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CHAPTER 988

An act to amend Sections 18801, 18803, and 18804 of the Revenue and Taxation Code, and to amend Section 5101.2 of the Vehicle Code, relating to firefighters.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 18801 of the Revenue and Taxation Code is amended to read:

18801. (a) Any individual may designate on the tax return that a contribution in excess of the tax liability, if any, be made to the California Firefighters' Memorial Fund, which is established by Section 18802. That designation is to be used as a voluntary checkoff on the tax return.

(b) The contributions shall be in full dollar amounts and may be made individually by each signatory on the joint return.

(c) A designation shall be made for any taxable year on the initial return for that taxable year, and once made shall be irrevocable. In the event that payments and credits reported on the return, together with any other credits associated with the taxpayer's account, do not exceed the taxpayer's liability, the return shall be treated as though no designation has been made. In the event that no designee is specified, the contribution shall be transferred to the General Fund, after reimbursement of the direct actual costs of the Franchise Tax Board for the collection and the administration of funds under this article.

(d) In the event a taxpayer designates a contribution to more than one account or fund listed on the tax return, and the amount available for designation is insufficient to satisfy the total amount designated, the contribution shall be allocated among the designees on a pro rata basis.

(e) The Franchise Tax Board shall revise the forms of the return to include a space labeled the "California Firefighters' Memorial Fund" to allow for the designation permitted. The forms shall also include in the instructions information that the contribution may be in the amount of one dollar ($1) or more and that the contribution shall be used to construct and maintain a memorial to California firefighters on the grounds of the State Capitol.

(f) A deduction shall be allowed under Article 6 (commencing with Section 17201) of Chapter 3 of Part 10 for any contribution made pursuant to subdivision (a).

SEC. 2. Section 18803 of the Revenue and Taxation Code is amended to read:

18803. All money transferred to the California Firefighters' Memorial Fund, upon appropriation by the Legislature, shall be allocated as follows:

(a) To the Franchise Tax Board and the Controller for reimbursement of all costs incurred by the Franchise Tax Board and the Controller in connection with their duties under this article.

(b) To the California Fire Foundation for the construction and maintenance of a memorial to California firefighters on the grounds of the State Capitol as provided by Section 13081 of the Health and Safety Code.

SEC. 3. Section 18804 of the Revenue and Taxation Code is amended to read:

18804. (a) This article shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2006, deletes or extends that date.

(b) If, in any calendar year, the Franchise Tax Board estimates by September 1 that contributions described in this article made on returns filed in that calendar year will be less than one hundred thousand dollars ($100,000) for taxable years beginning in 1999 or less than two hundred fifty thousand dollars ($250,000) for taxable years beginning in 2000, as may be applicable, then this article is repealed with respect to taxable years beginning on and after January 1 of that calendar year. The Franchise Tax Board shall estimate the annual contribution amount by September 1 of each year using the actual amounts known to be contributed and an estimate of the remaining year's contributions.

(c) Notwithstanding the repeal of this article, any contribution amounts designated pursuant to this article prior to its repeal shall continue to be transferred and disbursed in accordance with this article as in effect immediately prior to that repeal.

SEC. 4. Section 5101.2 of the Vehicle Code is amended to read:

5101.2. (a) Any person otherwise eligible under this article who is a firefighter or a retired firefighter may apply for special license plates for a vehicle under this article. Any license plates issued pursuant to this section shall be issued in accordance with Section 5060.

(b) The applicant, by satisfactory proof, shall show all of the following:

(1) The applicant is, or has retired, in good standing as an officer, an employee, or a member of a fire department or a fire service of the state, a county, a city, a district, or any other political subdivision of the state, whether in a volunteer, partly paid, or fully paid status.

(2) The applicant is, or was until retirement, regularly employed as a firefighter or regularly enrolled as a volunteer firefighter.

(3) The applicant's principal duties fall, or fell until retirement, within the scope of active firefighting and any of the following activities:

(A) Fire prevention service.

(B) Fire training.
(C) Hazardous materials abatement.
(D) Arson investigation.
(E) Emergency medical services.

(c) The special license plates issued under this section shall contain the words "California Firefighter" and shall run in a regular numerical series.

(d) In addition to the regular fees for an original registration, a renewal of registration, or a transfer of registration, the following special license plate fees shall be paid:

(1) A fee of thirty-five dollars ($35) for the initial issuance of the special license plates. These special license plates shall be permanent and shall not be required to be replaced.

(2) A fee of twenty dollars ($20) for each renewal of registration that includes the continued display of the special license plates.

(3) If the special license plates become damaged or unserviceable, a fee of thirty-five dollars ($35) for the replacement of the special license plates, obtained from the department upon proper application therefor.

(4) A fee of fifteen dollars ($15) for the transfer of the special license plates to another vehicle qualifying as a vehicle owned by a firefighter who has met the requirements set forth in subdivision (b).

(5) In addition, for the issuance of environmental license plates, as defined in Section 5103, with the special firefighter personal vehicle license plates and distinctive design or decal, the additional fees prescribed in Sections 5106 and 5108. The additional fees collected pursuant to this paragraph shall be deposited in the California Environmental License Plate Fund.

(e) Upon the death of a person issued special license plates pursuant to this section, the plates shall be transferred to the surviving spouse, if he or she requests, or shall be returned to the department within 60 days after the death of the plateholder or upon the expiration of the vehicle registration, whichever occurs first.

(f) Prior to January 1, 2006, except as provided in paragraph (5) of subdivision (d), the revenues derived from the additional special fees provided in this section, less costs incurred by the department pursuant to this section, shall be deposited in the California Firefighters' Memorial Fund established by Section 18802 of the Revenue and Taxation Code.

(g) On and after January 1, 2006, except as provided in paragraph (5) of subdivision (d), the revenues derived from the additional special fees provided in this section, less costs incurred by the department under this section, shall be deposited in the California Fire and Arson Training Fund established under Section 13159.10 of the Health and Safety Code.

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CHAPTER 989

An act to amend Section 18824 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 18824 of the Revenue and Taxation Code is amended to read:

18824. (a) This article shall remain in effect only until, and shall be repealed on, January 1 of the fifth taxable year following the notification required under subdivision (a) of Section 18821, unless a later enacted statute, which is enacted before that date, deletes that date.

(b) Notwithstanding subdivision (a), if, in any calendar year, beginning in the year 2001, the Franchise Tax Board estimates by September 1 that contributions described in this article made on returns filed in that calendar year will be less than two hundred fifty thousand dollars ($250,000), then this section is repealed with respect to taxable years beginning on and after January 1 of that calendar year. The Franchise Tax Board shall estimate the annual contribution amount by September 1 of each year using the actual amounts known to be contributed and an estimate of the remaining year's contributions.

CHAPTER 990

An act to add Division 25 (commencing with Section 25000) to the Welfare and Institutions Code, relating to health care coverage.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Division 25 (commencing with Section 25000) is added to the Welfare and Institutions Code, to read:

DIVISION 25. HEALTH CARE COVERAGE

25000. It is the intent of the Legislature to create a process by which the options for achieving universal health care coverage can be thoroughly examined.

25001. The Secretary of the California Health and Human Services Agency shall report back to the Legislature on the options for achieving universal health care coverage, including:

(a) The options for financing universal health coverage.

(b) The institutional mechanism or mechanisms by which universal health coverage may be delivered.

(c) The extent and scope of the health coverage which all California residents may have.

25002. To develop the options for achieving universal health care coverage described in Section 25001, the secretary shall establish a process by which these options are developed. The process shall at a minimum include the following:

(a) The examination and utilization of research results from the study performed by the University of California with regard to methods of financing, delivering and defining universal health coverage, done pursuant to the criteria in Senate Concurrent Resolution 100 of the 1997–1998 Regular Session of the Legislature.

(b) The examination and utilization of other data and information, as requested by the secretary or provided to the secretary, with regard to methods of financing, delivering, or defining universal health coverage.

(c) Developing a process by which representatives of health care consumers, providers, insurers, health care workers, advocates, counties, and all other interested parties are engaged in discussion and debate of the issues faced by the state in providing universal health coverage. The secretary shall develop the methods by which this discussion occurs, provided that it is broadly inclusive of all groups with an interest in universal health coverage.

(d) Interagency participation including, but not limited to, the State Department of Health Services, the State Department of Mental Health, the Department of Finance, the Managed Risk Medical Insurance Board, the Department of Consumer Affairs, the Public Employees' Retirement System, the State Department of Social Services, the Department of Corporations, the Department of Insurance, and any other appropriate agencies which the secretary determines can contribute to the effort to provide universal health coverage.

(e) Obtaining information from the United States Health Care Financing Administration regarding whether federal waivers or other forms of federal participation if necessary.

25003. The secretary shall report back to the Legislature on or before December 1, 2001, on the results of the process established to examine the options for providing universal health coverage.

CHAPTER 991

An act to amend Sections 7507.13, 22911, 22912, 22914, 22916, 22917, 22921, and 22922 of the Business and Professions Code, to amend Sections 954.5, 955, 955.1, 1799.100, 1799.103, 1812.601, 2924f, 2944, 2983.8, 3343.5, 3439.08, 3440.1, and 3440.5 of the Civil Code, to amend Sections 481.020, 481.030, 481.040, 481.080, 481.090, 481.115, 481.117, 481.207, 481.220, 488.375, 488.385, 488.405, 488.500, 680.120, 680.130, 680.140, 680.170, 680.180, 680.210, 680.220, 680.340, 680.350, 697.530, 697.580, 697.590, 697.610, 697.640, 697.650, 697.660, 697.730, 697.740, 697.750, 697.920, 701.040, 730.5, and 2103 of the Code of Civil Procedure, to amend Sections 1105, 1201, 1206, 2103, 2210, 2326, 2502, 2716, 4210, 6102, 6103, 7503, 8103, 8106, 8110, 8301, 8302, 8510, 8603, 10103, 10303, 10307, 10309, 13102, 13105, and 14106 of, to add Section 5118 to, to repeal and add Division 9 (commencing with Section 9101) of, and to repeal and add Section 9321 of, the Commercial Code, to amend Section 911 of the Family Code, to amend Section 22337 of the Financial Code, to amend Sections 21855, 55702, 57405, 57408, 57409, 57411, 57516, 57517, 57519, 57530, 57531, 57540, 57567, 57568, 57570, 57581, 57582, and 57590 of the Food and Agricultural Code, to amend Sections 7153, 7154, 7157, 7159, 7170, 7222, 7226, 14735, 16201, 27282, and 54985 of the Government Code, to amend Sections 18035, 18035.2, 18037.5, 18080.7, 18093, 18105, 18106, and 18122 of the Health and Safety Code, to amend Sections 504b, 538, and 574 of the Penal Code, to amend Sections 843 and 844 of the Public Utilities Code, to amend Sections 6703, 7855, 8957, 11452, 18671, 30315, 32387, 38503, 40155, 41123.5, 43444.2, 45605, 46406, 50136, 55205, and 60407 of the Revenue and Taxation Code, and to amend Section 1755 of the Unemployment Insurance Code, relating to secured transactions, and making an appropriation therefor.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 7507.13 of the Business and Professions Code is amended to read:

7507.13. (a) A licensed repossession agency is not liable for the act or omission of a legal owner, debtor, lienholder, lessor, or lessee in making an assignment to it or for accepting an assignment from any legal owner, debtor, lienholder, lessor, or lessee and is entitled to indemnity from the legal owner, debtor, lienholder, lessor, or lessee for any loss, damage, cost, or expense, including court costs and attorney's fees, that it may reasonably incur as a result thereof. Nothing in this subdivision limits the liability of any person for his or her tortious conduct.

(b) The legal owner, debtor, lienholder, lessor, or lessee is not liable for any act or omission by a licensed repossession agency in carrying out an assignment and is entitled to indemnity from the repossession agency for any loss, damage, cost, or expense, including court costs and attorney's fees, that the legal owner, debtor, lienholder, lessor, or lessee may reasonably incur as a result thereof. Nothing in this subdivision limits the liability of any person for his or her tortious conduct.

(c) The legal owner, debtor, lienholder, lessor, or lessee is not guilty of a violation of Section 7502.1 or 7502.2 if, at the time of the assignment, the party making the assignment has in its possession a copy of the repossessor's current, unexpired repossession agency license, and a copy of the current, unexpired repossession agency's qualified manager's certificate, and does not have actual knowledge of any order of suspension or revocation of the license or certificate.

(d) Neither a licensed repossession agency nor a legal owner, debtor, lienholder, lessor or lessee may, by any means, direct or indirect, express or implied, instruct or attempt to coerce the other to violate any law, regulation, or rule regarding the recovery of any collateral, including, but not limited to, the provisions of this chapter or Section 9609 of the Commercial Code.

SEC. 1.1. Section 22911 of the Business and Professions Code is amended to read:

22911. The notice of a claim of lien shall be filed on a form which is the standard form for the original financing statement prescribed by the Secretary of State pursuant to Section 9502 of the Commercial Code. The standard form shall be completed with the following changes:

(a) The lien claimant may be identified either as a lien claimant or as a secured party.

(b) The form shall be signed by the lien claimant and need not be signed by the lien debtor.

(c) In the space for the description of the collateral there shall instead be entered the information specified in subdivisions (c), (d), (e), and (g) of Section 22909.

(d) Attached to the form shall be a separately signed statement containing the information specified in subdivision (f) of Section 22909.

SEC. 1.2. Section 22912 of the Business and Professions Code is amended to read:

22912. The notice of claim of lien shall be filed, indexed, and marked in the office of the Secretary of State in the same manner as a financing statement is filed, indexed, and marked pursuant to Sections 9516 and 9519 of the Commercial Code.

SEC. 1.3. Section 22914 of the Business and Professions Code is amended to read:

22914. For the purpose of the Secretary of State's index pursuant to Sections 9516 and 9519 of the Commercial Code and for the

purpose of the issuance of a certificate pursuant to Section 9523 or 9528 of the Commercial Code, the Secretary of State shall identify a notice pursuant to this article as a financing statement.

SEC. 1.4. Section 22916 of the Business and Professions Code is amended to read:

22916. A member of the public may obtain a certificate from the Secretary of State identifying whether there is a lien on file and any notice of claim of lien naming a particular debtor, and if so, giving the date and time of the filing of each notice, and the names and addresses of each lienholder in the certificate. The fee for the certificate is the same as the fee for the certificate issued pursuant to Section 9523 of the Commercial Code.

SEC. 1.5. Section 22917 of the Business and Professions Code is amended to read:

22917. A member of the public may obtain a copy of any notice of an equipment repurchase lien, including notices affecting the notices from the Secretary of State. The fee for these copies shall be the same as that prescribed in Section 9525 of the Commercial Code.

SEC. 1.6. Section 22921 of the Business and Professions Code is amended to read:

22921. (a) A lien created pursuant to this chapter is assignable or transferable by the holder of the lien, with full rights of enforcement.

(b) The lienholder shall file a statement of assignment or transfer with the office of the Secretary of State in the same manner that a statement is filed pursuant to Section 9514 of the Commercial Code.

SEC. 1.7. Section 22922 of the Business and Professions Code is amended to read:

22922. (a) Except to the extent specifically set forth in this chapter, the lien created by this chapter is subject to Division 9 (commencing with Section 9101) of the Commercial Code.

(b) For the purposes of this chapter, as used in Division 9 (commencing with Section 9101) of the Commercial Code, the following terms have the following meanings:

(1) "Secured party" refers to the equipment dealer, lien creditor, lien claimant, or assignee thereof under this chapter.

(2) "Debtor" refers to the supplier, lien debtor, or debtor under this chapter.

(3) "Collateral" refers to the equipment subject to the lien created under this chapter.

(c) A security agreement is not necessary to make an equipment repurchase lien created under this chapter enforceable.

(d) An equipment repurchase lien created under this chapter shall not continue in the repurchased equipment following the disposition thereof.

(e) The right of an equipment dealer to enforce the lien created under this chapter shall be governed by this chapter and shall not be governed by Chapter 6 (commencing with Section 9601) of Division 9 of the Commercial Code.

SEC. 1.8. Section 954.5 of the Civil Code is amended to read:

954.5. (a) Subject to subdivisions (b) and (c), a transfer of a right represented by a judgment excluded from coverage of Division 9 of the Commercial Code by paragraph (9) of subdivision (d) of Section 9109 of the Commercial Code shall be deemed perfected as against third persons upon there being executed and delivered to the transferee an assignment thereof in writing.

(b) As between bona fide assignees of the same right for value without notice, the assignee who first becomes an assignee of record, by filing an acknowledgment of assignment of judgment with the court as provided in Section 673 of the Code of Civil Procedure or otherwise becoming an assignee of record, has priority.

(c) The filing of an acknowledgment of assignment of the judgment with the court under Section 673 of the Code of Civil Procedure is not, of itself, notice to the judgment debtor so as to invalidate any payments made by the judgment debtor that would otherwise be applied to the satisfaction of the judgment.

SEC. 2. Section 955 of the Civil Code is amended to read:

955. A transfer other than one intended to create a security interest (paragraph (1) or (3) of subdivision (a) of Section 9109 of the Commercial Code) of a nonnegotiable instrument which is otherwise negotiable within Division 3 of the Commercial Code but which is not payable to order or to bearer and a sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose (paragraph (4) of subdivision (d) of Section 9109 of the Commercial Code) shall be deemed perfected against third persons when such property rights have been endorsed or assigned in writing and in the case of such instruments or chattel paper delivered to the transferee, whether or not notice of such transfer or sale has been given to the obligor; but such endorsement, assignment, or delivery is not, of itself, notice to the obligor so as to invalidate any payments made by the obligor to the transferor.

SEC. 3. Section 955.1 of the Civil Code is amended to read:

955.1. (a) Except as provided in Sections 954.5 and 955 and subject to subdivisions (b) and (c), a transfer other than one intended to create a security interest (paragraph (1) or (3) of subdivision (a) of Section 9109 of the Commercial Code) of any payment intangible (Section 9102 of the Commercial Code) and any transfer of accounts, chattel paper, payment intangibles, or promissory notes excluded from the coverage of Division 9 of the Commercial Code by paragraph (4) of subdivision (d) of Section 9109 of the Commercial Code shall be deemed perfected as against third persons upon there being executed and delivered to the transferee an assignment thereof in writing.

(b) As between bona fide assignees of the same right for value without notice, the assignee first giving notice thereof to the obligor in writing has priority.

(c) The assignment is not, of itself, notice to the obligor so as to invalidate any payments made by the obligor to the transferor.

(d) This section does not apply to transfers or assignments of transition property, as defined in Section 840 of the Public Utilities Code.

SEC. 3.5. Section 1799.100 of the Civil Code is amended to read:

1799.100. (a) It is unlawful for any person to take a security interest in any household goods, as defined in subdivision (g), in connection with a consumer credit contract or other credit obligation incurred primarily for personal, family, or household purposes unless (1) the person takes possession of the household goods or (2) the purchase price of the household goods was financed through the consumer credit contract or credit obligation.

(b) An agreement or other document creating a nonpossessory security interest in personal property as defined in subdivision (d) in connection with a consumer credit contract or other credit obligation incurred primarily for personal, family, or household purposes shall contain a statement of description reviewed and signed by the consumer indicating each specific item of the personal property in which the security interest is taken. A consumer credit contract or other credit obligation subject to the Unruh Act (Chapter 1 (commencing with Section 1801) of Title 2) that complies with the provisions of subdivision (a) of Section 1803.3, or of subdivision (f) of Section 1810.1, shall be deemed to comply with this subdivision.

(c) Notwithstanding any other provision of law, a person who has a nonpossessory security interest in personal property, described in subdivision (d), taken in connection with a consumer credit contract or other credit obligation incurred primarily for personal, family, or household purposes shall only enforce the security interest by judicial action unless the property is abandoned or freely and voluntarily surrendered by the consumer.

(d) The provisions of subdivisions (b) and (c) apply only to the following types of personal property:

(1) Any goods, as defined in paragraph (44) of subdivision (a) of Section 9102 of the Commercial Code, except for vessels, vehicles, and aircraft, that are used or bought for use primarily for personal, family, or household purposes and that has a fair market value of less than one thousand dollars ($1,000) per individual item at the time the security interest is created.

(2) The property described in Section 704.050 and subdivision (a) of Section 704.060 of the Code of Civil Procedure, except for vessels, vehicles, and aircraft.

(e) Any security interest taken in violation of either subdivision (a) or (b) is void and unenforceable.

(f) Any person injured by a violation of this section may bring a civil action for the recovery of damages, equitable relief, and attorney's fees and costs.

(g) For the purpose of this section:

(1) "Household goods" means and includes clothing, furniture, appliances, one radio, one television, linens, china, crockery, kitchenware, personal effects, and wedding rings. "Household goods" does not include works of art, electronic entertainment equipment (except one radio and one television), items acquired as antiques, and jewelry (except wedding rings).

(2) "Antique" means any item over one hundred years of age, including such items that have been repaired or renovated without changing their original form or character.

SEC. 4. Section 1799.103 of the Civil Code is amended to read:

1799.103. No consumer credit contract or guarantee of a consumer credit contract shall provide for a security interest in any investment property, as defined in paragraph (49) of subdivision (a) of Section 9102 of the Commercial Code, that is pledged as collateral, unless (a) the contract either specifically identifies the investment property as collateral or (b) the secured party is a securities intermediary, as defined in paragraph (14) of subdivision (a) of Section 8102 of the Commercial Code, or commodity intermediary, as defined in paragraph (17) of subdivision (a) of Section 9102 of the Commercial Code, with respect to the investment property. The identification of an account shall include the name of the holder, account number, and name of the institute holding the investment property. In the event that a consumer credit contract or guarantee does not comply with this section, the security interest in the investment property is void.

SEC. 5. Section 1812.601 of the Civil Code is amended to read:

1812.601. (a) "Advertisement" means any of the following:

(1) Any written or printed communication for the purpose of soliciting, describing, or offering to act as an auctioneer or provide auction company services, including any brochure, pamphlet, newspaper, periodical, or publication.

(2) A telephone or other directory listing caused or permitted by an auctioneer or auction company to be published that indicates the offer to practice auctioneering or auction company services.

(3) A radio, television, or similar airwave transmission that solicits or offers the practice of auctioneering or auction company services.

(b) "Auction" means a sale transaction conducted by means of oral or written exchanges between an auctioneer and the members of his or her audience, which exchanges consist of a series of invitations for offers for the purchase of goods made by the auctioneer and offers to purchase made by members of the audience and culminate in the acceptance by the auctioneer of the highest or most favorable offer made by a member of the participating audience. However, auction does not include either of the following:

(1) A wholesale motor vehicle auction subject to regulation by the Department of Motor Vehicles.

(2) A sale of real estate or a sale in any sequence of real estate with personal property or fixtures or both in a unified sale pursuant to

subparagraph (B) of paragraph (1) of subdivision (a) of Section 9604 of the Commercial Code.

(c) "Auction company" means any person who arranges, manages, sponsors, advertises, accounts for the proceeds of, or carries out auction sales at locations, including, but not limited to, any fixed location, including an auction barn, gallery place of business, sale barn, sale yard, sale pavilion, and the contiguous surroundings of each.

(d) "Auctioneer" means any individual who is engaged in, or who by advertising or otherwise holds himself or herself out as being available to engage in, the calling for, the recognition of, and the acceptance of, offers for the purchase of goods at an auction.

(e) "Employee" means an individual who works for an employer, is listed on the employer's payroll records, and is under the employer's control.

(f) "Employer" means a person who employs an individual for wages or salary, lists the individual on the person's payroll records, and withholds legally required deductions and contributions.

(g) "Goods" means any goods, wares, chattels, merchandise, or other personal property, including domestic animals and farm products.

(h) "Person" means an individual, corporation, partnership, trust, including a business trust, firm, association, organization, or any other form of business enterprise.

SEC. 6. Section 2924f of the Civil Code is amended to read:

2924f. (a) As used in this section and Sections 2924g and 2924h, "property" means real property or a leasehold estate therein, and "calendar week" means Monday through Saturday, inclusive.

(b) (1) Except as provided in subdivision (c), before any sale of property can be made under the power of sale contained in any deed of trust or mortgage, or any resale resulting from a rescission for a failure of consideration pursuant to subdivision (c) of Section 2924h, notice of the sale thereof shall be given by posting a written notice of the time of sale and of the street address and the specific place at the street address where the sale will be held, and describing the property to be sold, at least 20 days before the date of sale in one public place in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in one public place in the judicial district in which the property is to be sold, and publishing a copy once a week for three consecutive calendar weeks, the first publication to be at least 20 days before the date of sale, in a newspaper of general circulation published in the city in which the property or some part thereof is situated, if any part thereof is situated in a city, if not, then in a newspaper of general circulation published in the judicial district in which the property or some part thereof is situated, or in case no newspaper of general circulation is published in the city or judicial district, as the case may be, in a newspaper of general circulation published in the county in which

the property or some part thereof is situated, or in case no newspaper of general circulation is published in the city or judicial district or county, as the case may be, in a newspaper of general circulation published in the county in this state that (A) is contiguous to the county in which the property or some part thereof is situated and (B) has, by comparison with all similarly contiguous counties, the highest population based upon total county population as determined by the most recent federal decennial census published by the Bureau of the Census. A copy of the notice of sale shall also be posted in a conspicuous place on the property to be sold at least 20 days before the date of sale, where possible and where not restricted for any reason. If the property is a single-family residence the posting shall be on a door of the residence, but, if not possible or restricted, then the notice shall be posted in a conspicuous place on the property; however, if access is denied because a common entrance to the property is restricted by a guard gate or similar impediment, the property may be posted at that guard gate or similar impediment to any development community. Additionally, the notice of sale shall conform to the minimum requirements of Section 6043 of the Government Code and be recorded with the county recorder of the county in which the property or some part thereof is situated at least 14 days prior to the date of sale. The notice of sale shall contain the name, street address, and telephone number of the trustee or other person conducting the sale, and the name of the original trustor, and also shall contain the statement required by paragraph (3) of subdivision (c). In addition to any other description of the property, the notice shall describe the property by giving its street address, if any, or other common designation, if any, and a county assessor's parcel number; but if the property has no street address or other common designation, the notice shall contain a legal description of the property, the name and address of the beneficiary at whose request the sale is to be conducted, and a statement that directions may be obtained pursuant to a written request submitted to the beneficiary within 10 days from the first publication of the notice. Directions shall be deemed reasonably sufficient to locate the property if information as to the location of the property is given by reference to the direction and approximate distance from the nearest crossroads, frontage road, or access road. If a legal description or a county assessor's parcel number and either a street address or another common designation of the property is given, the validity of the notice and the validity of the sale shall not be affected by the fact that the street address, other common designation, name and address of the beneficiary, or the directions obtained therefrom are erroneous or that the street address, other common designation, name and address of the beneficiary, or directions obtained therefrom are omitted. The term "newspaper of general circulation," as used in this section, has the same meaning as defined

in Article 1 (commencing with Section 6000) of Chapter 1 of Division 7 of Title 1 of the Government Code.

The notice of sale shall contain a statement of the total amount of the unpaid balance of the obligation secured by the property to be sold and reasonably estimated costs, expenses, advances at the time of the initial publication of the notice of sale, and, if republished pursuant to a cancellation of a cash equivalent pursuant to subdivision (d) of Section 2924h, a reference of that fact; provided, that the trustee shall incur no liability for any good faith error in stating the proper amount, including any amount provided in good faith by or on behalf of the beneficiary. An inaccurate statement of this amount shall not affect the validity of any sale to a bona fide purchaser for value, nor shall the failure to post the notice of sale on a door as provided by this subdivision affect the validity of any sale to a bona fide purchaser for value.

(2) If the sale of the property is to be a unified sale as provided in subparagraph (B) of paragraph (1) of subdivision (a) of Section 9604 of the Commercial Code, the notice of sale shall also contain a description of the personal property or fixtures to be sold. In the case where it is contemplated that all of the personal property or fixtures are to be sold, the description in the notice of the personal property or fixtures shall be sufficient if it is the same as the description of the personal property or fixtures contained in the agreement creating the security interest in or encumbrance on the personal property or fixtures or the filed financing statement relating to the personal property or fixtures. In all other cases, the description in the notice shall be sufficient if it would be a sufficient description of the personal property or fixtures under Section 9108 of the Commercial Code. Inclusion of a reference to or a description of personal property or fixtures in a notice of sale hereunder shall not constitute an election by the secured party to conduct a unified sale pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 9604 of the Commercial Code, shall not obligate the secured party to conduct a unified sale pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 9604 of the Commercial Code, and in no way shall render defective or noncomplying either that notice or a sale pursuant to that notice by reason of the fact that the sale includes none or less than all of the personal property or fixtures referred to or described in the notice. This paragraph shall not otherwise affect the obligations or duties of a secured party under the Commercial Code.

(c) (1) This subdivision applies only to deeds of trust or mortgages which contain a power of sale and which are secured by real property containing a single-family, owner-occupied residence, where the obligation secured by the deed of trust or mortgage is contained in a contract for goods or services subject to the provisions of the Unruh Act (Chapter 1 (commencing with Section 1801) of Title 2 of Part 4 of Division 3).

(2) Except as otherwise expressly set forth in this subdivision, all other provisions of law relating to the exercise of a power of sale shall govern the exercise of a power of sale contained in a deed of trust or mortgage described in paragraph (1).

(3) If any default of the obligation secured by a deed of trust or mortgage described in paragraph (1) has not been cured within 30 days after the recordation of the notice of default, the trustee or mortgagee shall mail to the trustor or mortgagor, at his or her last known address, a copy of the following statement:

YOU ARE IN DEFAULT UNDER A

_____,

(Deed of trust or mortgage)

DATED _____. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

(4) All sales of real property pursuant to a power of sale contained in any deed of trust or mortgage described in paragraph (1) shall be held in the county where the residence is located and shall be made to the person making the highest offer. The trustee may receive offers during the 10-day period immediately prior to the date of sale and if any offer is accepted in writing by both the trustor or mortgagor and the beneficiary or mortgagee prior to the time set for sale, the sale shall be postponed to a date certain and prior to which the property may be conveyed by the trustor to the person making the offer according to its terms. The offer is revocable until accepted. The performance of the offer, following acceptance, according to its terms, by a conveyance of the property to the offeror, shall operate to terminate any further proceeding under the notice of sale and it shall be deemed revoked.

(5) In addition to the trustee fee pursuant to Section 2924c, the trustee or mortgagee pursuant to a deed of trust or mortgage subject to this subdivision shall be entitled to charge an additional fee of fifty dollars ($50).

(6) This subdivision applies only to property on which notices of default were filed on or after the effective date of this subdivision.

SEC. 7. Section 2944 of the Civil Code is amended to read:

2944. None of the provisions of this chapter applies to any transaction or security interest governed by the Commercial Code, except to the extent made applicable by reason of an election made by the secured party pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 9604 of the Commercial Code.

SEC. 8. Section 2983.8 of the Civil Code is amended to read:

2983.8. Notwithstanding Section 2983.2 or any other provision of law, no deficiency judgment shall lie in any event in any of the following instances:

(a) After any sale of any mobilehome for which a permit is required pursuant to Section 35780 or 35790 of the Vehicle Code for failure of the purchaser to complete his or her conditional sale contract given to the seller to secure payment of the balance of the purchase price of such mobilehome. The provisions of this subdivision shall not apply in the event there is substantial damage to the mobilehome other than wear and tear from normal usage. This subdivision shall apply only to contracts entered into on or after the effective date of the act that enacted this subdivision and before July 1, 1981.

(b) After any sale or other disposition of a motor vehicle unless the court has determined that the sale or other disposition was in conformity with the provisions of this chapter and the relevant provisions of Division 9 (commencing with Section 9101) of the Commercial Code, including Sections 9610, 9611, 9612, 9613, 9614, 9615, and 9626. The determination may be made upon an affidavit unless the court requires a hearing in the particular case.

SEC. 8.5. Section 3343.5 of the Civil Code is amended to read:

3343.5. (a) Any one or more of the following who suffers any damage proximately resulting from one or more acts of unlawful motor vehicle subleasing, as described in Chapter 12.7 (commencing with Section 570) of Title 13 of Part 1 of the Penal Code, may bring an action against the person who has engaged in those acts:

(1) A seller or other secured party under a conditional sale contract or a security agreement.

(2) A lender under a direct loan agreement.

(3) A lessor under a lease contract.

(4) A buyer under a conditional sale contract.

(5) A purchaser under a direct loan agreement, an agreement which provides for a security interest, or an agreement which is equivalent to these types of agreements.

(6) A lessee under a lease contract.

(7) An actual or purported transferee or assignee of any right or interest of a buyer, a purchaser, or a lessee.

(b) The court in an action under subdivision (a) may award actual damages; equitable relief, including, but not limited to, an injunction and restitution of money and property; punitive damages; reasonable attorney's fees and costs; and any other relief which the court deems proper.

(c) As used in this section, the following terms have the following meanings:

(1) "Buyer" has the meaning set forth in subdivision (c) of Section 2981.

(2) "Conditional sale contract" has the meaning set forth in subdivision (a) of Section 2981. Notwithstanding subdivision (k) of

Section 2981, "conditional sale contract" includes any contract for the sale or bailment of a motor vehicle between a buyer and a seller primarily for business or commercial purposes.

(3) "Direct loan agreement" means an agreement between a lender and a purchaser whereby the lender has advanced funds pursuant to a loan secured by the motor vehicle which the purchaser has purchased.

(4) "Lease contract" means a lease contract between a lessor and lessee as this term and these parties are defined in Section 2985.7. Notwithstanding subdivision (d) of Section 2985.7, "lease contract" includes a lease for business or commercial purposes.

(5) "Motor vehicle" means any vehicle required to be registered under the Vehicle Code.

(6) "Person" means an individual, company, firm, association, partnership, trust, corporation, limited liability company, or other legal entity.

(7) "Purchaser" has the meaning set forth in subdivision (33) of Section 1201 of the Commercial Code.

(8) "Security agreement" and "secured party" have the meanings set forth, respectively, in paragraphs (73) and (72) of subdivision (a) of Section 9102 of the Commercial Code. "Security interest" has the meaning set forth in subdivision (37) of Section 1201 of the Commercial Code.

(9) "Seller" has the meaning set forth in subdivision (b) of Section 2981, and includes the present holder of the conditional sale contract.

(d) The rights and remedies provided in this section are in addition to any other rights and remedies provided by law.

SEC. 9. Section 3439.08 of the Civil Code is amended to read:

3439.08. (a) A transfer or an obligation is not voidable under subdivision (a) of Section 3439.04, against a person who took in good faith and for a reasonably equivalent value or against any subsequent transferee or obligee.

(b) Except as otherwise provided in this section, to the extent a transfer is voidable in an action by a creditor under paragraph (1) of subdivision (a) of Section 3439.07, the creditor may recover judgment for the value of the asset transferred, as adjusted under subdivision (c), or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered against the following:

(1) The first transferee of the asset or the person for whose benefit the transfer was made.

(2) Any subsequent transferee other than a good faith transferee who took for value or from any subsequent transferee.

(c) If the judgment under subdivision (b) is based upon the value of the asset transferred, the judgment shall be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the equities may require.

(d) Notwithstanding voidability of a transfer or an obligation under this chapter, a good faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, to the following:

(1) A lien on or a right to retain any interest in the asset transferred.

(2) Enforcement of any obligation incurred.

(3) A reduction in the amount of the liability on the judgment.

(e) A transfer is not voidable under subdivision (b) of Section 3439.04 or Section 3439.05 if the transfer results from the following:

(1) Termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law.

(2) Enforcement of a lien in a noncollusive manner and in compliance with applicable law, including Division 9 (commencing with Section 9101) of the Commercial Code, other than a retention of collateral under Sections 9620 and 9621 of the Commercial Code and other than a voluntary transfer of the collateral by the debtor to the lienor in satisfaction of all or part of the secured obligation.

SEC. 10. Section 3440.1 of the Civil Code is amended to read:

3440.1. This chapter does not apply to any of the following:

(a) Things in action.

(b) Ships or cargoes if either are at sea or in a foreign port.

(c) The sale of accounts, chattel paper, payment intangibles, or promissory notes governed by the Uniform Commercial Code, security interests, and contracts of bottomry or respondentia.

(d) Wines or brandies in the wineries, distilleries, or wine cellars of the makers or owners of the wines or brandies, or other persons having possession, care, and control of the wines or brandies, and the pipes, casks, and tanks in which the wines or brandies are contained, if the transfers are made in writing and executed and acknowledged, and if the transfers are recorded in the book of official records in the office of the county recorder of the county in which the wines, brandies, pipes, casks, and tanks are situated.

(e) A transfer or assignment made for the benefit of creditors generally or by any assignee acting under an assignment for the benefit of creditors generally.

(f) Property exempt from enforcement of a money judgment.

(g) Standing timber.

(h) Subject to the limitations in Section 3440.3, a transfer of personal property if all of the following conditions are satisfied:

(1) Prior to the date of the intended transfer, the transferor or the transferee files a financing statement, with respect to the property transferred, signed by the transferor. The financing statement shall be filed in the office of the Secretary of State in accordance with Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code, but may use the terms "transferor" in lieu of "debtor" and "transferee" in lieu of "secured party." The provisions of Chapter 5 (commencing with Section 9501) of Division 9 of the

Commercial Code shall apply as appropriate to the financing statement.

(2) The transferor or the transferee publishes a notice of the intended transfer one time in a newspaper of general circulation published in the judicial district in which the personal property is located, if there is one, and if there is none in the judicial district, then in a newspaper of general circulation in the county embracing the judicial district. The publication shall be completed not less than 10 days before the date the transfer occurs. The notice shall contain the name and address of the transferor and transferee and a general statement of the character of the personal property intended to be transferred, and shall indicate the place where the personal property is located and a date on or after which the transfer is to be made.

(i) Personal property not located within this state at the time of the transfer or attachment of the lien if the provisions of this subdivision are not used for the purpose of evading this chapter.

(j) A transfer of property which (1) is subject to a statute or treaty of the United States or a statute of this state that provides for the registration of transfers of title or issuance of certificates of title and (2) is so far perfected under that statute or treaty that a bona fide purchaser cannot acquire an interest in the property transferred that is superior to the interest of the transferee.

(k) A transfer of personal property in connection with a transaction in which the property is immediately thereafter leased by the transferor from the transferee provided the transferee purchased the property for value and in good faith (subdivision (c) of Section 10308 of the Commercial Code).

(*l*) Transition property, as defined in Section 840 of the Public Utilities Code.

SEC. 11. Section 3440.5 of the Civil Code is amended to read:

3440.5. (a) This chapter does not affect the rights of a secured party who, for value and in good faith, acquires a security interest in the transferred personal property from the transferee, or from the transferee's successor in interest, if the transferor is no longer in possession of the personal property at the time the security interest attaches.

(b) Additionally, except as provided in Section 3440.3, this chapter does not affect the rights of a secured party who acquires a security interest from the transferee, or from the tranferee's successor in interest, in the personal property, if all of the following conditions are satisfied:

(1) On or before the date the security agreement is executed, the intended debtor or secured party files a financing statement with respect to the property transferred, signed by the intended debtor. The financing statement shall be filed in the office of the Secretary of State in accordance with Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code, but shall use the terms "transferor" in lieu of "debtor," "transferee" in lieu of "secured

party," and "secured party" in lieu of "assignee of secured party." The provisions of Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code shall apply as appropriate to such a statement. For the purpose of indexing, and in any certification of search, the Secretary of State may refer to any financing statement filed pursuant to this paragraph as a financing statement under the Commercial Code and may describe the transferor as a debtor and the transferee as a secured party.

Compliance with this paragraph shall, however, not perfect the security interest of the secured party. Perfection of such a security interest shall be governed by Division 9 (commencing with Section 9101) of the Commercial Code.

(2) The intended debtor or secured party publishes a notice of the transfer one time in a newspaper of general circulation published in the judicial district in which the personal property is located, if there is one, and if there is none in the judicial district, then in a newspaper of general circulation in the county embracing the judicial district. The publication shall be completed not less than 10 days before the date of execution by the intended debtor of the intended security agreement. The notice shall contain the names and addresses of the transferor and transferee and of the intended debtor and secured party, a general statement of the character of the personal property transferred and intended to be subject to the security interest, the location of the personal property, and the date on or after which the security agreement is to be executed by the intended debtor.

SEC. 11.5. Section 481.020 of the Code of Civil Procedure is amended to read:

481.020. "Account debtor" means "account debtor" as defined in paragraph (3) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 12. Section 481.030 of the Code of Civil Procedure is amended to read:

481.030. "Account receivable" means "account" as defined in paragraph (2) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 12.1. Section 481.040 of the Code of Civil Procedure is amended to read:

481.040. "Chattel paper" means "chattel paper" as defined in paragraph (11) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 12.2. Section 481.080 of the Code of Civil Procedure is amended to read:

481.080. "Deposit account" means "deposit account" as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 12.3. Section 481.090 of the Code of Civil Procedure is amended to read:

481.090. "Document of title" means "document" as defined in paragraph (30) of subdivision (a) of Section 9102 of the Commercial Code. A document of title is negotiable if it is negotiable within the meaning of Section 7104 of the Commercial Code.

SEC. 13. Section 481.115 of the Code of Civil Procedure is amended to read:

481.115. "General intangibles" means "general intangibles," as defined in paragraph (42) of subdivision (a) of Section 9102 of the Commercial Code, consisting of rights to payment.

SEC. 13.1. Section 481.117 of the Code of Civil Procedure is amended to read:

481.117. "Instrument" means "instrument" as defined in paragraph (47) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 13.2. Section 481.207 of the Code of Civil Procedure is amended to read:

481.207. "Secured party" means "secured party" as defined in paragraph (72) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 13.3. Section 481.220 of the Code of Civil Procedure is amended to read:

481.220. "Security agreement" means a "security agreement" as defined by paragraph (73) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 13.4. Section 488.375 of the Code of Civil Procedure is amended to read:

488.375. (a) Except as provided by Section 488.385, to attach equipment of a going business in the possession or under the control of the defendant, the levying officer shall file with the office of the Secretary of State a notice of attachment, in the form prescribed by the Secretary of State, which shall contain all of the following:

(1) The name and mailing address of the plaintiff.

(2) The name and last known mailing address of the defendant.

(3) The title of the court where the action is pending and the cause and number of the action.

(4) A description of the specific property attached.

(5) A statement that the plaintiff has acquired an attachment lien on the specified property of the defendant.

(b) Upon presentation of a notice of attachment under this section for filing, and tender of the filing fee to the office of the Secretary of State, the notice of attachment shall be filed, marked, and indexed in the same manner as a financing statement. The fee for filing in the office of the Secretary of State is the same as the fee for filing a financing statement in the standard form.

(c) Upon the request of any person, the Secretary of State shall issue a certificate showing whether there is on file in that office on the date and hour stated therein any notice of attachment filed against the equipment of a particular person named in the request.

If a notice of attachment is on file, the certificate shall state the date and hour of filing of each such notice and any notice affecting any such notice of attachment and the name and address of the plaintiff. Upon request, the Secretary of State shall furnish a copy of any notice of attachment or notice affecting a notice of attachment. The certificate shall be issued as part of a combined certificate pursuant to Section 9528 of the Commercial Code, and the fee for the certificate and copies shall be in accordance with that section.

(d) The fee for filing, indexing, and furnishing filing data for a notice of extension of attachment is the same as the fee for a continuation statement under Section 9525 of the Commercial Code. The fee for filing, indexing, and furnishing filing data for a notice of release of attachment is the same as the fee for a statement of release under Section 9525 of the Commercial Code.

(e) If property subject to an attachment lien under this section becomes a fixture (as defined in Section 9313 of the Commercial Code), the attachment lien under this section is extinguished.

SEC. 13.5. Section 488.385 of the Code of Civil Procedure is amended to read:

488.385. (a) To attach a vehicle or vessel for which a certificate of ownership has been issued by the Department of Motor Vehicles, or a mobilehome or commercial coach for which a certificate of title has been issued by the Department of Housing and Community Development, which is equipment of a going business in the possession or under the control of the defendant, the levying officer shall file with the appropriate department a notice of attachment, in the form prescribed by the appropriate department, which shall contain all of the following:

(1) The name and mailing address of the plaintiff.

(2) The name and last known mailing address of the defendant.

(3) The title of the court where the action is pending and the cause and number of the action.

(4) A description of the specific property attached.

(5) A statement that the plaintiff has acquired an attachment lien on the specific property of the defendant.

(b) Upon presentation of a notice of attachment, notice of extension, or notice of release under this section for filing and tender of the filing fee to the appropriate department, the notice shall be filed and indexed. The fee for filing and indexing the notice is three dollars ($3).

(c) Upon the request of any person, the department shall issue its certificate showing whether there is on file in that department on the date and hour stated therein any notice of attachment filed against the property of a particular person named in the request. If a notice of attachment is on file, the certificate shall state the date and hour of filing of each such notice of attachment and any notice affecting any such notice of attachment and the name and address of the plaintiff. The fee for the certificate issued pursuant to this subdivision

is three dollars ($3). Upon request, the department shall furnish a copy of any notice of attachment or notice affecting a notice of attachment for a fee of one dollar ($1) per page.

(d) If property subject to an attachment lien under this section becomes a fixture (as defined in paragraph (41) of subdivision (a) of Section 9102 of the Commercial Code), the attachment lien under this section is extinguished.

SEC. 14. Section 488.405 of the Code of Civil Procedure is amended to read:

488.405. (a) This section provides an alternative method of attaching farm products or inventory of a going business in the possession or under the control of the defendant, but this section does not apply to property described in Section 488.325. This section applies if the plaintiff instructs the levying officer to attach the farm products or inventory under this section.

(b) To attach under this section farm products or inventory of a going business in the possession or under the control of the defendant, the levying officer shall file a notice of attachment with the Secretary of State.

(c) Except as provided in subdivisions (d) and (e), the filing of the notice of attachment gives the plaintiff an attachment lien on all of the following:

(1) The farm products or inventory described in the notice.

(2) Identifiable cash proceeds (as that term is used in Section 9315 of the Commercial Code).

(3) If permitted by the writ of attachment or court order, after-acquired property.

(d) The attachment lien created by the filing of the notice of attachment under this section does not extend to either of the following:

(1) A vehicle or vessel required to be registered with the Department of Motor Vehicles or a mobilehome or commercial coach required to be registered pursuant to the Health and Safety Code.

(2) The inventory of a retail merchant held for sale except to the extent that the inventory of the retail merchant consists of durable goods having a unit retail value of at least five hundred dollars ($500). For the purposes of this paragraph, "retail merchant" does not include (A) a person whose sales for resale exceeded 75 percent in dollar volume of the person's total sales of all goods during the 12 months preceding the filing of the notice of attachment or (B) a cooperative association organized pursuant to Chapter 1 (commencing with Section 54001) of Division 20 of the Food and Agricultural Code (agricultural cooperative associations) or Part 3 (commencing with Section 13200) of Division 3 of Title 1 of the Corporations Code (Fish Marketing Act).

(e) If property subject to an attachment lien under this section becomes a fixture (as defined in paragraph (41) of subdivision (a) of

Section 9102 of the Commercial Code), the attachment lien under this section is extinguished.

(f) The notice of attachment shall be in the form prescribed by the Secretary of State and shall contain all of the following:

(1) The name and mailing address of the plaintiff.

(2) The name and last known mailing address of the defendant.

(3) The title of the court where the action is pending and the cause and number of the action.

(4) A description of the farm products and inventory attached.

(5) A statement that the plaintiff has acquired an attachment lien on the described property and on identifiable cash proceeds (as that term is used in Section 9315 of the Commercial Code) and, if permitted by the writ of attachment or court order, on after-acquired property.

(g) Upon presentation of a notice of attachment under this section for filing and tender of the filing fee to the office of the Secretary of State, the notice of attachment shall be filed, marked, and indexed in the same manner as a financing statement. The fee for filing in the office of the Secretary of State is the same as the fee for filing a financing statement in the standard form.

(h) Upon the request of any person, the Secretary of State shall issue a certificate showing whether there is on file in that office on the date and hour stated therein any notice of attachment filed against the farm products or inventory of a particular person named in the request. If a notice of attachment is on file, the certificate shall state the date and hour of filing of each such notice of attachment and any notice affecting any such notice of attachment and the name and address of the plaintiff. Upon request, the Secretary of State shall furnish a copy of any notice of attachment or notice affecting a notice of attachment. The certificate shall be issued as part of a combined certificate pursuant to Section 9528 of the Commercial Code, and the fee for the certificate and copies shall be in accordance with that section.

(i) The fee for filing, indexing, and furnishing filing data for a notice of extension of attachment is the same as the fee for a continuation statement under Section 9525 of the Commercial Code. The fee for filing, indexing, and furnishing filing data for a notice of release of attachment is the same as the fee for a statement of release under Section 9519 of the Commercial Code.

SEC. 15. Section 488.500 of the Code of Civil Procedure is amended to read:

488.500. (a) A levy on property under a writ of attachment creates an attachment lien on the property from the time of levy until the expiration of the time provided by Section 488.510.

(b) Except as provided in subdivisions (c) and (d), if property subject to an attachment lien is transferred or encumbered, the property transferred or encumbered remains subject to the lien after the transfer or encumbrance to the same extent that the property

would remain subject to an execution lien pursuant to Sections 697.720 to 697.750, inclusive.

(c) Except as otherwise provided in this title, if equipment is attached pursuant to Section 488.375 or farm products or inventory is attached pursuant to Section 488.405, the attachment lien on the property covered by the attachment lien has the same force and effect as a judgment lien on personal property created at the same time would have pursuant to Sections 697.590 to 697.620, inclusive.

(d) If equipment consisting of a vehicle, vessel, mobilehome, or commercial coach is attached pursuant to Section 488.385, the attachment lien on the specified property does not affect the rights of a person who is a bona fide purchaser or encumbrancer and obtains possession of both the property and its certificate of ownership issued by the Department of Motor Vehicles or its certificate of title or registration card issued by the Department of Housing and Community Development. If the levying officer obtains possession of the certificate of ownership or certificate of title or registration card, the attachment lien has the priority of the lien of a lien creditor under Sections 9317 and 9323 of the Commercial Code as of the time possession is obtained by the levying officer. If the levying officer does not obtain possession of the certificate of ownership or certificate of title or registration card, the attachment lien has the same force and effect as an unperfected security interest that attached at the same time as the notice of attachment was filed.

(e) If an attachment lien is created on property that is subject to the lien of a temporary protective order or a lien under Article 1 (commencing with Section 491.110) of Chapter 11, the priority of the attachment lien relates back to the date the earlier lien was created. Nothing in this subdivision affects priorities or rights of third persons established while the lien of the temporary protective order or the lien under Article 1 (commencing with Section 491.110) of Chapter 11 was in effect as determined under the law governing the effect of such lien.

SEC. 15.5. Section 680.120 of the Code of Civil Procedure is amended to read:

680.120. "Account debtor" means "account debtor" as defined in paragraph (3) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 16. Section 680.130 of the Code of Civil Procedure is amended to read:

680.130. "Account receivable" means "account" as defined in paragraph (2) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 16.1. Section 680.140 of the Code of Civil Procedure is amended to read:

680.140. "Chattel paper" means "chattel paper" as defined in paragraph (11) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 16.2. Section 680.170 of the Code of Civil Procedure is amended to read:

680.170. "Deposit account" means "deposit account" as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 16.3. Section 680.180 of the Code of Civil Procedure is amended to read:

680.180. "Document of title" means "document" as defined in paragraph (30) of subdivision (a) of Section 9102 of the Commercial Code. A document of title is negotiable if it is negotiable within the meaning of Section 7104 of the Commercial Code.

SEC. 17. Section 680.210 of the Code of Civil Procedure is amended to read:

680.210. "General intangibles" means "general intangibles," as defined in paragraph (42) of subdivision (a) of Section 9102 of the Commercial Code, consisting of rights to payment.

SEC. 17.1. Section 680.220 of the Code of Civil Procedure is amended to read:

680.220. "Instrument" means "instrument", as defined in paragraph (47) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 17.2. Section 680.340 of the Code of Civil Procedure is amended to read:

680.340. "Secured party" means "secured party" as defined in paragraph (72) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 17.3. Section 680.350 of the Code of Civil Procedure is amended to read:

680.350. "Security agreement" means "security agreement" as defined in paragraph (73) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 17.4. Section 697.530 of the Code of Civil Procedure is amended to read:

697.530. (a) A judgment lien on personal property is a lien on all interests in the following personal property that are subject to enforcement of the money judgment against the judgment debtor pursuant to Article 1 (commencing with Section 695.010) of Chapter 1 at the time the lien is created if a security interest in the property could be perfected under the Commercial Code by filing a financing statement at that time with the Secretary of State:

(1) Accounts receivable.
(2) Chattel paper.
(3) Equipment.
(4) Farm products.
(5) Inventory.
(6) Negotiable documents of title.

(b) If any interest in personal property on which a judgment lien could be created under subdivision (a) is acquired after the

judgment lien was created, the judgment lien attaches to the interest at the time it is acquired.

(c) To the extent provided by Section 697.620, a judgment lien on personal property continues on the proceeds received upon the sale, collection, or other disposition of the property subject to the judgment lien.

(d) Notwithstanding any other provision of this section, the judgment lien does not attach to:

(1) A vehicle or vessel required to be registered with the Department of Motor Vehicles or a mobilehome or commercial coach required to be registered pursuant to the Health and Safety Code.

(2) The inventory of a retail merchant held for sale except to the extent that the inventory of the retail merchant consists of durable goods having a unit retail value of at least five hundred dollars ($500). For the purposes of this paragraph, "retail merchant" does not include (A) a person whose sales for resale exceeded 75 percent in dollar volume of the person's total sales of all goods during the 12 months preceding the filing of the notice of judgment lien on personal property or (B) a cooperative association organized pursuant to Chapter 1 (commencing with Section 54001) of Division 20 of the Food and Agricultural Code (agricultural cooperative associations) or Part 3 (commencing with Section 13200) of Division 3 of Title 1 of the Corporations Code (Fish Marketing Act).

(e) If property subject to a lien under this article becomes a fixture (as defined in paragraph (41) of subdivision (a) of Section 9102 of the Commercial Code), the judgment lien on such property is extinguished.

(f) Notwithstanding the filing of a notice of judgment lien, subject to the provisions of Chapter 6 (commencing with Section 708.010), a person obligated on an account receivable or chattel paper is authorized to pay or compromise the amount without notice to or consent of the judgment creditor unless and until there is a levy pursuant to Chapter 3 (commencing with Section 699.010).

SEC. 17.5. Section 697.580 of the Code of Civil Procedure is amended to read:

697.580. (a) Upon the request of any person, the Secretary of State shall issue a certificate showing whether there is on file in that office on the date and hour stated therein any notice of judgment lien on personal property filed against the property of a particular person named in the request. If a notice of judgment lien is on file, the certificate shall state the date and hour of filing of each such notice and any notice affecting any such notice of judgment lien and the name and address of the judgment creditor.

(b) Upon request, the Secretary of State shall furnish a copy of any notice of judgment lien or notice affecting a notice of judgment lien. The certificate shall be issued as part of a combined certificate

pursuant to Section 9528 of the Commercial Code, and the fee for the certificate and copies shall be in accordance with that section.

SEC. 18. Section 697.590 of the Code of Civil Procedure is amended to read:

697.590. (a) As used in this section:

(1) "Filing" means:

(A) With respect to a judgment lien on personal property, the filing of a notice of judgment lien in the office of the Secretary of State to create a judgment lien on personal property under this article.

(B) With respect to a security interest, the filing of a financing statement pursuant to Division 9 (commencing with Section 9101) of the Commercial Code.

(2) "Perfection" means perfection of a security interest pursuant to Division 9 (commencing with Section 9101) of the Commercial Code.

(3) "Personal property" means:

(A) With respect to a judgment lien on personal property, the property to which a judgment lien has attached pursuant to this article.

(B) With respect to a security interest, the collateral subject to a security interest pursuant to Division 9 (commencing with Section 9101) of the Commercial Code.

(4) "Purchase money security interest" means "purchase money security interest" as defined in Section 9103 of the Commercial Code.

(b) Except as provided in subdivisions (d) and (e), priority between a judgment lien on personal property and a conflicting security interest in the same personal property shall be determined according to this subdivision. Conflicting interests rank according to priority in time of filing or perfection. In the case of a judgment lien, priority dates from the time filing is first made covering the personal property. In the case of a security interest, priority dates from the time a filing is first made covering the personal property or the time the security interest is first perfected, whichever is earlier, provided that there is no period thereafter when there is neither filing nor perfection.

(c) For the purposes of subdivision (b), a date of filing or perfection as to personal property is also a date of filing or perfection as to proceeds.

(d) A purchase money security interest has priority over a conflicting judgment lien on the same personal property or its proceeds if the purchase money security interest is perfected at the time the judgment debtor (as a debtor under the security agreement) receives possession of the personal property or within 20 days thereafter.

(e) If a purchase money security interest in inventory has priority over a judgment lien pursuant to subdivision (d) and a conflicting security interest has priority over the purchase money security interest in the same inventory pursuant to Section 9324 of the

Commercial Code, the conflicting security interest also has priority over the judgment lien on the inventory subject to the purchase money security interest notwithstanding that the conflicting security interest would not otherwise have priority over the judgment lien.

(f) A judgment lien that has attached to personal property and that is also subordinate under subdivision (b) to a security interest in the same personal property is subordinate to the security interest only to the extent that the security interest secures advances made before the judgment lien attached or within 45 days thereafter or made without knowledge of the judgment lien or pursuant to a commitment entered into without knowledge of the judgment lien. For the purpose of this subdivision, a secured party shall be deemed not to have knowledge of a judgment lien on personal property until (1) the judgment creditor serves a copy of the notice of judgment lien on the secured party personally or by mail and (2) the secured party has knowledge of the judgment lien on personal property, as "knowledge" is defined in Section 1201 of the Commercial Code. If service on the secured party is by mail, it shall be sent to the secured party at the address shown in the financing statement or security agreement.

SEC. 19. Section 697.610 of the Code of Civil Procedure is amended to read:

697.610. Except as provided in Sections 9617 and 9622 of the Commercial Code, a judgment lien on personal property continues notwithstanding the sale, exchange, or other disposition of the property, unless the person receiving the property is one of the following:

(a) A buyer in ordinary course of business (as defined in Section 1201 of the Commercial Code) who, under Section 9320 of the Commercial Code, would take free of a security interest created by the seller.

(b) A lessee in ordinary course of business (as defined in paragraph (15) of subdivision (a) of Section 10103 of the Commercial Code) who, under Section 9321 of the Commercial Code, would take free of a security interest created by the lessor.

(c) A holder to whom a negotiable document of title has been duly negotiated within the meaning of Section 7501 of the Commercial Code.

(d) A purchaser of chattel paper who, under Section 9330 of the Commercial Code, would have priority over another security interest in the chattel paper.

SEC. 20. Section 697.640 of the Code of Civil Procedure is amended to read:

697.640. (a) The judgment creditor, judgment debtor, owner of property subject to a judgment lien on personal property created under the judgment, or a person having a security interest in or a lien on the property subject to the judgment lien, may file in the office of the Secretary of State an acknowledgment of satisfaction of

judgment executed as provided in Section 724.060 or a court clerk's certificate of satisfaction of judgment issued pursuant to Section 724.100, together with a statement containing the name of the judgment creditor, the name and address of the judgment debtor, and the file number of the notice of judgment lien. Upon such filing, the judgment lien created under the judgment that has been satisfied is extinguished as a matter of record. The fee for filing the acknowledgment or certificate is the same as the fee for filing a termination statement under Section 9404 of the Commercial Code.

(b) The filing officer shall treat an acknowledgment of satisfaction of judgment, or court clerk's certificate of satisfaction of judgment, and statement filed pursuant to this section in the same manner as a termination statement filed pursuant to Section 9525 of the Commercial Code.

SEC. 21. Section 697.650 of the Code of Civil Procedure is amended to read:

697.650. (a) The judgment creditor may by a writing do any of the following:

(1) Release the judgment lien on all the personal property subject to the lien of a sole judgment debtor or of all the judgment debtors.

(2) If the notice of judgment lien names more than one judgment debtor, release the judgment lien on all the personal property subject to the lien of one or more but of less than all the judgment debtors.

(3) Release the judgment lien on all or a part of the personal property subject to the lien.

(4) Subordinate to a security interest or other lien or encumbrance the judgment lien on all or a part of the personal property subject to the judgment lien.

(b) A statement of release or subordination is sufficient if it is signed by the judgment creditor and contains the name and address of the judgment debtor, the file number of the notice of judgment lien, and wording appropriate to bring the statement within one of the paragraphs of subdivision (a). In the case of a release under paragraph (3) of subdivision (a), the statement of release shall also describe the property being released. In the case of a subordination under paragraph (4) of subdivision (a), the statement of subordination shall also describe the property on which the judgment lien is being subordinated and describe the security interest or other lien or encumbrance to which the judgment lien is being subordinated.

(c) The filing officer shall treat the filing of a statement of release pursuant to paragraph (1) of subdivision (a) of this section in the same manner as a termination statement filed pursuant to Sections 9513 and 9519 of the Commercial Code. The filing officer shall treat the filing of a statement of release pursuant to paragraph (2) of subdivision (a) of this section in the same manner as a comparable amendment filed pursuant to Sections 9512 and 9519 of the Commercial Code. The filing officer shall treat the filing of a

statement of release pursuant to paragraph (3) of subdivision (a) of this section and the filing of a statement of subordination filed pursuant to paragraph (4) of subdivision (a) of this section in the same manner as a statement of release filed pursuant to Sections 9512 and 9519 of the Commercial Code.

(d) The fee for filing the statement is the same as that provided in Section 9525 of the Commercial Code.

SEC. 21.5. Section 697.660 of the Code of Civil Procedure is amended to read:

697.660. (a) If a notice of judgment lien on personal property filed in the office of the Secretary of State appears to create a judgment lien on personal property of a person who is not the judgment debtor because the name of the property owner is the same as or similar to that of the judgment debtor, the erroneously identified property owner or a person having a security interest in or a lien on the property may deliver to the judgment creditor a written demand that the judgment creditor file in the office of the Secretary of State a statement releasing the lien as to the property of such owner. The demand shall be accompanied by proof to the satisfaction of the judgment creditor that the property owner is not the judgment debtor and that the property is not subject to enforcement of the judgment against the judgment debtor.

(b) Within 15 days after receipt of the demand and proof satisfactory to the judgment creditor that the property owner is not the judgment debtor and that the property is not subject to enforcement of the judgment, the judgment creditor shall file in the office of the Secretary of State a statement releasing the lien on the property of such owner. If the judgment creditor improperly fails to file the statement of release within the time allowed, the judgment creditor is liable to the person who made the demand for all damages sustained by reason of such failure and shall also forfeit one hundred dollars ($100) to such person.

(c) If the judgment creditor does not file a statement of release pursuant to subdivision (b), the person who made the demand may apply to the court on noticed motion for an order releasing the judgment lien on the property of such owner. Notice of motion shall be served on the judgment creditor. Service shall be made personally or by mail. Upon presentation of evidence to the satisfaction of the court that the property owner is not the judgment debtor and that the property is not subject to enforcement of the judgment, the court shall order the judgment creditor to prepare and file the statement of release or shall itself order the release of the judgment lien on the property of such owner. The court order may be filed in the office of the Secretary of State with the same effect as the statement of release demanded under subdivision (a).

(d) The court shall award reasonable attorney's fees to the prevailing party in any action or proceeding maintained pursuant to this section.

(e) The damages provided by this section are not in derogation of any other damages or penalties to which an aggrieved person may be entitled by law.

(f) The fee for filing a statement of release or court order under this section is the same as that provided in Section 9525 of the Commercial Code.

SEC. 22. Section 697.730 of the Code of Civil Procedure is amended to read:

697.730. (a) Subject to Section 701.630 and except as provided in subdivision (b), if tangible personal property subject to an execution lien is in the custody of a levying officer and is transferred or encumbered, the property remains subject to the lien after the transfer or encumbrance.

(b) If a levy upon tangible personal property of a going business is made by the levying officer placing a keeper in charge of the business, a purchaser or lessee of property subject to the execution lien takes the property free of the execution lien if the purchaser or lessee is one of the following:

(1) A buyer in ordinary course of business (as defined in Section 1201 of the Commercial Code) who, under Section 9320 of the Commercial Code, would take free of a security interest created by his or her seller.

(2) A lessee in ordinary course of business (as defined in paragraph (15) of subdivision (a) of Section 10103 of the Commercial Code) who, under Section 9321 of the Commercial Code, would take free of a security interest created by the lessor.

SEC. 23. Section 697.740 of the Code of Civil Procedure is amended to read:

697.740. Except as provided in Sections 9617 and 9622 of the Commercial Code and in Section 701.630, if personal property subject to an execution lien is not in the custody of a levying officer and the property is transferred or encumbered, the property remains subject to the lien after the transfer or encumbrance except where the transfer or encumbrance is made to one of the following persons:

(a) A person who acquires an interest in the property under the law of this state for reasonably equivalent value without knowledge of the lien. For purposes of this subdivision, value is given for a transfer or encumbrance if, in exchange for the transfer or encumbrance, property is transferred or an antecedent debt is secured or satisfied.

(b) A buyer in ordinary course of business (as defined in Section 1201 of the Commercial Code) who, under Section 9320 of the Commercial Code, would take free of a security interest created by the seller or encumbrancer.

(c) A lessee in ordinary course of business (as defined in paragraph (15) of subdivision (a) of Section 10103 of the Commercial Code) or a licensee in the ordinary course of business (as defined in subdivision (a) of Section 9321 of the Commercial Code) who, under

Section 9321 of the Commercial Code, would take free of a security interest created by the lessor or the licensor.

(d) A holder in due course (as defined in Section 3302 of the Commercial Code) of a negotiable instrument within the meaning of Section 3104 of the Commercial Code.

