from the Cigarette and Tobacco Products Surtax Fund to counties for the provision of health services, pursuant to specified conditions, including a county maintenance of effort.

This bill would provide for recoupment procedures for failure to comply with maintenance of effort requirements and would revise the level of county funding required for maintenance of effort.

Existing law requires counties to report specified data to the State Department of Health Services on their indigent health care programs according to certain criteria.

This bill would revise the criteria for the reporting of data to the department.

Existing law provides for the reimbursement of certain county emergency medical services, as defined, from the county emergency services fund, according to specified criteria.

This bill would revise the definition of emergency services and would revise the criteria for reimbursement for those services.

Existing law established the Expanded Access to Primary Care Program, operative until July 1, 1994, under which the State Department of Health Services reimburses the costs incurred by selected health clinics in providing medical services to persons who meet specified eligibility standards.

This bill would revise eligibility standards for reimbursement under that program.

Existing law establishes the California Health Care for Indigents (CHIP) program for the allocation of state funds to local agencies for the provision of health care.

This bill would revise eligibility standards for reimbursement under that program, and would revise procedures for the allocation and payment of money to the local agencies.

The bill would also define uncompensated care costs for purposes of computing reimbursement of hospitals.

Chapter 278 of the Statutes of 1991 appropriated funds from various accounts in the Cigarette and Tobacco Products Surtax Fund for the 1991–92, 1992–93, and 1993–94 fiscal years for allocation to state and local agencies for the purposes of providing health care.

This bill would specify that certain funds appropriated from the Health Education Account in the Cigarette and Tobacco Products Surtax Fund for those fiscal years may be expended and allocated during the period the Tobacco Use Prevention Program is operative. By revising the period during which appropriated funds may be used, this bill would result in an appropriation.

This bill would appropriate $4,950,000 from the Hospital Account in the Cigarette and Tobacco Products Surtax Fund to the Controller for allocation to counties participating in the CHIP program for the 1991–92 to 1993–94 fiscal years, inclusive.

This bill would incorporate changes made to Section 1797.98e of the Health and Safety Code by SB 946, contingent upon that bill being enacted first.

The bill would also make technical changes.

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

Ch. 1171 (AB 571) Hunter. Medi-Cal. pregnant women and infants.

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.

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Existing law requires that counties ensure Medi-Cal eligible persons are informed of the managed care and fee-for-service options under the Medi-Cal program in order that they may choose an option. Those persons who choose to select their own provider and utilize a monthly Medi-Cal card must identify the provider of health care services from whom they will obtain Medi-Cal services.

This bill would make a technical change to that provision.

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

The bill would require the State Department of Health Services to provide for the processing of Medi-Cal applications from pregnant women and children under 19 at specified facilities.

Existing law authorizes counties to petition the State Department of Health Services for modification of county administrative cost control plans in order to implement an optional plan, to include specified components, for the outstationing of eligibility workers at alternative sites to facilitate the receipt and processing of applications for Medi-Cal eligibility for pregnant women.

This bill would extend the scope of the program to include applications for Medi-Cal eligibility for infants and specified 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. 1172 (AB 1161) Eastin. Barbering and cosmetology.

Existing law, commencing July 1, 1992, provides for the replacement of the Board of Barber Examiners and the Board of Cosmetology by a new Board of Barbering and Cosmetology, and will provide for the regulation of those professions by that board.

Among other things, the new board is required to elect a president and vice president and to appoint an executive officer subject to confirmation by the Director of Consumer Affairs. The director may reject the board's appointment of its executive officer, or may recommend dismissal of the executive officer to the board, provided that the recommendation be for good cause specifically stated to the board in writing.

This bill would delete the requirement that the board member who finishes second in the vote for board president shall become vice president and would specify that both the rejection and the recommendation for dismissal of an executive officer be for good cause specifically stated to the board in writing.

Existing law requires, commencing July 1, 1992, that every establishment, defined as any premises, building or part of a building where any licensed barbering or cosmetology activity is practiced, shall be inspected by the board or its agents or assistants at least twice a year for compliance with applicable laws relating to the public health and safety and the conduct and operation of establishments.

This bill would require this inspection to be conducted at least annually rather than at least twice a year and would make conforming changes. It would require the board to report to the Legislature concerning that inspection requirement, as specified.

Existing law exempts certain specified individuals from the provisions of the Barbering and Cosmetology Act.

This bill would delete the exemption for persons engaged in training while enrolled as students or acting as instructors in a school approved by the board but would provide that students engaged in performing services on the public while enrolled in a school approved by the board need not be licensed.

Existing law provides that the board shall admit to the examination for a license as a

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cosmetologist, barber, esthetician, manicurist, or electrologist, any person who meets specified qualifications

This bill would revise the requirements for qualification of persons who previously practiced these professions outside of this state, as specified.

Existing law specifies the fees relating to licenses issued pursuant to the Barbering and Cosmetology Act.

This bill would increase certain fees for specified licensees and would delete a repealer clause of the provision specifying the fees for a license to operate a mobile cosmetology unit

This bill would incorporate additional amendments to Sections 7321, 7324, 7326, and 7330 of the Business and Professions Code proposed by AB 223, contingent upon the prior enactment of that bill.

This bill would incorporate additional amendments to Section 7423 of the Business and Professions Code proposed by SB 985, contingent upon the prior enactment of that bill.

This bill would state legislative intent and would make technical, nonsubstantive changes to existing law.

Ch. 1173 (AB 1899) Frizzelle Hazardous waste: recyclable materials. used oil.

(1) Existing law subjects recyclable materials to the requirements of hazardous waste control laws, unless the Department of Toxic Substances Control issues a variance or except if the material meets specified requirements, including if the material is oily waste, used oil, or spent nonhalogenated solvent managed by a refinery, as specified. The department is authorized to adopt regulations to exclude products applied to the land from regulation as hazardous waste. Existing law provides that prescribed recyclable materials are hazardous waste and subject to regulation under the hazardous waste control laws, including used or spent etchants, stripping solutions, and plating solutions which are transported to an offsite facility and which meet specified characteristics

This bill would additionally exclude from regulation as a waste a recyclable material which is a fuel removed from a fuel tank and contaminated or mixed with specified materials and transferred to a refinery for processing into a fuel The bill would repeal the provision authorizing the department to exclude from regulation certain products applied to land. The bill would allow used oil which fails to qualify for a specified exemption to be managed as an exempt recyclable material if the used oil is managed pursuant to specified federal regulations, and would revise the conditions under which used or spent etchants, stripping solutions, and plating solutions are classified as recyclable materials to be regulated as hazardous waste, thereby imposing a state-mandated local program by creating a new crime. The bill would also make related revisions to the qualifications for excluded recyclable materials.

(2) Existing law requires the department to annually present the Legislature with a list of wastes feasible to recycle. The department is also required to send the Legislature a report every odd-numbered year concerning the implementation of the hazardous waste control laws.

This bill would repeal the requirement that the listing of the wastes be presented annually and would instead require the department to include in the biannual report the additions or deletions to that listing of recyclable hazardous wastes.

(3) Existing law requires used oil regulated by the department to be managed as a hazardous waste in accordance with the requirements of hazardous waste control laws until it has been recycled and requires used oil which is not recycled to be disposed of, or transported, as a hazardous waste. 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, which requires that specified federal regulations regarding used oil be met for used oil containing more than 1,000 ppm total halogens. 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.

Existing law exempts a person operating a refuse removal vehicle or curbside collec-

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tion vehicle used for specified purposes from the requirement of possessing a manifest, among other requirements.

This bill would instead require used oil to be managed as a hazardous waste until it has been shown to meet specified purity standards or is excluded from regulation as a hazardous waste because it is a recyclable material, as specified. The bill would revise the standards of purity relating to total halogens to require that used oil containing more than 1,000 total halogens meet specified federal regulations, so that the oil is regulated as a used oil under these regulations and not as a hazardous waste subject to the federal Resource Conservation and Recovery Act of 1976, as amended, thereby imposing a state-mandated local program by creating new crimes. The bill would additionally exclude a person operating that vehicle from a specified modified manifesting procedure.

(4) The bill would incorporate amendments to Sections 25143.2 and 25143.9 of the Health and Safety Code proposed by this bill and AB 1713, which would become operative only if both bills are enacted and this bill is enacted last.

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

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

Ch. 1174 (AB 2079) Gotch. Postsecondary education: students called to active military service.

(1) Under existing law, public higher education consists of the California Community Colleges, the California State University, the University of California, and the California Maritime Academy.

This bill would require each segment of public higher education to establish, and update as necessary, a written policy concerning students who are called to active military service. The bill would require the policy to (a) ensure that those students do not lose academic credits or degree status, (b) provide for a refund of fees paid by the student for the term in which he or she was called to active military service, and (c) exempt students who were required to leave school for active military service during any term commencing in the fall of 1990 through the spring of 1991 from paying any increase in fees, as specified. These requirements would not apply to the University of California, unless the Regents of the University of California, by resolution, make them applicable.

To the extent the bill would impose requirements upon community college districts, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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.

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

Ch. 1175 (AB 2091) Bentley. Vehicles: driving convictions: alcohol and drugs.

Existing law requires any person convicted of driving a motor vehicle while under the influence of alcohol or drugs in a judicial district that participates in a county alcohol and drug problem assessment program to participate in that program, and requires the court to impose, in addition to any other fine or penalty assessment, a $50 assessment upon every participant. The court is authorized to determine whether the convicted person can pay the assessment. Existing law also requires a report to be made on each person who participates in the program.

This bill would authorize a court to permit a person convicted of reckless driving in satisfaction of, or as a substitute for, an original charge of driving while under the

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influence to also participate in that program, if available, and would require a report be made on any person who participates in the program.

The bill also would increase that $50 assessment to $75, and would require the court to impose that $75 assessment for a violation of that reckless driving provision and to determine whether the convicted person can pay the assessment.

Ch. 1176 (AB 2231) Hughes. Water replenishment districts.

(1) Existing law prohibits certain public officials 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 officer is a member if the officer has only a remote interest in the contract and other requirements are met. A remote interest is defined to include, among others, that of an elected officer who is also an elected director of a water replenishment district.

This bill would revise that definition to delete, from the definition of a remote interest, that of an elected officer who is also an elected director of a water replenishment district.

(2) Existing law requires that service on the Board of Directors of the Central and West Basin Water Replenishment District by an elected official serving in a city located wholly or partly within the water replenishment district not be deemed to be in conflict with the duties of the officer serving in either capacity.

This bill would repeal that provision.

Ch. 1177 (SB 35) Robbins Motor vehicle insurance· proof of coverage.

(1) Existing law requires the driver of a motor vehicle to maintain proof of financial responsibility and requires the Department of Motor Vehicles to suspend the driver's license of a person who violates certain requirements relating to proof of financial responsibility. A suspended license may be reinstated by providing proof of financial responsibility. With specified exceptions, the department may not accept as proof of financial responsibility an insurer's certificate which does not cover all vehicles registered to the licensee

This bill would, instead, require the department to accept the certificates of an insurer issued under prescribed liability policies and would provide that these certificates satisfy the requirements of proof of financial responsibility. The bill would require the department, with certain exceptions, to accept an insurer's certificate which covers all vehicles registered to the licensee for purposes of reinstating the driver's license of a person whose license has been revoked, suspended, or restricted pursuant to specified provisions of existing law The bill would make related and conforming changes.

(2) Existing law authorizes the department to issue a certificate of self-insurance to an applicant with more than 25 vehicles registered.

This bill would instead authorize the department to issue that certificate to an applicant with more than 25 motor vehicles registered.

(3) Existing law requires, with certain exceptions, the driver of every motor vehicle involved in prescribed accidents to report the accident to the department.

This bill would authorize the driver to make that report either personally or through an insurance agent, broker, or legal representative. The bill would not require a report if the motor vehicle involved in the accident was owned or leased by, or under the direction of, any other state as well as the United States, this state, or a local agency.

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

Ch 1178 (SB 70) Kopp. Elections.

Existing law provides that any county having the necessary computer capability may start to process absent voter ballots on the 5th day prior to the election.

This bill would change the starting date to the 7th day prior to the election.

Existing law provides that if a voter's affidavit of registration is erroneously placed in a precinct, the voter may obtain a certificate from the county clerk entitling the voter to vote in the proper precinct. If the voter does not obtain the certificate and votes in the precinct where his or her affidavit of registration is erroneously placed, and the election is contested, the entire voter's ballot is valid and shall not be rejected.

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This bill would impose a state-mandated local program by providing, as to this latter provision, that only the voter's vote for those candidates and on those measures with respect to which the voter would have been entitled to vote had the voter voted in the proper precinct shall not be rejected.

Existing law provides that, with the exception of candidates for judicial office, as specified, a candidate may use a ballot designation of, among others, no more than 3 words designating the principal professions, vocations, or occupations of the candidate.

This bill would authorize a ballot designation of either the current profession, vocation, or occupation of the candidate, or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents.

This bill would incorporate additional changes in Section 10211 of the Elections Code, proposed by SB 1098, to be operative only if SB 1098 and this bill are both chaptered and become effective January 1, 1992, 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 also provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to the bill relating to trial courts in specified counties.

Ch. 1179 (SB 910) McCorquodale. 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 further provides that, upon federal approval of amendments to the state plan, targeted case management shall be a covered benefit for pregnant and parenting adolescents and their children under a specified 2-year demonstration program.

This bill would state the findings and declarations of the Legislature regarding targeted case management, and would state the intent of the Legislature to provide for local government participation in the provision of targeted case management services with maximum possible federal financial participation.

This bill would authorize counties to voluntarily provide targeted case management services to specified groups of Medi-Cal beneficiaries, and would require that those counties that elect to provide these services shall, for the purpose of obtaining federal medicaid matching funds, certify to the department the amount of funds expended on allowable targeted case management services. Upon federal approval for financial assistance, the department, together with the counties, would be required to develop case management services definitions, Medi-Cal reimbursement standards, reimbursement rates and an expenditure certification system.

This bill would also allow the department to require the counties to certify that the expenditures made represent costs that are eligible for federal financial participation. The state would be held harmless from any federal disallowance resulting from payments, and a county receiving payments would only be liable as to payments made to it. Use of local matching funds would not create additional funding or service obligations for the county. This bill would also describe the services and activities included in targeted case management.

This bill would also authorize the State Department of Health Services to adopt emergency regulations to implement the provisions of this bill.

This bill would require participating counties to advance funds to the department, to be matched by federal funds to the extent possible, for the administration of targeted case management programs, and would continuously appropriate these funds to the

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department.

This bill would incorporate additional changes in Section 14132.44 of the Welfare and Institutions Code, proposed by AB 1341, to be operative only if AB 1341 and this bill are both chaptered and become effective on or before January 1, 1992, and this bill is chaptered last. These changes would become operative on the effective date of AB 1341.

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

Ch. 1180 (SB 1070) Thompson. Blood-borne infectious diseases: prevention of transmission.

Existing law prescribes the duties of the State Department of Health Services relating to the prevention of infectious and communicable disease and of the Board of Dental Examiners, the Medical Board of California, and the Board of Registered Nursing relating to regulation of health professionals under their respective jurisdictions

This bill would require these agencies to seek to ensure that licentiates, and others regulated by the agencies, are informed of their responsibility to minimize the risk of transmission of blood-borne infectious diseases from health care provider to patient, from patient to patient, and from patient to health care provider, and of the most recent scientifically recognized safeguards for minimizing the risk of transmission

This bill would require the Medical Board of California to investigate, and would authorize it to take disciplinary action against, health professionals which the board licenses or regulates who, except for good cause, knowingly fail to protect patients by failing to follow infection control guidelines and, thereby, risking the transmission of blood-borne infectious diseases, as specified.

Existing law specifies conduct which constitutes unprofessional conduct by persons licensed under the Dental Practice Act

This bill would include as conduct constituting unprofessional conduct to, except for good cause, knowingly fail to protect patients by failing to follow infection control guidelines and, thereby, risking the transmission of blood-borne infectious diseases, as specified.

Existing law specifies conduct for which the Board of Registered Nursing may take disciplinary action against a certified or licensed nurse or an applicant under the Nursing Practice Act.

This bill would include as conduct for which disciplinary action may be taken to, except for good cause, knowingly fail to protect patients by failing to follow infection control guidelines and, thereby, risking the transmission of blood-borne infectious diseases, as specified.

Existing law specifies conduct for which the Board of Vocational Nurse and Psychiatric Technician Examiners may suspend or revoke a license issued under the Vocational Nursing Practice Act.

This bill would include as conduct for which the board may suspend or revoke a license to, except for good cause, knowingly fail to protect patients by failing to follow infection control guidelines and, thereby, risking the transmission of blood-borne infectious diseases, as specified.

This bill would require the State Department of Health Services to develop guidelines and regulations as necessary to minimize the risk of transmission of blood-borne infectious diseases from health care worker to patient, from patient to patient, and from patient to health care worker, as specified. This bill would require the department to complete its review of the need for guidelines and regulations by January 1, 1993.

This bill would authorize the department to adopt emergency regulations to implement its provisions.

Ch. 1181 (SB 792) Calderon. In-home support services.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by or through contract by the county, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program.

Under existing law, counties may enter into contracts, for a period not exceeding 2

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years, with providers for services under the IHSS program

This bill would authorize counties to enter into contracts for the provision of IHSS services for a period not exceeding 3 years.

This bill would incorporate additional changes in Section 12302.1 of the Welfare and Institutions Code, proposed by AB 1155, to be operative only if AB 1155 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

Ch. 1182 (AB 1155) Nolan. In-home supportive services.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by or through contract by the county, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program.

Under existing law, counties may enter into contracts, for a period not exceeding 2 years, with providers for services under the IHSS program. Existing law provides that the county may renew a 2-year contract at the end of one year for a period not to exceed one year, and specifies that the rate of reimbursement under an extended contract shall reflect certain financial considerations.

This bill would require that, among other things, the rate of reimbursement under an extended contract shall reflect reasonable costs which have been approved by the county department of social services.

This bill would, in addition, authorize the county board of supervisors to evaluate the bid proposal, the experience of the provider, and other factors before making a contract award.

This bill would incorporate additional changes in Section 12302.1 of the Welfare and Institutions Code, proposed by SB 792, to be operative only if SB 792 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

Ch. 1183 (AB 928) Archie-Hudson. Hazardous materials: schools: health care facilities.

(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 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, consults with specified local agencies to identify facilities which might emit hazardous air emissions, and unless the governing board of the school district makes specified written findings concerning these facilities.

Existing law also prohibits the approval of an environmental impact report or negative declaration for a school construction project or purchase of a schoolsite 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, the governing board of the school district makes specified written findings and the environmental impact report or negative declaration includes 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 carry hazardous substances, acutely hazardous materials, or hazardous waste Existing law prohibits the approval of an environmental impact report or negative declaration for any project involving the construction or alteration of a facility which might emit hazardous air emissions within ¼ mile of a school unless the lead agency consults with the school district, as specified.

This bill would additionally provide that before the governing board approves a school construction project or the acquisition of a schoolsite, or before an environmental impact report or negative declaration is approved for a school construction project or the purchase of a schoolsite, the lead agency is also required to identify facilities which might be reasonably anticipated to handle acutely hazardous materials, substances, or waste, thereby imposing a state-mandated local program. The bill would include an additional

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finding which the governing board would be authorized to make, if these facilities exist, concerning the corrective measures which these facilities are required to take. The bill would require specified local agencies which receive a request to provide information concerning these facilities to respond in 30 days, thereby imposing a state-mandated local program by imposing new duties upon local agencies.

The bill would, instead, include within the prohibition on the approval of an environmental impact report or negative declaration, a facility which would emit hazardous air emissions or handle specified materials which may pose a specified health or safety hazard.

(2) Existing law requires a business which handles acutely hazardous materials to submit a registration form to the local administering agency, as defined, and, 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 materials accident risk, the agency is required to require the preparation and submission of a risk management and prevention program (RMPP), in accordance with a specified timetable. Existing law requires cities and counties to include in the application for building permits a place to indicate whether the applicant is required to comply with specified requirements concerning business plans, the submission of RMPPs, and permits for construction or modification pursuant to the regulation of air pollution. A city or county is prohibited from issuing a final certificate of occupancy unless the applicant meets these requirements and from permitting a facility to be constructed within 1,000 feet of a school unless specified requirements are met

This bill would, instead, require a city or county to include in the information list for development projects or in the application form for a building permit specified requirements concerning compliance with statutes regulating hazardous materials and air pollution, the handling of acutely hazardous materials, and the emission of hazardous air emissions. The bill would prohibit a city or county from finding an application complete or from approving a development project or a building permit for a project which requires only a building permit if the project meets specified requirements concerning hazardous materials and emissions, unless the owner or authorized agent complies with certain provisions, thereby imposing a state-mandated local program. The bill would require the owner or operator of such a project to substantially meet the requirements for submitting an RMPP, pursuant to a specified procedure, if the administering agency makes a specified determination. Cities and counties would be authorized to adopt a schedule of fees to cover the cost of carrying out these provisions. The bill would impose specified duties upon administering agencies and air pollution control officers, thereby imposing a state-mandated local program.

(3) Existing law requires the State Fire Marshal to prepare, adopt, and submit for approval to the State Building Standards Commission, building standards establishing minimum standards for fire prevention, as specified, and minimum requirements for the storage and handling in commercial buildings of acutely hazardous materials, as defined.

This bill would revise the provisions relative to acutely hazardous materials to instead require the preparation, adoption, and submission of building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials, as defined in the Uniform Fire Code, as specified.

(4) Existing law requires handlers or other specified persons to report hazardous material releases to an administering agency, which is defined as a department, office, or agency of a city or county.

This bill would require emergency rescue personnel to advise the superintendent of a school district of a specified release, or threatened release, within ½ mile of a school, thereby imposing a state-mandated local program. This bill would define the term "handle" for purposes of the provisions regulating hazardous materials to include connecting a marine vessel, tank vehicle, tank car, or containers to a specified system or process.

(5) Existing law prescribes civil penalties for violations of specified provisions requiring any business, as defined, to establish and implement a business plan for emergency response to a release or threatened release of a hazardous material, in accordance with

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prescribed requirements

This bill would make a knowing violation of those provisions, after reasonable notice, a misdemeanor. The bill would thereby impose a state-mandated local program by creating a new crime.

(6) Existing law requires an RMPP to give consideration to the proximity of the facility to schools and requires a handler to submit a corrected RMPP within 60 days after receiving a specified notice from the administering agency. Existing law requires the administering agency to follow specified procedures with regard to the protection of trade secrets.

The bill would define school for purposes of the RMPP procedures and would authorize the administering agency to grant a one-time extension of the deadline to submit a corrected RMPP. The bill would require the administering agency to review any claim for a trade secret protection and to segregate properly substantiated trade secret information from the information to be made public. The bill would impose new duties upon administering agencies, thereby imposing a state-mandated local program.

(7) Existing law requires an air pollution control officer, prior to approving a permit for a source that may emit air contaminants which is located within 1,000 feet of a school, to prepare and distribute a public notice, as specified.

This bill would, instead, require that notice to be given prior to approving an application for a source which emits hazardous air emissions which is located within 1,000 feet of a school, as defined, and would require the notice to be distributed to additional persons, thereby imposing a state-mandated local program The bill would authorize the preparation of the notice under prescribed circumstances. The bill would make the notice requirements inapplicable if the air pollution control officer makes specified determinations.

The bill would require the school district to make the information necessary to mail notices required by these provisions available to the air pollution control officer and would allow the notices to be distributed to the children to be given to their parents.

The bill would require applicants for a permit to certify whether the project is located within 1,000 feet of a school, and would authorize denial of the permit upon misrepresentation of that fact.

(8) The bill would provide that the changes proposed by this bill concerning development projects and permits, RMPPs, permits issued by air pollution control districts and air quality management districts, and environmental impact reports for facilities near schools do not apply to projects for which an application is submitted before January 1, 1992.

(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 no reimbursement is required by this act for certain costs for specified reasons. 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. 1184 (AB 1009) Roybal-Allard. Civil rights.

(1) Under existing law, it is a crime, punishable as specified, for any person, whether or not acting under color of law, by force or threat of force, to willfully injure, intimidate, interfere with, oppress, or threaten any other person in, or to knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with, the free exercise or enjoyment of any right or privilege secured to that person by the constitution or laws of this state, or by the Constitution or laws of the United States because of the person's race, color, religion, ancestry, national origin, or sexual orientation. Moreover, the fact that a person committed or attempted to commit a felony, except as specified, because of the victims's race, color, religion, nationality, country of origin, ancestry, or sexual orientation is considered a circumstance in

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aggravation of the crime for sentencing purposes. In addition, except as specified, any crime which is not made punishable by imprisonment in the state prison is punishable by imprisonment in the state prison or in a county jail not to exceed one year, by a fine not to exceed $10,000, or by both that imprisonment and fine, if committed because of a person's race, color, religion, ancestry, national origin, or sexual orientation.

This bill would add a person's gender to the list of discriminatory classifications to which these provisions apply. Thus, the bill would impose a state-mandated local program by expanding the scope of existing crimes.

(2) This bill would incorporate additional changes in Sections 422.6, 422.7, and 1170.75 of the Penal Code proposed by SB 98, to be operative only if this bill and SB 98 are both chaptered and become effective on January 1, 1992, and this bill is chaptered last.

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

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

Ch. 1185 (AB 1395) Speier. Victims of crime.

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.

Existing law requires the board to process completed claims for assistance under this program within an average of 90 days from the date the claim is accepted as complete.

This bill would specify that this period is 90 calendar days. It would require each individual claim to be approved or denied within 180 calendar days. If a claim is not approved or denied within the 180-day period, the board would be required to advise the applicant, in writing, of the reasons for the failure to approve or deny the claim

Existing law requires that if the board does not meet the 90-day standard for the processing of claims, it shall report to the Legislature, on a quarterly basis, its progress and current average time of processing a claim.

This bill would, instead, require these quarterly reports if the board does not meet the 90-day average standard for processing of claims.

The bill would also entitle a claimant, if the board fails to approve or deny his or her claim within the 180-day period, as required by the bill, to a private right of action to seek a writ of mandate. If the writ is issued against the board, the court would be permitted to order the board to pay the claimant's reasonable attorney's fees and costs incurred in pursuit of the writ or $1,000, whichever is less. It would require the board, if it takes action in favor of the applicant in response to the filing of a petition, but prior to a judicial determination, to pay the applicant's cost of filing the petition. The court would also be permitted to order the board to pay reasonable attorney's fees in the case of an appeal by the board that results in a decision in favor of the applicant

Existing law permits the board to authorize payment of attorney's fees representing the reasonable value of legal services rendered to applicants under this program, but not to exceed 10% of the amount of the award, or $500, whichever is less.

This bill would, instead, require this payment to be made, and would require that the payment be in an amount equal to, but not to exceed 10% of the amount of the award, or $500, whichever is less. It would permit an attorney receiving fees from another source to waive payment of these fees. It would specify that this payment and other payments made under this program are in addition to any other attorney's fees payable due to the filing for a writ of mandate, as specified.

Existing law permits the board to make all needful rules and regulations consistent with the law for the purposes of carrying into effect the provisions relating to this program

This bill would specify that all rules and regulations adopted pursuant to this provision shall be in accordance with the Administrative Procedure Act.

This bill would incorporate amendments to Section 13965 of the Government Code contained in AB 121 and Section 13968 of the Government Code contained in SB 377, with the amendments incorporated by this bill from each of these bills, to become operative only if the bills amend those sections of the Government Code and if this bill

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is chaptered after the other bills, respectively.

Ch. 1186 (AB 1966) Areias. Emergencies: distribution

Under the Emergency Services Act, during a state of war emergency or a state of emergency, the Governor may suspend the provisions of any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency, where the Governor determines and declares that strict compliance with the provisions of the statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency.

This bill would authorize the Governor to make, amend, or rescind orders and regulations during a state of emergency that temporarily suspend any statute, ordinance, regulation, or rule imposing nonsafety related restrictions on the delivery of food products, pharmaceuticals, and other emergency necessities distributed through retail or institutional channels, as specified. The suspension would remain in effect until the order or regulation is rescinded by the Governor, the state of emergency is terminated, or for a period of 60 days, whichever occurs first.

Ch. 1187 (AB 2141) Speier. Child care: partnership for child care.

(1) Existing law requires the Governor to appoint an advisory committee to assist the State Department of Education in developing a state plan for child development programs, as specified.

This bill would require the advisory committee to coordinate the drafting of prescribed guidelines for local child care and development councils It would require the advisory committee to draft and adopt the final guidelines, in consultation with specified entities.

(2) Existing law provides for the licensure and regulation of child day care facilities.

This bill would request each board of supervisors and superintendent of schools to complete one of several specified options regarding the establishment of a local child care and development planning council and the preparation of a countywide, community-based child care plan.

This bill would encourage local jurisdictions to make efforts to ensure that the community child care plan meets prescribed requirements. It would provide for the prescribed distribution of federal Child Care and Development Block Grant funds allocated for local expansion of child care services.

Ch. 1188 (SB 121) Hart. Public postsecondary education: transfer functions.

(1) Existing law requires the Board of Governors of the California Community Colleges, the Regents of the University of California, and the Trustees of the California State University, with appropriate consultation with the Academic Senates of the respective segments, to develop, maintain, and disseminate jointly a common core curriculum in general education courses for the purposes of transfer. Each person who successfully completes the transfer core curriculum is deemed to have completed all lower division general education requirements for the University of California and the California State University.

This bill would require the Regents of the University of California, the Trustees of the California State University, and the Board of Governors of the California Community Colleges to have as a fundamental policy the maintenance of a healthy and expanded student transfer system, as specified.

The bill would require the California State University to maintain its upper division enrollment at approximately 60% of total undergraduate enrollment. The bill would require the University of California, commencing in the 1991–92 academic year, to increase the percentage that upper division enrollment systemwide is of total undergraduate enrollment by one percentage point each year through the 1995–96 academic year until that percentage reaches approximately 60% The bill would also require the governing board of each segment to ensure that individual university and college campus enrollment plans include adequate upper division places for community college transfer students in all undergraduate colleges or schools, as specified.

The bill would impose a state-mandated local program by requiring that each com-

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munity college district governing board ensure that its college or colleges maintain student transfer counseling centers or other counseling and student services designed and implemented to affirmatively seek out, counsel, advise, and monitor the progress of potential and identified community college transfer students, and by imposing certain duties upon the governing boards of community college districts.

The bill would require the governing board of each public postsecondary education segment to be accountable for the development and implementation of formal system-wide articulation agreements and transfer agreement programs, including those for general education or a transfer core curriculum, and other appropriate procedures to support and enhance the transfer function.