(e) A holder to whom a negotiable document of title has been duly negotiated within the meaning of Section 7501 of the Commercial Code.

(f) A protected purchaser (as defined in Section 8303 of the Commercial Code) of a security or a person entitled to the benefits of Section 8502 or 8510 of the Commercial Code.

(g) A purchaser of chattel paper who gives new value and takes possession of the chattel paper in good faith and in the ordinary course of the purchaser's business or a purchaser of an instrument who gives value and takes possession of the instrument in good faith.

(h) A holder of a purchase money security interest (as defined in Section 9103 of the Commercial Code).

(i) A collecting bank holding a security interest in items being collected, accompanying documents and proceeds, pursuant to Section 4210 of the Commercial Code.

(j) A person who acquires any right or interest in letters of credit, advices of credit, or money.

(k) A person who acquires any right or interest in property subject to a certificate of title statute of another jurisdiction under the law of which indication of a security interest on the certificate of title is required as a condition of perfection of the security interest.

SEC. 23.1. Section 697.750 of the Code of Civil Procedure is amended to read:

697.750. Notwithstanding Section 697.740, except as provided in Section 9617 of the Commercial Code and in Section 701.630, if (1) growing crops, (2) timber to be cut, or (3) minerals or the like (including oil or gas) to be extracted or accounts receivable resulting from the sale thereof at wellhead or minehead are subject to an execution lien and are transferred or encumbered, the property remains subject to the execution lien after the transfer or encumbrance.

SEC. 23.2. Section 697.920 of the Code of Civil Procedure is amended to read:

697.920. Except as provided in Section 9617 of the Commercial Code and in Section 701.630, a lien described in Section 697.910 continues on property subject to the lien, notwithstanding the transfer or encumbrance of the property subject to the lien, unless the transfer or encumbrance is made to a person listed in Section 697.740.

SEC. 24. Section 701.040 of the Code of Civil Procedure, as amended by Section 17 of Chapter 932 of the Statutes of 1998, is amended to read:

701.040. (a) Except as otherwise ordered by the court upon a determination that the judgment creditor's lien has priority over the security interest, if property levied upon is subject to a security interest that attached prior to levy, the property or obligation is subject to enforcement of the security interest without regard to the levy unless the property is in the custody of the levying officer; but, if the execution lien has priority over the security interest, the secured party is liable to the judgment creditor for any proceeds received by the secured party from the property to the extent of the execution lien.

(b) After the security interest is satisfied, the secured party shall deliver any excess property, and pay any excess payments or proceeds of property, remaining in the possession of the secured party to the levying officer for the purposes of the levy, as provided in Section 9615 of the Commercial Code, unless otherwise ordered by the court or directed by the levying officer.

(c) This section shall be repealed on January 1, 2002.

SEC. 24.5. Section 701.040 of the Code of Civil Procedure, as added by Section 1.5 of Chapter 1125 of the Statutes of 1990, is amended to read:

701.040. (a) Except as otherwise ordered by the court upon a determination that the judgment creditor's lien has priority over the security interest, if property levied upon is subject to a security interest that attached prior to levy, the property or obligation is subject to enforcement of the security interest without regard to the levy unless the property is in the custody of the levying officer; but, if the execution lien has priority over the security interest, the secured party is liable to the judgment creditor for any proceeds received by the secured party from the property to the extent of the execution lien.

(b) After the security interest is satisfied, the secured party shall deliver any excess property, and pay any excess payments or proceeds of property, remaining in the possession of the secured party to the levying officer for the purposes of the levy, as provided in Section 9615 of the Commercial Code, unless otherwise ordered by the court or directed by the levying officer.

SEC. 25. Section 730.5 of the Code of Civil Procedure is amended to read:

730.5. Except as otherwise provided by Section 9604 of the Commercial Code, none of the provisions of this chapter or of Section 580a, 580b, 580c, or 580d applies to any security interest in personal property or fixtures governed by the Commercial Code.

SEC. 25.5. Section 2103 of the Code of Civil Procedure is amended to read:

2103. (a) If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation of any certificate described in subdivision (b) is presented to a filing officer who is:

(1) The Secretary of State, he or she shall cause the notice to be marked, held, and indexed in accordance with the provisions of Sections 9515, 9516, and 9522 of the Commercial Code as if the notice were a financing statement within the meaning of that code; or

(2) A county recorder, he or she shall accept for filing, file for record in the manner set forth in Section 27320 of the Government Code, and index the document by the name of the person against whose interest the lien applies in the general index.

(b) If a certificate of release, nonattachment, discharge, or subordination of any lien is presented to the Secretary of State for filing he or she shall:

(1) Cause a certificate of release or nonattachment to be marked, held, and indexed as if the certificate were a termination statement within the meaning of the Commercial Code, but the notice of lien to which the certificate relates may not be removed from the files; and

(2) Cause a certificate of discharge or subordination to be marked, held, and indexed as if the certificate were a release of collateral within the meaning of the Commercial Code.

(c) If a refiled notice of federal lien referred to in subdivision (a) or any of the certificates or notices referred to in subdivision (b) is presented for filing to a county recorder, he or she shall accept for filing, file for record in the manner set forth in Section 27320 of the Government Code, and index the document by the name of the person against whose interest the lien applies in the general index.

(d) Upon request of any person, the filing officer shall issue his or her certificate showing whether there is on file, on the date and hour stated therein, any notice of lien or certificate or notice affecting any lien filed after January 1, 1968, under this title or former Chapter 14 (commencing with Section 7200) of Division 7 of Title 1 of the Government Code, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. Upon request, the filing officer shall furnish a copy of any notice of federal lien, or notice or certificate affecting a federal lien. If the filing officer is a county recorder, the fee for a certificate for each name searched shall be set by the filing officer in an amount that covers actual costs, but that, in no event, exceeds fifteen dollars ($15), and the fee for copies shall be in accordance with Section 27366 of the Government Code. If the filing officer is the Secretary of State, the certificate shall be issued as part of a combined certificate pursuant to Section 9528 of the Commercial Code, and the fee for the certificate and copies shall be in accordance with that section.

SEC. 26. Section 1105 of the Commercial Code is amended to read:

1105. (1) Except as provided hereafter in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties.

Failing such agreement this code applies to transactions bearing an appropriate relation to this state.

(2) Where one of the following provisions of this code specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. Section 2402.

Applicability of the division on leases. Sections 10105 and 10106.

Applicability of the division on bank deposits and collections. Section 4102.

Letters of credit. Section 5116.

Bulk sales subject to the division on bulk sales. Section 6103.

Applicability of the division on investment securities. Section 8110.

Law governing perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens. Sections 9301 to 9307, inclusive.

SEC. 26.5. Section 1201 of the Commercial Code is amended to read:

1201. The following definitions apply for purposes of this code, subject to additional definitions contained in the subsequent divisions of this code that apply to specific divisions or chapters thereof, and unless the context otherwise requires:

(1) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, setoff, suit in equity, and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances, including course of dealing, usage of trade, and course of performance as provided in this code (Sections 1205, 2208, and 10207). Whether an agreement has legal consequences is determined by the provisions of this code, if applicable, and otherwise by the law of contracts (Section 1103). (Compare "contract.")

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document of title, or certificated security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and that, by its terms, evidences the intention of the issuer that the person entitled under the document (Section 7403(4)) has the right to receive, hold, and dispose of the document and the goods it covers. Designation of a document by the issuer as a "bill of lading" is conclusive evidence of that intention. "Bill of lading" includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for

marine or rail transportation, and includes an air consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in the ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 (commencing with Section 2101) may be a buyer in ordinary course of business. A person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt is not a buyer in ordinary course of business.

(10) "Conspicuous." A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NONNEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color, except that in a telegram any stated term is "conspicuous." Whether a term or clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation that results from the parties' agreement as affected by this code and any other applicable rules of law. (Compare "agreement.")

(12) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery," with respect to instruments, documents of title, chattel paper, or certificated securities, means the voluntary transfer of possession.

(15) "Document of title" includes a bill of lading, dock warrant, dock receipt, warehouse receipt, gin ticket, or compress receipt, and any other document that, in the regular course of business or

financing, is treated as adequately evidencing that the person entitled under the document (Section 7403(4)) has the right to receive, hold, and dispose of the document and the goods it covers. To be a document of title, a document shall purport to be issued by a bailee and purport to cover goods in the bailee's possession that either are identified as or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission, or breach.

(17) "Fungible," with respect to goods or securities, means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods that are not fungible shall be deemed fungible for the purposes of this code to the extent that, under a particular agreement or document, unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder," with respect to a negotiable instrument, means the person in possession if the instrument is payable to bearer or, in the case of an instrument payable to an identified person, if the identified person is in possession. "Holder," with respect to a document of title, means the person in possession if the goods are deliverable to bearer or to the order of the person in possession.

(21) To "honor" is to pay or to accept and pay or, where a credit so engages, to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either has ceased to pay his or her debts in the ordinary course of business, cannot pay his or her debts as they become due, or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government and includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more nations.

(25) A person has "notice" of a fact when any of the following occurs:

(a) He or she has actual knowledge of it.

(b) He or she has received a notice or notification of it.

(c) From all the facts and circumstances known to him or her at the time in question, he or she has reason to know that it exists. A person "knows" or has "knowledge" of a fact when he or she has actual knowledge of it. "Discover" or "learn," or a word or phrase of similar import, refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this code.

(26) A person "notifies" or "gives" a notice or notification to another by taking those steps that may be reasonably required to inform the other in ordinary course whether or not the other actually comes to know of it. A person "receives" a notice or notification when any of the following occurs:

(a) It comes to his or her attention.

(b) It is duly delivered at the place of business through which the contract was made or at any other place held out by him or her as the place for receipt of these communications.

(27) Notice, knowledge, or a notice or notification received by an organization is effective for a particular transaction from the time it is brought to the attention of the individual conducting that transaction and, in any event, from the time it would have been brought to his or her attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless the communication is part of his or her regular duties, or unless he or she has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party," as distinct from "third party," means a person who has engaged in a transaction or made an agreement within this division.

(30) "Person" includes an individual or an organization. (See Section 1102.)

(31) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

(32) "Purchaser" means a person who takes by purchase.

(33) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(34) "Representative" includes an agent, an officer of a corporation or association, a trustee, executor, or administrator of an estate, or any other person empowered to act for another.

(35) "Rights" includes remedies.

(36) (a) "Security interest" means an interest in personal property or fixtures that secures payment or performance of an obligation. The term also includes any interest of a cosignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Division 9 (commencing with Section 9101). The special property interest of a buyer of goods on identification of those goods to a contract for sale

under Section 2401 is not a "security interest," but a buyer may also acquire a "security interest" by complying with Division 9 (commencing with Section 9101). Except as otherwise provided in Section 2505, the right of a seller or lessor of goods under Article 2 (commencing with Section 2101) or Article 10 (commencing with Section 10101) to retain or acquire possession of the goods is not a "security interest," but a seller or lessor may also acquire a "security interest" by complying with Article 9 (commencing with Section 9101). The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (Section 2401) is limited in effect to a reservation of a "security interest."

(b) Whether a transaction creates a lease or security interest is determined by the facts of each case. However, a transaction creates a security interest if the consideration the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease not subject to termination by the lessee, and any of the following conditions applies:

(i) The original term of the lease is equal to or greater than the remaining economic life of the goods.

(ii) The lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods.

(iii) The lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement.

(iv) The lessee has an option to become the owner of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement.

(c) A transaction does not create a security interest merely because it provides one or more of the following:

(i) That the present value of the consideration the lessee is obligated to pay the lessor for the right to possession and use of the goods is substantially equal to or greater than the fair market value of the goods at the time the lease is entered into.

(ii) That the lessee assumes risk of loss of the goods, or agrees to pay taxes, insurance, filing, recording, or registration fees, or service or maintenance costs with respect to the goods.

(iii) That the lessee has an option to renew the lease or to become the owner of the goods.

(iv) That the lessee has an option to renew the lease for a fixed rent that is equal to or greater than the reasonably predictable fair market rent for the use of the goods for the term of the renewal at the time the option is to be performed.

(v) That the lessee has an option to become the owner of the goods for a fixed price that is equal to or greater than the reasonably predictable fair market value of the goods at the time the option is to be performed.

(vi) In the case of a motor vehicle, as defined in Section 415 of the Vehicle Code, or a trailer, as defined in Section 630 of that code, that is not to be used primarily for personal, family, or household purposes, that the amount of rental payments may be increased or decreased by reference to the amount realized by the lessor upon sale or disposition of the vehicle or trailer. Nothing in this subparagraph affects the application or administration of the Sales and Use Tax Law (Part 1 (commencing with Section 6001), Division 2, Revenue and Taxation Code).

(d) For purposes of this subdivision (36), all of the following apply:

(i) Additional consideration is not nominal if (A) when the option to renew the lease is granted to the lessee, the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed, or (B) when the option to become the owner of the goods is granted to the lessee, the price is stated to be the fair market value of the goods determined at the time the option is to be performed. Additional consideration is nominal if it is less than the lessee's reasonably predictable cost of performing under the lease agreement if the option is not exercised.

(ii) "Reasonably predictable" and "remaining economic life of the goods" are to be determined with reference to the facts and circumstances at the time the transaction is entered into.

(iii) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate is not manifestly unreasonable at the time the transaction is entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(37) "Send," in connection with any writing or notice, means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed or, if there be none, to any address reasonable under the circumstances. The receipt of any writing or notice within the time in which it would have arrived if properly sent has the effect of a proper sending. When a writing or notice is required to be sent by registered or certified mail, proof of mailing is sufficient, and proof of receipt by the addressee is not required unless the words "with return receipt requested" are also used.

(38) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(39) "Surety" includes guarantor.

(40) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(41) "Term" means that portion of an agreement that relates to a particular matter.

(42) "Unauthorized" signature means one made without actual, implied, or apparent authority, and includes a forgery.

(43) "Value." Except as otherwise provided with respect to negotiable instruments and bank collections (Sections 3303, 4210, and 4211), a person gives "value" for rights if he or she acquires them in any of the following ways:

(a) In return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a chargeback is provided for in the event of difficulties in collection.

(b) As security for, or in total or partial satisfaction of, a preexisting claim.

(c) By accepting delivery pursuant to a preexisting contract for purchase.

(d) Generally, in return for any consideration sufficient to support a simple contract.

(44) "Warehouse receipt" means a document evidencing the receipt of goods for storage issued by a warehouseman (Section 7102), and that, by its terms, evidences the intention of the issuer that the person entitled under the document (Section 7403(4)) has the right to receive, hold, and dispose of the document and the goods it covers. Designation of a document by the issuer as a "warehouse receipt" is conclusive evidence of that intention.

(45) "Written" or "writing" includes printing, typewriting, or any other intentional reduction to tangible form.

SEC. 27. Section 1206 of the Commercial Code is amended to read:

1206. (1) Except in the cases described in subdivision (2) of this section a contract for the sale of personal property is not enforceable by way of action or defense beyond five thousand dollars ($5,000) in amount or value of remedy unless there is some writing which indicates that a contract for sale has been made between the parties at a defined or stated price, reasonably identifies the subject matter, and is signed by the party against whom enforcement is sought or by his or her authorized agent.

(2) Subdivision (1) of this section does not apply to contracts for the sale of goods (Section 2201) nor of securities (Section 8113) nor to security agreements (Sections 9201 and 9203).

(3) Subdivision (1) of this section does not apply to a qualified financial contract as that term is defined in paragraph (2) of subdivision (b) of Section 1624 of the Civil Code if either (a) there is, as provided in paragraph (3) of subdivision (b) of Section 1624 of the Civil Code, sufficient evidence to indicate that a contract has been made or (b) the parties thereto, by means of a prior or subsequent written contract, have agreed to be bound by the terms of the qualified financial contract from the time they reach

agreement (by telephone, by exchange of electronic messages, or otherwise) on those terms.

SEC. 28. Section 2103 of the Commercial Code is amended to read:

2103. (1) In this division unless the context otherwise requires:

(a) "Buyer" means a person who buys or contracts to buy goods.

(b) "Good faith" in the case of a merchant means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.

(c) "Receipt" of goods means taking physical possession of them.

(d) "Seller" means a person who sells or contracts to sell goods.

(2) Other definitions applying to this division or to specified chapters thereof, and the sections in which they appear are:

"Acceptance." Section 2606.

"Banker's credit." Section 2325.

"Between merchants." Section 2104.

"Cancellation." Section 2106(4).

"Commercial unit." Section 2105.

"Confirmed credit." Section 2325.

"Conforming to contract." Section 2106.

"Contract for sale." Section 2106.

"Cover." Section 2712.

"Entrusting." Section 2403.

"Financing agency." Section 2104.

"Future goods." Section 2105.

"Goods." Section 2105.

"Identification." Section 2501.

"Installment contract." Section 2612.

"Letter of Credit." Section 2325.

"Lot." Section 2105.

"Merchant." Section 2104.

"Overseas." Section 2323.

"Person in position of seller." Section 2707.

"Present sale." Section 2106.

"Sale." Section 2106.

"Sale on approval." Section 2326.

"Sale or return." Section 2326.

"Termination." Section 2106.

(3) The following definitions in other divisions apply to this division:

"Check." Section 3104.

"Consignee." Section 7102.

"Consignor." Section 7102.

"Consumer goods." Section 9102.

"Dishonor." Section 3502.

"Draft." Section 3104.

(4) In addition Division 1 contains general definitions and principles of construction and interpretation applicable throughout this division.

SEC. 28.1. Section 2210 of the Commercial Code is amended to read:

2210. (1) A party may perform his or her duty through a delegate unless otherwise agreed or unless the other party has a substantial interest in having his or her original promisor perform or control the acts required by the contract. No delegation of performance relieves the party delegating of any duty to perform or any liability for breach.

(2) Except as otherwise provided in Section 9406, unless otherwise agreed, all rights of either seller or buyer can be assigned except where the assignment would materially change the duty of the other party, or increase materially the burden or risk imposed on him or her by his or her contract, or impair materially his or her chance of obtaining return performance. A right to damages for breach of the whole contract or a right arising out of the assignor's due performance of his or her entire obligation can be assigned despite agreement otherwise.

(3) The creation, attachment, perfection, or enforcement of a security interest in the seller's interest under a contract is not a transfer that materially changes the duty of or increases materially the burden or risk imposed on the buyer or impairs materially the buyer's chance of obtaining return performance within the purview of subdivision (2) unless, and then only to the extent that, enforcement actually results in a delegation of material performance of the seller. Even in that event, the creation, attachment, perfection, and enforcement of the security interest remain effective, but (A) the seller is liable to the buyer for damages caused by the delegation to the extent that the damages could not reasonably be prevented by the buyer, and (B) a court having jurisdiction may grant other appropriate relief, including cancellation of the contract for sale or an injunction against enforcement of the security interest or consummation of the enforcement.

(4) Unless the circumstances indicate the contrary a prohibition of assignment of "the contract" is to be construed as barring only the delegation to the assignee of the assignor's performance.

(5) An assignment of "the contract" or of "all my rights under the contract" or an assignment in similar general terms is an assignment of rights and unless the language or the circumstances (as in an assignment for security) indicate the contrary, it is a delegation of performance of the duties of the assignor and its acceptance by the assignee constitutes a promise by him or her to perform those duties. This promise is enforceable by either the assignor or the other party to the original contract.

(6) The other party may treat any assignment which delegates performance as creating reasonable grounds for insecurity and may

without prejudice to his or her rights against the assignor demand assurances from the assignee (Section 2609).

SEC. 28.2. Section 2326 of the Commercial Code is amended to read:

2326. (1) Unless otherwise agreed, if delivered goods may be returned by the buyer even though they conform to the contract, the transaction is

(a) A "sale on approval" if the goods are delivered primarily for use, and

(b) A "sale or return" if the goods are delivered primarily for resale.

(2) Goods held on approval are not subject to the claims of the buyer's creditors until acceptance; goods held on sale or return are subject to such claims while in the buyer's possession.

(3) Any "or return" term of a contract for sale is to be treated as a separate contract for sale within the statute of frauds section of this division (Section 2201) and as contradicting the sale aspect of the contract within the provisions of this division on parol or extrinsic evidence (Section 2202).

(4) If a person delivers or consigns for sale goods which the person used or bought for use for personal, family, or household purposes, these goods do not become the property of the deliveree or consignee unless the deliveree or consignee purchases and fully pays for the goods. Nothing in this subdivision shall prevent the deliveree or consignee from acting as the deliverer's agent to transfer title to these goods to a buyer who pays the full purchase price. Any payment received by the deliveree or consignee from a buyer of these goods, less any amount which the deliverer expressly agreed could be deducted from the payment for commissions, fees, or expenses, is the property of the deliverer and shall not be subject to the claims of the deliveree's or consignee's creditors.

SEC. 28.3. Section 2502 of the Commercial Code is amended to read:

2502. (1) Subject to subdivisions (2) and (3) and even though the goods have not been shipped a buyer who has paid a part or all of the price of goods in which he or she has a special property under the provisions of the immediately preceding section may on making and keeping good a tender of any unpaid portion of their price recover them from the seller if either:

(a) In the case of goods bought for personal, family, or household purposes, the seller repudiates or fails to deliver as required by the contract.

(b) In all cases, the seller becomes insolvent within 10 days after receipt of the first installment on their price.

(2) The buyer's right to recover the goods under paragraph (a) of subdivision (1) vests upon acquisition of a special property, even if the seller had not then repudiated or failed to deliver.

(3) If the identification creating his or her special property has been made by the buyer he or she acquires the right to recover the goods only if they conform to the contract for sale.

SEC. 28.4. Section 2716 of the Commercial Code is amended to read:

2716. (1) Specific performance may be decreed where the goods are unique or in other proper circumstances.

(2) The decree for specific performance may include such terms and conditions as to payment of the price, damages, or other relief as the court may deem just.

(3) The buyer has a right of replevin for goods identified to the contract if after reasonable effort he or she is unable to effect cover for such goods or the circumstances reasonably indicate that such effort will be unavailing or if the goods have been shipped under reservation and satisfaction of the security interest in them has been made or tendered. In the case of goods bought for personal, family, or household purposes, the buyer's right of replevin vests upon acquisition of a special property, even if the seller had not then repudiated or failed to deliver.

SEC. 29. Section 4210 of the Commercial Code is amended to read:

4210. (a) A collecting bank has a security interest in an item and any accompanying documents or the proceeds of either:

(1) In case of an item deposited in an account to the extent to which credit given for the item has been withdrawn or applied.

(2) In case of an item for which it has given credit available for withdrawal as of right, to the extent of the credit given, whether or not the credit is drawn upon or there is a right of chargeback.

(3) If it makes an advance on or against the item.

(b) If credit given for several items received at one time or pursuant to a single agreement is withdrawn or applied in part, the security interest remains upon all the items, any accompanying documents or the proceeds of either. For the purpose of this section, credits first given are first withdrawn.

(c) Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents, and proceeds. So long as the bank does not receive final settlement for the item or give up possession of the item or accompanying documents for purposes other than collection, the security interest continues to that extent and is subject to Division 9 (commencing with Section 9101), but all of the following are applicable:

(1) No security agreement is necessary to make the security interest enforceable (subparagraph (A) of paragraph (3) of subdivision (b) of Section 9203).

(2) No filing is required to perfect the security interest.

(3) The security interest has priority over conflicting perfected security interests in the item, accompanying documents, or proceeds.

SEC. 29.5. Section 5118 is added to the Commercial Code, to read:

5118. (a) An issuer or nominated person has a security interest in a document presented under a letter of credit to the extent that the issuer or nominated person honors or gives value for the presentation.

(b) So long as and to the extent that an issuer or nominated person has not been reimbursed or has not otherwise recovered the value given with respect to a security interest in a document under subdivision (a), the security interest continues and is subject to Division 9 (commencing with Section 9101), subject to all of the following:

(1) A security agreement is not necessary to make the security interest enforceable under paragraph (3) of subdivision (b) of section 9203.

(2) If the document is presented in a medium other than a written or other tangible medium, the security interest is perfected.

(3) If the document is presented in a written or other tangible medium and is not a certificated security, chattel paper, a document of title, an instrument, or a letter of credit, the security interest is perfected and has priority over a conflicting security interest in the document so long as the debtor does not have possession of the document.

SEC. 30. Section 6102 of the Commercial Code is amended to read:

6102. (a) In this division, unless the context otherwise requires:

(1) "Assets" means the inventory and equipment that is the subject of a bulk sale and any tangible and intangible personal property used or held for use primarily in, or arising from, the seller's business and sold in connection with that inventory and equipment, but the term does not include any of the following:

(i) Fixtures (paragraph (41) of subdivision (a) of Section 9102) other than readily removable factory and office machines.

(ii) The lessee's interest in a lease of real property.

(iii) Property to the extent it is generally exempt from creditor process under nonbankruptcy law.

(2) "Auctioneer" means a person whom the seller engages to direct, conduct, control, or be responsible for a sale by auction.

(3) "Bulk sale" means either of the following:

(i) In the case of a sale by auction or a sale or series of sales conducted by a liquidator on the seller's behalf, a sale or series of sales not in the ordinary course of the seller's business of more than half of the seller's inventory and equipment, as measured by a value on the date of the bulk-sale agreement.

(ii) In all other cases, a sale not in the ordinary course of the seller's business of more than half the seller's inventory and equipment, as measured by value on the date of the bulk-sale agreement.

(4) "Claim" means a right to payment from the seller, whether or not the right is reduced to judgment, liquidated, fixed, matured,

disputed, secured, legal, or equitable. The term includes costs of collection and attorney's fees only to the extent that the laws of this state permit the holder of the claim to recover them in an action against the obligor.

(5) "Claimant" means a person holding a claim incurred in the seller's business other than any of the following:

(i) An unsecured and unmatured claim for employment compensation and benefits, including commissions and vacation, severance, and sick-leave pay.

(ii) A claim for injury to an individual or to property, or for breach of warranty, unless all of the following are satisfied:

(A) A right of action for the claim has accrued.

(B) The claim has been asserted against the seller.

(C) The seller knows the identity of the person asserting the claim and the basis upon which the person has asserted it.

(iii) A claim for taxes owing to a governmental unit, if both of the following are satisfied:

(A) A statute governing the enforcement of the claim permits or requires notice of the bulk sale to be given to the governmental unit in a manner other than by compliance with the requirements of this division.

(B) Notice is given in accordance with the statute.

(6) "Creditor" means a claimant or other person holding a claim.

(7) (i) "Date of the bulk sale" means either of the following:

(A) If the sale is by auction or is conducted by a liquidator on the seller's behalf, the date on which more than 10 percent of the net proceeds is paid to or for the benefit of the seller.

(B) In all other cases, the later of the date on which either of the following occurs:

(I) More than 10 percent of the net contract price is paid to or for the benefit of the seller.

(II) More than 10 percent of the assets, as measured by value, are transferred to the buyer.

(ii) For purposes of this subdivision the following shall apply:

(A) Delivery of a negotiable instrument (subdivision (1) of Section 3104) to or for the benefit of the seller in exchange for assets constitutes payment of the contract price pro tanto.

(B) To the extent that the contract price is deposited in an escrow, the contract price is paid to or for the benefit of the seller when the seller acquires the unconditional right to receive the deposit or when the deposit is delivered to the seller or for the benefit of the seller, whichever is earlier.

(C) An asset is transferred when a person holding an unsecured claim can no longer obtain through judicial proceedings rights to the asset that are superior to those of the buyer arising as a result of the bulk sale. A person holding an unsecured claim can obtain those superior rights to a tangible asset at least until the buyer has an unconditional right, under the bulk-sale agreement, to possess the

asset, and a person holding an unsecured claim can obtain those superior rights to an intangible asset at least until the buyer has an unconditional right, under the bulk-sale agreement, to use the asset.

(8) "Date of the bulk-sale agreement" means either of the following:

(i) In the case of a sale by auction or conducted by a liquidator (subparagraph (i) of paragraph (3)), the date on which the seller engages the auctioneer or liquidator.

(ii) In all other cases, the date on which a bulk-sale agreement becomes enforceable between the buyer and the seller.

(9) "Debt" means liability on a claim.

(10) "Liquidator" means a person who is regularly engaged in the business of disposing of assets for businesses contemplating liquidation or dissolution.

(11) "Net contract price" means the new consideration the buyer is obligated to pay for the assets less each of the following:

(i) The amount of any proceeds of the sale of an asset, to the extent the proceeds are applied in partial or total satisfaction of a debt secured by the asset.

(ii) The amount of any debt to the extent it is secured by a security interest or lien that is enforceable against the asset before and after it has been sold to a buyer. If a debt is secured by an asset and other property of the seller, the amount of the debt secured by a security interest or lien that is enforceable against the asset is determined by multiplying the debt by a fraction, the numerator of which is the value of the new consideration for the asset on the date of the bulk sale and the denominator of which is the value of all property securing the debt on the date of the bulk sale.

(12) "Net proceeds" means the new consideration received for assets sold at a sale by auction or a sale conducted by a liquidator on the seller's behalf less each of the following:

(i) Commissions and reasonable expenses of the sale.

(ii) The amount of any proceeds of the sale of an asset, to the extent the proceeds are applied in partial or total satisfaction of a debt secured by the asset.

(iii) The amount of any debt to the extent it is secured by a security interest or lien that is enforceable against the asset before and after it has been sold to a buyer. If a debt is secured by an asset and other property of the seller, the amount of the debt secured by a security interest or lien that is enforceable against the asset is determined by multiplying the debt by a fraction, the numerator of which is the value of the new consideration for the asset on the date of the bulk sale and the denominator of which is the value of all property securing the debt on the date of the bulk sale.

(13) A sale is "in the ordinary course of the seller's business" if the sale comports with usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices.

(14) "United States" includes its territories and possessions and the Commonwealth of Puerto Rico.

(15) "Value" means fair market value.

(16) "Verified" means signed and sworn to or affirmed.

(b) The following definitions in other divisions apply to this division:

(1) "Buyer." Paragraph (a) of subdivision (1) of Section 2103.

(2) "Equipment." Paragraph (33) of subdivision (a) of Section 9102.

(3) "Inventory." Paragraph (48) of subdivision (a) of Section 9102.

(4) "Sale." Subdivision (1) of Section 2106.

(5) "Seller." Paragraph (d) of subdivision (1) of Section 2103.

(c) In addition, Division 1 (commencing with Section 1101) contains general definitions and principles of construction and interpretation applicable throughout this division.

SEC. 31. Section 6103 of the Commercial Code is amended to read:

6103. (a) Except as otherwise provided in subdivision (c), this division applies to a bulk sale if both of the following are satisfied:

(1) The seller's principal business is the sale of inventory from stock, including those who manufacture what they sell, or that of a restaurant owner.

(2) On the date of the bulk-sale agreement the seller is located in this state or, if the seller is located in a jurisdiction that is not a part of the United States, the seller's major executive office in the United States is in this state.

(b) A seller is deemed to be located at its place of business. If a seller has more than one place of business, the seller is deemed located at its chief executive office.

(c) This division does not apply to any of the following:

(1) A transfer made to secure payment or performance of an obligation.

(2) A transfer of collateral to a secured party pursuant to Section 9609.

(3) A disposition of collateral pursuant to Section 9610.

(4) Retention of collateral pursuant to Section 9620.

(5) A sale of an asset encumbered by a security interest or lien if (i) all the proceeds of the sale are applied in partial or total satisfaction of the debt secured by the security interest or lien or (ii) the security interest or lien is enforceable against the asset after it has been sold to the buyer and the net contract price is zero.

(6) A general assignment for the benefit of creditors or to a subsequent transfer by the assignee.

(7) A sale by an executor, administrator, receiver, trustee in bankruptcy, debtor in possession, or any public officer under judicial process.

(8) A sale made in the course of judicial or administrative proceedings for the dissolution or reorganization of an organization.

(9) A sale to a buyer whose principal place of business is in the United States and who satisfies each of the following:

(i) Not earlier than 21 days before the date of the bulk sale, (A) obtains from the seller a verified and dated list of claimants of whom the seller has notice three days before the seller sends or delivers the list to the buyer or (B) conducts a reasonable inquiry to discover the claimants.

(ii) Assumes in full the debts owed to claimants of whom the buyer has knowledge on the date the buyer receives the list of claimants from the seller or on the date the buyer completes the reasonable inquiry, as the case may be.

(iii) Is not insolvent after the assumption.

(iv) Records and publishes notice of the assumption not later than 30 days after the date of the bulk sale in the manner provided in Section 6105.

(10) A sale to a buyer whose principal place of business is in the United States and who satisfies each of the following:

(i) Assumes in full the debts that were incurred in the seller's business before the date of the bulk sale.

(ii) Is not insolvent after the assumption.

(iii) Records and publishes notice of the assumption not later than 30 days after the date of the bulk sale in the manner provided by Section 6105.

(11) A sale to a new organization that is organized to take over and continue the business of the seller and that has its principal place of business in the United States if each of the following conditions are satisfied:

(i) The buyer assumes in full the debts that were incurred in the seller's business before the date of the bulk sale.

(ii) The seller receives nothing from the sale except an interest in the new organization that is subordinate to the claims against the organization arising from the assumption.

(iii) The buyer records and publishes notice of the assumption not later than 30 days after the date of the bulk sale in the manner provided in Section 6105.

(12) A sale of assets having either of the following:

(i) A value, net of liens and security interests, of less than ten thousand dollars ($10,000). If a debt is secured by assets and other property of the seller, the net value of the assets is determined by subtracting from their value an amount equal to the product of the debt multiplied by a fraction, the numerator of which is the value of the assets on the date of the bulk sale and the denominator of which is the value of all property securing the debt on the date of the bulk sale.

(ii) A value of more than five million dollars ($5,000,000) on the date of the bulk-sale agreement.

(13) A sale required by, and made pursuant to, statute.

(14) A transfer of personal property, if the personal property is leased back to the transferor immediately following the transfer and either there has been compliance with subdivision (h) of Section 3440.1 of the Civil Code or the transfer is exempt under subdivision (k) of Section 3440.1 of the Civil Code.

(15) A transfer which is subject to and complies with Article 5 (commencing with Section 24070) of Chapter 6 of Division 9 of the Business and Professions Code, if the transferee records and publishes notice of the transfer at least 12 business days before the transfer is to be consummated in the manner provided in Section 6105 and the notice contains the information set forth in paragraphs (1) to (4) inclusive, of subdivision (a) of Section 6105.

(16) A transfer of goods in a warehouse where a warehouse receipt has been issued therefor by a warehouseman (Section 7102) and a copy of the receipt is kept at the principal place of business of the warehouseman and at the warehouse in which the goods are stored.

(d) The notice under subparagraph (iv) of paragraph (9) of subdivision (c) shall state each of the following:

(1) That a sale that may constitute a bulk sale has been or will be made.

(2) The date or prospective date of the bulk sale.

(3) The individual, partnership, or corporate names and the addresses of the seller and buyer.

(4) The address to which inquiries about the sale may be made, if different from the seller's address.

(5) That the buyer has assumed or will assume in full the debts owed to claimants of whom the buyer has knowledge on the date the buyer receives the list of claimants from the seller or completes a reasonable inquiry to discover the claimants.

(e) The notice under subparagraph (iii) of paragraph (10) of subdivision (c) and subparagraph (iii) of paragraph (11) of subdivision (c) shall state each of the following:

(1) That a sale that may constitute a bulk sale has been or will be made.

(2) The date or prospective date of the bulk sale.

(3) The individual, partnership, or corporate names and the addresses of the seller and buyer.

(4) The address to which inquiries about the sale may be made, if different from the seller's address.

(5) That the buyer has assumed or will assume the debts that were incurred in the seller's business before the date of the bulk sale.

(f) For purposes of paragraph (12) of subdivision (c), the value of assets is presumed to be equal to the price the buyer agrees to pay for the assets. However, in a sale by auction or a sale conducted by a liquidator on the seller's behalf, the value of assets is presumed to be the amount the auctioneer or liquidator reasonably estimates the assets will bring at auction or upon liquidation.

SEC. 32. Section 7503 of the Commercial Code is amended to read:

7503. (1) A document of title confers no right in goods against a person who before issuance of the document had a legal interest or a perfected security interest in them and who neither

(a) Delivered nor entrusted them nor any document of title covering them to the bailor or his nominee with actual or apparent authority to ship, store or sell or with power to obtain delivery under this division (Section 7403) or with power of disposition under this code (Sections 2403 and 9320) or other statute or rule of law, nor

(b) Acquiesced in the procurement by the bailor or his or her nominee of any document of title.

(2) Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of anyone to whom a bill issued by the freight forwarder is duly negotiated; but delivery by the carrier in accordance with Chapter 4 of this division pursuant to its own bill of lading discharges the carrier's obligation to deliver.

SEC. 33. Section 8103 of the Commercial Code is amended to read:

8103. (a) A share or similar equity interest issued by a corporation, business trust, joint stock company, or similar entity is a security.

(b) An "investment company security" is a security. "Investment company security" means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered, or a face-amount certificate issued by a face-amount certificate company that is so registered. Investment company security does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.

(c) An interest in a partnership or limited liability company is not a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this division, or it is an investment company security. However, an interest in a partnership or limited liability company is a financial asset if it is held in a securities account.

(d) A writing that is a security certificate is governed by this division and not by Division 3 (commencing with Section 3101), even though it also meets the requirements of that division. However, a negotiable instrument governed by Division 3 (commencing with Section 3101) is a financial asset if it is held in a securities account.

(e) An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.

(f) A commodity contract, as defined in paragraph (15) of subdivision (a) of Section 9102, is not a security or a financial asset.

SEC. 33.1. Section 8106 of the Commercial Code is amended to read:

8106. (a) A purchaser has "control" of a certificated security in bearer form if the certificated security is delivered to the purchaser.

(b) A purchaser has "control" of a certificated security in registered form if the certificated security is delivered to the purchaser, and either of the following applies:

(1) The certificate is endorsed to the purchaser or in blank by an effective endorsement.

(2) The certificate is registered in the name of the purchaser, upon original issue or registration of transfer by the issuer.

(c) A purchaser has "control" of an uncertificated security if either of the following applies:

(1) The uncertificated security is delivered to the purchaser; or

(2) The issuer has agreed that it will comply with instructions originated by the purchaser without further consent by the registered owner.

(d) A purchaser has "control" of a security entitlement if any of the following apply:

(1) The purchaser becomes the entitlement holder.

(2) The securities intermediary has agreed that it will comply with entitlement orders originated by the purchaser without further consent by the entitlement holder.

(3) Another person has control of the security entitlement on behalf of the purchaser or, having previously acquired control of the security entitlement, acknowledges that it has control on behalf of the purchaser.

(e) If an interest in a security entitlement is granted by the entitlement holder to the entitlement holder's own securities intermediary, the securities intermediary has control.

(f) A purchaser who has satisfied the requirements of subdivision (c) or (d) has control, even if the registered owner in the case of subdivision (c) or the entitlement holder in the case of subdivision (d) retains the right to make substitutions for the uncertificated security or security entitlement, to originate instructions or entitlement orders to the issuer or securities intermediary, or otherwise to deal with the uncertificated security or security entitlement.

(g) An issuer or a securities intermediary may not enter into an agreement of the kind described in paragraph (2) of subdivision (c) or paragraph (2) of subdivision (d) without the consent of the registered owner or entitlement holder, but an issuer or a securities intermediary is not required to enter into such an agreement even though the registered owner or entitlement holder so directs. An issuer or securities intermediary that has entered into such an agreement is not required to confirm the existence of the agreement to another party unless requested to do so by the registered owner or entitlement holder.

SEC. 33.2. Section 8110 of the Commercial Code is amended to read:

8110. (a) The local law of the issuer's jurisdiction, as specified in subdivision (d), governs the following:

(1) The validity of a security.

(2) The rights and duties of the issuer with respect to registration of transfer.

(3) The effectiveness of registration of transfer by the issuer.

(4) Whether the issuer owes any duties to an adverse claimant to a security.

(5) Whether an adverse claim can be asserted against a person to whom transfer of a certificated or uncertificated security is registered or a person who obtains control of an uncertificated security.

(b) The local law of the securities intermediary's jurisdiction, as specified in subdivision (e), governs the following:

(1) Acquisition of a security entitlement from the securities intermediary.

(2) The rights and duties of the securities intermediary and entitlement holder arising out of a security entitlement.

(3) Whether the securities intermediary owes any duties to an adverse claimant to a security entitlement.

(4) Whether an adverse claim can be asserted against a person who acquires a security entitlement from the securities intermediary or a person who purchases a security entitlement or interest therein from an entitlement holder.

(c) The local law of the jurisdiction in which a security certificate is located at the time of delivery governs whether an adverse claim can be asserted against a person to whom the security certificate is delivered.

(d) "Issuer's jurisdiction" means the jurisdiction under which the issuer of the security is organized or, if permitted by the law of that jurisdiction, the law of another jurisdiction specified by the issuer. An issuer organized under the law of this state may specify the law of another jurisdiction as the law governing the matters specified in paragraphs (2) to (5), inclusive, of subdivision (a).

(e) The following rules determine a "securities intermediary's jurisdiction" for purposes of this section:

(1) If an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that a particular jurisdiction is the security intermediary's jurisdiction for purposes of this code, that jurisdiction is the securities intermediary's jurisdiction.

(2) If paragraph (1) does not apply and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(3) If neither paragraph (1) nor paragraph (2) applies and an agreement between the securities intermediary and its entitlement

holder governing the securities account expressly provides that the securities account is maintained at an office in a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(4) If none of the preceding paragraphs applies, the securities intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the entitlement holder's account is located.

(5) If none of the preceding paragraphs applies, the securities intermediary's jurisdiction is the jurisdiction in which the chief executive office of the securities intermediary is located.

(f) A securities intermediary's jurisdiction is not determined by the physical location of certificates representing financial assets, or by the jurisdiction in which is organized the issuer of the financial asset with respect to which an entitlement holder has a security entitlement, or by the location of facilities for data processing or other record keeping concerning the account.

SEC. 33.3. Section 8301 of the Commercial Code is amended to read:

8301. (a) Delivery of a certificated security to a purchaser occurs when any of the following occur:

(1) The purchaser acquires possession of the security certificate.

(2) Another person, other than a securities intermediary, either acquires possession of the security certificate on behalf of the purchaser or, having previously acquired possession of the certificate, acknowledges that it holds for the purchaser.

(3) A securities intermediary acting on behalf of the purchaser acquires possession of the security certificate, only if the certificate is in registered form and is (A) registered in the name of the purchaser, (B) payable to the order of the purchaser, or (C) specially endorsed to the purchaser by an effective endorsement and has not been endorsed to the securities intermediary or in blank.

(b) Delivery of an uncertificated security to a purchaser occurs when any of the following occur:

(1) The issuer registers the purchaser as the registered owner, upon original issue or registration of transfer.

(2) Another person, other than a securities intermediary, either becomes the registered owner of the uncertificated security on behalf of the purchaser or, having previously become the registered owner, acknowledges that it holds for the purchaser.

SEC. 33.4. Section 8302 of the Commercial Code is amended to read:

8302. (a) Except as otherwise provided in subdivisions (b) and (c), a purchaser of a certificated or uncertificated security acquires all rights in the security that the transferor had or had power to transfer.

(b) A purchaser of a limited interest acquires rights only to the extent of the interest purchased.

(c) A purchaser of a certificated security who as a previous holder had notice of an adverse claim does not improve its position by taking from a protected purchaser.

SEC. 33.41. Section 8510 of the Commercial Code is amended to read:

8510. (a) In a case not covered by the priority rules in Division 9 (commencing with Section 9101) or the rules stated in subdivision (c), an action based on an adverse claim to a financial asset or security entitlement, whether framed in conversion, replevin, constructive trust, equitable lien, or other theory, may not be asserted against a person who purchases a security entitlement, or an interest therein, from an entitlement holder if the purchaser gives value, does not have notice of the adverse claim, and obtains control.

(b) If an adverse claim could not have been asserted against an entitlement holder under Section 8502, the adverse claim cannot be asserted against a person who purchases a security entitlement, or an interest therein, from the entitlement holder.

(c) In a case not covered by the priority rules in Division 9 (commencing with Section 9101), a purchaser for value of a security entitlement, or an interest therein, who obtains control has priority over a purchaser of a security entitlement, or an interest therein, who does not obtain control. Except as otherwise provided in subdivision (d), purchasers who have control rank according to priority in time of any of the following:

(1) The purchaser's becoming the person for whom the securities account, in which the security entitlement is carried, is maintained, if the purchaser obtained control under paragraph (1) of subdivision (d) of Section 8106.

(2) The securities intermediary's agreement to comply with the purchaser's entitlement orders with respect to security entitlements carried or to be carried in the securities account in which the security entitlement is carried, if the purchaser obtained control under paragraph (2) of subdivision (d) of Section 8106.

(3) If the purchaser obtained control through another person under paragraph (3) of subdivision (d) of Section 8106, the time on which priority would be based under this subdivision if the other person were the secured party.

(d) A securities intermediary as purchaser has priority over a conflicting purchaser who has control unless otherwise agreed by the securities intermediary.

SEC. 33.5. Section 8603 of the Commercial Code is amended to read:

8603. (a) This division does not affect an action or proceeding commenced before this division becomes operative.

(b) If a security interest in a security is perfected at the date this division becomes operative, and the action by which the security interest was perfected would suffice to perfect a security interest under this division, no further action is required to continue

perfection. If a security interest in a security is perfected at the date this division takes effect but the action by which the security interest was perfected would not suffice to perfect a security interest under this division, the security interest remains perfected for a period of four months after the operative date and continues perfected thereafter if appropriate action to perfect under this division is taken within that period. If a security interest is perfected at the date this division becomes operative and the security interest can be perfected by filing under Division 9 (commencing with Section 9101), a financing statement signed by the secured party instead of the debtor may be filed within that period to continue perfection or thereafter to perfect and that financing statement shall contain a statement that it is being filed pursuant to this section.

SEC. 34. Division 9 (commencing with Section 9101) of the Commercial Code is repealed.

SEC. 35. Division 9 (commencing with Section 9101) is added to the Commercial Code, to read:

DIVISION 9. SECURED TRANSACTIONS

CHAPTER 1. GENERAL PROVISIONS

9101. This division may be cited as the Uniform Commercial Code-Secured Transactions.

9102. (a) In this division:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2) "Account," except as used in "account for," means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health care insurance receivables. The term does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(4) "Accounting," except as used in "accounting for," means a record that is all of the following:

(A) Authenticated by a secured party.

(B) Indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record.

(C) Identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest, other than a security interest, in farm products that meets all of the following conditions:

(A) It secures payment or performance of an obligation for either of the following:

(i) Goods or services furnished in connection with a debtor's farming operation.

(ii) Rent on real property leased by a debtor in connection with its farming operation.

(B) It is created by statute in favor of a person that does either of the following:

(i) In the ordinary course of its business furnished goods or services to a debtor in connection with a debtor's farming operation.

(ii) Leased real property to a debtor in connection with the debtor's farming operation.

(C) Its effectiveness does not depend on the person's possession of the personal property.

(6) "As-extracted collateral" means either of the following:

(A) Oil, gas, or other minerals that are subject to a security interest that does both of the following:

(i) Is created by a debtor having an interest in the minerals before extraction.

(ii) Attaches to the minerals as extracted.

(B) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) "Authenticate" means to do either of the following:

(A) To sign.

(B) To execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part, with the present intent of the authenticating person to identify the person and adopt or accept a record.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include charters or other contracts involving the use or hire of a vessel. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes all of the following:

(A) Proceeds to which a security interest attaches.

(B) Accounts, chattel paper, payment intangibles, and promissory notes that have been sold.

(C) Goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which either of the following conditions is satisfied:

(A) The claimant is an organization.

(B) The claimant is an individual and both of the following conditions are satisfied regarding the claim:

(i) It arose in the course of the claimant's business or profession.

(ii) It does not include damages arising out of personal injury to or the death of an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is either of the following:

(A) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws.

(B) Traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that is either of the following:

(A) Is registered as a futures commission merchant under federal commodities law.

(B) In the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) "Communicate" means to do either of the following:

(A) To send a written or other tangible record.

(B) To transmit a record by any means agreed upon by the persons sending and receiving the record.

(C) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) "Consignee" means a merchant to which goods are delivered in a consignment.

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and all of the following conditions are satisfied:

(A) The merchant satisfies all of the following conditions:

(i) He or she deals in goods of that kind under a name other than the name of the person making delivery.

(ii) He or she is not an auctioneer.

(iii) He or she is not generally known by its creditors to be substantially engaged in selling the goods of others.

(B) With respect to each delivery, the aggregate value of the goods is one thousand dollars ($1,000) or more at the time of delivery.

(C) The goods are not consumer goods immediately before delivery.

(D) The transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.

(22) "Consumer debtor" means a debtor in a consumer transaction.

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which both of the following conditions are satisfied:

(A) An individual incurs an obligation primarily for personal, family, or household purposes.

(B) A security interest in consumer goods secures the obligation.

(25) "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.

(26) "Consumer transaction" means a transaction in which (i) an individual incurs an obligation primarily for personal, family, or household purposes, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which does both of the following:

(A) Identifies, by its file number, the initial financing statement to which it relates.

(B) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(28) "Debtor" means any of the following:

(A) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor.

(B) A seller of accounts, chattel paper, payment intangibles, or promissory notes.

(C) A consignee.

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) "Document" means a document of title or a receipt of the type described in subdivision (2) of Section 7201.

(31) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) "Equipment" means goods other than inventory, farm products, or consumer goods.

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are any of the following:

(A) Crops grown, growing, or to be grown, including both of the following:

(i) Crops produced on trees, vines, and bushes.

(ii) Aquatic goods produced in aquacultural operations.

(B) Livestock, born or unborn, including aquatic goods produced in aquacultural operations.

(C) Supplies used or produced in a farming operation.

(D) Products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(36) "File number" means the number assigned to an initial financing statement pursuant to subdivision (a) of Section 9519.

(37) "Filing office" means an office designated in Section 9501 as the place to file a financing statement.

(38) "Filing-office rule" means a rule adopted pursuant to Section 9526.

(39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying subdivisions (a) and (b) of Section 9502. The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes payment intangibles and software.

(43) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium with which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) "Health care insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health care goods or services provided.

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary

obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, or (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(48) "Inventory" means goods, other than farm products, which are any of the following:

(A) Leased by a person as lessor.

(B) Held by a person for sale or lease or to be furnished under a contract of service.

(C) Furnished by a person under a contract of service.

(D) Consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is organized.

(51) "Letter-of-credit right" means a right to payment and performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) (A) "Lien creditor" means any of the following:

(i) A creditor that has acquired a lien on the property involved by attachment, levy, or the like.

(ii) An assignee for benefit of creditors from the time of assignment.

(iii) A trustee in bankruptcy from the date of the filing of the petition.

(iv) A receiver in equity from the time of appointment.

(B) "Lien creditor" does not include a creditor who by filing a notice with the Secretary of State has acquired only an attachment or judgment lien on personal property, or both.

(53) "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body-feet or more in width or 40 body-feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States

Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

(54) "Manufactured home transaction" means a secured transaction that satisfies either of the following:

(A) It creates a purchase money security interest in a manufactured home, other than a manufactured home held as inventory.

(B) It is a secured transaction in which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation.

(56) "New debtor" means a person that becomes bound as debtor under subdivision (d) of Section 9203 by a security agreement previously entered into by another person.

(57) "New value" means (i) money, (ii) money's worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor" means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under subdivision (d) of Section 9203.

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

(62) "Person related to," with respect to an individual, means any of the following:

(A) The spouse of the individual.

(B) A brother, brother-in-law, sister, or sister-in-law of the individual.

(C) An ancestor or lineal descendant of the individual or the individual's spouse.

(D) Any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(63) "Person related to," with respect to an organization, means any of the following:

(A) A person directly or indirectly controlling, controlled by, or under common control with the organization.

(B) An officer or director of, or a person performing similar functions with respect to, the organization.

(C) An officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (A).

(D) The spouse of an individual described in subparagraph (A), (B), or (C).

(E) An individual who is related by blood or marriage to an individual described in subparagraph (A), (B), (C), or (D) and shares the same home with the individual.

(64) "Proceeds" means any of the following property:

(A) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral.

(B) Whatever is collected on, or distributed on account of, collateral.

(C) Rights arising out of collateral.

(D) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral.

(E) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record authenticated by a secured party that includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to Sections 9620, 9621, and 9622.

(67) "Public finance transaction" means a secured transaction in connection with which all of the following conditions are satisfied:

(A) Debt securities are issued.

(B) All or a portion of the securities issued have an initial stated maturity of at least 20 years.

(C) The debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

(68) "Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(69) "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(70) "Registered organization" means an organization organized solely under the law of a single state or the United States and as to which the state or the United States must maintain a public record showing the organization to have been organized.

(71) "Secondary obligor" means an obligor to the extent that either of the following conditions are satisfied:

(A) The obligor's obligation is secondary.

(B) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(72) "Secured party" means any of the following:

(A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding.

(B) A person that holds an agricultural lien.

(C) A consignor.

(D) A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold.

(E) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for.

(F) A person that holds a security interest arising under Section 2401, 2505, 4210, or 5118, or under subdivision (3) of Section 2711 or subdivision (5) of Section 10508.

(73) "Security agreement" means an agreement that creates or provides for a security interest.

(74) "Send," in connection with a record or notification, means to do either of the following:

(A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances.

(B) To cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (A).

(75) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(76) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(77) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, document, general intangible, instrument, or investment property.

(78) "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.

(79) "Termination statement" means an amendment of a financing statement that does both of the following:

(A) Identifies, by its file number, the initial financing statement to which it relates.

(B) Indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(80) "Transmitting utility" means a person primarily engaged in the business of any of the following:

(A) Operating a railroad, subway, street railway, or trolley bus.

(B) Transmitting communications electrically, electromagnetically, or by light.

(C) Transmitting goods by pipeline or sewer.

(D) Transmitting or producing and transmitting electricity, steam, gas, or water.

(b) The following definitions in other divisions apply to this division:

"Applicant"	Section 5102.
"Beneficiary"	Section 5102.
"Broker"	Section 8102.
"Certificated security"	Section 8102.
"Check"	Section 3104.
"Clearing corporation"	Section 8102.
"Contract for sale"	Section 2106.
"Customer"	Section 4104.
"Entitlement holder"	Section 8102.
"Financial asset"	Section 8102.
"Holder in due course"	Section 3302.
"Issuer" (with respect to a letter of credit or letter–of–credit right)	Section 5102.
"Issuer" (with respect to a security)	Section 8201.
"Lease"	Section 10103.
"Lease agreement"	Section 10103.
"Lease contract"	Section 10103.
"Leasehold interest"	Section 10103.
"Lessee"	Section 10103.
"Lessee in ordinary course of business"	Section 10103.

"Lessor"	Section 10103.
"Lessor's residual interest"	Section 10103.
"Letter of credit"	Section 5102.
"Merchant"	Section 2104.
"Negotiable instrument"	Section 3104.
"Nominated person"	Section 5102.
"Note"	Section 3104.
"Proceeds of a letter of credit"	Section 5114.
"Prove"	Section 3103.
"Sale"	Section 2106.
"Securities account"	Section 8501.
"Securities intermediary"	Section 8102.
"Security"	Section 8102.
"Security certificate"	Section 8102.
"Security entitlement"	Section 8102.
"Uncertificated security"	Section 8102.

(c) Division 1 (commencing with Section 1101) contains general definitions and principles of construction and interpretation applicable throughout this division.

9103. (a) In this section:

(1) "Purchase money collateral" means goods or software that secures a purchase money obligation incurred with respect to that collateral.

(2) "Purchase money obligation" means an obligation of an obligor incurred as all or part of the price of the collateral or for value given to enable the debtor to acquire rights in or the use of the collateral if the value is in fact so used.

(b) A security interest in goods is a purchase money security interest as follows:

(1) To the extent that the goods are purchase money collateral with respect to that security interest.

(2) If the security interest is in inventory that is or was purchase money collateral, also to the extent that the security interest secures a purchase money obligation incurred with respect to other inventory in which the secured party holds or held a purchase money security interest.

(3) Also to the extent that the security interest secures a purchase money obligation incurred with respect to software in which the secured party holds or held a purchase money security interest.

(c) A security interest in software is a purchase money security interest to the extent that the security interest also secures a purchase money obligation incurred with respect to goods in which the secured party holds or held a purchase money security interest if both of the following conditions are satisfied:

(1) The debtor acquired its interest in the software in an integrated transaction in which it acquired an interest in the goods.

(2) The debtor acquired its interest in the software for the principal purpose of using the software in the goods.

(d) The security interest of a consignor in goods that are the subject of a consignment is a purchase money security interest in inventory.

(e) In a transaction other than a consumer-goods transaction, if the extent to which a security interest is a purchase money security interest depends on the application of a payment to a particular obligation, the payment must be applied as follows:

(1) In accordance with any reasonable method of application to which the parties agree.

(2) In the absence of the parties' agreement to a reasonable method, in accordance with any intention of the obligor manifested at or before the time of payment.

(3) In the absence of an agreement to a reasonable method and a timely manifestation of the obligor's intention, in the following order:

(A) To obligations that are not secured.

(B) If more than one obligation is secured, to obligations secured by purchase money security interests in the order in which those obligations were incurred.

(f) In a transaction other than a consumer-goods transaction, a purchase money security interest does not lose its status as such, even if any of the following conditions are satisfied:

(1) The purchase money collateral also secures an obligation that is not a purchase money obligation.

(2) Collateral that is not purchase money collateral also secures the purchase money obligation.

(3) The purchase money obligation has been renewed, refinanced, consolidated, or restructured.

(g) In a transaction other than a consumer-goods transaction, a secured party claiming a purchase money security interest has the burden of establishing the extent to which the security interest is a purchase money security interest.

(h) The limitation of the rules in subdivisions (e), (f), and (g) to transactions other than consumer-goods transactions is intended to leave to the court the determination of the proper rules in consumer-goods transactions. The court may not infer from that limitation the nature of the proper rule in consumer-goods transactions and may continue to apply established approaches.

9104. (a) A secured party has control of a deposit account if any of the following conditions is satisfied:

(1) The secured party is the bank with which the deposit account is maintained.

(2) The debtor, secured party, and bank have agreed in an authenticated record that the bank will comply with instructions

originated by the secured party directing disposition of the funds in the account without further consent by the debtor.

(3) The secured party becomes the bank's customer with respect to the deposit account.

(b) A secured party that has satisfied subdivision (a) has control, even if the debtor retains the right to direct the disposition of funds from the deposit account.

9105. A secured party has control of electronic chattel paper if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that each of the following conditions is satisfied:

(1) A single authoritative copy of the record or records exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable.

(2) The authoritative copy identifies the secured party as the assignee of the record or records.

(3) The authoritative copy is communicated to and maintained by the secured party or its designated custodian.

(4) Copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the participation of the secured party.

(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy.

(6) Any revision of the authoritative copy is readily identifiable as an authorized or unauthorized revision.

9106. (a) A person has control of a certificated security, uncertificated security, or security entitlement as provided in Section 8106.

(b) A secured party has control of a commodity contract if either of the following conditions is satisfied:

(1) The secured party is the commodity intermediary with which the commodity contract is carried.

(2) The commodity customer, secured party, and commodity intermediary have agreed that the commodity intermediary will apply any value distributed on account of the commodity contract as directed by the secured party without further consent by the commodity customer.

(c) A secured party having control of all security entitlements or commodity contracts carried in a securities account or commodity account has control over the securities account or commodity account.

9107. A secured party has control of a letter-of-credit right to the extent of any right to payment or performance by the issuer or any nominated person if the issuer or nominated person has consented to an assignment of proceeds of the letter of credit under subdivision (c) of Section 5114 or otherwise applicable law or practice.

9108. (a) Except as otherwise provided in subdivisions (c), (d), and (e), a description of personal or real property is sufficient,

whether or not it is specific, if it reasonably identifies what is described.

(b) Except as otherwise provided in subdivision (d), a description of collateral reasonably identifies the collateral if it identifies the collateral by any of the following:

(1) Specific listing.

(2) Category.

(3) Except as otherwise provided in subdivision (e), a type of collateral defined in this code.

(4) Quantity.

(5) Computational or allocational formula or procedure.

(6) Except as otherwise provided in subdivision (c), any other method, if the identity of the collateral is objectively determinable.

(c) A description of collateral as "all the debtor's assets" or "all the debtor's personal property" or using words of similar import does not reasonably identify the collateral.

(d) Except as otherwise provided in subdivision (e), a description of a security entitlement, securities account, or commodity account is sufficient if it describes either of the following:

(1) The collateral by those terms or as investment property.

(2) The underlying financial asset or commodity contract.

(e) A description only by type of collateral defined in this code is an insufficient description of either of the following:

(1) A commercial tort claim.

(2) In a consumer transaction, consumer goods, a security entitlement, a securities account, or a commodity account.

(f) A description of investment property collateral also shall meet the applicable requirements of Section 1799.103 of the Civil Code. A description of consumer goods also shall meet the applicable requirements of Section 1799.100 of the Civil Code.

9109. (a) Except as otherwise provided in subdivisions (c) and (d), this division applies to each of the following:

(1) A transaction, regardless of its form, that creates a security interest in personal property or fixtures by contract.

(2) An agricultural lien.

(3) A sale of accounts, chattel paper, payment intangibles, or promissory notes.

(4) A consignment.

(5) A security interest arising under Section 2401 or 2505, or under subdivision (3) of Section 2711, or subdivision (5) of Section 10508, as provided in Section 9110.

(6) A security interest arising under Section 4210 or 5118.

(b) The application of this division to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this division does not apply.

(c) This division does not apply to the extent that any of the following conditions is satisfied:

(1) A statute, regulation, or treaty of the United States preempts this division.

(2) Another statute of this state expressly governs the creation, perfection, priority, or enforcement of a security interest created by this state or a governmental unit of this state. These statutes include statutes that provide for pledges, liens, or security interests to secure bonds or other obligations (including, without limitation, leases) of this state or a governmental unit, whether the statute is of general application like Sections 5450 and 5451 of the Government Code, or is specific to particular types of obligations of this state or of governmental units or to particular governmental units.

(3) A statute of another state, a foreign country, or a governmental unit of another state or a foreign country, other than a statute generally applicable to security interests, expressly governs creation, perfection, priority, or enforcement of a security interest created by the state, country, or governmental unit.

(4) The rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under Section 5114.

(d) This division does not apply to any of the following:

(1) A landlord's lien, other than an agricultural lien.

(2) A lien, other than an agricultural lien, given by statute or other rule of law for services or materials, but Section 9333 applies with respect to priority of the lien.

(3) An assignment of a claim for wages, salary, or other compensation of an employee.

(4) A sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose.

(5) An assignment of accounts, chattel paper, payment intangibles, or promissory notes which is for the purpose of collection only.

(6) An assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract.

(7) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness.

(8) Any loan made by an insurance company pursuant to the provisions of a policy or contract issued by it and upon the sole security of the policy or contract.

(9) An assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral.

(10) A right of recoupment or setoff, provided that both of the following sections apply:

(A) Section 9340 applies with respect to the effectiveness of rights of recoupment or setoff against deposit accounts.

(B) Section 9404 applies with respect to defenses or claims of an account debtor.

(11) The creation or transfer of an interest in or lien on real property, including a lease or rents thereunder, except to the extent that provision is made for each of the following:

(A) Liens on real property in Sections 9203 and 9308.

(B) Fixtures in Section 9334.

(C) Fixture filings in Sections 9501, 9502, 9512, 9516, and 9519.

(D) Security agreements covering personal and real property in Section 9604.

(12) An assignment of a claim arising in tort, other than a commercial tort claim, but Sections 9315 and 9322 apply with respect to proceeds and priorities in proceeds.

(13) An assignment of a deposit account in a consumer transaction, but Sections 9315 and 9322 apply with respect to proceeds and priorities in proceeds.

(14) Any security interest created by the assignment of the benefits of any public construction contract under the Improvement Act of 1911 (Division 7 (commencing with Section 5000), Streets and Highways Code).

(15) Transition property, as defined in Section 840 of the Public Utilities Code, except to the extent that the provisions of this division are referred to in Article 5.5 (commencing with Section 840) of Chapter 4 of Part 1 of Division 1 of the Public Utilities Code.

9110. A security interest arising under Section 2401 or 2505, or under subdivision (3) of Section 2711, or subdivision (e) of Section 10508 is subject to this division. However, until the debtor obtains possession of the goods, all of the following apply:

(1) The security interest is enforceable, even if paragraph (3) of subdivision (b) of Section 9203 has not been satisfied.

(2) Filing is not required to perfect the security interest.

(3) The rights of the secured party after default by the debtor are governed by Division 2 (commencing with Section 2101) or Division 10 (commencing with Section 10101).

(4) The security interest has priority over a conflicting security interest created by the debtor.

CHAPTER 2. EFFECTIVENESS OF SECURITY AGREEMENT: ATTACHMENT OF SECURITY INTEREST: RIGHTS OF PARTIES TO SECURITY AGREEMENT

9201. (a) Except as otherwise provided in this code, a security agreement is effective according to its terms between the parties, against purchasers of the collateral, and against creditors.

(b) A transaction subject to this division is subject to any applicable rule of law which establishes a different rule for consumers; to Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code; Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the Business and Professions Code; the Retail Installment Sales Act, Chapter 1 (commencing with Section 1801) of Title 2 of Part 4 of

Division 3 of the Civil Code; the Automobile Sales Finance Act, Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code; Part 4 (commencing with Section 1738) of Division 3 of the Civil Code, with respect to the applicable provisions of Titles 1 (commencing with Section 1738), 1.3 (commencing with Section 1747), 1.3A (commencing with Section 1748.10), 1.3B (commencing with Section 1748.20), 1.4 (commencing with Section 1749), 1.5 (commencing with Section 1750), 1.6 (commencing with Section 1785.1), 1.61 (commencing with Section 1785.41), 1.6A (commencing with Section 1786), 1.6B (commencing with Section 1787.1), 1.6C (commencing with Section 1788), 1.6D (commencing with Section 1789), 1.6E (commencing with Section 1789.10), 1.6F (commencing with Section 1789.30), 1.7 (commencing with Section 1790), 1.8 (commencing with Section 1798), 1.83 (commencing with Section 1799.5), 1.84 (commencing with Section 1799.8), 1.85 (commencing with Section 1799.90), 1.86 (commencing with Section 1799.200), 2 (commencing with Section 1801), 2.4 (commencing with Section 1812.50), 2.5 (commencing with Section 1812.80), 2.6 (commencing with Section 1812.100), 2.7 (commencing with Section 1812.200), 2.8 (commencing with Section 1812.300), 2.9 (commencing with Section 1812.400), 2.95 (commencing with Section 1812.600), 2.96 (commencing with Section 1812.620), 3 (commencing with Section 1813), 4 (commencing with Section 1884), and 14 (commencing with Section 2872); the Industrial Loan Law, Division 7 (commencing with Section 18000) of the Financial Code; the Pawnbroker Law, Division 8 (commencing with Section 21000) of the Financial Code; the California Finance Lenders Law, Division 9 (commencing with Section 22000) of the Financial Code; and the Mobilehomes-Manufactured Housing Act of 1980, Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code; and to any applicable consumer protection statute, regulation, or law.

(c) In case of conflict between this division and a rule of law, statute, or regulation described in subdivision (b), the rule of law, statute, or regulation controls. Failure to comply with a statute or regulation described in subdivision (b) has only the effect the statute or regulation specifies.

(d) This division does not do either of the following:

(1) Validate any rate, charge, agreement, or practice that violates a rule of law, statute, or regulation described in subdivision (b).

(2) Extend the application of the rule of law, statute, or regulation to a transaction not otherwise subject to it.

9202. Except as otherwise provided with respect to consignments or sales of accounts, chattel paper, payment intangibles, or promissory notes, the provisions of this article with regard to rights and obligations apply whether title to collateral is in the secured party or the debtor.

9203. (a) A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment.

(b) Except as otherwise provided in subdivisions (c) to (i), inclusive, a security interest is enforceable against the debtor and third parties with respect to the collateral only if each of the following conditions is satisfied:

(1) Value has been given.

(2) The debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party.

(3) One of the following conditions is met:

(A) The debtor has authenticated a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned.

(B) The collateral is not a certificated security and is in the possession of the secured party under Section 9313 pursuant to the debtor's security agreement.

(C) The collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under Section 8301 pursuant to the debtor's security agreement.

(D) The collateral is deposit accounts, electronic chattel paper, investment property, or letter-of-credit rights, and the secured party has control under Section 9104, 9105, 9106, or 9107 pursuant to the debtor's security agreement.

(c) Subdivision (b) is subject to Section 4210 on the security interest of a collecting bank, Section 5118 on the security interest of a letter-of-credit issuer or nominated person, Section 9110 on a security interest arising under Division 2 (commencing with Section 2101) or Division 10 (commencing with Section 10101), and Section 9206 on security interests in investment property.

(d) A person becomes bound as debtor by a security agreement entered into by another person if, by operation of law other than this division or by contract, either of the following conditions is satisfied:

(1) The security agreement becomes effective to create a security interest in the person's property.

(2) The person becomes generally obligated for the obligations of the other person, including the obligation secured under the security agreement, and acquires or succeeds to all or substantially all of the assets of the other person.

(e) If a new debtor becomes bound as debtor by a security agreement entered into by another person both of the following apply:

(1) The agreement satisfies paragraph (3) of subdivision (b) with respect to existing or after-acquired property of the new debtor to the extent the property is described in the agreement.

(2) Another agreement is not necessary to make a security interest in the property enforceable.

(f) The attachment of a security interest in collateral gives the secured party the rights to proceeds provided by Section 9315 and is also attachment of a security interest in a supporting obligation for the collateral.

(g) The attachment of a security interest in a right to payment or performance secured by a security interest or other lien on personal or real property is also attachment of a security interest in the security interest, mortgage, or other lien.

(h) The attachment of a security interest in a securities account is also attachment of a security interest in the security entitlements carried in the securities account.

(i) The attachment of a security interest in a commodity account is also attachment of a security interest in the commodity contracts carried in the commodity account.

9204. (a) Except as otherwise provided in subdivision (b), a security agreement may create or provide for a security interest in after-acquired collateral.

(b) A security interest does not attach under a term constituting an after-acquired property clause to either of the following:

(1) Consumer goods, other than an accession when given as additional security, unless the debtor acquires rights in them within 10 days after the secured party gives value.

(2) A commercial tort claim.

(c) A security agreement may provide that collateral secures, or that accounts, chattel paper, payment intangibles, or promissory notes are sold in connection with, future advances or other value, whether or not the advances or value are given pursuant to commitment.

9205. (a) A security interest is not invalid or fraudulent against creditors solely because either of the following conditions is satisfied:

(1) The debtor has the right or ability to do any of the following:

(A) Use, commingle, or dispose of all or part of the collateral, including returned or repossessed goods.

(B) Collect, compromise, enforce, or otherwise deal with collateral.

(C) Accept the return of collateral or make repossessions.

(D) Use, commingle, or dispose of proceeds.

(2) The secured party fails to require the debtor to account for proceeds or replace collateral.

(b) This section does not relax the requirements of possession if attachment, perfection, or enforcement of a security interest depends upon possession of the collateral by the secured party.

9206. (a) A security interest in favor of a securities intermediary attaches to a person's security entitlement if both of the following conditions are satisfied:

(1) The person buys a financial asset through the securities intermediary in a transaction in which the person is obligated to pay

the purchase price to the securities intermediary at the time of the purchase.

(2) The securities intermediary credits the financial asset to the buyer's securities account before the buyer pays the securities intermediary.

(b) The security interest described in subdivision (a) secures the person's obligation to pay for the financial asset.

(c) A security interest in favor of a person that delivers a certificated security or other financial asset represented by a writing attaches to the security or other financial asset if both of the following conditions are satisfied:

(1) The security or other financial asset satisfies both of the following:

(A) In the ordinary course of business it is transferred by delivery with any necessary endorsement or assignment.

(B) It is delivered under an agreement between persons in the business of dealing with those securities or financial assets.

(2) The agreement calls for delivery against payment.

(d) The security interest described in subdivision (c) secures the obligation to make payment for the delivery.

9207. (a) Except as otherwise provided in subdivision (d), a secured party shall use reasonable care in the custody and preservation of collateral in the secured party's possession. In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(b) Except as otherwise provided in subdivision (d), if a secured party has possession of collateral all of the following apply:

(1) Reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use, or operation of the collateral are chargeable to the debtor and are secured by the collateral.

(2) The risk of accidental loss or damage is on the debtor to the extent of a deficiency in any effective insurance coverage.

(3) The secured party shall keep the collateral identifiable, but fungible collateral may be commingled.

(4) The secured party may use or operate the collateral for any of the following purposes:

(A) For the purpose of preserving the collateral or its value.

(B) As permitted by an order of a court having competent jurisdiction.

(C) Except in the case of consumer goods, in the manner and to the extent agreed by the debtor.

(c) Except as otherwise provided in subdivision (d), a secured party having possession of collateral or control of collateral under Section 9104, 9105, 9106, or 9107 may or shall, as the case may be, do all of the following:

(1) May hold as additional security any proceeds, except money or funds, received from the collateral.

(2) Shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor.

(3) May create a security interest in the collateral.

(d) If the secured party is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor both of the following apply:

(1) Subdivision (a) does not apply unless the secured party is entitled under an agreement to either of the following:

(A) To charge back uncollected collateral.

(B) Otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral.

(2) Subdivisions (b) and (c) do not apply.

9208. (a) This section applies to cases in which there is no outstanding secured obligation and the secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) Within 10 days after receiving an authenticated demand by the debtor all of the following apply:

(1) A secured party having control of a deposit account under paragraph (2) of subdivision (a) of Section 9104 shall send to the bank with which the deposit account is maintained an authenticated statement that releases the bank from any further obligation to comply with instructions originated by the secured party.

(2) A secured party having control of a deposit account under paragraph (3) of subdivision (a) of Section 9104 shall do either of the following:

(A) Pay the debtor the balance on deposit in the deposit account.

(B) Transfer the balance on deposit into a deposit account in the debtor's name.

(3) A secured party, other than a buyer, having control of electronic chattel paper under Section 9105 shall do all of the following:

(A) Communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian.

(B) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor.

(C) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party.

(4) A secured party having control of investment property under paragraph (2) of subdivision (d) of Section 8106 or under subdivision (b) of Section 9106 shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained an authenticated record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party.

(5) A secured party having control of a letter-of-credit right under Section 9107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party an authenticated release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party.

9209. (a) Except as otherwise provided in subdivision (c), this section applies if both of the following conditions are satisfied:

(1) There is no outstanding secured obligation.

(2) The secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) Within 10 days after receiving an authenticated demand by the debtor, a secured party shall send to an account debtor that has received notification of an assignment to the secured party as assignee under subdivision (a) of Section 9406 an authenticated record that releases the account debtor from any further obligation to the secured party.

(c) This section does not apply to an assignment constituting the sale of an account, chattel paper, or payment intangible.

9210. (a) In this section:

(1) "Request" means a record of a type described in paragraph (2), (3), or (4).

(2) "Request for an accounting" means a record authenticated by a debtor requesting that the recipient provide an accounting of the unpaid obligations secured by collateral and reasonably identifying the transaction or relationship that is the subject of the request.

(3) "Request regarding a list of collateral" means a record authenticated by a debtor requesting that the recipient approve or correct a list of what the debtor believes to be the collateral securing an obligation and reasonably identifying the transaction or relationship that is the subject of the request.

(4) "Request regarding a statement of account" means a record authenticated by a debtor requesting that the recipient approve or correct a statement indicating what the debtor believes to be the aggregate amount of unpaid obligations secured by collateral as of a specified date and reasonably identifying the transaction or relationship that is the subject of the request.

(b) Subject to subdivisions (c), (d), (e), and (f), a secured party, other than a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor, shall comply with a request within 14 days after receipt as follows:

(1) In the case of a request for an accounting, by authenticating and sending to the debtor an accounting.

(2) In the case of a request regarding a list of collateral or a request regarding a statement of account, by authenticating and sending to the debtor an approval or correction.

(c) A secured party that claims a security interest in all of a particular type of collateral owned by the debtor may comply with a request regarding a list of collateral by sending to the debtor an authenticated record including a statement to that effect within 14 days after receipt.

(d) A person that receives a request regarding a list of collateral, claims no interest in the collateral when it receives the request, and claimed an interest in the collateral at an earlier time shall comply with the request within 14 days after receipt by sending to the debtor an authenticated record that satisfies both of the following conditions:

(1) It disclaims any interest in the collateral.

(2) If known to the recipient, it provides the name and mailing address of any assignee of or successor to the recipient's interest in the collateral.

(e) A person that receives a request for an accounting or a request regarding a statement of account, claims no interest in the obligations when it receives the request, and claimed an interest in the obligations at an earlier time shall comply with the request within 14 days after receipt by sending to the debtor an authenticated record that satisfies both of the following conditions:

(1) It disclaims any interest in the obligations.

(2) If known to the recipient, it provides the name and mailing address of any assignee of or successor to the recipient's interest in the obligations.

(f) A debtor is entitled without charge to one response to a request under this section during any six-month period. The secured party may require payment of a charge not exceeding twenty-five dollars ($25) for each additional response.

CHAPTER 3. PERFECTION AND PRIORITY

9301. Except as otherwise provided in Sections 9303 to 9306, inclusive, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

(1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

(2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or

nonperfection, and the priority of a possessory security interest in that collateral.

(3) Except as otherwise provided in paragraph (4), while negotiable documents, goods, instruments, money, or tangible chattel paper is located in a jurisdiction, the local law of that jurisdiction governs all of the following:

(A) Perfection of a security interest in the goods by filing a fixture filing.

(B) Perfection of a security interest in timber to be cut.

(C) The effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

(4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

9302. While farm products are located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of an agricultural lien on the farm products.

9303. (a) This section applies to goods covered by a certificate of title, even if there is no other relationship between the jurisdiction under whose certificate of title the goods are covered and the goods or the debtor.

(b) Goods become covered by a certificate of title when a valid application for the certificate of title and the applicable fee are delivered to the appropriate authority. Goods cease to be covered by a certificate of title at the earlier of the time the certificate of title ceases to be effective under the law of the issuing jurisdiction or the time the goods become covered subsequently by a certificate of title issued by another jurisdiction.

(c) The local law of the jurisdiction under whose certificate of title the goods are covered governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in goods covered by a certificate of title from the time the goods become covered by the certificate of title until the goods cease to be covered by the certificate of title.

9304. (a) The local law of a bank's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a deposit account maintained with that bank.

(b) The following rules determine a bank's jurisdiction for purposes of this chapter:

(1) If an agreement between the bank and the debtor governing the deposit account expressly provides that a particular jurisdiction is the bank's jurisdiction for purposes of this chapter, this division, or this code, that jurisdiction is the bank's jurisdiction.

(2) If paragraph (1) does not apply and an agreement between the bank and its customer governing the deposit account expressly

provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(3) If neither paragraph (1) nor paragraph (2) applies and an agreement between the bank and its customer governing the deposit account expressly provides that the deposit account is maintained at an office in a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(4) If none of the preceding paragraphs applies, the bank's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the customer's account is located.

(5) If none of the preceding paragraphs applies, the bank's jurisdiction is the jurisdiction in which the chief executive office of the bank is located.

9305. (a) Except as otherwise provided in subdivision (c), the following rules apply:

(1) While a security certificate is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the certificated security represented thereby.

(2) The local law of the issuer's jurisdiction as specified in subdivision (d) of Section 8110 governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in an uncertificated security.

(3) The local law of the securities intermediary's jurisdiction as specified in subdivision (e) of Section 8110 governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a security entitlement or securities account.

(4) The local law of the commodity intermediary's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a commodity contract or commodity account.

(b) The following rules determine a commodity intermediary's jurisdiction for purposes of this chapter:

(1) If an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that a particular jurisdiction is the commodity intermediary's jurisdiction for purposes of this chapter, this division, or this code, that jurisdiction is the commodity intermediary's jurisdiction.

(2) If paragraph (1) does not apply and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(3) If neither paragraph (1) nor paragraph (2) applies and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that

the commodity account is maintained at an office in a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(4) If none of the preceding paragraphs applies, the commodity intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the commodity customer's account is located.

(5) If none of the preceding paragraphs applies, the commodity intermediary's jurisdiction is the jurisdiction in which the chief executive office of the commodity intermediary is located.

(c) The local law of the jurisdiction in which the debtor is located governs all of the following:

(1) Perfection of a security interest in investment property by filing.

(2) Automatic perfection of a security interest in investment property created by a broker or securities intermediary.

(3) Automatic perfection of a security interest in a commodity contract or commodity account created by a commodity intermediary.

9306. (a) Subject to subdivision (c), the local law of the issuer's jurisdiction or a nominated person's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a letter-of-credit right if the issuer's jurisdiction or nominated person's jurisdiction is a state.

(b) For purposes of this chapter, an issuer's jurisdiction or nominated person's jurisdiction is the jurisdiction whose law governs the liability of the issuer or nominated person with respect to the letter-of-credit right as provided in Section 5116.

(c) This section does not apply to a security interest that is perfected only under subdivision (d) of Section 9308.

9307. (a) In this section, "place of business" means a place where a debtor conducts its affairs.

(b) Except as otherwise provided in this section, the following rules determine a debtor's location:

(1) A debtor who is an individual is located at the individual's principal residence.

(2) A debtor that is an organization and has only one place of business is located at its place of business.

(3) A debtor that is an organization and has more than one place of business is located at its chief executive office.

(c) Subdivision (b) applies only if a debtor's residence, place of business, or chief executive office, as applicable, is located in a jurisdiction whose law generally requires information concerning the existence of a nonpossessory security interest to be made generally available in a filing, recording, or registration system as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. If

subdivision (b) does not apply, the debtor is located in the District of Columbia.

(d) A person that ceases to exist, have a residence, or have a place of business continues to be located in the jurisdiction specified by subdivisions (b) and (c).

(e) A registered organization that is organized under the law of a state is located in that state.

(f) Except as otherwise provided in subdivision (i), a registered organization that is organized under the law of the United States and a branch or agency of a bank that is not organized under the law of the United States or a state are located in either of the following jurisdictions:

(1) In the state that the law of the United States designates, if the law designates a state of location.

(2) In the state that the registered organization, branch, or agency designates, if the law of the United States authorizes the registered organization, branch, or agency to designate its state of location.

(3) In the District of Columbia, if neither paragraph (1) nor paragraph (2) applies.

(g) A registered organization continues to be located in the jurisdiction specified by subdivision (e) or (f) notwithstanding either of the following:

(1) The suspension, revocation, forfeiture, or lapse of the registered organization's status as such in its jurisdiction of organization.

(2) The dissolution, winding up, or cancellation of the existence of the registered organization.

(h) The United States is located in the District of Columbia.

(i) A branch or agency of a bank that is not organized under the law of the United States or a state is located in the state in which the branch or agency is licensed, if all branches and agencies of the bank are licensed in only one state.

(j) A foreign air carrier under the Federal Aviation Act of 1958, as amended, is located at the designated office of the agent upon which service of process may be made on behalf of the carrier.

(k) This section applies only for purposes of this chapter.

9308. (a) Except as otherwise provided in this section and in Section 9309, a security interest is perfected if it has attached and all of the applicable requirements for perfection in Sections 9310 to 9316, inclusive, have been satisfied. A security interest is perfected when it attaches if the applicable requirements are satisfied before the security interest attaches.

(b) An agricultural lien is perfected if it has become effective and all of the applicable requirements for perfection in Section 9310 have been satisfied. An agricultural lien is perfected when it becomes effective if the applicable requirements are satisfied before the agricultural lien becomes effective.

(c) A security interest or agricultural lien is perfected continuously if it is originally perfected by one method under this division and is later perfected by another method under this division, without an intermediate period when it was unperfected.

(d) Perfection of a security interest in collateral also perfects a security interest in a supporting obligation for the collateral.

(e) Perfection of a security interest in a right to payment or performance also perfects a security interest in a security interest, mortgage, or other lien on personal or real property securing the right.

(f) Perfection of a security interest in a securities account also perfects a security interest in the security entitlements carried in the securities account.

(g) Perfection of a security interest in a commodity account also perfects a security interest in the commodity contracts carried in the commodity account.

9309. The following security interests are perfected when they attach:

(1) A purchase money security interest in consumer goods, except as otherwise provided in subdivision (b) of Section 9311 with respect to consumer goods that are subject to a statute or treaty described in subdivision (a) of Section 9311.

(2) An assignment of accounts or payment intangibles which does not by itself or in conjunction with other assignments to the same assignee transfer a significant part of the assignor's outstanding accounts or payment intangibles.

(3) A sale of a payment intangible.

(4) A sale of a promissory note.

(5) A security interest created by the assignment of a health care insurance receivable to the provider of the health care goods or services.

(6) A security interest arising under Section 2401 or 2505, under subdivision (3) of Section 2711, or under subdivision (5) of Section 10508, until the debtor obtains possession of the collateral.

(7) A security interest of a collecting bank arising under Section 4210.

(8) A security interest of an issuer or nominated person arising under Section 5118.

(9) A security interest arising in the delivery of a financial asset under subdivision (c) of Section 9206.

(10) A security interest in investment property created by a broker or securities intermediary.

(11) A security interest in a commodity contract or a commodity account created by a commodity intermediary.

(12) An assignment for the benefit of all creditors of the transferor and subsequent transfers by the assignee thereunder.

(13) A security interest created by an assignment of a beneficial interest in a decedent's estate.

9310. (a) Except as otherwise provided in subdivision (b) and in subdivision (b) of Section 9312, a financing statement must be filed to perfect all security interests and agricultural liens.

(b) The filing of a financing statement is not necessary to perfect a security interest that satisfies any of the following conditions:

(1) It is perfected under subdivision (d), (e), (f), or (g) of Section 9308.

(2) It is perfected under Section 9309 when it attaches.

(3) It is a security interest in property subject to a statute, regulation, or treaty described in subdivision (a) of Section 9311.

(4) It is a security interest in goods in possession of a bailee which is perfected under paragraph (1) or (2) of subdivision (d) of Section 9312.

(5) It is a security interest in certificated securities, documents, goods, or instruments which is perfected without filing or possession under subdivision (e), (f), or (g) of Section 9312.

(6) It is a security interest in collateral in the secured party's possession under Section 9313.

(7) It is a security interest in a certificated security which is perfected by delivery of the security certificate to the secured party under Section 9313.

(8) It is a security interest in deposit accounts, electronic chattel paper, investment property, or letter-of-credit rights which is perfected by control under Section 9314.

(9) It is a security interest in proceeds which is perfected under Section 9315.

(10) It is perfected under Section 9316.

(11) It is a security interest in, or claim in or under, any policy of insurance including unearned premiums which is perfected by written notice to the insurer under paragraph (4) of subdivision (b) of Section 9312.

(c) If a secured party assigns a perfected security interest or agricultural lien, a filing under this division is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

9311. (a) Except as otherwise provided in subdivision (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to any of the following:

(1) A statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt subdivision (a) of Section 9310.

(2) (A) The provisions of the Vehicle Code which require registration of a vehicle or boat.

(B) The provisions of the Health and Safety Code which require registration of a mobilehome or commercial coach, except that during any period in which collateral is inventory, the filing

provisions of Chapter 5 (commencing with Section 9501) apply to a security interest in that collateral.

(C) The provisions of the Health and Safety Code which require registration of all interests in approved air contaminant emission reductions (Sections 40709 to 40713, inclusive, of the Health and Safety Code).

(3) A certificate of title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with the requirements of a statute, regulation, or treaty described in subdivision (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this division. Except as otherwise provided in subdivision (d), in Section 9313, and in subdivisions (d) and (e) of Section 9316 for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subdivision (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) Except as otherwise provided in subdivision (d) and in subdivisions (d) and (e) of Section 9316, duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subdivision (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this division.

(d) During any period in which collateral is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling or leasing goods of that kind, this section does not apply to a security interest in that collateral created by that person as debtor.

9312. (a) A security interest in chattel paper, negotiable documents, instruments, or investment property may be perfected by filing.

(b) Except as otherwise provided in subdivisions (c) and (d) of Section 9315 for proceeds, all of the following apply:

(1) A security interest in a deposit account may be perfected only by control under Section 9314.

(2) Except as otherwise provided in subdivision (d) of Section 9308, a security interest in a letter-of-credit right may be perfected only by control under Section 9314.

(3) A security interest in money may be perfected only by the secured party's taking possession under Section 9313.

(4) A security interest in, or claim in or under, any policy of insurance, including unearned premiums, may be perfected only by giving written notice of the security interest or claim to the insurer. This paragraph does not apply to a health care insurance receivable.

A security interest in a health care insurance receivable may be perfected only as otherwise provided in this division.

(c) While goods are in the possession of a bailee that has issued a negotiable document covering the goods both of the following apply:

(1) A security interest in the goods may be perfected by perfecting a security interest in the document.

(2) A security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

(d) While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by any of the following methods:

(1) Issuance of a document in the name of the secured party.

(2) The bailee's receipt of notification of the secured party's interest.

(3) Filing as to the goods.

(e) A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession for a period of 20 days from the time it attaches to the extent that it arises for new value given under an authenticated security agreement.

(f) A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for 20 days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of either of the following:

(1) Ultimate sale or exchange.

(2) Loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

(g) A perfected security interest in a certificated security or instrument remains perfected for 20 days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of either of the following:

(1) Ultimate sale or exchange.

(2) Presentation, collection, enforcement, renewal, or registration of transfer.

(h) After the 20-day period specified in subdivision (e), (f), or (g) expires, perfection depends upon compliance with this division.

9313. (a) Except as otherwise provided in subdivision (b), a secured party may perfect a security interest in negotiable documents, goods, instruments, money, or tangible chattel paper by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under Section 8301.

(b) With respect to goods covered by a certificate of title issued by this state, a secured party may perfect a security interest in the

goods by taking possession of the goods only in the circumstances described in subdivision (d) of Section 9316.

(c) With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when either of the following conditions is satisfied:

(1) The person in possession authenticates a record acknowledging that it holds possession of the collateral for the secured party's benefit.

(2) The person takes possession of the collateral after having authenticated a record acknowledging that it will hold possession of collateral for the secured party's benefit.

(d) If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs no earlier than the time the secured party takes possession and continues only while the secured party retains possession.

(e) A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under Section 8301 and remains perfected by delivery until the debtor obtains possession of the security certificate.

(f) A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

(g) If a person acknowledges that it holds possession for the secured party's benefit both of the following apply:

(1) The acknowledgment is effective under subdivision (c) or under subdivision (a) of Section 8301, even if the acknowledgment violates the rights of a debtor.

(2) Unless the person otherwise agrees or law other than this division otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

(h) A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the delivery or is instructed contemporaneously with the delivery to do either of the following:

(1) To hold possession of the collateral for the secured party's benefit.

(2) To redeliver the collateral to the secured party.

(i) A secured party does not relinquish possession, even if a delivery under subdivision (h) violates the rights of a debtor. A person to which collateral is delivered under subdivision (h) does not owe any duty to the secured party and is not required to confirm the delivery to another person unless the person otherwise agrees or law other than this division otherwise provides.

9314. (a) A security interest in investment property, deposit accounts, letter-of-credit rights, or electronic chattel paper may be perfected by control of the collateral under Section 9104, 9105, 9106, or 9107.

(b) A security interest in deposit accounts, electronic chattel paper, or letter-of-credit rights is perfected by control under Section 9104, 9105, or 9107 when the secured party obtains control and remains perfected by control only while the secured party retains control.

(c) A security interest in investment property is perfected by control under Section 9106 from the time the secured party obtains control and remains perfected by control until both of the following conditions are satisfied:

(1) The secured party does not have control.

(2) One of the following occurs:

(A) If the collateral is a certificated security, the debtor has or acquires possession of the security certificate.

(B) If the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner.

(C) If the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

9315. (a) Except as otherwise provided in this division and in subdivision (2) of Section 2403, both of the following apply:

(1) A security interest or agricultural lien continues in collateral notwithstanding sale, lease, license, exchange, or other disposition thereof unless the secured party authorized the disposition free of the security interest or agricultural lien.

(2) A security interest attaches to any identifiable proceeds of collateral.

(b) Proceeds that are commingled with other property are identifiable proceeds as follows:

(1) If the proceeds are goods, to the extent provided by Section 9336.

(2) If the proceeds are not goods, to the extent that the secured party identifies the proceeds by a method of tracing, including application of equitable principles, that is permitted under law other than this division with respect to commingled property of the type involved.

(c) A security interest in proceeds is a perfected security interest if the security interest in the original collateral was perfected.

(d) A perfected security interest in proceeds becomes unperfected on the 21st day after the security interest attaches to the proceeds unless any of the following conditions is satisfied:

(1) All of the following are satisfied:

(A) A filed financing statement covers the original collateral.

(B) The proceeds are collateral in which a security interest may be perfected by filing in the office in which the financing statement has been filed.

(C) The proceeds are not acquired with cash proceeds.

(2) The proceeds are identifiable cash proceeds.

(3) The security interest in the proceeds is perfected other than under subdivision (c) when the security interest attaches to the proceeds or within 20 days thereafter.

(e) If a filed financing statement covers the original collateral, a security interest in proceeds which remains perfected under paragraph (1) of subdivision (d) becomes unperfected at the later of either of the following:

(1) When the effectiveness of the filed financing statement lapses under Section 9515 or is terminated under Section 9513.

(2) The 21st day after the security interest attaches to the proceeds.

(f) Cash proceeds retain their character as cash proceeds while in the possession of a levying officer pursuant to Title 6.5 (commencing with Section 481.010) or Title 9 (commencing with Section 680.010) of Part 2 of the Code of Civil Procedure.

9316. (a) A security interest perfected pursuant to the law of the jurisdiction designated in subdivision (1) of Section 9301 or in subdivision (c) of Section 9305 remains perfected until the earliest of any of the following:

(1) The time perfection would have ceased under the law of that jurisdiction.

(2) The expiration of four months after a change of the debtor's location to another jurisdiction.

(3) The expiration of one year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

(b) If a security interest described in subdivision (a) becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subdivision, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(c) A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if all of the following conditions are satisfied:

(1) The collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction.

(2) Thereafter the collateral is brought into another jurisdiction.

(3) Upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

(d) Except as otherwise provided in subdivision (e), a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this state remains

perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

(e) A security interest described in subdivision (d) becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under subdivision (b) of Section 9311 or under Section 9313 are not satisfied before the earlier of either of the following:

(1) The time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this state.

(2) The expiration of four months after the goods had become so covered.

(f) A security interest in deposit accounts, letter-of-credit rights, or investment property which is perfected under the law of the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of the following:

(1) The time the security interest would have become unperfected under the law of that jurisdiction.

(2) The expiration of four months after a change of the applicable jurisdiction to another jurisdiction.

(g) If a security interest described in subdivision (f) becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subdivision, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

9317. (a) A security interest or agricultural lien is subordinate to the rights of both of the following:

(1) A person entitled to priority under Section 9322.

(2) A person that becomes a lien creditor before the earlier of the time the security interest or agricultural lien is perfected or a financing statement covering the collateral is filed.

(b) Except as otherwise provided in subdivision (e), a buyer, other than a secured party, of tangible chattel paper, documents, goods, instruments, or a security certificate takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) Except as otherwise provided in subdivision (e), a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) A licensee of a general intangible or a buyer, other than a secured party, of accounts, electronic chattel paper, general intangibles, or investment property other than a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) Except as otherwise provided in Sections 9320 and 9321, if a person files a financing statement with respect to a purchase money security interest before or within 20 days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

9318. (a) A debtor that has sold an account, chattel paper, payment intangible, or promissory note does not retain a legal or equitable interest in the collateral sold.

(b) For purposes of determining the rights of creditors of, and purchasers for value of an account or chattel paper from, a debtor that has sold an account or chattel paper, while the buyer's security interest is unperfected, the debtor is deemed to have rights and title to the account or chattel paper identical to those the debtor sold.

9319. (a) Except as otherwise provided in subdivision (b), for purposes of determining the rights of creditors of, and purchasers for value of goods from, a consignee, while the goods are in the possession of the consignee, the consignee has rights and title to the goods identical to those the consignor had or had power to transfer.

(b) For purposes of determining the rights of a creditor of a consignee, law other than this division determines the rights and title of a consignee while goods are in the consignee's possession if, under this chapter, a perfected security interest held by the consignor would have priority over the rights of the creditor.

9320. (a) Except as otherwise provided in subdivision (e), a buyer in ordinary course of business takes free of a security interest created by the buyer's seller, even if the security interest is perfected and the buyer knows of its existence.

(b) Except as otherwise provided in subdivision (e), a buyer of goods from a person who used or bought the goods for use primarily for personal, family, or household purposes takes free of a security interest, even if perfected, if all of the following conditions are satisfied:

(1) The buyer buys without knowledge of the security interest.

(2) The buyer buys for value.

(3) The buyer buys primarily for the buyer's personal, family, or household purposes.

(4) The buyer buys before the filing of a financing statement covering the goods.

(c) To the extent that it affects the priority of a security interest over a buyer of goods under subdivision (b), the period of effectiveness of a filing made in the jurisdiction in which the seller is located is governed by subdivisions (a) and (b) of Section 9316.

(d) A buyer in ordinary course of business buying oil, gas, or other minerals at the wellhead or minehead or after extraction takes free of an interest arising out of an encumbrance.

(e) Subdivisions (a) and (b) do not affect a security interest in goods in the possession of the secured party under Section 9313.

9321. (a) In this section, "licensee in ordinary course of business" means a person that becomes a licensee of a general intangible in good faith, without knowledge that the license violates the rights of another person in the general intangible, and in the ordinary course from a person in the business of licensing general intangibles of that kind. A person becomes a licensee in the ordinary course if the license to the person comports with the usual or customary practices in the kind of business in which the licensor is engaged or with the licensor's own usual or customary practices.

(b) A licensee in ordinary course of business takes its rights under a nonexclusive license free of a security interest in the general intangible created by the licensor, even if the security interest is perfected and the licensee knows of its existence.

(c) A lessee in ordinary course of business takes its leasehold interest free of a security interest in the goods created by the lessor, even if the security interest is perfected and the lessee knows of its existence.

(d) This section shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends that date.

9321. (a) A lessee in ordinary course of business takes its leasehold interest free of a security interest in the goods created by the lessor, even if the security interest is perfected and the lessee knows of its existence.

(b) This section shall become operative on January 1, 2004.

9322. (a) Except as otherwise provided in this section, priority among conflicting security interests and agricultural liens in the same collateral is determined according to the following rules:

(1) Conflicting perfected security interests and agricultural liens rank according to priority in time of filing or perfection. Priority dates from the earlier of the time a filing covering the collateral is first made or the security interest or agricultural lien is first perfected, if there is no period thereafter when there is neither filing nor perfection.

(2) A perfected security interest or agricultural lien has priority over a conflicting unperfected security interest or agricultural lien.

(3) The first security interest or agricultural lien to attach or become effective has priority if conflicting security interests and agricultural liens are unperfected.

(b) For the purposes of paragraph (1) of subdivision (a), the following rules apply:

(1) The time of filing or perfection as to a security interest in collateral is also the time of filing or perfection as to a security interest in proceeds.

(2) The time of filing or perfection as to a security interest in collateral supported by a supporting obligation is also the time of filing or perfection as to a security interest in the supporting obligation.

(c) Except as otherwise provided in subdivision (f), a security interest in collateral which qualifies for priority over a conflicting security interest under Section 9327, 9328, 9329, 9330, or 9331 also has priority over a conflicting security interest in both of the following:

(1) Any supporting obligation for the collateral.

(2) Proceeds of the collateral if all of the following conditions are satisfied:

(A) The security interest in proceeds is perfected.

(B) The proceeds are cash proceeds or of the same type as the collateral.

(C) In the case of proceeds that are proceeds of proceeds, all intervening proceeds are cash proceeds, proceeds of the same type as the collateral, or an account relating to the collateral.

(d) Subject to subdivision (e) and except as otherwise provided in subdivision (f), if a security interest in chattel paper, deposit accounts, negotiable documents, instruments, investment property, or letter-of-credit rights is perfected by a method other than filing, conflicting perfected security interests in proceeds of the collateral rank according to priority in time of filing.

(e) Subdivision (d) applies only if the proceeds of the collateral are not cash proceeds, chattel paper, negotiable documents, instruments, investment property, or letter-of-credit rights.

(f) Subdivisions (a) to (e), inclusive, are subject to all of the following:

(1) Subdivision (g) and the other provisions of this chapter.

(2) Section 4210 with respect to a security interest of a collecting bank.

(3) Section 5118 with respect to a security interest of an issuer or nominated person.

(4) Section 9110 with respect to a security interest arising under Division 2 (commencing with Section 2101) or Division 10 (commencing with Section 10101).

(g) A perfected agricultural lien on collateral has priority over a conflicting security interest in or agricultural lien on the same collateral if the statute creating the agricultural lien so provides.

9323. (a) Except as otherwise provided in subdivision (c), for purposes of determining the priority of a perfected security interest under paragraph (1) of subdivision (a) of Section 9322, perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that satisfies both of the following conditions:

(1) It is made while the security interest is perfected only under either of the following:

(A) Under Section 9309 when it attaches.

(B) Temporarily under subdivision (e), (f), or (g) of Section 9312.

(2) It is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under Section 9309 or under subdivision (e), (f), or (g) of Section 9312.

(b) Except as otherwise provided in subdivision (c), a security interest is subordinate to the rights of a person that becomes a lien creditor to the extent that the security interest secures an advance made more than 45 days after the person becomes a lien creditor unless either of the following conditions is satisfied:

(1) The advance is made without knowledge of the lien.

(2) The advance is made pursuant to a commitment entered into without knowledge of the lien.

(c) Subdivisions (a) and (b) do not apply to a security interest held by a secured party that is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor.

(d) Except as otherwise provided in subdivision (e), a buyer of goods other than a buyer in ordinary course of business takes free of a security interest to the extent that it secures advances made after the earlier of either of the following:

(1) The time the secured party acquires knowledge of the buyer's purchase.

(2) Forty-five days after the purchase.

(e) Subdivision (d) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the buyer's purchase and before the expiration of the 45-day period.

(f) Except as otherwise provided in subdivision (g), a lessee of goods, other than a lessee in ordinary course of business, takes the leasehold interest free of a security interest to the extent that it secures advances made after the earlier of either of the following:

(1) The time the secured party acquires knowledge of the lease.

(2) Forty-five days after the lease contract becomes enforceable.

(g) Subdivision (f) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the lease and before the expiration of the 45-day period.

9324. (a) Except as otherwise provided in subdivision (g), a perfected purchase money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in Section 9327, a perfected security interest in its identifiable proceeds also has priority, if the purchase money security interest is perfected when the debtor receives possession of the collateral or within 20 days thereafter.

(b) Subject to subdivision (c) and except as otherwise provided in subdivision (g), a perfected purchase money security interest in

inventory has priority over a conflicting security interest in the same inventory, has priority over a conflicting security interest in chattel paper or an instrument constituting proceeds of the inventory and in proceeds of the chattel paper, if so provided in Section 9330, and, except as otherwise provided in Section 9327, also has priority in identifiable cash proceeds of the inventory to the extent the identifiable cash proceeds are received on or before the delivery of the inventory to a buyer, if all of the following conditions are satisfied:

(1) The purchase money security interest is perfected when the debtor receives possession of the inventory.

(2) The purchase money secured party sends an authenticated notification to the holder of the conflicting security interest.

(3) The holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory.

(4) The notification states that the person sending the notification has or expects to acquire a purchase money security interest in inventory of the debtor and describes the inventory.

(c) Paragraphs (2) to (4), inclusive, of subdivision (b) apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of inventory as follows:

(1) If the purchase money security interest is perfected by filing, before the date of the filing.

(2) If the purchase money security interest is temporarily perfected without filing or possession under subdivision (f) of Section 9312, before the beginning of the 20-day period thereunder.

(d) Subject to subdivision (e) and except as otherwise provided in subdivision (g), a perfected purchase money security interest in livestock that are farm products has priority over a conflicting security interest in the same livestock, and, except as otherwise provided in Section 9327, a perfected security interest in their identifiable proceeds and identifiable products in their unmanufactured states also has priority, if all of the following conditions are satisfied:

(1) The purchase money security interest is perfected when the debtor receives possession of the livestock.

(2) The purchase money secured party sends an authenticated notification to the holder of the conflicting security interest.

(3) The holder of the conflicting security interest receives the notification within six months before the debtor receives possession of the livestock.

(4) The notification states that the person sending the notification has or expects to acquire a purchase money security interest in livestock of the debtor and describes the livestock.

(e) Paragraphs (2) to (4), inclusive, of subdivision (d) apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of livestock as follows:

(1) If the purchase money security interest is perfected by filing, before the date of the filing.

(2) If the purchase money security interest is temporarily perfected without filing or possession under subdivision (f) of Section 9312, before the beginning of the 20-day period thereunder.

(f) Except as otherwise provided in subdivision (g), a perfected purchase money security interest in software has priority over a conflicting security interest in the same collateral, and, except as otherwise provided in Section 9327, a perfected security interest in its identifiable proceeds also has priority, to the extent that the purchase money security interest in the goods in which the software was acquired for use has priority in the goods and proceeds of the goods under this section.

(g) If more than one security interest qualifies for priority in the same collateral under subdivision (a), (b), (d), or (f), the following rules apply:

(1) A security interest securing an obligation incurred as all or part of the price of the collateral has priority over a security interest securing an obligation incurred for value given to enable the debtor to acquire rights in, or the use of, collateral.

(2) In all other cases, subdivision (a) of Section 9322 applies to the qualifying security interests.

9325. (a) Except as otherwise provided in subdivision (b), a security interest created by a debtor is subordinate to a security interest in the same collateral created by another person if either of the following applies:

(1) The debtor acquired the collateral subject to the security interest created by the other person.

(2) The security interest created by the other person was perfected when the debtor acquired the collateral.

(3) There is no period thereafter when the security interest is unperfected.

(b) Subdivision (a) subordinates a security interest only if either of the following conditions is satisfied:

(1) The security interest otherwise would have priority solely under subdivision (a) of Section 9322 or under Section 9324.

(2) The security interest arose solely under subdivision (3) of Section 2711 or subdivision (5) of Section 10508.

9326. (a) Subject to subdivision (b), a security interest created by a new debtor which is perfected by a filed financing statement that is effective solely under Section 9508 in collateral in which a new debtor has or acquires rights is subordinate to a security interest in the same collateral which is perfected other than by a filed financing statement that is effective solely under Section 9508.

(b) The other provisions of this chapter determine the priority among conflicting security interests in the same collateral perfected by filed financing statements that are effective solely under Section 9508. However, if the security agreements to which a new debtor

became bound as debtor were not entered into by the same original debtor, the conflicting security interests rank according to priority in time of the new debtor's having become bound.

9327. The following rules govern priority among conflicting security interests in the same deposit account:

(1) A security interest held by a secured party having control of the deposit account under Section 9104 has priority over a conflicting security interest held by a secured party that does not have control.

(2) Except as otherwise provided in subdivisions (3) and (4), security interests perfected by control under Section 9314 rank according to priority in time of obtaining control.

(3) Except as otherwise provided in subdivision (4), a security interest held by the bank with which the deposit account is maintained has priority over a conflicting security interest held by another secured party.

(4) A security interest perfected by control under paragraph (3) of subdivision (a) of Section 9104 has priority over a security interest held by the bank with which the deposit account is maintained.

9328. The following rules govern priority among conflicting security interests in the same investment property:

(1) A security interest held by a secured party having control of investment property under Section 9106 has priority over a security interest held by a secured party that does not have control of the investment property.

(2) Except as otherwise provided in subdivisions (3) and (4), conflicting security interests held by secured parties each of which has control under Section 9106 rank according to priority in time of one of the following:

(A) If the collateral is a security, obtaining control.

(B) If the collateral is a security entitlement carried in a securities account and if the secured party obtained control under paragraph (1) of subdivision (d) of Section 8106, the secured party's becoming the person for which the securities account is maintained.

(C) If the collateral is a security entitlement carried in a securities account and if the secured party obtained control under paragraph (2) of subdivision (d) of Section 8106, the securities intermediary's agreement to comply with the secured party's entitlement orders with respect to security entitlements carried, or to be carried, in the securities account.

(D) If the collateral is a security entitlement carried in a securities account and if the secured party obtained control through another person under paragraph (3) of subdivision (d) of Section 8106, the time on which priority would be based under this paragraph if the other person were the secured party.

(E) If the collateral is a commodity contract carried with a commodity intermediary, the satisfaction of the requirement for control specified in paragraph (2) of subdivision (b) of Section 9106

with respect to commodity contracts carried, or to be carried, with the commodity intermediary.

(3) A security interest held by a securities intermediary in a security entitlement or a securities account maintained with the securities intermediary has priority over a conflicting security interest held by another secured party.

(4) A security interest held by a commodity intermediary in a commodity contract or a commodity account maintained with the commodity intermediary has priority over a conflicting security interest held by another secured party.

(5) A security interest in a certificated security in registered form which is perfected by taking delivery under subdivision (a) of Section 9313 and not by control under Section 9314 has priority over a conflicting security interest perfected by a method other than control.

(6) Conflicting security interests created by a broker, securities intermediary, or commodity intermediary which are perfected without control under Section 9106 rank equally.

(7) In all other cases, priority among conflicting security interests in investment property is governed by Sections 9322 and 9323.

9329. The following rules govern priority among conflicting security interests in the same letter-of-credit right:

(1) A security interest held by a secured party having control of the letter-of-credit right under Section 9107 has priority to the extent of its control over a conflicting security interest held by a secured party that does not have control.

(2) Security interests perfected by control under Section 9314 rank according to priority in time of obtaining control.

9330. (a) A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed merely as proceeds of inventory subject to a security interest if both of the following conditions are satisfied:

(1) In good faith and in the ordinary course of the purchaser's business, the purchaser gives new value and takes possession of the chattel paper or obtains control of the chattel paper under Section 9105.

(2) The chattel paper does not indicate that it has been assigned to an identified assignee other than the purchaser.

(b) A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed other than merely as proceeds of inventory subject to a security interest if the purchaser gives new value and takes possession of the chattel paper or obtains control of the chattel paper under Section 9105 in good faith, in the ordinary course of the purchaser's business, and without knowledge that the purchase violates the rights of the secured party.

(c) Except as otherwise provided in Section 9327, a purchaser having priority in chattel paper under subdivision (a) or (b) also has

priority in proceeds of the chattel paper to the extent that either of the following applies:

(1) Section 9322 provides for priority in the proceeds.

(2) The proceeds consist of the specific goods covered by the chattel paper or cash proceeds of the specific goods, even if the purchaser's security interest in the proceeds is unperfected.

(d) Except as otherwise provided in subdivision (a) of Section 9331, a purchaser of an instrument has priority over a security interest in the instrument perfected by a method other than possession if the purchaser gives value and takes possession of the instrument in good faith and without knowledge that the purchase violates the rights of the secured party.

(e) For purposes of subdivisions (a) and (b), the holder of a purchase money security interest in inventory gives new value for chattel paper constituting proceeds of the inventory.

(f) For purposes of subdivisions (b) and (d), if chattel paper or an instrument indicates that it has been assigned to an identified secured party other than the purchaser, a purchaser of the chattel paper or instrument has knowledge that the purchase violates the rights of the secured party.

9331. (a) This division does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated, or a protected purchaser of a security. These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in Division 3 (commencing with Section 3101), Division 7 (commencing with Section 7101), and Division 8 (commencing with Section 8101).

(b) This division does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of an adverse claim under Division 8 (commencing with Section 8101).

(c) Filing under this division does not constitute notice of a claim or defense to the holders, or purchasers, or persons described in subdivisions (a) and (b).

9332. (a) A transferee of money takes the money free of a security interest unless the transferee acts in collusion with the debtor in violating the rights of the secured party.

(b) A transferee of funds from a deposit account takes the funds free of a security interest in the deposit account unless the transferee acts in collusion with the debtor in violating the rights of the secured party.

9333. (a) In this section, "possessory lien" means an interest, other than a security interest or an agricultural lien which satisfies all of the following conditions:

(1) It secures payment or performance of an obligation for services or materials furnished with respect to goods by a person in the ordinary course of the person's business.

(2) It is created by statute or rule of law in favor of the person.

(3) Its effectiveness depends on the person's possession of the goods.

(b) A possessory lien on goods has priority over a security interest in the goods unless the lien is created by a statute that expressly provides otherwise.

9334. (a) A security interest under this division may be created in goods that are fixtures or may continue in goods that become fixtures. A security interest does not exist under this division in ordinary building materials incorporated into an improvement on land.

(b) This division does not prevent creation of an encumbrance upon fixtures under real property law.

(c) In cases not governed by subdivisions (d) to (h), inclusive, a security interest in fixtures is subordinate to a conflicting interest of an encumbrancer or owner of the related real property other than the debtor.

(d) Except as otherwise provided in subdivision (h), a perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property and all of the following conditions are satisfied:

(1) The security interest is a purchase money security interest.

(2) The interest of the encumbrancer or owner arises before the goods become fixtures.

(3) The security interest is perfected by a fixture filing before the goods become fixtures or within 20 days thereafter.

(e) A perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if any of the following conditions is satisfied:

(1) The debtor has an interest of record in the real property or is in possession of the real property and both of the following conditions are satisfied:

(A) The security interest is perfected by a fixture filing before the interest of the encumbrancer or owner is of record.

(B) The security interest has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner.

(2) The fixtures are readily removable factory or office machines or readily removable replacements of domestic appliances that are consumer goods.

(3) The conflicting interest is a lien on the real property obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this division.

(4) The security interest is both of the following:

(A) Created in a manufactured home in a manufactured home transaction.

(B) Perfected pursuant to a statute described in paragraph (2) of subdivision (a) of Section 9311.

(f) A security interest in fixtures, whether or not perfected, has priority over a conflicting interest of an encumbrancer or owner of the real property if either of the following conditions is satisfied:

(1) The encumbrancer or owner has, in an authenticated record, consented to the security interest or disclaimed an interest in the goods as fixtures.

(2) The debtor has a right to remove the goods as against the encumbrancer or owner.

(g) The priority of the security interest under paragraph (2) of subdivision (f) continues for a reasonable time if the debtor's right to remove the goods as against the encumbrancer or owner terminates.

(h) A mortgage is a construction mortgage to the extent that it secures an obligation incurred for the construction of an improvement on land, including the acquisition cost of the land, if a recorded record of the mortgage so indicates. Except as otherwise provided in subdivisions (e) and (f), a security interest in fixtures is subordinate to a construction mortgage if a record of the mortgage is recorded before the goods become fixtures and the goods become fixtures before the completion of the construction. A mortgage has this priority to the same extent as a construction mortgage to the extent that it is given to refinance a construction mortgage.

(i) A perfected security interest in crops growing on real property has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in, or is in possession of, the real property.

9335. (a) A security interest may be created in an accession and continues in collateral that becomes an accession.

(b) If a security interest is perfected when the collateral becomes an accession, the security interest remains perfected in the collateral.

(c) Except as otherwise provided in subdivision (d), the other provisions of this chapter determine the priority of a security interest in an accession.

(d) A security interest in an accession is subordinate to a security interest in the whole which is perfected by compliance with the requirements of a certificate of title statute under subdivision (b) of Section 9311.

(e) After default, subject to Chapter 6 (commencing with subdivision 9601), a secured party may remove an accession from other goods if the security interest in the accession has priority over the claims of every person having an interest in the whole.

(f) A secured party that removes an accession from other goods under subdivision (e) shall promptly reimburse any holder of a security interest or other lien on, or owner of, the whole or of the other goods, other than the debtor, for the cost of repair of any physical injury to the whole or the other goods. The secured party need not reimburse the holder or owner for any diminution in value of the whole or the other goods caused by the absence of the accession

removed or by any necessity for replacing it. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate assurance for the performance of the obligation to reimburse.

9336. (a) In this section, "commingled goods" means goods that are physically united with other goods in such a manner that their identity is lost in a product or mass.

(b) A security interest does not exist in commingled goods as such. However, a security interest may attach to a product or mass that results when goods become commingled goods.

(c) If collateral becomes commingled goods, a security interest attaches to the product or mass.

(d) If a security interest in collateral is perfected before the collateral becomes commingled goods, the security interest that attaches to the product or mass under subdivision (c) is perfected.

(e) Except as otherwise provided in subdivision (f), the other provisions of this chapter determine the priority of a security interest that attaches to the product or mass under subdivision (c).

(f) If more than one security interest attaches to the product or mass under subdivision (c), the following rules determine priority:

(1) A security interest that is perfected under subdivision (d) has priority over a security interest that is unperfected at the time the collateral becomes commingled goods.

(2) If more than one security interest is perfected under subdivision (d), the security interests rank equally in proportion to value of the collateral at the time it became commingled goods.

9337. If, while a security interest in goods is perfected by any method under the law of another jurisdiction, this state issues a certificate of title that does not show that the goods are subject to the security interest or contain a statement that they may be subject to security interests not shown on the certificate both of the following apply:

(1) A buyer of the goods, other than a person in the business of selling goods of that kind, takes free of the security interest if the buyer gives value and receives delivery of the goods after issuance of the certificate and without knowledge of the security interest.

(2) The security interest is subordinate to a conflicting security interest in the goods that attaches, and is perfected under subdivision (b) of Section 9311, after issuance of the certificate and without the conflicting secured party's knowledge of the security interest.

9338. If a security interest or agricultural lien is perfected by a filed financing statement providing information described in paragraph (5) of subdivision (b) of Section 9516 which is incorrect at the time the financing statement is filed both of the following apply:

(1) The security interest or agricultural lien is subordinate to a conflicting perfected security interest in the collateral to the extent

that the holder of the conflicting security interest gives value in reasonable reliance upon the incorrect information.

(2) A purchaser, other than a secured party, of the collateral takes free of the security interest or agricultural lien to the extent that, in reasonable reliance upon the incorrect information, the purchaser gives value and, in the case of chattel paper, documents, goods, instruments, or a security certificate, receives delivery of the collateral.

9339. This division does not preclude subordination by agreement by a person entitled to priority.

9340. (a) Except as otherwise provided in subdivision (c), a bank with which a deposit account is maintained may exercise any right of recoupment or setoff against a secured party that holds a security interest in the deposit account.

(b) Except as otherwise provided in subdivision (c), the application of this division to a security interest in a deposit account does not affect a right of recoupment or setoff of the secured party as to a deposit account maintained with the secured party.

(c) The exercise by a bank of a setoff against a deposit account is ineffective against a secured party that holds a security interest in the deposit account which is perfected by control under paragraph (3) of subdivision (a) of Section 9104, if the setoff is based on a claim against the debtor.

9341. Except as otherwise provided in subdivision (c) of Section 9340, and unless the bank otherwise agrees in an authenticated record, a bank's rights and duties with respect to a deposit account maintained with the bank are not terminated, suspended, or modified by any of the following:

(1) The creation, attachment, or perfection of a security interest in the deposit account.

(2) The bank's knowledge of the security interest.

(3) The bank's receipt of instructions from the secured party.

9342. This division does not require a bank to enter into an agreement of the kind described in paragraph (2) of subdivision (a) of Section 9104, even if its customer so requests or directs. A bank that has entered into such an agreement is not required to confirm the existence of the agreement to another person unless requested to do so by its customer.

CHAPTER 4. RIGHTS OF THIRD PARTIES

9401. (a) Except as otherwise provided in subdivision (b) and in Sections 9406, 9407, 9408, and 9409, whether a debtor's rights in collateral may be voluntarily or involuntarily transferred is governed by law other than this division.

(b) An agreement between the debtor and secured party which prohibits a transfer of the debtor's rights in collateral or makes the transfer a default does not prevent the transfer from taking effect.

9402. The existence of a security interest, agricultural lien, or authority given to a debtor to dispose of or use collateral, without more, does not subject a secured party to liability in contract or tort for the debtor's acts or omissions.

9403. (a) In this section, "value" has the meaning provided in subdivision (a) of Section 3303.

(b) Except as otherwise provided in this section, an agreement between an account debtor and an assignor not to assert against an assignee any claim or defense that the account debtor may have against the assignor is enforceable by an assignee that takes an assignment that satisfies all of the following conditions:

(1) It is taken for value.

(2) It is taken in good faith.

(3) It is taken without notice of a claim of a property or possessory right to the property assigned.

(4) It is taken without notice of a defense or claim in recoupment of the type that may be asserted against a person entitled to enforce a negotiable instrument under subdivision (a) of Section 3305.

(c) Subdivision (b) does not apply to defenses of a type that may be asserted against a holder in due course of a negotiable instrument under subdivision (b) of Section 3305.

(d) In a consumer transaction, if a record evidences the account debtor's obligation, law other than this division requires that the record include a statement to the effect that the rights of an assignee are subject to claims or defenses that the account debtor could assert against the original obligee, and the record does not include such a statement, then both of the following apply:

(1) The record has the same effect as if the record included such a statement.

(2) The account debtor may assert against an assignee those claims and defenses that would have been available if the record included such a statement.

(e) This section is subject to law other than this division which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(f) Except as otherwise provided in subdivision (d), this section does not displace law other than this division which gives effect to an agreement by an account debtor not to assert a claim or defense against an assignee.

9404. (a) Unless an account debtor has made an enforceable agreement not to assert defenses or claims, and subject to subdivisions (b) to (e), inclusive, the rights of an assignee are subject to both of the following:

(1) All terms of the agreement between the account debtor and assignor and any defense or claim in recoupment arising from the transaction that gave rise to the contract.

(2) Any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives a notification of the assignment authenticated by the assignor or the assignee.

(b) Subject to subdivision (c) and except as otherwise provided in subdivision (d), the claim of an account debtor against an assignor may be asserted against an assignee under subdivision (a) only to reduce the amount the account debtor owes.

(c) This section is subject to law other than this division which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(d) In a consumer transaction, if a record evidences the account debtor's obligation, law other than this division requires that the record include a statement to the effect that the account debtor's recovery against an assignee with respect to claims and defenses against the assignor may not exceed amounts paid by the account debtor under the record, and the record does not include such a statement, the extent to which a claim of an account debtor against the assignor may be asserted against an assignee is determined as if the record included such a statement.

(e) This section does not apply to an assignment of a health care insurance receivable.

9405. (a) A modification of or substitution for an assigned contract is effective against an assignee if made in good faith. The assignee acquires corresponding rights under the modified or substituted contract. The assignment may provide that the modification or substitution is a breach of contract by the assignor. This subdivision is subject to subdivisions (b) to (d), inclusive.

(b) Subdivision (a) applies to the extent that either of the following apply:

(1) The right to payment or a part thereof under an assigned contract has not been fully earned by performance.

(2) The right to payment or a part thereof has been fully earned by performance and the account debtor has not received notification of the assignment under subdivision (a) of Section 9406.

(c) This section is subject to law other than this division which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(d) This section does not apply to an assignment of a health care insurance receivable.

9406. (a) Subject to subdivisions (b) to (i), inclusive, an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt

of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) Subject to subdivision (h), notification is ineffective under subdivision (a) as follows:

(1) If it does not reasonably identify the rights assigned.

(2) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this division.

(3) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if any of the following conditions is satisfied:

(A) Only a portion of the account, chattel paper, or general intangible has been assigned to that assignee.

(B) A portion has been assigned to another assignee.

(C) The account debtor knows that the assignment to that assignee is limited.

(c) Subject to subdivision (h), if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subdivision (a).

(d) Except as otherwise provided in subdivision (e) and in Sections 9407 and 10303, and subject to subdivision (h), a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it does either of the following:

(1) Prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note.

(2) Provides that the assignment, transfer, creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) Subdivision (d) does not apply to the sale of a payment intangible or promissory note.

(f) Except as otherwise provided in Sections 9407 and 10303, and subject to subdivisions (h) and (i), a rule of law, statute, or regulation, that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute, or regulation does either of the following:

(1) Prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account or chattel paper.

(2) Provides that the assignment, transfer, creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

(g) Subject to subdivision (h), an account debtor may not waive or vary its option under paragraph (3) of subdivision (b).

(h) This section is subject to law other than this division which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) This section does not apply to an assignment of a health care insurance receivable.

9407. (a) Except as otherwise provided in subdivision (b), a term in a lease agreement is ineffective to the extent that it does either of the following:

(1) Prohibits, restricts, or requires the consent of a party to the lease to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, an interest of a party under the lease contract or in the lessor's residual interest in the goods.

(2) Provides that the assignment, transfer, creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the lease.

(b) Except as otherwise provided in subdivision (g) of Section 10303, a term described in paragraph (2) of subdivision (a) is effective to the extent that there is either of the following:

(1) A transfer by the lessee of the lessee's right of possession or use of the goods in violation of the term.

(2) A delegation of a material performance of either party to the lease contract in violation of the term.

(c) The creation, attachment, perfection, or enforcement of a security interest in the lessor's interest under the lease contract or the lessor's residual interest in the goods is not a transfer that materially impairs the lessee's prospect of obtaining return performance or materially changes the duty of or materially increases the burden or risk imposed on the lessee within the purview of subdivision (d) of Section 10303 unless, and then only to the extent that, enforcement actually results in a delegation of material performance of the lessor. Even in that event, the creation, attachment, perfection, and enforcement of the security interest remain effective.

9408. (a) Except as otherwise provided in subdivision (b), a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health care insurance receivable or

a general intangible, including a contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or the creation, attachment, or perfection of a security interest in, the promissory note, health care insurance receivable, or general intangible, is ineffective to the extent that the term does, or would do, either of the following:

(1) It would impair the creation, attachment, or perfection of a security interest.

(2) It provides that the assignment, transfer, creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health care insurance receivable, or general intangible.

(b) Subdivision (a) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note.

(c) A rule of law, statute, or regulation, which prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or the creation of a security interest in, a promissory note, health care insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation does, or would do, either of the following:

(1) It would impair the creation, attachment, or perfection of a security interest.

(2) It provides that the assignment, transfer, creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health care insurance receivable, or general intangible.

(d) To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health care insurance receivable or general intangible or a rule of law, statute, or regulation described in subdivision (c) would be effective under law other than this division but is ineffective under subdivision (a) or (c), all of the following rules apply with respect to the creation, attachment, or perfection of a security interest in the promissory note, health care insurance receivable, or general intangible:

(1) It is not enforceable against the person obligated on the promissory note or the account debtor.

(2) It does not impose a duty or obligation on the person obligated on the promissory note or the account debtor.

(3) It does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or

render performance to the secured party, or accept payment or performance from the secured party.

(4) It does not entitle the secured party to use or assign the debtor's rights under the promissory note, health care insurance receivable, or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health care insurance receivable, or general intangible.

(5) It does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor.

(6) It does not entitle the secured party to enforce the security interest in the promissory note, health care insurance receivable, or general intangible.

9409. (a) A term in a letter of credit or a rule of law, statute, regulation, custom, or practice applicable to the letter of credit which prohibits, restricts, or requires the consent of an applicant, issuer, or nominated person to a beneficiary's assignment of or creation of a security interest in a letter-of-credit right is ineffective to the extent that the term or rule of law, statute, regulation, custom, or practice does, or would do, either of the following:

(1) It would impair the creation, attachment, or perfection of a security interest in the letter-of-credit right.

(2) It provides that the assignment, creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the letter-of-credit right.

(b) To the extent that a term in a letter of credit is ineffective under subdivision (a) but would be effective under law other than this division or a custom or practice applicable to the letter of credit, to the transfer of a right to draw or otherwise demand performance under the letter of credit, or to the assignment of a right to proceeds of the letter of credit, all of the following rules apply with respect to the creation, attachment, or perfection of a security interest in the letter-of-credit right:

(1) It is not enforceable against the applicant, issuer, nominated person, or transferee beneficiary.

(2) It imposes no duties or obligations on the applicant, issuer, nominated person, or transferee beneficiary.

(3) It does not require the applicant, issuer, nominated person, or transferee beneficiary to recognize the security interest, pay or render performance to the secured party, or accept payment or other performance from the secured party.

CHAPTER 5. FILING

9501. (a) Except as otherwise provided in subdivision (b), if the local law of this state governs perfection of a security interest or

agricultural lien, the office in which to file a financing statement to perfect the security interest or agricultural lien is either of the following:

(1) The office designated for the filing or recording of a record of a mortgage on the related real property, if either of the following conditions is satisfied:

(A) The collateral is as-extracted collateral or timber to be cut.

(B) The financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures.

(2) The office of the Secretary of State in all other cases, including a case in which the collateral is goods that are or are to become fixtures and the financing statement is not filed as a fixture filing.

(b) The office in which to file a financing statement to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the Secretary of State. The financing statement also constitutes a fixture filing as to the collateral indicated in the financing statement which is or is to become fixtures.

9502. (a) Subject to subdivision (b), a financing statement is sufficient only if it satisfies all of the following conditions:

(1) It provides the name of the debtor.

(2) It provides the name of the secured party or a representative of the secured party.

(3) It indicates the collateral covered by the financing statement.

(b) Except as otherwise provided in subdivision (b) of Section 9501, to be sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, must satisfy subdivision (a) and also satisfy all of the following conditions:

(1) Indicate that it covers this type of collateral.

(2) Indicate that it is to be recorded in the real property records.

(3) Provide a description of the real property to which the collateral is related sufficient to give constructive notice of a mortgage under the law of this state if the description were contained in a record of the mortgage of the real property.

(4) If the debtor does not have an interest of record in the real property, provide the name of a record owner.

(c) A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if all of the following conditions are satisfied:

(1) The record indicates the goods or accounts that it covers.

(2) The goods are or are to become fixtures related to the real property described in the record or the collateral is related to the real property described in the record and is as-extracted collateral or timber to be cut.

(3) The record complies with the requirements for a financing statement in this section other than an indication that it is to be filed in the real property records.

(4) The record is duly recorded.

(d) A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

9503. (a) A financing statement sufficiently provides the name of the debtor only if it does so in accordance with the following rules:

(1) If the debtor is a registered organization, only if the financing statement provides the name of the debtor indicated on the public record of the debtor's jurisdiction of organization which shows the debtor to have been organized.

(2) If the debtor is a decedent's estate, only if the financing statement provides the name of the decedent and indicates that the debtor is an estate.

(3) If the debtor is a trust or a trustee acting with respect to property held in trust, only if the financing statement satisfies both of the following conditions:

(A) It provides the name specified for the trust in its organic documents or, if no name is specified, provides the name of the settlor and additional information sufficient to distinguish the debtor from other trusts having one or more of the same settlors.

(B) It indicates, in the debtor's name or otherwise, that the debtor is a trust or is a trustee acting with respect to property held in trust.

(4) In other cases, according to the following rules:

(A) If the debtor has a name, only if it provides the individual or organizational name of the debtor.

(B) If the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor.

(b) A financing statement that provides the name of the debtor in accordance with subdivision (a) is not rendered ineffective by the absence of either of the following:

(1) A trade name or other name of the debtor.

(2) Unless required under subparagraph (B) of paragraph (4) of subdivision (a), names of partners, members, associates, or other persons comprising the debtor.

(c) A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

(d) Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

(e) A financing statement may provide the name of more than one debtor and the name of more than one secured party.