The bill would require each department, school, and major, in the University of California and California State University to develop, in conjunction with community college faculty in appropriate and associated departments, discipline-specific articulation agreements and transfer program agreements for those majors that have lower division prerequisites, and would require community college districts, in conjunction with the California State University and the University of California, to develop, according to specified priorities, discipline-based agreements with as many campuses of the 2 university segments as feasible

These additional duties would impose a state-mandated local program.

The bill would require the 3 public segments of postsecondary education and the California Postsecondary Education Commission to submit reports regarding implementation of its provisions, as specified.

The bill would request the California Postsecondary Education Commission to convene an intersegmental advisory committee on transfer access and performance for purposes of presenting reports to the Governor and the Legislature, as specified.

The bill would specify that none of these provisions shall apply to the University of California except to the extent that the Regents of the University of California, by resolution, make that provision applicable.

The bill would request the Board of Regents of the University of California, the Board of Trustees of the California State University, and the Board of Governors of the California Community Colleges to prepare a plan for the implementation of the revised program of transfer functions.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 1189 (SB 424) Kopp. Initiative petitions.

Existing law requires that, prior to the circulation of any state initiative petition for signatures, the proponents submit a draft of the proposed measure to the Attorney General with a written request that a title and summary of the chief purpose and points of the proposed measure be prepared.

This bill would require this written request to be accompanied by a written statement, signed by each proponent under penalty of perjury, that no appropriation for a particular project, as defined, contained within the text of the proposed measure, if any, was included in exchange for a campaign contribution or a pledge for a campaign contribution for purposes of qualifying the proposed measure for the ballot. By extending the crime of perjury to this written statement, this bill would impose a state-mandated local program.

This bill would prohibit any person from including an appropriation for a particular project within the text of any initiative petition in exchange for a campaign contribution or a pledge for a campaign contribution for purposes of qualifying the petition for the ballot.

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

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

This bill would incorporate additional changes in Section 3502 of the Elections Code, proposed by SB 661, to be operative only if SB 661 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

Ch. 1190 (SB 500) Morgan. Child care.

(1) Existing law designates the State Department of Education as the single agency responsible for the promotion, development, and provision of care of children in the absence of their parents, as specified.

This bill would provide that the department shall administer the federal Child Care and Development Block Grant Act of 1990, established by the Omnibus Budget Reconciliation Act of 1990 pursuant to certain conditions It would require the department to award local contracts for direct services, pursuant to that federal law, to applicant agencies meeting locally determined priorities for program expansion.

The bill would require that in each child care and development program receiving those funds at least 10% of the children receiving care are children with exceptional needs and would authorize the Superintendent of Public Instruction to waive this requirement under certain circumstances.

The bill would also require the department, from those funds, to make funds available for staff development.

(2) Existing law requires the Superintendent of Public Instruction to adopt rules and regulations for child care and development services, including providing guidelines for the selection of agencies that contract for child care services

This bill would authorize the superintendent to waive certain existing regulations regarding interviews of contract applicants and appeal hearings, in order to expedite the expansion of federal or state child care services

(3) Existing law requires the State Department of Education to disburse augmentations to the base allocation for the expansion of child care and development services in a manner that would promote equal access to those services across the state by developing a formula using indirect indicators of need for child care. In compiling data to be used in that formula, the department is required to divide counties larger than 1,000,000 persons into smaller units.

This bill, instead, would authorize the department to divide those counties into smaller units.

(4) Existing law authorizes child care services under the Greater Avenues for Independence (GAIN) program to be provided by a caregiver who is exempt from licensure provided the caregiver provides certain information to the county welfare department or the child care services contractor, including any criminal history.

This bill would require, to the extent permitted by federal law, the county welfare department to deny payment, or cause a contractor to deny payment to a caregiver who has been convicted of certain crimes, and would provide that the GAIN participant may have good cause for not participating in that program if the child care provider selected by the participant is denied payment. The bill also would require the county welfare department or the contractor to use existing child care licensing or GAIN procedures to provide information to participants on services exempt from licensure.

(5) Pursuant to certain existing federal law, federal funds are made available to each state for the establishment of at risk child care programs.

This bill would establish the At Risk Child Care Program. The bill would require, upon the approval of the Superintendent of Public Instruction, the State Department of Social Services, as the single state agency designated to administer the program, to enter into an interagency agreement with the State Department of Education to administer the program. The bill would require the State Department of Education to develop rules and regulations for the administration of the program, subject to the approval of the State Department of Social Services.

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The bill would make funds available for payment to both licensed and unlicensed child care providers. The bill would establish certain priorities for the participation of eligible families, as defined, in the program. The bill would set forth a formula for payments to child care providers under the program and would also require eligible families participating in the program to contribute to the cost of the child care provided to them according to a sliding scale developed by the Superintendent of Public Instruction.

The bill would require child care providers receiving payment under the program to comply with certain existing law.

The bill would require the State Department of Social Services to reimburse the State Department of Education for the costs of the program, based on a specified formula.

The bill would require the State Department of Social Services to prepare a report regarding the program, to submit that report to the Secretary of Health and Human Services, and to make that report available to the public, as specified.

The bill would require the State Department of Social Services to determine the time and method by which specified families will be informed of their potential eligibility under the program.

(6) Under existing law, licensed child care providers must meet certain requirements relating to health and criminal records.

This bill would provide that payment for child care services is not required to any person known to have tuberculosis or certain criminal convictions involving children. This bill would also provide that this prohibition does not create an affirmative obligation to investigate nor does it create any penalty for failure to investigate.

(7) Existing law requires the State Department of Education to restrict certain Greater Avenues for Independence (GAIN) participants from being placed in child care spaces that are subsidized by the State Department of Education and prohibits an agency contracting with the State Department of Education to provide child care services from receiving compensation from the department and a county welfare department at the same time.

This bill would prohibit the department from implementing those restrictions as to GAIN participants.

(8) This bill would appropriate $36,446,921 from moneys allocated to the state pursuant to the federal At Risk Child Care Program (42 U.S.C. Sec. 603(n)) to the State Department of Social Services in augmentation of Item 5180-151-890 of the Budget Act of 1991 and $144,943 from those moneys to the State Department of Social Services in augmentation of Item 5180-001-890 of the Budget Act of 1991.

This bill would make an appropriation by authorizing the Superintendent of Public Instruction to make allocations, from certain funds appropriated to the State Department of Education, to the At Risk Child Care Program, in an amount matching the federal funds expended by the state for the program and by requiring the superintendent to transfer $144,963 from specified funds to the State Department of Social Services.

This bill would also authorize the superintendent to expend funds and contract for services for program activities prescribed in the state plan adopted by the state for the purposes of the federal Child Care and Development Block Grant Act of 1990, established by the Omnibus Budget Reconciliation Act of 1990, thereby making an appropriation.

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

Ch. 1191 (SB 1024) Roberti. Local sanitation and sewer systems.

Under existing law, various local public entities which are authorized to acquire, construct, own, or operate a sanitation system, a sewer system, or both, may, among other things, require the pretreatment of any industrial waste which would otherwise be detrimental to the treatment works or its proper and efficient operation and maintenance and the prevention of the entry of such waste into the collection system and treatment works.

Existing law permits the imposition of civil penalties not to exceed $6,000 for each day in which a violation of these requirements occurs upon petition of the local agency to the superior court to impose, assess, and recover those sums. In determining the amount of the penalty the court is required to consider all relevant circumstances.

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This bill would instead permit a local agency to require pretreatment of any industrial waste it determines is necessary to meet standards established by the federal or state government or other regulatory agencies or which the local agency determines is necessary to protect its treatment works or the proper and efficient operation thereof or the health or safety of its employees or the environment and the prevention of the entry of such industrial waste into the collection system and treatment works.

The bill would set civil penalties for violations of not to exceed $25,000 a day for each violation and would expressly require the court in determining the amount of the penalty to consider the economic benefit derived through any noncompliance. The bill would state that all civil penalties imposed shall be distributed to the local agency and that remedies under these provisions are cumulative, except for penalties under the administrative complaint procedure.

The bill would establish a procedure for the local agency to issue an administrative complaint to any person violating the above requirements, including notice and a hearing and would permit the imposition of specified civil penalties by the local agency. The local agency could petition the superior court to confirm any order establishing civil penalties and to enter judgment in conformity. The bill would also establish procedures to appeal the order of the board of the local agency.

Ch 1192 (SB 1026) Marks Community redevelopment.

Existing law establishes redevelopment agencies in communities to address the effects of blight, as defined, in those communities.

This bill would, with regard to a city and county, expressly include within the definition of redevelopment the improvement, increase, or preservation of emergency shelters for homeless persons or households, as specified. This bill would, in provisions which are repealed January 1, 1993, make various exemptions, exceptions, and modifications to statutes relating to redevelopment and environmental quality with respect to various related actions of the City of Dunsmuir, the Redevelopment Agency of the City of Dunsmuir, and the County of Siskiyou relating to one or more redevelopment plans of the City of Dunsmuir.

The California Constitution requires that a local or special statute is invalid in any case if a general statute can be made applicable

This bill would express the finding and declaration of the Legislature that a special law is necessary and that a general law cannot be made applicable within the meaning of the California Constitution because of unique, specified circumstances relating to redevelopment in, respectively, the City and County of San Francisco and the City of Dunsmuir and the County of Siskiyou.

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

Ch. 1193 (SB 1081) Hart. Fines and penalties: discharges into state waters.

(1) Under existing law, it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this state any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance, or any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, mill or factory of any kind. A violation of this provision is a misdemeanor, punishable by, among other things, a maximum fine of $2,000.

This bill would make any person convicted of a violation of these provisions subject to an additional fine of not more than $10 for each gallon or pound of material discharged, an amount equal to all actual damages to fish, plant, bird, or animal life and habitat, and an amount equal to the reasonable costs incurred in cleaning up the deleterious material or abating its effects, or both.

(2) Under existing law ½ of all fines and forfeitures imposed or collected in any court of this state for violations of the Fish and Game Code are deposited in the Fish and Game Preservation Fund

This bill would permit the Department of Fish and Game to employ legal counsel and expend these funds to pay the costs of legal actions brought in the name of the people relating to the enforcement of the Fish and Game Code by a district attorney, city attorney, or the department.

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(3) Under existing law, a portion of the fines and forfeitures collected for a violation of the provisions of the Fish and Game Code are deposited in the Fish and Game Preservation Fund, a continuously appropriated fund.

Because this bill would increase the amount of funds deposited in the Fish and Game Preservation Fund, it would make an appropriation.

Ch. 1194 (SB 1166) Hill. Air pollution: gasoline blends.

Existing law requires the State Air Resources Board to establish, by regulation, maximum standards for the volatility of gasoline sold in California at or below 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 exempt from that volatility standard, on and after October 1, 1993, any blend of gasoline of at least 10% ethyl alcohol, unless the state board determines that the use of the blend would result in a net increase in the ozone forming potential of the total vehicular emissions, as specified. If, at any time, the state board adopts standards for NOx emission levels for reformulated gasoline, any such blend which exceeds those levels would no longer be exempt.

Ch. 1195 (SB 709) Leonard. Regulation of commerce.

Under existing law, any person performing or proposing to perform an act of unfair competition within this state may be enjoined in any court of competent jurisdiction. Existing law provides that actions for injunctions to enjoin unfair competition may be prosecuted by the Attorney General, any district attorney, or any city attorney of a city having a population in excess of 750,000, and, with the consent of the district attorney, by a city prosecutor in any city or city and county having a full-time city prosecutor.

This bill would also allow a county counsel authorized by agreement with the district attorney in actions involving violation of a county ordinance to prosecute an action for injunction to enjoin unfair competition

Existing law provides that any person who violates the unfair competition laws or violates an injunction prohibiting unfair competition, shall be liable for civil penalties with the allocation of the money collected to be apportioned, as specified.

This bill would provide that if an action is brought by a county counsel for violation of the unfair competition laws or to enjoin unfair competition, the penalty collected shall be paid to the treasurer of the county in which the judgment was entered.

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 criminal or specified civil 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 include under these provisions, an action or proceeding brought by a county counsel.

Ch. 1196 (AB 1755) Speier. Court actions.

(1) Existing law provides that specified actions to enforce unfair competition laws may be prosecuted by the Attorney General, any district attorney, any city attorney of a city having a population in excess of 750,000, certain city prosecutors, and the City Attorney of San Jose with the consent of the Santa Clara County District Attorney. Existing law provides for civil penalties for the violation of unfair competition laws, and provides that if an action is brought by a city attorney, ½ of the penalty collected shall be paid to the treasurer of the city in which the judgment was entered, and ½ to the treasurer of the county.

This bill would revise the above provision as respects a city and county to provide that any city attorney of a city and county having a population in excess of 750,000, may prosecute these actions. This bill would provide that a city attorney in any city and county, with the consent of the district attorney of the city and county, may also prosecute these actions. The bill would (a) authorize the county counsel, pursuant to an agreement with the district attorney, to prosecute these actions where the action in-

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volves violation of a county ordinance, and (b) require distribution of any civil penalties recovered in an action brought by the county counsel for violation of laws on unfair competition, or of an injunction prohibiting unfair competition, in the same manner prescribed for these actions brought by the district attorney.

This bill would provide that if an action for civil penalties for the violation of unfair competition laws is brought by a city attorney of a city and county, the penalty collected shall be paid to the treasurer of the city and county in which the judgment was entered. The bill would also provide, however, that if such an action is brought by a city attorney of a city and county to enforce laws and regulations regarding buildings used for human habitation and the abatement of nuisance involving controlled substances, either the penalty collected shall be paid entirely to the treasurer of the city and county in which the judgment was entered, or upon the request of the city attorney, the court may order that up to ½ of the penalty, under court supervision and approval, be paid for the purpose of restoring, maintaining, or enhancing the premises which were the subject of the action, and that the balance of the penalty be paid to the treasurer of the city and county.

This bill would also make related and conforming changes.

(2) Under existing law, an action for the abatement and prevention of nuisance involving controlled substances may be maintained by the district attorney, the city attorney of any incorporated city, or any citizen of the state resident in the county where the nuisance exists.

This bill would, in addition, provide that the city attorney of any city and county may maintain such an action

(3) Existing law prohibits any person from filing more than 2 small claims actions in which the amount demanded exceeds $2,500 anywhere in the state in any calendar year.

This bill would authorize the City and County of San Francisco and the County of Stanislaus to participate in a pilot project under which the city and county or county, and specified local entities in those jurisdictions, would be exempt from this limitation. However, the bill would provide for the transfer to municipal court of an action filed by those entities in small claims court in which the amount demanded exceeds $2,500 if the defendant informs the court, as specified, that he or she is represented by a legal counsel. These provisions would be operative until January 1, 1995.

This bill would require the City and County of San Francisco and the County of Stanislaus, if they elect to participate in the pilot project, to conduct a study of the pilot project in their respective jurisdictions, as specified, and to submit a report on the conclusions of this study to the Legislature.

Ch. 1197 (AB 318) Polanco. Employment: farm labor contractors.

Existing law provides for the regulation and licensing of farm labor contractors, with specified civil and criminal penalties for violations of those provisions. Among other things, it prohibits acting as a farm labor contractor unless licensed, and prohibits the Labor Commissioner from issuing or renewing a license to act as a farm labor contractor, until certain conditions are satisfied, including the payment of a $250 license fee. It provides that any person who violates those provisions, or who causes or induces another to violate those provisions, is guilty of a misdemeanor, punishable by a fine of $1,000, or imprisonment in the county jail for not more than 6 months, or both.

This bill would increase to $350 the fee for a license.

Existing law requires the Labor Commissioner to consult with the Director of Food and Agriculture for purposes of preparing a licensing examination for farm labor contractors, as specified.

This bill would instead require the Labor Commissioner to consult with the Director of Pesticide Regulation for purposes of preparing that examination.

This bill would require every person acting in the capacity of a farm labor contractor to provide to a grower a copy of his or her current valid license prior to entering into a contract to supply agricultural labor or services. It would also prohibit a grower from entering into a contract or agreement with a person who fails to provide a copy of his or her license, without making reasonable inquiry to ensure that the person possesses a valid license.

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This bill would require the Labor Commissioner, in the event that a licensee or prospective licensee has fulfilled all the requirements for a license, but the Labor Commissioner has not been able to timely issue or renew a license, to issue to the person applying for a license, or renewal of a license, a letter of authorization permitting that person to operate or continue to operate as a farm labor contractor. It would provide that, for purposes of these provisions, a "valid state license" shall include that letter of authorization.

The bill would provide that a person who acts in the capacity of a farm labor contractor without first securing a license is guilty of a misdemeanor punishable by a fine of not less than $1,000 nor more than $5,000, or imprisonment in the county jail for not more than 6 months, or both.

The bill would provide that any grower who enters into a contract or agreement in violation of the bill's provisions is subject to a civil action, as specified.

Since the bill would enact new requirements, the violation of which would be a misdemeanor, and since it would increase penalties for acting as a farm labor contractor without a license, 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. 1198 (AB 617) Hayden. Postsecondary education.

(1) Under existing law, higher education in this state is provided by the University of California, the California State University, the California Community Colleges, and certain private colleges and universities. 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 make legislative findings with regard to the need for growth in all segments of higher education in California. The bill would also state the intent of the Legislature regarding implementation of the policy goals of the Master Plan for Higher Education.

The bill would define "independent institutions of higher education" for the purposes of the Donahoe Higher Education Act. The bill would also state that it is not the intent of that act to regulate, subsidize, or intrude upon private education

This bill would identify common educational missions of all educational institutions in California and would restate the missions of public education in California.

The bill would state the commitment of the Legislature to encourage and support collaboration and coordination among all segments of education and the intent of the Legislature to recognize the role of independent, regionally accredited postsecondary education in California.

The bill would state the intent of the Legislature that each governing board of an institution of higher education periodically review the quality of the graduate and professional programs operated by the institution, as specified, and that joint doctoral programs operated by the California State University and the University of California or other institutions be established.

This bill would state the intent of the Legislature that public institutions of higher education provide a collegiate experience which gives each student certain skills, knowledge, and understanding. The bill would also state the intent of the Legislature that the governing boards of each of the segments of higher education affirm the importance of teaching oversight and adopt and enforce policies that enhance the quality of teaching within these institutions, as specified

(2) Existing law contains various statements of legislative intent regarding the opportunity to enroll and continue in public postsecondary education, and establishes categories for enrollment planning and admission priority practice.

This bill, in addition, would make statements of policy concerning the opportunity to make up deficiencies.

(3) The bill would set forth the intent of the Legislature that the University of

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California and the California State University shall seek to maintain an undergraduate student population of a ratio of 40% lower division students to 60% upper division students and shall plan admission requirements to meet these policies. The bill would also revise the enrollment planning and admission categories.

The bill would require the Superintendent of Public Instruction to assist all school districts to ensure that all public high school pupils have access to a core curriculum that meets the admission requirements of the University of California and the California State University. The bill would state the intent of the Legislature that each public high school shall provide a full precollegiate program and counseling and would prohibit any policy or practice in public elementary and secondary schools of directing any pupil away from programs which prepare that pupil academically for college, thereby imposing a state-mandated local program.

(4) Existing law directs the Board of Governors of the California Community Colleges, the Regents of the University of California (at their option), and the Trustees of the California State University to jointly develop, maintain, and disseminate, as specified, a common core curriculum in general education courses and lower division major preparation curricula for purposes of student transfer.

This bill would require that the transfer function be a central institutional priority of all segments of higher education and would, in addition, state the intent of the Legislature that the segments of higher education develop transfer agreement programs specifying the requirements for community college students to transfer to the public 4-year segments.

This bill would state the intent of the Legislature to urge the creation and implementation of assessment processes whereby institutions of higher education establish mechanisms for the assessment of their performance in improving student learning and the achievement of the goals for higher education of quality, educational equity, employee diversity, student transfer, and student retention as stated in the updated Master Plan for Higher Education The bill would state the intent of the Legislature to monitor the performance of the University of California, the California State University, and the community colleges in specified areas.

The bill would state that nothing in the bill shall be interpreted to expand or diminish rights, responsibilities, and duties with respect to public and higher education labor relations, as specified.

(5) To the extent that each of the above requirements solely directed to institutions of public higher education would apply to community college districts, 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. 1199 (AB 1983) Polanco. Extended day care.

(1) Under existing law, a public or private entity submitting an application for funding under an agreement with the Superintendent of Public Instruction for the delivery of extended day care services is required to notify certain school districts of its intent to apply for that funding, pursuant to which each school district having an applicant agency within its boundaries is required to develop an assessment, as specified, addressing the need for extended day care services in the district.

This bill would repeal that provision of existing law, as well as certain related provisions.

(2) Under existing law, the Superintendent of Public Instruction is directed to disburse funds for extended day care programs to each county in the state according to child care need, as determined on a basis that considers, for the 1985–86 fiscal year,

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certain factors relating to the percentage of children receiving public assistance, the percentage of women in the labor force, and the percentage of children from 5 to 14 years of age, inclusive.

This bill would delete the provision limiting the application of those factors to the 1985–86 fiscal year.

(3) Under existing law, for an extended day care program to be eligible for state funding for a child served, the child's family is required to meet one of several criteria, including income eligibility.

This bill would establish a definition of "income eligibility" for that purpose, based upon the relation of a family's adjusted monthly income to the state median income.

(4) Existing law directs that the rates of reimbursement for extended day care services established by the Superintendent of Public Instruction be based upon child days of enrollment.

This bill would direct that those reimbursement rates may be based alternatively upon child hours of enrollment, at the option of the agency to be reimbursed.

(5) Existing law requires the Superintendent of Public Instruction to review the implementation of the reimbursement rates to determine whether the rates are reasonable, cost-effective, and consistent with the goal based on specified criteria.

This bill would provide that this review occur annually and would change the criteria for that review, as specified. The bill would specify that this requirement applies only if SB 255 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

(6) Existing law authorizes the Superintendent of Public Instruction to exempt, from administrative requirements that otherwise would apply to extended day care services programs receiving state funding, any programs that are recreational and contain no instructional components.

This bill would limit that exemption to any programs that are recreational in nature.

(7) This bill would incorporate additional changes in Sections 8468.5 and 8470 of the Education Code, proposed by SB 255, to be operative only if SB 255 and this bill are both chaptered and become effective January 1, 1992, and this bill is chaptered last.

Ch. 1200 (SB 90) Royce. Foster care: foster family agencies.

(1) Existing law requires the licensure of foster family agencies, as defined, by the State Department of Social Services, the licensure of foster family homes by the department or a county, and the certification of family homes by a foster family agency. Violation of the requirements for licensure is a misdemeanor.

This bill would change the definition of "foster family agency" to no longer include an individual.

This bill would authorize a foster family agency to impose additional standards on a family home or require the home to be compatible with its treatment approach.

The bill would require a certificate to a family home to be valid for a period not to exceed one year, and would require a certified family home to complete training or education, as specified.

The bill would prohibit a foster family agency from certifying a family home that is licensed by the department or a county and would require the family home to forfeit its license concurrent with certification.

The bill would prohibit the department or a county from licensing a family home that is certified by a foster family agency and would require the family home to forfeit its certificate concurrent with licensure.

The bill would prohibit a foster family agency from placing a child in a certified family home until the foster family agency has received a criminal record clearance from the department, with certain exceptions.

The bill would require a foster family agency to obtain the criminal record clearance in a prescribed manner.

This bill would require a county, upon receiving notification that a foster family home is forfeiting its license, to evaluate the needs of any child placed in the home and make a determination concerning the level of care required by the child, thereby imposing a state-mandated local program It would require a child not requiring a prescribed level

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of care to be moved to a home that provides the appropriate level of care.

The bill would authorize the department to require a foster family agency to revoke certification of a certified family home or take other specified action, under certain circumstances.

By making these changes the bill would change the definition of a crime, thereby creating a state-mandated local program.

(2) Existing law requires the department to implement intensive treatment foster care prorams for eligible children in Yolo County and Alameda County.

This bill would make prescribed changes in the implementation of the program including allowing placement from counties other than the host county, revising requirements for certain foster parents and child/youth counselors, and modifying placement and rate requirements.

(3) The bill would require the department to adopt emergency regulations to implement specified provisions of law relating to foster care and would authorize the department to adopt emergency regulations to implement this bill.

(4) This bill would incorporate additional changes in Section 1502 of the Health and Safety Code, proposed by AB 760 to be operative only if AB 760 and this bill are both chaptered and become effective on or before January 1, 1992, and this bill is chaptered last. These changes would become operative on the operative date of AB 760.

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

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

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.

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

Ch. 1201 (SB 124) McCorquodale. Air pollution: San Joaquin Valley.

(1) Existing law provides for the creation of county air pollution control districts in every county not included within specified other air pollution control districts or air quality management districts. Every air pollution control district and air quality management district is required to adopt and enforce regulations to achieve and maintain the state ambient air quality standards for the area under its jurisdiction, to enforce applicable state law, and to endeavor to achieve and maintain federal ambient air quality standards.

This bill would create the San Joaquin Valley Air Quality Management District to include the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. The district would assume the functions of the county air pollution control districts in those counties on July 1, 1992. The bill would provide for a district board with members appointed as specified. The bill would include a member of the board in the membership of the State Air Resources Board on a rotating basis.

The bill would specify the duties and functions of the district with respect to the adoption of rules and regulations for the control of air pollution and would require the adoption of air quality attainment and maintenance plans.

The bill would permit the district board to adopt a schedule of fees levied on sources of air pollution subject to district regulation to recover its costs of implementing the bill.

By imposing duties on the district and requiring local agencies to make appointments to the district board, the bill would impose a state-mandated local program.

(2) The above provisions of the bill would not become operative if, prior to July 1, 1992, the above-named counties have formed a regional or unified air pollution control district. The bill would require the state board to determine whether prescribed criteria have been met in the formation of a regional or unified district.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, 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 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. 1202 (SB 377) Thompson. Minors.

(1) Existing law provides that when a complaint has been filed or a petition has been requested in juvenile court, alleging that a minor pupil enrolled in a public school has committed certain narcotics crimes, as specified, the district attorney may, within 48 hours, notify in writing the superintendent of the school district of attendance.

This bill would add felonious assault, homicide, or rape to the list of those crimes of which the district attorney may notify the school superintendent.

(2) Existing law requires every law enforcement agency in the state to provide to the State Board of Control or to designated local victim centers, upon request, complete copies of specified crime reports for the specific purpose of the submission of a claim or the determination of eligibility to submit a claim filed by a victim of a crime of violence.

This bill would, in addition and notwithstanding the confidentiality of juvenile records, require every law enforcement agency and every social service agency in the state to provide to the board or to the designated local victim centers, upon request, a copy of a petition filed in a juvenile court proceeding, reports of the probation officer, any other document made available to the probation officer, the judge, referee, or other hearing officer. The inspection of documents which personally identifies a minor would be restricted, as specified, and the information therein confidential. A violation of this provision would constitute a misdemeanor. By imposing additional requirements on local law enforcement agencies and local social services agencies, and by creating a new crime, this bill would impose a state-mandated local program.

(3) Under existing law, every person who, except in self-defense, in the presence of any other person draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner or who in any manner unlawfully uses the firearm in any fight or quarrel is guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not less than 3 months.

This bill would additionally provide that every person who carries out the above conduct with any loaded firearm upon the grounds of any day care center, as defined, or any other facility or center where specified programs are conducted for persons under 18 years of age during hours in which the center or facility is open for use shall be punished by imprisonment in the state prison for one, 2, or 3 years, or by imprisonment in the county jail for a term of not less than 3 months nor more than one year.

(4) Under existing law, except for certain enumerated persons, any person who brings or possesses a firearm upon the grounds of, or within, any public school, including the University of California, the California State University, and the California Community Colleges, unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, shall be punished by imprisonment in the state prison for 1, 2, or 3 years.

This bill, instead, would provide that, except for certain enumerated persons, any person who brings or possesses a loaded firearm upon the grounds of, or within, any public school, including the University of California, the California State University, the California Community Colleges, any private school providing instruction in kindergarten or grades 1 to 12, inclusive, or any private university or college, unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, shall be punished by imprisonment in the state prison for 2, 3, or 4 years.

In addition, the bill would provide that, except for certain enumerated persons, any person who brings or possesses an unloaded firearm upon the grounds of, or within, any

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public school, including the University of California, the California State University, the California Community Colleges, any private school providing instruction in kindergarten or grades 1 to 12, inclusive, or any private university or college, unless with that written permission, shall be punished by imprisonment in the state prison for 1, 2, or 3 years.

Because the bill would expand the scope of an existing crime, it would impose a state-mandated local program.

(5) Under existing law, no dealer licensed to sell firearms at retail, as specified, shall deliver a firearm to a purchaser or transferee unless specified conditions are satisfied, including the condition that the purchaser or transferee present clear evidence of his or her identity and age to the dealer or be personally known to the dealer.

This bill would contain a declaration of legislative findings that no law in this state requires a business establishment to sell or transfer a firearm to another person who intends to use the firearm for an unlawful purpose or who is a danger to himself or herself or others or if the refusal to sell or transfer the firearm is based on any other good cause.

(6) Existing law provides that a notice to appear shall provide that the person shall appear before the juvenile court, a juvenile court referee, or a juvenile traffic hearing officer if the person arrested appears to be under the age of 18 years and the arrest is for one or more specified violations.

This bill would revise the violations under which such a person would be required to appear before the juvenile court, a juvenile court referee, or a juvenile traffic hearing officer.

(7) Existing law requires that when a minor pupil has been found by a court of competent jurisdiction to have committed certain serious crimes, as specified, the court shall provide written notice within 7 days to the superintendent of the school district of attendance, who shall transmit this information confidentially to necessary teachers, as specified.

Existing law also requires that if a minor is removed from public school as a result of a court's finding as described above, and then transfers to another school district, the parole or probation officer having jurisdiction over the minor shall so notify the superintendent of the last district, who shall transmit the court notice to the superintendent of the new district of attendance.

This bill would make technical changes to these provisions.

(8) Existing law authorizes a traffic hearing officer under prescribed conditions to hear and dispose of cases in which a minor is charged with specified offenses.

This bill would include hearing and disposing of cases involving any infraction within the authority of a traffic hearing officer. This bill would make a conforming change with respect to the offenses for which a hearing before a traffic hearing officer, a referee, or a judge of the juvenile court may be conducted upon specified written notice to the minor, in lieu of the filing of a petition. This bill would authorize a traffic hearing officer to request the juvenile court judge or referee to issue a warrant of arrest against a minor who violates his or her signed notice to appear for specified hearings

(9) Existing law provides that the judge, referee, or traffic hearing officer may take one or more specified actions upon a hearing, upon an admission by the minor of the commission of a violation charged, or upon a finding that the minor did in fact commit the violation.

This bill would, in addition, authorize the judge, referee, or traffic hearing officer in these instances to order that the minor pay all or less than all of a specified fine or to direct that the probation officer undertake a program of supervision of the minor, as specified, and would recast and reorganize provisions authorizing the issuance of orders that may be made for specified offenses. To the extent that a probation officer is directed to undertake a program of supervision of a minor pursuant to this provision, this bill would impose a state-mandated local program.