9504. A financing statement sufficiently indicates the collateral that it covers if the financing statement provides either of the following:

(1) A description of the collateral pursuant to Section 9108.

(2) An indication that the financing statement covers all assets or all personal property.

9505. (a) A consignor, lessor, or other bailor of goods, a licensor, or a buyer of a payment intangible or promissory note may file a financing statement, or may comply with a statute or treaty described in subdivision (a) of Section 9311, using the terms "consignor," "consignee," "lessor," "lessee," "bailor," "bailee," "licensor," "licensee," "owner," "registered owner," "buyer," "seller," or words of similar import, instead of the terms "secured party" and "debtor."

(b) This chapter applies to the filing of a financing statement under subdivision (a) and, as appropriate, to compliance that is equivalent to filing a financing statement under subdivision (b) of Section 9311, but the filing or compliance is not of itself a factor in determining whether the collateral secures an obligation. If it is determined for another reason that the collateral secures an obligation, a security interest held by the consignor, lessor, bailor, owner, or buyer which attaches to the collateral is perfected by the filing or compliance.

9506. (a) A financing statement substantially satisfying the requirements of this part is effective, even if it has minor errors or omissions, unless the errors or omissions make the financing statement seriously misleading.

(b) Except as otherwise provided in subdivision (c), a financing statement that fails sufficiently to provide the name of the debtor in accordance with subdivision (a) of Section 9503 is seriously misleading.

(c) If a search of the records of the filing office under the debtor's correct name, using the filing office's standard search logic, if any, would disclose a financing statement that fails sufficiently to provide the name of the debtor in accordance with subdivision (a) of Section 9503, the name provided does not make the financing statement seriously misleading.

(d) For purposes of subdivision (b) of Section 9508, the "debtor's correct name" in subdivision (c) means the correct name of the new debtor.

9507. (a) A filed financing statement remains effective with respect to collateral that is sold, exchanged, leased, licensed, or otherwise disposed of and in which a security interest or agricultural lien continues, even if the secured party knows of or consents to the disposition.

(b) Except as otherwise provided in subdivision (c) and in Section 9508, a financing statement is not rendered ineffective if, after the financing statement is filed, the information provided in the financing statement becomes seriously misleading under Section 9506.

(c) If a debtor so changes its name that a filed financing statement becomes seriously misleading under Section 9506, the following rules apply:

(1) The financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within four months after, the change.

(2) The financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within four months after the change.

9508. (a) Except as otherwise provided in this section, a filed financing statement naming an original debtor is effective to perfect a security interest in collateral in which a new debtor has or acquires rights to the extent that the financing statement would have been effective had the original debtor acquired rights in the collateral.

(b) If the difference between the name of the original debtor and that of the new debtor causes a filed financing statement that is effective under subdivision (a) to be seriously misleading under Section 9506, the following rules apply:

(1) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within four months after, the new debtor becomes bound under subdivision (d) of Section 9203.

(2) The financing statement is not effective to perfect a security interest in collateral acquired by the new debtor more than four months after the new debtor becomes bound under subdivision (d) of Section 9203 unless an initial financing statement providing the name of the new debtor is filed before the expiration of that time.

(c) This section does not apply to collateral as to which a filed financing statement remains effective against the new debtor under subdivision (a) of Section 9507.

9509. (a) A person may file an initial financing statement, an amendment that adds collateral covered by a financing statement, or an amendment that adds a debtor to a financing statement only if either of the following conditions is satisfied:

(1) The debtor authorizes the filing in an authenticated record.

(2) The person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien.

(b) By authenticating or becoming bound as debtor by a security agreement, a debtor or new debtor authorizes the filing of an initial financing statement, and an amendment, covering both of the following:

(1) The collateral described in the security agreement.

(2) Property that becomes collateral under paragraph (2) of subdivision (a) of Section 9315, whether or not the security agreement expressly covers proceeds.

(c) A person may file an amendment other than an amendment that adds collateral covered by a financing statement or an

amendment that adds a debtor to a financing statement only if either of the following conditions is satisfied:

(1) The secured party of record authorizes the filing.

(2) The amendment is a termination statement for a financing statement as to which the secured party of record has failed to file or send a termination statement as required by subdivision (a) or (c) of Section 9513, the debtor authorizes the filing, and the termination statement indicates that the debtor authorized it to be filed.

(d) If there is more than one secured party of record for a financing statement, each secured party of record may authorize the filing of an amendment under subdivision (c).

9510. (a) A filed record is effective only to the extent that it was filed by a person that may file it under Section 9509.

(b) A record authorized by one secured party of record does not affect the financing statement with respect to another secured party of record.

(c) A continuation statement that is not filed within the six-month period prescribed by subdivision (d) of Section 9515 is ineffective.

9511. (a) A secured party of record with respect to a financing statement is a person whose name is provided as the name of the secured party or a representative of the secured party in an initial financing statement that has been filed. If an initial financing statement is filed under subdivision (a) of Section 9514, the assignee named in the initial financing statement is the secured party of record with respect to the financing statement.

(b) If an amendment of a financing statement which provides the name of a person as a secured party or a representative of a secured party is filed, the person named in the amendment is a secured party of record. If an amendment is filed under subdivision (b) of Section 9514, the assignee named in the amendment is a secured party of record.

(c) A person remains a secured party of record until the filing of an amendment of the financing statement which deletes the person.

9512. (a) Subject to Section 9509, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or, subject to subdivision (e), otherwise amend the information provided in, a financing statement by filing an amendment that does both of the following:

(1) Identifies, by its file number, the initial financing statement to which the amendment relates.

(2) If the amendment relates to an initial financing statement filed or recorded in a filing office described in paragraph (1) of subdivision (a) of Section 9501, provides the date that the initial financing statement was filed or recorded and the information specified in subdivision (b) of Section 9502.

(b) Except as otherwise provided in Section 9515, the filing of an amendment does not extend the period of effectiveness of the financing statement.

(c) A financing statement that is amended by an amendment that adds collateral is effective as to the added collateral only from the date of the filing of the amendment.

(d) A financing statement that is amended by an amendment that adds a debtor is effective as to the added debtor only from the date of the filing of the amendment.

(e) An amendment is ineffective to the extent that it does either of the following:

(1) It purports to delete all debtors and fails to provide the name of a debtor to be covered by the financing statement.

(2) It purports to delete all secured parties of record and fails to provide the name of a new secured party of record.

9513. (a) A secured party shall cause the secured party of record for a financing statement to file a termination statement for the financing statement if the financing statement covers consumer goods and either of the following conditions is satisfied:

(1) There is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value.

(2) The debtor did not authorize the filing of the initial financing statement.

(b) To comply with subdivision (a), a secured party shall cause the secured party of record to file the termination statement in accordance with either of the following rules:

(1) Within one month after there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value.

(2) If earlier, within 20 days after the secured party receives an authenticated demand from a debtor.

(c) In cases not governed by subdivision (a), within 20 days after a secured party receives an authenticated demand from a debtor, the secured party shall cause the secured party of record for a financing statement to send to the debtor a termination statement for the financing statement or file the termination statement in the filing office if any of the following conditions is satisfied:

(1) Except in the case of a financing statement covering accounts or chattel paper that has been sold or goods that are the subject of a consignment, there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value.

(2) The financing statement covers accounts or chattel paper that has been sold but as to which the account debtor or other person obligated has discharged its obligation.

(3) The financing statement covers goods that were the subject of a consignment to the debtor but are not in the debtor's possession.

(4) The debtor did not authorize the filing of the initial financing statement.

(d) Except as otherwise provided in Section 9510, upon the filing of a termination statement with the filing office, the financing statement to which the termination statement relates ceases to be effective.

9514. (a) Except as otherwise provided in subdivision (c), an initial financing statement may reflect an assignment of all of the secured party's power to authorize an amendment to the financing statement by providing the name and mailing address of the assignee as the name and address of the secured party.

(b) Except as otherwise provided in subdivision (c), a secured party of record may assign all or part of its power to authorize an amendment to a financing statement by filing in the filing office an amendment of the financing statement which does all of the following:

(1) Identifies, by its file number, the initial financing statement to which it relates.

(2) Provides the name of the assignor.

(3) Provides the name and mailing address of the assignee.

(c) An assignment of record of a security interest in a fixture covered by a record of a mortgage which is effective as a financing statement filed as a fixture filing under subdivision (c) of Section 9502 may be made only by an assignment of record of the mortgage in the manner provided by law of this state other than the Uniform Commercial Code.

9515. (a) Except as otherwise provided in subdivisions (b), (e), (f), and (g), a filed financing statement is effective for a period of five years after the date of filing.

(b) Except as otherwise provided in subdivisions (e), (f), and (g), an initial financing statement filed in connection with a public finance transaction or manufactured home transaction is effective for a period of 30 years after the date of filing if it indicates that it is filed in connection with a public finance transaction or manufactured home transaction.

(c) The effectiveness of a filed financing statement lapses on the expiration of the period of its effectiveness unless before the lapse a continuation statement is filed pursuant to subdivision (d). Upon lapse, a financing statement ceases to be effective and any security interest or agricultural lien that was perfected by the financing statement becomes unperfected, unless the security interest is perfected otherwise. If the security interest or agricultural lien becomes unperfected upon lapse, it is deemed never to have been perfected as against a purchaser of the collateral for value.

(d) A continuation statement may be filed only within six months before the expiration of the five-year period specified in subdivision (a) or the 30-year period specified in subdivision (b), whichever is applicable.

(e) Except as otherwise provided in Section 9510, upon timely filing of a continuation statement, the effectiveness of the initial

financing statement continues for a period of five years commencing on the day on which the financing statement would have become ineffective in the absence of the filing. Upon the expiration of the five-year period, the financing statement lapses in the same manner as provided in subdivision (c), unless, before the lapse, another continuation statement is filed pursuant to subdivision (d). Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the initial financing statement.

(f) If a debtor is a transmitting utility and a filed financing statement so indicates, the financing statement is effective until a termination statement is filed.

(g) A record of a mortgage that is effective as a financing statement filed as a fixture filing under subdivision (c) of Section 9502 remains effective as a financing statement filed as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real property.

9516. (a) Except as otherwise provided in subdivision (b), communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) Filing does not occur with respect to a record that a filing office refuses to accept because of any of the following:

(1) The record is not communicated by a method or medium of communication authorized by the filing office.

(2) An amount equal to or greater than the applicable filing fee is not tendered.

(3) The filing office is unable to index the record because of any of the following:

(A) In the case of an initial financing statement, the record does not provide a name for the debtor.

(B) In the case of an amendment or correction statement, either of the following applies with respect to the record:

(i) It does not identify the initial financing statement as required by Section 9512 or 9518, as applicable.

(ii) It identifies an initial financing statement whose effectiveness has lapsed under Section 9515.

(C) In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's last name.

(D) In the case of a record filed or recorded in the filing office described in paragraph (1) of subdivision (a) of Section 9501, the record does not provide a sufficient description of the real property to which it relates.

(4) In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record.

(5) In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not do any of the following:

(A) Provide a mailing address for the debtor.

(B) Indicate whether the debtor is an individual or an organization.

(C) If the financing statement indicates that the debtor is an organization, provide any of the following:

(i) A type of organization for the debtor.

(ii) A jurisdiction of organization for the debtor.

(iii) An organizational identification number for the debtor or indicate that the debtor has none.

(6) In the case of an assignment reflected in an initial financing statement under subdivision (a) of Section 9514 or an amendment filed under subdivision (b) of Section 9514, the record does not provide a name and mailing address for the assignee.

(7) In the case of a continuation statement, the record is not filed within the six-month period prescribed by subdivision (d) of Section 9515.

(c) For purposes of subdivision (b), both of the following rules apply:

(1) A record does not provide information if the filing office is unable to read or decipher the information.

(2) A record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by Section 9512, 9514, or 9518, is an initial financing statement.

(d) A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subdivision (b), is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

9517. The failure of the filing office to index a record correctly does not affect the effectiveness of the filed record.

9518. (a) A person may file in the filing office a correction statement with respect to a record indexed there under the person's name if the person believes that the record is inaccurate or was wrongfully filed.

(b) A correction statement must do all of the following:

(1) Identify the record to which it relates by both of the following:

(A) The file number assigned to the initial financing statement to which the record relates.

(B) If the correction statement relates to a record filed or recorded in a filing office described in paragraph (1) of subdivision (a) of Section 9501, the date that the initial financing statement was filed or recorded and the information specified in subdivision (b) of Section 9502.

(2) Indicate that it is a correction statement.

(3) Provide the basis for the person's belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for the person's belief that the record was wrongfully filed.

(c) The filing of a correction statement does not affect the effectiveness of an initial financing statement or other filed record.

9519. (a) For each record filed in a filing office, the filing office shall do all of the following:

(1) Assign a unique number to the filed record.

(2) Create a record that bears the number assigned to the filed record and the date and time of filing.

(3) Maintain the filed record for public inspection.

(4) Index the filed record in accordance with subdivisions (c), (d), and (e).

(b) Except as otherwise provided in subdivision (i), a file number assigned after January 1, 2002, must include a digit that:

(1) Is mathematically derived from or related to the other digits of the file number.

(2) Enables the filing office to detect whether a number communicated as the file number includes a single-digit or transpositional error.

(c) Except as otherwise provided in subdivisions (d) and (e), the filing office shall do both of the following:

(1) Index an initial financing statement according to the name of the debtor and index all filed records relating to the initial financing statement in a manner that associates with one another an initial financing statement and all filed records relating to the initial financing statement.

(2) Index a record that provides a name of a debtor which was not previously provided in the financing statement to which the record relates also according to the name that was not previously provided.

(d) If a financing statement is filed as a fixture filing or covers as-extracted collateral or timber to be cut, it must be recorded and the filing office shall index it in accordance with both of the following rules:

(1) Under the names of the debtor and of each owner of record shown on the financing statement as if they were the mortgagors under a mortgage of the real property described.

(2) To the extent that the law of this state provides for indexing of records of mortgages under the name of the mortgagee, under the name of the secured party as if the secured party were the mortgagee thereunder, or, if indexing is by description, as if the financing statement were a record of a mortgage of the real property described.

(e) If a financing statement is filed as a fixture filing or covers as-extracted collateral or timber to be cut, the filing office shall index an assignment filed under subdivision (a) of Section 9514 or an

amendment filed under subdivision (b) of Section 9514 in accordance with both of the following rules:

(1) Under the name of the assignor as grantor.

(2) To the extent that the law of this state provides for indexing a record of the assignment of a mortgage under the name of the assignee, under the name of the assignee.

(f) The filing office shall maintain a capability to do both of the following:

(1) Retrieve a record by the name of the debtor and by either of the following:

(A) If the filing office is described in paragraph (1) of subdivision (a) of Section 9501, by the file number assigned to the initial financing statement to which the record relates and the date that the record was filed or recorded.

(B) If the filing office is described in paragraph (2) of subdivision (a) of Section 9501, by the file number assigned to the initial financing statement to which the record relates.

(2) Associate and retrieve with one another an initial financing statement and each filed record relating to the initial financing statement.

(g) The filing office may not remove a debtor's name from the index until one year after the effectiveness of a financing statement naming the debtor lapses under Section 9515 with respect to all secured parties of record.

(h) Except as otherwise provided in subdivision (i), the filing office shall perform the acts required by subdivisions (a) to (e), inclusive, at the time and in the manner prescribed by filing-office rule, but not later than two business days after the filing office receives the record in question.

(i) Subdivisions (b) and (h) do not apply to a filing office described in paragraph (1) of subdivision (a) of Section 9501.

9520. (a) A filing office shall refuse to accept a record for filing for a reason set forth in subdivision (b) of Section 9516 and may refuse to accept a record for filing only for a reason set forth in subdivision (b) of Section 9516.

(b) If a filing office refuses to accept a record for filing, it shall communicate to the person that presented the record the fact of and reason for the refusal and the date and time the record would have been filed had the filing office accepted it. The communication shall be made at the time and in the manner prescribed by filing-office rule, but in the case of a filing office described in paragraph (2) of subdivision (a) of Section 9501, in no event more than two business days after the filing office receives the record.

(c) A filed financing statement satisfying subdivisions (a) and (b) of Section 9502 is effective, even if the filing office is required to refuse to accept it for filing under subdivision (a). However, Section 9338 applies to a filed financing statement providing information

described in paragraph (5) of subdivision (b) of Section 9516 which is incorrect at the time the financing statement is filed.

(d) If a record communicated to a filing office provides information that relates to more than one debtor, this chapter applies as to each debtor separately.

9521. (a) A filing office that accepts written records may not refuse to accept a written initial financing statement in the following form and format except for a reason set forth in subdivision (b) of Section 9516:

[redacted]

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME – insert only one debtor name (1a or 1b) – do not abbreviate or combine names

1a. ORGANIZATION'S NAME

OR

1b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
1c. MAILING ADDRESS	CITY	STATE / POSTAL CODE	COUNTRY
1d. TAX ID #. SSN OR EIN / ADD'L INFO RE ORGANIZATION DEBTOR	1e. TYPE OF ORGANIZATION	1f. JURISDICTION OF ORGANIZATION	1g. ORGANIZATIONAL ID #, if any ☐ NONE

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME – insert only one debtor name (2a or 2b) – do not abbreviate or combine names

2a. ORGANIZATION'S NAME

OR

2b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
2c. MAILING ADDRESS	CITY	STATE / POSTAL CODE	COUNTRY
2d. TAX ID #. SSN OR EIN / ADD'L INFO RE ORGANIZATION DEBTOR	2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL ID #, if any ☐ NONE

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) – insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME

OR

3b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
3c. MAILING ADDRESS	CITY	STATE / POSTAL CODE	COUNTRY

4. This FINANCING STATEMENT covers the following collateral:

5. ALTERNATIVE DESIGNATION [if applicable]: ☐ LESSEE/LESSOR ☐ CONSIGNEE/CONSIGNOR ☐ BAILEE/BAILOR ☐ SELLER/BUYER ☐ A.G. LIEN ☐ NON-UCC FILING

6. ☐ This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. Attach Addendum [if applicable]

7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) [optional] [ADDITIONAL FEE] ☐ All Debtors ☐ Debtor 1 ☐ Debtor 2

8. OPTIONAL FILER REFERENCE DATA

UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT

9a. ORGANIZATION'S NAME

OR

9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX

10. MISCELLANEOUS:

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME – insert only one name (11a or 11b) – do not abbreviate or combine names

11a. ORGANIZATION'S NAME

OR

11b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

11c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

11d. TAX ID #. SSN OR EIN	ADD'L INFO RE ORGANIZATION DEBTOR	11e. TYPE OF ORGANIZATION	11f. JURISDICTION OF ORGANIZATION	11g. ORGANIZATIONAL ID #, if any
				☐ NONE

12. ☐ ADDITIONAL SECURED PARTY'S or ☐ ASSIGNOR S/P'S NAME – insert only one name (12a or 12b)

12a. ORGANIZATION'S NAME

OR

12b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

12c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

13. This FINANCING STATEMENT covers ☐ timber to be cut or ☐ as-extracted collateral, or is filed as a ☐ fixture filing.

14. Description of real estate:

15. Name and address of a RECORD OWNER of above-described real estate (if Debtor does not have a record interest):

16. Additional collateral description:

17. Check only if applicable and check only one box.

Debtor is a ☐ Trust or ☐ Trustee acting with respect to property held in trust or ☐ Decedent's Estate

18. Check only if applicable and check only one box.

☐ Debtor is a TRANSMITTING UTILITY

☐ Filed in connection with a Manufactured Home Transaction — effective 30 years

☐ Filed in connection with a Public Finance Transaction — effective 30 years

NATIONAL UCC FINANCING STATEMENT ADDENDUM (FORM UCC1Ad) (REV. 07/29/98)

(b) A filing office that accepts written records may not refuse to accept a written record in the following form and format except for a reason set forth in subdivision (b) of Section 9516:

[redacted]

UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #

1b. ☐ This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS.

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☐ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☐ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in item 6 and/or 7.

☐ CHANGE name and/or address: Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c. ☐ DELETE name: Give record name to be deleted in item 6a or 6b. ☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME

OR

6b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME

OR

7b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

7c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

7d. TAX ID #: SSN OR EIN	ADD'L INFO RE ORGANIZATION DEBTOR	7e. TYPE OF ORGANIZATION	7f. JURISDICTION OF ORGANIZATION	7g. ORGANIZATIONAL ID #, if any
				☐ NONE

8. AMENDMENT (COLLATERAL CHANGE): check only one box.

Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME

OR

9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

10. OPTIONAL FILER REFERENCE DATA

NATIONAL UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 07/29/98)

UCC FINANCING STATEMENT AMENDMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

11. INITIAL FINANCING STATEMENT FILE # (same as item 1a on Amendment form)

12. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as item 9 on Amendment form)

12a. ORGANIZATION'S NAME

OR

12b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX

13. Use this space for additional information

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

NATIONAL UCC FINANCING STATEMENT AMENDMENT ADDENDUM (FORM UCC3Ad) (REV. 07/29/98)

9522. (a) The filing office shall maintain a record of the information provided in a filed financing statement for at least one year after the effectiveness of the financing statement has lapsed under Section 9515 with respect to all secured parties of record. The record shall be retrievable by using the name of the debtor and either of the following:

(1) If the record was filed or recorded in a filing office described in paragraph (1) of subdivision (a) of Section 9501, by using the file number assigned to the initial financing statement to which the record relates and the date the record was filed or recorded.

(2) If the record was filed in a filing office described in paragraph (2) of subdivision (a) of Section 9501, by using the file number assigned to the initial financing statement to which the record relates.

(b) Except to the extent that a statute governing disposition of public records provides otherwise, the filing office immediately may destroy any written record evidencing a financing statement. However, if the filing office destroys a written record, it shall maintain another record of the financing statement which complies with subdivision (a).

9523. (a) If a person that files a written record requests an acknowledgment of the filing, the filing office shall send to the person an image of the record showing the number assigned to the record pursuant to paragraph (1) of subdivision (a) of Section 9519 and the date and time of the filing of the record. However, if the person furnishes a copy of the record to the filing office, the filing office may instead do both of the following:

(1) Note upon the copy the number assigned to the record pursuant to paragraph (1) of subdivision (a) of Section 9519 and the date and time of the filing of the record.

(2) Send the copy to the person.

(b) If a person files a record other than a written record, the filing office shall communicate to the person an acknowledgment that provides all of the following information:

(1) The information in the record.

(2) The number assigned to the record pursuant to paragraph (1) of subdivision (a) of Section 9519.

(3) The date and time of the filing of the record.

(c) The filing office shall communicate or otherwise make available in a record all of the following information to any person that requests it:

(1) Whether there is on file on a date and time specified by the filing office, but not a date earlier than three business days before the filing office receives the request, any financing statement that satisfies all of the following conditions:

(A) It designates a particular debtor or, if the request so states, designates a particular debtor at the address specified in the request.

(B) It has not lapsed under Section 9515 with respect to all secured parties of record.

(C) If the request so states, it has lapsed under Section 9515 and a record of which is maintained by the filing office under subdivision (a) of Section 9522.

(2) The date and time of filing of each financing statement.

(3) The information provided in each financing statement.

(d) In complying with its duty under subdivision (c), the filing office may communicate information in any medium. However, if requested, the filing office shall communicate information by issuing its written certificate.

(e) The filing office described in paragraph (2) of subdivision (a) of Section 9501 shall perform the acts required by subdivisions (a) to (d), inclusive, at the time and in the manner prescribed by filing-office rule, but not later than two business days after the filing office receives the request.

(f) At least weekly, the filing office described in paragraph (2) of subdivision (a) of Section 9501 shall offer to sell or license to the public on a nonexclusive basis, in bulk, copies of all records filed in it under this chapter, in every medium from time to time available to the filing office.

9524. Delay by the filing office beyond a time limit prescribed in this chapter is excused if both of the following conditions are satisfied:

(1) The delay is caused by interruption of communication or computer facilities, war, emergency conditions, failure of equipment, or other circumstances beyond control of the filing office.

(2) The filing office exercises reasonable diligence under the circumstances.

9525. (a) Except as otherwise provided in subdivision (d), the fee for filing and indexing a record under this chapter, other than an initial financing statement of the kind described in subdivision (c) of Section 9502, is as follows:

(1) Ten dollars ($10) if the record is communicated in writing and consists of one or two pages.

(2) Twenty dollars ($20) if the record is communicated in writing and consists of more than two pages.

(3) Five dollars ($5) if the record is communicated by another medium authorized by a rule adopted by the filing office.

(b) The number of names required to be indexed does not affect the amount of the fee in subdivision (a).

(c) The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is as follows:

(1) Ten dollars ($10) if the request is communicated in writing.

(2) Five dollars ($5) if the request is communicated by another medium authorized by a rule adopted by the filing office.

(d) This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subdivision (c) of Section 9502. However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

9526. (a) The Secretary of State shall adopt and publish rules to implement this division. The filing-office rules shall be consistent with this division.

(b) To keep the filing-office rules and practices of the filing office in harmony with the rules and practices of filing offices in other jurisdictions that enact substantially this chapter, and to keep the technology used by the filing office compatible with the technology used by filing offices in other jurisdictions that enact substantially this chapter, the Secretary of State, so far as is consistent with the purposes, policies, and provisions of this division, in adopting, amending, and repealing filing-office rules, shall do all of the following:

(1) Consult with filing offices in other jurisdictions that enact substantially this chapter.

(2) Consult the most recent version of the Model Rules promulgated by the International Association of Corporate Administrators or any successor organization.

(3) Take into consideration the rules and practices of, and the technology used by, filing offices in other jurisdictions that enact substantially this chapter.

9527. The Secretary of State shall report annually on or before January 31 to the Legislature on the operation of the filing office. The report must contain a statement of the extent to which both of the following apply:

(1) The filing-office rules are not in harmony with the rules of filing offices in other jurisdictions that enact substantially this chapter and the reasons for these variations.

(2) The filing-office rules are not in harmony with the most recent version of the Model Rules promulgated by the International Association of Corporate Administrators, or any successor organization, and the reasons for these variations.

9528. Upon request of any person, the Secretary of State shall issue a combined certificate showing the information as to financing statements as specified in Section 9523, the information as to state tax liens as specified in Section 7226 of the Government Code, the information as to attachment liens as specified in Sections 488.375 and 488.405 of the Code of Civil Procedure, the information as to judgment liens as specified in Section 697.580 of the Code of Civil Procedure, and the information as to federal liens as specified in Section 2103 of the Code of Civil Procedure.

CHAPTER 6. DEFAULT

9601. (a) After default, a secured party has the rights provided in this chapter and, except as otherwise provided in Section 9602, those rights provided by agreement of the parties. A secured party may do both of the following:

(1) Reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure.

(2) If the collateral is documents, proceed either as to the documents or as to the goods they cover.

(b) A secured party in possession of collateral or control of collateral under Section 9104, 9105, 9106, or 9107 has the rights and duties provided in Section 9207.

(c) The rights under subdivisions (a) and (b) are cumulative and may be exercised simultaneously.

(d) Except as otherwise provided in subdivision (g) and in Section 9605, after default, a debtor and an obligor have the rights provided in this chapter and by agreement of the parties.

(e) If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of any of the following:

(1) The date of perfection of the security interest or agricultural lien in the collateral.

(2) The date of filing a financing statement covering the collateral.

(3) Any date specified in a statute under which the agricultural lien was created.

(f) A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this division.

(g) Except as otherwise provided in subdivision (c) of Section 9607, this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

9602. Except as otherwise provided in Section 9624, to the extent that they give rights to a debtor or obligor and impose duties on a secured party, the debtor or obligor may not waive or vary the rules stated in the following listed sections:

(1) Subparagraph (C) of paragraph (4) of subdivision (b) of Section 9207, which deals with use and operation of the collateral by the secured party.

(2) Section 9210, which deals with requests for an accounting and requests concerning a list of collateral and statement of account.

(3) Subdivision (c) of Section 9607, which deals with collection and enforcement of collateral.

(4) Subdivision (a) of Section 9608 and subdivision (c) of Section 9615 to the extent that they deal with application or payment of noncash proceeds of collection, enforcement, or disposition.

(5) Subdivision (a) of Section 9608 and subdivision (d) of Section 9615 to the extent that they require accounting for or payment of surplus proceeds of collateral.

(6) Section 9609 to the extent that it imposes upon a secured party that takes possession of collateral without judicial process the duty to do so without breach of the peace.

(7) Subdivision (b) of Section 9610, and Sections 9611, 9613, and 9614, which deal with disposition of collateral.

(8) Subdivision (f) of Section 9615, which deals with calculation of a deficiency or surplus when a disposition is made to the secured party, a person related to the secured party, or a secondary obligor.

(9) Section 9616, which deals with explanation of the calculation of a surplus or deficiency.

(10) Section 9620, 9621, and 9622, which deal with acceptance of collateral in satisfaction of obligation.

(11) Section 9623, which deals with redemption of collateral.

(12) Section 9624, which deals with permissible waivers.

(13) Sections 9625 and 9626, which deal with the existence of a deficiency and with the secured party's liability for failure to comply with this division.

9603. (a) The parties may determine by agreement the standards measuring the fulfillment of the rights of a debtor or obligor and the duties of a secured party under a rule stated in Section 9602 if the standards are not manifestly unreasonable.

(b) Subdivision (a) does not apply to the duty under Section 9609 to refrain from breaching the peace.

9604. (a) If an obligation secured by a security interest in personal property or fixtures is also secured by an interest in real property or an estate therein:

(1) The secured party may do any of the following:

(A) Proceed, in any sequence, (i) in accordance with the secured party's rights and remedies in respect of real property as to the real property security, and (ii) in accordance with this chapter as to the personal property or fixtures.

(B) Proceed in any sequence, as to both, some, or all of the real property and some or all of the personal property or fixtures in accordance with the secured party's rights and remedies in respect of the real property, by including the portion of the personal property or fixtures selected by the secured party in the judicial or nonjudicial foreclosure of the real property in accordance with the procedures applicable to real property. In proceeding under this subparagraph, (i) no provision of this chapter other than this subparagraph, subparagraph (C) of paragraph (4), and paragraphs (7) and (8) shall

apply to any aspect of the foreclosure; (ii) a power of sale under the deed of trust or mortgage shall be exercisable with respect to both the real property and the personal property or fixtures being sold; and (iii) the sale may be conducted by the mortgagee under the mortgage or by the trustee under the deed of trust. The secured party shall not be deemed to have elected irrevocably to proceed as to both real property and personal property or fixtures as provided in this subparagraph with respect to any particular property, unless and until that particular property actually has been disposed of pursuant to a unified sale (judicial or nonjudicial) conducted in accordance with the procedures applicable to real property, and then only as to the property so sold.

(C) Proceed, in any sequence, as to part of the personal property or fixtures as provided in subparagraph (A), and as to other of the personal property or fixtures as provided in subparagraph (B).

(2) (A) Except as otherwise provided in paragraph (3), provisions and limitations of any law respecting real property and obligations secured by an interest in real property or an estate therein, including, but not limited to, Section 726 of the Code of Civil Procedure, provisions regarding acceleration or reinstatement of obligations secured by an interest in real property or an estate therein, prohibitions against deficiency judgments, limitations on deficiency judgments based on the value of the collateral, limitations on the right to proceed as to collateral, and requirements that a creditor resort either first or at all to its security, do not in any way apply to either (i) any personal property or fixtures other than personal property or fixtures as to which the secured party has proceeded or is proceeding under subparagraph (B) of paragraph (1), or (ii) the obligation.

(B) Pursuant to, but without limiting subparagraph (A), in the event that an obligation secured by personal property or fixtures would otherwise become unenforceable by reason of Section 726 of the Code of Civil Procedure or any requirement that a creditor resort first to its security, then, notwithstanding that section or any similar requirement, the obligation shall nevertheless remain enforceable to the full extent necessary to permit a secured party to proceed against personal property or fixtures securing the obligation in accordance with the secured party's rights and remedies as permitted under this chapter.

(3) (A) Paragraph (2) does not limit the application of Section 580b of the Code of Civil Procedure.

(B) If the secured party commences an action, as defined in Section 22 of the Code of Civil Procedure, and the action seeks a monetary judgment on the debt, paragraph (2) does not prevent the assertion by the debtor or an obligor of any right to require the inclusion in the action of any interest in real property or an estate therein securing the debt. If a monetary judgment on the debt is entered in the action, paragraph (2) does not prevent the assertion

by the debtor or an obligor of the subsequent unenforceability of the encumbrance on any interest in real property or an estate therein securing the debt and not included in the action.

(C) Nothing in paragraph (2) shall be construed to excuse compliance with Section 2924c of the Civil Code as a prerequisite to the sale of real property, but that section has no application to the right of a secured party to proceed as to personal property or fixtures except, and then only to the extent that, the secured party is proceeding as to personal property or fixtures in a unified sale as provided in subparagraph (B) of paragraph (1).

(D) Paragraph (2) does not deprive the debtor of the protection of Section 580d of the Code of Civil Procedure against a deficiency judgment following a sale of the real property collateral pursuant to a power of sale in a deed of trust or mortgage.

(E) Paragraph (2) shall not affect, nor shall it determine the applicability or inapplicability of, any law respecting real property or obligations secured in whole or in part by real property with respect to a loan or a credit sale made to any individual primarily for personal, family, or household purposes.

(F) Paragraph (2) does not deprive the debtor or an obligor of the protection of Section 580a of the Code of Civil Procedure following a sale of real property collateral.

(G) If the secured party violates any statute or rule of law that requires a creditor who holds an obligation secured by an interest in real property or an estate therein to resort first to its security before resorting to any property of the debtor that does not secure the obligation, paragraph (2) does not prevent the assertion by the debtor or an obligor of any right to require correction of the violation, any right of the secured party to correct the violation, or the assertion by the debtor or an obligor of the subsequent unenforceability of the encumbrance on any interest in real property or an estate therein securing the obligation, or the assertion by the debtor or an obligor of the subsequent unenforceability of the obligation except to the extent that the obligation is preserved by subparagraph (B) of paragraph (2).

(4) If the secured party realizes proceeds from the disposition of collateral that is personal property or fixtures, the following provisions shall apply:

(A) The disposition of the collateral, the realization of the proceeds, the application of the proceeds, or any one or more of the foregoing shall not operate to cure any nonmonetary default.

(B) The disposition of the collateral, the realization of the proceeds, the application of the proceeds, or any one or more of the foregoing shall not operate to cure any monetary default (although the application of the proceeds shall, to the extent of those proceeds, satisfy the secured obligation) so as to affect in any way the secured party's rights and remedies under this chapter with respect to any remaining personal property or fixtures collateral.

(C) All proceeds so realized shall be applied by the secured party to the secured obligation in accordance with the agreement of the parties and applicable law.

(5) An action by the secured party utilizing any available judicial procedure shall in no way be affected by omission of a prayer for a monetary judgment on the debt. Notwithstanding Section 726 of the Code of Civil Procedure, any prohibition against splitting causes of action or any other statute or rule of law, a judicial action which neither seeks nor results in a monetary judgment on the debt shall not preclude a subsequent action seeking a monetary judgment on the debt or any other relief.

(6) As used in this subdivision, "monetary judgment on the debt" means a judgment for the recovery from the debtor of all or part of the principal amount of the secured obligation, including, for purposes of this subdivision, contractual interest thereon. "Monetary judgment on the debt" does not include a judgment which provides only for other relief (whether or not that other relief is secured by the collateral), such as one or more forms of nonmonetary relief, and monetary relief ancillary to any of the foregoing, such as attorneys' fees and costs incurred in seeking the relief.

(7) If a secured party fails to comply with the procedures applicable to real property in proceeding as to both real and personal property under subparagraph (B) of paragraph (1), a purchaser for value of any interest in the real property at judicial or nonjudicial foreclosure proceedings conducted pursuant to subparagraph (B) of paragraph (1) takes that interest free from any claim or interest of another person, or any defect in title, based upon that noncompliance, unless:

(A) The purchaser is the secured party and the failure to comply with this chapter occurred other than in good faith; or

(B) The purchaser is other than the secured party and at the time of sale of the real property at that foreclosure the purchaser had knowledge of the failure to comply with this chapter and that the noncompliance occurred other than in good faith.

Even if the purchaser at the foreclosure sale does not take his or her interest free of claims, interests, or title defects based upon that noncompliance with this chapter, a subsequent purchaser for value who acquires an interest in that real property from the purchaser at that foreclosure takes that interest free from any claim or interest of another person, or any defect in title, based upon that noncompliance, unless at the time of acquiring the interest the subsequent purchaser has knowledge of the failure to comply with this chapter and that the noncompliance occurred other than in good faith.

(8) If a secured party proceeds by way of a unified sale under subparagraph (B) of paragraph (1), then, for purposes of applying Section 580a or subdivision (b) of Section 726 of the Code of Civil Procedure to any such unified sale, the personal property or fixtures

included in the unified sale shall be deemed to be included in the "real property or other interest sold," as that term is used in Section 580a or subdivision (b) of Section 726 of the Code of Civil Procedure.

9605. A secured party does not owe a duty based on its status as secured party to either of the following persons:

(1) To a person that is a debtor or obligor, unless the secured party knows all of the following:

(A) That the person is a debtor or obligor.

(B) The identity of the person.

(C) How to communicate with the person.

(2) To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows both of the following:

(A) That the person is a debtor.

(B) The identity of the person.

9606. For purposes of this chapter, a default occurs in connection with an agricultural lien at the time the secured party becomes entitled to enforce the lien in accordance with the statute under which it was created.

9607. (a) If so agreed, and in any event after default, a secured party may do all of the following:

(1) Notify an account debtor or other person obligated on collateral to make payment or otherwise render performance to or for the benefit of the secured party.

(2) Take any proceeds to which the secured party is entitled under Section 9315.

(3) Enforce the obligations of an account debtor or other person obligated on collateral and exercise the rights of the debtor with respect to the obligation of the account debtor or other person obligated on collateral to make payment or otherwise render performance to the debtor, and with respect to any property that secures the obligations of the account debtor or other person obligated on the collateral.

(4) If it holds a security interest in a deposit account perfected by control under paragraph (1) of subdivision (a) of Section 9104, apply the balance of the deposit account to the obligation secured by the deposit account.

(5) If it holds a security interest in a deposit account perfected by control under paragraph (2) or (3) of subdivision (a) of Section 9104, instruct the bank to pay the balance of the deposit account to or for the benefit of the secured party.

(b) If necessary to enable a secured party to exercise under paragraph (3) of subdivision (a) the right of a debtor to enforce a mortgage nonjudicially, the secured party may record in the office in which a record of the mortgage is recorded both of the following:

(1) A copy of the security agreement that creates or provides for a security interest in the obligation secured by the mortgage.

(2) The secured party's sworn affidavit in recordable form stating both of the following:

(A) That a default has occurred.

(B) That the secured party is entitled to enforce the mortgage nonjudicially.

(c) A secured party shall proceed in a commercially reasonable manner if both of the following apply with respect to the secured party:

(1) It undertakes to collect from or enforce an obligation of an account debtor or other person obligated on collateral.

(2) It is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor or a secondary obligor.

(d) A secured party may deduct from the collections made pursuant to subdivision (c) reasonable expenses of collection and enforcement, including reasonable attorney's fees and legal expenses incurred by the secured party.

(e) This section does not determine whether an account debtor, bank, or other person obligated on collateral owes a duty to a secured party.

9608. (a) If a security interest or agricultural lien secures payment or performance of an obligation, the following rules apply:

(1) A secured party shall apply or pay over for application the cash proceeds of collection or enforcement under this section in the following order to:

(A) The reasonable expenses of collection and enforcement and, to the extent provided for by agreement and not prohibited by law, reasonable attorney's fees and legal expenses incurred by the secured party.

(B) The satisfaction of obligations secured by the security interest or agricultural lien under which the collection or enforcement is made.

(C) The satisfaction of obligations secured by any subordinate security interest in or other lien on the collateral subject to the security interest or agricultural lien under which the collection or enforcement is made if the secured party receives an authenticated demand for proceeds before distribution of the proceeds is completed.

(2) If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder complies, the secured party need not comply with the holder's demand under subparagraph (C) of paragraph (1).

(3) A secured party need not apply or pay over for application noncash proceeds of collection and enforcement under this section unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(4) A secured party shall account to and pay a debtor for any surplus, and except as otherwise provided in subdivision (b) of Section 9626, the obligor is liable for any deficiency.

(b) If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes, the debtor is not entitled to any surplus, and the obligor is not liable for any deficiency. Subdivision (b) of Section 701.040 of the Code of Civil Procedure relating to the payment of proceeds applies only if the security agreement provides that the debtor is entitled to any surplus.

9609. (a) After default, a secured party may do both of the following:

(1) Take possession of the collateral.

(2) Without removal, render equipment unusable and dispose of collateral on a debtor's premises under Section 9610.

(b) A secured party may proceed under subdivision (a) in either of the following ways:

(1) Pursuant to judicial process.

(2) Without judicial process, if it proceeds without breach of the peace.

(c) If so agreed, and in any event after default, a secured party may require the debtor to assemble the collateral and make it available to the secured party at a place to be designated by the secured party which is reasonably convenient to both parties.

9610. (a) After default, a secured party may sell, lease, license, or otherwise dispose of any or all of the collateral in its present condition or following any commercially reasonable preparation or processing.

(b) Every aspect of a disposition of collateral, including the method, manner, time, place, and other terms, must be commercially reasonable. If commercially reasonable, a secured party may dispose of collateral by public or private proceedings, by one or more contracts, as a unit or in parcels, and at any time and place and on any terms.

(c) A secured party may purchase collateral at either of the following:

(1) At a public disposition.

(2) At a private disposition only if the collateral is of a kind that is customarily sold on a recognized market or the subject of widely distributed standard price quotations.

(d) A contract for sale, lease, license, or other disposition includes the warranties relating to title, possession, quiet enjoyment, and the like which by operation of law accompany a voluntary disposition of property of the kind subject to the contract.

(e) A secured party may disclaim or modify warranties under subdivision (d) in either of the following ways:

(1) In a manner that would be effective to disclaim or modify the warranties in a voluntary disposition of property of the kind subject to the contract of disposition.

(2) By communicating to the purchaser a record evidencing the contract for disposition and including an express disclaimer or modification of the warranties.

(f) A record is sufficient to disclaim warranties under subdivision (e) if it indicates "There is no warranty relating to title, possession, quiet enjoyment, or the like in this disposition" or uses words of similar import.

9611. (a) In this section, "notification date" means the earlier of the date on which:

(1) A secured party sends to the debtor and any secondary obligor an authenticated notification of disposition.

(2) The debtor and any secondary obligor waive the right to notification.

(b) Except as otherwise provided in subdivision (d), a secured party that disposes of collateral under Section 9610 shall send to the persons specified in subdivision (c) a reasonable authenticated notification of disposition.

(c) To comply with subdivision (b), the secured party shall send an authenticated notification of disposition to all of the following persons:

(1) The debtor.

(2) Any secondary obligor.

(3) If the collateral is other than consumer goods to both of the following persons:

(A) Any other person from which the secured party has received, before the notification date, an authenticated notification of a claim of an interest in the collateral.

(B) Any other secured party or lienholder that, 10 days before the notification date, held a security interest in or other lien on the collateral perfected by the filing of a financing statement with respect to which all of the following apply:

(i) It identified the collateral.

(ii) It was indexed under the debtor's name as of that date.

(iii) It was filed in the office in which to file a financing statement against the debtor covering the collateral as of that date.

(C) Any other secured party that, 10 days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in subdivision (a) of Section 9311.

(d) Subdivision (b) does not apply if the collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market.

(e) A secured party complies with the requirement for notification prescribed in subparagraph (B) of paragraph (3) of subsection (c) if it satisfies both of the following conditions:

(1) Not later than 20 days or earlier than 30 days before the notification date, the secured party requests, in a commercially reasonable manner, information concerning financing statements

indexed under the debtor's name in the office indicated in subparagraph (B) of paragraph (3) of subdivision (c).

(2) Before the notification date, the secured party either:

(A) Did not receive a response to the request for information.

(B) Received a response to the request for information and sent an authenticated notification of disposition to each secured party named in that response whose financing statement covered the collateral.

9612. (a) Except as otherwise provided in subdivision (b), whether a notification is sent within a reasonable time is a question of fact.

(b) In a transaction other than a consumer transaction, a notification of disposition sent after default and 10 days or more before the earliest time of disposition set forth in the notification is sent within a reasonable time before the disposition.

9613. Except in a consumer-goods transaction, the following rules apply:

(1) The contents of a notification of disposition are sufficient if the notification does all of the following:

(A) It describes the debtor and the secured party.

(B) It describes the collateral that is the subject of the intended disposition.

(C) It states the method of intended disposition.

(D) It states that the debtor is entitled to an accounting of the unpaid indebtedness and states the charge, if any, for an accounting.

(E) It states the time and place of a public sale or the time after which any other disposition is to be made.

(2) Whether the contents of a notification that lacks any of the information specified in paragraph (1) are nevertheless sufficient is a question of fact.

(3) The contents of a notification providing substantially the information specified in paragraph (1) are sufficient, even if the notification includes either of the following:

(A) Information not specified by that paragraph.

(B) Minor errors that are not seriously misleading.

(4) A particular phrasing of the notification is not required.

(5) The following form of notification and the form appearing in subdivision (3) of Section 9614, when completed, each provides sufficient information:

NOTIFICATION OF DISPOSITION OF COLLATERAL

To: _____

[Name of debtor, obligor, or other person to which the notification is sent]

From: _____
[Name, address, and telephone number of secured party]

Name of Debtor(s): _____
[Include only if debtor(s) are not an addressee]

[For a public disposition:]
We will sell [or lease or license, as applicable] the _____ [to the highest qualified bidder in public as follows:]
[describe collateral]

Day and Date: _____

Time: _____

Place: _____

[For a private disposition:]
We will sell [or license, as applicable] the _____
describe collateral
privately sometime after _____.
[day and date]
You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell [or lease or license, as applicable] [for a charge of $_____]. You may request an accounting by calling us at _____
[telephone number]

9614. In a consumer-goods transaction, the following rules apply:

(1) A notification of disposition must provide all of the following information:

(A) The information specified in subdivision (1) of Section 9613.

(B) A description of any liability for a deficiency of the person to which the notification is sent.

(C) A telephone number from which the amount that must be paid to the secured party to redeem the collateral under Section 9623 is available.

(D) A telephone number or mailing address from which additional information concerning the disposition and the obligation secured is available.

(2) A particular phrasing of the notification is not required.

(3) The following form of notification, when completed, provides sufficient information:

_____

[Name and address of secured party]

_____

[Date]

NOTICE OF OUR PLAN TO SELL PROPERTY

_____

[Name and address of any obligor who is also a debtor]

Subject: _____

[Identification of Transaction]

We have your _____, because you broke promises
[describe collateral]
in our agreement.

[For a public disposition:]
We will sell _____, at public sale. A sale could
[describe collateral]
include a lease or license. The sale will be held as follows:

Date: _____

Time: _____

Place: _____

You may attend the sale and bring bidders if you want.

[For a private disposition:]
We will sell _____ at private sale sometime
[describe collateral]
after _____.
[date]
A sale could include a lease or license.

The money that we get from the sale (after paying our costs) will reduce the amount you owe. If we get less money than you owe, you _____ still owe us the
[will or will not, as applicable]
difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

You can get the property back at any time before we sell it by paying us the full amount you owe (not just the past due payments), including our expenses. To learn the exact amount you must pay, call us at _____.
[telephone number]

If you want us to explain to you in writing how we have figured the amount that you owe us, you may call us at _____ [or write us at _____]
[telephone number] [secured party's address]
and request a written explanation. [We will charge you $_____ for the explanation if we sent you another written explanation of the amount you owe us within the last six months.]

If you need more information about the sale call us at _____ [or write us at _____].
[telephone number] [secured party's address]

We are sending this notice to the following other people who have an interest in _____ or who owe money under
[describe collateral]
your agreement: _____
[Names of all other debtors and obligors, if any]

(4) A notification in the form of paragraph (3) is sufficient, even if additional information appears at the end of the form.

(5) A notification in the form of paragraph (3) is sufficient, even if it includes errors in information not required by paragraph (1), unless the error is misleading with respect to rights arising under this division.

(6) If a notification under this section is not in the form of paragraph (3), law other than this division determines the effect of including information not required by paragraph (1).

9615. (a) A secured party shall apply or pay over for application the cash proceeds of disposition in the following order to each of the following:

(1) The reasonable expenses of retaking, holding, preparing for disposition, processing, and disposing, and, to the extent provided for by agreement and not prohibited by law, reasonable attorney's fees and legal expenses incurred by the secured party.

(2) The satisfaction of obligations secured by the security interest or agricultural lien under which the disposition is made.

(3) The satisfaction of obligations secured by any subordinate security interest in or other subordinate lien on the collateral and to the satisfaction of any subordinate attachment lien or execution lien pursuant to subdivision (b) of Section 701.040 of the Code of Civil Procedure if both of the following conditions are satisfied:

(A) The secured party receives from the holder of the subordinate security interest or other lien an authenticated demand for proceeds or notice of the levy of attachment or execution before distribution of the proceeds is completed.

(B) In a case in which a consignor has an interest in the collateral, the subordinate security interest or other lien is senior to the interest of the consignor.

(4) A secured party that is a consignor of the collateral if the secured party receives from the consignor an authenticated demand for proceeds before distribution of the proceeds is completed.

(b) If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder does so, the secured party need not comply with the holder's demand under paragraph (3) of subdivision (a).

(c) A secured party need not apply or pay over for application noncash proceeds of disposition under this section unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(d) If the security interest under which a disposition is made secures payment or performance of an obligation, after making the payments and applications required by subdivision (a) and permitted by subdivision (c), both of the following apply:

(1) Unless paragraph (4) of subdivision (a) requires the secured party to apply or pay over cash proceeds to a consignor, the secured party shall account to and pay a debtor for any surplus except as provided in Section 701.040 of the Code of Civil Procedure.

(2) Subject to subdivision (b) of Section 9626, the obligor is liable for any deficiency.

(e) (1) If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes, both of the following apply:

(A) The debtor is not entitled to any surplus.

(B) The obligor is not liable for any deficiency.

(2) Subdivision (b) of Section 701.040 of the Code of Civil Procedure relating to the payment of proceeds and the liability of the secured party applies only if the security agreement provides that the debtor is entitled to any surplus.

(f) The surplus or deficiency following a disposition is calculated based on the amount of proceeds that would have been realized in a disposition complying with this chapter to a transferee other than

the secured party, a person related to the secured party, or a secondary obligor if both of the following apply:

(1) The transferee in the disposition is the secured party, a person related to the secured party, or a secondary obligor.

(2) The amount of proceeds of the disposition is significantly below the range of proceeds that a complying disposition to a person other than the secured party, a person related to the secured party, or a secondary obligor would have brought.

(g) The following rules apply with respect to a secured party that receives cash proceeds of a disposition in good faith and without knowledge that the receipt violates the rights of the holder of a security interest or other lien that is not subordinate to the security interest or agricultural lien under which the disposition is made:

(1) The secured party takes the cash proceeds free of the security interest or other lien.

(2) The secured party is not obligated to apply the proceeds of the disposition to the satisfaction of obligations secured by the security interest or other lien.

(3) The secured party is not obligated to account to or pay the holder of the security interest or other lien for any surplus.

9616. (a) In this section:

(1) "Explanation" means a writing that contains all of the following:

(A) States the amount of the surplus or deficiency.

(B) Provides an explanation in accordance with subdivision (c) of how the secured party calculated the surplus or deficiency.

(C) States, if applicable, that future debits, credits, charges, including additional credit service charges or interest, rebates, and expenses may affect the amount of the surplus or deficiency.

(D) Provides a telephone number or mailing address from which additional information concerning the transaction is available.

(2) "Request" means a record that is all of the following:

(A) Authenticated by a debtor or consumer obligor.

(B) Requesting that the recipient provide an explanation.

(C) Sent after disposition of the collateral under Section 9610.

(b) In a consumer-goods transaction in which the debtor is entitled to a surplus or a consumer obligor is liable for a deficiency under Section 9615, the secured party shall do either of the following:

(1) Send an explanation to the debtor or consumer obligor, as applicable, after the disposition and in accordance with both of the following:

(A) Before or when the secured party accounts to the debtor and pays any surplus or first makes written demand on the consumer obligor after the disposition for payment of the deficiency.

(B) Within 14 days after receipt of a request.

(2) In the case of a consumer obligor who is liable for a deficiency, within 14 days after receipt of a request, send to the consumer obligor a record waiving the secured party's right to a deficiency.

(c) To comply with subparagraph (B) of paragraph (1) of subdivision (a), a writing must provide the following information in the following order:

(1) The aggregate amount of obligations secured by the security interest under which the disposition was made, and, if the amount reflects a rebate of unearned interest or credit service charge, an indication of that fact, calculated as of a specified date in accordance with either of the following:

(A) If the secured party takes or receives possession of the collateral after default, not more than 35 days before the secured party takes or receives possession.

(B) If the secured party takes or receives possession of the collateral before default or does not take possession of the collateral, not more than 35 days before the disposition.

(2) The amount of proceeds of the disposition.

(3) The aggregate amount of the obligations after deducting the amount of proceeds.

(4) The amount, in the aggregate or by type, and types of expenses, including expenses of retaking, holding, preparing for disposition, processing, and disposing of the collateral, and attorney's fees secured by the collateral which are known to the secured party and relate to the current disposition.

(5) The amount, in the aggregate or by type, and types of credits, including rebates of interest or credit service charges, to which the obligor is known to be entitled and which are not reflected in the amount in paragraph (1).

(6) The amount of the surplus or deficiency.

(d) A particular phrasing of the explanation is not required. An explanation complying substantially with the requirements of subdivision (a) is sufficient, even if it includes minor errors that are not seriously misleading.

(e) A debtor or consumer obligor is entitled without charge to one response to a request under this section during any six-month period in which the secured party did not send to the debtor or consumer obligor an explanation pursuant to paragraph (1) of subdivision (b). The secured party may require payment of a charge not exceeding twenty-five dollars ($25) for each additional response.

9617. (a) A secured party's disposition of collateral after default does all of the following:

(1) Transfers to a transferee for value all of the debtor's rights in the collateral.

(2) Discharges the security interest under which the disposition is made.

(3) Discharges any subordinate security interest or other subordinate lien.

(b) A transferee that acts in good faith takes free of the rights and interests described in subdivision (a), even if the secured party fails

to comply with this division or the requirements of any judicial proceeding.

(c) If a transferee does not take free of the rights and interests described in subdivision (a), the transferee takes the collateral subject to all of the following:

(1) The debtor's rights in the collateral.

(2) The security interest or agricultural lien under which the disposition is made.

(3) Any other security interest or other lien.

9618. (a) A secondary obligor acquires the rights and becomes obligated to perform the duties of the secured party after any of the following occurs:

(1) The secondary obligor receives an assignment of a secured obligation from the secured party.

(2) The secondary obligor receives a transfer of collateral from the secured party and agrees to accept the rights and assume the duties of the secured party.

(3) The secondary obligor is subrogated to the rights of a secured party with respect to collateral.

(b) Both of the following rules apply with respect to an assignment, transfer, or subrogation described in subdivision (a):

(1) It is not a disposition of collateral under Section 9610.

(2) It relieves the secured party of further duties under this division.

9619. (a) In this section, "transfer statement" means a record authenticated by a secured party stating all of the following:

(1) That the debtor has defaulted in connection with an obligation secured by specified collateral.

(2) That the secured party has exercised its postdefault remedies with respect to the collateral.

(3) That, by reason of the exercise, a transferee has acquired the rights of the debtor in the collateral.

(4) The name and mailing address of the secured party, debtor, and transferee.

(b) A transfer statement entitles the transferee to the transfer of record of all rights of the debtor in the collateral specified in the statement in any official filing, recording, registration, or certificate of title system covering the collateral. If a transfer statement is presented with the applicable fee and request form to the official or office responsible for maintaining the system, the official or office shall do all of the following:

(1) Accept the transfer statement.

(2) Promptly amend its records to reflect the transfer.

(3) If applicable, issue a new appropriate certificate of title in the name of the transferee.

(c) A transfer of the record or legal title to collateral to a secured party under subdivision (b) or otherwise is not of itself a disposition

of collateral under this division and does not of itself relieve the secured party of its duties under this division.

9620. (a) Except as otherwise provided in subdivision (g), a secured party may accept collateral in full or partial satisfaction of the obligation it secures only if all of the following conditions are satisfied:

(1) The debtor consents to the acceptance under subdivision (c).

(2) The secured party does not receive, within the time set forth in subdivision (d), a notification of objection to the proposal authenticated by either of the following:

(A) A person to which the secured party was required to send a proposal under Section 9621.

(B) Any other person, other than the debtor, holding an interest in the collateral subordinate to the security interest that is the subject of the proposal.

(3) If the collateral is consumer goods, the collateral is not in the possession of the debtor when the debtor consents to the acceptance.

(4) Subdivision (e) does not require the secured party to dispose of the collateral or the debtor waives the requirement pursuant to Section 9624.

(b) A purported or apparent acceptance of collateral under this section is ineffective unless both of the following conditions are satisfied:

(1) The secured party consents to the acceptance in an authenticated record or sends a proposal to the debtor.

(2) The conditions of subdivision (a) are met.

(c) For purposes of this section both of the following rules apply:

(1) A debtor consents to an acceptance of collateral in partial satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record authenticated after default.

(2) A debtor consents to an acceptance of collateral in full satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record authenticated after default or the secured party does all of the following:

(A) Sends to the debtor after default a proposal that is unconditional or subject only to a condition that collateral not in the possession of the secured party be preserved or maintained.

(B) In the proposal, proposes to accept collateral in full satisfaction of the obligation it secures.

(C) Does not receive a notification of objection authenticated by the debtor within 20 days after the proposal is sent.

(d) To be effective under paragraph (2) of subdivision (a), a notification of objection must be received by the secured party as follows:

(1) In the case of a person to which the proposal was sent pursuant to Section 9621, within 20 days after notification was sent to that person.

(2) In other cases, in accordance with either of the following:

(A) Within 20 days after the last notification was sent pursuant to Section 9621.

(B) If a notification was not sent, before the debtor consents to the acceptance under subdivision (c).

(e) A secured party that has taken possession of collateral shall dispose of the collateral pursuant to Section 9610 within the time specified in subdivision (f) if either of the following conditions has been satisfied:

(1) Sixty percent of the cash price has been paid in the case of a purchase money security interest in consumer goods.

(2) Sixty percent of the principal amount of the obligation secured has been paid in the case of a nonpurchase money security interest in consumer goods.

(f) To comply with subdivision (e), the secured party shall dispose of the collateral within either of the following time periods:

(1) Within 90 days after taking possession.

(2) Within any longer period to which the debtor and all secondary obligors have agreed in an agreement to that effect entered into and authenticated after default.

(g) In a consumer transaction, a secured party may not accept collateral in partial satisfaction of the obligation it secures.

9621. (a) A secured party that desires to accept collateral in full or partial satisfaction of the obligation it secures shall send its proposal to all of the following persons:

(1) Any person from which the secured party has received, before the debtor consented to the acceptance, an authenticated notification of a claim of an interest in the collateral.

(2) Any other secured party or lienholder that, 10 days before the debtor consented to the acceptance, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that satisfied all of the following conditions:

(A) It identified the collateral.

(B) It was indexed under the debtor's name as of that date.

(C) It was filed in the office or offices in which to file a financing statement against the debtor covering the collateral as of that date.

(3) Any other secured party that, 10 days before the debtor consented to the acceptance, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in subdivision (a) of Section 9311.

(b) A secured party that desires to accept collateral in partial satisfaction of the obligation it secures shall send its proposal to any secondary obligor in addition to the persons described in subdivision (a).

9622. (a) A secured party's acceptance of collateral in full or partial satisfaction of the obligation it secures does all of the following:

(1) It discharges the obligation to the extent consented to by the debtor.

(2) It transfers to the secured party all of a debtor's rights in the collateral.

(3) It discharges the security interest or agricultural lien that is the subject of the debtor's consent and any subordinate security interest or other subordinate lien.

(4) It terminates any other subordinate interest.

(b) A subordinate interest is discharged or terminated under subdivision (a), even if the secured party fails to comply with this division.

9623. (a) A debtor, any secondary obligor, or any other secured party or lienholder may redeem collateral.

(b) To redeem collateral, a person shall tender both of the following:

(1) Fulfillment of all obligations secured by the collateral.

(2) The reasonable expenses and attorney's fees described in paragraph (1) of subdivision (a) of Section 9615.

(c) A redemption may occur at any time before a secured party has done any of the following:

(1) Collected collateral under Section 9607.

(2) Disposed of collateral or entered into a contract for its disposition under Section 9610.

(3) Accepted collateral in full or partial satisfaction of the obligation it secures under Section 9622.

9624. (a) A debtor or secondary obligor may waive the right to notification of disposition of collateral under Section 9611 only by an agreement to that effect entered into and authenticated after default.

(b) A debtor may waive the right to require disposition of collateral under subdivision (e) of Section 9620 only by an agreement to that effect entered into and authenticated after default.

(c) Except in a consumer-goods transaction, a debtor or secondary obligor may waive the right to redeem collateral under Section 9623 only by an agreement to that effect entered into and authenticated after default.

9625. (a) If it is established that a secured party is not proceeding in accordance with this division, a court may order or restrain collection, enforcement, or disposition of collateral on appropriate terms and conditions.

(b) Subject to subdivisions (c), (d), and (f), a person is liable for damages in the amount of any loss caused by a failure to comply with this division. Loss caused by a failure to comply with a request under Section 9210 may include loss resulting from the debtor's inability to obtain, or increased costs of, alternative financing.

(c) Except as otherwise provided in Section 9628, a person that, at the time of the failure, was a debtor, was an obligor, or held a security interest in or other lien on the collateral may recover damages under subdivision (b) for its loss.

(d) A debtor whose deficiency is eliminated under Section 9626 may recover damages for the loss of any surplus. However, in a transaction other than a consumer transaction, a debtor or secondary obligor whose deficiency is eliminated or reduced under Section 9626 may not otherwise recover under subdivision (b) for noncompliance with the provisions of this chapter relating to collection, enforcement, disposition, or acceptance.

(e) In addition to any damages recoverable under subdivision (b), the debtor, consumer obligor, or person named as a debtor in a filed record, as applicable, may recover five hundred dollars ($500) in each case from any of the following persons:

(1) A person that fails to comply with Section 9208.

(2) A person that fails to comply with Section 9209.

(3) A person that files a record that the person is not entitled to file under subdivision (a) of Section 9509.

(4) A person that fails to cause the secured party of record to file or send a termination statement as required by subdivision (a) or (c) of Section 9513.

(5) A person that fails to comply with paragraph (1) of subdivision (b) of Section 9616 and whose failure is part of a pattern, or consistent with a practice, of noncompliance.

(6) A person that fails to comply with paragraph (2) of subdivision (b) of Section 9616.

(f) A debtor or consumer obligor may recover damages under subdivision (b) and, in addition, five hundred dollars ($500) in each case from a person that, without reasonable cause, fails to comply with a request under Section 9210. A recipient of a request under Section 9210 which never claimed an interest in the collateral or obligations that are the subject of a request under that section has a reasonable excuse for failure to comply with the request within the meaning of this subdivision.

(g) If a secured party fails to comply with a request regarding a list of collateral or a statement of account under Section 9210, the secured party may claim a security interest only as shown in the statement included in the request as against a person that is reasonably misled by the failure.

9626. (a) In an action arising from a transaction, other than a consumer transaction, in which the amount of a deficiency or surplus is in issue, the following rules apply:

(1) A secured party need not prove compliance with the provisions of this chapter relating to collection, enforcement, disposition, or acceptance unless the debtor or a secondary obligor places the secured party's compliance in issue.

(2) If the secured party's compliance is placed in issue, the secured party has the burden of establishing that the collection, enforcement, disposition, or acceptance was conducted in accordance with this chapter.

(3) Except as otherwise provided in Section 9628, if a secured party fails to prove that the collection, enforcement, disposition, or acceptance was conducted in accordance with the provisions of this chapter relating to collection, enforcement, disposition, or acceptance, the liability of a debtor or a secondary obligor for a deficiency is limited to an amount by which the sum of the secured obligation, expenses, and attorney's fees exceeds the greater of either of the following:

(A) The proceeds of the collection, enforcement, disposition, or acceptance.

(B) The amount of proceeds that would have been realized had the noncomplying secured party proceeded in accordance with the provisions of this chapter relating to collection, enforcement, disposition, or acceptance.

(4) For purposes of subparagraph (B) of paragraph (3), the amount of proceeds that would have been realized is equal to the sum of the secured obligation, expenses, and attorney's fees unless the secured party proves that the amount is less than that sum.

(5) If a deficiency or surplus is calculated under subdivision (f) of Section 9615, the debtor or obligor has the burden of establishing that the amount of proceeds of the disposition is significantly below the range of prices that a complying disposition to a person other than the secured party, a person related to the secured party, or a secondary obligor would have brought.

(b) In a consumer transaction, the following rules apply:

(1) In an action in which a deficiency or a surplus is an issue:

(A) A secured party has the burden of proving compliance with the provisions of this chapter relating to collection, enforcement, disposition, and acceptance whether or not the debtor or a secondary obligor places the secured party's compliance in issue.

(B) If a deficiency or surplus is calculated under subdivision (f) of Section 9615, the secured party has the burden of establishing that the amount of proceeds of the disposition is not significantly below the range of prices that a complying disposition to a person other than the secured party, a person related to the secured party, or a secondary obligor would have brought.

(2) The debtor or any secondary obligor is liable for any deficiency only if all of the following conditions are met:

(A) It is not otherwise agreed or otherwise provided in the Retail Installment Sales Act (Chapter 1 (commencing with Section 1801), Title 2, Part 4, Division 3, Civil Code), and, in particular, Section 1812.5 of the Civil Code or any other statute.

(B) The debtor and obligor were given notice, in accordance with Sections 9611, 9612, and 9613, or Section 9614, as applicable, of the disposition of the collateral.

(C) The collection, enforcement, disposition, and acceptance by the secured party were conducted in good faith and in a commercially reasonable manner.

(3) Upon entry of a final judgment that the debtor or obligor is not liable for a deficiency by reason of paragraph (2) or subdivision (f) of Section 9615, the secured party may neither obtain a deficiency judgment nor retain a security interest in any other collateral of the debtor or obligor that secured the indebtedness for which the debtor or obligor is no longer liable.

(4) If, subsequent to a disposition that does not satisfy any one or more of the conditions set forth in paragraph (2), or subsequent to a disposition that is subject to subdivision (f) of Section 9615, the secured party disposes pursuant to this section of other collateral securing the same indebtedness, the debtor or obligor may, to the extent he or she is no longer liable for a deficiency judgment by reason of paragraph (2) or subdivision (f) of Section 9615, recover the proceeds realized from the subsequent dispositions, as well as any damages to which the debtor may be entitled if the subsequent disposition is itself noncomplying or otherwise wrongful.

(5) Nothing herein shall deprive the debtor of any right to recover damages from the secured party under subdivision (a) of Section 9625, or to offset any such damages against any claim by the secured party for a deficiency, or of any right or remedy to which the debtor may be entitled under any other law. A debtor or obligor in a consumer transaction shall not have any damages owed to it reduced by the amount of any deficiency that would have resulted had the disposition of the collateral by the secured party been conducted in conformity with this division.

(6) The secured party shall account to the debtor for any surplus, except as provided in Section 701.040 of the Code of Civil Procedure.

9627. (a) The fact that a greater amount could have been obtained by a collection, enforcement, disposition, or acceptance at a different time or in a different method from that selected by the secured party is not of itself sufficient to preclude the secured party from establishing that the collection, enforcement, disposition, or acceptance was made in a commercially reasonable manner.

(b) A disposition of collateral is made in a commercially reasonable manner if the disposition satisfies any of the following conditions:

(1) It is made in the usual manner on any recognized market.

(2) It is made at the price current in any recognized market at the time of the disposition.

(3) It is made otherwise in conformity with reasonable commercial practices among dealers in the type of property that was the subject of the disposition.

(c) A collection, enforcement, disposition, or acceptance is commercially reasonable if it has been approved in or by any of the following:

(1) In a judicial proceeding.

(2) By a bona fide creditors' committee.

(3) By a representative of creditors.

(4) By an assignee for the benefit of creditors.

(d) Approval under subdivision (c) need not be obtained, and lack of approval does not mean that the collection, enforcement, disposition, or acceptance is not commercially reasonable.

9628. (a) Unless a secured party knows that a person is a debtor or obligor, knows the identity of the person, and knows how to communicate with the person both of the following rules apply:

(1) The secured party is not liable to the person, or to a secured party or lienholder that has filed a financing statement against the person, for failure to comply with this division.

(2) The secured party's failure to comply with this division does not affect the liability of the person for a deficiency.

(b) A secured party is not liable because of its status as secured party to either of the following persons:

(1) To a person that is a debtor or obligor, unless the secured party knows all of the following:

(A) That the person is a debtor or obligor.

(B) The identity of the person.

(C) How to communicate with the person.

(2) To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows both of the following:

(A) That the person is a debtor.

(B) The identity of the person.

(c) A secured party is not liable to any person, and a person's liability for a deficiency is not affected, because of any act or omission arising out of the secured party's reasonable belief that a transaction is not a consumer-goods transaction or a consumer transaction or that goods are not consumer goods, if the secured party's belief is based on its reasonable reliance on either of the following representations:

(1) A debtor's representation concerning the purpose for which collateral was to be used, acquired, or held.

(2) An obligor's representation concerning the purpose for which a secured obligation was incurred.

(d) A secured party is not liable under paragraph (2) of subdivision (c) of Section 9625 more than once with respect to any one secured obligation.

9629. No renunciation or modification by the debtor of any of his or her rights under this chapter as to consumer goods shall be valid or enforceable unless the renunciation or modification is in consideration of a waiver by the secured party of any right to a deficiency on the debt.

CHAPTER 7. TRANSITION

9701. This division shall become operative on July 1, 2001.

9702. (a) Except as otherwise provided in this chapter, this division applies to a transaction or lien within its scope, even if the

transaction or lien was entered into or created before this division takes effect.

(b) Except as otherwise provided in subdivision (c) and in Sections 9703 to 9708, inclusive, both of the following rules apply:

(1) Transactions and liens that were not governed by former Division 9, were validly entered into or created before July 1, 2001, and would be subject to this act if they had been entered into or created after July 1, 2001, and the rights, duties, and interests flowing from those transactions and liens remain valid after July 1, 2001.

(2) The transactions and liens may be terminated, completed, consummated, and enforced as required or permitted by this division or by the law that otherwise would apply if this division had not taken effect.

(c) This division does not affect an action, case, or proceeding commenced before July 1, 2001.

9703. (a) A security interest that is enforceable immediately before July 1, 2001, and would have priority over the rights of a person that becomes a lien creditor at that time is a perfected security interest under this division if, on July 1, 2001, the applicable requirements for enforceability and perfection under this division are satisfied without further action.

(b) Except as otherwise provided in Section 9705, if, immediately before July 1, 2001, a security interest is enforceable and would have priority over the rights of a person that becomes a lien creditor at that time, but the applicable requirements for enforceability or perfection under this division are not satisfied on July 1, 2001, when all of the following rules apply with respect to the security interest:

(1) It is a perfected security interest until July 1, 2002.

(2) It remains enforceable thereafter only if the security interest becomes enforceable under Section 9203 before July 1, 2002.

(3) It remains perfected thereafter only if the applicable requirements for perfection under this division are satisfied before July 1, 2002.

9704. All of the following rules apply with respect to a security interest that is enforceable immediately before July 1, 2001, but which would be subordinate to the rights of a person that becomes a lien creditor at that time:

(1) It remains an enforceable security interest until July 1, 2002.

(2) It remains enforceable thereafter if the security interest becomes enforceable under Section 9203 on July 1, 2001, or on July 1, 2002.

(3) It becomes perfected in either of the following ways:

(A) Without further action, on July 1, 2001, if the applicable requirements for perfection under this division are satisfied on or before that time.

(B) When the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.

9705. (a) If action, other than the filing of a financing statement, is taken before July 1, 2001, and the action would have resulted in priority of a security interest over the rights of a person that becomes a lien creditor had the security interest become enforceable before July 1, 2001, the action is effective to perfect a security interest that attaches under this division on or before July 1, 2002. An attached security interest becomes unperfected on July 1, 2002, unless the security interest becomes a perfected security interest under this division before that date.

(b) The filing of a financing statement before July 1, 2001, is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under this division.

(c) This division does not render ineffective an effective financing statement that is filed before July 1, 2001, and that has satisfied the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in former Section 9103. However, except as otherwise provided in subdivisions (d) and (e) and in Section 9706, the financing statement ceases to be effective at the earlier of either of the following:

(1) The time the financing statement would have ceased to be effective under the law of the jurisdiction in which it is filed.

(2) June 30, 2006.

(d) The filing of a continuation statement after July 1, 2001, does not continue the effectiveness of the financing statement filed before July 1, 2001. However, upon the timely filing of a continuation statement after July 1, 2001, and in accordance with the law of the jurisdiction governing perfection as provided in Chapter 3 (commencing with Section 9301), the effectiveness of a financing statement filed in the same office in that jurisdiction before July 1, 2001, continues for the period provided by the law of that jurisdiction.

(e) Paragraph (2) of subdivision (c) applies to a financing statement that is filed against a transmitting utility before July 1, 2001, and that has satisfied the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in former Section 9103 only to the extent that Chapter 3 (commencing with Section 9301) provides that the law of a jurisdiction other than jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

(f) A financing statement that includes a financing statement filed before July 1, 2001, and a continuation statement filed after July 1, 2001, is effective only to the extent that it satisfies the requirements of Chapter 5 (commencing with Section 9501) for an initial financing statement.

9706. (a) The filing of an initial financing statement in the office specified in Section 9501 continues the effectiveness of a financing statement filed before July 1, 2001, if all of the following conditions are satisfied:

(1) The filing of an initial financing statement in that office would be effective to perfect a security interest under this division.

(2) The pre-effective-date financing statement was filed in an office in another state or another office in this state.

(3) The initial financing statement satisfies subdivision (c).

(b) The filing of an initial financing statement under subdivision (a) continues the effectiveness of the pre-effective-date financing statement for the following periods:

(1) If the initial financing statement is filed before July 1, 2001, for the period provided in former Section 9403 with respect to a financing statement.

(2) If the initial financing statement is filed after July 1, 2001, for the period provided in Section 9515 with respect to an initial financing statement.

(c) To be effective for purposes of subdivision (a), an initial financing statement must do all of the following:

(1) Satisfy the requirements of Chapter 5 (commencing with Section 9501) for an initial financing statement.

(2) Identify the pre-effective-date financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement.

(3) Indicate that the pre-effective-date financing statement remains effective.

9707. A person may file an initial financing statement or a continuation statement under this chapter if both of the following conditions are satisfied:

(1) The secured party of record authorizes the filing.

(2) The filing is necessary under this chapter to do either of the following:

(A) To continue the effectiveness of a financing statement filed before July 1, 2001.

(B) To perfect or continue the perfection of a security interest.

9708. (a) This division determines priority of conflicting claims to collateral. However, if the relative priorities of the claims were established before July 1, 2001, former Division 9 (commencing with Section 9101) determines priority.

(b) For purposes of subdivision (a) of Section 9322, the priority of a security interest that becomes enforceable under Section 9203 dates from July 1, 2001, if the security interest is perfected under this division by the filing of a financing statement before July 1, 2001, which would not have been effective to perfect the security interest under former Division 9 (commencing with Section 9101). This subdivision does not apply to conflicting security interests each of which is perfected by the filing of such a financing statement.

SEC. 36. Section 10103 of the Commercial Code is amended to read:

10103. (a) In this division, unless the context otherwise requires:

(1) "Buyer in ordinary course of business" means a person who, in good faith and without knowledge that the sale to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, buys in ordinary course from a person in the business of selling goods of that kind, but does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(2) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(3) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(4) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

(5) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual and who takes under the lease primarily for a personal, family, or household purpose.

(6) "Fault" means wrongful act, omission, breach, or default.

(7) "Finance lease" means a lease with respect to which (A) the lessor does not select, manufacture, or supply the goods, (B) the lessor acquires the goods or the right to possession and use of the goods in connection with the lease, and (C) one of the following occurs:

(i) The lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract.

(ii) The lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract.

(iii) The lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods.

(iv) The lessor, before the lessee signs the lease contract, informs the lessee in writing (aa) of the identity of the person supplying the goods to the lessor, unless the lessee has selected that person and directed the lessor to acquire the goods or the right to possession and use of the goods from that person, (bb) that the lessee is entitled under this division to the promises and warranties, including those of any third party, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods, and (cc) that the lessee may communicate with the person supplying the goods to the lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies.

(8) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (Section 10309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(9) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

(10) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

(11) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this division. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

(12) "Lease contract" means the total legal obligation that results from the lease agreement as affected by this division and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

(13) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

(14) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.

(15) "Lessee in ordinary course of business" means a person who, in good faith and without knowledge that the lease to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, leases in ordinary course from a person in the business of selling or leasing goods of that kind, but

does not include a pawnbroker. "Leasing" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(16) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(17) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

(18) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

(19) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(20) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(21) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(22) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

(23) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(24) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(25) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(26) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(b) Other definitions applying to this division and the sections in which they appear are:

"Accessions." Subdivision (a) of Section 10310.

"Construction mortgage." Paragraph (4) of subdivision (a) of Section 10309.

"Encumbrance." Paragraph (5) of subdivision (a) of Section 10309.

"Fixtures." Paragraph (1) of subdivision (a) of Section 10309.

"Fixture filing." Paragraph (2) of subdivision (a) of Section 10309.

"Purchase money lease." Paragraph (3) of subdivision (a) of Section 10309.

(c) The following definitions in other divisions apply to this division:

"Account." Paragraph (2) of subdivision (a) of Section 9102.

"Between merchants." Subdivision (3) of Section 2104.

"Buyer." Paragraph (a) of subdivision (1) of Section 2103.

"Chattel paper." Paragraph (11) of subdivision (a) of Section 9102.

"Consumer goods." Paragraph (23) of subdivision (a) of Section 9102.

"Document." Paragraph (30) of subdivision (a) of Section 9102.

"Entrusting." Subdivision (3) of Section 2403.

"General intangible." Paragraph (42) of subdivision (a) of Section 9102.

"Good faith." Paragraph (b) of subdivision (1) of Section 2103.

"Instrument." Paragraph (47) of subdivision (a) of Section 9102.

"Merchant." Subdivision (1) of Section 2104.

"Mortgage." Paragraph (55) of subdivision (a) of Section 9102.

"Pursuant to commitment." Paragraph (68) of subdivision (a) of Section 9102.

"Receipt." Paragraph (c) of subdivision (1) of Section 2103.

"Sale." Subdivision (1) of Section 2106.

"Sale on approval." Section 2326.

"Sale or return." Section 2326.

"Seller." Paragraph (d) of subdivision (1) of Section 2103.

(d) In addition, Division 1 contains general definitions and principles of construction and interpretation applicable throughout this division.

SEC. 37. Section 10303 of the Commercial Code is amended to read:

10303. (a) As used in the section, "creation of a security interest" includes the sale of a lease contract that is subject to Division 9 (commencing with Section 9101), Secured Transactions, by reason of paragraph (3) of subdivision (a) of Section 9109.

(b) Except as provided in subdivision (c) and Section 9407, a provision in a lease agreement which (1) prohibits the voluntary or involuntary transfer, including a transfer by sale, sublease, creation or enforcement of a security interest, or attachment, levy, or other judicial process, of an interest of a party under the lease contract or of the lessor's residual interest in the goods, or (2) makes such a transfer an event of default, gives rise to the rights and remedies provided in subdivision (d), but a transfer that is prohibited or is an event of default under the lease agreement is otherwise effective.

(c) A provision in a lease agreement which (1) prohibits a transfer of a right to damages for default with respect to the whole lease contract or of a right to payment arising out of the transferor's due performance of the transferor's entire obligation, or (2) makes such a transfer an event of default, is not enforceable, and such a transfer

is not a transfer that materially impairs the prospect of obtaining return performance by, materially changes the duty of, or materially increases the burden or risk imposed on, the other party to the lease contract within the purview of subdivision (d).

(d) Subject to subdivision (c) and Section 9407:

(1) If a transfer is made which is made an event of default under a lease agreement, the party to the lease contract not making the transfer, unless that party waives the default or otherwise agrees, has the rights and remedies described in subdivision (b) of Section 10501.

(2) If paragraph (1) is not applicable and if a transfer is made that (A) is prohibited under a lease agreement or (B) materially impairs the prospect of obtaining return performance by, materially changes the duty of, or materially increases the burden or risk imposed on, the other party to the lease contract, unless the party not making the transfer agrees at any time to the transfer in the lease contract or otherwise, then, except as limited by contract, (C) the transferor is liable to the party not making the transfer for damages caused by the transfer to the extent that the damages could not reasonably be prevented by the party not making the transfer and (D) a court having jurisdiction may grant other appropriate relief, including cancellation of the lease contract or an injunction against the transfer.

(e) A transfer of "the lease" or of "all my rights under the lease," or a transfer in similar general terms, is a transfer of rights and, unless the language or the circumstances, as in a transfer for security, indicate the contrary, the transfer is a delegation of duties by the transferor to the transferee. Acceptance by the transferee constitutes a promise by the transferee to perform those duties. The promise is enforceable by either the transferor or the other party to the lease contract.

(f) Unless otherwise agreed by the lessor and the lessee, a delegation of performance does not relieve the transferor as against the other party of any duty to perform or of any liability for default.

(g) In a consumer lease, to prohibit the transfer of an interest of a party under the lease contract or to make a transfer an event of default, the language must be specific, by a writing, and conspicuous.

SEC. 38. Section 10307 of the Commercial Code is amended to read:

10307. (a) Except as otherwise provided in Section 10306, a creditor of a lessee takes subject to the lease contract.

(b) Except as otherwise provided in subdivision (c) and in Sections 10306 and 10308, a creditor of a lessor takes subject to the lease contract unless the creditor holds a lien that attached to the goods before the lease contract became enforceable.

(c) Except as otherwise provided in Sections 9317, 9321, and 9323, a lessee takes a leasehold interest subject to a security interest held by a creditor of the lessor.

SEC. 39. Section 10309 of the Commercial Code is amended to read:

10309. (a) In this section:

(1) Goods are "fixtures" when they become so related to particular real estate that an interest in them arises under real estate law;

(2) A "fixture filing" is the filing, in the office where a record of a mortgage on the real estate would be recorded, of a financing statement covering goods that are or are to become fixtures and conforming to the requirements of subdivisions (a) and (b) of Section 9502;

(3) A lease is a "purchase money lease" unless the lessee has possession or use of the goods or the right to possession or use of the goods before the lease agreement is enforceable;

(4) A mortgage is a "construction mortgage" to the extent it secures an obligation incurred for the construction of an improvement on land including the acquisition cost of the land, if the recorded writing so indicates; and

(5) "Encumbrance" includes real estate mortgages and other liens on real estate and all other rights in real estate that are not ownership interests.

(b) Under this division a lease may be of goods that are fixtures or may continue in goods that become fixtures, but no lease exists under this division of ordinary building materials incorporated into an improvement on land.

(c) This division does not prevent creation of a lease of fixtures pursuant to real estate law.

(d) The interest of a lessor of fixtures has priority over a conflicting interest of an encumbrancer or owner of the real estate if:

(1) The lease is a purchase money lease, the conflicting interest of the encumbrancer or owner arises before the goods become fixtures, a fixture filing covering the fixtures is filed before the goods become fixtures or within 20 days thereafter, and the lessee has an interest of record in the real estate or is in possession of the real estate;

(2) A fixture filing covering the fixtures is filed before the interest of the encumbrancer or owner is of record, the lessor's interest has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner, and the lessee has an interest of record in the real estate or is in possession of the real estate;

(3) The fixtures are readily removable factory or office machines, readily removable equipment that is not primarily used or leased for use in the operation of the real estate, or readily removable replacements of domestic appliances that are goods subject to a consumer lease;

(4) The conflicting interest is a lien on the real estate obtained by legal or equitable proceedings after the lease contract is enforceable;

(5) The encumbrancer or owner has consented in writing to the lease or has disclaimed an interest in the goods as fixtures; or

(6) The lessee has a right to remove the goods as against the encumbrancer or owner. If the lessee's right to remove terminates, the priority of the interest of the lessor continues for a reasonable time.

(e) Notwithstanding paragraph (1) of subdivision (d) but otherwise subject to subdivision (d), the interest of a lessor of fixtures, including the lessor's residual interest, is subordinate to the conflicting interest of an encumbrancer of the real estate under a construction mortgage recorded before the goods become fixtures if the goods become fixtures before the completion of the construction. To the extent given to refinance a construction mortgage, the conflicting interest of an encumbrancer of the real estate under a mortgage has this priority to the same extent as the encumbrancer of the real estate under the construction mortgage.

(f) In cases not within the preceding subdivisions, priority between the interest of a lessor of fixtures, including the lessor's residual interest, and the conflicting interest of an encumbrancer or owner of the real estate who is not the lessee is determined by the priority rules governing conflicting interests in real estate.

(g) If the interest of a lessor of fixtures, including the lessor's residual interest, has priority over all conflicting interests of all owners and encumbrancers of the real estate, the lessor or the lessee may (1) on default, expiration, termination, or cancellation of the lease agreement but subject to the lease agreement and this division, or (2) if necessary to enforce other rights and remedies of the lessor or lessee under this division, remove the goods from the real estate, free and clear of all conflicting interests of all owners and encumbrancers of the real estate, but the lessor or lessee must reimburse any encumbrancer or owner of the real estate who is not the lessee and who has not otherwise agreed for the cost of repair of any physical injury, but not for any diminution in value of the real estate caused by the absence of the goods removed or by any necessity of replacing them. A person entitled to reimbursement may refuse permission to remove until the party seeking removal gives adequate security for the performance of this obligation.

SEC. 40. Section 13102 of the Commercial Code is amended to read:

13102. Transactions validly entered into before January 1, 1965, and the rights, duties, and interests flowing from them remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by any statute or other law amended or repealed by this act as though such repeal or amendment had not occurred; provided, however, that the perfection of a security interest (other than a security interest (i) in a motor vehicle or vessel required to be registered under the Vehicle Code unless such vehicle or vessel is inventory or (ii) in personal property, including fixtures, which constitutes a portion of the properties included in an agreement which is a mortgage or deed of trust of both

real and personal property made to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or made by a public utility as defined in the Public Utilities Code), as defined in this code (Section 1201), and however denominated in any law repealed by this act,

(a) Which was perfected on or before January 1, 1965, by a filing or recording under a law repealed by this act and requiring a further filing or recording to continue its perfection, continues until and will lapse on the date provided by the law so repealed for such further filing or recording.

(b) Which was perfected on or before January 1, 1965, by a filing or recording under a law repealed by this act and requiring no further filing or recording to continue its perfection, continues until and will lapse 12 months after January 1, 1965.

(c) Which was perfected on or before January 1, 1965, without any filing or recording, but with respect to which a financing statement is required to be filed in order for it to be perfected under this code, continues until and will lapse 12 months after January 1, 1965;

unless, in each case, a continuation statement is filed by the secured party within 12 months before the perfection of the security interest would otherwise lapse. Any such continuation statement must be signed by the secured party, identify the original security agreement, however denominated, state the office where and the date when last filed or refiled, or recorded or rerecorded, and the filing number or recordation data and further state that the original security agreement is still effective. Subdivision (1) of Section 9501 determines the proper place to file such a continuation statement. Except as herein specified the provisions of Sections 9515 and 9522 apply to such a continuation statement.

SEC. 41. Section 13105 of the Commercial Code is amended to read:

13105. (1) A financing statement or a continuation thereof, properly filed and effective pursuant to Section 9401 as it existed prior to January 1, 1971, remains valid and effective after January 1, 1971, until expiration of the usual five-year period from date of filing. Any termination, release, assignment, or amendment of the financing statement prior to expiration of the five-year period of effectiveness shall be filed, as previously required, with the county recorder who has filed the financing statement.

(2) After January 1, 1971, any continuation of a financing statement which had been properly filed with a county recorder prior to January 1, 1971, and which now would be required to be filed with the Secretary of State, shall be filed with the Secretary of State in accordance with Sections 9515 and 9516. The continuation statement shall be accompanied by a certified copy of the entire record of the county recorder related to the financing statement. After filing of the continuation statement with the Secretary of State,

any termination, release, assignment, amendment, or continuation of the financing statement shall also be filed with the Secretary of State and any documents affecting the financing statement that are not filed with the Secretary of State shall not be effective.

SEC. 42. Section 14106 of the Commercial Code is amended to read:

14106. (1) If a security interest is perfected or has priority on January 1, 1976, as to all persons or as to certain persons without any filing or recording, and if the filing of a financing statement would be required for the perfection or priority of the security interest against those persons under this code, as amended by the Legislature at the 1973–74 Regular Session, the perfection and priority rights of the security interest continue until January 1, 1979. The perfection will then lapse unless a financing statement is filed as provided in subdivision (4) or unless the security interest is perfected otherwise than by filing.

(2) If a security interest is perfected on January 1, 1976, under a law other than this code which requires no further filing, refiling or recording to continue its perfection, perfection continues until and will lapse January 1, 1979, unless a financing statement is filed as provided in subdivision (4) or unless the security interest is perfected otherwise than by filing, or unless under Section 9311 the other law continues to govern filing.

(3) If a security interest is perfected by a filing, refiling or recording under a law repealed by this code as amended by the Legislature at the 1973–74 Regular Session which required further filing, refiling or recording to continue its perfection, perfection continues and will lapse on the date provided by the law so repealed for a further filing, refiling, or recording unless a financing statement is filed as provided in subdivision (4) or unless the security interest is perfected otherwise than by filing.

(4) A financing statement may be filed within six months before the perfection of a security interest would otherwise lapse. Any such financing statement may be signed by either the debtor or the secured party. It must identify the security agreement, statement, or notice (however denominated in any statute or other law repealed or modified by this code as amended by the Legislature at the 1973–74 Regular Session), state the office where and the date when the last filing, refiling, or recording, if any, was made with respect thereto, and the filing number, if any, was made with respect thereto, and the filing number, if any, or book and page, if any, of recording and further state that the security agreement, statement, or notice, however denominated, in another filing office under this code or under any statute or other law repealed or modified by this code as amended by the Legislature at the 1973–74 Regular Session is still effective. Section 9501 and Sections 9301, 9303, 9304, 9305, 9306, 9307, 9316, and 9337 determine the proper place to file such a financing statement. Except as specified in this subdivision, the provisions of

Sections 9515 and 9522 for continuation statements apply to such a financing statement.

SEC. 42.5. Section 911 of the Family Code is amended to read:

911. (a) The earnings of a married person during marriage are not liable for a debt incurred by the person's spouse before marriage. After the earnings of the married person are paid, they remain not liable so long as they are held in a deposit account in which the person's spouse has no right of withdrawal and are uncommingled with other property in the community estate, except property insignificant in amount.

(b) As used in this section:

(1) "Deposit account" has the meaning prescribed in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code.

(2) "Earnings" means compensation for personal services performed, whether as an employee or otherwise.

SEC. 43. Section 22337 of the Financial Code is amended to read:

22337. Each licensed finance lender shall:

(a) Deliver or cause to be delivered to the borrower, or any one thereof, at the time the loan is made, a statement showing in clear and distinct terms the name, address, and license number of the finance lender and the broker, if any. The statement shall show the date, amount, and maturity of the loan contract, how and when repayable, the nature of the security for the loan, if any, and the agreed rate of charge or the annual percentage rate pursuant to Regulation Z promulgated by the Board of Governors of the Federal Reserve System (12 C.F.R. 226).

(b) Obtain from the borrower a signed statement as to whether any person has performed any act as a broker in connection with the making of the loan. If the statement discloses that a broker or other person has participated, then the finance lender shall obtain a full statement of all sums paid or payable to the broker or other person. The finance lender shall keep these statements for a period of two years from and after the date the loan has been paid in full, or has matured according to its terms, or has been charged off.

(c) Permit payment to be made in advance in any amount on any contract of loan at any time. The licensee may apply the payment first to any agreed prepayment penalty, then to all charges due, including charges at the agreed rate or rates up to the date of payment, not to exceed the applicable maximum rate permitted by this article.

(d) Deliver or cause to be delivered to the person making any cash payment, or to the person who requests a receipt at the time of making any payment, at the time payment is made on account of any loan, a plain and complete receipt showing the total amount received and identifying the loan contract upon which the payment is applied.

(e) Upon repayment of any loan in full, release all security for the loan, endorse and return any certificate of ownership, and cancel or plainly mark "paid" and return to the borrower or person making final payment, any note, mortgage, security agreement, trust deed,

assignment, or order signed by the borrower, or an optical image reproduction thereof, except those documents that are a part of the court record in any action, or that have been delivered to a third person for the purpose of carrying out their terms, or a security agreement that secures any other indebtedness of a borrower to the licensee, or original documents otherwise required by law. When a trust deed on real property has been taken as security for a loan that has been subsequently paid in full, a duly executed request for reconveyance shall be delivered to the trustor or trustee for the purpose of recording a reconveyance. A termination statement, furnished to the borrower as provided for in Sections 9512 and 9513 of the Commercial Code, shall be deemed a release of the security when a financing statement has been filed pursuant to Section 9501 of the Commercial Code.

For purposes of this subdivision, an optical image reproduction shall meet all of the following requirements:

(1) The optical image storage media used to store the document shall be nonerasable write once, read many (WORM) optical image media that does not allow changes to the stored document.

(2) The optical image reproduction shall be made consistent with the minimum standards of quality approved by either the National Institute of Standards and Technology or the Association for Information and Image Management.

(3) Written authentication identifying the optical image reproduction as an exact unaltered copy of the note, trust deed, mortgage, security agreement, assignment or order shall be stamped or printed on the optical image reproduction.

(f) Deliver or cause to be delivered to the potential borrower, or any one thereof, at the time the licensee first requires or accepts any signed instrument or the payment of any fee, a statement showing in clear and distinct terms the name, address, and license number of the finance lender and the broker, if any.

SEC. 43.1. Section 21855 of the Food and Agricultural Code is amended to read:

21855. Notwithstanding any other provision of law, in any action for the wrongful taking, possessing, harboring, or transporting of cattle, for the driving of cattle off their usual range, or for the killing or slaughter of cattle without the consent of the owner or the person lawfully in possession of such cattle, the detriment caused thereby to the plaintiff shall be four times the value of the cattle at the time of the taking, possessing, harboring, transporting, or driving, or killing or slaughtering thereof, with interest from that time, plus an amount in fair compensation for the time and money properly expended by the plaintiff in pursuit of the cattle.

The provisions of this section shall not apply to a secured party, as defined in paragraph (72) of subdivision (a) of Section 9102 of the Commercial Code, when taking possession of cattle pursuant to a

security agreement if one of the following conditions has been met prior to movement of any such cattle:

(a) The secured party has requested and received a brand inspection of the cattle covered by the security agreement pursuant to Sections 21051.5 and 21171 of this code.

(b) The secured party has requested the inspection required by subdivision (a) and due to an insufficient amount of time to inspect the cattle prior to their movement, the brand inspector agrees to allow movement of the cattle, with inspection of such cattle to be made at their first destination prior to their commingling with any other cattle.

The inspection performed pursuant to subdivision (a) or (b) shall be conducted for the sole purpose of assuring that the cattle that are moved are the same cattle subject to the security agreement.

In a proper case, which shall include the killing or slaughter of cattle, exemplary damages may be awarded to the plaintiff as provided in Section 3340 of the Civil Code.

The commencement of any criminal prosecution for grand theft of cattle shall not preclude or prevent the commencement of any civil action for damages, as specified in this section.

SEC. 43.2. Section 55702 of the Food and Agricultural Code is amended to read:

55702. (a) Except as otherwise provided in this section, any person who sells or furnishes livestock to a meatpacker, shall have a lien, not dependent upon possession, on such livestock and upon the identifiable proceeds and products thereof, for the unpaid part of the purchase price, or for the unpaid value of the livestock at the time of the transfer of possession if no purchase price has been agreed upon. The lien shall commence on the date of the transfer of possession of the livestock to the meatpacker and shall have priority over all other liens upon, and security interests in, the livestock and the identifiable proceeds and products thereof, without regard to the time of attachment or perfection of such other liens or security interests and shall remain a lien upon the livestock and the identifiable proceeds and products thereof notwithstanding sale, exchange, or other disposition thereof.

(b) Notwithstanding the provisions of subdivision (a), a buyer in the ordinary course of business, as that term is defined in subdivision (9) of Section 1201 of the Commercial Code, shall take free of such lien even though such buyer knows of the existence of such lien.

(c) Notwithstanding the provisions of subdivision (a), such lien shall cease to be of any force or effect after the expiration of 21 days from the date of delivery of the livestock unless a notice of lien is filed pursuant to subdivision (e), in which case the lien shall remain effective as long as such notice shall remain effective.

(d) No person shall have a lien pursuant to subdivision (a) to the extent that such person shall have made the livestock available to the meatpacker on credit terms.

(e) Any person selling or delivering livestock who claims a lien under this article shall file a statement with the Secretary of State and a copy thereof with the director both, within 21 days after delivery of the livestock to the meatpacker. The statement shall be in writing, verified by the oath of the person filing, and shall contain all of the following:

(1) The name and address of the person filing.

(2) A statement of the amount demanded by the person filing the statement after deducting all credits and offsets.

(3) The name and address of the meatpacker who received the livestock.

(4) A description of the livestock delivered to the meatpacker and the date of delivery.

(5) A statement that the amount claimed is a true and bona fide existing debt as of the date of the statement.

(6) A statement that the amount claimed is a true and bona fide existing debt as of the date on which payment was due for the livestock.

(f) Every statement which is filed shall be accompanied by the fees required by Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code in the case of a financing statement not on the standard form and shall remain effective for a period of five years from the date of filing.

SEC. 43.3. Section 57405 of the Food and Agricultural Code is amended to read:

57405. The lien created by this chapter shall be perfected and shall be effective upon the filing of a notice of claim of lien with the Secretary of State pursuant to all the provisions of this section.

(a) The person who provides feed or materials may, at any time, file in the manner and at the place set forth in this section, the notice of claim of lien.

(b) The notice of claim of lien shall, at a minimum, set forth all of the following information:

(1) The name and address of the lien claimant.

(2) The name and address of the lien debtor.

(3) The location of the dairy to which the feed and materials were provided.

(4) That the lien claimant has a dairy cattle supply lien pursuant to Section 57402.

(c) The notice of claim of lien shall be signed by the lien claimant or by a person authorized to sign documents of a similar kind on behalf of the claimant.

(d) The notice of claim of lien shall be filed on a form which is the standard form of original financing statement prescribed by the Secretary of State pursuant to Section 9521 of the Commercial Code. The standard form shall be completed with the following changes:

(1) The lien claimant may be identified either as lien claimant or as secured party.

(2) The form shall be signed by the lien claimant and need not be signed by the debtor.

(3) In the space for the description of the collateral there shall instead be entered the statement substantially as set forth in paragraphs (3) and (4) of subdivision (b).

(e) The notice of claim of lien shall be filed, indexed, and marked in the office of the Secretary of State in the same manner as a financing statement is filed, indexed, and marked pursuant to Section 9519 of the Commercial Code.

(f) The lien claimant shall provide written notice of the claim of lien to the lien debtor within 10 days of the date of the filing with the office of the Secretary of State.

(g) For the purpose of the Secretary of State's index pursuant to Sections 9515, 9516, and 9522 of the Commercial Code and for the purpose of the issuance of a certificate pursuant to Section 9519 or 9528 of the Commercial Code, the Secretary of State shall identify a notice pursuant to this section as a financing statement.

SEC. 43.4. Section 57408 of the Food and Agricultural Code is amended to read:

57408. A member of the public may obtain a certificate identifying whether there is a lien on file and any notice of claim of lien naming a particular debtor, and if so, giving the date and time of filing of each notice, and the names and addresses of each lienholder therein. The fee for the certificate is the same as the fee for a certificate issued pursuant to Section 9525 of the Commercial Code.

SEC. 43.5. Section 57409 of the Food and Agricultural Code is amended to read:

57409. A member of the public may obtain a copy of any notice of claim of lien filed pursuant to this chapter, including notices affecting the notices. The fee for these copies shall be the same as that prescribed in Section 9525 of the Commercial Code.

SEC. 43.6. Section 57411 of the Food and Agricultural Code is amended to read:

57411. A lien created pursuant to this chapter is assignable or transferable by the holder of the lien, with full rights of enforcement. A lienholder's statement of assignment or transfer shall be filed with the Secretary of State in the same manner as a secured party's statement of assignment or transfer as prescribed in Section 9514 of the Commercial Code.

SEC. 43.7. Section 57516 of the Food and Agricultural Code is amended to read:

57516. The notice of claim of lien shall be filed on a form which is the standard form of original financing statement prescribed by the Secretary of State pursuant to Section 9521 of the Commercial Code. The standard form shall be completed with the following changes:

(a) The lien claimant may be identified either as a lien claimant or as a secured party.

(b) The form shall be signed by the lien claimant and need not be signed by the lien debtor.

(c) In the space for the description of the collateral there shall instead be entered the information specified in subdivisions (c) and (d) of Section 57514.

SEC. 43.8. Section 57517 of the Food and Agricultural Code is amended to read:

57517. The notice of claim of lien shall be filed, indexed, and marked in the office of the Secretary of State in the same manner as a financing statement is filed, indexed, and marked pursuant to Section 9519 of the Commercial Code.

SEC. 43.9. Section 57519 of the Food and Agricultural Code is amended to read:

57519. For the purpose of the Secretary of State's index pursuant to Section 9519 of the Commercial Code and for the purpose of the issuance of a certificate pursuant to Section 9519 or 9528 of the Commercial Code, the Secretary of State shall identify a notice pursuant to this article as a financing statement.

SEC. 44. Section 57530 of the Food and Agricultural Code is amended to read:

57530. A member of the public may obtain a certificate identifying whether there is a lien on file and any notice of claim of lien naming a particular debtor, and if so, giving the date and time of filing of each notice, and the names and addresses of each lienholder therein. The fee for the certificate is the same as the fee for a certificate issued pursuant to Section 9525 of the Commercial Code.

SEC. 44.1. Section 57531 of the Food and Agricultural Code is amended to read:

57531. A member of the public may obtain a copy of any notice of claim of lien filed pursuant to this chapter, including notices affecting the notices. The fee for these copies shall be the same as that prescribed in Section 9525 of the Commercial Code.

SEC. 44.2. Section 57540 of the Food and Agricultural Code is amended to read:

57540. A lien created pursuant to this chapter is assignable or transferable by the holder of the lien, with full rights of enforcement. The lienholder shall file a statement of assignment or transfer with the Secretary of State in the same manner as a secured party's statement of assignment or transfer as prescribed in Section 9514 of the Commercial Code.

SEC. 44.3. Section 57567 of the Food and Agricultural Code is amended to read:

57567. The notice of claim of lien shall be filed on a form which is the standard form of original financing statement prescribed by the Secretary of State pursuant to Sections 9515, 9516, and 9522 of the Commercial Code. The standard form shall be completed with the following changes:

(a) The lien claimant may be identified either as a lien claimant or as a secured party.

(b) The form shall be signed by the lien claimant and need not be signed by the lien debtor.

(c) In the space for the description of the collateral there shall instead be entered the information specified in subdivisions (c) to (g), inclusive, of Section 57565.

(d) Attached to the form shall be a separately signed statement containing the information specified in subdivision (f) of Section 57565.

SEC. 44.4. Section 57568 of the Food and Agricultural Code is amended to read:

57568. The notice of claim of lien shall be filed, indexed, and marked in the office of the Secretary of State in the same manner as a financing statement is filed, indexed, and marked pursuant to Section 9519 of the Commercial Code.

SEC. 44.5. Section 57570 of the Food and Agricultural Code is amended to read:

57570. For the purpose of the Secretary of State's index pursuant to Section 9519 of the Commercial Code and for the purpose of the issuance of a certificate pursuant to Section 9519 or 9528 of the Commercial Code, the Secretary of State shall identify a notice pursuant to this article as a financing statement.

SEC. 44.6. Section 57581 of the Food and Agricultural Code is amended to read:

57581. A member of the public may obtain a certificate identifying whether there is a lien on file and any notice of claim of lien naming a particular debtor, and if so, giving the date and time of filing of each notice, and the names and addresses of each lienholder in the certificate. The fee for the certificate is the same as the fee for a certificate issued pursuant to Section 9525 of the Commercial Code.

SEC. 44.7. Section 57582 of the Food and Agricultural Code is amended to read:

57582. A member of the public may obtain a copy of any notice of an agricultural chemical or seed lien filed, including notices affecting the notices. The fee for these copies shall be the same as that prescribed in Section 9525 of the Commercial Code.

SEC. 44.8. Section 57590 of the Food and Agricultural Code is amended to read:

57590. (a) A lien created pursuant to this chapter is assignable or transferable by the holder of the lien, with full rights of enforcement.

(b) The lienholder shall file a statement of assignment or transfer with the office of the Secretary of State in the same manner that a statement is filed pursuant to Section 9514 of the Commercial Code.

SEC. 44.9. Section 7153 of the Government Code is amended to read:

7153. "Chattel paper" has the same meaning as defined in paragraph (11) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 45. Section 7154 of the Government Code is amended to read:

7154. "Deposit account" has the same meaning as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 45.1. Section 7157 of the Government Code is amended to read:

7157. "Instrument" has the same meaning as defined in paragraph (47) of subdivision (a) of Section 9102 of the Commercial Code.

SEC. 45.2. Section 7159 of the Government Code is amended to read:

7159. "Purchase money security interest" has the same meaning as defined in Section 9103 of the Commercial Code.

SEC. 45.3. Section 7170 of the Government Code is amended to read:

7170. (a) Except as provided in subdivisions (b) and (c), a state tax lien attaches to all property and rights to property whether real or personal, tangible or intangible, including all after-acquired property and rights to property, belonging to the taxpayer and located in this state. A state tax lien attaches to a dwelling notwithstanding the prior recording of a homestead declaration (as defined in Section 704.910 of the Code of Civil Procedure).

(b) A state tax lien is not valid as to real property against the right, title, or interest of any of the following persons where the person's right, title, or interest was acquired or perfected prior to recording of the notice of state tax lien in the office of the county recorder of the county in which the real property is located pursuant to Section 7171:

(1) A successor in interest of the taxpayer without knowledge of the lien.

(2) A holder of a security interest.

(3) A mechanic's lienor.

(4) A judgment lien creditor.

(c) A state tax lien is not valid as to personal property against:

(1) The holder of a security interest in the property whose interest is perfected pursuant to Section 9308 of the Commercial Code prior to the time the notice of the state tax lien is filed with the Secretary of State pursuant to Section 7171.

(2) Any person (other than the taxpayer) who acquires an interest in the property under the law of this state without knowledge of the lien or who perfects an interest in accordance with the law of this state prior to the time that the notice of state tax lien is filed with the Secretary of State pursuant to Section 7171.

(3) A buyer in ordinary course of business who, under Section 9320 of the Commercial Code, would take free of a security interest created by the seller.

(4) Any person (other than the taxpayer) who, notwithstanding the prior filing of the notice of the state tax lien:

(A) Is a holder in due course of a negotiable instrument.

(B) Is a holder to whom a negotiable document of title has been duly negotiated.

(C) Is a protected purchaser of a security or is a person entitled to the benefits of Section 8502 or 8510 of the Commercial Code.

(D) Is a purchaser of chattel paper who gives new value and takes possession of the chattel paper in the ordinary course of the purchaser's business or a purchaser of an instrument who gives value and takes possession of the instrument in good faith.

(E) Is a holder of a purchase money security interest.

(F) Is a collecting bank holding a security interest in items being collected, accompanying documents and proceeds, pursuant to Section 4210 of the Commercial Code.

(G) Acquires a security interest in a deposit account or in the beneficial interest in a trust or estate.

(H) Acquires any right or interest in letters of credit, advices of credit, or money.

(I) Acquires without actual knowledge of the state tax lien a security interest in or a claim in or under any policy of insurance including unearned premiums.

(J) Acquires any right or interest in property subject to a certificate of title statute of another jurisdiction under the law of which indication of a security interest on the certificate of title is required as a condition of perfection of the security interest.

(K) Is a purchaser of an instrument who would have priority under subdivision (d) of Section 9330 of the Commercial Code.

(L) Is a purchaser of investment property who would have priority under paragraph (1), (3), (4), or (5) of Section 9328 of the Commercial Code.

(M) A transferee of money who would take free of a security interest under Section 9332 of the Commercial Code.

(5) A judgment lien creditor whose lien was created by the filing of a notice of judgment lien on personal property with the Secretary of State prior to the time the notice of state tax lien is filed with the Secretary of State pursuant to Section 7171.

SEC. 45.4. Section 7222 of the Government Code is amended to read:

7222. The Secretary of State shall cause the notice to be marked, held and indexed in accordance with the provisions of Section 9519 of the Uniform Commercial Code as if the notice were a financing statement within the meaning of that code.

SEC. 45.5. Section 7226 of the Government Code is amended to read:

7226. (a) Upon request of any person, the Secretary of State shall issue his or her certificate showing whether there is on file, on the date and hour stated therein, any certificate or notice of state tax lien naming a particular person, and if a certificate or notice is on file, giving the date and hour of filing of each certificate or notice.

(b) Upon request, the Secretary of State shall furnish a copy of any certificate or notice filed pursuant to this chapter. The certificate shall be issued as part of a combined certificate pursuant to Section 9528 of the Commercial Code, and the fee for the certificate and copies shall be in accordance with that section.

SEC. 46. Section 14735 of the Government Code is amended to read:

14735. Upon being directed by the Controller to sell a residential dwelling pursuant to Section 16201, the department shall sell the residential dwelling in the manner prescribed and in accordance with the procedure established in Chapter 7 (commencing with Section 3201) of Part 5 of Division 1 of the Revenue and Taxation Code, or if applicable, in the manner prescribed and in accordance with the procedures established in Chapter 6 (commencing with Section 9601) of Division 9 of the Commercial Code.

SEC. 46.1. Section 16201 of the Government Code is amended to read:

16201. If the Controller, by reason of the notice described in Section 3375 of the Revenue and Taxation Code or by reason of information from any other source, determines that all amounts owing under Article 1 (commencing with Section 16180) of this chapter have become due and payable pursuant to Section 16190, the Controller may, in addition to the options provided in Section 16200, take any of the following actions which will best serve the interest of the state:

(a) The Controller may demand payment of such amount from any person liable therefor.

(b) If the Controller has reasonable cause to believe that sale of the property will not satisfy the amount secured by the state's lien, the Controller may file a claim against the estate of any decedent whose property is liable for such amount or the Controller may request the Attorney General to bring an action under Section 2931c of the Civil Code to recover the amount of the state's lien.

(c) The Controller may direct the Department of General Services to sell such property pursuant to Chapter 4.5 (commencing with Section 14735) of Part 5.5 of Division 3 of this title or, if applicable, Division 9 (commencing with Section 9101) of the Commercial Code.

SEC. 46.2. Section 27282 of the Government Code is amended to read:

27282. (a) The following documents may be recorded without acknowledgment, certificate of acknowledgment, or further proof:

(1) A judgment affecting the title to or possession of real property, authenticated by the certificate of the clerk of the court in which the judgment was rendered.

(2) A notice of location of mining claim.

(3) Certificates of amounts of taxes, interest and penalties due, notices of state tax liens and extensions thereof executed by the state, county, or city taxing agencies or officials pursuant to Chapter 14 (commencing with Section 7150) of Division 7 of Title 1 of the Government Code, and Sections 2191.3, 2191.4, and 11495 of the Revenue and Taxation Code, and releases, partial releases, and subordinations executed pursuant to Chapter 14 (commencing with Section 7150) of Division 7 of Title 1 of the Government Code, and Sections 2191.4, 11496, 14307, and 14308 of the Revenue and Taxation Code.

(4) Notices of lien for postponed property taxes executed pursuant to Section 16182.

(5) A release, discharge, or subordination of a lien for postponed property taxes as authorized by Chapter 6 (commencing with Section 16180) of Part 1 of Division 4 of Title 2.

(6) A fixture filing as defined by paragraph (40) of subdivision (a) of Section 9102 of the Commercial Code.

(7) An order affecting title to or possession of real property issued by a court in an action subject to Section 12527, authenticated by the certificate of the clerk of the court in which the order was issued or a copy of that order authenticated by a declaration under penalty of perjury by the Attorney General or by an assistant or deputy of the Attorney General attesting that the contents of the copy are the same as the original order issued by the court.

(8) A court certified copy of a satisfaction of judgment.

(b) Any document described in this section, from the time it is filed with the recorder for record, is constructive notice of the contents thereof to subsequent purchasers and mortgagees.

SEC. 46.3. Section 54985 of the Government Code is amended to read:

54985. (a) Notwithstanding any other provision of law that prescribes an amount or otherwise limits the amount of a fee or charge that may be levied by a county, a county service area, or a county waterworks district governed by a county board of supervisors, a county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. The fee or charge may reflect the average cost of providing any product or service or enforcing any regulation. Indirect costs that may be reflected in the cost of providing any product or service or the cost of enforcing any regulation shall be limited to those items

that are included in the federal Office of Management and Budget Circular A-87 on January 1, 1984.

(b) If any person disputes whether a fee or charge levied pursuant to subdivision (a) is reasonable, the board of supervisors may request the county auditor to conduct a study and to determine whether the fee or charge is reasonable.

Nothing in this subdivision shall be construed to mean that the county shall not continue to be subject to fee review procedures required by Article XIII B of the California Constitution.

(c) This chapter shall not apply to any of the following:

(1) Any fee charged or collected by a court clerk pursuant to Section 26820.4, 26823, 26824, 26826, 26827, 26827.4, 26830, 72054, 72055, 72056, 72059, 72060, or 72061 of the Government Code or Section 103470 of the Health and Safety Code, and any other fee or charge that may be assessed, charged, collected, or levied, pursuant to law for filing judicial documents or for other judicial functions.

(2) Any fees charged or collected pursuant to Chapter 2 (commencing with Section 6100) of Division 7 of Title 1.

(3) Any standby or availability assessment or charge.

(4) Any fee charged or collected by a county agricultural commissioner.

(5) Any fee charged or collected pursuant to Article 2.1 (commencing with Section 12240) of Chapter 2 of Division 5 of the Business and Professions Code.

(6) Any fee charged or collected by a county recorder or local registrar for filing, recording, or indexing any document, performing any service, issuing any certificate, or providing a copy of any document pursuant to Section 2103 of the Code of Civil Procedure, Section 27361, 27361.1, 27361.2, 27361.3, 27361.4, 27361.8, 27364, 27365, or 27366 of the Government Code, Section 103625 of the Health and Safety Code, or Section 9525 of the Uniform Commercial Code.

(7) Any fee charged or collected pursuant to Article 7 (commencing with Section 26720) of Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code.

SEC. 47. Section 18035 of the Health and Safety Code is amended to read:

18035. (a) (1) For every transaction by or through a dealer to sell or lease with the option to buy a new or used manufactured home or mobilehome subject to registration under this part, the dealer shall execute in writing and obtain the buyer's signature on a purchase order, conditional sale contract, or other document evidencing the purchase contemporaneous with, or prior to, the receipt of any cash or cash equivalent from the buyer, shall establish an escrow account with an escrow agent, and shall cause to be deposited into that escrow account any cash or cash equivalent received at any time prior to the close of escrow as a deposit, downpayment, or whole or partial payment for the manufactured home or mobilehome or accessory

thereto. Checks, money orders, or similar payments toward the purchase shall be made payable only to the escrow agent.

(2) The downpayment, or whole or partial payment, shall include an amount designated as a deposit, which may be less than, or equal to, the total amount placed in escrow, and shall be subject to subdivision (f). The parties shall provide for escrow instructions that identify the fixed amounts of the deposit, downpayment, and balance due prior to closing consistent with the amounts set forth in the purchase documents and receipt for deposit if one is required by Section 18035.1. The deposits shall be made by the dealer within five working days of receipt, one of which shall be the day of receipt.

(3) For purposes of this section, "cash equivalent" means any property, other than cash. If an item of cash equivalent is, due to its size, incapable of physical delivery to the escrow holder, the property may be held by the dealer for the purchaser until close of escrow and, if the property has been registered with the department or the Department of Motor Vehicles, its registration certificate and, if available, its certificate of title shall be delivered to the escrow holder.

(b) For every transaction by or through a dealer to sell or lease with the option to buy a new manufactured home or mobilehome subject to registration under this part, the escrow instructions shall provide all of the following:

(1) That the original manufacturer's certificate of origin be placed in escrow.

(2) (A) That, in the alternative, either of the following shall occur:

(i) The lien of any inventory creditor on the manufactured home or mobilehome shall be satisfied by payment from the escrow account.

(ii) The inventory creditor shall consent in writing to other than full payment.

(B) For purposes of this paragraph, "inventory creditor" includes any person who is identified as a creditor on the manufacturer's certificate of origin or any person who places the original certificate of origin in escrow and claims in writing to the escrow agent to have a purchase money security interest in the manufactured home or mobilehome, as contemplated by Section 9103 of the Commercial Code.

(3) That the escrow agent shall obtain from the manufacturer a true and correct facsimile of the copy of the certificate of origin retained by the manufacturer pursuant to Section 18093.

(c) For every transaction by or through a dealer to sell or lease with the option to buy a used manufactured home or mobilehome subject to registration under this part, the escrow instructions shall provide:

(1) That the current registration card, all copies of the registration cards held by junior lienholders, and the certificate of title be placed in escrow.

(2) That, in the alternative, either of the following shall occur:

(A) (i) The registered owner shall acknowledge in writing the amount of the commission to be received by the dealer for the sale of the manufactured home or mobilehome, and (ii) the registered owner shall release all of its ownership interests in the manufactured home or mobilehome either contemporaneously upon the payment of a specified amount from the escrow account or at the close of the escrow where the buyer has executed a security agreement approved by the registered owner covering the unpaid balance of the purchase price.

(B) (i) The dealer shall declare in writing that the manufactured home or mobilehome is its inventory, (ii) the registered owner shall acknowledge in writing that the purchase price relating to the sale of the manufactured home or mobilehome to the dealer for resale has been paid in full by the dealer, (iii) the current certificate of title shall be appropriately executed by the registered owner to reflect the release of all of its ownership interests, and (iv) the dealer shall release all of its ownership interests in the manufactured home or mobilehome either contemporaneously upon the payment of a specified amount from the escrow account or at the close of escrow where the buyer has executed a security agreement approved by the dealer covering the unpaid balance of the purchase price.

(3) That, in the alternative, the legal owner and each junior lienholder, respectively, shall do either of the following:

(A) Release his or her security interest or transfer its security interest to a designated third party contemporaneously upon the payment of a specified amount from the escrow account.

(B) Advise the escrow agent in writing that the new buyer or the buyer's stated designee shall be approved as the new registered owner upon the execution by the buyer of a formal assumption of the indebtedness secured by his or her lien approved by the creditor at or before the close of escrow.

(d) For every transaction by or through a dealer to sell or lease with the option to buy a used manufactured home or mobilehome subject to registration under this part:

(1) The dealer shall present the buyer's offer to purchase the manufactured home or mobilehome to the seller in written form signed by the buyer. The seller, upon accepting the offer to purchase, shall sign and date the form. Copies of the fully executed form shall be presented to both the buyer and seller, with the original copy retained by the dealer. Any portion of the form that reflects the commission charged by the dealer to the seller need not be disclosed to the buyer.

(2) The escrow agent, upon receipt of notification from the dealer that the seller has accepted the buyer's offer to purchase and receipt of mutually endorsed escrow instructions, shall, within three working days, prepare a notice of escrow opening on the form prescribed by the department and forward the completed form to the department

with appropriate fees. If the escrow is canceled for any reason before closing, the escrow agent shall prepare a notice of escrow cancellation on the form prescribed by the department and forward the completed form to the department.

(3) (A) The escrow agent shall forward to the legal owner and each junior lienholder at their addresses shown on the current registration card a written demand for a lien status report, as contemplated by Section 18035.5, and a written demand for either an executed statement of conditional lien release or an executed statement of anticipated formal assumption, and shall enclose blank copies of a statement of conditional lien release and a statement of anticipated formal assumption on forms prescribed by the department. The statement of conditional lien release shall include, among other things, both of the following:

(i) A statement of the dollar amount or other conditions required by the creditor in order to release or transfer its lien.

(ii) The creditor's release or transfer of the lien in the manufactured home or mobilehome contingent upon the satisfaction of those conditions.

(B) The statement of anticipated formal assumption shall include, among other things, both of the following:

(i) A statement of the creditor's belief that the buyer will formally assume the indebtedness secured by its lien pursuant to terms and conditions which are acceptable to the creditor at or before the close of escrow.

(ii) The creditor's approval of the buyer or his or her designee as the registered owner upon the execution of the formal assumption.

(4) Within five days of the receipt of the written demand and documents required by paragraph (3), the legal owner or junior lienholder shall complete and execute either the statement of conditional lien release or, if the creditor has elected to consent to a formal assumption requested by a qualified buyer, the statement of anticipated formal assumption, as appropriate, and prepare the lien status report and forward the documents to the escrow agent by first-class mail. If the creditor is the legal owner, the certificate of title in an unexecuted form shall accompany the documents. If the creditor is a junior lienholder, the creditor's copy of the current registration card in an unexecuted form shall accompany the documents.

(5) If either of the following events occur, any statement of conditional lien release or statement of anticipated formal assumption executed by the creditor shall become inoperative, and the escrow agent shall thereupon return the form and the certificate of title or the copy of the current registration card, as appropriate, to the creditor by first-class mail:

(A) The conditions required in order for the creditor to release or transfer his or her lien are not satisfied before the end of the escrow period agreed upon in writing between the buyer and the seller or,

if applicable, before the end of any extended escrow period as permitted by subdivision (g).

(B) The registered owner advises the creditor not to accept any satisfaction of his or her lien or not to permit any formal assumption of the indebtedness and the creditor or registered owner advises the escrow agent in writing accordingly.

(6) If a creditor willfully fails to comply with the requirements of paragraph (4) within 21 days of the receipt of the written demand and documents required by paragraph (3), the creditor shall forfeit to the escrow agent three hundred dollars ($300), except where the creditor has reasonable cause for noncompliance. The three hundred dollars ($300) shall be credited to the seller, unless otherwise provided in the escrow instructions. Any penalty paid by a creditor under this paragraph shall preclude any civil liability for noncompliance with Section 18035.5 relating to the same act or omission.

(e) For every transaction by or through a dealer to sell or lease with the option to buy a new or used manufactured home or mobilehome, the escrow instructions shall specify one of the following:

(1) Upon the buyer receiving delivery of an installed manufactured home or mobilehome on the site and the manufactured home or mobilehome passing inspection pursuant to Section 18613 or after the manufactured home or mobilehome has been delivered to the location specified in the escrow instructions when the installation is to be performed by the buyer, all funds in the escrow account, other than escrow fees and amounts for accessories not yet delivered, shall be disbursed. If mutually agreed upon between buyer and dealer, the escrow instructions may specify that funds be disbursed to a government agency for the payment of fees and permits required as a precondition for an installation acceptance or certificate of occupancy, and the information that may be acceptable to the escrow agent.

(2) Upon the buyer receiving delivery of an installed manufactured home or mobilehome not subject to the provisions of Section 18613 with delivery requirements as mutually agreed to and set forth in the sales documents, all funds in the escrow account, other than escrow fees, shall be disbursed.

(f) In the event any dispute arises between the parties to the escrow and upon notification in writing to the escrow agent, unless otherwise specified in the escrow instructions, all funds denoted as deposit shall be held in escrow until a release is signed by the disputing party, or pursuant to new written escrow instructions signed by the parties involved, or pursuant to a final order for payment or division by a court of competent jurisdiction. Any other funds, other than escrow fees, shall be returned to the buyer or any person, other than the dealer or seller, as appropriate.

(g) Escrow shall be for a period of time mutually agreed upon, in writing, by the buyer and the seller. However, the parties may, by mutual consent, extend the time, in writing, with notice to the escrow agent.

(h) No dealer or seller shall establish with an escrow agent any escrow account in an escrow company in which the dealer or seller has more than a 5 percent ownership interest.

(i) The escrow instructions may provide for the proration of any local property tax due or to become due on the manufactured home or mobilehome, and if the tax, or the license fee imposed pursuant to Section 18115, or the registration fee imposed pursuant to Section 18114, is delinquent, the instructions may provide for the payment of the taxes or fees, or both, and any applicable penalties.

(j) For every transaction by or through a dealer to sell or lease with the option to buy a new or used manufactured home or mobilehome that is subject to inspection pursuant to Section 18613, and for which it is stated, on the face of the document certifying or approving occupancy or installation, that the issuance of the document is conditioned upon the payment of a fee, charge, dedication, or other requirement levied pursuant to Section 53080 of the Government Code, the escrow instructions shall provide that the payment of that fee, charge, dedication, or other requirement be made to the appropriate school district upon the close of escrow.

(k) No agreement shall contain any provision by which the buyer waives his or her rights under this section, and any waiver shall be deemed contrary to public policy and shall be void and unenforceable.

(*l*) If a portion of the amount in the escrow is for accessories, then that portion of the amount shall not be released until the accessories are actually installed.

(m) Upon opening escrow on a used manufactured home or mobilehome which is subject to local property taxation, and subject to registration under this part, the escrow officer may forward to the tax collector of the county in which the used manufactured home or mobilehome is located, a written demand for a tax clearance certificate, if no liability exists, or a conditional tax clearance certificate if a tax liability exists, to be provided on a form prescribed by the office of the Controller. The conditional tax clearance certificate shall state the amount of the tax liability due, if any, and the final date that amount may be paid out of the proceeds of escrow before a further tax liability may be incurred.

(1) Within five working days of receipt of the written demand for a conditional tax clearance certificate or a tax clearance certificate, the county tax collector shall forward the conditional tax clearance certificate or a tax clearance certificate showing no tax liability exists to the requesting escrow officer. In the event the tax clearance certificate's or conditional tax clearance certificate's final due date expires within 30 days of date of issuance, an additional conditional

tax clearance certificate or a tax clearance certificate shall be completed which has a final due date of at least 30 days beyond the date of issuance.

(2) If the tax collector on which the written demand for a tax clearance certificate or a conditional tax clearance certificate was made fails to comply with that demand within 30 days from the date the demand was mailed, the escrow officer may close the escrow and submit a statement of facts certifying that the written demand was made on the tax collector and the tax collector failed to comply with that written demand within 30 days. This statement of facts may be accepted by the department in lieu of a conditional tax clearance certificate or a tax clearance certificate, as prescribed by subdivision (a) of Section 18092.7, and the transfer of ownership may be completed.

(3) The escrow officer may satisfy the terms of the conditional tax clearance certificate by paying the amount of tax liability shown on the form by the tax collector out of the proceeds of escrow on or before the date indicated on the form and by certifying in the space provided on the form that all terms and conditions of the conditional tax clearance certificate have been complied with.

(n) This section creates a civil cause of action against a buyer or dealer or other seller who violates this section, and upon prevailing, the plaintiff in the action shall be awarded actual damages, plus an amount not in excess of two thousand dollars ($2,000). In addition, attorney's fees and court costs shall also be awarded a plaintiff who prevails in the action.

SEC. 48. Section 18035.2 of the Health and Safety Code is amended to read:

18035.2. (a) For every sale by a dealer of a new or used manufactured home or mobilehome to be installed on a foundation system pursuant to subdivision (a) of Section 18551, the dealer shall execute in writing and obtain the buyer's signature on a purchase order, conditional sale contract, or other document evidencing the purchase, and provide a statement of fact complying with subdivision (b) of Section 18035.1, contemporaneous with or prior to the receipt of any cash or cash equivalent from the buyer and shall establish an escrow account with an escrow agent. The escrow shall not be subject to Section 18035.

(b) For every sale by a dealer of a new manufactured home or mobilehome installed or to be installed on a foundation system pursuant to subdivision (a) of Section 18551, the escrow instructions shall provide all of the following:

(1) That the original manufacturer's certificate of origin be placed in escrow.

(2) That, in the alternative:

(A) The lien of any inventory creditor on the manufactured home or mobilehome shall be satisfied by payment from the escrow account.

(B) That the inventory creditor shall consent in writing to other than full payment.

For purposes of this paragraph, "inventory creditor" includes any person who is identified as a creditor on the manufacturer's certificate of origin or any person who places the original certificate of origin in escrow and claims in writing to the escrow agent to have a purchase money security interest in the manufactured home or mobilehome as contemplated by Section 9103 of the Commercial Code.

(3) That the escrow agent shall obtain from the manufacturer a true and correct facsimile of the copy of the certificate of origin retained by the manufacturer pursuant to Section 18093.

(c) For every sale by a dealer of a new or used manufactured home or mobilehome that is subject to inspection pursuant to subdivision (a) of Section 18551, and for which it is stated, on the face of the document certifying or approving occupancy, that the issuance of the document is conditioned upon the payment of a fee, charge, dedication, or other requirement levied pursuant to Section 17620 of the Education Code, the escrow instructions shall provide that the payment of that fee, charge, dedication, or other requirement be made to the appropriate school district upon the close of escrow.

SEC. 49. Section 18037.5 of the Health and Safety Code is amended to read:

18037.5. (a) In the event of default under the provisions of any security agreement relating to a loan or conditional sale contract which, according to its terms, gives the secured party the right to foreclose its security interest in a manufactured home, mobilehome, truck camper, or floating home subject to registration under this part which is not inventory of a dealer, including the right to repossess the property, notwithstanding any contrary provisions in the security agreement or conditional sale contract or in any other agreement entered into prior to default, the secured party may foreclose its security interest only by satisfying the requirements of this section.

(1) Unless the registered owner of the manufactured home, mobilehome, truck camper, or floating home has abandoned the property or has voluntarily surrendered possession of the property to the foreclosing creditor, the foreclosing creditor shall deposit or cause to be deposited in the United States mail an envelope addressed to each registered owner as shown on the current registration of the manufactured home, mobilehome, truck camper, or floating home, registered or certified with postage prepaid, containing a notice in substantially the following form and in at least 10-point type, which notice shall be signed by the foreclosing creditor:

NOTICE OF DEFAULT

To: _____
(names of all registered owners)

You (if the registered owner is not the person who is in default, substitute name of defaulting person(s)) are in default under the terms of the

_____
(identify security agreement by title or caption and date)

in that _____.
(describe default)

This default gives the creditor named below the right to sell your manufactured home, mobilehome, truck camper, or floating home which is registered with the Department of Housing and Community Development under registration number(s) _____, located at
(give registration number(s))

_____
(give location of property as shown on current registration)

unless the default is promptly cured.

You may cure the default by _____
(describe conditions

_____
precedent to reinstatement required to cure default)

or by entirely repaying the outstanding secured indebtedness on or before

_____
(state final date available for cure, which date shall be no earlier than 45 days after mailing of the notice)

To cure the default you may also be required to reimburse the creditor for its reasonable attorney's fees and legal expenses and for any other sums to which the creditor may have become entitled under the terms of your credit agreement after the date of this notice. You may entirely repay the outstanding obligation by paying the creditor

_____
(state dollar amount required to obtain release of security interest, and if the amount may increase due to passage of time, state that fact)

plus any amount necessary to reimburse the creditor for its reasonable attorney's fees and legal expenses and any other sums to which the creditor may have become entitled after the date of this notice under the terms of your agreement.