(10) Existing law provides that juvenile court proceedings to declare a minor a ward of the court for noncriminal behavior (known as status offenders) is commenced by the filing of a petition by the probation officer.

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This bill would provide that juvenile court proceedings in certain truancy cases may be commenced by the filing of a petition by the district attorney after consultation with the probation officer, as well as by the probation officer, and would make conforming changes in this regard. By enlarging the duties of the district attorney, this bill would impose a state-mandated local program. This bill would authorize a court to order a minor declared a ward of the court on the basis of noncriminal conduct to perform community service, as specified.

(11) Existing law requires that whenever a person under the supervision of a parole or probation officer transfers residency to another county, the parole or probation officer shall transmit any court orders and probation reports regarding that person to the receiving county.

This bill would require this transmittal to occur within 2 weeks of a specified finding, thereby imposing a state-mandated local program.

(12) Existing law provides that any minor adjudged to be a ward of the court on the basis of noncriminal conduct and who is placed in a community care facility may be placed in a community care facility outside the ward's county of residence only if he or she has identifiable needs requiring specialized care which cannot be provided in a facility within his or her county of residence or unless his or her needs dictate physical separation from his or her family.

This bill would provide that if a minor is placed in a community care facility out of his or her county of residence and is then arrested and placed in juvenile hall pending a jurisdictional hearing, the county of residence shall pay to the probation department of the county of placement all reasonable costs resulting directly from the minor's stay in the juvenile hall, and the costs of transporting the minor to the county of residency if the minor is remanded back to his or her county of residency, provided that these costs exceed $100, thereby imposing a state-mandated local program.

(13) This bill would incorporate additional changes in Section 13968 of the Government Code, proposed by AB 1395, to be operative only if AB 1395 and this bill are both chaptered and become effective on or before January 1, 1992, and this bill is chaptered last.

(14) This bill would incorporate additional changes in Section 256 of the Welfare and Institutions Code, proposed by SB 65 to be operative only if SB 65 and this bill are both chaptered and become effective on or before January 1, 1992, and this bill is chaptered last.

(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 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. 1203 (SB 1125) Presley. Juvenile dependents: child abuse.

(1) Existing law provides for the jurisdiction of the juvenile court over certain minors who have suffered or are likely to suffer specified physical or emotional abuse. Until January 1, 1992, children who will suffer serious physical harm due to the inability of a parent or guardian to provide adequate supervision, and children who are suffering serious emotional damage, as described, who have no parent or guardian capable of providing appropriate care, are included among those who are under the jurisdiction of the juvenile court and may be adjudged to be a dependent of the court.

This bill would delete the January 1, 1992, repeal date of these provisions, and would repeal an alternative section that did not include those children within the jurisdiction of the court.

(2) Existing law authorizes a probation officer to undertake a program of supervision

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of a minor who is determined to be within the jurisdiction of the juvenile court or who probably will be within the jurisdiction of the juvenile court, for a period not to exceed 6 months, with a possibility of an additional 6 months of services under certain conditions.

This bill would revise the time periods and the conditions under which the program of supervision may be provided.

Existing law requires that no further in-home child welfare services shall be provided subsequent to the specified time limits.

This bill would, instead, provide that no further child welfare services shall be provided subsequent to the time limits.

Existing law provides for hearings to determine whether a minor falls within the jurisdiction of the court, and requires that the court receive and consider specified evidence.

This bill would require that the individual child's case plan be included in any social study or report submitted as evidence by the probation officer

(3) Existing law authorizes the provision of assistance in the form of Aid to Families with Dependent Children-Foster Care (AFDC-FC) for, among others, children who have been removed from the physical custody of a parent or guardian as the result of a judicial determination, or if the child has been voluntarily placed under specified provisions of law, for a period of up to 6 months. The AFDC-FC program is administered by counties pursuant to a state plan developed by the State Department of Social Services, and funded from county, state, and federal funds.

This bill would additionally specify that AFDC-FC assistance may be provided for children removed from custody pursuant to a voluntary placement agreement. It would specify the minimum contents to be included in a voluntary placement agreement. It would require the department to amend its state plan to conform to federal law regarding voluntary placement services, and would provide for federal financial participation for children in voluntary placement subject to federal approval of these state plan amendments.

(4) Existing law provides for child welfare services to be delivered by counties, and consisting of specified public social services, for children meeting certain requirements.

This bill would require counties to provide a written case plan, to include specified elements, for children receiving child welfare services, and would make various revisions in the types of services included as part of child welfare services These requirements would impose a state-mandated local program on counties implementing its provisions.

This bill would also authorize the provision of voluntary placement services for an additional 6-month period when the parent or legal guardian of the child is receiving substance abuse treatment and certain other conditions are met.

Existing law specifies the options the department must choose from with regard to minors voluntarily placed with the county for out-of-home placement for 6 consecutive months.

This bill would specify certain additional options from which the department must choose for placement of these minors

(5) Existing law provides for the Child Welfare Training Program for the purpose of developing and implementing statewide coordinated training programs for county child protective services social workers with specified assignments. Existing law makes this program inoperative on July 1, 1992.

This bill would repeal the dates on which the program would become inoperative thus extending the operation of this program indefinitely.

(6) This bill would also require the Legislative Analyst's Office to conduct a review regarding expansion and change to voluntary services components of the child welfare services system, and to report to specified committees of the Legislature at hearings on the 1992–93 fiscal year budget.

(7) Existing law continuously appropriates moneys to the counties for the care of needy children, including children receiving AFDC-FC services

By expanding the period of time during which AFDC-FC services may be provided,

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this bill would make an appropriation.

(8) This bill would require the State Department of Social Services to enact emergency regulations to implement its provisions.

(9) This bill would incorporate additional changes in Section 11400 of the Welfare and Institutions Code proposed by AB 760, to be operative only if AB 760 and this bill are both chaptered and become effective on January 1, 1992, and this bill is chaptered last.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which 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. 1204 (AB 1607) Costa. Natural gas: fueling vehicles.

Existing law directs the Public Utilities Commission to engage in research and other specified activities to encourage gas and electric corporations to seek market penetration of electric and compressed natural gas vehicles, and to establish special incentive tariffs for natural gas and electricity used to fuel vehicles, as specified.

This bill would permit the commission to authorize natural gas utilities to do the following:

(1) Construct and maintain compressed natural gas refueling stations to be owned and operated by the utility, or to be transferred to nonutility operators.

(2) Support the construction and maintenance of compressed natural gas vehicle conversion and maintenance facilities

(3) Provide incentives for conversion of motor vehicles to compressed natural gas fueled vehicles, and incentives to promote the purchase of factory-equipped compressed natural gas fueled vehicles.

(4) Recover through rates, as specified, the reasonable costs associated with the above projects.

The provisions of the bill would be repealed on January 1, 1997.

Ch. 1205 (AB 2184) Brown. Children's services.

(1) Existing law provides for various children's services administered at the state and local levels

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.

This bill would require the State Department of Social Services and the State Department of Education to establish a system for documenting child care usage by recipients who are eligible for child care under the AFDC program, so the state can claim the maximum amount of federal money to which it is entitled, and to coordinate their efforts and claim federal financial participation pursuant to the federal AFDC program.

The bill would also require the Superintendent of Public Instruction, the Secretary of Health and Welfare, and the Secretary for Child Development and Education to investigate and report to the appropriate committees of the Legislature by January 30, 1993, concerning the feasibility of consolidating all child care and development services to provide equal access to services established by federal regulations.

Existing law authorizes the Superintendent of Public Instruction to reimburse certain child development agency costs, and provides that appropriated funds that are unused for those purposes shall revert to the General Fund after 3 years

This bill would authorize the Superintendent of Public Instruction to authorize the expenditure of child care carryover funds to the State Department of Education and the State Department of Social Services for the purposes of this bill in the 1991–92 and 1992–93 fiscal years. By changing the uses for which the appropriated funds may be used, this bill would result in an appropriation

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This bill would express the intent of the Legislature in regard to the implementation of integrated children's services programs at the local level It would define the terms "integrated children's services programs" and "children's multidisciplinary services team" for purposes of the bill, and would control the disclosure of information and records by members of the children's multidisciplinary services teams.

(2) Existing law requires that plans for the construction or alteration of school buildings be approved by the Department of General Services.

This bill would exempt any school-based health care facility which is established as part of an integrated children's services program, and which meets certain other requirements, from approval by the department.

Ch. 1206 (SB 1015) Calderon. Investments: International Finance Corporation.

Existing law authorizes commercial banks to invest in, trust companies to deposit with the State Treasurer, the state and local agencies to have their deposits secured by, and certain insurers to invest their excess funds in, certain securities.

This bill would add specified obligations of the International Finance Corporation to the above.

Under existing law, operative until January 1, 1992, any foreign savings associations subject to state or federal supervision, as specified, and any broker-dealer registered, as specified, are not considered to be doing business or selling, taking, or soliciting savings accounts in this state by reason of engaging in certain specified activities.

This bill would make existing law operative until January 1, 1994, and would, among other changes, (1) specify that existing law is applicable to federally insured foreign savings associations and to broker-dealers registered in accordance with the Corporate Securities Law of 1968, (2) prohibit federally insured foreign savings associations from selling, taking, or soliciting savings accounts through telemarketing, as specified, and (3) require that in order to be considered as not doing business in this state as a result of the offering or placement of a customer's funds by a registered broker-dealer into a savings account of a federally insured foreign savings association, the savings accounts must be rated "investment grade," as specified.

Ch 1207 (SB 863) Marks. Family law. spousal support.

Existing law provides that in any judgment decreeing the dissolution of a marriage or a legal separation, the court may order a party to pay for the support of the other party any amount, and for any period of time, as the court may deem just and reasonable. Among other things, in such a proceeding a court may order a party to submit to an examination by a vocational training consultant, as specified.

This bill would specify that a court may order either party to submit to such an examination by a vocational training counselor who has certain qualifications; would specify the content of the examination; and would provide that the court may order the supporting spouse to pay the necessary expenses and costs of the counseling, retraining, or education.

Ch 1208 (SB 718) Roberti Minority and women's businesses.

Existing law provides various programs to assist businesses, but does not provide for an entity expressly charged with reviewing programs and policies concerning businesses owned by minorities and women.

This bill would request the University of California to conduct a study on businesses owned or operated in the state by minorities and women that addresses specified areas of concern

This bill would state the intent of the Legislature that the university's California Policy Seminar report the study's findings to the Governor, the Legislature, and the Small Business Development Board on or before March 30, 1993.

The bill would provide that the study shall be subject to the availability of specified funds and would state the Legislature's request that the university, the Department of Corrections, the Department of Transportation, and other appropriate state agencies supplement funding for the study, as specified.

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Ch. 1209 (AB 158) Roybal-Allard. Hazardous waste: air pollution.

(1) Existing law requires the Department of Toxic Substances Control to issue hazardous waste facilities permits for the operation of hazardous waste facilities. Until January 1, 1996, an application is required to include a disclosure statement, except as specified.

This bill would extend the disclosure statement requirement until January 1, 1997, and, until that date, would prohibit the department from issuing a hazardous waste facilities permit on and after July 1, 1992, unless the department provides a specified notice. The bill would also require the department to prepare a specified report when it proposes to issue a permit if it makes a certain determination concerning the applicant's violation of specified statutes, regulations, and requirements concerning hazardous waste management.

(2) Existing law authorizes the governing board of an air pollution control district or an air quality management district to adopt a permit system to ensure that an article, machine, equipment, or contrivance for which a permit is issued does not prevent or interfere with the attainment or maintenance of any applicable air quality standard.

This bill would authorize an air pollution control officer to review the permit applicant's history of compliance with specified laws and regulations concerning air pollution, and would authorize the officer to deny or refuse to renew a permit or specify additional permit conditions if the officer makes a specified determination concerning the violation of these laws and regulations by the applicant. The bill would require the air pollution control officer to take specified actions upon making a prescribed preliminary determination and would require the officer to take specified factors into consideration in determining whether to deny a permit, thereby imposing a state-mandated local program. The bill would require certain applicants for permits to provide a description of all violations of these laws or regulations, thereby imposing a state-mandated local program by creating a new crime, since a violation of this requirement would be a crime pursuant to existing provisions of law. The bill would require the district to include, in any public notice concerning the issuance of a permit, certain information, 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.

The bill would provide that no reimbursement is required by this act for specified reasons.

Ch 1210 (AB 186) Floyd. Employers: civil penalties.

Existing law requires the Division of Occupational Safety and Health to promulgate regulations covering the assessment of civil penalties which give due consideration to the appropriateness of the penalty with respect to specified factors. It also provides that, after exhaustion of the review procedures pursuant to specified statutes, the division may apply to the superior court for an order against an employer directing payment of a civil penalty. Existing law also provides for the suspension of professional and vocational licenses granted pursuant to state law.

This bill would additionally require the division to send a certified copy of a notice of civil penalty deemed to be a final order pursuant to a specified statute to the Contractors' State License Board when the employer served with notice is a licensee, as specified, and has failed to pay the civil penalty within 60 days following receipt of the notice of civil penalty.

This bill would permit the Department of Industrial Relations after the expiration of the period during which a penalty may be appealed, where no appeal has been filed, to file with the clerk of the superior court in any county a certified copy of the citation and notice of civil penalty, the certification by the department that the penalty remains unpaid, and the division's proof of service on the employer of the items filed with the clerk of the court. It would also permit the department, after exhaustion of the review procedures provided for in a specified statute, where an appeal has been filed, to file with the clerk of the superior court in any county a certified copy of the citation and notice of civil penalty, a certified copy of the order, findings or decision of the appeals

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board, the certification of the department that the penalty remains unpaid, and proof of service on the employer, as specified. It would require the clerk, immediately upon the department's filing of a notice of civil penalty pursuant to these provisions, to enter judgment for the state against the person assessed the penalty, in the amount of the penalty, plus interest due for each day from the date of issuance of notice of civil penalty that the penalty remains unpaid. It would require that a judgment entered pursuant to these provisions bear the same rate of interest, and be given the same effect and tax preference allowed by law as other judgments rendered for claims for taxes pursuant to a specified statute. It would prohibit the charging of any fee by the clerk of any court for the performance of any service required by these provisions. It would additionally provide that any action to collect a civil penalty shall commence no later than 3 years from the date the notice of civil penalty is final.

Ch. 1211 (AB 786) Floyd. Horseracing: fairs: training and stabling facilities.

Existing provisions of the Horse Racing Law provide for the regulation of horseracing in the state, including racing facilities at fairs.

This bill would permit fairs that conduct racing meetings in the northern zone, and would require horsemen's organizations that represent horsemen who participate in racing at those meetings, to jointly develop a program to provide for stabling and training.

Ch. 1212 (AB 869) Farr. Environmental quality: scenic resources: hazardous waste sites.

(1) The existing California Environmental Quality Act authorizes the Secretary of the Resources Agency to exempt from the act classes of projects determined not to have a significant effect on the environment. The act prohibits an exemption from being made for projects of the Department of Transportation which will result in damage to scenic resources within an official, designated state scenic highway.

This bill would revise that provision to prohibit exemption for any project which may result in damage to scenic resources within a highway designated as an official state scenic highway. The bill would specify that the provision does not apply to improvements as mitigation for a project for which a negative declaration has been approved or an environmental impact report has been certified. The bill would provide that these changes apply only to projects for which applications have not been deemed complete by January 1, 1992, as specified.

(2) Existing law requires designated state agencies to compile and submit to the Secretary for Environmental Protection, lists of hazardous waste sites and other specified sites.

This bill would require a lead agency under the California Environmental Quality Act to consult those lists and take prescribed action if a project and any alternatives are located on any of those sites. The bill would require the California Environmental Protection Agency to notify the lead agency of the listing of the site under certain circumstances. The bill would specify that this requirement does not apply to projects for which applications have not been deemed complete by January 1, 1992, as specified. The requirement on the lead agency would impose a state-mandated local program by imposing new duties on local agencies

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

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

Ch. 1213 (AB 1200) Eastin. School district budget review.

(1) Under existing law, each county superintendent of schools is required annually to submit to the county board of education certain reports regarding the financial and budgetary status of the county board of education.

This bill would revise the reporting dates for those annual reports, and would make related changes, thereby imposing a state-mandated local program.

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Under existing law, each county board of education is required annually to submit its budget for approval to the Superintendent of Public Instruction, in accordance with specified procedures and criteria.

This bill would require that the public hearing on that budget be held prior to the submittal of the budget to the Superintendent of Public Instruction on or before July 1, and that the budget be filed also with the county board of supervisors and the county auditor, thereby imposing a state-mandated local program. The bill would require that the Superintendent of Public Instruction approve or disapprove the budget no later than August 1, and would make related changes.

The bill also would require, except as specified, that, on or before September 1 of each year, the county board of education make certain revisions to the county office of education budget, adopt the revised budget, and file the revised budget for review by the Superintendent of Public Instruction. The bill would thereby impose a state-mandated local program.

Under existing law, if a budget review committee recommends approval of the budget of the county office of education, the Superintendent of Public Instruction is required to approve that budget If the budget review committee disapproves that budget, the superintendent, with the agreement of the budget review committee, may adopt an alternative budget for the county office of education.

This bill would authorize the Superintendent of Public Instruction to approve or disapprove the budget of a county office of education whether or not the budget review committee recommends approval of that budget. If the Superintendent of Public Instruction disapproves the budget, this bill would authorize the superintendent or his or her designee, for the remainder of the fiscal year, to adopt a fiscal plan and budget to govern the county office of education, to stay or rescind actions of the county office of education that are inconsistent with the fiscal plan or budget, and otherwise to monitor and review the operation of the county office of education. This bill also would authorize the Superintendent of Public Instruction or his or her designee to exercise those powers as to any county office of education having a negative or qualified certification pursuant to the annual reports described above. The requirement that a county office of education comply with that authority, including the payment of resulting administrative costs, would impose a state-mandated local program.

The bill also would direct the Superintendent of Public Instruction to monitor the operation of each county office of education pursuant to an adopted budget and, if he or she determines that the county office of education will be unable to meet its financial obligations, to recommend appropriate remedial action. The bill would authorize the superintendent, subsequent to that notification, to revise the county office of education budget, as specified, and to stay or rescind any action that is inconsistent with those revisions The requirement that a county office of education comply with that authority, including the payment of resulting administrative costs, would impose a state-mandated local program

(2) Under existing law, each school district is required annually, no later than July 1, to submit a tentative budget for the current fiscal year for review and approval, pursuant to designated deadlines, by the county superintendent of schools, the Superintendent of Public Instruction and, under specified circumstances, by a budget review committee established for that purpose. Existing law requires each district to adopt a final budget no later than September 15.

This bill would eliminate the requirement that each school district submit a tentative budget and, instead, would require each school district to submit an adopted budget no later than July 1. The bill would revise the deadlines for the approval or disapproval of the budget by the county superintendent of schools. The bill would require, except as specified, that, on or before September 1 each year, the school district governing board make certain revisions to the budget, adopt the revised budget, and file the revised budget for review by the county superintendent of schools. The bill would thereby impose a state-mandated local program The bill also would require that the budget review committee complete its review of the school district budget no later than October 31, except as specified. The bill would thereby impose a state-mandated local pro-

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gram.

(3) Existing law authorizes the Superintendent of Public Instruction, in the event that a school district budget is disapproved by the budget review committee, to either approve the budget or prepare an alternative budget to be agreed to jointly by the county office of education and the budget review committee.

This bill would repeal that authority and would authorize the school district governing board to respond to recommendations of the budget review committee made pursuant to its disapproval of the budget The bill also would require, if a school district budget is disapproved by the Superintendent of Public Instruction, that the county superintendent of schools exercise certain governance over the school district for the current fiscal year, thus imposing a state-mandated local program, with the authority to monitor and review the operation of the district, to develop and adopt a fiscal plan and budget for the district, and to stay and rescind actions that are inconsistent with that budget, as specified. The bill would impose a state-mandated local program by requiring the district to pay for the resulting administrative costs. That governance would be subject to a specified appeal procedure. In addition, the bill would revise the procedure for the selection and convening of a budget review committee, including the alternative that a regional review committee be appointed for this purpose by the county superintendent of schools.

The bill also would impose a state-mandated local program by directing the county superintendent of schools to monitor the operation of each school district pursuant to an adopted budget and, if he or she determines that a school district will be unable to meet its financial obligations, to recommend appropriate remedial action and, if necessary, to notify the Superintendent of Public Instruction. The bill would authorize the county superintendent of schools, subsequent to that notification, to request additional information regarding the district's budget or operations, to revise the school district budget, as specified, and to stay or rescind any action that is inconsistent with those revisions The bill would impose a state-mandated local program by requiring the district to pay for the resulting administrative costs

The bill would appropriate $500,000 for the 1991–92 fiscal year for apportionment to county superintendents of schools for the above purposes

(4) Under existing law, the governing board of each school district is required in each fiscal year, within 45 days after the close of each of 2 designated reporting periods, to certify to the Controller and the Superintendent of Public Instruction whether it is able to meet its financial obligations for the remainder of the fiscal year. Existing law also requires each county superintendent of schools, within 75 days of the close of each reporting period, to comment to those entities as to any district certification that is classified as qualified or negative, as specified

The bill would impose a state-mandated local program by requiring the superintendent of each school district annually to submit 2 periodic reports to the school district governing board regarding the financial and budgetary status of the district, as specified, to serve as the basis for the certification described above.

This bill would revise that certification, and would require that each school district governing board that files a certification that is qualified or negative, as specified, provide a financial statement of projected year-end funding balances to the county superintendent of schools, the Controller, and the Superintendent of Public Instruction no later than June 1. The bill would thereby impose a state-mandated local program.

As to any school district having a negative certification, as specified, the bill would authorize a county superintendent of schools, for the remainder of the current fiscal year, to develop and adopt a budget to govern the school district, to stay or rescind any action that is consistent with that budget, and to exercise other specified powers. The requirement that a school district comply with that authority would impose a state-mandated local program.

The bill also would specify that certain authority that is currently exercised in this regard by the State Department of Education be exercised by the Superintendent of Public Instruction

The bill also would impose a state-mandated local program by revising the reporting

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and commenting responsibilities of the county superintendent of schools, as described above, to occur no later than 60 days after the close of each reporting period.

(5) The bill would prohibit a school district having a qualified or negative certification, as described above, in any fiscal year from issuing, in that year or the next fiscal year, certain debt instruments, or submitting certain information reports regarding the debt instruments, unless the county superintendent of schools determines that the repayment of the indebtedness is probable. The bill similarly would prohibit a county office of education having a qualified or negative certification in any fiscal year from issuing, in that year or the next fiscal year, debt instruments, or submitting certain information reports regarding the debt instruments, unless the Superintendent of Public Instruction determines that the repayment of the indebtedness is probable. The bill would require the Superintendent of Public Instruction, no later than March 31, 1992, to develop and adopt criteria and standards to govern that determination.

(6) Under existing law, as set forth in the California Constitution, state and local governments, including school districts, are prohibited, as specified, from expending during any fiscal year an amount that exceeds the appropriations limit for that governmental entity for that fiscal year.

This bill would require each school district and county office of education annually to adopt a resolution to identify its estimated appropriations limit for the current fiscal year and its actual appropriations limit for the preceding fiscal year, as specified.

(7) Existing law permits the governing board of any school district to request an emergency loan through the Superintendent of Public Instruction, subject to specified conditions including the appointment of a trustee to supervise the district. That trustee serves at the pleasure of, and reports directly to, the Superintendent of Public Instruction, until the loan is repaid.

This bill would require the Superintendent of Public Instruction to exercise, through an administrator appointed by the superintendent, the powers and responsibilities of the governing board of any school district that accepts an emergency loan in an amount equal to 200% of the amount of the fiscal reserve recommended for the district under designated state standards. The bill would grant that authority for not less than one complete fiscal year, pursuant to specified conditions.

The bill would require the preparation of a management review and recovery plan and a financial recovery plan for the district, and would require the repayment of any state loans to the district over a 10-year period.

In addition, as of the date of that acceptance, the bill would authorize the administrator to terminate the employment of any district superintendent of schools, or deputy, associate, or assistant superintendent of schools for the district, pursuant to specified criteria and appropriate notice and hearing procedures.

The bill would make related changes to existing law.

(8) The bill would require a governing board having designated membership to establish a unit of persons having extensive experience in school district finance and operations to provide assistance as requested to participating county offices of education, which could be required to pay an annual fee, and to school districts, which would be charged for certain of the costs incurred by the unit pursuant to established rates. The bill would direct the Superintendent of Public Instruction and the Secretary of Child Development and Education to select a county office of education to direct that unit.

The bill would appropriate $500,000 for the 1991–92 fiscal year for apportionment to county offices of education to meet the costs of that participation.

The bill also would require the Superintendent of Public Instruction to publish annually a multiyear projection of the revenues that will be available to school districts and county offices of education from state and local sources, as specified, to be made available to those entities for the preparation of annual budgets and financial certifications.

(9) Under existing law, school districts are authorized to establish a self-insurance fund for various losses, payments, and liabilities, as specified, and for employee health and welfare benefits. Existing law requires a school district, prior to funding health and welfare benefits in that manner, to secure the services of an actuary to evaluate the future annual costs of those benefits.

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This bill would direct that, upon commencing the funding of health and welfare benefits pursuant to that authority, a school district secure the services of an actuary to evaluate the annual costs of those benefits every 3 years.

(10) Existing law sets forth standards and procedures that govern the collective bargaining process between local educational agencies and their employees.

This bill would require that, prior to entering into a written agreement pursuant to that process, the local educational agency disclose at a public meeting the major provisions of the agreement, including the costs that would be incurred by the agency under the agreement. This requirement would impose a state-mandated local program.

(11) The bill would make related technical changes to existing law.

(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. 1214 (AB 1497) Polanco California Small Business Innovation Research Program.

(1) Existing law establishes the California Competitive Technology Program in the Department of Commerce to provide grants to technology transfer projects, as specified.

This bill, until January 1, 1995, would create the California Small Business Innovation Research Program to be administered by the Chancellor of the California Community Colleges. The program would provide educational, technical, and financial assistance to any California small business enterprise engaging in, or intending to engage in, research and development that is deemed to be innovative and in the long-term interest of the economy of the state. As part of the program, pilot small business innovation research projects would be established to assist small businesses in participating in the federal Small Business Innovation Research program.

The bill would establish the California Small Business Innovation Research Internship Program to operate in conjunction with the program and award internships to eligible engineering graduates of California Community Colleges.

The bill would require the chancellor to review the program and report to the Legislature, the Governor, and the Board of Governors of the California Community Colleges not later than June 30, 1994.

(2) The bill would also create the California Business Resources and Assistance Innovation Network in the California Community Colleges Economic Development Program to facilitate access by small businesses to the resources of the California Community College system The bill would specify the mission of the program and the activities of the network. The bill would create the California Community Colleges Business Resource Assistance and Innovation Network Trust Fund in the State Treasury as a special fund administered by the board for the purpose of funding the program.

(3) The bill would require the chancellor to implement specified provisions of the bill only upon the availability of nonstate private sector funding, federal funding, or both.

Ch 1215 (AB 1662) Committee on Televising the Assembly (as presented by Assembly Member Statham on behalf of the Committee) Assembly television signals prohibited use

Existing law requires all meetings of the Assembly and the committees and subcommittees thereof to be open and public with certain specified exceptions.

This bill would prohibit the use of any television signal generated by the Assembly for any political or commercial purpose, as defined. This bill would make it a misdemeanor for any person or organization to violate the provisions of the bill 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

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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 1216 (AB 1834) Brown Elections: district boundaries.

Existing law provides that maps describing the boundaries of congressional, legislative, and State Board of Equalization districts which have been prepared by the Legislature or a committee of the Legislature may be deposited with the Secretary of State.

This bill would repeal those provisions and add provisions to require the Secretary of State to prepare maps, which show district boundaries established after 1991, no later than 90 days following the enactment of redistricting plans for the Legislature, the Congress, and the State Board of Equalization. The Secretary of State would be required to provide, without charge, copies of the maps to each Member of the Legislature, the California congressional delegation, and the State Board of Equalization, and to the respective Committee on Rules of each house and the State Board of Equalization. It would also require the Secretary of State to make copies available to the public, and to provide copies to the county elections officials also without charge.

This bill would appropriate $350,000 from the General Fund to the Secretary of State for the purposes of the act.

Ch. 1217 (AB 2152) Peace Escrow agents: Fidelity Corporation.

Existing law provides for the Escrow Agents' Fidelity Corporation for the purpose of indemnification of a member against loss of trust obligations as a result of fraud or dishonesty by an officer, director, trustee, shareholder, manager, or employee of a member, subject to specified limitations.

This bill would require any shareholder, officer, director, trustee, manager, or employee of an escrow agent, as specified, to apply for and receive a Fidelity Corporation Certificate, as a condition of their employment or entitlement to compensation. This bill sets forth application procedures, as specified, and would, among other things, (1) provide that the unauthorized use of information obtained in the application process is a misdemeanor, thereby imposing a state-mandated local program, (2) require a deductible of $10,000 plus 10% of the amount by which the loss exceeds $10,000, as specified, for each loss of trust obligations caused by any person who is required, but does not have a certificate, (3) specify grounds for the denial, revocation, or suspension of a certificate by the Fidelity Corporation, and (4) establish appeal procedures including arbitration, subject to agreement, as specified, for persons whose application for a certificate has been denied, or whose certificate has been suspended or revoked.

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

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

Ch. 1218 (SB 50) Torres. Nonhazardous waste classification: biomass combustion

(1) Existing law requires the Department of Toxic Substances Control to classify as nonhazardous waste any fly ash, bottom ash, and flue gas residues generated from the combustion of solid waste or biomass material, if the wastes do not contain significant quantities of industrial sludge or hazardous waste and the combustion is monitored and controlled. The department is prohibited from repealing or modifying a determination that the ash or residue is nonhazardous unless the department makes a specified determination and an operator of a conversion facility is required to notify the department when there has been a significant change in the waste or combustion process. Existing law prohibits the modification or repeal of a nonhazardous classification made before January 1, 1985, unless the department makes specified determinations. Existing law limits this provision to residues which are not RCRA hazardous waste. A violation of the hazardous waste control law is a crime.

This bill would instead require the department to classify as nonhazardous waste ash

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or residues generated from a biomass combustion process, as defined. The bill would require an operator of a biomass facility to notify the department when specified changes occur, thereby imposing a state-mandated local program by creating a new crime The bill would require that ash or residue generated from the combustion of municipal solid waste at specified facilities be sampled following onsite treatment, for purposes of classification of the ash or residue.