(2) Within five days following the mailing of the notice of default required by paragraph (1), the foreclosing creditor shall forward a

copy thereof to the legal owner shown on the current registration card, if different than the foreclosing creditor, and to each junior lienholder shown on the current registration card, if different than the foreclosing creditor, and, effective July 1, 1985, to the department. The notice shall be forwarded to each party in the same manner as provided for mailing the original notice to the registered owner.

(3) In the event of default under the provisions of any security agreement relating to a loan or conditional sale contract which, according to its terms, gives the secured party the right to foreclose its security interest in a manufactured home, mobilehome, truck camper, or floating home, each registered owner and each junior lienholder having a security interest which is subordinate to the security interest of the foreclosing creditor shall have the right to cure the default by the methods and in the manner prescribed in the notice within 45 days after mailing of the notice to the registered owner required by paragraph (1).

(4) If the default is not cured within the time indicated on the notice required by paragraph (1), or if the property has been abandoned by the registered owner or voluntarily surrendered by the registered owner to the foreclosing creditor, the creditor may proceed to sell the property at private or public sale pursuant to the provisions of Section 9610 of the Commercial Code, except as provided in paragraph (5) and subdivision (c). The notice of sale required by Sections 9610, 9611, 9617, 9618, and 9624 of the Commercial Code shall not be mailed or delivered before expiration of the period for the right to cure the default, as stated in the notice required by paragraph (1), unless the property has been abandoned by the registered owner or voluntarily surrendered by the registered owner to the foreclosing creditor.

(5) Notwithstanding any contrary provisions of Sections 9610, 9611, 9615, 9617, 9618, and 9624 of the Commercial Code, the foreclosing creditor shall deposit or cause to be deposited in the United States mail, registered or certified with postage prepaid, an envelope containing the notice of sale addressed to each party to whom the notice of default was mailed pursuant to paragraph (2). The notice of sale shall be given at least 10 days before the date fixed for a public sale or on or after which any private sale is to be made.

(6) For purposes of this subdivision, a manufactured home, mobilehome, truck camper, or floating home shall be deemed abandoned if the foreclosing creditor gives written notice of its belief of abandonment to the registered owner as provided in this paragraph and the registered owner fails to give the foreclosing creditor written notice, prior to the appropriate date specified in the foreclosing creditor's notice, stating that the registered owner has not abandoned and does not intend to abandon the manufactured home, mobilehome, truck camper, or floating home and stating an address at which the registered owner may be served by certified mail with

a summons in connection with any legal action which the foreclosing creditor may appropriately initiate. The foreclosing creditor may give a notice of belief of abandonment only where it reasonably believes that the registered owner has abandoned the manufactured home, mobilehome, truck camper, or floating home. The notice of belief of abandonment shall be personally delivered to the registered owner or sent by registered or certified mail, with postage prepaid, to the registered owner at his or her last known address and, if there is reason to believe that the notice sent to that address will not be received by the registered owner, to any other address, if any, known to the foreclosing creditor where the registered owner may reasonably be expected to receive the notice. The notice of belief of abandonment shall be in substantially the following form in at least 10-point type:

NOTICE OF BELIEF OF ABANDONMENT

To: _____

(names of all registered owners)

This notice is given pursuant to Section 18037.5 of the Health and Safety Code concerning your manufactured home, mobilehome, truck camper, or floating home located at

_____.

(address of manufactured home, mobilehome, truck camper, or floating home as shown on current registration)

You _____

(if the registered owner is not the person who is in default, substitute name of defaulting person(s))

are in default under the terms of the

_____

(identify security agreement or conditional sale contract by title or caption and date)

in that _____.

(describe default)

This default gives the foreclosing creditor named below the right to sell your manufactured home, mobilehome, truck camper, or floating home which is registered with the Department of Housing and Community Development under number(s)

_____

(give registration number(s))

unless the default is promptly cured. Unless the foreclosing creditor receives a written notice from you to the contrary by

_____,

(insert a date not less than 15 days after this notice is served personally or, if mailed, not less than 18 days after this notice is deposited in the mail)

your manufactured home, mobilehome, truck camper, or floating home will be deemed abandoned, which means that the foreclosing creditor may sell your manufactured home, mobilehome, truck camper, or floating home sooner than would otherwise be permitted by law. The written notice you must send to the foreclosing creditor shall be sent to

_____

(address of foreclosing creditor)

and shall state both of the following:

1. Your intent not to abandon the manufactured home, mobilehome, truck camper, or floating home.

2. An address at which you may be served by certified mail with a summons in connection with any legal action which the foreclosing creditor may appropriately initiate.

_____

(name of foreclosing creditor)

_____

(signature of foreclosing creditor)

(b) In the event of default under the provisions of any security agreement relating to a loan or a conditional sale contract in which the collateral is a manufactured home, mobilehome, truck camper, or floating home subject to registration under this part which is inventory of a dealer or a commercial coach, the secured party may repossess and dispose of the collateral in accordance with the provisions of the security agreement or conditional sale contract and applicable law, including the provisions of Division 9 (commencing with Section 9101) of the Commercial Code. Upon repossession of a manufactured home, mobilehome, truck camper, or floating home subject to registration under this part which is inventory of a dealer or a commercial coach subject to registration under this part, the secured creditor shall prepare and forward to the department a notice of repossession on the form prescribed by the department.

(c) The proceeds of the sale of a manufactured home, mobilehome, commercial coach, truck camper, or floating home shall be applied, in the following order, to:

(1) The reasonable and necessary expenses incurred for preparing for and conducting the sale and, if the foreclosing creditor has obtained possession of the collateral prior to the disposition, the reasonable and necessary expenses for the retaking and holding of the collateral and to the extent provided for in the agreement and not prohibited by law, reasonable attorney's fees and legal expenses

incurred by the foreclosing creditor in retaking the property from any person not a party to the credit contract.

(2) The satisfaction of the indebtedness secured by the security interest of the foreclosing creditor under which the disposition is made.

(3) The satisfaction of indebtedness secured by any subordinate liens or encumbrances on the property in the order of their priority as provided in Section 18105, if with respect to a junior creditor written notification of demand therefor is received before distribution of the proceeds is completed, and to the satisfaction of any subordinate attachment lien or execution lien pursuant to subdivision (b) of Section 701.040 of the Code of Civil Procedure if notice of the levy of attachment or execution is received before distribution of the proceeds is completed. If requested by the foreclosing creditor, the holder of a subordinate lien or encumbrance shall furnish reasonable proof of his or her interest, and unless it does so, the foreclosing creditor need not comply with its demand.

(4) The satisfaction of indebtedness secured by all senior liens or encumbrances in the order of their priority as provided in Section 18105, if with respect to a senior creditor written demand therefor is received by the foreclosing creditor before distribution of the proceeds is completed. If requested by the foreclosing creditor, the holder of a senior lien or encumbrance shall furnish reasonable proof of his or her interest, and unless he or she does so, the foreclosing creditor need not comply with his or her demand.

(5) To the registered owner within 45 days after the sale is conducted if a surplus remains.

(d) Unless automatically provided to the registered owner within 45 days after the sale of a manufactured home, mobilehome, truck camper, or floating home if a request for an accounting is made within one year of the sale, the foreclosing creditor shall provide to the registered owner a written accounting containing the gross sales proceeds and its allocation pursuant to subdivision (c). In the event any surplus is paid to the registered owner pursuant to paragraph (5) of subdivision (c), the foreclosing creditor shall furnish such an accounting whether or not requested by the registered owner.

SEC. 50. Section 18080.7 of the Health and Safety Code is amended to read:

18080.7. (a) Each person acquiring or retaining a security interest in a manufactured home, mobilehome, commercial coach, truck camper, or floating home subject to registration under this part, unless the collateral is inventory, shall forward or cause to be forwarded to the department the application for original registration contemplated by Section 18085 with respect to a security interest acquired or retained at or before original registration, or the certificate of title or current registration card with appropriate insertions and signatures as respectively contemplated by Section 18100.5 with respect to a security interest acquired or retained at a

time subsequent to original registration, together with the filing fee prescribed by department regulations.

(b) A security interest in a manufactured home, mobilehome, commercial coach, truck camper, or floating home subject to registration under this part, unless the collateral is inventory, is perfected when it has attached as contemplated by subdivision (a) and by subdivision (a) of Section 9203 of the Commercial Code and when the department has received the items required by subdivision (a), whichever occurs later, except as otherwise provided by Section 9313 of the Commercial Code. The department may adopt regulations authorizing its acceptance of a statement of lien by means of electronic facsimile. If the department adopts these regulations, a security interest may also be perfected when it has attached and when the department has received the electronic facsimile, whichever occurs later, subject to the receipt by the department of the items required by subdivision (a), other than the fee, within 10 days of the date of its receipt of the electronic facsimile, provided that the fee required by subdivision (a) is paid in a timely fashion pursuant to these regulations.

(c) Except as otherwise provided in subdivision (b) of Section 18100.5, upon receipt of the items required by subdivision (a), the department shall establish or amend the permanent title record of the manufactured home, mobilehome, commercial coach, truck camper, or floating home to reflect the interest of the secured party as of that date or, if within the preceding 10-day period the department has received an electronic facsimile of the statement of lien, as of the date of receipt of the electronic facsimile, provided that the fee required by subdivision (a) is paid in a timely fashion and the department actually receives the statement of lien within 10 days of its receipt of the electronic facsimile.

(d) Upon establishing or amending the permanent title record, the department shall issue to the registered owner a current registration card indicating the interest of the secured party and shall forward a copy of that registration card to all persons holding a record security interest in the manufactured home, mobilehome, commercial coach, truck camper, or floating home.

(e) Except as otherwise provided in subdivision (b) of Section 18100.5, the department shall not refuse to establish or amend the permanent title record to indicate a security interest which is authorized by law to be recorded and which would otherwise satisfy statutory requirements for departmental documentation and recordation on the basis of lack of knowledge as to the attachment of the security interest prior to its receipt of the statement of lien or an electronic facsimile thereof.

(f) The department shall designate the holder of a perfected security interest as either the legal owner or a junior lienholder as provided in this article, Article 3 (commencing with Section 18085), or Article 4 (commencing with Section 18098), as applicable.

(g) The failure of a secured party to perfect a security interest for which there has been attachment shall not impair or affect in any way its enforceability against the registered owner or debtor with respect to the manufactured home, mobilehome, commercial coach, truck camper, or floating home.

(h) Except as otherwise provided in this part, a security interest in a manufactured home, mobilehome, commercial coach, truck camper, or floating home subject to registration with the department is governed by Division 9 (commencing with Section 9101) of the Commercial Code.

SEC. 51. Section 18093 of the Health and Safety Code is amended to read:

18093. (a) At the time of release of a new manufactured home, mobilehome, or commercial coach to any person, the manufacturer shall prepare a certificate of origin, in quadruplicate, on numbered forms prepared by the department which shall contain all of the following:

(1) The name and address of the manufacturer or fabricator.

(2) The manufacturer's identification number.

(3) The trade name of the manufactured home, mobilehome, or commercial coach.

(4) The model name or number of the manufactured home, mobilehome, or commercial coach.

(5) The shipping weight of the unit or separate sections of the unit in the case of multisection manufactured homes, mobilehomes, or commercial coaches.

(6) The length and width of the unit or separate sections of the unit in the case of multisection manufactured homes, mobilehomes, or commercial coaches.

(7) The serial number of the unit or separate sections of the unit in the case of multisection manufactured homes, mobilehomes, or commercial coaches.

(8) The date of manufacture.

(9) The United States Department of Housing and Urban Development label number or department insignia number affixed to the unit or separate sections of the unit in the case of multisection manufactured homes, mobilehomes, or commercial coaches, as applicable.

(10) The date that the ownership was transferred from the manufacturer or fabricator and to whom the ownership is transferred.

(11) A certification of facts signed by a responsible agent of the manufacturer or fabricator.

(12) The name and business address of any person known to the manufacturer or fabricator who, as to the purchaser, has a purchase money security interest in the manufactured home, mobilehome, commercial coach, or truck camper as contemplated by Section 9103 of the Commercial Code.

(13) Any other information as the department may reasonably require.

(b) The manufacturer or fabricator shall forward the original and duplicate copies of the certificate of origin by first-class mail as follows:

(1) The original shall be forwarded to the purchase money creditor unless there is none in which event the original shall be forwarded to the purchaser.

(2) The first copy shall be forwarded to the department at the address printed on the form.

(3) The second copy shall accompany the manufactured home, mobilehome, or commercial coach to its destination.

(4) The third copy shall be retained by the manufacturer or fabricator for its permanent records.

(c) The department may establish regulations for the distribution, maintenance, accessibility, and surrender of certificates of origin required by this section.

SEC. 52. Section 18105 of the Health and Safety Code is amended to read:

18105. (a) Except as otherwise provided in subdivision (e) or (g), the security interest of the legal owner has priority over conflicting security interests of junior lienholders and holders of security interests perfected pursuant to Sections 9306 and 9313 of the Commercial Code and of unperfected security interests in a manufactured home, mobilehome, commercial coach, truck camper, or floating home subject to registration under this part and its proceeds.

(b) Except as otherwise provided in subdivision (e) or (g), the security interest of a junior lienholder has priority over conflicting security interests of holders of security interests perfected pursuant to Section 9313 of the Commercial Code and of unperfected security interests in a manufactured home, mobilehome, commercial coach, truck camper, or floating home subject to registration under this part and its proceeds. Conflicting security interests of junior lienholders rank in the order designated on the permanent title record maintained by the department.

(c) Except as otherwise provided in subdivision (e) or (g), a security interest perfected pursuant to Section 9313 of the Commercial Code has priority over conflicting unperfected security interests in a manufactured home, mobilehome, commercial coach, truck camper, or floating home subject to registration under this part and its proceeds.

(d) Except as otherwise provided in subdivision (e) or (g), conflicting unperfected security interests in a manufactured home, mobilehome, commercial coach, truck camper, or floating home subject to registration under this part and its proceeds rank according to priority in time of attachment.

(e) (1) Except as otherwise provided in subdivision (g), the security interest of any secured party shall not have priority over any security interest of a party having a subordinate security interest by virtue of the preceding provisions of this section to the extent that the otherwise senior secured obligation was incurred subsequent to receipt by that creditor of actual or constructive notice of the existence of the otherwise junior security interest unless the obligation arose pursuant to the terms of a security agreement for the purpose of preserving the collateral or protecting the interest of the senior secured party therein or unless the otherwise senior secured obligation was incurred under a binding agreement that the credit would be extended by that creditor.

(2) For purposes of this subdivision receipt of a copy of the registration certificate which reflects the existence of a security interest shall constitute constructive notice of the existence of the security interest. In interpreting the provisions of this subdivision but for no other purposes, it is the intent of the Legislature that the priorities among conflicting security interests be determined in accordance with the rules of law applicable to priority as to interests in real property.

(f) Except as otherwise provided in subdivision (g), the security interest of the legal owner or a junior lienholder has priority over a conflicting security interest of a holder of a perfected security interest in a manufactured home, mobilehome, commercial coach, truck camper, or floating home subject to registration under this part which is inventory, including the proceeds of the inventory. The rules of priority regarding conflicting security interests of holders of a perfected security interest in a manufactured home, mobilehome, commercial coach, truck camper, or floating home subject to registration under this part which is inventory and of holders of security interests perfected pursuant to Sections 9306 and 9313 of the Commercial Code or unperfected security interests in a manufactured home, mobilehome, commercial coach, truck camper, or floating home subject to registration under this part shall be governed by Sections 9322, 9323, 9324, and 9325 of the Commercial Code.

(g) If the holders of two or more of the several security interests shall otherwise agree among themselves, the relative priorities among the holders of security interests who have so agreed shall be determined according to this agreement.

SEC. 53. Section 18106 of the Health and Safety Code is amended to read:

18106. (a) As used in this section, "lien creditor" means a creditor who has acquired a lien on a manufactured home, mobilehome, commercial coach, truck camper, or floating home subject to registration under this part by attachment, levy, or the like and includes an assignee for benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing

of the petition, or a receiver in equity from the time of appointment, as contemplated by Section 9102 of the Commercial Code.

(b) Except as provided in subdivision (c), an unperfected security interest in a manufactured home, mobilehome, commercial coach, truck camper, or floating home subject to registration under this part is subordinate to the rights of a person who becomes a lien creditor before the security interest is perfected.

(c) If a security interest in a manufactured home, mobilehome, commercial coach, truck camper, or floating home becomes perfected as contemplated by subdivision (a) of Section 18080.7, the security interest is senior to the rights of a lien creditor which arise between the time the security interest attaches and the time of perfection.

(d) A person who becomes a lien creditor while a security interest in a manufactured home, mobilehome, commercial coach, truck camper, or floating home is perfected by any of the means contemplated by subdivision (b) of Section 18080.7 takes subject to the perfected security interest only to the extent that it secures advances either made before that person becomes a lien creditor or made thereafter which would otherwise be senior to a competing security interest as provided in subdivision (e) of Section 18105.

SEC. 53.1. Section 18122 of the Health and Safety Code is amended to read:

18122. Except as it may affect a security interest properly perfected other than pursuant to Section 9313 of the Commercial Code, the department may suspend, revoke, or cancel any certificate of title valid on its face for any violation of the provisions of this chapter relating to certificates of title. The department shall notify all persons or entities with perfected security interests at the time that such an action is taken.

SEC. 53.2. Section 504b of the Penal Code is amended to read:

504b. Where under the terms of a security agreement, as defined in paragraph (73) of subdivision (a) of Section 9102 of the Commercial Code, the debtor has the right to sell the property covered thereby and is to account to the secured party for, and pay to the secured party the indebtedness secured by the security agreement from, the proceeds of the sale of any of the property, and where the debtor, having sold the property covered by the security agreement and having received the proceeds of the sale, willfully and wrongfully, and with the intent to defraud, fails to pay to the secured party the amounts due under the security agreement, or the proceeds of the sale, whichever is the lesser amount, and appropriates the money to his or her own use, the debtor shall be guilty of embezzlement and shall be punishable as provided in Section 514.

SEC. 54. Section 538 of the Penal Code is amended to read:

538. Every person, who, after mortgaging any of the property permitted to be mortgaged by the provisions of Sections 9102 and

9109 of the Commercial Code, excepting locomotives, engines, rolling stock of a railroad, steamboat machinery in actual use, and vessels, during the existence of the mortgage, with intent to defraud the mortgagee, his or her representative or assigns, takes, drives, carries away, or otherwise removes or permits the taking, driving, or carrying away, or other removal of the mortgaged property, or any part thereof, from the county where it was situated when mortgaged, without the written consent of the mortgagee, or who sells, transfers, slaughters, destroys, or in any manner further encumbers the mortgaged property, or any part thereof, or causes it to be sold, transferred, slaughtered, destroyed, or further encumbered, is guilty of theft, and is punishable accordingly. In the case of a sale, transfer, or further encumbrance at or before the time of making the sale, transfer, or encumbrance, the mortgagor informs the person to whom the sale, transfer, or encumbrance is made, of the existence of the prior mortgage, and also informs the prior mortgagee of the intended sale, transfer, or encumbrance, in writing, by giving the name and place of residence of the party to whom the sale, transfer, or encumbrance is to be made.

SEC. 54.5. Section 574 of the Penal Code is amended to read:

574. As used in this chapter, the following terms have the following meanings:

(a) "Buyer" has the meaning set forth in subdivision (c) of Section 2981 of the Civil Code.

(b) "Conditional sale contract" has the meaning set forth in subdivision (a) of Section 2981 of the Civil Code. Notwithstanding subdivision (k) of Section 2981 of the Civil Code, "conditional sale contract" includes any contract for the sale or bailment of a motor vehicle between a buyer and a seller primarily for business or commercial purposes.

(c) "Direct loan agreement" means an agreement between a lender and a purchaser whereby the lender has advanced funds pursuant to a loan secured by the motor vehicle which the purchaser has purchased.

(d) "Lease contract" means a lease contract between a lessor and lessee as this term and these parties are defined in Section 2985.7 of the Civil Code. Notwithstanding subdivision (d) of Section 2985.7 of the Civil Code, "lease contract" includes a lease for business or commercial purposes.

(e) "Motor vehicle" means any vehicle required to be registered under the Vehicle Code.

(f) "Person" means an individual, company, firm, association, partnership, trust, corporation, limited liability company, or other legal entity.

(g) "Purchaser" has the meaning set forth in subdivision (33) of Section 1201 of the Commercial Code.

(h) "Security agreement" and "secured party" have the meanings set forth, respectively, in paragraphs (73) and (72) of subdivision (a)

of Section 9102 of the Commercial Code. "Security interest" has the meaning set forth in subdivision (37) of Section 1201 of the Commercial Code.

(i) "Seller" has the meaning set forth in subdivision (b) of Section 2981 of the Civil Code, and includes the present holder of the conditional sale contract.

SEC. 55. Section 843 of the Public Utilities Code is amended to read:

843. (a) A security interest in transition property is valid, is enforceable against the pledgor and third parties, subject to the rights of any third parties holding security interests in the transition property perfected in the manner described in this section, and attaches when all of the following have taken place:

(1) The commission has issued the financing order authorizing the fixed transition amounts included in the transition property.

(2) Value has been given by the pledgees of the transition property.

(3) The pledgor has signed a security agreement covering the transition property.

(b) A valid and enforceable security interest in transition property is perfected when it has attached and when a financing statement has been filed in accordance with Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code naming the pledgor of the transition property as "debtor" and identifying the transition property. Any description of the transition property shall be sufficient if it refers to the financing order creating the transition property. A copy of the financing statement shall be filed with the commission by the electrical corporation that is the pledgor or transferor of the transition property, and the commission may require the electrical corporation to make other filings with respect to the security interest in accordance with procedures it may establish, provided that the filings shall not affect the perfection of the security interest.

(c) A perfected security interest in transition property is a continuously perfected security interest in all revenues and proceeds arising with respect thereto, whether or not the revenues or proceeds have accrued. Conflicting security interests shall rank according to priority in time of perfection. Transition property shall constitute property for all purposes, including for contracts securing rate reduction bonds, whether or not the revenues and proceeds arising with respect thereto have accrued.

(d) Subject to the terms of the security agreement covering the transition property and the rights of any third parties holding security interests in the transition property perfected in the manner described in this section, the validity and relative priority of a security interest created under this section is not defeated or adversely affected by the commingling of revenues arising with respect to the transition property with other funds of the electrical corporation that

is the pledgor or transferor of the transition property, or by any security interest in a deposit account of that electrical corporation perfected under Division 9 (commencing with Section 9101) of the Commercial Code into which the revenues are deposited. Subject to the terms of the security agreement, upon compliance with the requirements of Section 9311 of the Commercial Code, the pledgees of the transition property shall have a perfected security interest in all cash and deposit accounts of the electrical corporation in which revenues arising with respect to the transition property have been commingled with other funds, but the perfected security interest shall be limited to an amount not greater than the amount of the revenues with respect to the transition property received by the electrical corporation within 12 months before (1) any default under the security agreement or (2) the institution of insolvency proceedings by or against the electrical corporation, less payments from the revenues to the pledgees during that 12-month period.

(e) If an event of default occurs under the security agreement covering the transition property, the pledgees of the transition property, subject to the terms of the security agreement, shall have all rights and remedies of a secured party upon default under Division 9 (commencing with Section 9101) of the Commercial Code, and shall be entitled to foreclose or otherwise enforce their security interest in the transition property, subject to the rights of any third parties holding prior security interests in the transition property perfected in the manner provided in this section. In addition, the commission may require, in the financing order creating the transition property, that, in the event of default by the electrical corporation in payment of revenues arising with respect to the transition property, the commission and any successor thereto, upon the application by the pledgees or transferees, including transferees under Section 844, of the transition property, and without limiting any other remedies available to the pledgees or transferees by reason of the default, shall order the sequestration and payment to the pledgees or transferees of revenues arising with respect to the transition property. Any order shall remain in full force and effect notwithstanding any bankruptcy, reorganization, or other insolvency proceedings with respect to the debtor, pledgor, or transferor of the transition property. Any surplus in excess of amounts necessary to pay principal, premium, if any, interest, costs, and arrearages on the rate reduction bonds, and other costs arising under the security agreement, shall be remitted to the debtor or to the pledgor or transferor.

(f) Section 5451 of the Government Code shall not apply to any pledge of transition property by a financing entity. Sections 9204 and 9205 of the Commercial Code shall apply to a pledge of transition property by an electrical corporation, an affiliate of an electrical corporation, or a financing entity.

(g) This section sets forth the terms by which a consensual security interest can be created and perfected in the transition property. Unless otherwise ordered by the commission with respect to any series of rate reduction bonds on or prior to the issuance of the series, there shall exist a statutory lien as provided in this subdivision. Upon the effective date of the financing order, there shall exist a first priority lien on all transition property then existing or thereafter arising pursuant to the terms of the financing order. This lien shall arise by operation of this section automatically without any action on the part of the electrical corporation, any affiliate thereof, the financing entity, or any other person. This lien shall secure all obligations, then existing or subsequently arising, to the holders of the rate reduction bonds issued pursuant to the financing order, the trustee or representative for the holders, and any other entity specified in the financing order. The persons for whose benefit this lien is established shall, upon the occurrence of any defaults specified in the financing order, have all rights and remedies of a secured party upon default under Division 9 (commencing with Section 9101) of the Commercial Code, and shall be entitled to foreclose or otherwise enforce this statutory lien in the transition property. This lien shall attach to the transition property regardless of who shall own, or shall subsequently be determined to own, the transition property including any electrical corporation, any affiliate thereof, the financing entity, or any other person. This lien shall be valid, perfected, and enforceable against the owner of the transition property and all third parties upon the effectiveness of the financing order without any further public notice; provided, however, that any person may, but shall not be required to, file a financing statement in accordance with subdivision (b). Financing statements so filed may be "protective filings" and shall not be evidence of the ownership of the transition property.

A perfected statutory lien in transition property is a continuously perfected lien in all revenues and proceeds arising with respect thereto, whether or not the revenues or proceeds have accrued. Conflicting liens shall rank according to priority in time of perfection. Transition property shall constitute property for all purposes, including for contracts securing rate reduction bonds, whether or not the revenues and proceeds arising with respect thereto have accrued.

In addition, the commission may require, in the financing order creating the transition property, that, in the event of default by the electrical corporation in payment of revenues arising with respect to transition property, the commission and any successor thereto, upon the application by the beneficiaries of the statutory lien, and without limiting any other remedies available to the beneficiaries by reason of the default, shall order the sequestration and payment to the beneficiaries of revenues arising with respect to the transition property. Any order shall remain in full force and effect

notwithstanding any bankruptcy, reorganization, or other insolvency proceedings with respect to the debtor, pledgor, or transferor of the transition property. Any surplus in excess of amounts necessary to pay principal, premium, if any, interest, costs, and arrearages on the rate reduction bonds, and other costs arising in connection with the documents governing the rate reduction bonds, shall be remitted to the debtor or to the pledgor or transferor.

SEC. 56. Section 844 of the Public Utilities Code is amended to read:

844. (a) A transfer of transition property by an electrical corporation to an affiliate or to a financing entity, or by an affiliate of an electrical corporation or a financing entity to another financing entity, which the parties have in the governing documentation expressly stated to be a sale or other absolute transfer, in a transaction approved in a financing order, shall be treated as an absolute transfer of all of the transferor's right, title, and interest (as in a true sale), and not as a pledge or other financing, of the transition property, other than for federal and state income and franchise tax purposes. Granting to holders of rate reduction bonds a preferred right to revenues of the electrical corporation, or the provision by the company of other credit enhancement with respect to rate reduction bonds, shall not impair or negate the characterization of any transfer as a true sale, other than for federal and state income and franchise tax purposes.

(b) A transfer of transition property shall be deemed perfected as against third persons when both of the following have taken place:

(1) The commission has issued the financing order authorizing the fixed transition amounts included in the transition property.

(2) An assignment of the transition property in writing has been executed and delivered to the transferee.

(c) As between bona fide assignees of the same right for value without notice, the assignee first filing a financing statement in accordance with Chapter 5 (commencing with Section 9501) of Division 9 of the Commercial Code naming the assignor of the transition property as debtor and identifying the transition property has priority. Any description of the transition property shall be sufficient if it refers to the financing order creating the transition property. A copy of the financing statement shall be filed by the assignee with the commission, and the commission may require the assignor or the assignee to make other filings with respect to the transfer in accordance with procedures it may establish, but these filings shall not affect the perfection of the transfer.

SEC. 57. Section 6703 of the Revenue and Taxation Code is amended to read:

6703. (a) Subject to the limitations in subdivisions (b) and (c), the board may by notice of levy, served personally or by first-class mail, require all persons having in their possession, or under their control, any credits or other personal property belonging to a retailer

or other person liable for any amount under this part to withhold from such credits or other personal property the amount of any tax, interest, or penalties due from such retailer or other person, or the amount of any liability incurred by them under this part, and to transmit the amount withheld to the board at such times as it may designate. The notice of levy shall have the same effect as a levy pursuant to a writ of execution.

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including accrued interest, has been paid in full, until the notice is withdrawn, or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The amount of each payment due or becoming due to the retailer or other person liable during the period of the levy.

(d) For the purposes of this section, the term "payments" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. The term "payments" does include any of the following:

(1) Payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the retailer or other person liable for the tax.

(3) Any other payments or credits due or becoming due the retailer or other person liable as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the taxpayer and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 58. Section 7855 of the Revenue and Taxation Code is amended to read:

7855. (a) The Controller may, by notice of levy served personally or by first-class mail, require all persons having in their possession, or under their control, any payments, credits other than payments, or personal property belonging to a distributor or other person liable for any amount under this part to withhold from these credits or other personal property the amount of any tax, interest, or penalties due from the distributor or other person, or the amount of any liability incurred by them under this part, and to transmit the amount

withheld to the Controller at the time it may designate. The notice of levy shall have the same effect as a levy pursuant to a writ of execution except for the continuing effect of the levy, as provided in subdivision (b).

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including accrued interest, has been paid in full, until the notice is withdrawn, or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The sum of both of the following:

(A) The amount of the payments, credits other than payments, or personal property described above and under the person's possession or control when the notice of levy is served on the person.

(B) The amount of each payment that becomes due following service of the notice of levy on the person and prior to the expiration of the levy.

(d) For the purposes of this section, the term "payments" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. The term "payments" does include any of the following:

(1) Payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, or mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the distributor or other person liable for the tax.

(3) Any other payments or credits due or becoming due the distributor or other person liable as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the taxpayer and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 59. Section 8957 of the Revenue and Taxation Code is amended to read:

8957. (a) Subject to the limitations in subdivisions (b) and (c), the board may by notice of levy, served personally or by first-class mail, require all persons having in their possession, or under their control, any payments, credits other than payments, or other personal property belonging to a user, vendor, or other person liable for any amount under this part to withhold from those credits or other

personal property the amount of any tax, interest, or penalties due from that user, vendor, or other person, or the amount of any liability incurred by them under this part, and to transmit the amount withheld to the board at those times as it may designate. The notice of levy shall have the same effect as a levy pursuant to a writ of execution except for the continuing effect of the levy, as provided in subdivision (b).

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including accrued interest, has been paid in full, until the notice is withdrawn, or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The sum of both of the following:

(A) The amount of the payments, credits other than payments, or personal property described above and under the person's possession or control when the notice of levy is served on the person.

(B) The amount of each payment that becomes due following service of the notice of levy on the person and prior to the expiration of the levy.

(d) For the purposes of this section, the term "payments" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. The term "payments" does include any of the following:

(1) Payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, or mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the user, vendor, or other person liable for the tax.

(3) Any other payments or credits due or becoming due the user, vendor, or other person liable as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the taxpayer and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 60. Section 11452 of the Revenue and Taxation Code is amended to read:

11452. (a) Subject to the limitations in subdivisions (b) and (c), the board may, by notice of levy, served personally or by first-class mail, require all persons having in their possession, or under their

control, any credits or other personal property belonging to a person as defined in this part who is liable for any amount under this part to withhold from those credits or other personal property the amount of any tax, interest, or penalties due from that person, or the amount of any liability incurred by him or her under this part, and to transmit the amount withheld to the board at those times as it may designate.

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including accrued interest, has been paid in full, until the notice is withdrawn, or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The amount of each payment due or becoming due to the person liable during the period of the levy.

(d) For the purposes of this section, "payments" does not include earnings, as defined in subdivision (a) of Section 706.001 of the Code of Civil Procedure, or funds in a deposit account, as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. "Payments" does include all of the following:

(1) Payments due for services for independent contractors, dividends, rents, royalties, residuals, patent rights, and mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the person liable for the tax.

(3) Any other payments or credits due or becoming due the person liable as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the taxpayer and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 61. Section 18671 of the Revenue and Taxation Code is amended to read:

18671. (a) Subject to the limitations in subdivisions (b) and (c), the Franchise Tax Board, may, by notice, served personally or by first-class mail, require any person, officer, department of the state, or political subdivision or agency of the state including the Regents of the University of California, a city organized under a freeholder's charter, or a political body not a subdivision or agency of the state, to withhold the amount of any tax, interest, or penalties due from a taxpayer, or the amount due from an employer or person who has failed to withhold and transmit amounts due pursuant to this article, from any payments due the taxpayer, employer, or person and from any payments becoming due the taxpayer, employer, or person after

receipt of the notice. The amounts withheld shall be transmitted to the Franchise Tax Board at those times as it may designate.

(b) The effect of a levy made pursuant to subdivision (a) shall be continuous from the date the notice is received until the amount due stated on the notice has been withheld, until the notice has been withdrawn, or until one year after the date the notice is received, whichever occurs first.

(c) The amount required to be withheld pursuant to a notice issued under subdivision (a) is the lesser of the amount due stated on the notice, or either of the following:

(1) If the taxpayer, employer, or person is not a natural person, 100 percent of the amount of each payment due or becoming due the taxpayer, employer, or person during the period the levy is in effect as provided in subdivision (b).

(2) If the taxpayer, employer, or person is a natural person, 25 percent of the amount of each payment due or becoming due the taxpayer, employer, or person during the period the levy is in effect as provided in subdivision (b).

(d) For purposes of this section, the term "payments" does not include earnings as defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. The term "payments" does include any of the following:

(1) Payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, or mineral or other natural resource rights.

(2) Payments or credits due or becoming due as a result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(3) Any other payments or credits due or becoming due periodically as a result of an enforceable obligation to the taxpayer, employer, or person.

SEC. 62. Section 30315 of the Revenue and Taxation Code is amended to read:

30315. (a) The board may, by notice of levy served personally or by first-class mail, require all persons having in their possession, or under their control, any payments, credits other than payments, or other personal property belonging to a distributor, dealer, or other person liable for any amount under this part to withhold from these credits or other personal property the amount of any tax, interest, or penalties due from the distributor, dealer, or other person, or the amount of any liability incurred by them under this part, and to transmit the amount withheld to the board at the time it may designate. The notice of levy shall have the same effect as a levy pursuant to a writ of execution except for the continuing effect of the levy, as provided in subdivision (b).

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including

accrued interest, has been paid in full, until the notice is withdrawn, or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The sum of both of the following:

(A) The amount of the payments, credits other than payments, or personal property described above and under the person's possession or control when the notice of levy is served on the person.

(B) The amount of each payment that becomes due following service of the notice of levy on the person and prior to the expiration of the levy.

(d) For the purposes of this section, the term "payments" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. The term "payments" does include any of the following:

(1) Payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, or mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the distributor, dealer, or other person liable for the tax.

(3) Any other payments or credits due or becoming due the distributor, dealer, or other person liable as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the taxpayer and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 63. Section 32387 of the Revenue and Taxation Code is amended to read:

32387. (a) The board may, by notice of levy served personally or by first-class mail, require all persons having in their possession, or under their control, any payments, credits other than payments, or other personal property belonging to a taxpayer or other person liable for any amount under this part to withhold from these credits or other personal property the amount of any tax, interest, or penalties due from the taxpayer or other person, or the amount of any liability incurred by them under this part, and to transmit the amount withheld to the board at the time it may designate. The notice of levy shall have the same effect as a levy pursuant to a writ of execution except for the continuing effect of the levy, as provided in subdivision (b).

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including accrued interest, has been paid in full, until the notice is withdrawn, or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The sum of both of the following:

(A) The amount of the payments, credits other than payments, or personal property described above and under the person's possession or control when the notice of levy is served on the person.

(B) The amount of each payment that becomes due following service of the notice of levy on the person and prior to the expiration of the levy.

(d) For the purposes of this section, the term "payments" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. The term "payments" does include any of the following:

(1) Payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, or mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the distributor, dealer, or other person liable for the tax.

(3) Any other payments or credits due or becoming due the distributor, dealer, or other person liable as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the consumer and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 64. Section 38503 of the Revenue and Taxation Code is amended to read:

38503. (a) Subject to the limitations in subdivisions (b) and (c), the board may, by notice of levy, served personally or by first-class mail, require all persons having in their possession, or under their control, any credits or other personal property belonging to a timber owner liable for any amount under this part to withhold from those credits or other personal property the amount of any tax, interest, or penalties due from that timber owner, or the amount of any liability incurred by him or her under this part, and to transmit the amount withheld to the board at those times as it may designate.

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including accrued interest, has been paid in full, until the notice is withdrawn, or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The amount of each payment due or becoming due to the timber owner during the period of the levy.

(d) For the purposes of this section, "payments" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. "Payments" does include all of the following:

(1) Payments due for services for independent contractors, dividends, rents, royalties, residuals, patent rights, mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the timber owner liable for the tax.

(3) Any other payments or credits due or becoming due the timber owner as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the taxpayer and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 65. Section 40155 of the Revenue and Taxation Code is amended to read:

40155. (a) The board may, by notice of levy served personally or by first-class mail, require all persons having in their possession, or under their control, any payments, credits other than payments, or other personal property belonging to a consumer or other person liable for any amount under this part to withhold from these credits or other personal property the amount of any surcharge, interest, or penalties due from the consumer or other person, or the amount of any liability incurred by them under this part, and to transmit the amount withheld to the board at the time it may designate. The notice of levy shall have the same effect as a levy pursuant to a writ of execution except for the continuing effect of the levy, as provided in subdivision (b).

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including accrued interest, has been paid in full, until the notice is withdrawn,

or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The sum of both of the following:

(A) The amount of the payments, credits other than payments, or personal property described above and under the person's possession or control when the notice of levy is served on the person.

(B) The amount of each payment that becomes due following service of the notice of levy on the person and prior to the expiration of the levy.

(d) For the purposes of this section, the term "payments" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. The term "payments" does include any of the following:

(1) Payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, or mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the consumer or other person liable for the surcharge.

(3) Any other payments or credits due or becoming due the consumer or other person liable as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the consumer and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 66. Section 41123.5 of the Revenue and Taxation Code is amended to read:

41123.5. (a) The board may, by notice of levy served personally or by first-class mail, require all persons, other than a service supplier, having in their possession, or under their control, any payments, credits other than payments, or other personal property belonging to a service user or other person liable for any amount under this part to withhold from these credits or other personal property the amount of any surcharge, interest, or penalties due from the service user or other person, or the amount of any liability incurred by them under this part, and to transmit the amount withheld to the board at the time it may designate. The notice of levy shall have the same effect as a levy pursuant to a writ of execution except for the continuing effect of the levy, as provided in subdivision (b).

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including accrued interest, has been paid in full, until the notice is withdrawn, or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The sum of both of the following:

(A) The amount of the payments, credits other than payments, or personal property described above and under the person's possession or control when the notice of levy is served on the person.

(B) The amount of each payment that becomes due following service of the notice of levy on the person and prior to the expiration of the levy.

(d) For the purposes of this section, the term "payments" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. The term "payments" does include any of the following:

(1) Payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, or mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the service user or other person liable for the surcharge.

(3) Any other payments or credits due or becoming due the service user or other person liable as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the service user and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 67. Section 43444.2 of the Revenue and Taxation Code is amended to read:

43444.2. (a) The board may, by notice of levy served personally or by first-class mail, require all persons having in their possession, or under their control, any payments, credits other than payments, or other personal property belonging to a taxpayer or other person liable for any amount under this part to withhold from these credits or other personal property the amount of any tax, interest, or penalties due from the taxpayer or other person, or the amount of any liability incurred by them under this part, and to transmit the amount withheld to the board at the time it may designate. The notice of levy shall have the same effect as a levy pursuant to a writ of execution

except for the continuing effect of the levy, as provided in subdivision (b).

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including accrued interest, has been paid in full, until the notice is withdrawn, or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The sum of both of the following:

(A) The amount of the payments, credits other than payments, or personal property described above and under the person's possession or control when the notice of levy is served on the person.

(B) The amount of each payment that becomes due following service of the notice of levy on the person and prior to the expiration of the levy.

(d) For the purposes of this section, the term "payments" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. The term "payments" does include any of the following:

(1) Payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, or mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the distributor, dealer, or other person liable for the tax.

(3) Any other payments or credits due or becoming due the distributor, dealer, or other person liable as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the taxpayer and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 68. Section 45605 of the Revenue and Taxation Code is amended to read:

45605. (a) The board may, by notice of levy served personally or by first-class mail, require all persons having in their possession, or under their control, any payments, credits other than payments, or other personal property belonging to a feepayer or other person liable for any amount under this part to withhold from these credits or other personal property the amount of any fee, interest, or penalties due from the feepayer or other person, or the amount of any liability incurred under this part, and to transmit the amount

withheld to the board at the time it may designate. The notice of levy shall have the same effect as a levy pursuant to a writ of execution except for the continuing effect of the levy, as provided in subdivision (b).

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including accrued interest, has been paid in full, until the notice is withdrawn, or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The sum of both of the following:

(A) The amount of the payments, credits other than payments, or personal property described above and under the person's possession or control when the notice of levy is served on the person.

(B) The amount of each payment that becomes due following service of the notice of levy on the person and prior to the expiration of the levy.

(d) For the purposes of this section, the term "payments" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. The term "payments" does include any of the following:

(1) Payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, or mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the feepayer or other person liable for the fee.

(3) Any other payments or credits due or becoming due the feepayer or other person liable as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the feepayer and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 69. Section 46406 of the Revenue and Taxation Code is amended to read:

46406. (a) The board may, by notice of levy served personally or by first-class mail, require all persons having in their possession, or under their control, any payments, credits other than payments, or other personal property belonging to a feepayer or other person liable for any amount under this part to withhold from those credits or other personal property the amount of any fee, interest, or

penalties due from that feepayer or other person, or the amount of any liability incurred by them under this part, and to transmit the amount withheld to the board at the time it may designate. The notice of levy shall have the same effect as a levy pursuant to a writ of execution except for the continuing effect of the levy, as provided in subdivision (b).

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including accrued interest, has been paid in full, until the notice is withdrawn, or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The sum of both of the following:

(A) The amount of the payments, credits other than payments, or personal property described above and under the person's possession or control when the notice of levy is served on the person.

(B) The amount of each payment that becomes due following service of the notice of levy on the person and prior to the expiration of the levy.

(d) For the purposes of this section, the term "payments" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. The term "payments" does include any of the following:

(1) Payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, or mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the feepayer or other person liable for the fee.

(3) Any other payments or credits due or becoming due the feepayer or other person liable as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the feepayer and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 70. Section 50136 of the Revenue and Taxation Code is amended to read:

50136. (a) The board may, by notice of levy served personally or by first-class mail, require all persons having in their possession, or under their control, any payments, credits other than payments, or other personal property belonging to a feepayer or other person

liable for any amount under this part to withhold from these credits or other personal property the amount of any fee, interest, or penalties due from the feepayer or other person, or the amount of any liability incurred under this part, and to transmit the amount withheld to the board at the time it may designate. The notice of levy shall have the same effect as a levy pursuant to a writ of execution except for the continuing effect of the levy, as provided in subdivision (b).

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including accrued interest, has been paid in full, until the notice is withdrawn, or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The sum of both of the following:

(A) The amount of the payments, credits other than payments, or personal property described above and under the person's possession or control when the notice of levy is served on the person.

(B) The amount of each payment that becomes due following service of the notice of levy on the person and prior to the expiration of the levy.

(d) For the purposes of this section, the term "payments" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. The term "payments" does include any of the following:

(1) Payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, or mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the feepayer or other person liable for the fee.

(3) Any other payments or credits due or becoming due the feepayer or other person liable as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the feepayer and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 71. Section 55205 of the Revenue and Taxation Code is amended to read:

55205. (a) The board may, by notice of levy, served personally or by first-class mail, require all persons having in their possession, or

under their control, any payments, credits other than payments, or other personal property belonging to the feepayer or other person liable for any amount under this part to withhold from these credits or other personal property the amount of the fee, interest, or penalties due from the feepayer or other person, or the amount of any liability incurred under this part, and to transmit the amount withheld to the board at the time it may designate. The notice of levy shall have the same effect as a levy pursuant to a writ of execution except for the continuing effect of the levy, as provided in subdivision (b).

(b) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The sum of both of the following:

(A) The amount of the payments, credits other than payments, or personal property described above and under the person's possession or control when the notice of levy is served on the person.

(B) The amount of each payment that becomes due following service of the notice of levy on the person and prior to the expiration of the levy.

(c) For the purposes of this section, the term "payments" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. The term "payments" does include any of the following:

(1) Payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, or mineral or other natural rights.

(2) Payments or credits due or becoming due periodically as a result of an enforceable obligation to the feepayer or other person liable for the fee.

(3) Any other payments or credits due or becoming due the feepayer or other person liable as the result of written or oral contracts for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(d) In the case of a financial institution, to be effective, the notice shall state the amount due from the feepayer and shall be delivered or mailed to the branch office of the financial institution where the credits or other property are held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 72. Section 60407 of the Revenue and Taxation Code is amended to read:

60407. (a) Subject to the limitations in subdivisions (b) and (c), the board may by notice of levy, served personally or by first-class mail, require all persons having in their possession, or under their control, any payments, credits other than payments, or other personal property belonging to a person liable for any amount under

this part to withhold from those credits or other personal property the amount of any tax, interest, or penalties due from that person, or the amount of any liability incurred by him or her under this part, and to transmit the amount withheld to the board at those times as it may designate. The notice of levy shall have the same effect as a levy pursuant to a writ of execution except for the continuing effect of the levy, as provided in subdivision (b).

(b) The person served shall continue to withhold pursuant to the notice of levy until the amount specified in the notice, including accrued interest, has been paid in full, until the notice is withdrawn, or until one year from the date the notice is received, whichever occurs first.

(c) The amount required to be withheld is the lesser of the following:

(1) The amount due stated on the notice.

(2) The sum of both of the following:

(A) The amount of the payments, credits other than payments, or personal property described above and under the person's possession or control when the notice of levy is served on the person.

(B) The amount of each payment that becomes due following service of the notice of levy on the person and prior to the expiration of the levy.

(d) For the purposes of this section, "payment" does not include earnings as that term is defined in subdivision (a) of Section 706.011 of the Code of Civil Procedure or funds in a deposit account as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code. "Payment" does include any of the following:

(1) Any payment due for services of an independent contractor, dividends, rents, royalties, residuals, patent rights, or mineral or other natural rights.

(2) Any payment or credit due or becoming due periodically as the result of an enforceable obligation to the person liable for the tax.

(3) Any other payment or credit due or becoming due the person liable as the result of a written or oral contract for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(e) In the case of a financial institution, to be effective, the notice shall state the amount due from the taxpayer and shall be delivered or mailed to the branch or office of the financial institution where the credits or other property is held, unless another branch or office is designated by the financial institution to receive the notice.

SEC. 73. Section 1755 of the Unemployment Insurance Code is amended to read:

1755. If any person or employing unit is delinquent in the payment of any contributions, penalties or interest provided for in this division, the director may, not later than three years after the payment became delinquent or within 10 years after the last entry of a judgment under Article 5 (commencing with Section 1815) or

within 10 years after the last recording or filing of a notice of state tax lien under Section 7171 of the Government Code, collect the delinquency or enforce any liens by levy served either personally or by certified mail, to all persons having in their possession or under their control any credits or personal property belonging to the delinquent person or employing unit, or owing any debts to the person or employing unit at the time of the receipt of the notice of levy or coming into their possession or under their control for the period of one year from the time of receipt of the notice of levy. Any person upon whom a levy has been served having in his or her possession or under his or her control any credits or personal property belonging to the delinquent person or employing unit or owing any debts to the person or employing unit at the time of the receipt of the levy or coming into his or her possession or under his or her control for the period of one year from the time of receipt of the notice of levy, shall surrender the credits or personal property to the director or pay to the director the amount of any debt owing the delinquent employer within five days of service of the levy, and shall surrender the credits or personal property, or the amount of any debt owing to the delinquent employer coming into his or her possession or under his or her control within one year of receipt of the notice of levy within five days of the date of coming into possession or control of the credits or personal property, or the amount of any debt owing to the delinquent employer is incurred. Any person in possession of any credits or personal property or owing any debts to the delinquent person or employing unit who surrenders the credits or personal property or pays the debts owing the delinquent person or employing unit shall be discharged from any obligation or liability to the delinquent person or employing unit with respect to the credits or personal property surrendered or debts paid to the director. If the levy is made on a deposit or credits or personal property in the possession or under the control of a bank or savings and loan association, the notice of levy shall be delivered or mailed to the branch or office of the bank or savings and loan association at which the deposit is carried or at which credits or personal property is held. If the levy is made on a bank or savings and loan association it will apply to all credits or personal property as provided in this section, except that it will apply to credits and personal property in a deposit account, as defined in paragraph (29) of subdivision (a) of Section 9102 of the Commercial Code, only at the time the notice of levy is received by the bank or savings and loan association.

SEC. 74. The sum of one hundred twenty-eight thousand dollars ($128,000) is appropriated from the Secretary of State's Business Fees Fund to the Secretary of State to implement this act.

SEC. 75. Sections 1 to 73, inclusive, of this act shall become operative on July 1, 2001.

SEC. 76. Any section of any act enacted by the Legislature during the 1999 calendar year that takes effect on or before January 1, 2000,

and that amends, amends and renumbers, adds, repeals and adds, or repeals a section that is amended, amended and renumbered, repealed and added, or repealed by this act, shall prevail over this act, whether that act is enacted prior to, or subsequent to, the enactment of this act.

CHAPTER 992

An act to amend Sections 17070.50 and 17268 of, and to add Sections 17072.13, 17213.2, and 17213.3 to, the Education Code, relating to school facilities.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 17070.50 of the Education Code is amended to read:

17070.50. The board shall not apportion funds to any school district, unless the applicant school district has certified to the board that the services of any architect, structural engineer, or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code and has obtained the written approval of the State Department of Education that the site selection, and the building plans and specifications, comply with the standards adopted by the department pursuant to subdivisions (b) and (c), respectively, of Section 17251.

SEC. 2. Section 17072.13 is added to the Education Code, to read:

17072.13. In addition to the amounts provided pursuant to Sections 17072.10 and 17072.12, the board may provide funding as follows:

(a) For 50 percent of the cost of the evaluation of hazardous materials at a site to be acquired by a school district and for 50 percent of the other response costs of the removal of hazardous waste or solid waste, the removal of hazardous substances, or other remedial action in connection with hazardous substances at that site. Except as provided in subdivision (b), the funding provided pursuant to this section may not exceed 50 percent of a number calculated by subtracting the school district's cost of the site from what the appraised value of the site would be after the response action is completed.

(b) The board may provide funding for up to 100 percent of the cost of the evaluation of hazardous materials at a site to be acquired by a school district eligible for financial hardship assistance pursuant

to Article 8 (commencing with Section 17075.10) and for up to 100 percent of the other response costs for the site. The funding provided pursuant to this subdivision may not exceed 100 percent of a number calculated by subtracting the school district's cost of the site from what the appraised value of the site would be after the response action is completed.

(c) A school district with a site that meets the environmental hardship criteria set forth in paragraph (1) may apply to the State Allocation Board for site acquisition funding for that site prior to having construction plans for that site approved by the Division of the State Architect and State Department of Education.

(1) A project is eligible for environmental hardship site acquisition funding if both the following apply:

(A) The remedial action plan for the site approved by the Department of Toxic Substances Control, pursuant to Section 17213, is estimated by the Department of Toxic Substances Control to take six months or more to complete.

(B) The State Department of Education determines that the site is the best available alternative site.

(2) The initial site-specific reservation pursuant to this subdivision shall be for a period of one year. Extension may be approved in one-year intervals upon demonstration to the State Allocation Board of progress toward acquisition. In the event there is not demonstrable progress, the State Allocation Board shall have the option of rescinding the reservation.

(3) Environmental hardship site acquisition funds approved by the State Allocation Board can be used only for the site identified in the remedial action plan approved by the Department of Toxic Substances Control.

(4) The date that the State Allocation Board approves the environmental hardship site acquisition funding will become the State Allocation Board approval date for the project's construction funding for that site.

(5) A school district may apply to the State Allocation Board for construction funding for the environmental hardship site when the project has received final Division of the State Architect plan approval and final State Department of Education site and plan approval.

(d) The cost incurred by the school districts when complying with any requirement identified in this section are allowable costs for purposes of an applicant under this chapter and may be reimbursed in accordance with Section 17072.12.

(e) The State Allocation Board shall develop regulations that allow school districts with financial hardship site acquisition funding prior to ownership of the site or evidence that the site is in escrow.

SEC. 3. Section 17213.2 is added to the Education Code, to read:

17213.2. As a condition of receiving state funds pursuant to Chapter 12.5 (commencing with Section 17070.10), all of the following apply:

(a) If a preliminary endangerment assessment prepared pursuant to Section 17213.1 discloses the presence of a hazardous materials release, or threatened release, or the presence of naturally occurring hazardous materials, at a proposed schoolsite at concentrations that could pose a significant risk to children or adults, and the school district owns the proposed schoolsite, the school district shall enter into an agreement with the Department of Toxic Substances Control to oversee response action at the site and shall take response action pursuant to the requirements of the state act as may be required by the Department of Toxic Substances Control.

(b) Notwithstanding subdivision (a), a school district need not take action in response to a release of hazardous material to groundwater underlying the schoolsite if the release occurred at a site other than the schoolsite and if the following conditions apply:

(1) The school district did not cause or contribute to the release of a hazardous material to the groundwater.

(2) Upon the request of the Department of Toxic Substances Control or its authorized representative the school district provides the Department of Toxic Substances Control or its authorized representative with access to the schoolsite.

(3) The school district does not interfere with the response action activities.

(c) If at anytime during the response action the school district determines that there has been a significant increase in the estimated cost of the response action, the school district shall notify the State Department of Education.

(d) A school district that is required by the Department of Toxic Substances Control to take response action at a proposed schoolsite is subject to both of the following prohibitions:

(1) The school district may not begin construction of a school building until the Department of Toxic Substances Control determines all of the following:

(A) That the construction will not interfere with the response action.

(B) That site conditions will not pose a significant threat to the health and safety of workers involved in the construction of the school building.

(C) That the nature and extent of any release or threatened release of hazardous materials or the presence of any naturally occurring hazardous materials have been fully characterized.

(2) The school district may not occupy a school building following construction until it obtains from the Department of Toxic Substances Control a certification that all response actions, except for operation and maintenance activities, necessary to ensure that hazardous materials at the schoolsite no longer pose a significant risk

to children and adults at the schoolsite have been completed and that the response action standards and objectives established in the final removal action work plan or remedial action plan have been met and are being maintained. After a school building is constructed and occupied, a school district may continue with ongoing operation and maintenance activities if the Department of Toxic Substances Control certifies before occupancy that neither site conditions nor the ongoing operation and maintenance activities pose a significant risk to children or adults at the schoolsite.

(e) If, at any time during construction at a schoolsite, a previously unidentified release or threatened release of a hazardous material or the presence of a naturally occurring hazardous material is discovered, the school district shall cease all construction activities at the sites notify the Department of Toxic Substances Control, and take actions required by subdivision (a) that are necessary to address the release or threatened release or the presence of any naturally occurring hazardous materials. Construction may be resumed if the Department of Toxic Substances Control determines that the construction will not interfere with any response action necessary to address the hazardous material release or threatened release or the presence of a naturally occurring hazardous material, determines that the site conditions will not pose a significant threat to the health and safety of workers involved in the construction of the schoolsite, and certifies that the nature and extent of the release, threatened release, or presence of a naturally occurring hazardous material have been fully characterized.

(f) Construction may proceed at any portions of the site that the Department of Toxic Substances Control determines are not affected by the release or threatened release of hazardous materials, or presence of any naturally occurring hazardous materials, provided that all of the following apply:

(1) Those portions of the site have been fully characterized.

(2) The Department of Toxic Substances Control determines that the construction will not interfere with any response action necessary to address the release or threatened release of hazardous materials, or presence of any naturally occurring hazardous materials.

(3) The site conditions will not pose a significant threat to the health and safety of workers involved with construction.

(g) The Department of Toxic Substances Control shall notify the State Department of Education, the Division of the State Architect, and the Office of Public School Construction when the Department of Toxic Substances Control certifies that all necessary response actions have been completed at a schoolsite.

(h) The school district shall reimburse the Department of Toxic Substances Control for all response costs incurred by the department.

(i) The costs incurred by the school districts when complying with this section are allowable costs for purposes of an applicant under

Chapter 12.5 (commencing with Section 17070.10) of Part 10 and may be reimbursed in accordance with Section 17072.13.

SEC. 4. Section 17213.3 is added to the Education Code, to read:

17213.3. (a) The State Department of Education shall monitor the performance of the Department of Toxic Substances Control in meeting the timeframes applicable to the Department of Toxic Substances Control specified in subdivision (a) of Section 17213.1 and shall report its findings to the Department of General Services and the Department of Finance on a quarterly basis.

(b) The State Department of Education shall also report to the Department of General Services and the Department of Finance every six months for a period of two years, the amount of fees or other charges of any state agency review paid by school districts pursuant to this chapter, and any concerns about those fees or charges.

SEC. 5. Section 17268 of the Education Code is amended to read:

17268. (a) The governing board of a school district that elects not to receive state funds pursuant to Chapter 12.5 (commencing with Section 17070.10) may not approve a project for the construction of a new school building, as defined in Section 17283, unless the project and its lead agency comply with the same requirements specified in subdivision (a) of Section 17213 for schoolsite acquisition.

(b) As a condition to receiving state funds pursuant to Chapter 12.5 (commencing with Section 17070.10, the governing board of a school district may not approve a project for the construction of a new school building or schoolsite on leased or acquired land unless the project and the school district comply with the requirements specified in Sections 17213.1 and 17213.2.

(c) The project shall not be subject to subdivision (b) for a minor addition to a school if the project is eligible for a categorical or statutory exemption under guidelines issued pursuant to Section 21083 of the Public Resources Code, as set forth in the California Environmental Quality Act.

(d) "School building," as used in this section, means any building designed and constructed to be used for elementary or secondary school purposes by a school district.

(e) The requirements of Sections 17213, 17213.1 and 17213.2 shall not apply to a schoolsite if the acquisition occurred prior to January 1, 2000, to the extent a school district is subject to the requirements set forth in those sections pursuant to a judicial order or an order issued by, or an agreement with the Department of Toxic Substances Control regarding that site, and the school district is in full compliance with that order or agreement.

(f) For purposes of this section, the acceptance of construction bids shall constitute approval of the project.

SEC. 6. If a task force is created in Assembly Bill 1207 of the 1999–2000 Regular Session by the addition of Section 105515 to the Health and Safety Code, that task force shall evaluate the effectiveness of this act in ensuring that the health and learning

abilities of children attending California's schools are adequately protected. Among its recommendations to the Governor, the task force shall include any changes and improvements to the provisions of this act that would be necessary to protect the health and learning abilities of children attending California's schools.

SEC. 7. Sections 1 to 6, inclusive, of this act shall not become operative unless and until Senate Bill 162 of the 1999–2000 Regular Session is chaptered and becomes operative.

CHAPTER 993

An act to amend Sections 14170.8 and 14171.6 of, and to add Section 14100.75 to, the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 14100.75 is added to the Welfare and Institutions Code, to read:

14100.75. (a) (1) Any provider of goods or services shall provide, to the department, a bond, or other security satisfactory to the department, of an amount determined by the department, pursuant to regulations adopted by the department.

(2) The department, in determining the amount of bond or security required by paragraph (1), shall base the determination on the level of estimated billings, and shall not be less than twenty-five thousand dollars ($25,000).

(b) (1) After three years of continuous operation as a provider, a Medi-Cal provider may apply to the department for an exemption from the requirements of subdivision (a).

(2) The department shall adopt regulations establishing conditions for the approval or denial of applications for exemption pursuant to paragraph (1).

(c) The department shall establish a mechanism to track rates of participation among providers who are subject to the requirement of subdivision (a) to determine if the requirement is a deterrent to Medi-Cal program participation among provider applicants.

(d) Subdivisions (a) and (b) do not apply to individuals who are licensed pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, to any clinic licensed pursuant to subdivision (a) of Section 1204 of the Health and Safety Code, to any health facility licensed pursuant to Section 1250 of the Health and Safety Code, or to any provider that is operated by a city, county, school district, county office of education, or state special school.

SEC. 2. Section 14170.8 of the Welfare and Institutions Code is amended to read:

14170.8. (a) Notwithstanding any other provision of law, every primary supplier of pharmaceuticals or medical equipment and supplies shall maintain accounting records to demonstrate the manufacture, assembly, purchase, or acquisition and subsequent sale, of any pharmaceuticals or medical equipment and supplies to Medi-Cal providers. Accounting records shall include, but not be limited to, inventory records, general ledgers, financial statements, purchase and sales journals and invoices, prescription records, bills of lading, and delivery records. For purposes of this section the term "primary suppliers" shall mean any manufacturer, principal labeler, wholesaler, and any other primary supplier.

(b) Accounting records maintained pursuant to subdivision (a) shall be subject to audit or examination by the department or the Controller during regular business hours. These accounting records shall be maintained for three years from the date of sale or the date of service.

(c) This section shall not apply to any clinic licensed pursuant to subdivision (a) of Section 1204 of the Health and Safety Code or to any manufacturer of prescription drugs registered with the federal Food and Drug Administration in accordance with Section 510 of the Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 360).

SEC. 3. Section 14171.6 of the Welfare and Institutions Code is amended to read:

14171.6. (a) (1) Any provider, as defined in paragraph (3), that obtains reimbursement under this chapter to which it is not entitled shall be subject to interest charges or penalties as specified in this section.

(2) When it is established upon audit that the provider has not received reimbursement to which it is entitled, the department shall pay the provider interest assessed at the rate, and in the manner, specified in subdivision (h) of Section 14171.

(3) For purposes of this section, "provider" means any provider of services, as defined in subdivision (a) of Section 51051 of Title 22 of the California Code of Regulations.

(b) When it is established upon audit that the provider has claimed payments under this chapter to which it is not entitled, the provider shall pay, in addition to the amount improperly received, interest at the rate specified by subdivision (h) of Section 14171.

(c) (1) When it is established upon audit that the provider claimed payments related to services or costs that the department had previously notified the provider in an audit report that the costs or services were not reimbursable, the provider shall pay, in addition to the amount improperly claimed, a penalty of 10 percent of the amount improperly claimed after receipt of the notice, plus the cost of the audit.

(2) In addition to the penalty and costs specified by paragraph (1), interest shall be assessed at the rate specified in subdivision (h) of Section 14171.

(3) Providers that wish to preserve appeal rights or to challenge the department's positions regarding appeal issues may claim the costs or services and not be reimbursed therefor if they are identified and presented separately on the cost report.

(d) (1) When it is adjudicated that the provider fraudulently claimed and received payments under this chapter, the provider shall pay, in addition to that portion of the claim that was improperly claimed, a penalty of 300 percent of the amount improperly claimed, plus the cost of the audit.

(2) In addition to the penalty and costs specified by paragraph (1), interest shall be assessed at the rate specified by subdivision (h) of Section 14171.

(3) For purposes of this subdivision, a fraudulent claim is a claim upon which the provider has been convicted of fraud upon the Medi-Cal program.

(e) Nothing in this section shall prevent the imposition of any other civil or criminal penalties to which the provider may be liable.

(f) Any appeal to any action taken pursuant to subdivision (b), (c), or (d) is subject to the administrative appeals process provided by Section 14171.

(g) As used in this section, "cost of the audit" includes actual hourly wages, travel, and incidental expenses at rates allowable by rules adopted by the State Board of Control and applicable overhead costs that are incurred by employees of the state in administering this chapter with respect to the performance of audits.

(h) This section shall not apply to any clinic licensed pursuant to subdivision (a) of Section 1204 of the Health and Safety Code.

CHAPTER 994

An act to amend Section 51256 of, and to add Sections 51256.1 and 51256.2 to, the Government Code, relating to agricultural land.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 51256 of the Government Code is amended to read:

51256. Notwithstanding any other provision of this chapter, a city or county, upon petition by a landowner, may enter into an agreement with the landowner to cancel a contract pursuant to

Section 51282 in order to simultaneously place other land within that city, the county, or the county where the contract is canceled under an agricultural conservation easement, consistent with the purposes and, except as provided in subdivision (b), the requirements of the Agricultural Land Stewardship Program (Division 10.2 (commencing with Section 10200) of the Public Resources Code), provided that the board or council makes all of the following findings:

(a) The proposed agricultural conservation easement is consistent with the eligibility criteria in Section 10251 of the Public Resources Code.

(b) The proposed agricultural conservation easement is evaluated pursuant to the selection criteria in Section 10252 of the Public Resources Code, and particularly subdivisions (a), (c), (e), (f), and (h), and the board or council makes a finding that the proposed easement will make a beneficial contribution to the conservation of agricultural land in its area.

(c) The land proposed to be placed under an agricultural conservation easement is of equal size or larger than the land subject to the contract to be canceled, and is equally or more suitable for agricultural use than the land subject to the contract to be canceled. In determining the suitability of the land for agricultural use, the city or county shall consider the soil quality and water availability of the land, adjacent land uses, and any agricultural support infrastructure.

(d) The value of the proposed agricultural conservation easement, as determined pursuant to Section 10260 of the Public Resources Code, is equal to or greater than 12.5 percent of the cancellation valuation of the land subject to the contract to be rescinded, pursuant to subdivision (a) of Section 51283. The easement value and the cancellation valuation shall be determined within 30 days before the approval of the city or county of an agreement pursuant to this section.

SEC. 2. Section 51256.1 is added to the Government Code, to read:

51256.1. No agreement entered into pursuant to Section 51256 shall take effect until it is approved by the Director of Conservation. The director may approve the agreement if he or she finds that the findings of the board or council, as required by Sections 51256 and 51282, are supported by substantial evidence, and that the proposed agricultural conservation easement is consistent with the eligibility criteria set forth in Section 10251 of the Public Resources Code and will make a beneficial contribution to the conservation of agricultural land in its area. The director shall not approve the agreement if an agricultural conservation easement has been purchased with funds from the Agricultural Land Stewardship Program Fund, established pursuant to Section 10230 of the Public Resources Code, on the same land proposed to be placed under an agricultural conservation easement pursuant to this section.

SEC. 3. Section 51256.2 is added to the Government Code, to read:

51256.2. (a) One or more cities or counties may adopt a plan for implementing the provisions of Section 51256 with respect to multiple transactions within one or more specific areas, and submit the plan to the director for his or her approval. The plan may be approved only upon a determination by the director that it is consistent with the provisions of Section 51256. Thereafter individual transactions shall be approved if they are consistent with the approved plan.

(b) Notwithstanding Section 51256, this section shall apply only to lands under contract located in the Counties of San Bernardino and Riverside, within the area bounded by Interstate 10 on the north, State Route 71 on the west, State Route 91 on the south, and a line two miles east of Interstate 15 on the east, and to easements within that area or within 10 miles of its exterior boundaries.

(c) The Legislature finds and declares that, because of the unique factors applicable only to the Chino Basin, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Those unique circumstances are that the Chino agricultural preserve is undergoing transition from agricultural to nonagricultural uses and the affected areas comprise more than a single jurisdiction. Therefore, a multijurisdictional approach is necessary.

CHAPTER 995

An act to amend Section 6600 of, and to add Section 727.2 to, the Welfare and Institutions Code, relating to sexual predators.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 727.2 is added to the Welfare and Institutions Code, to read:

727.2. Where any minor has been adjudged a ward of the court for the commission of a "sexually violent offense," as defined in Section 6600, and committed to the Department of the Youth Authority, the ward shall be given sexual offender treatment consistent with protocols for that treatment developed or implemented by the Department of the Youth Authority.

SEC. 2. Section 6600 of the Welfare and Institutions Code is amended to read:

6600. As used in this article, the following terms have the following meanings:

(a) "Sexually violent predator" means a person who has been convicted of a sexually violent offense against two or more victims for which he or she received a determinate sentence and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

For purposes of this subdivision, a prior finding of not guilty by reason of insanity for an offense described in subdivision (b), a conviction prior to July 1, 1977, for an offense described in subdivision (b), a conviction resulting in a finding that the person was a mentally disordered sex offender, or a conviction in another state for an offense that includes all the elements of an offense described in subdivision (b), shall also be deemed to be a sexually violent offense even if the offender did not receive a determinate sentence for that prior offense.

Conviction of one or more of the crimes enumerated in this section shall constitute evidence that may support a court or jury determination that a person is a sexually violent predator, but shall not be the sole basis for the determination. The existence of any prior convictions may be shown with documentary evidence. The details underlying the commission of an offense that led to a prior conviction, including a predatory relationship with the victim, may be shown by documentary evidence, including, but not limited to, preliminary hearing transcripts, trial transcripts, probation and sentencing reports, and evaluations by the State Department of Mental Health. Jurors shall be admonished that they may not find a person a sexually violent predator based on prior offenses absent relevant evidence of a currently diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

(b) "Sexually violent offense" means the following acts when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, and that are committed on, before, or after the effective date of this article and result in a conviction or a finding of not guilty by reason of insanity, as provided in subdivision (a): a felony violation of paragraph (2) of subdivision (a) of Section 261, paragraph (1) of subdivision (a) of Section 262, Section 264.1, subdivision (a) or (b) of Section 288, or subdivision (a) of Section 289 of the Penal Code, or sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code.

(c) "Diagnosed mental disorder" includes a congenital or acquired condition affecting the emotional or volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.

(d) "Danger to the health and safety of others" does not require proof of a recent overt act while the offender is in custody.

(e) "Predatory" means an act is directed toward a stranger, a person of casual acquaintance with whom no substantial relationship exists, or an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

(f) "Recent overt act" means any criminal act that manifests a likelihood that the actor may engage in sexually violent predatory criminal behavior.

(g) Notwithstanding any other provision of law and for purposes of this section, no more than one prior juvenile adjudication of a sexually violent offense may constitute a prior conviction for which the person received a determinate term if all of the following applies:

(1) The juvenile was 16 years of age or older at the time he or she committed the prior offense.

(2) The prior offense is a sexually violent offense as specified in subdivision (b). Notwithstanding Section 6600.1, only an offense described in subdivision (b) shall constitute a sexually violent offense for purposes of this subdivision.

(3) The juvenile was adjudged a ward of the juvenile court within the meaning of Section 602 because of the person's commission of the offense giving rise to the juvenile court adjudication.

(4) The juvenile was committed to the Department of the Youth Authority for the sexually violent offense.

(h) A minor adjudged a ward of the court for commission of an offense that is defined as a sexually violent offense shall be entitled to specific treatment as a sexual offender. The failure of a minor to receive that treatment shall not constitute a defense or bar to a determination that any person is a sexually violent predator within the meaning of this article.

SEC. 2.1. Section 6600 of the Welfare and Institutions Code is amended to read:

6600. As used in this article, the following terms have the following meanings:

(a) "Sexually violent predator" means a person who has been convicted of a sexually violent offense against two or more victims who is currently in custody under the jurisdiction of the Department of Corrections, and who is serving any determinate or indeterminate sentence or whose parole has been revoked, and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

For purposes of this subdivision, a prior finding of not guilty by reason of insanity for an offense described in subdivision (b), a conviction prior to July 1, 1977, for an offense described in subdivision (b), a conviction resulting in a finding that the person was a mentally disordered sex offender, or a conviction in another state for an offense that includes all the elements of an offense described in subdivision (b), shall also be deemed to be a sexually violent offense even if the

offender did not receive a determinate sentence for that prior offense.

Conviction of one or more of the crimes enumerated in this section shall constitute evidence that may support a court or jury determination that a person is a sexually violent predator, but shall not be the sole basis for the determination. The existence of any prior convictions may be shown with documentary evidence. The details underlying the commission of an offense that led to a prior conviction may be shown by documentary evidence, including, but not limited to, preliminary hearing transcripts, trial transcripts, probation and sentencing reports, and evaluations by the State Department of Mental Health. Jurors shall be admonished that they may not find a person a sexually violent predator based on prior offenses absent relevant evidence of a currently diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

(b) "Sexually violent offense" means the following acts when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, and that are committed on, before, or after the effective date of this article and result in a conviction or a finding of not guilty by reason of insanity, as provided in subdivision (a): a felony violation of paragraph (2) of subdivision (a) of Section 261, paragraph (1) of subdivision (a) of Section 262, Section 264.1, subdivision (a) or (b) of Section 288, Section 288.5, or subdivision (a) of Section 289 of the Penal Code, or sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code.

(c) "Diagnosed mental disorder" includes a congenital or acquired condition affecting the emotional or volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.

(d) "Danger to the health and safety of others" does not require proof of a recent overt act while the offender is in custody.

(e) "Predatory" means an act is directed toward a stranger, a child under the age of 14 years, a person of casual acquaintance with whom no substantial relationship exists, or an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

(f) "Recent overt act" means any criminal act that manifests a likelihood that the actor may engage in sexually violent predatory criminal behavior.

(g) Notwithstanding any other provision of law and for purposes of this section, no more than one prior juvenile adjudication of a sexually violent offense may constitute a prior conviction for which the person received a determinate term if all of the following apply:

(1) The juvenile was 16 years of age or older at the time he or she committed the prior offense.

(2) The prior offense is a sexually violent offense as specified in subdivision (b). Notwithstanding Section 6600.1, only an offense described in subdivision (b) shall constitute a sexually violent offense for purposes of this subdivision.

(3) The juvenile was adjudged a ward of the juvenile court within the meaning of Section 602 because of the person's commission of the offense giving rise to the juvenile court adjudication.

(4) The juvenile was committed to the Department of the Youth Authority for the sexually violent offense.

(h) A minor adjudged a ward of the court for commission of an offense that is defined as a sexually violent offense shall be entitled to specific treatment as a sexual offender. The failure of a minor to receive that treatment shall not constitute a defense or bar to a determination that any person is a sexually violent predator within the meaning of this article.

SEC. 2.2. Section 6600 of the Welfare and Institutions Code is amended to read:

6600. As used in this article, the following terms have the following meanings:

(a) "Sexually violent predator" means a person who has been convicted of a sexually violent offense against two or more victims for which he or she received a determinate sentence and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

For purposes of this subdivision, a prior finding of not guilty by reason of insanity for an offense described in subdivision (b), a conviction for an offense under a predecessor statute that includes all of the elements of an offense described in subdivision (b), a conviction prior to July 1, 1977, for an offense described in subdivision (b), a conviction resulting in a finding that the person was a mentally disordered sex offender, or a conviction in another jurisdiction for an offense that includes all the elements of an offense described in subdivision (b), shall also be deemed to be a sexually violent offense even if the offender did not receive a determinate sentence for that prior offense.

Conviction of one or more of the crimes enumerated in this section shall constitute evidence that may support a court or jury determination that a person is a sexually violent predator, but shall not be the sole basis for the determination. The existence of any prior convictions may be shown with documentary evidence. The details underlying the commission of an offense that led to a prior conviction, including a predatory relationship with the victim, may be shown by documentary evidence, including, but not limited to, preliminary hearing transcripts, trial transcripts, probation and sentencing reports, and evaluations by the State Department of

Mental Health. Jurors shall be admonished that they may not find a person a sexually violent predator based on prior offenses absent relevant evidence of a currently diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

(b) "Sexually violent offense" means the following acts when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, and that are committed on, before, or after the effective date of this article and result in a conviction or a finding of not guilty by reason of insanity, as provided in subdivision (a): a felony violation of paragraph (2) of subdivision (a) of Section 261, paragraph (1) of subdivision (a) of Section 262, Section 264.1, subdivision (a) or (b) of Section 288, or subdivision (a) of Section 289 of the Penal Code, or sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code.

(c) "Diagnosed mental disorder" includes a congenital or acquired condition affecting the emotional or volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.

(d) "Danger to the health and safety of others" does not require proof of a recent overt act while the offender is in custody.

(e) "Predatory" means an act is directed toward a stranger, a person of casual acquaintance with whom no substantial relationship exists, or an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

(f) "Recent overt act" means any criminal act that manifests a likelihood that the actor may engage in sexually violent predatory criminal behavior.

(g) Notwithstanding any other provision of law and for purposes of this section, no more than one prior juvenile adjudication of a sexually violent offense may constitute a prior conviction for which the person received a determinate term if all of the following applies:

(1) The juvenile was 16 years of age or older at the time he or she committed the prior offense.

(2) The prior offense is a sexually violent offense as specified in subdivision (b). Notwithstanding Section 6600.1, only an offense described in subdivision (b) shall constitute a sexually violent offense for purposes of this subdivision.

(3) The juvenile was adjudged a ward of the juvenile court within the meaning of Section 602 because of the person's commission of the offense giving rise to the juvenile court adjudication.

(4) The juvenile was committed to the Department of the Youth Authority for the sexually violent offense.

(h) A minor adjudged a ward of the court for commission of an offense that is defined as a sexually violent offense shall be entitled to specific treatment as a sexual offender. The failure of a minor to

receive that treatment shall not constitute a defense or bar to a determination that any person is a sexually violent predator within the meaning of this article.

SEC. 2.3. Section 6600 of the Welfare and Institutions Code is amended to read:

6600. As used in this article, the following terms have the following meanings:

(a) "Sexually violent predator" means a person who has been convicted of a sexually violent offense against two or more victims who is currently in custody under the jurisdiction of the Department of Corrections, and who is serving any determinate or indeterminate sentence or whose parole has been revoked, and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

For purposes of this subdivision, a prior finding of not guilty by reason of insanity for an offense described in subdivision (b), a conviction for an offense under a predecessor statute that includes all of the elements of an offense described in subdivision (b) a conviction prior to July 1, 1977, for an offense described in subdivision (b), a conviction resulting in a finding that the person was a mentally disordered sex offender, or a conviction in another jurisdiction for an offense that includes all the elements of an offense described in subdivision (b), shall also be deemed to be a sexually violent offense even if the offender did not receive a determinate sentence for that prior offense.

Conviction of one or more of the crimes enumerated in this section shall constitute evidence that may support a court or jury determination that a person is a sexually violent predator, but shall not be the sole basis for the determination. The existence of any prior convictions may be shown with documentary evidence. The details underlying the commission of an offense that led to a prior conviction may be shown by documentary evidence, including, but not limited to, preliminary hearing transcripts, trial transcripts, probation and sentencing reports, and evaluations by the State Department of Mental Health. Jurors shall be admonished that they may not find a person a sexually violent predator based on prior offenses absent relevant evidence of a currently diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

(b) "Sexually violent offense" means the following acts when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, and that are committed on, before, or after the effective date of this article and result in a conviction or a finding of not guilty by reason of insanity, as provided in subdivision (a): a felony violation of paragraph (2) of subdivision (a) of Section 261, paragraph (1) of subdivision (a) of

Section 262, Section 264.1, subdivision (a) or (b) of Section 288, Section 288.5, or subdivision (a) of Section 289 of the Penal Code, or sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code.

(c) "Diagnosed mental disorder" includes a congenital or acquired condition affecting the emotional or volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.

(d) "Danger to the health and safety of others" does not require proof of a recent overt act while the offender is in custody.

(e) "Predatory" means an act is directed toward a stranger, a child under the age of 14 years, a person of casual acquaintance with whom no substantial relationship exists, or an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

(f) "Recent overt act" means any criminal act that manifests a likelihood that the actor may engage in sexually violent predatory criminal behavior.

(g) Notwithstanding any other provision of law and for purposes of this section, no more than one prior juvenile adjudication of a sexually violent offense may constitute a prior conviction for which the person received a determinate term if all of the following apply:

(1) The juvenile was 16 years of age or older at the time he or she committed the prior offense.

(2) The prior offense is a sexually violent offense as specified in subdivision (b). Notwithstanding Section 6600.1, only an offense described in subdivision (b) shall constitute a sexually violent offense for purposes of this subdivision.

(3) The juvenile was adjudged a ward of the juvenile court within the meaning of Section 602 because of the person's commission of the offense giving rise to the juvenile court adjudication.

(4) The juvenile was committed to the Department of the Youth Authority for the sexually violent offense.

(h) A minor adjudged a ward of the court for commission of an offense that is defined as a sexually violent offense shall be entitled to specific treatment as a sexual offender. The failure of a minor to receive that treatment shall not constitute a defense or bar to a determination that any person is a sexually violent predator within the meaning of this article.

SEC. 3. (a) Section 2.1 of this bill incorporates amendments to Section 6600 of the Welfare and Institutions Code proposed by both this bill and AB 1458. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 6600 of the Welfare and Institutions Code, (3) SB 786 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after AB 1458, in which case Sections 2, 2.2, and 2.3 of this bill shall not become operative.

(b) Section 2.2 of this bill incorporates amendments to Section 6600 of the Welfare and Institutions Code proposed by both this bill and SB 786. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 6600 of the Welfare and Institutions Code, (3) AB 1458 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after SB 786, in which case Sections 2, 2.1, and 2.3 of this bill shall not become operative.

(c) Section 2.3 of this bill incorporates amendments to Section 6600 of the Welfare and Institutions Code proposed by this bill, AB 1458, and SB 786. It shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2000, (2) all three bills amend Section 6600 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 1458, and SB 786, in which case Sections 2, 2.1, and 2.2 of this bill shall not become operative.

CHAPTER 996

An act to amend Sections 35294.1, 35294.5, 35294.6, 35294.7, 35294.8, and 35294.9 of, to add Article 10.4 (commencing with Section 35294.10) to Chapter 2 of Part 21 of, and to amend and repeal Section 35294.2 of, the Education Code, to add Sections 1170.17 and 1170.19 to the Penal Code, and to amend Sections 602, 606, 625.3, 628.1, 629, 656.2, 676, 676.5, 827, 827.5, and 1120.1 of, to amend and renumber Section 827.1 of, to add Sections 602.5, 725.1, and 730.7 to, and to repeal and add Section 827.6 of, the Welfare and Institutions Code, relating to youthful offenders, and making an appropriation therefor.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

I am signing Senate Bill No. 334; however, I am deleting specified appropriations made by this bill as described below.

This bill establishes the School Safety and Violence Prevention Strategy and makes an appropriation therefore to the Superintendent of Public Instruction; repeals the January 1, 2000, sunset clauses in existing law for the development and implementation of school safety plans; makes an appropriation to the Board of Corrections to carry out the At-Risk Youth Early Intervention Program; makes several revisions to existing statutes relating to juvenile criminal procedure; requires the Department of the Youth Authority to develop a high school graduation plan for each ward who has not attained a high school diploma or equivalent certificate and to enroll that ward in an appropriate educational program; and makes appropriations to the Counties of Riverside, San Diego, and San Francisco for specified programs.

I approved a $100 million augmentation in the 1999 Budget Act for school safety to fund school district safety initiatives such as school counselors, school psychologists, fencing, and video cameras. Consequently, I am deleting the $5 million appropriation to the Superintendent of Public Instruction to carry out the School Safety Violence Protection Act program.

In addition, I am deleting the appropriations of $1.5 million to the Board of Corrections; $1.5 million to the County of Riverside to expand the Project Bridge Gang

Crime Prevention Program; and $3 million in 1999–00 and an additional $1 million in both 2000–01 and 2001–02 to the County of San Diego for the purchase and operation of the San Pasqual Academy. I believe these appropriations should be considered within the context of the annual budget process, competing with other General Fund priorities.

However, I am sustaining the $1.8 million appropriation to the City and County of San Francisco to acquire and install surveillance cameras on its municipal railway public transit vehicles; this appropriation was erroneously deleted in the 1999 Budget Act.

GRAY DAVIS, Governor

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

SECTION 1. This act shall be known, and may be cited, as the "'No More Victims' Violence Prevention and School Safety 2000 Strategy."

SEC. 2. The Legislature declares each of the following findings:

(a) Ensuring the safety of the people of California from serious and violent crime is the most profound obligation of state and local government.

(b) The fundamental goal of California's crime policy must be to prevent crime before it occurs and to reduce the number of Californians who are victims of crime. The commitment to fighting crime and ending violence in our society ultimately must be a "No More Victims" strategy aimed not only at short-term crime control, but also at long-term crime prevention.

(c) Safe schools, safe families, and safe communities are the cornerstones of a just and prosperous society. A comprehensive crime and violence prevention strategy must be based on these three essential elements of our California community.

(d) The juvenile justice system must respond to youth crime by protecting our communities, restoring losses suffered by victims, and reforming juvenile offenders into productive, law-abiding citizens. Restitution accountability is central to restoring victims and reforming youthful offenders.

(e) Despite recent declines in the rate of arrests of juveniles for crimes of violence, statewide victimization and arrest rates of juveniles and young adults for acts involving violence remain unacceptably high.

(f) California urgently needs a comprehensive youth and gang violence prevention strategy designed to ensure the safety of our families, our schools, and our communities.

(g) The resources and responses of the California juvenile and criminal justice systems can be marshaled more effectively to control and prevent youth and gang violence.

(h) State-funded violence prevention programs are scattered among 10 or more state agencies without adequate coordination. Both the Little Hoover Commission and the Task Force to Review Juvenile Crime and the Juvenile Justice Response have

recommended that youth crime and violence prevention programs be consolidated within a single state agency for greater effectiveness.

(i) Local communities need assistance, including economic assistance, to implement effective strategies and programs for the prevention of violence among youth and gangs.

(j) Model, innovative, and successful violence prevention programs must be systematically identified, implemented, and evaluated in California.

(k) The long-term health of our society depends on a renewed commitment to community-building, with an increased emphasis on crime and violence prevention, community involvement, and collaboration.

SEC. 3. Section 35294.1 of the Education Code is amended to read:

35294.1. (a) Each school district and county office of education is responsible for the overall development of comprehensive school safety plans for its schools operating any kindergarten and any of grades 1 to 12, inclusive.

(b) (1) Except as provided in subdivision (d) with regard to a small school district, the schoolsite council established pursuant to Section 52012 or 52852 shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.

(2) The schoolsite council may delegate this responsibility to a school safety planning committee made up of the following members:

(A) The principal or the principal's designee.

(B) One teacher who is a representative of the recognized certificated employee organization.

(C) One parent whose child attends the school.

(D) One classified employee who is a representative of the recognized classified employee organization.

(E) Other members, if desired.

(3) The schoolsite council shall consult with a representative from a law enforcement agency in the writing and development of the comprehensive school safety plan.

(4) In the absence of a schoolsite council, the members specified in paragraph (2) shall serve as the school safety planning committee.

(c) Nothing in this article shall limit or take away the authority of school boards as guaranteed under this code.

(d) (1) Subdivision (b) shall not apply to a small school district, as defined in paragraph (2), if the small school district develops a districtwide comprehensive school safety plan that is applicable to each schoolsite.

(2) As used in this article, "small school district" means a school district that has fewer than 2,501 units of average daily attendance in the 1997–98 fiscal year.

SEC. 4. Section 35294.2 of the Education Code is amended to read:

35294.2. (a) The comprehensive school safety plan shall include, but not necessarily be limited to, the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

(A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the Penal Code.

(B) Disaster procedures, routine and emergency.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A sexual harassment policy, pursuant to subdivision (b) of Section 231.5.

(F) The provisions of any schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel," if the school has adopted such a dress code. For those purposes, the comprehensive school safety plan shall define "gang-related apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. Any schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For the purposes of this paragraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.

(G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.

(H) A safe and orderly environment conducive to learning at the school.

(I) The rules and procedures on school discipline adopted pursuant to Sections 35291 and 35291.5.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the School Safety Partnership, pursuant to Chapter 2.5 (commencing with Section 32260) of Part 19. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership

Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.

(c) Grants to assist schools in implementing their comprehensive school safety plan shall be made available through the School Safety Partnership as authorized by Section 32262.

(d) Each schoolsite council or school safety planning committee in developing and updating a comprehensive school safety plan shall, where practical, consult, cooperate, and coordinate with other schoolsite councils or school safety planning committees.

(e) The comprehensive school safety plan shall be evaluated and amended, as needed, by the school safety planning committee no less than once a year to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.

(f) The comprehensive school safety plan, as written and updated by the schoolsite council or school safety planning committee, shall be submitted for approval under subdivision (a) of Section 35294.8.

SEC. 5. Section 35294.2 of the Education Code is repealed.

SEC. 6. Section 35294.5 of the Education Code is amended to read:

35294.5. (a) The governing board of a school district, on behalf of one or more schools within the district that have developed a school safety plan, may apply to the Superintendent of Public Instruction for a grant to implement school safety plans. The School Safety Partnership shall award grants for school safety plans that include, but are not limited to, the following criteria:

(1) Assessment of the recent incidence of crime committed on the school campus.

(2) Identification of appropriate strategies and programs that will provide or maintain a high level of school safety.

(3) Development of an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs, and determining the fiscal impact of executing the strategies and programs. The action plan shall identify available resources which will provide for implementation of the plan.

(b) The Superintendent of Public Instruction shall award grants pursuant to this section to school districts for the implementation of individual school safety plans in an amount not to exceed five thousand dollars ($5,000) for each school. No grant shall be made unless the school district makes available, for purposes of implementing the school safety plans, an amount of funds equal to the amount of the grant. Grants should be awarded through a competitive process, based upon criteria including, but not limited to, the merit of the proposal and the need for imposing school safety, based on school crime rates.

(c) Any school receiving a grant under this section shall submit to the Superintendent of Public Instruction verified copies of its

schoolsite crime report annually for three consecutive years following the receipt of the grant to study the impact of the implementation of the school safety plan on the incidence of crime on the campus of the school.

SEC. 7. Section 35294.6 of the Education Code is amended to read:

35294.6. (a) Each school shall adopt its comprehensive school safety plan by March 1, 2000, and shall review and update its plan by March 1, every year thereafter.

(b) Commencing in July 2000, and every July thereafter, each school shall report on the status of its school safety plan, including a description of its key elements in the annual school accountability report card prepared pursuant to Sections 33126 and 35256.

SEC. 8. Section 35294.7 of the Education Code is amended to read:

35294.7. In the event that the Superintendent of Public Instruction determines that there has been a willful failure to make any report required by this article, the Superintendent of Public Instruction shall do both of the following:

(a) Notify the school district or the county office of education in which the willful failure has occurred of the determination.

(b) Make an assessment of not more than five hundred dollars ($500) against that school district or county office of education. This may be accomplished by the deduction of the amount of the assessment from an apportionment made subsequent to the determination.

SEC. 9. Section 35294.8 of the Education Code is amended to read:

35294.8. (a) In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of education for approval.

(b) Before adopting its comprehensive school safety plan, the schoolsite council or school safety planning committee shall hold a public meeting at the schoolsite in order to allow members of the public the opportunity to express an opinion about the school safety plan.

(c) In order to ensure compliance with this article, each school district or county office of education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Section 35294.1.

SEC. 10. Section 35294.9 of the Education Code is amended to read:

35294.9. Notwithstanding any other provision of law, a school, other than a school in a small school district, that submits a comprehensive school safety plan in existence on December 31, 1997, shall be deemed to have satisfied the requirements of this article as it exists on and after the effective date of the act that adds this section

if the comprehensive school safety plan meets all of the requirements of Section 35294.2.

SEC. 11. Article 10.4 (commencing with Section 35294.10) is added to Chapter 2 of Part 21 of the Education Code, to read:

Article 10.4. School Safety Violence Protection Act

35294.10. (a) It is the intent of the Legislature that all public schools with grades kindergarten to 7, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools. It is further the intent of the Legislature to fund and coordinate the programs and activities carried out pursuant to the Interagency School Safety Demonstration Act of 1985 (Chapter 2.5 (commencing with Section 32260)), relating to safe school model programs; Article 10.3 (commencing with Section 35294), relating to the development of school safety plans; and Article 6 (commencing with Section 32296) of Chapter 2.5, relating to school community policing, in a cooperative and interactive effort to promote school safety and violence prevention in the public schools.

(b) It is further the intent of the Legislature that the Superintendent of Public Instruction and the Attorney General shall utilize available resources to make every effort to coordinate activities and the distribution of resources to maximize their effective and efficient use in establishing and maintaining safe schools.

35294.11. (a) The School Safety and Violence Prevention Strategy Program is hereby established to be administered by the Superintendent of Public Instruction for the purpose of promoting school safety and violence prevention programs among children and youth in the public schools.

(b) The Superintendent of Public Instruction, in conjunction with the Attorney General, shall develop standards and guidelines for evaluating proposals, and shall award grants on a competitive basis, as authorized by this article, to schools and school districts serving grades kindergarten to 7, inclusive, that meet the following conditions:

(1) The school has developed a school safety plan as required by Article 10.3 (commencing with Section 35294).

(2) The school demonstrates its ability to carry out a collaborative and coordinated approach for implementing a comprehensive school safety and violence prevention strategy.

(3) After initial eligibility has been determined, a process of random selection for grants awarded pursuant to this article shall be used that ensure that, at a minimum, all of the following criteria are met:

(A) Schools are selected from the northern, central, and southern areas of the state.

(B) Schools selected represent large, medium, and small sized numbers in their pupil populations.

(C) Schools are selected from urban, suburban, and rural areas.

35294.12. Schools or school districts that apply for funding pursuant to this article shall submit an application that includes, but is not limited to, the following:

(a) A school safety plan required by Article 10.3 (commencing with Section 35294).

(b) A school violence prevention strategy for improving and marshaling the resources set forth in the school safety plan to promote school safety and violence prevention programs among children and youth.

35294.13. The Superintendent of Public Instruction shall award grants under this article for one or more of the following purposes:

(a) Providing schools with personnel, including, but not limited to, school counselors, school social workers, school nurses, and school psychologists, who are specially trained in identifying and supporting at-risk children and youth where the applicant demonstrates that appropriate support activities are necessary and would be desirable in addressing identified problems, issues, and needs, including, but not limited to, classes pertaining to anger management and conflict resolution.

(b) Providing effective and accessible oncampus communication devices, where the applicant demonstrates that the use of these devices, beyond everyday, routine matters, is part of the school safety plan developed pursuant to Article 10.3 (commencing with Section 35294).

(c) Establishing an in-service training program for all school staff, designed to assist school staff in identifying at-risk children and youth, communicating effectively with those pupils, and appropriately referring those pupils for counseling.

(d) Establishing cooperative arrangements with local law enforcement agencies for appropriate school-community relationships.

(e) Proposals that allow school districts to respond to existing or subsequent research that establishes structural changes in the operation of schools, such as smaller schools or "schools within schools."

(f) Any other proposal that the applicant school or school district designs that demonstrates that the proposal would materially contribute to meeting the goals and objectives of current law in providing for safe schools and preventing violence among children and youth.

35294.14. The Superintendent of Public Instruction and the Attorney General shall cooperatively design an evaluation process for the programs and activities established pursuant to this article and shall report to the Legislature by January 1 of each year, commencing in 2001, any recommendations for modifications to existing law

relative to school safety and violence prevention among children and youth.

35294.15. Unless otherwise required by law, the Superintendent of Public Instruction shall establish the rules and regulations for the application process to be utilized by schools and school districts to obtain funds made available by this or any other provision of law or by the annual Budget Act to promote school safety and violence prevention among children and youth. To perform the duties of this article or any of the activities in subdivision (a) of Section 35294.10, up to 5 percent of the total funds appropriated for purposes of this article may be utilized by the Superintendent of Public Instruction for administrative costs.

SEC. 12. Section 1170.17 is added to the Penal Code, to read:

1170.17. (a) When a person is prosecuted for a criminal offense committed while he or she was under the age of 18 years and the prosecution is lawfully initiated in a court of criminal jurisdiction without a prior finding that the person is not a fit and proper subject to be dealt with under the juvenile court law, upon subsequent conviction for any criminal offense, the person shall be subject to the same sentence as an adult convicted of the identical offense, in accordance with the provisions set forth in subdivision (a) of Section 1170.19, except under the circumstances described in subdivision (b) or (c).

(b) Where the conviction is for the type of offense which, in combination with the person's age at the time the offense was committed, makes the person eligible for transfer to a court of criminal jurisdiction, pursuant to a rebuttable presumption that the person is not a fit and proper subject to be dealt with under the juvenile court law, and the prosecution for the offense could not lawfully be initiated in a court of criminal jurisdiction, then either of the following shall apply:

(1) The person shall be subject to the same sentence as an adult convicted of the identical offense in accordance with the provisions set forth in subdivision (a) of Section 1170.19, unless the person prevails upon a motion brought pursuant to paragraph (2).

(2) Upon a motion brought by the person, the court shall order the probation department to prepare a written social study and recommendation concerning the person's fitness to be dealt with under the juvenile court law and the court shall either conduct a fitness hearing or suspend proceedings and remand the matter to the juvenile court to prepare a social study and make a determination of fitness. The person shall receive a disposition under the juvenile court law only if the person demonstrates, by a preponderance of the evidence, that he or she is a fit and proper subject to be dealt with under the juvenile court law, based upon each of the following five criteria:

(A) The degree of criminal sophistication exhibited by the person.

(B) Whether the person can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.

(C) The person's previous delinquent history.

(D) Success of previous attempts by the juvenile court to rehabilitate the person.

(E) The circumstances and gravity of the offense for which the person has been convicted.

If the court conducting the fitness hearing finds that the person is not a fit and proper subject for juvenile court jurisdiction, then the person shall be sentenced by the court where he or she was convicted, in accordance with the provisions of paragraph (1). If the court conducting the hearing on fitness finds that the person is a fit and proper subject for juvenile court jurisdiction, then the person shall be subject to a disposition in accordance with the provisions of subdivision (b) of Section 1170.19.

(c) Where the conviction is for the type of offense which, in combination with the person's age at the time the offense was committed, makes the person eligible for transfer to a court of criminal jurisdiction, pursuant to a rebuttable presumption that the person is a fit and proper subject to be dealt with under the juvenile court law, then the person shall be sentenced as follows:

(1) The person shall be subject to a disposition under the juvenile court law, in accordance with the provisions of subdivision (b) of Section 1170.19, unless the district attorney prevails upon a motion, as described in paragraph (2).

(2) Upon a motion brought by the district attorney, the court shall order the probation department to prepare a written social study and recommendation concerning whether the person is a fit and proper subject to be dealt with under the juvenile court law. The court shall either conduct a fitness hearing or suspend proceedings and remand the matter to the juvenile court for a determination of fitness. The person shall be subject to a juvenile disposition under the juvenile court law unless the district attorney demonstrates, by a preponderance of the evidence, that the person is a fit and proper subject to be dealt with under the juvenile court law, based upon the five criteria set forth in paragraph (2) of subdivision (b). If the person is found to be not a fit and proper subject to be dealt with under the juvenile court law, then the person shall be sentenced in the court where he or she was convicted, in accordance with the provisions set forth in subdivision (a) of Section 1170.19. If the person is found to be a fit and proper subject to be dealt with under the juvenile court law, the person shall be subject to a disposition, in accordance with the provisions of subdivision (b) of Section 1170.19.

(d) Where the conviction is for the type of offense which, in combination with the person's age, does not make the person eligible for transfer to a court of criminal jurisdiction, the person shall be subject to a disposition in accordance with the provisions of subdivision (b) of Section 1170.19.

SEC. 12.1. Section 1170.19 is added to the Penal Code, to read:

1170.19. (a) Notwithstanding any other provision of law, the following shall apply to a person sentenced pursuant to Section 1170.17.

(1) The person may be committed to the Youth Authority only to the extent the person meets the eligibility criteria set forth in Section 1732.6 of the Welfare and Institutions Code.

(2) The person shall not be housed in any facility under the jurisdiction of the Department of Corrections, if the person is under the age of 16 years.

(3) The person shall have his or her criminal court records accorded the same degree of public access as the records pertaining to the conviction of an adult for the identical offense.

(4) Subject to the knowing and intelligent consent of both the prosecution and the person being sentenced pursuant to this section, the court may order a juvenile disposition under the juvenile court law, in lieu of a sentence under this code, upon a finding that such an order would serve the best interests of justice, protection of the community, and the person being sentenced. Prior to ordering a juvenile disposition, the court shall cause to be received into evidence a social study by the probation officer, prepared pursuant to Section 706 of the Welfare and Institutions Code, and shall state that the social study made by the probation officer has been read and considered by the court.

(b) Notwithstanding any other provision of law, the following shall apply to a person who is eligible to receive a juvenile disposition pursuant to Section 1170.17.

(1) The person shall be entitled a hearing on the proper disposition of the case, conducted in accordance with the provisions of Section 706 of the Welfare and Institutions Code. The court in which the conviction occurred shall order the probation department to prepare a written social study and recommendation concerning the proper disposition of the case, prior to conducting the hearing or remand the matter to the juvenile court for purposes of preparing the social study, conducting the disposition hearing pursuant to Section 706 of the Welfare and Institutions Code, and making a disposition order under the juvenile court law.

(2) The person shall have his or her conviction deemed to be a finding of delinquency wardship under Section 602 of the Welfare and Institutions Code.

(3) The person shall have his or her criminal court records accorded the same degree of confidentiality as if the matter had been initially prosecuted as a delinquency petition in the juvenile court.

(4) Subject to the knowing and intelligent consent of both the prosecution and the person being sentenced pursuant to this section, the court may impose an adult sentence under this code, in lieu of ordering a juvenile disposition under the juvenile court law, upon a finding that such an order would serve the best interests of justice,

protection of the community, and the person being sentenced. Prior to ordering an adult sentence, the court shall cause to be received into evidence a social study by the probation officer, prepared pursuant to Section 706 of the Welfare and Institutions Code, and shall state that the social study prepared by the probation officer has been read and considered by the court.

SEC. 12.2. Section 602 of the Welfare and Institutions Code is amended to read:

602. (a) Except as provided in subdivision (b), any person who is under the age of 18 years when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge the person to be a ward of the court.

(b) Subject to the provisions of this section, any person 16 years of age or older, who is alleged and proven to have been declared a ward of the court pursuant to this section on one or more prior occasions for the commission of one or more felonies, committed after he or she had attained the age of 14 years, shall be prosecuted in a court of criminal jurisdiction if he or she is alleged to have committed any of the following criminal offenses:

(1) Murder in the first degree, as described in Sections 187 and 189 of the Penal Code, if the prosecutor alleges that the minor personally killed the victim.

(2) Attempted, willful, deliberate, and premeditated murder, if the prosecutor alleges that the minor personally attempted to kill the victim.

(3) The following sex offenses, if the prosecutor alleges that the minor personally committed any of these offenses and that one of the circumstances enumerated in subdivision (d) or (e) of Section 667.61 of the Penal Code exists:

(A) Rape, as described in paragraph (2) of subdivision (a) of Section 261 of the Penal Code.

(B) Spousal rape, as described in paragraph (1) of subdivision (a) of Section 262 of the Penal Code.

(C) Forcible sex offenses in concert with another, as described in Section 264.1 of the Penal Code.

(D) Forcible lewd and lascivious acts on a child under the age of 14 years, as described in subdivision (b) of Section 288 of the Penal Code.

(E) Forcible penetration by foreign object, as described in subdivision (a) of Section 289 of the Penal Code.

(F) Sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code, by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(4) Aggravated forms of kidnapping, for which the penalty is life in prison, and in which the perpetrator personally and intentionally

exposed the victim to a substantial likelihood of death or great bodily injury.

(5) Any felony enumerated in subdivision (a) of Section 12022.53 of the Penal Code, in which the minor personally uses and discharges a firearm, within the meaning of either subdivision (c) or (d) of Section 12022.53 of the Penal Code.

(c) Any minor directly charged under subdivision (b) shall have the right to a preliminary hearing to determine if there is probable cause to hold him or her to answer. If the magistrate holds the defendant minor to answer for a crime set forth in subdivision (b), the prosecution may file an information charging one or more of these enumerated crimes and any other properly joined crimes or enhancements. The case shall proceed in criminal court unless the defendant minor prevails in a motion to dismiss pursuant to Section 995 of the Penal Code, including pursuant to any appeal or writ arising from the motion to dismiss.

(d) Notwithstanding any other provision of law, no person under the age of 16 years shall be housed in any facility under the jurisdiction of the Department of Corrections.

SEC. 13. Section 602.5 is added to the Welfare and Institutions Code, to read:

602.5. (a) Notwithstanding any other law and pursuant to the provisions of this section, the juvenile court shall commit any minor adjudicated to be a ward of the court for the personal use of a firearm in the commission of a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, to placement in a juvenile hall, ranch, camp, or with the Youth Authority.

(b) A court may impose a treatment-based alternative placement order on any minor subject to this section if the court finds the minor has a mental disorder requiring intensive treatment. Any alternative placement order under this subdivision shall be made on the record, in writing, and in accordance with Article 3 (commencing with Section 6550) of Chapter 2 of Part 2 of Division 6.

SEC. 14. Section 606 of the Welfare and Institutions Code is amended to read:

606. When a petition has been filed in a juvenile court, the minor who is the subject of the petition shall not thereafter be subject to criminal prosecution based on the facts giving rise to the petition unless the juvenile court finds that the minor is not a fit and proper subject to be dealt with under this chapter and orders that criminal proceedings be resumed or instituted against him, or the petition is transferred to a court of criminal jurisdiction pursuant to subdivision (b) of Section 707.01.

SEC. 15. Section 625.3 of the Welfare and Institutions Code is amended to read:

625.3. Notwithstanding Section 625, a minor who is 14 years of age or older and who is taken into custody by a peace officer for the personal use or possession of a firearm during the commission or

attempted commission of a felony shall not be released until that minor is brought before a judicial officer. At the time the minor is brought before a judicial officer, the judicial officer shall assess the minor's mental health status, and shall order the minor to continue to be detained and a mental health evaluation conducted in accordance with Article 3 (commencing with Section 6550) of Chapter 2 of Part 2 of Division 6, if the judicial officer concludes that the minor poses a danger to the safety of himself or herself, or to the public. Any firearm found on the person of a minor subject to this section shall be confiscated.

SEC. 16. Section 628.1 of the Welfare and Institutions Code is amended to read:

628.1. If the minor meets one or more of the criteria for detention under Section 628, but the probation officer believes that 24-hour secure detention is not necessary in order to protect the minor or the person or property of another, or to ensure that the minor does not flee the jurisdiction of the court, the probation officer shall proceed according to this section.

Unless one of the conditions described in paragraph (1), (2), or (3) of subdivision (a) of Section 628 exists, the probation officer shall release such minor to his or her parent, guardian, or responsible relative on home supervision. As a condition for such release, the probation officer shall require the minor to sign a written promise that he or she understands and will observe the specific conditions of home supervision release. As an additional condition for release, the probation officer also shall require the minor's parent, guardian, or responsible relative to sign a written promise, translated into a language the parent understands, if necessary, that he or she understands the specific conditions of home supervision release. These conditions may include curfew and school attendance requirements related to the protection of the minor or the person or property of another, or to the minor's appearances at court hearings. A minor who violates a specific condition of home supervision release which he or she has promised in writing to obey may be taken into custody and placed in secure detention, subject to court review at a detention hearing.

A minor on home supervision shall be entitled to the same legal protections as a minor in secure detention, including a detention hearing.

SEC. 17. Section 629 of the Welfare and Institutions Code is amended to read:

629. As a condition for the release of a minor pursuant to Section 628.1 and subject to Sections 631 and 632, the probation officer shall require the minor to sign, and may also require his or her parent, guardian, or relative to sign, a written promise to appear before the probation officer at the juvenile hall or other suitable place designated by the probation officer at a specified time.

SEC. 17.5. Section 656.2 of the Welfare and Institutions Code is amended to read:

656.2. (a) Notwithstanding any other provision of law, a victim shall have the right to present a victim impact statement in all juvenile court hearings concerning petitions filed pursuant to Section 602 alleging the commission of any criminal offense. In any case in which a minor is alleged to have committed a criminal offense, the probation officer shall inform the victim of the rights of victims to submit a victim impact statement. If the victim exercises the right to submit a victim impact statement to the probation officer, the probation officer shall include the statement in his or her social study submitted to the court pursuant to Section 706 and, if applicable, in his or her report submitted to the court pursuant to Section 707. The probation officer also shall advise those persons as to the time and place of the disposition hearing to be conducted pursuant to Sections 702 and 706; any fitness hearing to be conducted pursuant to Section 707, and any other judicial proceeding concerning the case.

The probation officer shall also provide the victim with information concerning the victim's right to an action for civil damages against the minor and his or her parents and the victim's opportunity to be compensated from the restitution fund. The information shall be in the form of written material prepared by the Judicial Council and shall be provided to each victim for whom the probation officer has a current mailing address.

(b) Notwithstanding any other provision of law, the persons from whom the probation officer is required to solicit a statement pursuant to subdivision (a) shall have the right to attend the disposition hearing conducted pursuant to Section 702 and to express their views concerning the offense and disposition of the case pursuant to Section 706, to attend any fitness hearing conducted pursuant to Section 707, and to be present during juvenile proceedings as provided in Section 676.5.

(c) Notwithstanding any other provision of law, in any case in which a minor is alleged to have committed an act subject to a fitness hearing under Section 707, the victim shall have the right to be informed of all court dates and continuances pertaining to the case, and shall further have the right to obtain copies of the charging petition, the minutes of the proceedings, and orders of adjudications and disposition of the court that are contained in the court file. The arresting agency shall notify the victim in a timely manner of the address and telephone number of the juvenile branch of the district attorney's office that will be responsible for the case and for informing the victim of the victim's right to attend hearings and obtain documents as provided in this section. The district attorney shall, upon request, inform the victim of the date of the fitness hearing, the date of the disposition hearing, and the dates for any continuances of those hearings, and shall inform the court if the

victim seeks to exercise his or her right to obtain copies of the documents described in this subdivision.

Where the proceeding against the minor is based on a felony that is not listed in Section 676, a victim who obtains information about the minor under this subdivision shall not disclose or disseminate this information beyond his or her immediate family or support persons authorized by Section 676, unless authorized to do so by a judge of the juvenile court, and the judge may suspend or terminate the right of the victim to access to information under this subdivision if the information is improperly disclosed or disseminated by the victim or any members of his or her immediate family. The intentional dissemination of documents in violation of this subdivision is a misdemeanor and shall be punished by a fine of not more than five hundred dollars ($500). Documents released by the court to a victim pursuant to this section shall be stamped as confidential and with a statement that the unlawful dissemination of the documents is a misdemeanor punishable by a fine of not more than five hundred dollars ($500).

(d) Upon application of the district attorney for good cause and a showing of potential danger to the public, the court may redact any information contained in any documents released by the court to a victim pursuant to this section.

(e) For purposes of this section, "victim" means the victim, the parent or guardian of the victim if the victim is a minor, or, if the victim has died, the victim's next of kin.

SEC. 18. Section 676 of the Welfare and Institutions Code is amended to read:

676. (a) Except as provided in this section, juvenile hearings concerning petitions filed pursuant to Section 602 alleging that a minor has violated one or more of the following offenses shall be open to the public to the same extent, and on the same basis, as trials in a court of criminal jurisdiction:

(1) Murder.

(2) Arson of an inhabited building.

(3) Robbery while armed with a dangerous or deadly weapon.

(4) Rape with force or violence or threat of great bodily harm.

(5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.

(6) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.

(7) Any offense specified in subdivision (a) of Section 289 of the Penal Code.

(8) Kidnapping for ransom.

(9) Kidnapping in violation of subdivision (b) of Section 209 of the Penal Code.

(10) Kidnapping with bodily harm.

(11) Assault with intent to murder or attempted murder.

(12) Assault with a firearm or destructive device.

(13) Assault by any means of force likely to produce great bodily injury.

(14) Discharge of a firearm into an inhabited or occupied building.

(15) Any offense described in Section 1203.09 of the Penal Code.

(16) Any offense described in Section 12022.5 or 12022.53 of the Penal Code.

(17) Any felony offense in which a minor personally used a weapon listed in subdivision (a) of Section 12020 of the Penal Code.

(18) Burglary of an inhabited dwelling house or trailer coach, as defined in Section 635 of the Vehicle Code, or the inhabited portion of any other building, if the minor previously has been adjudged a ward of the court by reason of the commission of any offense listed in this section, including an offense listed in this paragraph.

(19) Any felony offense described in Section 136.1 or 137 of the Penal Code.

(20) Any offense as specified in Sections 11351, 11351.5, 11352, 11378, 11378.5, 11379, and 11379.5 of the Health and Safety Code.

(21) Criminal street gang activity which constitutes a felony pursuant to Section 186.22 of the Penal Code.

(22) Manslaughter as specified in Section 192 of the Penal Code.

(23) Driveby shooting or discharge of a weapon from or at a motor vehicle as specified in Sections 246, 247, and 12034 of the Penal Code.

(24) Any crime committed with an assault weapon, as defined in Section 12276 of the Penal Code, including possession of an assault weapon as specified in subdivision (b) of Section 12280 of the Penal Code.

(25) Carjacking, while armed with a dangerous or deadly weapon.

(26) Kidnapping, in violation of Section 209.5 of the Penal Code.

(27) Torture, as described in Sections 206 and 206.1 of the Penal Code.

(28) Aggravated mayhem, in violation of Section 205 of the Penal Code.

(b) Where the petition filed alleges that the minor is a person described in Section 602 by reason of the commission of rape with force or violence or great bodily harm; sodomy by force, violence, duress, menace, or threat of great bodily harm; oral copulation by force, violence, duress, menace, or threat of great bodily harm; or any offense specified in Section 289 of the Penal Code, members of the public shall not be admitted to the hearing in either of the following instances:

(1) Upon a motion for a closed hearing by the district attorney, who shall make the motion if so requested by the victim.

(2) During the victim's testimony, if, at the time of the offense the victim was under 16 years of age.

(c) Notwithstanding any other provision of law, up to two family members or support persons of a prosecuting witness' choosing may attend juvenile proceedings, as authorized by Section 868.5 of the Penal Code.

(d) A judge or referee may admit to juvenile proceedings those persons he or she deems to have a direct and legitimate interest in the particular case or work of the court.

(e) The name of a minor found to have committed one of the offenses listed in subdivision (a) shall not be confidential, unless the court, for good cause, so orders. The court shall make a written finding, on the record, explaining why good cause exists to make the name of the minor confidential.

(f) Notwithstanding Sections 827 and 828 and subject to subdivisions (g) and (h), when a petition is sustained for any offense listed in subdivision (a), the charging petition, the minutes of the proceeding, and the orders of adjudication and disposition of the court that are contained in the court file shall be available for public inspection. Nothing in this subdivision shall be construed to authorize public access to any other documents in the court file.

(g) The probation officer or any party may petition the juvenile court to prohibit disclosure to the public of any file or record. The juvenile court shall prohibit the disclosure if it appears that the harm to the minor, victims, witnesses, or public from the public disclosure outweighs the benefit of public knowledge. The court shall make a written finding, on the record, explaining the basis of the court's decision to prohibit disclosure.

(h) Nothing in this section shall be applied to limit the disclosure of information as otherwise provided for by law.

(i) Unless requested by the minor against whom a petition has been filed pursuant to Section 601 or 602 and by any parent or guardian present, the public shall not be admitted to a juvenile court hearing except as provided by this section.

(j) The court shall post daily public notices of juvenile proceedings open to the public.

SEC. 19. Section 676.5 of the Welfare and Institutions Code is amended to read:

676.5. The right of victims of juvenile offenses to be present during juvenile proceedings, as specified in subdivision (a), shall be secured as follows:

(a) Notwithstanding any other law, and except as provided in subdivision (d), a victim and up to two support persons of the victim's choosing shall be entitled to be admitted, on the same basis as he or she may be admitted to trials in a court of criminal jurisdiction, to juvenile court hearings concerning petitions filed pursuant to Section 602 alleging the commission of any criminal offense, and shall be so notified by the probation officer in person or by registered mail, return receipt requested, together with a notice explaining all other rights and services available to the victim with respect to the case.

(b) A victim or his or her support person may be excluded from a juvenile court hearing described in subdivision (a) only if each of the following criteria are met:

(1) Any movant, including the minor defendant, who seeks to exclude the victim or his or her support person from a hearing demonstrates that there is a substantial probability that overriding interests will be prejudiced by the presence of the victim or his or her support person.

(2) The court considers reasonable alternatives to exclusion of the victim or his or her support person from the hearing.

(3) The exclusion of the victim or his or her support person from a hearing, or any limitation on his or her presence at a hearing, is narrowly tailored to serve the overriding interests identified by the movant.

(4) Following a hearing at which any person who is to be excluded from a juvenile court hearing is afforded an opportunity to be heard, the court makes specific factual findings that support the exclusion of the victim or his or her support person from, or any limitation on his or her presence at, the juvenile court hearing.

(c) As used in this section, "victim" means (1) the alleged victim of the offense and one person of his or her choosing or however many more the court may allow under the particular circumstances surrounding the proceeding, (2) in the event that the victim is unable to attend the proceeding, two persons designated by the victim or however many more the court may allow under the particular circumstances surrounding the proceeding, or (3) if the victim is no longer living, two members of the victim's immediate family or however many more the court may allow under the particular circumstances surrounding the proceeding.

(d) Nothing in this section shall prevent a court from excluding a victim or his or her support person from a hearing, pursuant to Section 777 of the Evidence Code, when the victim is subpoenaed as a witness. An order of exclusion shall be consistent with the objectives of paragraphs (1) to (4), inclusive, of subdivision (b) to allow the victim to be present, whenever possible, at all hearings.

SEC. 20. Section 725.1 is added to the Welfare and Institutions Code, to read:

725.1. The juvenile court shall report to the Department of Justice the complete criminal history of any minor found to be a person adjudged to be a ward of the court under Section 602 because of the commission of any felony offense set forth in Section 667.5 or 1192.7 of the Penal Code. The Department of Justice shall retain this information and make it available in the same manner as information gathered pursuant to Chapter 2 (commencing with Section 13100) of Title 3 of Part 4 of the Penal Code.

SEC. 21. Section 730.7 is added to the Welfare and Institutions Code, to read:

730.7. (a) Except as provided in subdivision (b), the court shall require any minor who is ordered to pay restitution pursuant to Section 730.6, or to perform community service, to report to the court on his or her compliance with the court's restitution order or order

for community service, or both, no less than annually until the order is fulfilled.

(b) For any minor committed to the Department of the Youth Authority, the department shall monitor the compliance with any order of the court that requires the minor to pay restitution. Upon the minor's discharge from the Department of the Youth Authority, the department shall notify the court regarding the minor's compliance with an order to pay restitution.

SEC. 22. Section 827 of the Welfare and Institutions Code is amended to read:

827. (a) (1) Except as provided in Section 828, a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer, may be inspected only by the following:

(A) Court personnel.

(B) The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.

(C) The minor who is the subject of the proceeding.

(D) His or her parents or guardian.

(E) The attorneys for the parties, and judges, referees, other hearing officers, probation officers and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor.

(F) The superintendent or designee of the school district where the minor is enrolled or attending school.

(G) Members of the child protective agencies as defined in Section 11165.9 of the Penal Code.

(H) The State Department of Social Services to carry out its duties pursuant to Division 9 (commencing with Section 10000), and Part 5 (commencing with Section 7900) of Division 12 of the Family Code to oversee and monitor county child welfare agencies, children in foster care or receiving foster care assistance, and out-of-state placements.

(I) To authorized legal staff or special investigators who are peace officers who are employed by, or who are authorized representatives of, the State Department of Social Services, as necessary to the performance of their duties to inspect, license, and investigate community care facilities, and to ensure that the standards of care and services provided in those facilities are adequate and appropriate and to ascertain compliance with the rules and regulations to which the facilities are subject. The confidential information shall remain confidential except for purposes of inspection, licensing, or investigation pursuant to Chapter 3 (commencing with Section 1500) and Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code, or a criminal, civil, or administrative

proceeding in relation thereto. The confidential information may be used by the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and shall not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Social Services decides that no further action will be taken in the matter of suspected licensing violations. Except as otherwise provided in this subdivision, confidential information in the possession of the State Department of Social Services shall not contain the name of the minor.

(J) Members of children's multidisciplinary teams, persons or agencies providing treatment or supervision of the minor.

(K) Any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.

(2) Any records or reports relating to a matter within the jurisdiction of the juvenile court prepared by or released by the court, a probation department, or the county department of social services, any portion of those records or reports, and information relating to the contents of those records or reports, shall not be disseminated by the receiving agencies to any persons or agencies, other than those persons or agencies authorized to receive documents pursuant to this section. Further, any of those records or reports, any portion of those records or reports, and information relating to the contents of those records or reports, shall not be made attachments to any other documents without the prior approval of the presiding judge of the juvenile court, unless they are used in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court.

(b) (1) While the Legislature reaffirms its belief that juvenile court records, in general, should be confidential, it is the intent of the Legislature in enacting this subdivision to provide for a limited exception to juvenile court record confidentiality to promote more effective communication among juvenile courts, law enforcement agencies, and schools to ensure the rehabilitation of juvenile criminal offenders as well as to lessen the potential for drug use, violence, and other forms of delinquency.

(2) Notwithstanding subdivision (a), written notice that a minor enrolled in a public school, kindergarten to grade 12, inclusive, has been found by a court of competent jurisdiction to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Section 290 of the Penal Code, assault or battery, larceny, vandalism, or graffiti shall be provided by the court, within seven days, to the

superintendent of the school district of attendance. Written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case. This notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the minor. In addition, the principal shall disseminate the information to any teacher or administrator directly supervising or reporting on the behavior or progress of the minor whom the principal believes needs the information to work with the pupil in an appropriate fashion, to avoid being needlessly vulnerable or to protect other persons from needless vulnerability.

Any information received by a teacher, counselor, or administrator under this subdivision shall be received in confidence for the limited purpose of rehabilitating the minor and protecting students and staff, and shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the juvenile, his or her parents or guardians, law enforcement personnel, and the juvenile's probation officer is necessary to effectuate the juvenile's rehabilitation or to protect students and staff.

An intentional violation of the confidentiality provisions of this paragraph is a misdemeanor punishable by a fine not to exceed five hundred dollars ($500).

(3) If a minor is removed from public school as a result of the court's finding described in subdivision (b), the superintendent shall maintain the information in a confidential file and shall defer transmittal of the information received from the court until the minor is returned to public school. If the minor is returned to a school district other than the one from which the minor came, the parole or probation officer having jurisdiction over the minor shall so notify the superintendent of the last district of attendance, who shall transmit the notice received from the court to the superintendent of the new district of attendance.

(c) Each probation report filed with the court concerning a minor whose record is subject to dissemination pursuant to subdivision (b) shall include on the face sheet the school at which the minor is currently enrolled. The county superintendent shall provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent.

(d) Each notice sent by the court pursuant to subdivision (b) shall be stamped with the instruction: "Unlawful Dissemination Of This Information Is A Misdemeanor." Any information received from the court shall be kept in a separate confidential file at the school of attendance and shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age

of 18, whichever occurs first. After that time the confidential record shall be destroyed. At any time after the date by which a record required to be destroyed by this section should have been destroyed, the minor or his or her parent or guardian shall have the right to make a written request to the principal of the school that the minor's school records be reviewed to ensure that the record has been destroyed. Upon completion of any requested review and no later than 30 days after the request for the review was received, the principal or his or her designee shall respond in writing to the written request and either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred.

Except as provided in paragraph (2) of subdivision (b), no liability shall attach to any person who transmits or fails to transmit any notice or information required under subdivision (b).

SEC. 22.1. Section 827 of the Welfare and Institutions Code is amended to read:

827. (a) (1) Except as provided in Section 828, a case file may be inspected only by the following:

(A) Court personnel.

(B) The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.

(C) The minor who is the subject of the proceeding.

(D) His or her parents or guardian.

(E) The attorneys for the parties, and judges, referees, other hearing officers, probation officers and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor.

(F) The superintendent or designee of the school district where the minor is enrolled or attending school.

(G) Members of the child protective agencies as defined in Section 11165.9 of the Penal Code.

(H) The State Department of Social Services to carry out its duties pursuant to Division 9 (commencing with Section 10000), and Part 5 (commencing with Section 7900) of Division 12 of the Family Code to oversee and monitor county child welfare agencies, children in foster care or receiving foster care assistance, and out-of-state placements.

(I) To authorized legal staff or special investigators who are peace officers who are employed by, or who are authorized representatives of, the State Department of Social Services, as necessary to the performance of their duties to inspect, license, and investigate community care facilities, and to ensure that the standards of care and services provided in those facilities are adequate and appropriate and to ascertain compliance with the rules and regulations to which the facilities are subject. The confidential information shall remain confidential except for purposes of inspection, licensing, or investigation pursuant to Chapter 3 (commencing with Section 1500)

and Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code, or a criminal, civil, or administrative proceeding in relation thereto. The confidential information may be used by the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and shall not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Social Services decides that no further action will be taken in the matter of suspected licensing violations. Except as otherwise provided in this subdivision, confidential information in the possession of the State Department of Social Services shall not contain the name of the minor.

(J) Members of children's multidisciplinary teams, persons or agencies providing treatment or supervision of the minor.

(K) Any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.

(2) Notwithstanding any other law and subject to subparagraph (A) of paragraph (3), juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to Section 601 or 602, which pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, shall be released to the public pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection. Any information relating to another child or which could identify another child, except for information about the deceased, shall be redacted from the juvenile case file prior to release, unless a specific order is made by the juvenile court to the contrary. Except as provided in this paragraph, the presiding judge of the juvenile court may issue an order prohibiting or limiting access to the juvenile case file, or any portion thereof, of a deceased child only upon a showing that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical, or emotional well-being of another child who is directly or indirectly connected to the juvenile case that is the subject of the petition.

(3) Access to juvenile case files pertaining to matters within the jurisdiction of the juvenile court pursuant to Section 300 shall be limited as follows:

(A) If a juvenile case file, or any portion thereof, is privileged or confidential pursuant to any other state law or federal law or regulation, the requirements of that state law or federal law or regulation prohibiting or limiting release of the juvenile case file or any portions thereof shall prevail. Unless a person is listed in

subparagraphs (A) to (J), inclusive, of paragraph (1) and is entitled to access under the other state law or federal law or regulation without a court order, all those seeking access, pursuant to other authorization, to portions of, or information relating to the contents of, juvenile case files protected under another state law or federal law or regulation, shall petition the juvenile court. The juvenile court may only release the portion of, or information relating to the contents of, juvenile case files protected by another state law or federal law or regulation if disclosure is not detrimental to the safety, protection, or physical or emotional well-being of a child who is directly or indirectly connected to the juvenile case that is the subject of the petition. This paragraph shall not be construed to limit the ability of the juvenile court to carry out its duties in conducting juvenile court proceedings.

(B) Prior to the release of the juvenile case file or any portion thereof, the court shall afford due process, including a notice of and an opportunity to file an objection to the release of the record or report to all interested parties.

(4) A juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, shall not be disseminated by the receiving agencies to any persons or agencies, other than those persons or agencies authorized to receive documents pursuant to this section. Further, a juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, shall not be made as an attachment to any other documents without the prior approval of the presiding judge of the juvenile court, unless it is used in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court.

(b) (1) While the Legislature reaffirms its belief that juvenile court records, in general, should be confidential, it is the intent of the Legislature in enacting this subdivision to provide for a limited exception to juvenile court record confidentiality to promote more effective communication among juvenile courts, law enforcement agencies, and schools to ensure the rehabilitation of juvenile criminal offenders as well as to lessen the potential for drug use, violence, and other forms of delinquency.

(2) Notwithstanding subdivision (a), written notice that a minor enrolled in a public school, kindergarten to grade 12, inclusive, has been found by a court of competent jurisdiction to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Section 290 of the Penal Code, assault or battery, larceny, vandalism, or graffiti shall be provided by the court, within seven days, to the superintendent of the school district of attendance. Written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case. This notice shall be expeditiously transmitted by the district superintendent to the

principal at the school of attendance. The principal shall expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the minor. In addition, the principal shall disseminate the information to any teacher or administrator directly supervising or reporting on the behavior or progress of the minor whom the principal believes needs the information to work with the pupil in an appropriate fashion, to avoid being needlessly vulnerable or to protect other persons from needless vulnerability.

Any information received by a teacher, counselor, or administrator under this subdivision shall be received in confidence for the limited purpose of rehabilitating the minor and protecting students and staff, and shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the juvenile, his or her parents or guardians, law enforcement personnel, and the juvenile's probation officer is necessary to effectuate the juvenile's rehabilitation or to protect students and staff.

An intentional violation of the confidentiality provisions of this paragraph is a misdemeanor punishable by a fine not to exceed five hundred dollars ($500).

(3) If a minor is removed from public school as a result of the court's finding described in subdivision (b), the superintendent shall maintain the information in a confidential file and shall defer transmittal of the information received from the court until the minor is returned to public school. If the minor is returned to a school district other than the one from which the minor came, the parole or probation officer having jurisdiction over the minor shall so notify the superintendent of the last district of attendance, who shall transmit the notice received from the court to the superintendent of the new district of attendance.

(c) Each probation report filed with the court concerning a minor whose record is subject to dissemination pursuant to subdivision (b) shall include on the face sheet the school at which the minor is currently enrolled. The county superintendent shall provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent.

(d) Each notice sent by the court pursuant to subdivision (b) shall be stamped with the instruction: "Unlawful Dissemination Of This Information Is A Misdemeanor." Any information received from the court shall be kept in a separate confidential file at the school of attendance and shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever occurs first. After that time the confidential record shall be destroyed. At any time after the date by which a record required to be destroyed by this section should have been destroyed, the minor or his or her parent or guardian shall have the right to make

a written request to the principal of the school that the minor's school records be reviewed to ensure that the record has been destroyed. Upon completion of any requested review and no later than 30 days after the request for the review was received, the principal or his or her designee shall respond in writing to the written request and either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred.

Except as provided in paragraph (2) of subdivision (b), no liability shall attach to any person who transmits or fails to transmit any notice or information required under subdivision (b).

(e) For purposes of this section, a "juvenile case file" means a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer.

SEC. 22.2. Section 827 of the Welfare and Institutions Code is amended to read:

827. (a) (1) Except as provided in Section 828, a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer, may be inspected only by the following:

(A) Court personnel.

(B) The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.

(C) The minor who is the subject of the proceeding.

(D) His or her parents or guardian.

(E) The attorneys for the parties, and judges, referees, other hearing officers, probation officers and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor.

(F) The superintendent or designee of the school district where the minor is enrolled or attending school.

(G) Members of the child protective agencies as defined in Section 11165.9 of the Penal Code.

(H) The State Department of Social Services to carry out its duties pursuant to Division 9 (commencing with Section 10000), and Part 5 (commencing with Section 7900) of Division 12 of the Family Code to oversee and monitor county child welfare agencies, children in foster care or receiving foster care assistance, and out-of-state placements.