The bill would continue, until September 30, 1992, the prohibition on the department's modification or repeal of a nonhazardous classification for solid waste conversion facilities made before January 1, 1985. The bill would make this prohibition inoperative on September 30, 1992, and would repeal this prohibition 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 provide that no reimbursement is required by this act for a specified reason.

Ch. 1219 (SB 265) Kopp. Vehicles: passenger vehicles: bumper strength notice.

(1) Under existing law, manufacturers and importers of new passenger vehicles are not required to specify the maximum speed at which the vehicle sustains no bumper or other damage during federal bumper impact tests.

This bill would require the manufacturer or importer of new passenger vehicles for sale or lease in this state to affix a notice to a window or the windshield specifying that the vehicle is equipped either with bumpers that can withstand a 2.5 miles-per-hour impact with no damage to the body or safety systems, as prescribed, or with a front bumper of a type, and a rear bumper of a type, that has been tested at an impact speed greater than 2.5 miles per hour, as stated by the manufacturer or importer, resulting in no damage to the body or safety systems, as prescribed, pursuant to designated federal test procedures.

The bill would make a willful violation of the notice requirement, willful misstatement in the notice, and willful defacement, alteration, or removal of the notice, as specified, a misdemeanor punishable by a $500 fine for each offense. 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. 1220 (SB 862) Roberti. California School Paraprofessional Teacher Training Program.

Existing law establishes the California School Paraprofessional Teacher Training Program for the purpose of recruiting persons employed as paraprofessionals of a school district to enroll in a teacher training program that leads to a teaching credential. Existing law requires the Commission on Teacher Credentialing, in consultation with specified entities and representatives, to develop criteria and guidelines, as specified, for the selection of school districts and county offices of education, as prescribed, to participate in the program. Existing law requires the commission to report to the Legislature, as specified, on prescribed matters related to this program. Existing law provides financial assistance to certain persons attending the California State University who commit to complete one year of classroom instruction per year of financial assistance.

This bill additionally would include in the selection criteria the extent to which the district's or county office's plan for recruitment attempts to meet the need for bilingual and special education teachers and the extent to which the plan includes job descriptions related to school paraprofessionals, as prescribed. The bill also would require any person who fails to meet his or her obligation of classroom instruction to repay the financial assistance he or she received, to the extent he or she failed to meet that obligation. The bill would require the commission to report to the Legislature on the degree to which the program meets the demand for bilingual and special education teachers, as pre-

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scribed.

The bill would declare the intent of the Legislature that funding for the program be allocated to the commission for grants to school districts, as specified.

Ch. 1221 (SB 948) Vuich. Escrow agents: theft and misappropriation of funds.

(1) Under existing law it is unlawful for any escrow agent, or any director, stockholder, trustee, officer, agent, or employee to knowingly and recklessly disburse escrow funds, to commit theft or fraud in connection with an escrow transaction, or to knowingly or recklessly make or cause to be made any misstatement or omission, as specified.

This bill would additionally provide that any director, officer, stockholder, trustee, employee, or agent of an escrow agent who abstracts or willfully misappropriates money, funds, trust obligations, or property deposited with an escrow agent is guilty of a felony, and is subject to court ordered restitution to the escrow agent and Fidelity Corporation, as specified. The bill would thus create a new crime and impose a state-mandated local program.

The bill would also require any person subject to the escrow law who knows or should have known of a person's involvement in an abstraction or misappropriation of money, funds, trust obligations, or property deposited with a licensed escrow agent, to report that information to the Commissioner of Corporations, in writing, as specified

(2) Existing law requires an application for a license as an escrow agent to set forth certain specified information.

This bill would additionally require an application for a license as an escrow agent filed with the commissioner after December 31, 1991, to include a completed statement of identity and questionnaire, as prescribed by the commissioner, and fingerprints submitted on a form established by the Department of Justice, as specified In this regard the bill would also set forth various requirements relating to the filing of a statement of identity and questionnaire, as specified

(3) The bill would also, among other things, do all of the following:

(A) Provide that any person who has been convicted of, or pleaded nolo contendere to, a criminal violation, or has been held liable in a civil action by final judgment, or administrative action by any public agency, of any of specified provisions within the past 10 years shall not serve in any capacity as an officer, director, stockholder, trustee, agent, or employee of an escrow agency, or in any position involving any duties with an escrow agent, in the state.

(B) Provide, on and after January 1, 1992, that any person who seeks employment by, or an ownership interest in, or other participation in the business of a licensed escrow agent shall authorize Fidelity Corporation and the commissioner, or both, as a condition of obtaining that employment, interest, or participation, to have access to that person's state summary criminal history information, as specified. It would specify that that information be kept confidential and that no recipient shall disclose the contents other than for the purpose of determining eligibility for employment by, or acquisition of an ownership interest in, or other participation in the business of a licensed escrow agent. A violation of this provision would constitute a new crime under the Escrow Law and would thus impose a state-mandated local program

(C) Authorize, in response to any written request by an escrow agent or by Fidelity Corporation, any bank, savings association, credit union, or other financial institution, as specified, to provide a written employment reference that advises of the person's involvement in certain crimes or acts. Those actions would be exempt from civil liability, as specified.

(D) Require, on and after January 1, 1992, any person seeking employment with an escrow agent to complete an employment application on or before the first day of employment which includes specified information.

(E) Revise and recast provisions relating to the commissioner's authority to censure, suspend, or bar from any position of employment, management, or control any escrow agent, or any other person with respect to the commission of certain specified crimes Those provisions would apply to acts and violations committed up to 10 years prior to these new requirements.

(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. 1222 (SB 953) Committee on Insurance, Claims and Corporations. Insurance.

(1) Existing law requires insurers to pay an annual fee to be determined by the Insurance Commissioner in order to fund increased investigation and prosecution of fraudulent automobile insurance claims but not to exceed 50¢ annually for each vehicle insured under a policy of insurance it issues in this state. After incidental expenses, 40% of funds received from 30¢ of the assessment fee per policy are directed to the Bureau of Fraudulent Claims for enhanced investigative efforts, and 60% of the funds are distributed to local district attorneys on a population basis for investigation and prosecution of automobile insurance fraud cases. The remaining 20¢ is used to implement the law dealing with the Automobile Insurance Claims Depository.

This bill would specify that the annual fee shall not exceed $1 and that 45% of those funds received from 90¢ of the assessment fee be per "insured vehicle" rather than per "policy" for distribution to the bureau, 55% of the funds shall be distributed to district attorneys for the purposes specified above, and the remaining 10¢ would be used to implement the law dealing with the Automobile Insurance Claims Depository. With respect to those fees distributed to local district attorneys for those purposes, the bill would provide that those fees be distributed in a specified manner, subject to specified requirements.

(2) Under existing law, the Medical Board of California and the State Bar each have disciplinary authority over their licensees. In addition, they are authorized to cooperate with the Bureau of Fraudulent Claims.

This bill would require the board, the bar, and, in addition, the Board of Chiropractic Examiners, to each designate employees to investigate and report on possible fraudulent activities relating to motor vehicle or disability insurance by licensees of the board or the bar. It would require those employees to actively cooperate with the bureau in the investigation of those activities, and would require all 3 entities to annually report to legislative committees, as specified.

(3) The bill would provide for licensure of insurance claims analysis bureaus, as defined, by the commissioner subject to specified conditions. It would require the filing of an annual report by the bureaus with the department on the scope and extent of their activities in the state.

(4) Existing law requires insurers to make reports to governmental agencies concerning insurance fraud.

This bill would require every admitted insurer to maintain a unit or division to investigate possible fraudulent claims by insureds or by persons making claims for services or repairs against policies held by insureds. The bill would require insurers to do so by July 1, 1992.

(5) Existing law provides for the creation of an Automobile Insurance Claims Depository to permit insurers and law enforcement agencies to deposit automobile claims data in a common data base within the Bureau of Fraudulent Claims.

Under existing law, every insurer who knows or reasonably believes it knows that a claim made under specified provisions of law is or may be fraudulent, whether or not paid, is required to deposit that claim information in the depository within 20 days of the payment of the claim. The bureau is required to establish the claim information to be deposited in the depository in its prescribed format.

This bill would, instead, require every insurer who receives a bodily injury, medical payment, or uninsured motorist claim to deposit that claim information with a licensed claims analysis bureau or, for specified insurers, with the depository within 20 days of receipt of the claim.

This bill would provide that any insurer that is not a member of, or subscriber to, an insurance claims analysis bureau for automobile bodily injury claims shall report its data and information directly to the depository.

(6) Existing law provides that information in the claims depository data base may not

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be part of any public record, except as specified

This bill would except the accumulation and public distribution by the bureau of statistical data if that data does not reveal the identity of specific claimants and other persons, as specified.

Ch 1223 (SB 1073) Petris. Vehicles. child passenger restraint systems.

(1) Existing law prohibits, with specified exceptions, a parent or guardian from permitting the transportation of, or a motor vehicle owner from transporting, a child under the age of 4 years or weighing less than 40 pounds in a passenger vehicle or motortruck of less than 6,001 pounds without providing and using a child passenger seat restraint system, as specified.

Existing law provides for the dismissal, under specified conditions, of the 1st violation of those provisions, and a 2nd or subsequent violation of those provisions is punishable by a fine of $100. Existing law requires that 50% of those fines be allocated to child passenger seat restraint system loaner programs in the jurisdiction in which the violation occurred and of that amount 25% be used to purchase new seats and 25% be used for the development of new loaner programs.

This bill would revise the penalties for violation of these provisions to require a fine of $100 for every violation which, for a 1st offense, the court would be permitted to waive for a defendant who is economically disadvantaged if the court, instead, refers the defendant to a child passenger restraint low-cost purchase or loaner program The bill would prohibit a waiver of any part of the fine for a 2nd or subsequent violation The bill would require that any conviction of a violation within 37 months be given a violation point count of one point

The bill would require that 60% of the amount of those fines be allocated to the local health department in the county in which the violation occurred for a child passenger restraint low-cost purchase or loaner program, as specified, 15% to that county for the administration of the program, and 25% to the city for deposit in its general fund except that, if the violation occurred in an unincorporated area, the city's 25% would be allocated to local health departments for the child passenger restraint low-cost purchase or loaner program

(2) Existing law makes it a misdemeanor for a manufacturer, wholesaler, or retailer to sell, offer to sell, or install in a motor vehicle a child passenger seat restraint system that does not conform with all applicable federal motor vehicle safety standards on the date of that sale or installation. Existing law prescribes the penalty for a violation of those provisions, imposes specified fines and jail terms, and allocates the amount received from fines to the jurisdiction in which the violation occurred, as specified.

The bill would instead require the amount received from those fines to be allocated as specified in (1) above.

(3) The bill would require every public or private hospital, at the time of or before the discharge of a child under 4 years of age, or weighing less than 40 pounds, to provide and discuss information on the law regarding child passenger restraint systems to the parent or the person to whom the child is released The bill would specify that a public or private hospital shall not be responsible for the failure of the parent or person to whom the child is released to use a child passenger restraint system Since, under other provisions, a violation of this requirement would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

(4) The bill would also make technical, nonsubstantive changes to those provisions.

(5) The bill would impose a state-mandated local program by requiring local health departments to report to the Office of Traffic Safety in the Business, Transportation and Housing Agency whenever specified child passenger restraint low-cost purchase or loaner programs are developed. The bill would require the Office of Traffic Safety to develop a statewide list of those programs. The bill would also impose a state-mandated local program by requiring each county to forward the listing to courts and county hospitals in that county.

(6) Existing law requires employers of drivers of certain vehicles to obtain a report of the driver's current driving record from the Department of Motor Vehicles, and in certain cases to participate in a pull notice system AB 123 and AB 1886 would each

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amend that provision

This bill would amend that provision by incorporating the changes therein proposed by both AB 123 and AB 1886, to be operative only if this bill, AB 123, and AB 1886 are all enacted and this bill is enacted after those bills.

(7) AB 123 would enact provisions relating to tow truck drivers and emergency roadside assistance and for those purposes would define the term "regional or local entity."

This bill would further define that term for those purposes.

(8) Existing law prohibits the transportation of a minor under the age of 12 years in the back space of a motortruck unless the space meets specified standards, or the minor is accompanied by an adult. AB 178 would amend those provisions.

This bill would clarify the amendment of those provisions, to be operative only if they are amended during the first year of the 1991–92 Regular Session

(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

Ch. 1224 (SB 1165) Davis Health care service plans. chiropractors.

Under existing law, known as the Knox-Keene Health Care Service Plan Act of 1975, health care service plans, as defined, are licensed and regulated by the Commissioner of Corporations. Under this act, a health care service plan which negotiates and enters into certain contracts with professional providers is required to give reasonable consideration to timely written proposals for affiliation by licensed or certified professional providers, including chiropractors. A violation of the act, under existing law, is a misdemeanor.

This bill would prohibit any health care service plan which offers or provides one or more chiropractic services as a specific chiropractic plan benefit, when those services are not provided pursuant to a contract as described above, from refusing to give reasonable consideration to affiliation with chiropractors for provision of services solely on the basis that they are chiropractors. This bill would make the misdemeanor provision inapplicable with respect to this bill.

Ch. 1225 (AB 2198) 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 and other specified entities within the state.

The bill would require the Public Utilities Commission to report to the Legislature on or before December 1, 1992, on the level of fuel and technological diversity achieved through utility resource bidding programs implemented pursuant to Commission Decision 91-06-022 and related decisions. The report would be required to contain specified matters.

The bill would impose a state-mandated local program by requiring every major publicly owned electric utility, as determined by the Energy Resource Conservation and Development Commission, to report to that commission on or before July 1, 1992, on the level of fuel and technological diversity achieved through its electric resource acquisition programs. The bill would require the report to include a description of policies which affected the fuel and technology mix resulting from the utility resource acquisitions programs and the need for changes to those policies to ensure that diverse resources are acquired in the future. The bill would require the commission to report to

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the Legislature on or before August 15, 1992, summarizing the reports received pursuant to this provision of the bill.

This bill would state the policy of the state and the intent of the Legislature that state and municipal electric resource acquisition programs recognize and include a value for the resource diversity provided by renewable resources.

Ch. 1226 (SB 767) Committee on Local Government. Governmental agencies.

(1) Existing law authorizes officers and employees of a public agency, as defined, to permit the governing body of the public agency to make deductions from their salaries or wages for specified purposes.

This bill would additionally authorize officers and employees of a county with a population of over 8,000,000 to permit deductions from their salaries or wages for the purchase of securities, as defined, issued by the county or by an entity composed of, or in some manner administered or created by, the county.

(2) Existing law authorizes the board of supervisors as the governing body of a county service area to establish zones within a county service area with tax rates, service charges, or connection charges varying with the extent of benefit derived from services provided to the property within each zone or the availability of other funds within a zone.

This bill would further permit zones to have varying benefit assessments and fire suppression assessments.

This bill would provide further that the board of supervisors has specified powers relative to raising revenues for the county service area or zone.

The bill would provide that neither of these changes would become operative if AB 1505 is enacted during the 1991 portion of the 1991–92 Regular Session.

(3) Existing law authorizes a county board of supervisors to delegate to any county officer or employee the authority to accept any gift, bequest, or devise made to, or in favor of, the county, the value of which does not exceed $10,000.

This bill would delete the $10,000 maximum on the value of a gift, bequest, or devise that may be accepted by a county officer or employee on behalf of the county and would add reporting and accounting requirements in connection with this process.

(4) Existing law authorizes the board of supervisors of a county with over 200,000 in population to authorize the purchasing agent to engage independent contractors to perform services when the aggregate cost does not exceed $25,000.

This bill would raise this maximum cost to $100,000.

(5) Existing case law establishes the doctrine of incompatibility of offices and provides criteria concerning whether the holding of 2 offices by the same person constitutes a conflict of interest and makes the offices incompatible. Existing statutory law makes certain exceptions to this doctrine by expressly stating that the holding of certain offices by the same person does not constitute incompatibility of offices.

This bill would expressly provide that service as an elected director of a recreation and park district, established pursuant to specified laws, shall not be considered an incompatible office with service on a municipal advisory council.

(6) Existing law specifies the length and expiration of terms of members of county retirement boards for county retirement systems established under specified provisions of law.

This bill would permit a county subject to these provisions to adopt by resolution an alternate set of terms for board members, as specified.

(7) Existing law requires local agencies, by July 1, 1991, to refund any sewer service fees collected for which no services were delivered.

This bill would define "sewer service fees" in this context and would expressly exclude sewer standby or availability charges or assessments, specified special assessments, and sewer connection charges or sewer capacity charges paid in conjunction with or as a condition of approving an application for sewer service. This bill would require claims for fees paid on or after January 1, 1992, to be filed within 180 days of the date of payment but would provide that no statute of limitations shall apply to claims for fees paid before January 1, 1992.

(8) Existing law sets forth the various purposes and powers of community services

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districts.

This bill would, with respect to the purpose of providing public recreation, expressly include equestrian trails.

This bill would also provide that whenever the Board of Directors of the Bear Valley Community Services District determines by resolution and a majority of the voters voting vote in favor of the adoption of the additional purpose, the board may exercise the power to control, remove, and eradicate local pine bark beetle infestations, as specified, and to provide facilities for mail delivery services to the district and its inhabitants.

The bill would state that the above provisions constitute necessary special legislation

(9) Existing law authorizes the West Bay Sanitary District to provide alternative or innovative waste water technologies, as defined, only until January 1, 1992.

This bill would delete the January 1, 1992, termination of that authorization.

(10) Existing law establishes staggered terms for hospital district boards of directors.

This bill would conform these staggered terms to the formula for staggered terms in the Uniform District Election Law.

(11) Existing law authorizes a local hospital district to convert from electing its board of directors at large to elections by zones if petitioned by at least 15% of the votes cast in the district at the last gubernatorial election

This bill would permit the district board in the alternative, without a petition, to adopt a resolution dividing the district into zones.

(12) Under the Local Agency Public Construction Act, plans and specifications once adopted by a public utility district may not be altered or changed whereby the cost of the proposed work would be increased without a ⅔ vote of the governing board.

This bill would reduce the vote required to alter or change plans and specifications under these circumstances to a majority vote of the governing board. The bill would also revise bonding requirements for contracts entered into by a utility district.

(13) Existing law requires the San Diego County Flood Control District to let all contracts for the construction of any unit of work estimated to cost over $10,000 to the lowest responsible bidder.

This bill would permit the board of supervisors, as the ex officio directors of the district, to authorize certain county employees to order changes or additions in work being performed under construction contract not to exceed $100,000, as specified

(14) Under the act, a board of supervisors is authorized to permit a county road commissioner to have work done upon county highways in a variety of ways including letting a contract and executing changes in that contract.

This bill would revise the authority of a commissioner to execute contract changes. The bill would also revise the authority of a legislative body or superintendent of streets to execute a change order for construction being done under the Improvement Act of 1911.

(15) Existing law requires a minimum of 2 signatures on all checks and warrants issued by a regional park or open-space district.

This bill would delete this requirement

(16) Existing law provides that when the legislative body of a county or a city orders the formation of a geologic hazard abatement district it shall appoint 5 owners of real property within the district to the initial board of directors with terms not to exceed 4 years or to appoint itself as the initial board of directors not to exceed 4 years. After the 4-year term of the initial board, the board shall be composed of 5 elected directors.

This bill would provide that, with respect to districts formed after January 1, 1980, if the legislative body appoints itself as the initial board, it shall remain as the board of directors rather than having an elected board of directors after 4 years.

(17) Existing law requires the Department of Transportation, upon request of a city or county, to lease unoccupied, unimproved property that is held for a future highway use to the city or county.

This bill would also require the department to lease this property to a special district.

(18) Under the California Water District Law, bonds may be issued and sold as the district board determines after giving notice and inviting sealed bids

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This bill would authorize the board to sell bonds at a private sale without first advertising for bids if the board determines that to do so would produce a lower interest rate.

(19) Under existing law, cities receive state subventions, based on their populations, from funds received by the state from vehicle license fees, off-highway vehicle license fees, gas taxes, and cigarette taxes.

This bill would direct the Controller to pay these subventions to the City of Marina based on a population which includes 2 residential areas not within the city, as if they were within the city, until they are annexed to the city or the federal government sells the property, whichever comes first.

(20) Under the Districts Securities Law, whenever the governing board of a local agency, as specified, desires to certify bonds for water related purposes, the agency is required to file a certified copy of its resolution with the Treasurer. Under this law, the Treasurer has certain administrative duties

This bill would repeal this law and make other conforming changes to provisions relating to water agency bond issuances.

(21) This bill would incorporate changes to Section 61600 of the Government Code proposed by AB 266 and SB 224 to be operative only if either or both of those bills and this bill are enacted and this bill is enacted last.

Ch. 1227 (AB 1742) Hayden. Pesticides: registration. active ingredients: data gaps.

(1) Existing law regulates the labeling, sale, and use of pesticides, including the registration of pesticides. Existing provisions of the Birth Defect Prevention Act of 1984 require that mandatory health effect studies, as defined, be conducted for the registration or licensing of pesticides.

Under existing law, the Department of Food and Agriculture was required, not later than December 31, 1985, to identify a specified number of pesticide active ingredients which it determined had the most significant data gaps and widespread use and which were suspected to be hazardous to people, and required that the data gaps be filled as prescribed. Existing law also required the Department of Food and Agriculture, not later than December 31, 1985, to adopt a timetable for the filling of data gaps on all other pesticide active ingredients other than those identified as described above.

This bill would require the Director of Pesticide Regulation, not later than March 1, 1992, to notify registrants of the data requirements for mandatory health effects studies for the latter pesticide active ingredients.

The bill would authorize the Department of Pesticide Regulation, with the concurrence of the Office of Environmental Health Hazard Assessment, to extend the time period to complete the mandatory health effects studies, under specified circumstances. The bill would also authorize the department, with the concurrence of that office, to determine, prior to March 1, 1992, or in response to a written objection filed by a registrant, that mandatory health effects studies are not required in order to evaluate those pesticide active ingredients, and would prescribe the conditions under which that determination may be made. The bill would also provide that if that office does not concur with the determination of the department, the issue shall be decided by a panel composed of certain appointed members.

(2) Existing law also authorizes the Director of Pesticide Regulation to utilize assessments imposed on registrants to cover the expenses incurred by the Department of Pesticide Regulation in filling data gaps.

This bill would eliminate the authority of the director to utilize assessments to cover the department's expenses in filling data gaps.

(3) This bill would only become operative if SB 550 of the 1991–92 Regular Session is also chaptered and becomes operative.

Ch. 1228 (SB 550) Petris. Agriculture. pesticides.

(1) Under the Birth Defect Prevention Act of 1984, the Department of Food and Agriculture was required by December 31, 1985, to identify pesticide active ingredients which the department determined had the most significant data gaps and widespread use and which were suspected to be hazardous to people.

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This bill would require the Director of Pesticide Regulation, on January 15, 1992, to issue a notice of intent to suspend the registration of those pesticide products containing an active ingredient with a significant data gap. The bill would provide for the granting of extensions of time for submission of required data under specified circumstances, and would permit the director to defer the suspension of registration of a pesticide product in prescribed circumstances. The bill would require the director, if a petition for deferral of suspension of registration is made, to act upon the petition at the earliest possible time, and to levy a charge, as specified, for each day that a data gap continues to exist after January 15, 1992 The bill would require registrants to submit a progress report to the Department of Pesticide Regulation in December of each year for each mandatory health effects study required.

(2) The bill would repeal certain provisions proposed to be enacted by AB 1742 and would reenact those provisions to incorporate certain provisions relating to the schedule for filling the data gaps for certain classes of pesticide products and for granting extensions of time.

(3) The bill would require the director to report annually to the appropriate committees of the Legislature on the specific data gaps remaining for certain products.

(4) This bill, in addition, would declare that it would become operative only if AB 1742 of the 1991–92 Regular Session is chaptered and becomes operative.

Ch 1229 (SB 24) Kopp. Local agencies· annexation and detachment.

Existing provisions of the Cortese-Knox Local Government Reorganization Act of 1985 specify procedures and requirements for various changes of organization by cities, counties, and districts, including changes of territorial jurisdiction.

This bill would provide that within 15 days of the approval by the local agency formation commission of any change of organization or reorganization that includes or accommodates, or is intended to facilitate, detachment of specified territory from the Broadmoor Police Protection District in San Mateo County and annexation to another local agency which has initiated the annexation, the district board of commissioners may, within 15 days thereafter, adopt a resolution determining whether the detachment may adversely affect the district's ability to provide law enforcement services in the remainder of the district. If the resolution determines the proposed detachment may have an adverse financial effect, the reorganization would not become effective unless approved by the voters of the district. The Broadmoor Police Protection District would be responsible for paying for the election if its board adopts the resolution. The bill would establish a conclusive presumption that local agencies adopting a prescribed resolution for detachment of contiguous territory from the district intend to annex the territory

The bill would state the findings and declarations of the Legislature of the need for special legislation.

The provisions of the bill would be repealed on January 1, 1996, without further action of the Legislature.

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

Ch. 1230 (SB 654) Leslie. Unemployment compensation benefits. extension.

Existing law provides unemployment compensation benefits for qualified eligible unemployed individuals to a maximum of 26 times the individual's weekly benefit amount, as defined. It also provides extended unemployment compensation benefits for qualified eligible individuals who had specified earnings and provides federal-state extended unemployment compensation benefits for qualified eligible individuals who had specified earnings

This bill would provide extended unemployment compensation benefits, with respect to claims made on or before January 1, 1992, for an additional 26 times an individual's weekly benefit amount for any qualified eligible unemployed individual who has been laid off from work or is unable to commence work as a direct result of the fire that occurred on March 31, 1991, at the Michigan California Lumber Company and who is otherwise eligible to receive benefits under these provisions. It would provide that these benefits shall be available only when an individual has exhausted or is otherwise ineligible for other state or federal unemployment compensation benefits, as specified. It

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would provide that, in the event an individual becomes eligible for federal-state extended unemployment compensation benefits prior to January 1, 1992, that individual shall become ineligible for extended unemployment compensation benefits under these provisions to the extent he or she is eligible for and receives federal-state extended unemployment benefits.

Unemployment compensation benefits are paid from the Unemployment Fund, a continuously appropriated fund, and thus by providing additional benefits, this bill would make an appropriation.

This bill would specify that the bill would not become operative unless Assembly Bill 1095 of the 1991–92 Regular Session is enacted

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

Ch. 1231 (SB 1079) Dills. Cigarettes.

Existing federal law requires specific labeling on cigarette packages. Existing state law requires cigarettes sold in this state to have a specified tax stamp on each package.

This bill, in addition, would specify that every person who sells one or more cigarettes, other than in a sealed and properly labeled package, as defined, is guilty of an infraction Thus, this bill would impose a state-mandated local program by creating a new crime

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

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

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DIGESTS OF RESOLUTIONS ADOPTED IN 1991

1991–92 REGULAR SESSION

RESOLUTION CHAPTERS

Res Ch 1 (ACR 5) Bane. Legislative Counsel of California.
This measure designates Bion M. Gregory as the Legislative Counsel of Californa.

Res. Ch. 2 (ACR 14) Bates California Family Month.
This measure would designate February of 1991 as California Family Month.

Res. Ch. 3 (SJR 5) Thompson. American troops in the Middle East.
This measure would proclaim the full support of the Legislature for all American servicemen and servicewomen serving both in the United States and the Middle East and would memorialize the President of the United States, in his commitment in sending troops into battle and creating a new generation of veterans of foreign wars, to be equally committed to providing for their health care needs, caring for their family support needs, and all other attendant needs they will experience as a result of war. The measure would proclaim the outrage of the Legislature at the war crimes committed by Iraq against American and allied service personnel who are prisoners of war.

Res. Ch. 4 (SJR 6) Roberti Iraq-Kuwait war: Israel attack.
This measure would express the Legislature's condemnation of, and outrage at, the missile attacks by Iraq on Israel and would call upon Iraq to halt its indiscriminate and unprovoked military assaults on the people of Israel

Res. Ch. 5 (SCR 15) Roberti. Parent Teacher Association Month.
This measure would encourage all citizens to learn how they can be involved in improving education and the quality of life for all children; and would declare February 1991 as Parent Teacher Association Month.

Res. Ch. 6 (AJR 11) Ferguson. Iraq-Kuwait war.
This measure would declare the Legislature's support of the actions of the President of the United States in the pursuit of a policy for the liberation of Kuwait, crucial to the peace of the world, would condemn the brutal and unprovoked attacks on the State of Israel by Saddam Hussein, and would declare that the people of California honor the patriotic men and women of our armed forces.

Res. Ch. 7 (AJR 8) Boland. Lithuania.
This measure would memorialize the President and Congress to condemn the assault on the citizens of Lithuania that occurred on January 13, 1991, and to review all forms of United States assistance presently being given to the Union of Soviet Socialist Republics.

Res. Ch. 8 (AJR 13) Bronzan Agriculture· frost damage.
This measure would memorialize the President and Congress of the United States to enact legislation to appropriate the necessary funds to the Agricultural Stabilization and Conservation Service to provide relief to the producers of agricultural products affected by the recent freeze in this state. The measure would provide that funds be allocated to the Secretary of Agriculture to make grants available for providing emergency services to low-income migrant and seasonal farmworkers and to provide emergency crop assistance to producers of agricultural products, as prescribed.

Res Ch. 9 (AJR 15) Hayden. The war against Iraq.
This measure would proclaim the commitment of the California Legislature to honor the men and women who serve in Operation Desert Storm, and would state the commitment of the Legislature to pursue, and would urge the Congress of the United States to consider enacting, a series of benefits to aid California residents serving in support of Operation Desert Storm

Res. Ch 10 (ACR 16) Tucker. Black History Month.
This measure would honor the contributions of African American people and would proclaim February 1991 as Black History Month.

Res. Ch. 11 (ACR 15) Hansen. Women's History Month and International Women's Day.

This measure would designate the month of March 1991 as Women's History Month and would urge all Californians to join in the celebration of International Women's Day on March 8, 1991.

Res. Ch. 12 (SCR 14) Robbins. Courthouse financing and construction.

This measure establishes the Joint Committee on Courthouse Financing and Construction, as specified; and directs the committee to present its annual budget to the Joint Committee on Rules within 15 days of its authorization and annually thereafter, and to report to the Legislature, as specified, on or before June 30, 1991.

Res. Ch. 13 (AJR 18) Bronzan. Americans: equal treatment.

This measure would support equal treatment of all Americans and would condemn any physical or emotional harassment of Arab Americans, Jewish Americans, and other groups. The measure would memorialize the President and Congress of the United States to publicly denounce acts of harassment and violence committed against these groups and would call upon the people of the state to honor and respect individual rights and privileges, regardless of race, ethnicity, or religion.

Res. Ch. 14 (ACR 9) Katz. Earthquake Preparedness Month.

This measure would proclaim the month of April 1991, as California Earthquake Preparedness Month, and urge all Californians to engage in appropriate earthquake safety-related activities during that month.

Res. Ch. 15 (ACR 11) Katz. California Holocaust Memorial Week.

This measure would designate the week of April 7 through April 14, 1991, 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. 16 (ACR 22) Wyman. Adult Education Week.

This measure would proclaim the week of March 11–15, 1991, as Adult Education Week.

Res. Ch. 17 (ACR 39) Areias. California Agriculture Day.

This measure would declare Thursday, March 21, 1991, as "California Agriculture Day."

Res. Ch. 18 (SCR 13) Rosenthal. Joint Committee on Energy Regulation and the Environment.

This measure would extend the date terminating the Joint Committee on Energy Regulation and the Environment from January 1, 1991, to June 30, 1991.

Res. Ch. 19 (SCR 23) Rosenthal. Occupational health and safety: Workers' Memorial Day.

This measure would proclaim April 28, 1991, to be Workers' Memorial Day, and would resolve that Californians be encouraged to observe the day in an appropriate manner.

Res. Ch. 20 (SCR 6) Dills. Joint Committee on the State's Economy.

This measure would continue in existence, until June 30, 1991, the Joint Committee on the State's Economy and the advisory committees to it. The measure would also extend the committee's powers, duties, and authority to expend funds, as specified.

Res. Ch. 21 (SCR 25) Petris. Child Passenger Safety Week.

This measure would declare that the week of April 28, 1991, to May 4, 1991, is Child Passenger Safety Week.

Res. Ch. 22 (AJR 17) Hayden. Postsecondary education: admission requirements.

This measure would memorialize the President and the Congress to set aside the United States Department of Education regulations conditioning institutional eligibility

for federal postsecondary education aid upon the possession of a high school diploma or passage of a standardized test by all students at an educational institution. The measure would also memorialize the Congress to pass, and the President to sign, legislation allowing California to maintain its commitment to ensuring access to higher education through the community colleges free of any federally imposed admissions test.

Res. Ch. 23 (AJR 27) Peace. North American trade negotiations.

This measure would memorialize the President and Congress of the United States to support and create a North American Common Market only after measures are taken to ensure the health and safety of workers in the free trade area and adequate environmental quality standards are ensured.

Res. Ch. 24 (ACR 19) Horcher. Southeast Asia Genocide Remembrance Week.

This measure would proclaim April 28 through May 4, 1991, as Southeast Asia Genocide Remembrance Week

Res. Ch. 25 (AJR 20) Lee. Persian Gulf War: minority veterans.

This measure would memorialize the President of the United States to be committed, on behalf of African-Americans, Latinos, and other minority veterans currently serving in the armed forces, to all of the following, as specified: providing economic, educational, and vocational opportunities; funding social service programs; and supporting human rights struggles.

The measure would also urge the Congress of the United States to pass, and memorialize the President to sign, legislation encouraging and financing educational opportunities for all veterans of Operation Desert Storm and civil rights legislation.

Res. Ch. 26 (AJR 23) Ferguson. Operation Desert Storm.

This measure would recognize and honor President George Bush, the men and women of our Armed Forces, its leaders, and the allies of the United States for their liberation of Kuwait, and others who contributed to the liberation of Kuwait.

Res. Ch. 27 (SCR 28) Vuich. California School Lunch Week.

This measure would proclaim the week of April 29 to May 3, 1991, 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. 28 (ACR 24) Hansen. Lake County: air quality.

This measure would commend Lake County for achieving the highest air quality rating in the state.

Res. Ch. 29 (ACR 40) Speier. California Small Business Week.

This measure would request the Governor to proclaim the week of May 6 through May 12, 1991, California Small Business Week, in conjunction with national Small Business Week.

Res. Ch. 30 (ACR 48) Clute Physical Education and Sports Week and Physical Fitness and Sports Month.

This measure would endorse the observance of Physical Education and Sports Week during the week of May 1–7, 1991, as designated by the American Alliance for Health, Physical Education, Recreation, and Dance and the National Association for Sport and Physical Education and would endorse the observance of Physical Fitness and Sports Month during the month of May, as designated by the President's Council on Physical Fitness and Sports.

Res. Ch. 31 (ACR 2) Farr California Community Service Day.

This measure would declare May 4, 1991, as California Community Service Day, and would request the Governor to acknowledge local community volunteer efforts and to encourage the people of the state to participate in those efforts.

Res. Ch. 32 (ACR 10) Polanco. Joint Committee on Mental Health Research.

Previous law established the Joint Committee on Mental Health Research, which terminated on January 31, 1991. This measure would reestablish the committee until June 30, 1991, and authorize it to undertake various activities in mental health research. It would expand the advisory panel to the committee from 16 members to 25 members, as specified.

Res. Ch. 33 (SCR 4) Lockyer. California Law Revision Commission.

Existing law requires the California Law Revision Commission to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, including a list of studies in progress and a list of topics intended for future consideration, and, after the filing of the commission's first report, its studies are confined to topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study, or referred to it for study, by concurrent resolution of the Legislature.

This measure would give legislative approval to the commission to continue its study of numerous, specified topics which the Legislature has previously authorized or directed the commission to study.

Res. Ch. 34 (AJR 32) Bentley. War reparations. military salaries

This measure would memorialize the President to claim compensation from the United Nations compensation fund for the military families of the United States who sacrificed employment income to provide military services and for their employers who continued payment of the salary differences.

Res. Ch. 35 (SCR 16) Dills. Highways: Gardena Freeway

This measure would designate that portion of State Highway Route 91 from State Highway Route 710 to the eastern boundary of the City of Gardena as the "Gardena Freeway," superseding the designation of this segment of Route 91 as the "Redondo Beach 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 contributions sufficient to cover that cost.

Res. Ch. 36 (ACR 28) Harvey. ROTC Week.

This measure would proclaim the week of June 2 to 8, 1991, as "ROTC Week." The measure would also declare the Legislature's commendation and congratulation of the ROTC for 75 years of commitment to providing leadership and opportunity to young men and women.

Res. Ch. 37 (AJR 2) Harvey. Antarctica: the Antarctic Treaty and preservation of the Antarctic region.

This measure would memorialize the President and the Congress of the United States to direct the Secretary of State to enter into continued negotiations with the Antarctic Treaty Consultative Parties at a convention in Spain to conclusively designate Antarctica as an environmentally protected region and recognize the region as a protected global ecological commons.

Res. Ch. 38 (SCR 44) Thompson. California Wine Appreciation Week

This measure would proclaim a specified week during October of each year as "California Wine Appreciation Week" to promote recognition and appreciation for the California wine industry.

Res. Ch. 39 (AJR 28) Polanco. Programs for immigrants.

This measure would memorialize the President and Congress of the United States to restore previously deferred federal funding for the State Legalization Impact Assistance Grants program.

Res. Ch. 40 (ACR 61) Boland. Management Week.
This measure would designate the week commencing June 3, 1991, as Management Week

Res. Ch. 41 (SJR 16) Kopp. Vehicles: transportation: trucks.
This measure would memorialize the President and Congress of the United States to refrain from enacting legislation which would permit the operation of triple trailer and other longer and heavier combination vehicles on California highways, or impede the state's ability to regulate the operation of oversize vehicles on those highways.

Res. Ch. 42 (SJR 26) Presley. Air pollution: vehicle inspection and maintenance.
Existing federal law requires the Administrator of the Environmental Protection Agency (EPA) to republish, as specified, a guidance for the states for motor vehicle inspection and maintenance programs, considering prescribed matters, including whether state programs should be centralized or decentralized.
This measure would urge the EPA to refrain from publishing the guidance until the State Air Resources Board and other interested parties review data underlying the guidance, and to select guidance which provides substantial emission reductions while providing maximum flexibility to the state to demonstrate the effectiveness of its chosen form of inspection.

Res. Ch. 43 (SCR 32) McCorquodale. California Native Oak Day.
This measure describes the status of California's oak woodlands, and designates the first Friday in November annually as California Native Oak Day.

Res. Ch. 44 (AJR 21) Baker. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.
This measure would memorialize the President and Congress of the United States to ratify the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, which, the measure declares, would give the United States Coast Guard enforcement authority over crew standards on foreign flag vessels in United States waters.

Res. Ch. 45 (ACR 4) Kelley. Transportation corridors: Riverside County: study.
This measure would request the Department of Transportation to provide oversight for, and to work cooperatively with, specified local agencies in developing and conducting a transportation corridor study for western Riverside County. The measure would express the Legislature's intent that all costs of developing and conducting the study, including the department's costs, be funded by the Riverside County Transportation Commission and that the results of the study be submitted to the transportation planning agency for consideration for inclusion in the regional transportation improvement program

Res Ch. 46 (ACR 12) Katz. California Schoolbus Safety Awareness Month.
This measure would request the Governor to proclaim October 1991 as California Schoolbus Safety Awareness Month and encourage all citizens to promote the safety of schoolbuses and pupils

Res. Ch. 47 (ACR 21) Woodruff. Chresten Knudsen Interchange.
This measure would designate the interchange of Interstate Route 10 and Tennessee Avenue in San Bernardino County as the Chresten Knudsen Interchange. The measure would also direct the Department of Transportation to determine the cost of erecting appropriate plaques and markers and to erect the plaques and markers upon receiving donations from private sources covering that cost.

Res. Ch. 48 (ACR 23) Hansen. George F. Butler Memorial Bridge.
This measure would designate a bridge on State Highway Route 29 in Napa County as the George F. Butler Memorial Bridge. The measure would request the Department of Transportation to determine the cost of erecting appropriate plaques and markers

showing that special designation and to erect plaques and markers upon receiving donations from nonstate sources.

Res. Ch. 49 (ACR 49) Clute Purple Heart Veterans' Day.

This measure would proclaim the second Saturday of August in each year as the "California Purple Heart Veterans' Day."

Res. Ch. 50 (SJR 7) Bergeson. Farmland: protection: funding.

This measure would memorialize the President and the Congress of the United States to include funding for the Farms for the Future Act of 1990 in the 1992 agriculture appropriations bill and the United States Department of Agriculture to promptly adopt and issue regulations to implement that act.

Res. Ch. 51 (SCR 3) L. Greene. Joint Committee on School Facilities.

This measure would establish the Joint Committee on School Facilities, with specified membership and duties. The measure would authorize the Senate Committee on Rules to make money available from the Contingent Fund of the Senate as necessary for the expenses of the committee, as specified. The committee would be required to present its budget to the Senate Committee on Rules for review and comment, as specified.

This measure would require the committee to report to the Legislature at the end of each legislative session on its activities and recommendations for improvements in the school facilities system The measure would authorize the committee to act until January 31, 1992, at which time the committee's existence would terminate.

Res. Ch. 52 (ACR 6) Eaves. Route 66.

This measure would designate the portion of former U.S. Route 66 from the California border to Santa Monica as "Historic Highway Route 66," and would direct the Department of Transportation and local agencies to erect markers showing the designation, as specified.

Res. Ch. 53 (AJR 41) Horcher. National Missing Children's Day.

This measure would declare the Legislature's commitment to the protection of children in recognition of National Missing Children's Day, May 25, 1991.

Res. Ch. 54 (SCR 17) Morgan. California Marine Debris Action Plan.

This measure would express the Legislature's support of the recommendations in the California Marine Debris Action Plan, including those for state agency action on eliminating marine debris from the California coastline

Res. Ch. 55 (SCR 20) Marks. Arts Council: federal support.

This measure would direct the Arts Council to determine the extent of the loss of federal support and funding for the arts in the state.

Res. Ch. 56 (SCR 34) Russell. District agricultural associations: Auditor General's report.

This measure would declare that a joint hearing of the Senate Agriculture and Water Resources Committee and the Assembly Agriculture Committee be held at an appropriate time to specifically address what corrective actions have been taken by the Department of Food and Agriculture to eliminate the deficiencies set forth in a specified report issued by the Auditor General, in connection with the management and operation of district agricultural associations

Res. Ch. 57 (SJR 11) Kopp. Filipino veterans of World War II: veterans' benefits.

This measure would memorialize the President and the Congress of the United States to act favorably on legislation pertaining to the granting to Filipino veterans of the United States armed forces full veterans' benefits.

Res. Ch. 58 (SJR 18) Russell. Vehicles.

This measure would memorialize the National Highway Traffic Safety Administration to adopt regulations which would require all new commercial motor vehicles and semi-

trailers with a length of 40 feet or more to be equipped with turn signals, as specified, and require commercial motor vehicles and semitrailers with a length of 40 feet or more, or a width of 80 inches or more, to be equipped with reflective tape or material, as prescribed.

Res. Ch. 59 (ACR 46) Kelley. Institute for Regenerative Studies.

This measure would declare that the Legislature recognizes that the Institute for Regenerative Studies at California State Polytechnic University, Pomona, is an innovative attempt to enhance the competitive advantage of California's economy while positively enhancing the state's ecological environment and strengthening its economic system, and is a project worthy of private financial support.

Res. Ch. 60 (AJR 7) Moore. Nonprescription Drug Labels.

This measure would propose that the federal Food and Drug Administration promulgate and enforce regulations which improve the readability of all nonprescription drug labels. This measure would also memorialize the President and Congress of the United States to enact legislation which would minimize the contraindication risks associated with nonprescription drugs.

Res. Ch. 61 (AJR 9) Kelley. Social security: correction of "notch" inequities.

This measure would memorialize the President and the Congress to enact appropriate legislation prospectively correcting the "notch" in social security benefit payments for persons born between 1917 and 1926.

Res. Ch. 62 (AJR 4) Elder. Hazardous liquid pipeline regulation.

This measure would memorialize the President and the Congress of the United States to amend the Hazardous Liquid Pipeline Safety Act of 1979 to authorize the federal Department of Transportation to extend to its state agents, such as the State Fire Marshal, full enforcement authority over interstate pipelines within a state, as specified, and to amend the federal act to include various provisions concerning periodic examinations and inspections, notice prior to construction, replacement, or relocation, and the delegation of authority to order the shutdown of a pipeline during major pipeline emergencies.

Res. Ch. 63 (ACR 7) Speier. Monterey Bay National Marine Sanctuary.

This measure would request the Governor to proclaim California's support to the President and the Congress of the United States for Boundary Alternative Five for the proposed Monterey Bay National Marine Sanctuary in order to protect the central California coast by joining the Monterey Bay Sanctuary with the Gulf of the Farallones National Marine Sanctuary to the north and extending the boundary to near Cambria and San Luis Obispo County to the south.

Res. Ch. 64 (ACR 69) Bates. Boris N. Yeltsin.

This measure would commend Boris Yeltsin for winning election as the President of the Soviet Republic of Russia The measure would urge collaboration of the state in exchanges of legislative staff and of knowledge and products with the Republic of Russia.

Res. Ch. 65 (ACR 34) Chandler. Leslie A. Lowden Memorial Bridge.

This measure would designate a specified bridge on State Highway Route 113 in Sutter County as the Leslie A Lowden Memorial Bridge.

The measure would also direct the Department of Transportation to determine the cost of appropriate plaques and markers showing that special designation, and to erect the plaques and markers upon receiving donations from nonstate sources covering that cost.

Res Ch. 66 (ACR 44) Bates. Residential care facilities.

This measure would request the Assembly and Senate Offices of Research, the Department of Aging, and the State Department of Social Services to cooperate with the Institute of Health and Aging in supplying the Legislature with a clear picture of the

condition of residential care facilities in California, as specified. This measure would request the institute to share its findings, conclusions, and recommendations with the Legislature during the 1993–94 Regular Session. This measure would also commend the private institutions and foundations participating in this study

Res. Ch. 67 (ACR 52) Sher. Soccer: World Cup 1994.

This measure declares the Legislature's full support for the bids of the San Francisco Bay area and the Los Angeles area for soccer match sites during World Cup 1994, and requests the Governor and state agencies to cooperate and work with the World Cup 1994 organizing committees.

Res. Ch. 68 (SCR 12) Lockyer. Judicial Council: coordination of services and court orders.

This measure would request the Judicial Council (1) to adopt a standard of judicial administration to encourage each superior court to develop rules or protocol to provide for the coordination of services and court orders relating to families who are involved in cases that are in more than one department of the court at or near the same time, and (2) to develop and adopt a model rule for the coordination of services and court orders for these families, to be followed by local courts which fail to adopt a local court rule.

Res. Ch. 69 (SCR 24) Russell. 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. 70 (SCR 26) Killea. Coordination and integration of public social services.

Existing law provides for the delivery of a variety of public social services to children and families. These programs are administered in part, and funded in part, by county agencies, departments of the state, and the federal government.

This measure would commend the cooperation of local agencies in the delivery of public social services, and would resolve that the Legislature take a leadership role in establishing effective, long-term solutions to promote and maintain the health and well-being of families and children and in encouraging administrative actions that reduce barriers to these services.

Res. Ch. 71 (SCR 27) Vuich. Waste: agricultural and urban transformation.

This measure would request the Department of Food and Agriculture to develop an adaptive strategy for the utilization of agricultural waste and urban plant and animal wastes for the purpose of developing new commodities for commercial use, as prescribed.

Res. Ch. 72 (SCR 40) Kopp. Vehicles: parking for the disabled.

This measure would urge cities and counties to consider establishing and operating special local disabled parking enforcement units and to employ qualified disabled persons in those units.

The bill would also urge cities and counties and local parking enforcement agencies to enforce the laws regarding parking privileges for disabled persons, and to develop and commit the personnel and resources necessary to reduce or eliminate the problem of unlawful parking by nondisabled persons.

Res. Ch. 73 (SJR 13) McCorquodale. Arab Americans: equal treatment

This measure would memorialize the President and the Congress of the United States to pass House Concurrent Resolution 56 which expresses the sense of Congress that federal agencies should not engage in discrimination that threatens the civil liberties of Arab Americans and should assist in protecting Arab Americans from hate crimes and related discrimination.

Res. Ch. 74 (AJR 22) Eaves. Civil rights.
This measure would request the President and the Congress of the United States to pass HR 1, the Civil Rights Act of 1991.

Res. Ch. 75 (SCR 35) Russell. Department of the California Highway Patrol: biennial inspections of terminals program.
This measure would encourage the Department of the California Highway Patrol, whenever it encounters substantial violations of a federal law or regulation or a statute or regulation enforced by another agency of this state during the course of an inspection of a motor carrier terminal or maintenance facility pursuant to the biennial inspections of terminals ("BIT") program, to inform the federal agency or other state agency having jurisdiction of that violation.

Res. Ch. 76 (AJR 12) Bronzan. Federal child welfare and foster care programs
This measure would request the President and Congress to review and update provisions of the federal Adoption Assistance and Child Welfare Act of 1980 and to support provisions that (1) strengthen the ability of states to operate family preservation programs, (2) encourage the development of family preservation programs, as specified, (3) provide for a 90% federal match under Part E of Title IV of the Social Security Act, and (4) provide respite care for foster parents.

Res. Ch. 77 (AJR 36) Areias. Pest control: integrated management.
This measure would proclaim the full support of the Legislature for the United States Department of Agriculture to fund the Integrated Management of Lygus hesperus research project in the San Joaquin Valley.

Res. Ch. 78 (AJR 39) Farr. Electric vehicles.
This measure would express the policy of the state to support and facilitate development and commercialization of electric vehicles, and urge passage by the Congress of the National Electric Vehicle Act of 1991.

Res. Ch. 79 (ACR 36) Areias. Higher education: expansion.
This measure would state that the Legislature commits to planning for expansion of its public higher education system, as specified, and would request that the Regents of the University of California, the Trustees of the California State University, and the Board of Governors of the California Community Colleges proceed with preparing for anticipated enrollment demand within the admission eligibility pools, as prescribed. This measure would also make various findings and declarations, and would state that the Legislature recognizes that planning for a new University of California campus in the San Joaquin Valley is appropriate and urges the regents to continue with this planning notwithstanding short-term resource constraints.

Res. Ch. 80 (ACR 29) Filante. Health: PolioPlus Program.
This measure would commend Rotary International for its efforts to eradicate polio and other childhood diseases through worldwide immunization.

Res. Ch. 81 (ACR 1) Polanco. Public Procurement Advisory Committee
This measure would prescribe the membership and duties of the Public Procurement Advisory Committee and would require the committee to continue to submit its recommendations concerning state public procurement of goods and services annually to the Governor and the Legislature. The measure would change from January 1 to June 30, of each year, the date by which recommendations of the committee must be submitted. The measure would change the date of the termination of the committee from January 31, 1991, to January 31, 1993.

Res. Ch. 82 (ACR 57) Lee. Commission on African-American Males.
This measure would establish the 15-member Commission on African-American Males, to be appointed and composed of Members of the Assembly and Senate and professionals in specified fields.

The measure would set forth the duties of the commission, including a requirement that the commission report its findings and policy recommendations to the Legislature on or before July 31, 1992.

The measure would provide for the termination of the commission on January 31, 1993.

Res. Ch. 83 (SCR 11) Torres. Southwest Museum.

This measure urges that the Southwest Museum in the City of Los Angeles be kept in its current location.

Res. Ch. 84 (SCR 19) Rogers. High school athletics injuries.

This measure would propose that all persons involved in high school athletics make every concerted effort to prevent injuries to participants, and that the State Department of Education develop a reporting form for use by a representative sampling 20% of all high schools so that the department may compile and submit to the Legislature a report for 3 consecutive school years regarding injuries and reinjuries that occur in high school athletics.

Res. Ch. 85 (SJR 21) Craven. The California Army National Guard.

This measure would urge the President of the United States, the Secretary of Defense, the Secretary of the Army, and the Congress to direct that the authorized strength of the California Army National Guard shall not be reduced.

Res. Ch. 86 (ACR 25) Hannigan. Parks and recreation: Jepson Prairie Project.

This measure would request the Department of Parks and Recreation to update its February 1982 Jepson Prairie Project Investigation Report, and to submit the update to the Legislature not later than June 30, 1992.

Res. Ch. 87 (ACR 31) Roybal-Allard. Freshwater pipeline.

This measure would request the Governor to work in cooperation with Governor Walter J. Hickel of Alaska in supporting federal efforts to explore the feasibility of constructing an Alaska-California Suboceanic freshwater pipeline. The bill would memorialize the President and Congress to enact specified legislation requiring feasibility studies relating to the construction of that pipeline.

Res. Ch. 88 (ACR 32) Hannigan. Emergency medical services.

This measure would request the Emergency Medical Services Authority to evaluate, in consultation with medical directors of local EMS agencies, the need for statewide uniformity in the structure and content of certain "Do Not Resuscitate" and "Do Not Intubate" authorizations, and to report, by June 1, 1992, to the Legislature the results of its evaluation, including, but not limited to, its recommendations for implementing legislation, if necessary.

Res. Ch. 89 (ACR 38) Filante. Children of incarcerated parents.

This measure would direct the Assembly Office of Research to conduct a comprehensive study of the problems faced by and associated with children of incarcerated parents and to report its findings and conclusions to the Legislature no later than July 1, 1992, would specify that the comprehensive study shall include outreach to specified public and private nonprofit community organizations, would make findings with respect to the long-term reduction in the state's inmate population through early intervention and the provision of services to these children, and would declare that these children require the special consideration of each state agency and department in planning and development of programs serving children.

Res. Ch. 90 (ACR 43) Bates. Expanding educational opportunities to nontraditional students.

This measure would request the University of California, the California State University, and the California Community Colleges to respond to the needs of the changing California economy and the changing California population by offering more evening and weekend courses, by admitting more nontraditional students, and by finding ways

to meet the needs of adults who work outside the home and raise a family. The measure also would request that the Legislature examine ways in which to provide the necessary resources for nontraditional students.

Res. Ch. 91 (ACR 65) Floyd. California Job Training Partnership Week.
This measure would proclaim the week of August 26 through September 2, 1991, as California's Job Training Partnership Week

Res. Ch. 92 (AJR 10) Speier. Reproductive rights: Reproductive Health Equity Act.
This measure would memorialize the President and Congress of the United States to enact the Reproductive Health Equity Act to require the federal government to provide abortion services to women who receive Medicaid, Native American women, Peace Corps volunteers, federal employees and their dependents, military personnel and their dependents, and women in federal prisons.

Res Ch. 93 (AJR 34) Wyman. First-time home buyers. tax incentives.
This measure memorializes the President and the Congress of the United States to enact legislation that will provide tax incentives for individuals who save for a down payment on the purchase of a first home.

Res. Ch. 94 (AJR 47) Filante. Baltic Republics.
This measure would express the support of the Legislature of the State of California for the independence of Lithuania, Latvia, and Estonia from the Soviet Union, and would memorialize the President and Congress of the United States to act immediately to extend full diplomatic recognition to Lithuania, Latvia, and Estonia.

Res. Ch. 95 (AJR 26) Harvey Highways: outdoor advertising.
This measure would memorialize the President and Congress to direct the Administrator of the Federal Highway Administration to meet with the Director of Transportation to amend an agreement entered into in 1968 under the federal Highway Beautification Act of 1965 and the Outdoor Advertising Act to permit the state and counties and cities to regulate off-premises changeable message signs, known as message center displays, in accordance with the Outdoor Advertising Act.

Res. Ch. 96 (ACR 47) Bronzan. Free trade: agriculture.
This measure would require the California State World Trade Commission and the Agricultural Export Program of the Department of Food and Agriculture to provide forums for all interested parties on free trade issues and provide leadership on agricultural issues related to a proposed free trade agreement involving the United States, Mexico, and Canada.

Res. Ch. 97 (ACR 17) Epple. Red Ribbon Week.
This measure would proclaim October 19 through October 27, 1991, as "Red Ribbon Week," and would encourage Californians to help build drug-free communities and to participate in drug prevention activities, as specified.

Res. Ch. 98 (ACR 30) Vasconcellos. AIDS: leadership committee
This measure would request the State Department of Health Services to reconvene the California AIDS Leadership Committee to accomplish prescribed objectives relative to the July 1989 report, "California's Continuing Response to HIV Disease—A Strategic Plan"

Res. Ch 99 (AJR 33) Campbell Employment: reconstruction of Kuwait.
This measure would encourage the United States government and all American companies participating in the reconstruction of Kuwait to adopt and implement as an employment goal the hiring of minority and female workers in proportion to the ethnic and gender composition of the American military personnel who served in the Persian Gulf War

Res. Ch 100 (ACR 45) Bates. Higher education: teacher training.

This measure would request all public and private institutions of higher education that have an approved teacher training program to include in their teacher training programs instruction on encouraging and fostering parental participation within the teaching profession, and would request the Commission on Teacher Credentialing to include components related to parental involvement and multicultural sensitivity in its teacher certification process. The measure would also request local school districts, when developing plans on how to encourage and increase parental involvement, to consider the use of available staff development funds to educate teachers on the importance of, and techniques on how to successfully increase the quality and quantity of, parental involvement in the schools.

Res. Ch. 101 (ACR 27) Costa. High-speed passenger rail link: Bakersfield-Los Angeles.

This measure would request the Department of Transportation to consider various specified factors in conducting feasibility studies and preliminary engineering for a high-speed passenger rail link between Bakersfield and Los Angeles.

Res. Ch. 102 (SCR 7) Kopp. University of California: annuitants' health benefits

This measure would request the Regents of the University of California to provide that any annuitant who retires with specified years of service credit under the University of California Retirement System whose monthly retirement allowance is insufficient to pay the fee-for-service health plan premium may retain that coverage by paying the balance of the contributions plus the related administrative costs

Res. Ch. 103 (SCR 21) Mello. Housing for elderly persons: 2-phase study.

This measure would direct the Senate Office of Research, in consultation with the Assembly Office of Research, to conduct a 2-phase study, as specified, relating to housing for elderly persons. The measure would direct the Senate Office of Research to submit phase 1 of the study to the Senate Committee on Rules on or before September 1, 1992, and to submit the completed 2 phases of the study to the Legislature on or before September 1, 1993

Res. Ch. 104 (SCR 42) Morgan. Energy efficient technologies: development and use.

This measure would state that it is the policy of the state to encourage the development and use of environmentally clean, cost-effective, energy efficient technologies, and would require all state agencies regulating energy or environmental activities to encourage and facilitate the state's energy utilities in carrying out this policy.

Res. Ch. 105 (SCR 48) Johnston Leslie G. Delbon Memorial Bridge.

This measure would designate a specified bridge on State Highway Route 108 in Tuolumne County as the Leslie G. Delbon Memorial Bridge.

The measure would also direct the Department of Transportation to determine the cost of appropriate plaques and markers showing that special designation, and to erect the plaques and markers upon receiving donations from nonstate sources covering that cost.

Res. Ch 106 (SJR 9) Watson. Airline safety.

This measure would memorialize the President and the Congress to enact legislation to improve air safety at major United States airports, including provisions for a review of the number of air traffic controllers hired and trained since the 1981 air traffic controller strike, a determination of the additional number of controllers needed and the percentage of current controllers rated at full-performance level, and an investigation of the need for measures to facilitate emergency operations in the event of massive casualties in airport crashes. The measure would also state the Legislature's support of the expeditious release and appropriation by Congress of moneys in the Airport and Airways Trust Fund and the expeditious implementation by the Federal Aviation Administration of the National Airspace System Plan and the procurement of Improved

Airport Surface Detection Equipment at all California commercial airports, and would request an investigation by the Federal Aviation Administration into the interior safety of airlines, as specified, and would request federal assistance in the expeditious building, staffing, and operation of a new replacement air traffic control tower at Los Angeles International Airport.

Res. Ch. 107 (SJR 20) Rogers. Alaska boundary negotiations.

This measure would state the Legislative support for the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union The measure would memorialize the President to withdraw from the United States Senate the proposed boundary treaty between the United States and the Soviet Union and request the California United States Senators to decline to consider the proposed treaty until the State of Alaska has been allowed to participate in the treaty negotiations and has been guaranteed that its consent will be required for the agreement.

Res. Ch. 108 (SJR 29) Royce. Soviet Republic.

This measure urges the recognition by the United States, of Estonia, Latvia, Lithuania, Armenia, and other republics as free and independent states.

Res. Ch. 109 (ACR 58) Hughes. Learning in Retirement.

This measure would request the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, and the chancellors of their respective campuses, to look with favor on the establishment of campus-related, Learning in Retirement types of organizations or institutes at their respective state supported institutions of higher education. The measure would encourage these entities to provide lists of qualified personnel, consistent with statutory provisions and institutional policies, on their respective campuses who may be contacted by interested parties to initiate discussions on the possibility of establishing these learning organizations and institutes.

Res Ch. 110 (ACR 62) Hayden. Environmental damage.

This measure would declare the intent of the Legislature that neither the State of California, nor the University of California or any other state agency, accept financial liability or responsibility for environmental damage originating from the operation of the Lawrence Livermore National Laboratory, Lawrence Berkeley National Laboratory, or Los Alamos National Laboratory and that no contract be entered into which would subject the state to any such liability.

Res. Ch. 111 (ACR 68) Polanco. AIDS-related health care planning and policy.

This measure would provide that the Legislature upholds and affirms the goal of the CARE Act to maximize community-based participation in AIDS-related health care planning and policy and urges Los Angeles County officials to cooperate fully with the Los Angeles Planning Council and to take all necessary steps to expedite the release of CARE Act funds.

Res. Ch. 112 (ACR 51) Margolin. Spinal cord injury.

This measure would resolve that basic research on spinal cord injury be encouraged throughout California.

Res. Ch. 113 (ACR 63) Mountjoy. Constitution Week and Constitution Day.

This measure would declare the 3rd week in September as Constitution Week and September 17 as Constitution Day and would request the Governor to proclaim Constitution Week and Constitution Day.

Res. Ch. 114 (ACR 64) Mountjoy. Anniversary of the Bill of Rights.

This measure would proclaim December 15, 1991, and December 15 of each succeeding year as "Bill of Rights Day" and December 16, 1991, and December 16 of each succeeding year as "Bill of Responsibilities Day," and would urge the citizens of Califor-

nia to reflect on the blessings of liberty guaranteed to American citizens by the Bill of Rights. This measure would also urge every elementary and secondary school in California to display prominently and permanently a copy of the Bill of Rights.

Res. Ch. 115 (ACR 74) Farr. California Planning Week.

This measure would designate the week commencing October 20, 1991, as California Planning Week.

Res. Ch. 116 (ACR 75) Gotch. California Coast Weeks and Adopt a Beach Coastal Cleanup Day.

This measure would proclaim September 21 through October 14, 1991, as California Coast Weeks, and would proclaim September 21, 1991, as Adopt a Beach Coastal Cleanup Day.

Res Ch. 117 (ACR 76) Ferguson. Pearl Harbor.

This measure commemorates Americans who gave their lives and those Americans who were wounded in the attack on Pearl Harbor during World War II

Res. Ch. 118 (AJR 42) Speier. Breast cancer research

This measure would memorialize Congress and the President of the United States to enact HR 2210, the Breast Cancer Basic Research Act, which would allocate $50 million to the National Cancer Institute for breast cancer research.

Res. Ch. 119 (AJR 48) Epple. Unemployment Insurance Reform Act of 1991.

This measure would memorialize the President of the United States to sign a declaration of emergency to release $5.3 billion in extended emergency unemployment benefits. The measure would also memorialize Congress, in the event that the President does not sign a declaration of emergency to implement those provisions of the Unemployment Insurance Reform Act of 1991, that would release moneys for extended emergency unemployment benefits, to pursue the original version of the bill which would have considered a signature on the legislation to be a declaration of an emergency.

Res. Ch 120 (ACR 13) Costa Citizen's Commission on Ballot Initiatives

This measure would create a 15-member Citizen's Commission on Ballot Initiatives consisting of 12 members appointed by the Speaker of the Assembly, the Senate Committee on Rules, and the Governor, as specified, and the Attorney General, the Secretary of State, and the president of the County Clerks' Association, or their designees

This measure would require the citizen's commission to review, study, and evaluate the statewide initiative process for the purpose of determining how the statewide initiative process may be adjusted, changed, or revised in order to preserve and protect the exercise of the initiative power by the people, as originally intended by the framers of the initiative process, and to assist in the resolution of issues presented by the initiative process as it presently exists.

This measure would require the office of the Secretary of State, among others, to provide consultation and assistance to the commission where feasible and appropriate. It would require the commission to submit a report with recommendations to the Legislature by March 1, 1992 It would also terminate the commission on January 1, 1993.

Res. Ch. 121 (ACR 66) Tucker Justice Thurgood Marshall retirement.

This measure would commend Associate Justice of the United States Supreme Court Thurgood Marshall on the occasion of his retirement and for his distinguished service to this country.

Res. Ch. 122 (AJR 37) T. Friedman. Federal labor laws.

This measure would memorialize the Congress of the United States to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes by limiting the hiring of permanent replacement workers during bona fide labor-management disputes and prohibiting employers from offering preferential benefits to those workers.

Res. Ch. 123 (AJR 40) Speier. Mifepristone (RU-486).

This measure would memorialize the President and Congress of the United States to support the availability of RU-486 for appropriate research and, if indicated, clinical trials.

This measure also would urge the State Department of Health Services to use its statutory authority to approve the use of RU-486 in clinical trials as expeditiously as possible, and would encourage all qualified investigators, companies, and businesses which decide to test RU-486 to choose California as the site for clinical trials

Res. Ch. 124 (AJR 49) Brown United States Air Force B-2 bombers

This measure would memorialize the Congress of the United States to acknowledge the B-2 bomber as vital to the future defense needs and the maintaining of the technological superiority of the United States. The measure would urge the Congress of the United States to include funding for the continued production of the United States Air Force B-2 bomber at the level requested by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff.

Res. Ch. 125 (SJR 28) Marks. Railroad Safety.

This measure would memorialize the President and Congress to require the United States Department of Transportation to immediately reclassify metam sodium as a hazardous substance to be transported only in appropriately placarded double-wall rail tank cars and to investigate and review other chemical compounds for similar reclassification, to require the Federal Railroad Administration to increase enforcement of rail speed limitations, and to require the National Transportation Safety Board to investigate conditions on the 20-mile section of track between Dunsmuir and Mount Shasta.

Res. Ch. 126 (SCR 1) Roberti. Joint Rules.

This measure adopts the Joint Rules of the Senate and the Assembly for the 1991–92 Regular Session.

Res. Ch. 127 (SCR 22) Keene. Center for the Resolution of Environmental Disputes.

This measure would request the Chancellor of the California State University to establish the Center for the Resolution of Environmental Disputes to provide third-party assistance to governments, businesses, and citizen groups in the settlement of natural resource disputes and to offer courses of study and conduct research in environmental dispute resolution.

Res. Ch. 128 (SCR 29) Leonard. Foothill Freeway.

This measure would designate specified portions of Interstate Route 210 and State Highway Route 30 as the Foothill Freeway. The measure would direct the Department of Transportation to erect plaques and markers showing the designation upon receiving contributions from nonstate sources for the cost of those plaques and markers

Res Ch. 129 (SCR 33) McCorquodale Women in California prisons.

This measure would request that the Governor establish a blue ribbon commission of 19 members, as specified, to study (1) methods of improving the efficient use of female prisoner housing capacity and (2) alternatives to state prison incarceration for nonviolent female offenders as they pertain to specified issues. This measure would provide that expenses by the commission should be funded on a matching basis, 50% from the Department of Corrections' budget, up to a maximum of $100,000, and 50% from nonstate or local sources.

Res. Ch. 130 (SCR 36) Calderon. Courthouse security.

This measure would request each county to respond to a survey of the county's courthouse security, to be administered by the Judicial Council, and would request the Judicial Council to report its findings and recommendations to the Legislature on or before December 31, 1991.

Res. Ch. 131 (SCR 39) Presley. State office space.

This measure would request the Department of General Services to prepare a plan, with the cooperation of the appropriate municipalities, to consolidate, to the extent feasible, state employees and functions within the state capitol area and adjacent areas, consistent with the Capitol Area Plan and other state law and policies for the location of state office space. The measure would require that a schedule for preparing the plan be submitted to the chairs of the fiscal committees and the Chair of the Joint Legislative Budget Committee within 60 days of the passage of this resolution or by December 1, 1991, whichever is earlier.

Res. Ch. 132 (SCR 50) Rosenthal Joint Committee on Energy Regulation and the Environment

This measure would extend the date terminating the Joint Committee on Energy Regulation and the Environment from June 30, 1991, to June 30, 1992.

Res. Ch. 133 (SCR 52) Alquist. Supplemental Report on the 1991 Budget Bill.

This measure would declare that the Supplemental Report on the 1991 Budget Bill reflects the intent of both houses of the Legislature in adopting the Budget Act of 1991 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. 134 (SCR 53) Presley. Correctional Education Week.

This measure would establish the week of November 17, 1991, through November 22, 1991, as Correctional Education Week.

Res. Ch 135 (SCR 58) Craven. Joint Rules.

This measure would change the January 30 deadline in the joint rules for the passage by the house of origin of bills introduced in the first year of the regular session to January 31 to conform with the deadline specified in the California Constitution.

Res. Ch 136 (SJR 4) Bergeson. Medicaid: mobile prenatal health care van programs.

This measure would memorialize the President and Congress to enact legislation or require the Health Care Financing Administration to adopt regulations permitting the certification of mobile prenatal health care van programs for medicaid reimbursement.

Res Ch 137 (SJR 15) Lockyer. Toll highways.

This measure would memorialize the President and the Congress of the United States to retain the prohibition against the use of federal funds for toll roads, except as specified, and not to enact any surface transportation reauthorization act that includes the imposition of tolls on interstate highways.

Res. Ch. 138 (SJR 19) Roberti. Israeli POW's.

This measure would urge the Department of State of the United States to take specified actions aimed at the better treatment, and ultimate release, of 7 named Israeli POW's.

Res Ch. 139 (SJR 22) Bergeson. Medi-Cal: eligibility of incarcerated persons.

This measure would memorialize the President and the Congress of the United States to enact legislation approving medicaid eligibility for inmates of certain county-operated detention or correctional facilities.

Res. Ch. 140 (SJR 24) Vuich. Dual banking system.

This measure would memorialize the President and Congress of the United States and the Treasury Department to retain and continue the essential components of the dual banking system and ensure that any reforms to the federal deposit insurance system

apply equally to all depositors in financial institutions of any size, and recognize that it is imperative that any changes in federal banking laws not impair the ability of the State of California to tax banks in this state.

Res. Ch. 141 (SJR 25) Watson. Reauthorization of the Rehabilitation Act of 1973

This measure would urge the California Congressional Delegation to support a 2-year reauthorization process of the federal Rehabilitation Act of 1973 that will provide widespread local hearings to ensure maximum input to focus on establishing a paradigm shift in the rehabilitation system service design.

The measure would also provide that the Legislature commission a study, to be completed not later than September 1, 1993, and to be coordinated by the Senate Office of Research in consultation with the Department of Rehabilitation, which parallels the congressional reauthorization timetable, that will provide the Legislature with recommendations on the administrative, programmatic, and fiscal reorganization of the Department of Rehabilitation, as described.

Res. Ch. 142 (SJR 27) Watson. Family planning.

This measure would memorialize the Congress of the United States to enact clarifying legislation to permit family planning programs which receive federal Title X funds to provide abortion counseling and referral services to women. This measure also would memorialize the President of the United States to sign the legislation.

Res. Ch. 143 (AJR 24) Archie-Hudson. Federal Supplemental Security Income program: presumptive eligibility.

This measure would memorialize the United States Secretary of Health and Human Services to establish a process for the timely expansion of the definition of AIDS-defining opportunistic infections and the criteria to be followed for determining presumptive eligibility for federal Supplemental Security Income program benefits.

1991 DIGEST CHAPTERS SUPERIOR NUMBERS

1 I am reducing the General Fund appropriation contained in Assembly Bill No 208 by the following amounts

$12,656,000 for additional year-round-school incentive payments in the current year. According to recent calculations, this amount will be significantly lower The actual funding needs will be addressed through the budget bill

$3,539,000 for a federal audit exception related to unemployment insurance rates Funding for this augmentation has been included in AB 98

$300,000 for matters of reapportionment which the Department of Finance indicates is no longer necessary

With these reductions, I approve Assembly Bill No 208.

PETE WILSON, Governor

2 I am reducing the non-Proposition 98 General Fund appropriation contained in Section 1(a)(1) of Assembly Bill No 217 by a net amount of $3,162,000 because of more recent estimates of need.

Reductions can be made for the following three programs.

According to recent calculations, the deficiency for utilization of Medi-Cal benefits is lower than originally estimated by $3,777,000.

The Regional Center deficiency can be reduced by $1,100,000. Federal Funds were received in the current year to offset this amount.

The deficiency of $390,000 for operation of the Drought Information Center which the Department of Water Resources indicates is no longer necessary

I have offset a portion of the above reductions by the following increased needs·

An additional $1,646,000 is needed for state operations costs attributable to Medi-Cal

An additional $459,000 is needed for funding the Workers' Compensation Benefit Program

With these net reductions of $3,162,000, I approve Assembly Bill No 217

PETE WILSON, Governor

3 I object to the following appropriations contained in Assembly Bill 222

Item 0550-001-751—For support, Youth and Adult Correctional Agency (Joint Committee on Prison Construction and Operation). I delete this item.

The recent court decision, which stays the implementation of Proposition 140, makes this transfer no longer necessary

Item 0650-011-001—For support of Office of Planning and Research I delete this item and Provision 1

This item provides $370,000 to support the Secretary for Child Development and Education in addition to $1,604,155 contained in Item 6110-107-001, for a total budget of $1,974,155. I am deleting this item because support for the Secretary is fully funded through Assembly Bill 1017 and this item would duplicate portions of that bill

I am deleting Provision 1 to conform with this action.

Item 0860-001-001—For support of Board of Equalization I am making technical adjustments to this item by reducing·

(a) 100000-Personal Services from $164,145,000 to $161,775,000, and

(b) 300000-Operating Expenses and Equipment from $46,150,000 to $45,998,000, and by deleting Provision 5.

I am reducing these schedules to accurately reflect the intended action of the Legislature These reductions do not reduce the total appropriation for this item

I am deleting Provision 5 which would transfer $50,000 to the Auditor General to conduct a study to review and evaluate the appeals and settlement processes of income taxes The Auditor General already receives a separate appropriation to

conduct studies and audits as directed by the Legislature.

Item 1700-001-001—For support of Department of Fair Employment and Housing. I reduce this item from $10,584,000 to $10,583,000 by reducing:

(a) 50-Administration of Civil Rights Law from $13,293,000 to $13,292,000, and by deleting Provision 1.

I am reducing this item by $1,000 because I disagree with the action taken by the Legislature in this and the related three items which have the effect of creating three additional legal offices. This action is neither economical nor programmatically necessary. I am reducing $1,000 which represents the savings that will be achieved based on vetoing language contained in Provision 1 of this item and similar provisions in the newly created items.

I am deleting Provision 1 to conform to this action.

I believe Provision 1 is inconsistent with the separation of powers provision concerning the Executive Branch authority and represents a substantive change of law.

Item 1700-011-001—For support of the Department of Fair Employment and Housing. I revise the language in this item, and delete Provision 1.

The Department of Fair Employment and Housing has a district office in Los Angeles which employs attorneys to handle civil rights cases. The department does not consider the legal staff in Los Angeles to constitute a legal office, so I am revising this item to read:

"1700-011-001—For support of the Department of Fair Employment and Housing ~~, Los Angeles Legal Office~~ ."

I am deleting Provision 1 because this provision and the location specified in the item (Los Angeles Legal Office) are inconsistent with two Constitutional provisions. First, the language violates the separation of powers provision concerning 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 $445,000 to $444,000, revise the language in this item, and delete Provision 1.

In 1986–87 the department closed the San Francisco legal office and consolidated the positions within the Sacramento office Evidence has not been provided to justify the reopening of this office I am reducing $1,000 from this item to reflect savings that will be achieved based upon the deletion of this provision.

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 provision concerning Executive Branch authority. Second, inasmuch as existing law does not define or reference the San Francisco legal office, the language represents a substantive change of law.

Item 1700-031-001—For support of the Department of Fair Employment and Housing. I reduce this item from $75,000 to $74,000, revise the language in this item, and delete Provision 1

In 1986–87, the department closed the Boalt Hall legal clinic. No evidence has been provided to justify the reopening of this clinic. I am reducing $1,000 from this item to reflect savings that will be achieved based on removing the 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 Legal Office~~ "

I am deleting Provision 1 because this provision and the location specified in the provision (Employment Discrimination Clinic at Boalt Hall School of Law) 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 Employment Discrimination Clinic at Boalt Hall School of Law, 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 $216,064,000 to $215,914,000 by reducing:

(a) 10-Tax Programs from $215,205,000 to $215,055,000,

and by deleting Provisions 2 and 3.

I am reducing this item by $150,000 which would have supported the development of a tax burden model. While I appreciate the need for additional tax research, this project is not of sufficiently high priority to justify the use of limited General Fund resources.

I am deleting Provision 3 to conform to the action I have taken above.

I am deleting Provision 2, which would transfer $50,000 to the Auditor General to review and evaluate the appeals and settlement processes of income taxes. The Auditor General already receives a separate appropriation to conduct studies and audits as directed by the Legislature.

Item 1760-001-602—For support of Department of General Services. I delete Provision 3

I am deleting Provision 3 because it restricts the department's ability to conduct necessary construction inspections of the California Reception Center in Los Angeles during 1991–92 This conforms to my actions in Items 5240-311-724, 5240-311-746, 5240-311-751 and 5240-496 which have the effect of continuing the construction of the California Reception Center in Los Angeles, as authorized in Chapter 165, Statutes of 1987

Item 1760-001-666—For support of Department of General Services I reduce this item from $394,780,000 to $394,779,000 by reducing.

(a) 100000-Personal Services from $216,907,000 to $216,906,000,

and by deleting Provision 11.

I am deleting $1,000 and Provision 11 which would require the Department of General Services to notify the Legislature of its intentions to enter into any new lease which exceeds $150,000 per month, including improvements, and involves a relocation of more than 250 employees. This would delay the execution of leases and would infringe upon the Administration's ability to carry out programs in the most cost effective manner

Item 1880-001-001—For support of State Personnel Board. I revise this item by reducing.

(a) 10-Merit System Administration from $14,997,000 to $14,996,000,

(f) Reimbursements from −$5,496,000 to −$5,495,000,

and by deleting Provisions 1 and 2.

I am reducing $1,000 of the reimbursement authority augmentation and deleting Provisions 1 and 2. I support the unusual steps taken by the Legislature to help the Board reduce the backlog of complaints; however, I believe that these technical changes are necessary.

By sustaining $284,000 of the augmentation in reimbursement authority, individual departments will be able to contract with the Board for expedited appeals processing or travel to outlying areas.

Item 1900-001-815—For support of Public Employees' Retirement System. I reduce this item from $289,000 to $282,000.

I am reducing this item to conform to the action I have taken in Item 1900-001-830.

Item 1900-001-820—For support of Public Employees' Retirement System I reduce this item from $184,000 to $177,000

I am reducing this item to conform to the action I have taken in Item 1900-001-830

Item 1900-001-830—For support of Board of Administration of the Public Employees' Retirement System I reduce this item from $48,648,000 to $46,579,000 by reducing

(a) 10-Retirement from $42,696,000 to $41,314,000,

(c) 30-Health Benefits from $6,490,000 to $6,305,000,

(d) 40-Investment Operations from $6,833,000 to $6,574,000,

(e) 50.01-Administration from $23,943,000 to $23,027,000,

(f) 50 02-Distributed Administration from −$23,943,000 to −$23,027,000,

(i) Amount payable from the Judges' Retirement Fund (Item 1900-001-815) from −$289,000 to −$282,000,

(j) Amount payable from the Legislators' Retirement Fund (Item 1900-001-820) from −$184,000 to −$177,000,

(k) Amount payable from the Public Employees' Contingency Reserve Fund (Item 1900-001-950 from −$6,371,000 to −$6,216,000, and by increasing

(g) Reimbursements from −$768,000 to −$1,180,000

I am deleting the $1,887,000 legislative augmentation, payable from various items ($1,475,000) and Reimbursements ($412,000), and 10 personnel years because the augmentation is for requests that were reviewed and rejected by the Administration during the budget development process primarily due to insufficient workload justification.

I am deleting the $68,000 legislative augmentation and 0 9 personnel years because the additional information provided by an actuary position can be provided by reprioritizing workload within existing resources

I am reducing $114,000 from this item because Chapter 83, Statutes of 1991 (AB 702), removes the actuarial workload requirements from the Public Employees' Retirement System and places such authority with an independent actuary to be paid for by the system. Accordingly, $114,000 for external actuarial contract services are reduced from this item. This action leaves $200,000 for actuarial contract services that can be used for consulting services related to the transition to a new actuarial operation The need for ongoing actuarial staff positions within the Public Employees' Retirement System will be evaluated during preparation of the 1992-93 Governor's Budget.

Item 1900-001-950—For support of Public Employees' Retirement System I reduce this item from $6,371,000 to $6,216,000.

I am reducing this item to conform to the action I have taken in Item 1900-001-830

Item 2200-001-001—For support of Department of Commerce I reduce this item from $13,348,000 to $13,347,000 by reducing.

(h) 60-Economic Research from $851,000 to $850,000,

and by deleting Provision 2

I am deleting Provision 2, which would require quarterly reports to the Legislature regarding the award of contracts because I believe this would cause an unnecessary administrative cost during this fiscal crisis. I am reducing $1,000 from this item to reflect the savings that will be achieved based upon the deletion of this provision.

Item 2200-041-001—For support of Department of Commerce. I delete this item

I am deleting the $1,453,000 provided in this item for support of the Department of Commerce's exempt positions funded from the General Fund This item was left in the final version of the Budget Bill in error The Legislature's final action was to restore the funding for these positions in Item 2200-001-001, as originally provided in the 1991-92 Governor's Budget This technical veto will conform the Budget Act to the action taken by the Legislature

Item 2200-101-147—For local assistance, Department of Commerce. I delete this item and Provision 1.

I am deleting the $1,000,000 legislative augmentation from the Unitary Fund to establish a Defense Industry Conversion Local Assistance Program. By taking this action, an additional $1,000,000 will be transferred from the California Unitary Fund to the General Fund in accordance with other provisions of this act. Although I support efforts to mitigate the economic impact of major industry or military plant closures as provided by the proposed new program, my action is necessary to protect vital existing programs and to help provide for a prudent General Fund reserve for economic uncertainties

I am deleting Provision 1 to conform to this action.

Item 2320-001-317—For support of Department of Real Estate I reduce this item from $33,859,000 to $31,159,000 by reducing·

(a) 10-Licensing and Education from $12,266,000 to $9,566,000,

and by deleting Provision 1.

I am reducing this item by $2,700,000 to reduce the amount to be allocated from the Education and Research Account within the Real Estate Fund for education purposes. The Governor's budget proposed the expenditure of $4,500,000 from the Education and Research Account. This included $3,000,000 to be divided equally between UC Berkeley and UCLA as endowments to provide a permanent source of funding for each campus' Real Estate Center, $1,000,000 for the Real Estate Scholarship and Internship Grant Endowment Program of the California State University to provide financial assistance to minorities and disadvantaged students, and $500,000 for the Real Estate Education Scholarship Program for the community college system.

In this item, the Legislature restructured the proposal to instead provide: $1,000,000 each for the UC Berkeley and UCLA Real Estate Centers; $1,000,000 for minority and low-income student assistance systemwide each for UC and CSU and $500,000 for minority and low-income student assistance systemwide for the community college system.

The reduced amount which the Legislature proposes for the UC Real Estate Centers would be insufficient to provide a permanent source of funding. In addition, due to the unprecedented shortfall of General Fund revenues, excess reserves in the Real Estate Fund should be transferred to the General Fund to provide additional resources to maintain the State's highest priority programs. As the condition of the General Fund represents an overriding concern, I am reducing the amount proposed for the UC Real Estate Centers and student assistance by $2,700,000. This will continue the current level of support at the two UC campuses and allow the remaining funds to be transferred to address the General Fund shortfall. While I support the educational opportunities that would be afforded University of California students as a result of the Legislature's action, I believe the highest priority must be to reduce the impact of the General Fund shortfall on existing State programs before consideration can be given to program expansions.

I am deleting Provision 1. This language is inconsistent with my revised proposal and is unduly restrictive of Executive Branch authority to effectively administer state government.

Item 2660-001-042—For support of Department of Transportation I revise this item by reducing

(c) 30-Mass Transportation from $98,098,000 to $96,798,000, and

(k) Amount payable from the Transportation Planning and Development Account, State Transportation Fund (Item 2660-001-046) from −$51,203,000 to −$49,903,000

I am eliminating the legislative augmentation for the Caltrain Peninsula Commute Service because this action represents contingency budgeting, and as such, is inconsistent with prudent state budgeting practices. Although the Caltrain Service will benefit the residents of the Peninsula, the State should not assume responsibility for the Federal Government's share of this project. Further, there are sufficient resources available in the budget to assure current levels of service for the Peninsula

Commute to be maintained throughout the fiscal year.

Item 2660-001-046—For support of Department of Transportation. I reduce this item from $51,203,000 to $49,903,000.

I am reducing this item by $1,300,000 to conform to the action I have taken in Item 2660-001-042

Item 2660-023-042—For loan from the State Highway Account to the General Fund for rail bond debt service. I delete this item.

I am deleting this loan authority because it adds to the future liability of the General Fund. I support the Rail Bonds authorized by the voters last year and believe that legitimate General Fund costs for debt service should be recognized. I realize that up to $1.3 billion of rail bonds may be issued through 1991–92 and result in additional General Fund costs for debt service I would support those costs with the expectation that the Secretary for Business, Transportation and Housing Agency will hold the program administrators responsible for ensuring that:

— funds are allocated based on realistic time schedules and sound financial planning;
— priority for funding is given to projects that result in new or expanded rail service; and
— negotiations for right-of-way acquisitions ensure the purchases are based on true values and represent the most prudent uses of State funds in terms of capital investment and taxpayer return.

Item 3360-001-465—For support of State Energy Resources Conservation and Development Commission. I revise this item by reducing:

(c) Special Items of Expense from $63,897,000 to $56,797,000

Item 3360-001-465 contains a typographical error; the amount available under schedule (c) Special Items of Expense should have been $56,797,000, not $63,897,000. Therefore, I am revising this item to conform with the Legislature's intent.

Item 3540-001-001—For support of Department of Forestry and Fire Protection I revise this item by deleting Provision 3

I am deleting Provision 3, which would require that any federal funds received in excess of the amount scheduled in the budget ($500,000) for base fire suppression costs be used in lieu of General Fund and that the then available funds should revert to the General Fund. This provision constitutes an appropriation which I cannot support. I believe that any excess federal funds received for base fire suppression costs should be available, subject to the provisions of Section 28.00 of this act, for expenditure as may be deemed necessary by the Administration to effectively manage the fire protection program.

Item 3600-001-140—For support of Department of Fish and Game. I reduce this item from $12,327,000 to $12,246,000.

Item 3600-001-140 contains a typographical error; the amount appropriated by this item should have been $12,246,000, not $12,327,000. Therefore, I am reducing this item to conform with the Legislature's intent

Item 3790-001-516—For support of Department of Parks and Recreation. I reduce this item from $498,000 to $398,000

I am deleting the $100,000 legislative augmentation to add boat patrol services at Turlock Lake from Item 3790-001-516. These boat patrol services should be funded by local residents or the local agencies responsible for operations at Turlock Lake.

Due to a technical error in the Budget Bill, no conforming action is needed in Item 3790-001-001.

Item 3790-011-263—For transfer to the General Fund, payable from the Off-Highway Vehicle Fund, Department of Parks and Recreation. I delete this item and Provision 1.

I am deleting the legislative action to transfer $8,100,000 from the Off-Highway Vehicle Fund to the General Fund. These funds collected specifically to support the

Off-Highway Vehicle program have been committed for pending legislation to support an Off-Highway Vehicle Park.

I am deleting Provision 1 to conform with this action

Item 3790-111-235—For transfer to the Habitat Conservation Fund.

I am revising this item by deleting schedule (1) and (2) to make a technical correction to the Budget Bill This is consistent with legislative action on this item which also conforms to the legislative action taken in Item 3790-101-262

Item 3790-111-235—For transfer to the Habitat Conservation Fund, from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund for the Department of Parks and Recreation pursuant to Section 5923 of the Public Resources Code; ~~in accordance with the following~~ .. ..(3,500,000)
~~(1) 50.20.262/Habitat Conservation Program grants .....(2,000,000)~~
~~(2) 50.20.262/Santa Lucia Mountain Range .....(1,500,000)~~

Item 3790-490—Reappropriation, Department of Parks and Recreation.

I am revising this item by deleting the following project from Item 3790-490 to conform with the action taken by the Legislature at budget hearings

786—California Wildlife, Coastal, Park Land Conservation Fund of 1988
~~(3) Item 3790/301/786(1), Budget Act of 1990, 90.68.605, Benicia SRA Land Restoration and Landfill Closure / Preliminary plans~~

Item 4100-001-890—For support of the State Council on Developmental Disabilities. I reduce this item from $5,350,000 to $5,100,000 by reducing:

(a) 10-State Council Operations from $1,315,000 to $1,065,000, and by deleting Provision 2.

I am deleting the $250,000 augmentation which, upon transfer to the Department of Developmental Services, Item 4300-001-001, would have funded a needs assessment study for epileptics and women at risk of bearing a child with developmental disabilities caused by HIV infection and/or drug and alcohol abuse While I am supportive of early identification and prevention of drug and alcohol abuse by pregnant mothers, those mothers with epilepsy are already receiving services under the entitlement provisions of the Lanterman Developmental Disability Service Act. Furthermore, the Department currently funds a statewide prevention program to serve parents and children at risk of incurring a developmental disability, such as those at risk as a result of HIV infection or drug and alcohol abuse. Finally, the Department will be participating in the fourth year of the federal Early Intervention Program, which is a comprehensive effort to identify and serve infants and toddlers who have or are at risk of incurring a developmental disability from any cause In view of these facts, the proposed study appears to be unwarranted given the State's fiscal crisis.

I am deleting Provision 2 to conform to this action

Item 4120-101-001—For local assistance, Emergency Medical Services Authority I reduce this item from $3,003,000 to $2,935,000 by increasing·

(b) Trigger reduction from −$54,000 to −$122,000.

I am deleting the $68,000 legislative augmentation to restore the Poison Control Center Program's trigger reduction. Although this program provides important services to the citizens of California, in light of the state's fiscal crisis, my highest priority must be to reduce the impact of the General Fund shortfall.

Item 4260-001-001—For support of Department of Health Services. I reduce this item from $172,566,000 to $171,666,000 by reducing

(1) 10-Public and Environmental Health from $121,298,000 to $120,398,000, and by deleting Provisions 7 and 12.

I am deleting the $900,000 increased General Fund expenditure authority for the loan to the Low-Level Radioactive Waste Disposal Fund This authority was inadvertently requested, but not necessary since the language added to Item 4260-001-227 provides the authority for making the loan.

I am deleting Provision 7 which expresses legislative intent to have the Food Safety Program, as authorized by Chapter 1200, Statutes of 1989, be entirely supported by

fees I am concerned that it will be extremely difficult to have the proposed fees equitably collected from the appropriate parties which include national and international food processors whose products are sold in California. Given this concern, I am deleting this provision. The program will continue to be funded from the General Fund, consistent with the authorizing statute.

I am deleting Provision 12 which would require the Department of Health Services to attempt to distribute any General Fund reductions in its state operations budget in proportion to each program's General Fund share of the total General Fund appropriation. This language would interfere with the Executive Branch's authority by restricting its ability to allocate funding reductions based on overall priorities and program needs.

Item 4260-009-001—For transfer by the State Controller from the General Fund to the Low-Level Radioactive Waste Disposal Fund. I delete this item and Provision 1

I am deleting this item which transfers $400,000 as a loan from the General Fund to the Low-Level Radioactive Waste Disposal Fund (LLRWDF) for an audit of the Low-Level Radioactive Waste disposal facility license designee. While I understand the concern of potential facility users that the fees associated with this facility be equitably established, I am not convinced that an audit is necessary at this time. Furthermore, no justification has been provided for the appropriate amount of funding to complete such an audit Finally, due to the pending delay in the completion of this project and the lack of revenues into the LLRWDF, I am concerned about the timeliness of this additional loan repayment to the General Fund.

I am deleting Provision 1 to conform to this action.

Item 4260-009-227—For support, Department of Health Services, Program 10—Public and Environmental Health I delete this item and Provision 1

I am deleting this $400,000 legislative augmentation and Provision 1 to conform with my action on Item 4260-009-001

Item 4260-111-001—For local assistance, Department of Health Services I delete provision 2(e).

I am deleting Provision 2(e) which continued the allocation of $26,597,000 in General Fund monies for the Medically Indigent Services Program pursuant to Section 16703(d) of the Welfare and Institutions Code for technical reasons. Since legislative action has been taken to remove the funding related to this allocation formula from this item concurrent with the State and local program realignment proposed in Assembly Bill 1288, this language is no longer applicable

Item 4300-001-001—For support of Department of Developmental Disabilities. I revise this item by reducing

(a) 10-Community Services Program from $21,240,930 to $20,990,930,

and

(f) Reimbursements from −$1,331,000 to −$1,081,000,

and by deleting Provision 2

I am revising this item to conform to the action taken in Item 4100-001-890.

I am deleting Provision 2 to conform to this action

Item 4300-101-001—For local assistance, Department of Developmental Services, for Regional Centers I reduce this item from $617,035,320 to $613,557,320 by reducing·

(ax) Regional Centers-Purchase of Services from $512,880,000 to $510,502,000, and by deleting.

(ey) Unallocated trigger offset ($1,100,000).

I am reducing $2,378,000 as a technical correction in order to adjust the Regional Centers Purchase of Service budget This reduction is necessary to offset the additional federal funds which are being given to the providers of out of home services due to a federal 5 3 percent Supplemental Security Income (SSI) Cost of Living Adjustment.

I am deleting the $1,100,000 unallocated trigger offset which was added to this item.

Under existing policy and practice, the amount of General Fund included in the budgets of the regional centers and developmental centers is increased and decreased in accordance with the level of availability of Medi-Cal and Medicaid reimbursements In view of the fact that the Department now advises that it will receive greater reimbursements than it previously projected, it is only reasonable that they be used to offset General Fund expenditures Furthermore, even after implementation of the trigger reduction, the level of funding for this item will increase over the amount provided in the Budget Act of 1990 by $80 million, or 15.0 percent

Item 4300-495—Reversion, Department of Developmental Services I am revising this item to correct a technical error in the Budget Bill This revision is consistent with the action taken by the legislative conference committee

"4300-495-Reversion, Department of Developmental Services. As of June 30, 1991, ~~$700,000~~ $666,000 of the unencumbered balance of the following citation shall revert to the General Fund

(1) Developmental Disabilities Program Development Fund"

Item 5180-001-001—For support of Department of Social Services. I reduce this item from $115,187,000 to $115,171,000 by reducing.

(c) 30-Community Care Licensing from $61,551,000 to $61,535,000

I am deleting the $16,000 legislative augmentation for purchase of a computer for the University of California at Davis for use while conducting a study of secured perimeters in Residential Care Facilities for the Elderly Chapter 1372, Statutes of 1989 provided an annual $62,500 General Fund appropriation in each of three years, commencing in the 1989-90 fiscal year I believe the funds appropriated by the enabling legislation are sufficient to accomplish the purposes of this study.

Item 5180-151-001—For local assistance, Department of Social Services I revise this item by deleting Provision 8.

I am deleting Provision 8 which would prohibit Los Angeles County from receiving State and Federal funding for the Greater Avenues for Independence (GAIN) program as long as the County contracted with a specific private firm for case-management services This provision would restrict the County's ability to select cost-effective alternatives, consistent with State and Federal law, for GAIN program operations.

Item 5240-001-001—For support of Department of Corrections I reduce this item from $2,262,511,000 to $2,262,509,000 by reducing

(a) 21-Institution Program from $2,295,691,000 to $2,293,989,000,

(f) Reimbursements from −$26,671,000 to −$24,971,000,

and by deleting Provisions 8, 10 and 12.

I am deleting the legislative augmentation of $1,700,000 in federal anti-drug abuse grant funds from the Office of Criminal Justice Planning which would be redirected from the Department of Justice Narcotic Enforcement program This augmentation is not based on any specific proposed use of the funds and is therefore premature at this time I am deleting Provision 8 to conform to this action

I am reducing this item by $1,000 and deleting Provision 10 which would require the department to review a specific housing facility, located in a specific county, for the establishment of a specific inmate program I believe this language would unnecessarily restrict the Administration's ability to manage its programs and to develop alternatives for housing the State's felon inmate population.

I am reducing this item by $1,000 and deleting Provision 12 which would dictate to the Department of Corrections the specific program areas to be exempt from or affected by the $112 million unallocated reduction the Legislature has imposed on the Department. Given the department's critical responsibility for steadily increasing inmate and parole populations, I do not believe that a reduction of this magnitude can be achieved without significant risk to public safety Further, it is unreasonable to prohibit budget cuts in certain areas while concurrently implementing the "trigger" and other reductions required by other sections of this Act.

Item 5240-311-724—For capital outlay, Department of Corrections. I delete this item.

I am deleting the $571,945 legislative augmentation to complete the California State Prison-Madera County II project. The funding for this augmentation is from the appropriation provided by Chapter 165, Statutes of 1987, for the California Reception Center-Los Angeles County project. The augmentation will adversely impact public peace, health, and safety by stopping the construction of the Reception Center project and delaying the occupation of the California State Prison-Los Angeles County (Lancaster) project. Both of these facilities will be completed before the Madera County II project and are necessary to house an increasing inmate population.

Item 5240-311-746—For capital outlay, Department of Corrections I delete this item.

I am deleting the $114,861,431 legislative augmentation to complete the California State Prison-Madera County II project. The funding for this augmentation is from the appropriation provided by Chapter 165, Statutes of 1987, for the California Reception Center-Los Angeles County project. This augmentation would take funds away from construction of the Los Angeles Reception Center. This action will adversely impact public peace, health, and safety by stopping the construction of the Reception Center project and delaying the Los Angeles County (Lancaster) project Both of these facilities will be completed before the Madera County II project and are necessary to house an increasing inmate population.

Item 5240-311-751—For capital outlay, Department of Corrections. I delete this item.

I am deleting the $36,400,000 legislative augmentation for the California State Prison-Madera County II project. This action will ensure that sufficient funds remain available from currently limited bond fund reserves to meet the capital outlay program needs for the Department of Corrections and the Department of the Youth Authority

Item 5240-496—Reversion, Department of Corrections. I delete this item.

I am deleting this reversion. Chapter 165, Statutes of 1987, provides funding for the completion of the California Reception Center-Los Angeles County project. This reversion will adversely impact public peace, health, and safety by stopping the construction of the Reception Center project and delaying the occupation of the California State Prison-Los Angeles County (Lancaster) project Both of these facilities are necessary to house an increasing inmate population

Item 5450-001-001—For support of the Youthful Offender Parole Board I am revising this item by deleting Provisions 1 and 2.

I am deleting Provisions 1 and 2, which make full funding of the Youthful Offender Parole Board's budget contingent upon specified limits for the assignment of initial parole consideration dates and for the net sentence time additions and reductions given to wards committed to the Youth Authority This language infringes upon the Executive Branch's authority. The Youthful Offender Parole Board must be allowed to exercise its current statutory authority to establish parole consideration dates, as well as time additions or reductions for minors committed to the Youth Authority, which are consistent with the treatment needs of the minors and also serve public safety

Item 5460-001-001—For support of the Department of the Youth Authority. I reduce this item from $298,218,000 to $298,217,000 by reducing

(b) 20-Institutions and Camps from $280,765,000 to $280,764,000,

and by deleting Provision 2.

I am reducing this item by $1,000 and deleting Provision 2, which prohibits funding for the Department of the Youth Authority's Free Venture projects unless the Department establishes a policy prohibiting the use of wards as strikebreakers This language inappropriately and unnecessarily restricts the Administration's ability to

manage its programs and also intrudes upon private sector labor relations Such restrictions could significantly reduce the number of employers willing to contract with the State to support this valuable program Although the costs of renegotiating contracts or recruiting new contract employers, which would result from this language, have not been budgeted for 1991–92, I am reducing this item by $1,000 to reflect such costs

Item 6110-001-001—For support of Department of Education I reduce this item from $45,690,000 to $41,440,000 by reducing·

(b) 20-Instructional Support from $32,502,000 to $28,252,000,

and by revising Provision 11

I am reducing this item by $4,250,000 as well as an additional $5,000,000 in item 6110-113-001 because the funds could be used to continue the existing testing program rather than for the development and implementation of a new program. However, I am setting aside $9,250,000 for legislation that will establish a new pupil testing program that 1) includes the capacity to produce individual pupil scores demonstrating how well each child has learned at selected grade levels and subjects, 2) includes end-of-course exams which will measure against fixed standards how well pupils have learned the material included in the curriculum frameworks, and 3) yields results which can be reported in terms that have common statewide meaning

It is my intent to continue to work with the Superintendent of Public Instruction, the testing staff, and interested legislators in developing a new comprehensive testing program prior to the end of the legislative session.

I am revising Provision 11 to conform to this action

"11. Of the funds appropriated in this item, ~~$5,000,000~~ *$750,000* is for the purposes of a pupil testing program."

Item 6110-101-001—For local assistance, Department of Education I reduce this item from $10,474,489,000 to $10,424,489,000 by reducing

(a) Program 10 10 001 001-School Apportionments, District Revenue Limits, from $10,373,483,000 to $10,323,483,000

I am making a partial reduction of $50,000,000 to the legislative augmentation of $250,000,000 for attendance accounting The Legislature has not yet addressed the conflict between the law and administrative regulations with respect to funding for student attendance As I noted in my January budget proposal, current law provides for a reasonable minimum student attendance standard of four hours per day Yet, existing administrative regulations conflict with the law and its intent Under those regulations, a student is considered to have met the requirement if he or she is present for any part of the day. Therefore, I am requesting a legislative resolution of this matter with the expectation of improving student attendance. However, if there is no legislative resolution, I would expect the Superintendent of Public Instruction and other officers of the State to enforce current law

I also am revising Provision 16, which would restrict the State Board of Education's authority to grant waivers as part of district reorganizations. This provision also would penalize districts which previously sought and received waiver requests under the provisions of current law Any change in the role and authority of the State Board of Education should be addressed in separate legislation, not the Budget Act.

16 Notwithstanding any other provision of law, no local education agency shall receive apportionments for any pupil in independent study without written agreement with the parent or guardian of such pupil prior to the commencement of independent study. Such written agreement shall specify the actual dates of participation, the methods and objectives of the independent study program for such pupil.

~~(a) Notwithstanding any other provision, and notwithstanding any waiver by the State Board of Education of any formula or method of calculating revenue limits contained in any statute or administrative rule or regulation, any school district formed pursuant to a voter approved action for the reorganization of any district that becomes effective for all purposes~~

~~on or after July 1, 1991, shall have its revenue limit per unit of average daily attendance computed pursuant to Section 35735 of the Education Code.~~

~~(b) Provision (a) shall not apply to the unification of a new district which will have boundaries that are congruent to the June 30, 1991 boundaries of an existing high school district.~~

~~(c) Provision (a) shall not apply to any district formed pursuant to a voter approved action for the unification of any district that becomes effective for all purposes on or after July 1, 1991 and which received a waiver of Education Code Section 35735 from the State Board of Education prior to June 30, 1991. The increase in the revenue limit per unit of average daily attendance calculated pursuant to clause (2) of subdivision (a) of Section 35735 of the Education Code for any such district shall, notwithstanding any waiver by the State Board of Education, not exceed 10 percent of the revenue limit calculated pursuant to clause (1) of subdivision (a).~~

Item 6110-106-001—For local assistance, Department of Education I reduce this item from $123,330,000 to $123,130,000 and delete Provision 10

I am deleting the $200,000 legislative augmentation to be deposited in a newly created Local Management Support Fund. This augmentation is contingent upon enactment of AB 1200 to reimburse the county superintendent of schools for expanded responsibilities in reviewing and monitoring school district finances Increased costs to county offices of education as a result of school districts adopting unbalanced budgets should be borne by those districts.

I am deleting Provision 10 to conform to this action

Item 6110-113-001—For local assistance, Department of Education I delete this item.

I am deleting this item, as well as an additional $4,250,000 in Item 6110-001-001, because the funds could be used to continue the existing testing program, rather than for the development and implementation of a new program. However, I am setting aside $9,250,000 for legislation that will establish a new pupil testing program that 1) includes the capacity to produce individual pupil scores demonstrating how well each child has learned at selected grade levels and subjects, 2) includes end-of-course exams, which will measure against fixed standards how well pupils have learned material included in the curriculum frameworks, and 3) yields results, which can be reported in terms that have common statewide meaning.

It is my intent to continue to work with the Superintendent of Public Instruction, the testing program staff, and interested legislators in developing a new comprehensive testing program prior to the end of the legislative session.

Item 6110-114-001—For local assistance, Department of Education. I reduce this item from $438,457,000 to $437,757,000 by reducing

(6) 10 10.018.030-San Jose Unified School District from $22,000,000 to $21,300,000, and by revising Provision 5

I am reducing $700,000 for the San Jose Unified School District and deleting language in Provision 5 of this item which would permit the district to use these funds for the remodeling of a cafeteria stage All other school districts are prohibited from using desegregation funds for capital outlay costs. This language would provide an unwarranted exception for the San Jose Unified School District and would establish a precedent which could lead to additional school districts attempting to fund capital expenses with desegregation funds. The State School Building Lease-Purchase Program is the appropriate source to fund school district capital outlay costs.

I am revising Provision 5 to conform to this action.

"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

~~This provision 5 shall not exclude reimbursement for costs of remodeling a cafeteria stage in the San Jose Unified School District. Such costs shall be funded from the existing appropriation and shall not exceed a total of $700,000 in the 1991/92 fiscal year. It is the intent of the Legislature that this paragraph of provision 5 shall be valid only until June 30, 1992.~~"

Item 6110-119-959—For local assistance, Department of Education. I revise this item by deleting Provision 1.

I am deleting Provision 1 of this item because it would require that the Foster Youth Services program be funded from the Proposition 98 General Fund Reserve in the event there is not enough revenue in the Foster Children and Parent Training Fund to support the Foster Youth Services program. Because this Act does not include a Proposition 98 General Fund Reserve, there is no Proposition 98 funding from which to support this program.

Item 6110-166-001—For local assistance, Department of Education. I reduce this item from $3,000,000 to $1,516,000

I am deleting the legislative augmentation of $1,484,000 for the Partnership Academies Program because the amount included in my proposed budget ($1,516,000 Proposition 98 General Fund and $814,000 Carl D. Perkins Act Federal Trust Fund) is sufficient to continue funding the Partnership Academies at the same level as in 1990–91 While I am supportive of the Partnership Academies Program, I have not proposed to fund discretionary growth for existing General Fund programs.

6110-166-890—For local assistance, Department of Education I revise this item by deleting Provision 6 which requires local educational agencies in receipt of specified federal vocational education funds to expend them for services to special education pupils.

The Carl D. Perkins Vocational and Applied Technology Act of 1990 deliberately reduces the State level control over use of funds authorized by that Act. While the Act does require targeted use of the funds at the local level, within those requirements it allows maximum local discretion over the most effective and appropriate use of the funds Therefore, Provision 6 could be deemed as unlawfully interfering with the flexibility local educational agencies need in order to carry out the federal requirements. While I have no policy objection to the apparent intent of Provision 6, the State cannot risk a federal audit exception which would result in the loss of these funds.

Item 6110-191-001—For local assistance, Department of Education. I reduce this item from $106,791,000 to $104,491,000 by reducing:

(ax) 20 60.050.002-Beginning Teacher Support and Assessment Study from $3,300,000 to $1,000,000,

and by deleting Provision 12.

I am reducing the funding for the New Teacher Project from $3.3 million to $1 million to be consistent with the funding level proposed in the May Revision. This will permit an additional year of evaluation for those pilot projects, which have not completed the full three year evaluation period.

I also am deleting Provision 12 which would permit school districts to carryover unexpended 1990–91 Mentor Teacher funds if funding is not provided for the program in the 1991–92 Budget. Deficiency funding of $1.6 million is already provided for the 1990—91 costs of the Mentor Teacher program. If school districts were not required to return unexpended funds, this language would increase the deficiency costs.

Item 6110-196-001—For local assistance, Department of Education. I reduce this item from $420,277,000 to $415,150,000 by reducing

(a) 30.10.010.000-Special Prog, Child Dev, Preschool Ed (Proposition 98) from $74,248,000 to $73,682,000,

(c) 30 10 020-Child Care Services (Proposition 98) from $195,353,000 to $191,512,000 by reducing:

(1) 30 10 020 001-Special Prog, Child Dev, General Child Development Programs from $158,565,000 to $155,597,000,

(2) 30.10.020.002-Special Prog, Child Dev, Campus Children Centers from $4,448,000 to $4,364,000,

(3) 30.10.020.003-Special Prog, Child Dev, High School Age Parenting & Infant Dev from $8,037,000 to $7,887,000,

(4) 30 10 020.004-Special Prog, Child Dev, Migrant Day Care from $2,625,000 to $2,575,000,

(5) 30.10 020 007-Special Prog, Child Dev, Alter Pmt Prog from $4,458,000 to $4,373,000,

(6) 30 10 020.008-Special Prog, Child Dev, Resource & Ref from $1,916,000 to $1,700,000,

(7) 30 10 020 009-Special Prog, Child Dev, Campus Child Care Tax Bailout from $4,853,000 to $4,762,000,

(8) 30.10.020.010-Special Prog, Child Dev, Protective Svcs from $199,000 to $195,000,

(9) 30.10.020 015-Special Prog, Child Dev, Extended Day Care from $10,057,000 to $9,868,000,

(10) 30.10.020.018-Special Prog, Child Dev, Exceptional Needs from $195,000 to $191,000,

(d) 30 10 020-Child Care Service (Non P98) from $138,336,000 to $137,616,000 by reducing:

(7) 30 10 020 098-Special Prog, Child Dev, Resource & Ref (Non P98) from $7,506,000 to $6,786,000,

I am deleting the following legislative augmentation $4,227,000 for growth above the statutorily required level and $900,000 for increasing services provided by Resource and Referral Agencies I am setting aside $5 million to provide the comprehensive service grants to State Preschool Programs upon enactment of AB 1670 (Hansen)

I am revising Provision 19 to conform to this action

"19. Of the amount appropriated in this item, ~~$19,345,000~~ *$15,118,000* is for the purpose of enrollment growth and, therefore, shall be allocated to services to additional full-time equivalent children Funds for enrollment growth shall not be used for a cost-of-living adjustment for existing contracted services."

Item 6120-011-001—For support of California State Library, Division of Libraries, and California Library Services Board I revise Provision 1.

I am revising Provision 1 because it is inconsistent with the fact that the State Library is part of the Executive Branch I recognize, however, that a research services bureau in the State Library could provide a valuable service. Since the State Library is part of the Executive Branch, these services should be available to all State agencies and appointments related to this function should be made by the Governor. I expect the State Librarian to present me with his plan before any expenditure of these funds

"1 Of the funds appropriated to this item, $3,627,211 shall be used to fund a ~~Legislative~~ Research Service Bureau "

Item 6440-013-001—For support of the University of California I reduce this item from $16,620,000 to $11,454,000

I have left unchanged the proposed augmentations for retirees' health benefits However, the current fiscal crisis requires that I delete the $5,166,000 legislative augmentation for increased employer contributions for health benefits for active state employees I would support development of cost containment policies designed to reduce costs both to the employer and to employees and their families while maintaining quality care for employees, dependents and annuitants.

Item 6600-013-001—For support of Hastings College of the Law I reduce this item from $110,000 to $80,000.

I have left unchanged the proposed augmentations for retirees' health benefits. However, the current fiscal crisis requires that I delete the $30,000 legislative augmentation for increased employer contributions for health benefits for active state employees. I would support development of cost containment policies designed to reduce costs both to the employer and to employees and their families while maintaining quality care for employees, dependents and annuitants.

Item 6610-036-001—For support of Trustees of the California State University, and the California State University. I reduce this item from $19,296,000 to $11,127,000.

I have left unchanged the proposed General Fund augmentations for retirees' health benefits. However, the current fiscal crisis requires that I delete the legislative augmentation of $8,169,000 for increased employer contributions for health benefits for active state employees. I would support development of cost containment policies designed to reduce costs both to the employer and to employees and their families while maintaining quality care for employees, dependents and annuitants.

Item 6870-101-959—For local assistance, Board of Governors of the California Community Colleges. I delete Provision 1

Provision 1 provides that any federal Title IV(e) funds received as reimbursement for the Foster Parent Training Program be deposited into the Foster Children and Parent Training Fund and be added to the appropriation for the Foster Parent Training Program. This provision constitutes an item of appropriation which I cannot support. I believe that any reimbursements should revert to the General Fund in order to compete for expenditure with other high priority programs.

Item 8100-101-196—For local assistance, Office of Criminal Justice Planning. I reduce this item from $2,566,000 to $1,000,000 and delete Provision 1.

I am reducing this legislative augmentation by $1,566,000. The Legislature added this item to provide funding for the support of local county offices of education for Gang Risk Intervention Pilot Programs (GRIPPs). Since the evaluation of the Los Angeles County GRIPP, which is in the second year of its pilot, provides information regarding the first year only of its program, it is premature to expand the GRIPP statewide. I am supportive of providing $1,000,000 to continue the GRIPP in Los Angeles County for another year to allow the Los Angeles GRIPP to provide a more thorough evaluation of its pilot in order to determine the value of this program model. Additionally, since the $2,566,000 was initially earmarked in my proposed budget for transfer to the General Fund to help alleviate the State's fiscal crisis, the remaining $1,566,000 should continue to be available for such transfer.

I am deleting Provision 1 to conform to this action.

Item 8100-101-890—For local assistance, Office of Criminal Justice Planning. I reduce this item from $56,170,000 to $54,195,000 by reducing

(f) 50.71.120-Federal Anti-Drug Abuse Program from $40,635,000 to $38,660,000.

I am reducing this item by $1,700,000 to conform to the action I have taken in Item 5240-001-001. With this action, together with my actions reflected below, I will be seeking special legislation to fund programs that are consistent with a drug enforcement plan which would include strategies and priorities of both my Administration and the Legislature This plan may include the reconsideration of program activities which were proposed as a part of my 1991–92 expenditure plan.

I am deleting the $175,000 legislative augmentation for Community Youth Gang Services. Currently, this program receives in excess of $4.2 million in federal, state and local funds. There is insufficient information available in which to analyze the merits of augmenting this program. Without such information, it is difficult to determine if this augmentation is consistent with federal guidelines which restrict the State's use of federal Anti-Drug Abuse funds to drug enforcement purposes only.

I am also deleting the $100,000 legislative augmentation for the Gang Violence Reduction Program It is my understanding that these monies would be used to

partially fund the continuation of the three-year demonstration project which is administered by the California Youth Authority The final year of funding from the Department of Alcohol and Drug Programs will terminate on September 30, 1991. While I am supportive of efforts in this area, there is insufficient information to determine if this portion of the program should continue beyond the three-year demonstration period. It is unclear at this time if this proposal is consistent with federal guidelines which restrict the State's use of federal Anti-Drug Abuse funds.

Item 8120-021-268—For transfer from the Peace Officers' Training Fund to the General Fund I delete this item.

I am deleting this item which specified that any funds in excess of a reserve equalling five percent of expenditures from the Peace Officers' Training Fund shall revert to the General Fund While I recognize that this fund transfer would help the General Fund situation, this item reflects an action which I cannot support. Unlike other transfers of reserves from special funds, this transfer was made possible only by a corresponding reduction in the program's expenditures from the level I had proposed in my January budget proposal. As a matter of priority, I believe that all funds which are deposited in the Peace Officers' Training Fund should be available to reimburse local law enforcement agencies to ensure that their staff are properly trained to enforce laws and protect the public. I support the restoration of the level of expenditures for this program that I proposed in January.

Item 8350-001-001—For support of Department of Industrial Relations. I reduce this item from $117,647,000 to $115,525,000 by reducing.

(c) 30-Workers' Compensation Administration from $79,335,000 to $78,308,000,

(g) 60-Promotion, Development, and Administration of Apprenticeship and other on-the-job training from $3,972,000 to $2,672,000,

(p) Amount payable from Workers' Compensation Administration Revolving Fund (Item 8350-001-223) from −$15,486,000 to −$15,281,000,

and by deleting provisions 3 and 4

I am deleting the $1,027,000 legislative augmentation and 12 4 personnel years, which would have increased the number of conference referees and disability evaluators within the Workers' Compensation Administration program because these positions are in excess of the staffing level recommended by the recently completed workload study on the Division of Workers' Compensation and because there is no workload information to support the additional positions I am also deleting the $205,000 augmentation payable from the Workers' Compensation Administration Revolving Fund, Item 8350-001-223 in conformance with this action

I am reducing the $3,800,000 legislative augmentation for support of the Promotion, Development, and Administration of Apprenticeship and other on-the-job training by $1,300,000 to $2,500,000 Chapter 451, Statutes of 1990 authorized the collection of fees to support the apprenticeship program and $1,300,000 should be funded by those employers and employees who benefit from its existence With this action, I am allowing the appropriation in Chapter 451, Statutes of 1990 to operate

I am deleting Provision 4 to conform with this action.

I am deleting Provision 3, which requires that 1) no funds shall be expended for the rent or lease of Workers' Compensation Appeals Board (WCAB) district offices, which do not comply with the provisions of law requiring that State facilities be accessible and usable by the physically handicapped (Section 4450 of the Government Code), 2) the salaries of the Administrative Director of the Division of Workers' Compensation and all of the Deputy Directors shall not receive their salaries while any WCAB facility is not handicap accessible, and, 3) any WCAB office which is not in compliance with Section 4450 of the Government Code shall be relocated immediately I am deleting this provision because it could unnecessarily disrupt operations of the program by requiring immediate closure of offices, which were acquired prior to the existence of current access regulations. Additionally, the Department is in compliance with Section 4450 of the Government Code, which applies when a new location for a Workers' Compensation Appeals Board District Office is selected. Thus,

this provision constitutes a substantive change in law, which can only be included within a single subject bill, not the Budget Act.

Item 8350-001-223—For support of Department of Industrial Relations I reduce this item from $15,486,000 to $15,281,000

I am reducing this item by $205,000 to conform to the action I have taken in Item 8350-001-001

Item 8550-001-191—For support of California Horse Racing Board I delete Provision 1

I am deleting Provision 1 of this item, which would require the California Horse Racing Board to pay $135,000 to the Auditor General for a fiscal impact study regarding the consolidation of racing dates between the two Northern California racetracks. The Auditor General currently receives a separate appropriation to conduct studies and audits as directed by the Legislature.

Item 8780-001-001—For support of Commission on California State Government Organization and Economy I reduce this item from $719,000 to $609,000 by reducing

(a) 10-Commission on California State Government Organization and Economy from $726,000 to $616,000.

I am deleting the legislative augmentation of $110,000 for two additional staff persons. Although I have great respect for the work of this small commission, I am unable to support this augmentation during the current fiscal crisis

Item 8940-001-001—For support of Military Department. I revise this item by deleting·

(Jx) 80-California Citizen Soldier Museum ($100,000), and·

(1x) Amount payable from the Unitary Fund (Item 8940-001-147) (−$100,000).

I am deleting the $100,000 legislative augmentation from the Unitary Fund to support initial operating expenses for the California Citizen Soldier Museum in Sacramento It is important to honor our citizen soldiers, however, I cannot support this augmentation from the state's limited resources It is important to note that current law allows the Military Department to solicit and use donations of funds for the support of the Museum.

Item 8940-001-147—For support of the Military Department. I delete this item.

I am deleting the $100,000 legislative augmentation to this item to conform to the action I have taken in Item 8940-001-001

Item 9210-103-001—For local assistance, Local Government Financing. I delete Provision 7.

Provision 7 declares that the $35 million reduction in subventions to redevelopment agencies is for one year only. Because this language suggests a commitment to restore full funding in subsequent years, it is an infringement on the Executive Branch's normal budget development process and implies Gubernatorial concurrence on a statement of legislative intent. Since the Special Supplemental Subventions program was established in 1984, tax increment revenues for redevelopment agencies have more than doubled In 1989–90, those agencies had total revenues of $1.8 billion and unreserved fund balances in excess of $2.1 billion The $9 6 million included in this Budget is intended to assist those relatively few agencies that have relied on this program for ten percent or more of their revenue or to support bond debt Any statement of intent to provide additional funding in future years would be tantamount to a commitment to future appropriations For these reasons, I delete Provision 7

Item 9800-001-001—For augmentation for Employee Compensation I reduce this item from $42,210,000 to $8,598,000 by reducing:

(a) 10.01-Civil Service Employees-Represented from $34,069,000 to $6,932,000,

(b) 10 02-Civil Service Employees-Nonrepresented from $6,903,000 to $1,406,000,

(c) 10.03-Exempt/Excluded and Other Employees from $820,000 to $170,000,

(d) 10 05-Judiciary, from $916,000 to $188,000,

(e) 10.06-Legislative Employees, from $1,261,000 to $260,000, and

(f) Unallocated trigger reduction, from −$1,759,000 to −$358,000

I have left unchanged the proposed General Fund augmentations for retirees' health benefits. However, the current fiscal crisis requires that I reduce this item to reflect the deletion of funding for employer health benefit contribution increases for active state employees. I would support development of cost containment policies designed to reduce costs both to the employer and to employees and their families while maintaining quality care for employees, dependents and annuitants.

Item 9800-001-494—For augmentation for Employee Compensation, payable from other unallocated special funds I reduce this item from $19,880,000 to $4,070,000 by reducing:

(a) 10.01-Civil Service Employees-Represented from $15,904,000 to $3,256,000,

(b) 10 02-Civil Service Employees-Nonrepresented from $3,578,000 to $733,000,

(c) 10.03-Exempt/Excluded and Other Employees from $398,000 to $81,000.

I have left unchanged the proposed augmentations from special funds for retirees' health benefits However, the current fiscal crisis requires that I reduce this item to reflect the deletion of funding for employer health benefit contribution increases for active state employees. I would support development of cost containment policies designed to reduce costs both to the employer and to employees and their families while maintaining quality care for employees, dependents and annuitants

Item 9800-001-988—For augmentation for Employee Compensation payable from other unallocated nongovernmental cost funds I reduce this item from $15,267,000 to $3,252,000 by reducing·

(a) 10.01-Civil Service Employees-Represented from $12,213,000 to $2,602,000,

(b) 10.02-Civil Service Employees-Nonrepresented from $2,748,000 to $585,000, and

(c) 10 03-Exempt/Excluded and Other Employees from $306,000 to $65,000.

I have left unchanged the proposed augmentations from non-government cost funds for retirees' health benefits. However, the current fiscal crisis requires that I reduce this item to reflect the delegation of funding for employer health benefit contribution increases for active state employees. I would support development of cost containment policies designed to reduce costs both to the employer and to employees and their families while maintaining quality care for employees, dependents and annuitants

Item 9800-011-001—For augmentation for Employee Compensation (Proposition 98). I reduce this item from $425,000 to $25,000 by reducing.

(a) 10.01-Civil Service Employees-Represented from $425,000 to $25,000.

I have left unchanged the proposed augmentations under Proposition 98 funding for retirees' health benefits. However, the current fiscal crisis requires that I reduce this item to reflect the deletion of funding for employer health benefit contribution increases for active state employees. I would support development of cost containment policies designed to reduce costs both to the employer and to employees and their families while maintaining quality care for employees, dependents and annuitants

SEC 4.00—Employer's Contribution for Health Benefits. I am revising this Control Section

"SEC. 4.00. Notwithstanding any other provisions of law, the employer's contributions for the 1991–92 fiscal year, which are chargeable to an appropriation made in this act, with respect to ~~each state officer and employee or~~ an annuitant ~~who was in such employment or office, including an academic position with a California State University or College~~, or is a survivor of such person, ~~or is an annuitant,~~ shall be $174 for basic and related major medical plans with respect to ~~employees or~~ annuitants enrolled for self alone, or $323 for an ~~employee or~~ annuitant so enrolled for self and one family member, or $410 for an ~~employee or~~ annuitant so enrolled for self and two or more family members, or, if less, the amount necessary to pay the cost of such

person's enrollment, including the enrollment of such person's family members, in a health benefits plan or plans "

I have left unchanged the proposed augmentations for retirees' health benefits. However, the current fiscal crisis requires that I revise Section 4.00 to conform to the action I have taken in Items 9800-001-001, 9800-001-494, 9800-011-001 and 9800-001-988, to limit employer contributions for health benefits for active State employees to 1990–91 levels The employer's contributions for the 1991–92 fiscal year, with respect to each State officer or employee, including those in academic positions with a California State University or College, shall be $157 for basic and related major medical plans with respect to employees enrolled for self alone, or $292 for an employee so enrolled for self and one family member, or $367 for an employee so enrolled for self and two or more family members, or, if less, the amount necessary to pay the cost of such person's enrollment, including the enrollment of such person's family members, in a health benefits plan or plans

I would support development of cost containment policies designed to reduce costs both to the employer and to employees and their families while maintaining quality care for employees, dependents and annuitants.

SEC. 9.10—Related to the Supplemental Report of the Committee on Conference on the Budget Bill I deleted this Control Section

I am deleting this section because to do otherwise would imply that I concur with the contents of this report. It is unreasonable to expect State agencies to respond to the number of special requests during a year when budget cuts will severely impact their ability to perform their statutory duties

The people of California would be best served by the Governor and the Legislature working together to ensure that administrative reports and practices are consistent with legislative policies. I look forward to the opportunity to develop mutually acceptable guidelines for the supplemental report.

SEC 11 50—Transfers pursuant to Section 6217 of the Public Resources Code.

I am reducing the amount of Tidelands Oil Revenue to be allocated to the California Housing Trust Fund from $3,000,000 to $1,742,000 by reducing schedule (b) by $1,258,000. At the end of the 1990–91 fiscal year, the California Housing Trust Fund will have an uncommitted fund balance which, together with the revised allocation of new revenue, will fully fund the programs as budgeted.

SEC. 12.00—State Appropriations Limit. I am deleting the language in Subsection (b) which provides that the Legislature may determine the amount of change to the population of California in the event the Census Bureau elects not to adjust the 1990 census and is not ordered to do so by the court.

While I recognize the significance of an accurate population count to the State of California, I do not believe that the Legislature alone should have the responsibility for determining the appropriate adjustment.

SEC 12.30—Special Fund for Economic Uncertainties. I revise this Control Section by deleting subsection (e).

I am deleting the language in Subsection (e) which would authorize the Director of Finance to allocate unspecified amounts as grants or loans to counties or cities and counties which demonstrate difficulties in balancing their 1991–92 budgets

This language constitutes an appropriation which I cannot support The State is not in a financial position to be able to provide local agencies with additional General Fund assistance at this time, and it would not be fair to create an expectation of assistance that cannot be fulfilled. Furthermore, it would not be good public policy to require the state to review and pass judgment on individual city and county budget decisions.

I recognize that these are difficult times for local governmental entities, which is the reason I proposed and support the intergovernmental realignment built into this budget. This realignment will provide the funding and flexibility local agencies need to address their most pressing priorities.

SEC 15 00—Homeless Programs Budget Display. I delete this Control Section.

I am deleting Section 15 00 which requires the Department of Finance to include a display in the 1992–93 Governor's Budget that reflects all expenditures for homeless programs in a single item. The data requested can be obtained without limiting my ability to choose the information I believe appropriate for describing the State Budget.

SEC 22 00—Set-aside Appropriation for Future GAIN Expenditures pursuant to Chapter 1568, Statutes of 1990 I am revising language to make a technical correction in subdivision (e) to conform to the May Revision adjustment of the amounts displayed in subdivision (c) (2) and (c) (3).

(e) Of the funds allocated to the State Department of Education pursuant to this section, ~~$250,000~~ *$200,000*, less any appropriate reduction pursuant to Section 13308 of the Government Code as amended by Chapter 458, Statutes of 1990, shall be available for transfer for activities of the Statewide Resource and Referral Network in conducting a survey, the results of which shall be provided to the state departments of Education and Social Services.

With the above deletions, revisions and reductions, I hereby approve Assembly Bill No 222

PETE WILSON, Governor

4 I am deleting the $1,500,000 federal fund appropriation contained in Section 4 of Assembly Bill No 124.

The Budget Act of 1991 appropriates $1 5 million for the Juvenile Offender Substance Abuse Treatment Program The appropriation in this bill, therefore, is unnecessary

With the above deletion, I hereby approve Assembly Bill No. 124

PETE WILSON, Governor

5 I am reducing the appropriation contained in Section 1 of Senate Bill No 67 from $3,087,000 [$3,087,060] to $1,350,000 [$1,350,060] by eliminating the following

(e) $250,000 from Items 4440-001-001 and 4440-001-011 of the Budget Act of 1990 to the Attorney General for the case of Lynch v Hollingsworth, et al (Superior Ct , San Luis Obispo Co., Case No. 63019).

(f) $100,000 from Item 0820-001-001 of the Budget Act of 1990 to the Attorney General for the case of Julia Cruz v City of Los Angeles, et al , (Superior Ct., Los Angeles Co., Case No 658423).

(g) $212,000 from Item 2720-001-044 of the Budget Act of 1990 to the Attorney General for the case of Beckman v Tavarez, et al , (United States District Court, Northern Division, California, Case No C89-4502 MHP)

(i) $150,000 from Item 5240-001-001 of the Budget Act of 1990 to the Attorney General for the case of Garcia v. Ybarra, et al , (Superior Ct., Santa Clara Co., Case No. 600505).

(j) $900,000 from Item 5240-001-001 of the Budget Act of 1990 to the Attorney General for the case of Gamache v. State of California, et al., (Superior Ct , San Luis Obispo Co., Case No 92792).

(k) $125,000 from Item 5160-001-001 of the Budget Act of 1990 to the Attorney General for the case of Jack Reed v. State of California, Department of Rehabilitation, et al., (Superior Ct., Los Angeles Co , Case No C741587)

The appropriations for categories (e), (f), (g), (i), (j), and (k) are unnecessary These claims have been paid or will be paid by the affected departments through a process which certifies availability of funds from within existing budgeted resources.

With the above deletions, I hereby approve Senate Bill No 67

PETE WILSON, Governor

6 I am reducing the appropriation contained in Section 1 of Senate Bill No 399 from $2,575,000 to $2,500,000 by eliminating the following.

(a) Seventy-five thousand dollars ($75,000) to the State Energy Resources Conservation and Development Commission to maintain the commission's intervenor award program established pursuant to Chapter 1436 of the Statutes of 1988, including, but not limited to, support for intervenors in commission proceedings involving energy-related environmental issues

I am reducing this appropriation because the intervenor award program is not consistent with the Administration's priorities for expenditure of Petroleum Violation Escrow Account funds However, we will continue discussions with the Legislature regarding priorities for the expenditure of Petroleum Violation Escrow Account funds as part of the normal budgetary process

With the above reduction, I hereby approve SB 399

PETE WILSON, Governor

7 I am deleting the $500,000 appropriation from the General Fund contained in Section 3 of Assembly Bill No. 745

This bill would establish a grant program to provide start-up costs to school districts for school breakfast programs.

It is more appropriate to consider funding the provisions of this bill during the annual budget process. At that time we can assess the State's fiscal situation, its projected revenues, the demands on the Proposition 98 guarantee of the General Fund and this bill's relative priority in relation to those demands.

With this deletion, I approve Assembly Bill No 745

PETE WILSON, Governor

CROSS REFERENCE TABLES

BILL TO CHAPTER NUMBER

1991

1991–92 REGULAR SESSION

CROSS REFERENCE TABLES

Bill to Chapter Number

ASSEMBLY BILLS

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29	550	154	469	255	903
30	86	156	475	263	16
31	474	157	902	265	615
33	58	158	1209	266	970
35	4	160	871	270	616
36	5	161	427	273	617
37	13	162	410	274	893
38	11	170	552	278	831
39	6	171	163	281	477
40	12	173	172	282	152
41	1	174	553	289	219
42	7	177	148	290	349
43	8	180	149	293	618
44	9	185	411	296	220
45	2	186	1210	298	312
46	3	189	292	303	153
47	865	192	641	304	1124
52	373	195	613	305	832
55	551	196	20	315	872
60	780	200	699	318	1197
63	80	201	60	319	319
64	640	203	614	320	68
65	34	204	173	322	869
67	38	205	1027	326	21
74	171	206	642	328	244
77	462	207	489	329	925
82	280	208	43	336	95
84	164	209	346	339	1132
85	957	210	150	340	143
89	426	211	689	341	374
93	453	213	174	344	61
97	71	214	554	345	958
98	39	217	74	348	833
99	278	218	428	354	1067
100	924	220	318	360	320
102	238	223	830	363	866
105	317	226	151	365	1068
108	953	227	941	367	304
113	281	228	555	370	321
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124	482	232	347	373	221
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407	242	588	353	737	438
410	1071	590	960	738	396
418	293	595	809	739	323
419	144	600	190	742	315
421	430	602	191	743	564
423	1072	603	53	745	1164
425	145	604	1122	748	439
427	350	605	178	749	354
429	782	607	464	752	167
430	121	608	237	757	904
433	1133	611	433	758	87
434	807	612	179	759	565
436	186	613	644	760	1137
437	431	617	1198	764	126
438	387	618	950	765	619
444	294	622	1081	766	566
446	556	623	412	770	926
447	557	628	942	771	811
448	166	630	434	778	222
449	457	631	1082	779	470
451	351	632	448	785	812
471	51	637	1022	786	1211
473	447	642	873	787	296
474	295	643	1083	788	181
475	243	645	1135	789	192
476	1073	646	1125	793	896
481	69	655	435	795	487
483	376	657	40	799	620
485	352	659	377	800	785
490	52	661	42	807	297
492	1074	663	282	808	127
506	691	664	951	813	182
514	959	665	1136	824	154
515	96	666	247	825	30
524	1075	667	1028	834	690
528	558	669	484	835	567
529	432	673	187	837	568
530	46	675	756	838	569
534	175	676	784	839	621
535	176	677	18	842	927
536	559	682	436	843	128
537	245	684	764	857	570
538	808	688	437	858	449
539	177	693	560	859	874
540	1134	697	180	865	834
544	189	702	83	866	203
546	868	709	810	869	1212
547	783	712	123	871	355
552	1076	715	1084	874	129
553	246	716	124	876	283
554	122	717	378	882	961
559	1077	718	395	888	835
560	1078	719	1085	890	571
571	1171	720	125	894	572

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
897	249	1059	583	1222	930
898	573	1060	223	1224	702
900	692	1063	815	1227	450
901	119	1065	628	1230	863
903	929	1070	198	1232	840
904	440	1071	324	1239	146
909	574	1076	584	1244	841
910	356	1080	199	1245	737
912	54	1086	1029	1247	931
915	305	1090	1023	1250	251
918	486	1091	250	1253	594
919	130	1094	585	1254	185
923	786	1098	200	1269	738
925	575	1100	586	1270	285
927	397	1102	971	1271	857
928	1183	1105	299	1272	595
932	576	1110	316	1273	962
934	413	1113	284	1281	963
948	91	1115	1166	1283	596
952	622	1123	134	1285	202
955	193	1126	587	1287	703
956	131	1129	588	1288	89
957	366	1130	589	1289	252
958	813	1131	816	1297	90
963	357	1133	132	1298	415
964	298	1134	325	1304	458
965	577	1135	201	1307	416
966	578	1136	307	1322	417
967	836	1137	659	1324	381
971	115	1139	590	1327	842
972	579	1140	693	1332	359
977	371	1143	694	1337	704
981	194	1152	875	1338	705
984	1086	1155	1182	1339	47
985	580	1158	629	1340	706
986	623	1160	184	1342	204
991	379	1161	1172	1345	142
994	168	1164	326	1346	630
995	624	1165	358	1350	870
996	380	1166	695	1355	707
998	608	1169	839	1359	708
1000	837	1171	876	1361	709
1001	658	1179	591	1367	631
1004	345	1185	696	1371	253
1008	625	1188	592	1376	485
1009	1184	1189	308	1378	787
1014	183	1192	224	1379	660
1015	306	1196	877	1381	843
1017	196	1200	1213	1382	632
1021	626	1201	922	1386	844
1024	814	1202	697	1389	710
1025	581	1203	414	1390	711
1037	155	1204	274	1392	254
1039	864	1205	698	1393	451
1046	197	1208	700	1395	1185
1051	582	1212	701	1402	382
1052	838	1216	55	1403	344
1057	627	1220	593	1409	300

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
1411	712	1650	757	1811	851
1413	301	1656	721	1816	790
1414	713	1661	287	1822	742
1415	309	1662	1215	1824	637
1425	286	1663	878	1825	791
1426	1030	1669	722	1826	638
1427	1031	1670	758	1827	133
1429	1032	1673	934	1829	605
1430	714	1676	418	1831	207
1440	788	1680	225	1832	743
1442	972	1685	944	1834	1216
1451	1087	1693	419	1840	263
1454	255	1698	723	1845	109
1456	302	1699	1033	1850	653
1469	65	1706	257	1855	744
1475	715	1707	420	1861	327
1476	1088	1712	601	1863	745
1477	1089	1713	1126	1866	661
1482	597	1714	635	1869	938
1484	1090	1718	258	1870	639
1485	716	1725	602	1873	1096
1487	1091	1727	610	1881	147
1491	611	1731	724	1882	727
1495	964	1734	384	1885	728
1496	1092	1735	1167	1886	928
1497	1214	1742	1227	1889	228
1498	973	1745	455	1893	654
1502	1093	1747	636	1896	135
1504	454	1748	205	1898	746
1506	845	1750	157	1899	1173
1515	717	1754	906	1900	747
1520	718	1755	1196	1903	748
1524	943	1756	603	1904	952
1526	598	1757	604	1905	907
1536	64	1760	849	1915	749
1539	169	1763	935	1918	729
1545	599	1766	226	1926	939
1552	256	1767	936	1928	208
1553	367	1769	361	1929	730
1561	633	1771	1034	1930	1024
1576	600	1775	48	1933	1035
1577	156	1777	1094	1939	606
1602	383	1780	303	1940	731
1603	846	1782	310	1941	732
1605	847	1783	725	1953	216
1607	1204	1784	726	1954	1138
1608	368	1785	879	1956	733
1613	719	1787	739	1957	209
1615	848	1788	206	1959	385
1617	861	1789	740	1966	1186
1621	720	1790	1095	1967	645
1624	360	1793	850	1968	859
1631	634	1796	965	1973	328
1635	858	1797	937	1974	362
1639	789	1799	288	1979	797
1642	905	1804	120	1980	734
1646	932	1808	741	1982	735
1648	933	1810	227	1983	1199

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1987	158
1991	1127
2002	1097
2005	792
2007	136
2017	1098
2021	1099
2022	1100
2025	1101
2029	956
2032	1145
2033	1146
2038	799
2039	1147
2045	1148
2047	793
2054	852
2055	853
2056	159
2057	860
2059	363
2061	794
2076	817
2079	1174
2081	210
2084	211
2091	1175
2094	1149
2099	1150
2103	215
2104	1151
2105	1036
2108	212
2118	1152
2121	1153
2123	141
2125	1025
2126	1154
2132	940
2136	213
2141	1187
2142	1168
2145	264
2146	1155
2147	1156
2152	1217
2157	1157
2158	1158
2164	795
2168	1159
2170	329
2172	765
2174	421
2175	229
2178	364
2181	85
2183	79
2184	1205
2187	1037
2189	214
2190	1160
2198	1225
2200	276
2203	311
2207	1161
2209	801
2212	908
2214	1162
2227	796
2231	1176
2232	1102
2234	330
2235	137
2236	862
2249	1163

SENATE BILLS

Senate Bill	Chapter	Senate Bill	Chapter	Senate Bill	Chapter
1	49	131	650	263	954
3	35	132	24	265	1219
4	36	135	496	271	1055
7	10	137	404	274	107
9	1038	138	1045	277	911
11	22	146	1046	279	408
12	398	148	1103	282	333
13	399	150	265	285	1130
15	490	152	767	286	78
19	400	153	405	289	81
21	331	154	802	290	386
24	1229	156	113	291	1056
28	491	157	231	292	1057
31	401	158	70	299	646
32	492	159	497	301	663
35	1177	162	100	305	101
43	37	169	117	306	881
48	766	170	1104	310	389
49	1128	174	266	312	56
50	1218	176	1047	313	409
53	465	179	88	314	267
59	388	180	236	316	499
65	493	181	498	317	761
66	332	182	406	319	41
67	609	184	217	323	57
70	1178	185	1048	324	500
74	1039	186	77	325	478
75	25	188	75	326	501
83	494	190	26	327	899
89	461	191	909	330	99
90	1200	194	1123	331	334
91	138	195	98	338	390
92	14	197	1049	339	664
96	15	200	945	348	665
98	607	206	1050	351	770
99	1170	209	1051	360	170
100	66	211	72	361	102
101	110	213	1052	362	268
103	28	214	1053	365	139
104	402	215	1064	367	441
105	17	216	19	369	1105
106	495	217	106	375	502
107	103	223	768	377	1202
108	1129	225	160	381	114
109	230	227	476	384	503
110	1040	228	946	389	771
113	403	229	407	392	736
114	1041	234	894	393	504
117	1042	235	769	395	772
118	898	236	880	397	505
120	23	240	798	399	968
121	1188	244	422	400	666
123	1043	245	1054	403	974
124	1201	249	910	404	73
125	104	254	662	405	882
126	1044	256	67	407	984

Senate Bill	Chapter	Senate Bill	Chapter	Senate Bill	Chapter
409	773	565	751	704	980
410	466	566	752	705	988
411	269	568	913	706	989
412	854	579	753	709	1195
415	506	580	754	713	990
421	912	585	883	716	1026
422	289	595	674	718	1208
424	1189	599	675	721	273
426	472	600	755	722	991
430	105	604	518	723	471
432	335	606	947	724	97
435	667	608	463	727	992
440	668	614	676	728	526
441	507	615	677	732	775
451	92	618	337	733	459
454	508	619	678	735	372
455	669	620	759	736	657
459	270	623	1108	740	682
460	195	625	822	747	50
461	290	626	519	751	444
462	670	630	679	753	683
464	803	631	680	754	684
467	473	634	520	755	804
474	509	643	338	757	651
475	820	644	467	758	262
482	369	647	339	759	527
483	855	648	884	761	685
484	27	650	521	763	232
487	1106	651	655	767	1226
493	510	653	522	768	824
497	277	654	1230	771	915
499	423	655	161	772	993
500	1190	658	162	775	261
502	511	659	823	780	528
503	271	662	760	785	44
507	966	665	681	786	994
511	1107	666	656	787	1112
514	821	667	343	791	995
515	923	668	914	792	1181
518	975	669	885	798	996
526	976	671	523	805	314
527	272	672	1109	806	997
532	140	674	442	809	260
534	750	675	524	812	233
538	512	677	977	817	1139
539	513	679	774	819	998
542	336	680	1131	820	916
543	1058	681	985	822	652
544	671	682	1110	826	1113
547	514	683	978	830	479
550	1228	684	867	831	480
551	672	686	525	835	999
554	515	689	1111	836	31
555	516	691	856	840	1000
558	425	693	443	841	1001
560	517	695	986	842	1002
563	1059	698	979	845	340
564	673	700	987	846	1060

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849	1061
855	279
856	1062
862	1220
863	1207
878	1063
879	647
880	648
882	1003
883	887
887	1004
889	1005
891	1006
892	1007
894	1008
896	82
899	1114
901	1009
902	234
905	948
906	762
910	1179
911	259
912	218
913	1010
918	1011
944	424
946	1169
948	1221
951	1165
953	1222
955	825
960	1012
961	1013
962	1014
965	826
966	886
968	800
972	111
977	1115
978	949
979	112
980	895
985	1015
989	1016
994	888
997	897
1008	529
1009	1017
1011	1018
1013	776
1015	1206
1019	889
1020	530
1021	777
1022	1019
1024	1191
1025	1020
1026	1192
1028	84
1029	481
1031	1021
1032	967
1034	291
1039	686
1040	687
1045	93
1046	235
1049	76
1052	33
1055	688
1056	531
1059	778
1064	532
1065	1140
1066	1066
1068	1141
1070	1180
1073	1223
1076	1116
1077	917
1079	1231
1081	1193
1085	827
1086	533
1088	534
1090	535
1092	981
1093	828
1095	536
1098	393
1100	829
1104	537
1105	819
1109	1117
1110	341
1112	612
1125	1203
1127	779
1128	1118
1133	538
1135	539
1137	649
1150	540
1152	918
1153	541
1154	1065
1157	391
1161	542
1165	1224
1166	1194
1171	543
1172	982
1176	544
1181	919
1182	1142
1183	1143
1188	545
1189	1119
1194	546
1195	983
1196	547
1197	1120
1199	445
1201	548
1206	1121
1209	890
1214	900
1218	116
1219	313
1226	392
1227	1144
1237	891
1242	892
1245	901
1251	63
1252	45
1254	549
1256	452
1258	920
1259	921

ASSEMBLY CONCURRENT RESOLUTIONS

ACR	Resolution Chapter	ACR	Resolution Chapter	ACR	Resolution Chapter
1	81	23	48	47	96
2	31	24	28	48	30
4	45	25	86	49	49
5	1	27	101	51	112
6	52	28	36	52	67
7	63	29	80	57	82
9	14	30	98	58	109
10	32	31	87	61	40
11	15	32	88	62	110
12	46	34	65	63	113
13	120	36	79	64	114
14	2	38	89	65	91
15	11	39	17	66	121
16	10	40	29	68	111
17	97	43	90	69	64
19	24	44	66	74	115
21	47	45	100	75	116
22	16	46	59	76	117

ASSEMBLY JOINT RESOLUTIONS

AJR	Resolution Chapter	AJR	Resolution Chapter	AJR	Resolution Chapter
2	37	18	13	34	93
4	62	20	25	36	77
7	60	21	44	37	122
8	7	22	74	39	78
9	61	23	26	40	123
10	92	24	143	41	53
11	6	26	95	42	118
12	76	27	23	47	94
13	8	28	39	48	119
15	9	32	34	49	124
17	22	33	99		

SENATE CONCURRENT RESOLUTIONS

SCR	Resolution Chapter	SCR	Resolution Chapter	SCR	Resolution Chapter
1	126	20	55	35	75
3	51	21	103	36	130
4	33	22	127	39	131
6	20	23	19	40	72
7	102	24	69	42	104
11	83	25	21	44	38
12	68	26	70	48	105
13	18	27	71	50	132
14	12	28	27	52	133
15	5	29	128	53	134
16	35	32	43	58	135
17	54	33	129		
19	84	34	56		

SENATE JOINT RESOLUTIONS

SJR	Resolution Chapter	SJR	Resolution Chapter	SJR	Resolution Chapter
4	136	15	137	24	140
5	3	16	41	25	141
6	4	18	58	26	42
7	50	19	138	27	142
9	106	20	107	28	125
11	57	21	85	29	108
13	73	22	139		

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4, 15, 28, 48, 61, 66, 79, 101, 107, 110, 121, 141, 142, 146, 169, 178, 191, 215, 225, 237, 248, 249, 271, 276, 283, 285, 291, 301, 310, 313, 317, 342, 378, 384, 387, 391, 398, 399, 411, 416, 420, 440, 461, 480, 489, 509, 548, 579, 581, 592, 593, 601, 620, 621, 692, 729, 736, 797, 821, 822, 831, 833, 840, 852, 860, 885, 930, 933, 937, 982, 990, 997, 1002, 1013, 1022, 1069, 1095, 1107, 1114, 1150, 1184, 1193, 1194, 1233, 1235, 1266, 1267, 1274, 1284, 1330, 1331, 1341, 1349, 1398, 1412, 1421, 1422, 1428, 1471, 1472, 1505, 1510, 1518, 1534, 1547, 1554, 1568, 1569, 1573, 1584, 1585, 1599, 1609, 1637, 1643, 1668, 1675, 1686, 1694, 1695, 1701, 1732, 1744, 1752, 1758, 1791, 1819, 1837, 1864, 1880, 1888, 1901, 1912, 1920, 1945, 1955, 1964, 1978, 1992, 1994, 2003, 2074, 2080, 2082, 2089, 2096, 2106, 2111, 2139, 2150, 2224, 2226, 2239, 2248, 2254.

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NEW GENERAL LAWS
ENACTED 1989-1991

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Chapter No	*Re.*
2	Drinking water regulation appropriation
5	Simi Valley Unified School District
6	Developmental services: regional centers
16	Cleveland Elementary School
17	Validations
26	State employees. memorandum of understanding
27	State employees: memorandum of understanding
30	Local planning
35	State Legalization Impact-Assistance Grant program education funding
36	State employees memorandum of understanding
38	Judgments and settlement claims against the state appropriation
40	Correctional institutions
69	County governments budgets
93	1989–90 Budget
165	Industrial Welfare Commission: appropriation
195	Public property: deed· City of Rio Vista
222	Big Rock Mesa landslide litigation settlement: appropriation
231	1992 World Exposition Seville, Spain
260	Judgments and settlements of claims against the state appropriation
266	Public Utilities Commission report
271	Amerasian children's services
275	Whittier Union High School District
315	Peace officers. training
345	Public Utilities Commission. telefacsimile communications report
434	Residential care facilities for the elderly administrators
435	Department of Transportation· Feederbus Demonstration Program report
517	Shoreline erosion control
518	Correctional facilities reception center study
551	Waste water facilities loan· San Jacinto Mountains
602	Local government financing· negotiated property tax revenue exchanges
618	Kings River Green Belt
619	Validations
637	Schoolsites: use beyond instructional day
643	Earthquake safety public schools
647	School facilities funding needs· prison construction
671	Local agency reorganization: Calaveras and Monterey Counties
751	Ports: environmental mitigation
771	Schoolage parenting programs
775	Consumer and homemaking education
777	Validations
784	Sales and use taxes. swap meets and flea markets: enforcements
787	Payment of claims against the state· appropriation
788	Payment of claims state-mandated local programs
790	State property. San Diego: study
844	Groundwater management Mono County
877	Education· facilities construction standards
934	Drainage water management projects
941	Department of Motor Vehicles: flexible hours
944	Transportation. night deliveries and pickups: study
966	Property taxation: Marin and Fresno Counties
1011	Agriculture: veterinary laboratory project
1018	Local agencies
1037	Emergency teaching credential qualifications· substitute teachers
1064	Attorney General: report
1087	Open-space subventions

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1160	Highways: truck traffic management
1186	School district reports
1187	Educational programs
1205	Highways: Crow Canyon Road: transportation study
1211	Technology education
1234	Domestic violence: educational program
1262	Minors
1311	Community Colleges
1321	Vehicles: chlorofluorocarbon emissions
1350	Northern California Youth Center: visitor center
1392	Honey Lake Valley Groundwater Basin
1406	Medi-Cal: hospital care: AIDS
1438	Oakland Unified School District: emergency loan
1454	Claims against the state: appropriation
1456	Public schools: alcohol and drug use
1458	1990 World Exposition: Osaka, Japan
1459	State park system: Town of Locke

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59	Local agency reorganization: Los Angeles County
87	Validations
163	County finance. Office of Planning and Research: report
188	Public social services cost-of-living adjustments
194	Contingencies or emergencies: Medi-Cal deficiency
237	Local agency reorganization: Butte County
298	Overnight Amtrak service: Sacramento-San Francisco Bay area-Santa Barbara-Los Angeles
299	Fees: refunds
356	Phoenix Motel. art protection
376	Solano County. open space
384	Parkland: City of Long Beach
402	Vehicles· golf carts
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470	Juvenile facilities: appropriation
492	Safe drinking water grants
494	Wildland fire suppression
498	Curriculum Resource Center
508	Judgments and settlement claims against the state. appropriation
510	Sacramento Area Flood Control Agency
521	Youth
541	Postsecondary education blind students. reader services
554	Postsecondary enrollment options programs
603	Education
629	Pinole Valley Park. conversion
634	Police corps scholarship program
646	Real estate appraisals
674	Controlled substances: information
701	Program for middle school options for Santa Cruz High School attendance area
702	Adult education programs
744	Ragle Ranch Regional Park
755	Rural health facilities
793	School funding. instructional year
799	Oil spills: appropriation
810	Validations
811	Validations
847	Department of Transportation. passenger rail technologies and facilities study
858	Courts: night session
860	Deferred maintenance funding. Keyes Unified School District
924	Registered nurses· supply
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