(I) To authorized legal staff or special investigators who are peace officers who are employed by, or who are authorized representatives of, the State Department of Social Services, as necessary to the

performance of their duties to inspect, license, and investigate community care facilities, and to ensure that the standards of care and services provided in those facilities are adequate and appropriate and to ascertain compliance with the rules and regulations to which the facilities are subject. The confidential information shall remain confidential except for purposes of inspection, licensing, or investigation pursuant to Chapter 3 (commencing with Section 1500) and Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code, or a criminal, civil, or administrative proceeding in relation thereto. The confidential information may be used by the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and shall not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Social Services decides that no further action will be taken in the matter of suspected licensing violations. Except as otherwise provided in this subdivision, confidential information in the possession of the State Department of Social Services shall not contain the name of the minor.

(J) Members of children's multidisciplinary teams, persons or agencies providing treatment or supervision of the minor.

(K) Any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.

(2) Any records or reports relating to a matter within the jurisdiction of the juvenile court prepared by or released by the court, a probation department, or the county department of social services, any portion of those records or reports, and information relating to the contents of those records or reports, shall not be disseminated by the receiving agencies to any persons or agencies, other than those persons or agencies authorized to receive documents pursuant to this section. Further, any of those records or reports, any portion of those records or reports, and information relating to the contents of those records or reports, shall not be made attachments to any other documents without the prior approval of the presiding judge of the juvenile court, unless they are used in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court.

(b) (1) While the Legislature reaffirms its belief that juvenile court records, in general, should be confidential, it is the intent of the Legislature in enacting this subdivision to provide for a limited exception to juvenile court record confidentiality to promote more effective communication among juvenile courts, family courts, law enforcement agencies, and schools to ensure the rehabilitation of

juvenile criminal offenders as well as to lessen the potential for drug use, violence, other forms of delinquency, and child abuse.

(2) Notwithstanding subdivision (a), written notice that a minor enrolled in a public school, kindergarten to grade 12, inclusive, has been found by a court of competent jurisdiction to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Section 290 of the Penal Code, assault or battery, larceny, vandalism, or graffiti shall be provided by the court, within seven days, to the superintendent of the school district of attendance. Written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case. This notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the minor. In addition, the principal shall disseminate the information to any teacher or administrator directly supervising or reporting on the behavior or progress of the minor whom the principal believes needs the information to work with the pupil in an appropriate fashion, to avoid being needlessly vulnerable or to protect other persons from needless vulnerability.

Any information received by a teacher, counselor, or administrator under this subdivision shall be received in confidence for the limited purpose of rehabilitating the minor and protecting students and staff, and shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the juvenile, his or her parents or guardians, law enforcement personnel, and the juvenile's probation officer is necessary to effectuate the juvenile's rehabilitation or to protect students and staff.

An intentional violation of the confidentiality provisions of this paragraph is a misdemeanor punishable by a fine not to exceed five hundred dollars ($500).

(3) If a minor is removed from public school as a result of the court's finding described in subdivision (b), the superintendent shall maintain the information in a confidential file and shall defer transmittal of the information received from the court until the minor is returned to public school. If the minor is returned to a school district other than the one from which the minor came, the parole or probation officer having jurisdiction over the minor shall so notify the superintendent of the last district of attendance, who shall transmit the notice received from the court to the superintendent of the new district of attendance.

(c) Each probation report filed with the court concerning a minor whose record is subject to dissemination pursuant to subdivision (b) shall include on the face sheet the school at which the minor is currently enrolled. The county superintendent shall provide the court with a listing of all of the schools within each school district,

within the county, along with the name and mailing address of each district superintendent.

(d) Each notice sent by the court pursuant to subdivision (b) shall be stamped with the instruction: "Unlawful Dissemination Of This Information Is A Misdemeanor." Any information received from the court shall be kept in a separate confidential file at the school of attendance and shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever occurs first. After that time the confidential record shall be destroyed. At any time after the date by which a record required to be destroyed by this section should have been destroyed, the minor or his or her parent or guardian shall have the right to make a written request to the principal of the school that the minor's school records be reviewed to ensure that the record has been destroyed. Upon completion of any requested review and no later than 30 days after the request for the review was received, the principal or his or her designee shall respond in writing to the written request and either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred.

Except as provided in paragraph (2) of subdivision (b), no liability shall attach to any person who transmits or fails to transmit any notice or information required under subdivision (b).

SEC. 22.3. Section 827 of the Welfare and Institutions Code is amended to read:

827. (a) (1) Except as provided in Section 828, a case file may be inspected only by the following:

(A) Court personnel.

(B) The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.

(C) The minor who is the subject of the proceeding.

(D) His or her parents or guardian.

(E) The attorneys for the parties, and judges, referees, other hearing officers, probation officers and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor.

(F) The superintendent or designee of the school district where the minor is enrolled or attending school.

(G) Members of the child protective agencies as defined in Section 11165.9 of the Penal Code.

(H) The State Department of Social Services to carry out its duties pursuant to Division 9 (commencing with Section 10000), and Part 5 (commencing with Section 7900) of Division 12 of the Family Code to oversee and monitor county child welfare agencies, children in foster care or receiving foster care assistance, and out-of-state placements.

(I) To authorized legal staff or special investigators who are peace officers who are employed by, or who are authorized representatives of, the State Department of Social Services, as necessary to the performance of their duties to inspect, license, and investigate community care facilities, and to ensure that the standards of care and services provided in those facilities are adequate and appropriate and to ascertain compliance with the rules and regulations to which the facilities are subject. The confidential information shall remain confidential except for purposes of inspection, licensing, or investigation pursuant to Chapter 3 (commencing with Section 1500) and Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code, or a criminal, civil, or administrative proceeding in relation thereto. The confidential information may be used by the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and shall not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Social Services decides that no further action will be taken in the matter of suspected licensing violations. Except as otherwise provided in this subdivision, confidential information in the possession of the State Department of Social Services shall not contain the name of the minor.

(J) Members of children's multidisciplinary teams, persons or agencies providing treatment or supervision of the minor.

(K) Any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.

(2) Notwithstanding any other law and subject to subparagraph (A) of paragraph (3), juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to Section 601 or 602, which pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, shall be released to the public pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection. Any information relating to another child or which could identify another child, except for information about the deceased, shall be redacted from the juvenile case file prior to release, unless a specific order is made by the juvenile court to the contrary. Except as provided in this paragraph, the presiding judge of the juvenile court may issue an order prohibiting or limiting access to the juvenile case file, or any portion thereof, of a deceased child only upon a showing that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical, or emotional well-being of another child who

is directly or indirectly connected to the juvenile case that is the subject of the petition.

(3) Access to juvenile case files pertaining to matters within the jurisdiction of the juvenile court pursuant to Section 300 shall be limited as follows:

(A) If a juvenile case file, or any portion thereof, is privileged or confidential pursuant to any other state law or federal law or regulation, the requirements of that state law or federal law or regulation prohibiting or limiting release of the juvenile case file or any portions thereof shall prevail. Unless a person is listed in subparagraphs (A) to (J), inclusive, of paragraph (1) and is entitled to access under the other state law or federal law or regulation without a court order, all those seeking access, pursuant to other authorization, to portions of, or information relating to the contents of, juvenile case files protected under another state law or federal law or regulation, shall petition the juvenile court. The juvenile court may only release the portion of, or information relating to the contents of, juvenile case files protected by another state law or federal law or regulation if disclosure is not detrimental to the safety, protection, or physical or emotional well-being of a child who is directly or indirectly connected to the juvenile case that is the subject of the petition. This paragraph shall not be construed to limit the ability of the juvenile court to carry out its duties in conducting juvenile court proceedings.

(B) Prior to the release of the juvenile case file or any portion thereof, the court shall afford due process, including a notice of and an opportunity to file an objection to the release of the record or report to all interested parties.

(4) A juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, shall not be disseminated by the receiving agencies to any persons or agencies, other than those persons or agencies authorized to receive documents pursuant to this section. Further, a juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, shall not be made as an attachment to any other documents without the prior approval of the presiding judge of the juvenile court, unless it is used in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court.

(b) (1) While the Legislature reaffirms its belief that juvenile court records, in general, should be confidential, it is the intent of the Legislature in enacting this subdivision to provide for a limited exception to juvenile court record confidentiality to promote more effective communication among juvenile courts, family courts, law enforcement agencies, and schools to ensure the rehabilitation of juvenile criminal offenders as well as to lessen the potential for drug use, violence, other forms of delinquency, and child abuse.

(2) Notwithstanding subdivision (a), written notice that a minor enrolled in a public school, kindergarten to grade 12, inclusive, has been found by a court of competent jurisdiction to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Section 290 of the Penal Code, assault or battery, larceny, vandalism, or graffiti shall be provided by the court, within seven days, to the superintendent of the school district of attendance. Written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case. This notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the minor. In addition, the principal shall disseminate the information to any teacher or administrator directly supervising or reporting on the behavior or progress of the minor whom the principal believes needs the information to work with the pupil in an appropriate fashion, to avoid being needlessly vulnerable or to protect other persons from needless vulnerability.

Any information received by a teacher, counselor, or administrator under this subdivision shall be received in confidence for the limited purpose of rehabilitating the minor and protecting students and staff, and shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the juvenile, his or her parents or guardians, law enforcement personnel, and the juvenile's probation officer is necessary to effectuate the juvenile's rehabilitation or to protect students and staff.

An intentional violation of the confidentiality provisions of this paragraph is a misdemeanor punishable by a fine not to exceed five hundred dollars ($500).

(3) If a minor is removed from public school as a result of the court's finding described in subdivision (b), the superintendent shall maintain the information in a confidential file and shall defer transmittal of the information received from the court until the minor is returned to public school. If the minor is returned to a school district other than the one from which the minor came, the parole or probation officer having jurisdiction over the minor shall so notify the superintendent of the last district of attendance, who shall transmit the notice received from the court to the superintendent of the new district of attendance.

(c) Each probation report filed with the court concerning a minor whose record is subject to dissemination pursuant to subdivision (b) shall include on the face sheet the school at which the minor is currently enrolled. The county superintendent shall provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent.

(d) Each notice sent by the court pursuant to subdivision (b) shall be stamped with the instruction: "Unlawful Dissemination Of This Information Is A Misdemeanor." Any information received from the court shall be kept in a separate confidential file at the school of attendance and shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever occurs first. After that time the confidential record shall be destroyed. At any time after the date by which a record required to be destroyed by this section should have been destroyed, the minor or his or her parent or guardian shall have the right to make a written request to the principal of the school that the minor's school records be reviewed to ensure that the record has been destroyed. Upon completion of any requested review and no later than 30 days after the request for the review was received, the principal or his or her designee shall respond in writing to the written request and either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred.

Except as provided in paragraph (2) of subdivision (b), no liability shall attach to any person who transmits or fails to transmit any notice or information required under subdivision (b).

(e) For purposes of this section, a "juvenile case file" means a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer.

SEC. 23. Section 827.1 of the Welfare and Institutions Code, as added by Chapter 422 of the Statutes of 1996, is amended and renumbered to read:

827.7. (a) Notwithstanding Section 827 or any other provision of law, written notice that a minor has been found by a court of competent jurisdiction to have committed any felony pursuant to Section 602 shall be provided by the court within seven days to the sheriff of the county in which the offense was committed and to the sheriff of the county in which the minor resides. Written notice shall include only that information regarding the felony offense found to have been committed by the minor and the disposition of the minor's case. If at any time thereafter the court modifies the disposition of the minor's case, it shall also notify the sheriff as provided above. The sheriff may disseminate the information to other law enforcement personnel upon request, provided that he or she reasonably believes that the release of this information is generally relevant to the prevention or control of juvenile crime.

Any information received pursuant to this section shall be received in confidence for the limited law enforcement purpose for which it was provided and shall not be further disseminated except as

provided in this section. An intentional violation of the confidentiality provisions of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars ($500).

(b) In the written notice provided pursuant to this section, a court may authorize a sheriff who receives information under this section to disclose this information where the release of the information is imperative for the protection of the public and the offense is a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code.

SEC. 24. Section 827.5 of the Welfare and Institutions Code is amended to read:

827.5. Notwithstanding any other provision of law except Sections 389 and 781 of this code and Section 1203.45 of the Penal Code, a law enforcement agency may disclose the name of any minor 14 years of age or older taken into custody for the commission of any serious felony, as defined in subdivision (c) of Section 1192.7 of the Penal Code, and the offenses allegedly committed, upon the request of interested persons, as soon as a petition to declare the minor a ward pursuant to Section 602 has been filed or a criminal complaint against the minor has been filed in a court of competent jurisdiction.

SEC. 25. Section 827.6 of the Welfare and Institutions Code is repealed.

SEC. 26. Section 827.6 is added to the Welfare and Institutions Code, to read:

827.6. A law enforcement agency may release the name, description, and alleged offense of any minor 14 years of age or older alleged to have committed a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, and against whom an arrest warrant is outstanding, if the release of the information is imperative for the apprehension of the minor, is necessary to protect the safety of the public, and is authorized by the court either in the arrest warrant or by separate order. Any release of information pursuant to this section shall be solely for the limited purpose of enabling law enforcement to apprehend the minor.

SEC. 27. Section 1120.1 of the Welfare and Institutions Code is amended to read:

1120.1. (a) In furtherance of the purpose of the Department of the Youth Authority to protect society from the consequences of criminal activity, the department's educational programs shall focus on value-based character education, emphasizing curriculum leading to a crime-free lifestyle. In furtherance of this goal, the department shall establish the office of the Superintendent of Education. The Superintendent of Education shall oversee educational programs under the jurisdiction of the department.

(b) The department shall ensure that each ward who has not attained a high school diploma or equivalent shall be enrolled in an appropriate educational program as deemed necessary by the department.

(c) The department shall develop a high school graduation plan for every ward identified pursuant to subdivision (b).

SEC. 28. The sum of twelve million eight hundred thousand dollars ($12,800,000) is hereby appropriated from the General Fund for distribution and allocation, as follows:

(a) (1) To the Superintendent of Public Instruction, the sum of five million dollars ($5,000,000) to carry out Article 10.4 (commencing with Section 35294.10) of Chapter 2 of Part 21 of the Education Code and in augmentation of any existing appropriation for support of any activities carried out pursuant to subdivision (a) of Section 35294.10 of the Education Code. The Superintendent of Public Instruction, in consultation with the Attorney General, shall develop and implement a schedule for utilizing this appropriation that maximizes its distribution to schools and school districts serving grades kindergarten to 7, inclusive, to promote school safety and violence prevention among children and youth in grades kindergarten to 7, inclusive.

(2) For the purposes of making computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by paragraph (1) of this subdivision shall be deemed to be "General Fund revenues appropriated to school districts," as defined in subdivision (c) of Section 41202 of the Education Code for the 1999–2000 fiscal year and be included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 1999–2000 fiscal year.

(b) To the Board of Corrections for funding programs currently operating pursuant to the At-Risk Youth Early Intervention Program set forth in Section 601.5 of the Welfare and Institutions Code, the sum of one million five hundred thousand dollars ($1,500,000) no more than 5 percent of which may be spent by the board for administrative expenses.

(c) Contingent upon the County of San Diego exercising its option to purchase the San Pasqual Academy for use as a residential placement, mental health treatment, education and skills training facility for dependent children, the sum of three million dollars ($3,000,000) is hereby appropriated to the County of San Diego for the 1999–2000 fiscal year for the purpose of purchasing the San Pasqual Academy. It is the intent of the Legislature that the additional sum of one million dollars ($1,000,000) be appropriated each year for these purposes for the 2000–2001 and the 2001–2002 fiscal years.

(d) The sum of one million eight hundred thousand dollars ($1,800,000) is hereby appropriated to the City and County of San Francisco for the 1999–2000 fiscal year for the purpose of acquiring and installing surveillance cameras on the public transit vehicles of the municipal railway.

(e) The sum of one million five hundred thousand dollars ($1,500,000) is hereby appropriated to the City of Riverside for the 1999–2000 fiscal year for the purpose of expanding the operation of the Project Bridge Gang crime prevention program.

SEC. 29. (a) Section 22.1 of this bill incorporates amendments to Section 827 of the Welfare and Institutions Code proposed by both this bill and SB 199. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 827 of the Welfare and Institutions Code, and (3) SB 792 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after SB 199, in which case Sections 22, 22.2, and 22.3 of this bill shall not become operative.

(b) Section 22.2 of this bill incorporates amendments to Section 827 of the Welfare and Institutions Code proposed by both this bill and SB 792. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 827 of the Welfare and Institutions Code, (3) SB 199 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after SB 792, in which case Sections 22, 22.1, and 22.3 of this bill shall not become operative.

(c) Section 22.3 of this bill incorporates amendments to Section 827 of the Welfare and Institutions Code proposed by this bill, SB 199, and SB 792. It shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2000, (2) all three bills amend Section 827 of the Welfare and Institutions Code, and (3) this bill is enacted after SB 199, and SB 792, in which case Sections 22, 22.1, and 22.2 of this bill shall not become operative.

SEC. 30. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

CHAPTER 997

An act to amend Sections 202, 366.23, 366.26, 628, 635, 636, 652, 653.5, 658, 660, and 706.5, of, and to add Sections 636.1, 706.6, 726.4, 727.2, 727.3, 727.31, and 727.4 to, the Welfare and Institutions Code, relating to child welfare services.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 202 of the Welfare and Institutions Code is amended to read:

202. (a) The purpose of this chapter is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. When removal of a minor is determined by the juvenile court to be necessary, reunification of the minor with his or her family shall be a primary objective. When the minor is removed from his or her own family, it is the purpose of this chapter to secure for the minor custody, care, and discipline as nearly as possible equivalent to that which should have been given by his or her parents. This chapter shall be liberally construed to carry out these purposes.

(b) Minors under the jurisdiction of the juvenile court who are in need of protective services shall receive care, treatment and guidance consistent with their best interest and the best interest of the public. Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This guidance may include punishment that is consistent with the rehabilitative objectives of this chapter. If a minor has been removed from the custody of his or her parents, family preservation and family reunification are appropriate goals for the juvenile court to consider when determining the disposition of a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct when those goals are consistent with his or her best interests and the best interests of the public. When the minor is no longer a ward of the juvenile court, the guidance he or she received should enable him or her to be a law-abiding and productive member of his or her family and the community.

(c) It is also the purpose of this chapter to reaffirm that the duty of a parent to support and maintain a minor child continues, subject

to the financial ability of the parent to pay, during any period in which the minor may be declared a ward of the court and removed from the custody of the parent.

(d) Juvenile courts and other public agencies charged with enforcing, interpreting, and administering the juvenile court law shall consider the safety and protection of the public, the importance of redressing injuries to victims, and the best interests of the minor in all deliberations pursuant to this chapter. Participants in the juvenile justice system shall hold themselves accountable for its results. They shall act in conformity with a comprehensive set of objectives established to improve system performance in a vigorous and ongoing manner.

(e) As used in this chapter, "punishment" means the imposition of sanctions. It shall not include a court order to place a child in foster care as defined by Section 727.3. Permissible sanctions may include the following:

(1) Payment of a fine by the minor.

(2) Rendering of compulsory service without compensation performed for the benefit of the community by the minor.

(3) Limitations on the minor's liberty imposed as a condition of probation or parole.

(4) Commitment of the minor to a local detention or treatment facility, such as a juvenile hall, camp, or ranch.

(5) Commitment of the minor to the Department of the Youth Authority.

"Punishment," for the purposes of this chapter, does not include retribution.

(f) In addition to the actions authorized by subdivision (e), the juvenile court may, as appropriate, direct the offender to complete a victim impact class, participate in victim offender conferencing subject to the victim's consent, pay restitution to the victim or victims, and make a contribution to the victim restitution fund after all victim restitution orders and fines have been satisfied, in order to hold the offender accountable or restore the victim or community.

SEC. 1.1. Section 202 of the Welfare and Institutions Code is amended to read:

202. (a) The purpose of this chapter is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. When removal of a minor is determined by the juvenile court to be necessary, reunification of the minor with his or her family shall be a primary objective. When the minor is removed from his or her own family, it is the purpose of this chapter to secure for the minor custody, care, and discipline as nearly as possible equivalent to that which should

have been given by his or her parents. This chapter shall be liberally construed to carry out these purposes.

(b) Minors under the jurisdiction of the juvenile court who are in need of protective services shall receive care, treatment, guidance, and education, including special education and related services if the child has exceptional needs as described in Part 30 (commencing with Section 56000) of Division 4 of Title 2 of the Education Code or the right to receive accommodations if the child has disabilities as described in Chapter 16 of Title 29 of the United States Code consistent with their best interest and the best interest of the public. Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This guidance may include punishment that is consistent with the rehabilitative objectives of this chapter. If a minor has been removed from the custody of his or her parents, family preservation and family reunification are appropriate goals for the juvenile court to consider when determining the disposition of a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct when those goals are consistent with his or her best interests and the best interests of the public. When the minor is no longer a ward of the juvenile court, the guidance he or she received should enable him or her to be a law-abiding and productive member of his or her family and the community.

(c) It is also the purpose of this chapter to reaffirm that the duty of a parent to support and maintain a minor child continues, subject to the financial ability of the parent to pay, during any period in which the minor may be declared a ward of the court and removed from the custody of the parent.

(d) Juvenile courts and other public agencies charged with enforcing, interpreting, and administering the juvenile court law shall consider the safety and protection of the public, the importance of redressing injuries to victims, and the best interests of the minor in all deliberations pursuant to this chapter. Participants in the juvenile justice system shall hold themselves accountable for its results. They shall act in conformity with a comprehensive set of objectives established to improve system performance in a vigorous and ongoing manner.

(e) As used in this chapter, "punishment" means the imposition of sanctions. It shall not include a court order to place a child in foster care as defined by Section 727.3. Permissible sanctions may include the following:

(1) Payment of a fine by the minor.

(2) Rendering of compulsory service without compensation performed for the benefit of the community by the minor.

(3) Limitations on the minor's liberty imposed as a condition of probation or parole.

(4) Commitment of the minor to a local detention or treatment facility, such as a juvenile hall, camp, or ranch.

(5) Commitment of the minor to the Department of the Youth Authority.

"Punishment," for the purposes of this chapter, does not include retribution.

(f) In addition to the actions authorized by subdivision (e), the juvenile court may, as appropriate, direct the offender to complete a victim impact class, participate in victim offender conferencing subject to the victim's consent, pay restitution to the victim or victims, and make a contribution to the victim restitution fund after all victim restitution orders and fines have been satisfied, in order to hold the offender accountable or restore the victim or community.

SEC. 2. Section 366.23 of the Welfare and Institutions Code is amended to read:

366.23. (a) Whenever a juvenile court schedules a hearing pursuant to Section 366.26 regarding a minor, it shall direct that the fathers, presumed and alleged, and mother of the minor, the minor, if 10 years of age or older, and any counsel of record, shall be notified of the time and place of the proceedings and advised that they may appear. The notice shall also advise them of the right to counsel, the nature of the proceedings, and of the requirement that at the proceedings the court shall select and implement a plan of adoption, legal guardianship, or long-term foster care for the minor. In all cases where a parent has relinquished his or her child for the purpose of adoption, no notice need be given to that parent. Service of the notice shall be completed at least 45 days before the date of the hearing, except in those cases where notice by publication is ordered in which case the service of the notice shall be completed at least 30 days before the date of the hearing. If the petitioner is recommending termination of parental rights, notice of this recommendation shall be either included in the notice of a hearing scheduled pursuant to Section 366.26 and served within the time period specified in this subdivision or provided by separate notice to all persons entitled to receive notice by first-class mail at least 15 days before the scheduled hearing.

(b) Notice to the parent of the hearing may be given in any of the following manners:

(1) Personal service to the parent named in the notice.

(2) Delivery to a competent person who is at least 18 years of age at the parent's usual place of residence or business, and thereafter mailed to the parent named in the notice by first-class mail at the place where the notice was delivered.

(3) If the place of residence is outside the state, service may be made in the manner prescribed in paragraph (1) or (2), or by certified mail, return receipt requested.

(4) If the recommendation of the petitioner is limited to legal guardianship or long-term foster care, service may be made by first-class mail to the parent's usual place of residence or business.

(5) If the father or mother of the minor or any person alleged to be or claiming to be the father or mother cannot, with reasonable diligence, be served as provided for in paragraph (1), (2), (3), or (4) or if his or her place of residence is not known, the probation officer shall file an affidavit with the court at least 75 days before the date of the hearing, stating the name of the father or mother or alleged father or mother and his or her place of residence, if known, setting forth the efforts that have been made to locate and serve the parent.

(A) If the court determines that there has been due diligence in attempting to locate and serve the parent, and the petitioner limits the recommendation to legal guardianship or long-term foster care, the court shall order that notice be given to the grandparents of the minor, if there are any and if their residences and relationships to the minor are known, by first-class mail of the time and place of the proceedings and that they may appear. In any case where the residence of the parent or alleged parent becomes known, notice shall immediately be served upon the parent or alleged parent as set forth in paragraph (1), (2), (3), or (4).

(B) If the court determines that there has been due diligence in attempting to locate and serve the parent and the petitioner does not limit the recommendation to legal guardianship or long-term foster care, the court shall order that service to the parent be by certified mail, return receipt requested, to the parent's counsel of record, if any. If the parent does not have counsel of record, the court shall order that the service be made by publication of a citation requiring the father or mother, or alleged father or mother, to appear at the time and place stated in the citation, and that the citation be published in a newspaper designated as most likely to give notice to the father or mother. Publication shall be made once a week for four successive weeks. In case of service to the parent by certified mail on the counsel of record or publication where the residence of a parent or alleged parent becomes known, notice shall immediately be served upon the parent or alleged parent as set forth in paragraph (1), (2), or (3). When service to the parent by certified mail on the counsel of record or publication is ordered, service of a copy of the notice in the manner provided for in paragraph (1), (2), or (3) is equivalent to service by certified mail on the counsel of record or publication. In any case where service to the parent by certified mail on the counsel of record or publication is ordered, the court shall also order that notice be given to the grandparents of the minor, if there are any and if their residences and relationships to the minor are known, by first-class mail of the time and place of the proceedings and that they may appear.

If the identity of one or both of the parents or alleged parents of the minor is unknown or if the name of either or both of his or her

parents or alleged parents is uncertain, then that fact shall be set forth in the affidavit and the court, if ordering publication, shall order the published citation to be directed to either the father or the mother, or both, of the minor, and to all persons claiming to be the father or mother of the minor naming and otherwise describing the minor. Personal service of a copy of the notice or any other form of actual notice to counsel of record is the equivalent of service to counsel of record by certified mail, return receipt requested.

(6) Notwithstanding paragraphs (1) to (5), inclusive, if the parent is present at the hearing at which the court schedules a hearing pursuant to Section 366.26 regarding the minor, the court shall advise the parent of the time and place of the proceedings, their right to counsel, the nature of the proceedings, and of the requirement that at the proceedings the court select and implement a plan of adoption, legal guardianship, or long-term foster care for the minor. The court shall order the parent to appear for the proceedings and then direct that the parent be noticed thereafter by first-class mail to the parent's usual place of residence or business only.

(7) Notwithstanding paragraphs (1) to (5), inclusive, whenever the whereabouts of a parent is not known at the time the court schedules a hearing pursuant to Section 366.26 regarding a minor, and the petitioner presents to the court an affidavit setting forth the name of the parent and the efforts that have been made to locate the parent, the court shall order that the notice for the parent be as set forth in subparagraph (A) or (B) of paragraph (5).

(c) Notice to the minor, if 10 years of age or older of the hearing shall be by first-class mail.

(d) Service is deemed complete at the time the notice is personally delivered to the party named in the notice, or 10 days after the notice has been placed in the mail, or at the expiration of the time prescribed by the order for publication, whichever occurs first. Notwithstanding subdivision (a), if the counsel of record is present at the time that the court schedules a hearing pursuant to Section 366.26 no further notice to the counsel of record shall be required, except to notice counsel of a recommendation to terminate parental rights as set forth in subdivision (a) or as required by subparagraph (B) of paragraph (5) of subdivision (b).

(e) Notwithstanding subdivisions (a) and (b) of this section and Section 7666 of the Family Code, the juvenile court shall order that no notice of the hearing under Section 366.26 be provided to all of the following:

(1) A mother or presumed father who has relinquished the child to the State Department of Social Services or to a licensed adoption agency for adoption, and the relinquishment has been accepted and filed with notice as required under Section 8700 of the Family Code.

(2) An alleged father who has denied paternity and has executed Section 1 of Judicial Council form Paternity-Waiver of Rights (JV-505) waiving notice of further hearings.

(3) An alleged father who has relinquished the child to the department or to a licensed adoption agency for adoption, and the relinquishment has been accepted and filed with notice as required under Section 8700 of the Family Code.

(f) This section shall also apply to minors adjudged wards pursuant to Section 727.31.

SEC. 3. Section 366.26 of the Welfare and Institutions Code is amended to read:

366.26. (a) This section applies to children who are adjudged dependent children of the juvenile court pursuant to subdivision (c) of Section 360. The procedures specified herein are the exclusive procedures for conducting these hearings; Part 2 (commencing with Section 3020) of Division 8 of the Family Code is not applicable to these proceedings. Section 8714.7 of the Family Code is applicable and available to all dependent children meeting the requirements of that section. For children who are adjudged dependent children of the juvenile court pursuant to subdivision (c) of Section 360, this section and Sections 8604, 8605, 8606, and 8700 of the Family Code and Chapter 5 (commencing with Section 7660) of Part 3 of Division 12 of the Family Code specify the exclusive procedures for permanently terminating parental rights with regard to, or establishing legal guardianship of, the child while the child is a dependent child of the juvenile court.

(b) At the hearing, that shall be held in juvenile court for all children who are dependents of the juvenile court, the court, in order to provide stable, permanent homes for these children, shall review the report as specified in Section 361.5, 366.21, or 366.22, shall indicate that the court has read and considered it, shall receive other evidence that the parties may present, and then shall make findings and orders in the following order of preference:

(1) Terminate the rights of the parent or parents and order that the child be placed for adoption and, upon the filing of a petition for adoption in the juvenile court, order that a hearing be set. The court shall proceed with the adoption after the appellate rights of the natural parents have been exhausted.

(2) On making a finding under paragraph (3) of subdivision (c), identify adoption as the permanent placement goal and order that efforts be made to locate an appropriate adoptive family for the child within a period not to exceed 180 days.

(3) Appoint a legal guardian for the child and order that letters of guardianship issue.

(4) Order that the child be placed in long-term foster care, subject to the periodic review of the juvenile court under Section 366.3.

In choosing among the above alternatives the court shall proceed pursuant to subdivision (c).

(c) (1) If the court determines, based on the assessment provided as ordered under subdivision (i) of Section 366.21 or subdivision (b) of Section 366.22, and any other relevant evidence, by a clear and

convincing standard, that it is likely the child will be adopted, the court shall terminate parental rights and order the child placed for adoption. The fact that the child is not yet placed in a preadoptive home nor with a relative or foster family who is prepared to adopt the child, shall not constitute a basis for the court to conclude that it is not likely the child will be adopted. A finding under subdivision (b) or paragraph (1) of subdivision (e) of Section 361.5 that reunification services shall not be offered, under subdivision (e) of Section 366.21 that the whereabouts of a parent have been unknown for six months or that the parent has failed to visit or contact the child for six months or that the parent has been convicted of a felony indicating parental unfitness, or, under Section 366.21 or 366.22, that the court has continued to remove the child from the custody of the parent or guardian and has terminated reunification services, shall constitute a sufficient basis for termination of parental rights unless the court finds a compelling reason for determining that termination would be detrimental to the child due to one or more of the following circumstances:

(A) The parents or guardians have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.

(B) A child 12 years of age or older objects to termination of parental rights.

(C) The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent finding the child a permanent family placement if the parents cannot resume custody when residential care is no longer needed.

(D) The child is living with a relative or foster parent who is unable or unwilling to adopt the child because of exceptional circumstances, that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment and the removal of the child from the physical custody of his or her relative or foster parent would be detrimental to the emotional well-being of the child. This subparagraph does not apply to any child who is living with a nonrelative and who is either (i) under six years of age or (ii) a member of a sibling group where at least one child is under six years of age and the siblings are, or should be, permanently placed together.

If the court finds that termination of parental rights would be detrimental to the child pursuant to subparagraph (A), (B), (C), or (D), it shall state its reasons in writing or on the record.

(2) 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 has found that reasonable efforts were not made or that reasonable services were not offered or provided.

(3) If the court finds that termination of parental rights would not be detrimental to the child pursuant to paragraph (1) and that the child has a probability for adoption but is difficult to place for adoption and there is no identified or available prospective adoptive parent, the court may identify adoption as the permanent placement goal and without terminating parental rights, order that efforts be made to locate an appropriate adoptive family for the child within a period not to exceed 180 days. During this 180-day period, the public agency responsible for seeking adoptive parents for each child shall, to the extent possible, contact other private and public adoption agencies regarding the availability of the child for adoption. During the 180-day period, the public agency shall conduct the search for adoptive parents in the same manner as prescribed for children in Sections 8708 and 8709 of the Family Code. At the expiration of this period, another hearing shall be held and the court shall proceed pursuant to paragraph (1), (3), or (4) of subdivision (b). For purposes of this section, a child may only be found to be difficult to place for adoption if there is no identified or available prospective adoptive parent for the child because of the child's membership in a sibling group, or the presence of a diagnosed medical, physical, or mental handicap, or the child is the age of seven years or more.

(4) If the court finds that adoption of the child or termination of parental rights is not in the best interest of the child, because one of the conditions in subparagraph (A), (B), (C), or (D) of paragraph (1) or in paragraph (2) applies, the court shall either order that the present caretakers or other appropriate persons shall become legal guardians of the child or order that the child remain in long-term foster care. Legal guardianship shall be considered before long-term foster care, if it is in the best interests of the child and if a suitable guardian can be found. When the child is living with a relative or a foster parent who is willing and capable of providing a stable and permanent environment, but not willing to become a legal guardian, the child shall not be removed from the home if the court finds the removal would be seriously detrimental to the emotional well-being of the child because the child has substantial psychological ties to the relative caretaker or foster parents. The court shall also make an order for visitation with the parents or guardians unless the court finds by a preponderance of the evidence that the visitation would be detrimental to the physical or emotional well-being of the child.

(5) If the court finds that the child should not be placed for adoption, that legal guardianship shall not be established, and that there are no suitable foster parents except exclusive-use homes available to provide the child with a stable and permanent environment, the court may order the care, custody, and control of the child transferred from the county welfare department to a licensed foster family agency. The court shall consider the written recommendation of the county welfare director regarding the

suitability of the transfer. The transfer shall be subject to further court orders.

The licensed foster family agency shall place the child in a suitable licensed or exclusive-use home which has been certified by the agency as meeting licensing standards. The licensed foster family agency shall be responsible for supporting the child and for providing appropriate services to the child, including those services ordered by the court. Responsibility for the support of the child shall not, in and of itself, create liability on the part of the foster family agency to third persons injured by the child. Those children whose care, custody, and control are transferred to a foster family agency shall not be eligible for foster care maintenance payments or child welfare services, except for emergency response services pursuant to Section 16504.

(d) The proceeding for the appointment of a guardian for a child who is a dependent of the juvenile court shall be in the juvenile court. If the court finds pursuant to this section that legal guardianship is the appropriate permanent plan, it shall appoint the legal guardian and issue letters of guardianship. The assessment prepared pursuant to subdivision (g) of Section 361.5, subdivision (i) of Section 366.21, and subdivision (b) of Section 366.22 shall be read and considered by the court prior to the appointment, and this shall be reflected in the minutes of the court. The person preparing the assessment may be called and examined by any party to the proceeding.

(e) The proceeding for the adoption of a child who is a dependent of the juvenile court shall be in the juvenile court if the court finds pursuant to this section that adoption is the appropriate permanent plan and the petition for adoption is filed in the juvenile court. Upon the filing of a petition for adoption, the juvenile court shall order that an adoption hearing be set. The court shall proceed with the adoption after the appellate rights of the natural parents have been exhausted. The full report required by Section 8715 of the Family Code shall be read and considered by the court prior to the adoption and this shall be reflected in the minutes of the court. The person preparing the report may be called and examined by any party to the proceeding. It is the intent of the Legislature, pursuant to this subdivision, to give potential adoptive parents the option of filing in the juvenile court the petition for the adoption of a child who is a dependent of the juvenile court. Nothing in this section is intended to prevent the filing of a petition for adoption in any other court as permitted by law, instead of in the juvenile court.

(f) At the beginning of any proceeding pursuant to this section, if the child or the parents are not being represented by previously retained or appointed counsel, the court shall proceed as follows:

(1) The court shall consider whether the interests of the child require the appointment of counsel. If the court finds that the interests of the child do require this protection, the court shall appoint counsel to represent the child. If the court finds that the interests of the child require the representation of counsel, counsel

shall be appointed whether or not the child is able to afford counsel. The child shall not be present in court unless the child or the child's counsel so requests or the court so orders.

(2) If a parent appears without counsel and is unable to afford counsel, the court shall appoint counsel for the parent, unless this representation is knowingly and intelligently waived. The same counsel shall not be appointed to represent both the child and his or her parent. The public defender or private counsel may be appointed as counsel for the parent.

(3) Private counsel appointed under this section shall receive a reasonable sum for compensation and expenses, the amount of which shall be determined by the court. The amount shall be paid by the real parties in interest, other than the child, in any proportions the court deems just. However, if the court finds that any of the real parties in interest are unable to afford counsel, the amount shall be paid out of the general fund of the county.

(g) The court may continue the proceeding for not to exceed 30 days as necessary to appoint counsel, and to enable counsel to become acquainted with the case.

(h) At all proceedings under this section, the court shall consider the wishes of the child and shall act in the best interests of the child.

The testimony of the child may be taken in chambers and outside the presence of the child's parent or parents if the child's parent or parents are represented by counsel, the counsel is present, and any of the following circumstances exist:

(1) The court determines that testimony in chambers is necessary to ensure truthful testimony.

(2) The child is likely to be intimidated by a formal courtroom setting.

(3) The child is afraid to testify in front of his or her parent or parents.

After testimony in chambers, the parent or parents of the child may elect to have the court reporter read back the testimony or have the testimony summarized by counsel for the parent or parents.

The testimony of a child also may be taken in chambers and outside the presence of the guardian or guardians of a child under the circumstances specified in this subdivision.

(i) Any order of the court permanently terminating parental rights under this section shall be conclusive and binding upon the child, upon the parent or parents and upon all other persons who have been served with citation by publication or otherwise as provided in this chapter. After making the order, the court shall have no power to set aside, change, or modify it, but nothing in this section shall be construed to limit the right to appeal the order.

(j) If the court, by order or judgment declares the child free from the custody and control of both parents, or one parent if the other does not have custody and control, the court shall at the same time order the child referred to the State Department of Social Services

or a licensed adoption agency for adoptive placement by the agency. However, no petition for adoption may be granted until the appellate rights of the natural parents have been exhausted. The State Department of Social Services or licensed adoption agency shall be responsible for the custody and supervision of the child and shall be entitled to the exclusive care and control of the child at all times until a petition for adoption is granted. With the consent of the agency, the court may appoint a guardian of the child, who shall serve until the child is adopted.

(k) Notwithstanding any other provision of law, the application of any person who, as a relative caretaker or foster parent, has cared for a dependent child for whom the court has approved a permanent plan for adoption, or who has been freed for adoption, shall be given preference with respect to that child over all other applications for adoptive placement if the agency making the placement determines that the child has substantial emotional ties to the relative caretaker or foster parent and removal from the relative caretaker or foster parent would be seriously detrimental to the child's emotional well-being.

As used in this subdivision, "preference" means that the application shall be processed and, if satisfactory, the family study shall be completed before the processing of the application of any other person for the adoptive placement of the child.

(*l*) (1) An order by the court that a hearing pursuant to this section be held is not appealable at any time unless all of the following applies:

(A) A petition for extraordinary writ review was filed in a timely manner.

(B) The petition substantively addressed the specific issues to be challenged and supported that challenge by an adequate record.

(C) The petition for extraordinary writ review was summarily denied or otherwise not decided on the merits.

(2) Failure to file a petition for extraordinary writ review within the period specified by rule, to substantively address the specific issues challenged, or to support that challenge by an adequate record shall preclude subsequent review by appeal of the findings and orders made pursuant to this section.

(3) The Judicial Council shall adopt rules of court, effective January 1, 1995, to ensure all of the following:

(A) A trial court, after issuance of an order directing a hearing pursuant to this section be held, shall advise all parties of the requirement of filing a petition for extraordinary writ review as set forth in this subdivision in order to preserve any right to appeal in these issues. This notice shall be made orally to a party if they are present at the time of the making of the order or by first-class mail by the clerk of the court to the last known address of a party not present at the time of the making of the order.

(B) The prompt transmittal of the records from the trial court to the appellate court.

(C) That adequate time requirements for counsel and court personnel exist to implement the objective of this subdivision.

(D) That the parent or guardian, or their trial counsel or other counsel, is charged with the responsibility of filing a petition for extraordinary writ relief pursuant to this subdivision.

(4) The intent of this subdivision is to do both of the following:

(A) Make every reasonable attempt to achieve a substantive and meritorious review by the appellate court within the time specified in Sections 366.21 and 366.22 for holding a hearing pursuant to this section.

(B) Encourage the appellate court to determine all writ petitions filed pursuant to this subdivision on their merits.

(5) This subdivision shall only apply to cases in which an order to set a hearing pursuant to this section is issued on or after January 1, 1995.

(m) Except for subdivision (j), this section shall also apply to minors adjudged wards pursuant to Section 727.31.

SEC. 4. Section 628 of the Welfare and Institutions Code is amended to read:

628. (a) Upon delivery to the probation officer of a minor who has been taken into temporary custody under the provisions of this article, the probation officer shall immediately investigate the circumstances of the minor and the facts surrounding his or her being taken into custody and shall immediately release the minor to the custody of his or her parent, legal guardian, or responsible relative unless it can be demonstrated upon the evidence before the court that continuance in the home is contrary to the child's welfare and one or more of the following conditions exist:

(1) The minor is in need of proper and effective parental care or control and has no parent, legal guardian, or responsible relative; or has no parent, legal guardian, or responsible relative willing to exercise or capable of exercising that care or control; or has no parent, legal guardian, or responsible relative actually exercising that care or control.

(2) The minor is destitute or is not provided with the necessities of life or is not provided with a home or suitable place of abode.

(3) The minor is provided with a home which is an unfit place for him or her by reason of neglect, cruelty, depravity or physical abuse of either of his or her parents, or of his or her legal guardian or other person in whose custody or care he or she is.

(4) Continued detention of the minor is a matter of immediate and urgent necessity for the protection of the minor or reasonable necessity for the protection of the person or property of another.

(5) The minor is likely to flee the jurisdiction of the court.

(6) The minor has violated an order of the juvenile court.

(7) The minor is physically dangerous to the public because of a mental or physical deficiency, disorder or abnormality.

(b) In any case in which there is reasonable cause for believing that a minor who is under the care of a physician or surgeon or a hospital, clinic, or other medical facility and cannot be immediately moved is a person described in subdivision (d) of Section 300, the minor shall be deemed to have been taken into temporary custody and delivered to the probation officer for the purposes of this chapter while he or she is at the office of the physician or surgeon or that medical facility.

SEC. 5. Section 635 of the Welfare and Institutions Code is amended to read:

635. The court will examine the minor, his or her parent, legal guardian, or other person having relevant knowledge, hear relevant evidence the minor, his or her parent, legal guardian, or counsel desires to present, and, unless it appears that the minor has violated an order of the juvenile court or has escaped from the commitment of the juvenile court or that it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that he or she be detained or that the minor is likely to flee to avoid the jurisdiction of the court, the court shall make its order releasing the minor from custody.

The circumstances and gravity of the alleged offense may be considered, in conjunction with other factors, to determine whether it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that the minor be detained.

The court shall order release of the minor from custody unless a prima facie showing has been made that the minor is a person described in Section 601 or 602.

If the probation officer has reason to believe that the minor is at-risk of entering foster care placement as defined by Section 11402, then the probation officer shall submit a written report to the court containing all of the following: the reasons why the minor has been removed from the parent's custody; any prior referrals for abuse or neglect of the minor or any prior filings regarding the minor pursuant to Section 300; the need, if any, for continued detention; the available services that could facilitate the return of the minor to the custody of the minor's parents or guardians; and whether there are any relatives who are able and willing to provide effective care and control over the minor.

SEC. 6. Section 636 of the Welfare and Institutions Code is amended to read:

636. If it appears upon the hearing that the minor has violated an order of the juvenile court or has escaped from a commitment of the juvenile court or that it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the

protection of the person or property of another that he or she be detained or that the minor is likely to flee to avoid the jurisdiction of the court, and that continuance in the home is contrary to the child's welfare, the court may make its order that the minor be detained in the juvenile hall or other suitable place designated by the juvenile court for a period not to exceed 15 judicial days and shall enter said order together with its findings of fact in support thereof in the records of the court. The circumstances and gravity of the alleged offense may be considered, in conjunction with other factors, to determine whether it is a matter of immediate and urgent necessity for the protection of the minor or the person or property of another that the minor be detained.

If the court finds that the criteria of Section 628.1 are applicable, the court may, and after the operative date of that section the court shall, place the minor on home supervision for a period not to exceed 15 judicial days, and shall enter the order together with its findings of fact in support thereof in the records of the court. If the court releases the minor on home supervision, the court may continue, modify, or augment any conditions of release previously imposed by the probation officer, or may impose new conditions on a minor released for the first time. If there are new or modified conditions, the minor shall be required to sign a written promise to obey those conditions pursuant to Section 628.1.

The court shall make a determination on the record whether continuance in the home of the parent or legal guardian is contrary to the child's welfare, whether reasonable efforts were made to prevent or eliminate the need for removal of the child from his or her home, and whether there are available services that would prevent the need for further detention. If the child can be returned to the custody of his or her parent or legal guardian through the provision of those services, the court shall place the child with his or her parent or legal guardian and order that the services shall be provided. Where the first contact with the family has occurred in an emergency situation, in which the family could not exercise effective care and control over the child, even if reasonable services were provided, the court shall make a finding that the lack of preplacement preventive efforts was reasonable. Whenever a court orders a child detained, the court shall state the facts on which the detention is based, shall specify why the initial removal was necessary, and shall order services to be provided as soon as possible to reunify the child with his or her family if appropriate. Whenever the court orders a child detained, the child's placement and care shall be the responsibility of the probation department pending disposition or further order of the court.

SEC. 7. Section 636.1 is added to the Welfare and Institutions Code, to read:

636.1. When a minor is detained pursuant to Section 636 following a finding by the court that continuance in the home is contrary to the minor's welfare, the probation officer shall, within 30 calendar days

of initial removal, or by the date of the disposition hearing, whichever occurs first, complete a case plan that identifies the strengths and needs of the minor and his or her family. The case plan shall identify services that will be provided to the minor and his or her family in order to reduce or eliminate the need for the minor to be placed in foster care and make it possible for the minor to safely return to his or her home.

SEC. 8. Section 652 of the Welfare and Institutions Code is amended to read:

652. Whenever the probation officer has cause to believe that there was or is within the county, or residing therein, a person within the provisions of Section 601 or 602, the probation officer shall immediately make an investigation he or she deems necessary to determine whether proceedings in the juvenile court should be commenced, including whether reasonable efforts, as described in paragraph (5) of subdivision (d) of Section 727.4, have been made to prevent or eliminate the need for removal of the minor from his or her home. However, this section does not require an investigation by the probation officer with respect to a minor delivered or referred to an agency pursuant to subdivision (b) of Section 626.

SEC. 9. Section 653.5 of the Welfare and Institutions Code is amended to read:

653.5. (a) Whenever any person applies to the probation officer to commence proceedings in the juvenile court, the application shall be in the form of an affidavit alleging that there was or is within the county, or residing therein, a minor within the provisions of Section 602, or that a minor committed an offense described in Section 602 within the county, and setting forth facts in support thereof. The probation officer shall immediately make any investigation he or she deems necessary to determine whether proceedings in the juvenile court shall be commenced. If the probation officer determines that it is appropriate to offer services to the family to prevent or eliminate the need for removal of the minor from his or her home, the probation officer shall make a referral to those services.

(b) Except as provided in subdivision (c), if the probation officer determines that proceedings pursuant to Section 650 should be commenced to declare a person to be a ward of the juvenile court on the basis that he or she is a person described in Section 602, the probation officer shall cause the affidavit to be taken to the prosecuting attorney.

(c) Notwithstanding subdivision (b), the probation officer shall cause the affidavit to be taken within 48 hours to the prosecuting attorney in all of the following cases:

(1) If it appears to the probation officer that the minor has been referred to the probation officer for any violation of an offense listed in subdivision (b), paragraph (2) of subdivision (d), or subdivision (e) of Section 707.

(2) If it appears to the probation officer that the minor is under 14 years of age at the date of the offense and that the offense constitutes a second felony referral to the probation officer.

(3) If it appears to the probation officer that the minor was 14 years of age or older at the date of the offense and that the offense constitutes a felony referral to the probation officer.

(4) If it appears to the probation officer that the minor has been referred to the probation officer for the sale or possession for sale of a controlled substance as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(5) If it appears to the probation officer that the minor has been referred to the probation officer for a violation of Section 11350 or 11377 of the Health and Safety Code where the violation takes place at a public or private elementary, vocational, junior high school, or high school, or a violation of Section 245.5, 626.9, or 626.10 of the Penal Code.

(6) If it appears to the probation officer that the minor has been referred to the probation officer for a violation of Section 186.22 of the Penal Code.

(7) If it appears to the probation officer that the minor has previously been placed in a program of informal probation pursuant to Section 654.

(8) If it appears to the probation officer that the minor has committed an offense in which the restitution owed to the victim exceeds one thousand dollars ($1,000). For purposes of this paragraph, the definition of "victim" in paragraph (1) of subdivision (a) of Section 730.6 and "restitution" in subdivision (h) of Section 730.6 shall apply.

Except for offenses listed in paragraph (5), the provisions of subdivision (c) shall not apply to a narcotics and drug offense set forth in Section 1000 of the Penal Code.

The prosecuting attorney shall within his or her discretionary power institute proceedings in accordance with his or her role as public prosecutor pursuant to subdivision (b) of Section 650 and Section 26500 of the Government Code. However, if it appears to the prosecuting attorney that the affidavit was not properly referred, that the offense for which the minor was referred should be charged as a misdemeanor, or that the minor may benefit from a program of informal supervision, he or she shall refer the matter to the probation officer for whatever action the probation officer may deem appropriate.

(d) In all matters where the minor is not in custody and is already a ward of the court or a probationer under Section 602, the prosecuting attorney, within five judicial days of receipt of the affidavit from the probation officer, shall institute proceedings in accordance with his or her role as public prosecutor pursuant to subdivision (b) of Section 650 of this code and Section 26500 of the Government Code, unless it appears to the prosecuting attorney that

the affidavit was not properly referred or that the offense for which the minor was referred requires additional substantiating information, in which case he or she shall immediately notify the probation officer of what further action he or she is taking.

(e) This section shall become operative on January 1, 1997.

SEC. 10. Section 658 of the Welfare and Institutions Code is amended to read:

658. (a) Except as provided in subdivision (b), upon the filing of the petition, the clerk of the juvenile court shall issue a notice, to which shall be attached a copy of the petition, and he or she shall cause the same to be served upon the minor, if the minor is eight or more years of age, and upon each of the persons described in subdivision (e) of Section 656 whose residence addresses are set forth in the petition and thereafter before the hearing upon all persons whose residence addresses become known to the clerk. If the court has ordered the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727, the clerk shall also issue a copy of that notice to any foster parents, preadoptive parents, legal guardian, and any relatives providing care to the minor whose residence addresses become known to the clerk. The clerk shall issue a copy of the petition, to the minor's attorney and to the district attorney, if the district attorney has notified the clerk of the court that he or she wishes to receive the petition, containing the time, date, and place of the hearing.

(b) Upon the filing of a supplemental petition where the minor has been declared a ward of the court or a probationer under Section 602 in the original matter, the clerk of the juvenile court shall issue a notice, to which shall be attached a copy of the petition, and he or she shall cause the notice to be served upon the minor, if the minor is eight or more years of age, and upon each of the persons described in subdivision (e) of Section 656 whose residence addresses are set forth in the supplemental petition and thereafter known to the clerk. The clerk shall issue a copy of the supplemental petition to the minor's attorney, and to the district attorney if the probation officer is the petitioner, or, to the probation officer if the district attorney is the petitioner, containing the time, date, and place of the hearing.

SEC. 11. Section 660 of the Welfare and Institutions Code is amended to read:

660. (a) Except as provided in subdivision (b), if the minor is detained, the clerk of the juvenile court shall cause the notice and copy of the petition to be served on all persons required to receive that notice and copy of the petition pursuant to subdivision (e) of Section 656 and Section 658, either personally or by certified mail with request for return receipt, as soon as possible after filing of the petition and at least five days prior to the time set for hearing, unless the hearing is set less than five days from the filing of the petition, in

which case, the notice and copy of the petition shall be served at least 24 hours prior to the time set for hearing.

(b) If the minor is detained, and all persons entitled to notice pursuant to subdivision (e) of Section 656 and Section 658 were present at the detention hearing, the clerk of the juvenile court shall cause the notice and copy of the petition to be served on all persons required to receive the notice and copy of the petition, either personally or by first-class mail, as soon as possible after the filing of the petition and at least five days prior to the time set for hearing, unless the hearing is set less than five days from the filing of the petition, in which case the notice and copy of the petition shall be served at least 24 hours prior to the time set for the hearing.

(c) If the minor is not detained, the clerk of the juvenile court shall cause the notice and copy of the petition to be served on all persons required to receive the notice and copy of the petition, either personally or by first-class mail, at least 10 days prior to the time set for hearing. If that person is known to reside outside of the county, the clerk of the juvenile court shall mail the notice and copy of the petition, by first-class mail, to that person, as soon as possible after the filing of the petition and at least 10 days before the time set for hearing. Failure to respond to the notice shall in no way result in arrest or detention. In the instance of failure to appear after notice by first-class mail, the court shall direct that the notice and copy of the petition is to be personally served on all persons required to receive the notice and a copy of the petition. However, if the whereabouts of the minor are unknown, upon a showing that all reasonable efforts to locate the minor have failed or that the minor has willfully evaded service of process, personal service of the notice and a copy of the petition is not required and a warrant for the arrest of the minor may be issued pursuant to Section 663. Personal service of the notice and copy of the petition outside of the county at least 10 days before the time set for hearing is equivalent to service by first-class mail. Service may be waived by any person by a voluntary appearance entered in the minutes of the court or by a written waiver of service filed with the clerk of the court at or prior to the hearing.

(d) For purposes of this section, service on the minor's attorney shall constitute service on the minor's parent or legal guardian.

SEC. 12. Section 706.5 of the Welfare and Institutions Code is amended to read:

706.5. Each social study made by a probation officer that is received into evidence pursuant to Section 706 shall include, but is not limited to, the factual material described in subdivision (b) of Section 727.4. When placement within foster care is considered, the social study made by a probation officer that is received into evidence pursuant to Section 706 shall also include the factual material described in subdivisions (a) and (b) of Section 727.4. The probation

officer shall solicit comment from the appropriate local education agency prior to completion of the study.

SEC. 13. Section 706.6 is added to the Welfare and Institutions Code, to read:

706.6. Where a case plan is required pursuant to Section 706.5, the case plan shall include, but not be limited to, the following information:

(a) A description of the circumstances that resulted in the child being placed under the supervision of the probation department and in foster care.

(b) An assessment of the child's needs and the type of placement best equipped to meet them.

(c) A description of the type of home or institution in which the child is to be placed, including a discussion of the safety and appropriateness of the placement.

(d) Specific time-limited goals and related activities designed to enable the safe return of the minor to his or her home, or in the event that return to his or her home is not possible, activities designed to result in permanent placement or emancipation. Specific responsibility for carrying out the planned activities shall be assigned to one or more of the following:

(1) The probation department.

(2) The minor's parent or parents or legal guardian or guardians, as applicable.

(3) The minor.

(4) The foster parents or licensed agency providing foster care.

(e) The projected date of completion of the case plan objectives and the date services will be terminated.

(f) Scheduled visits between the child and his or her family and an explanation if no visits are made.

(g) (1) When placement is made in a foster family home, group home, or other child care institution that is either a substantial distance from the home of the child's parent or legal guardian or out-of-state, the case plan shall specify the reasons why the placement is the most appropriate and is in the best interest of the child.

(2) When an out-of-state group home placement is recommended or made, the case plan shall comply with Section 727.1 and Section 7911.1 of the Family Code. In addition, documentation of the recommendation of the multidisciplinary team and the rationale for this particular placement shall be included. The case plan shall also address what in-state services or facilities were used or considered and why they were not recommended.

(h) If applicable, efforts to make it possible to place siblings together, unless it has been determined that placement together is not in the best interest of one or more siblings.

(i) A schedule of visits between the child and the probation officer, including a monthly visitation schedule for those children placed in group homes.

(j) Health and education information about the child, school records, immunizations, known medical problems, and any known medications the child may be taking, names and addresses of the child's health and educational providers; the child's grade level performance; assurances that the child's placement in foster care takes into account proximity to the school in which the child was enrolled at the time of placement; and other relevant health and educational information.

(k) When out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail.

(*l*) When out-of-home services are used and the child's case plan does not provide for adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. For purposes of this subdivision, the phrase "compelling reasons" shall have the same meaning as in subdivision (i) of Section 727.3.

(m) Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(n) Parents, legal guardians, and the child shall have an opportunity to participate in the development of the case plan, to review the case plan, to sign it whenever possible, and to receive a copy of the plan.

(o) For a child in out-of-home care who is 16 years of age or older, a written description of the programs and services, which will help the child prepare for the transition from foster care to independent living.

SEC. 14. Section 726.4 is added to the Welfare and Institutions Code, to read:

726.4. (a) At the disposition hearing, in any case where the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727, the court shall inquire of the mother and any other appropriate person as to the identity and address of all presumed or alleged fathers. The presence at the hearing of a man claiming to be the father shall not relieve the court of its duty of inquiry. The inquiry may include all of the following:

(1) Whether a judgment of paternity already exists.

(2) Whether the mother was married or believed she was married at the time of conception of the child or at any time thereafter.

(3) Whether the mother was cohabiting with a man at the time of conception or birth of the child.

(4) Whether the mother has received support payments or promises of support with respect to the child or in connection with her pregnancy.

(5) Whether any man has formally or informally acknowledged or declared his possible paternity of the child.

(6) Whether paternity tests have been administered and the results, if any.

(b) If, after the court inquiry, one or more men are identified as an alleged father, each alleged father shall be provided notice at his last and usual place of abode by certified mail return receipt requested alleging that he is or could be the father of the child. The notice shall state that the child is the subject of proceedings under Section 602 and that the proceedings could result in the termination of parental rights and adoption of the child. Nothing in this section shall preclude a court from terminating a father's parental rights even if he appears at the hearing and files an action under Section 7630 or 7631 of the Family Code.

(c) The court may determine that the failure of an alleged father to return the certified mail receipt is not good cause to continue a hearing pursuant to Section 682.

(d) If a man appears in the delinquency action and files an action under Section 7630 or 7631 of the Family Code, the court shall determine if he is the father.

(e) After a petition has been filed to declare a minor a ward of the court, and until the time that the petition is dismissed, wardship is terminated, or parental rights are terminated pursuant to Section 727.31, the juvenile court which has jurisdiction of the wardship action shall have exclusive jurisdiction to hear an action filed under Section 7630 or 7631 of the Family Code.

SEC. 15. Section 727.2 is added to the Welfare and Institutions Code, to read:

727.2. When the court orders the care, custody and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most family like, and the most appropriate setting that is available and in close proximity to the parent's home, consistent with the selection of the environment best suited to meet the child's special needs and best interests. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

SEC. 16. Section 727.3 is added to the Welfare and Institutions Code, to read:

727.3. The purpose of this section is to provide a means to monitor the care of every child in foster care who has been declared a ward of the juvenile court pursuant to Section 601 or 602 to ensure that everything reasonably possible is done to facilitate the safe early return of the child to his or her own home or to establish a permanent plan for the child.

(a) Whenever the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for placement pursuant to subdivision (a) of Section 727, the juvenile court shall order the probation department to ensure the provision of services to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

(b) A child shall be deemed to have entered foster care, for purposes of this section, on the date that is 60 days after the date on which the minor was removed from his or her home.

(c) The status of every child declared a ward and placed in foster care shall be reviewed at the time of the initial placement order and then as determined by the court but no less frequently than once every six months, as calculated from the date the minor entered foster care. If the court so elects, the court may declare the hearing at which the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727 as the first status review hearing. At each status review hearing, the court shall consider the safety of the child and make findings and orders which determine the following:

(1) The continuing necessity for and appropriateness of the placement.

(2) The extent of the probation department's compliance with the case plan in making reasonable efforts to safely return the child to the child's home or to complete whatever steps are necessary to finalize the permanent placement of the child.

(3) The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care.

(4) The likely date by which the child may be returned to and safely maintained in the home or placed for legal guardianship or adoption.

(d) The status review hearings required by subdivision (c) may be heard by an administrative review panel, provided:

(1) The administrative review shall be open to participation by the child and parents or legal guardians and all those persons entitled to notice under Section 727.4.

(2) The child and his or her parents or legal guardians receive proper notice as required in Section 727.4.

(3) The administrative review panel is composed of persons appointed by the presiding judge of the juvenile court, the membership of which shall include at least one person who is not responsible for the case management of, or delivery of services to, the child or the parents who are the subject of the review.

(4) The findings of the administrative review panel shall be submitted to the juvenile court for the court's approval and shall become part of the official court record.

(e) At the status review hearing the court shall order return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The probation department shall have the burden of establishing that detriment. The failure of the child to participate in court-ordered treatment programs shall be prima facie evidence that the return of the child would be detrimental. In making its determination, the court shall review and consider the social study report and recommendations pursuant to Section 706.5 and the report and recommendations of any child advocate appointed for the child in the case, and shall consider the efforts or progress, or both, demonstrated by the child and family and the extent to which the child availed himself or herself of the services provided.

(f) There shall be a permanency planning hearing within 12 months of the date the child entered foster care and periodically thereafter, but no less frequently than every 12 months during the period of placement. It shall be the duty of the probation officer to prepare a written social study report pursuant to Section 706.5 containing a statement of the responsibilities of the parents or legal guardians, the probation department, the caseworker of the probation department, the foster parents, and the child. The written social study shall also describe the goals for the child's placement and care with the department, including the services provided to achieve the goal that the child shall exhibit lawful and productive behavior, and the appropriate plan for permanence for the child. The report shall be submitted to the court at the permanency planning hearing.

(1) At all permanency planning hearings, the court shall determine the permanent plan for the child that includes a determination of whether the child will be returned to the physical custody of the parent or legal guardian. Upon findings that there is substantial probability that additional services will aid the safe return of the child to the physical custody of his or her parents or legal guardian within six months, the court may order further reunification services to be provided to the child and parent or legal guardian for a period not to exceed six months. For purposes of this section, in order to find a substantial probability, the court shall be required to find the child and his or her parents or guardians to have demonstrated the capacity and ability to complete the objectives of his or her case plan. If the child is not returned to a parent or legal guardian at the permanency hearing, the court shall determine whether or not the child should be referred for adoption proceedings, referred for legal guardianship pursuant to subdivision (c) of Section 728, or referred to an alternative planned permanent living arrangement, including whether, because of the child's special needs or circumstances, the child should be continued in foster care on a

permanent basis. The court shall also determine the extent of progress in achieving the treatment goals of the plan. In the case of a child who has reached 16 years of age, the hearing shall, in addition, determine the services needed to assist the child to make the transition from foster care to independent living.

(2) An "alternative planned permanent living arrangement" means a permanent foster care placement with a specific identified foster family on a permanent basis, a facility described in Section 11402, or an independent living arrangement, such as emancipation by marriage, court order, or reaching the age of majority.

(3) When a minor is placed in long-term foster care with a relative, the court may authorize the relative to provide the same legal consent for the minor's medical, surgical, and dental care, and education as the custodial parent of the minor.

(4) If the child has a continuing involvement with his or her parents or legal guardians, the parents or legal guardians shall be involved in the planning for a permanent placement. The court order placing the child in a permanent placement shall include a specification of the nature and frequency of visiting arrangements with the parents or legal guardians.

(5) Any change in the placement of a child in permanent foster care or the responsibilities of the foster parents for that child shall be made only by order of the court that ordered the placement pursuant to a petition filed pursuant to Section 778.

(g) Prior to any status or permanency hearing involving a child in the physical custody of a community care facility or foster family agency, the facility or agency shall file with the court a report containing its recommendations. Prior to any status or permanency hearing involving the physical custody of a foster parent, relative caregiver, preadoptive parent, or legal guardian, that person may present to the court a report containing his or her recommendations. The court shall consider all reports and recommendations, filed pursuant to this subdivision.

(h) If the minor is not returned to the custody of a parent or legal guardian at the permanency hearing, the court shall do one of the following:

(1) Continue the case for up to six months for a permanency reviewing hearing, provided that the hearing shall occur within 18 months of the date the minor was originally taken from the physical custody of his or her parent or legal guardian. The court shall continue the case only if it finds that there is a substantial probability that the minor will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time or that reasonable services have not been provided to the parent or guardian.

The court shall inform the parent or legal guardian that if the minor cannot be returned home by the next permanency review hearing, a proceeding pursuant to Section 727.31 may be instituted. The court

shall not order that a hearing pursuant to Section 727.31 be held unless there is clear and convincing evidence that reasonable services have been provided or offered to the parent or legal guardian.

(2) Order that the minor remain in long-term foster care, but only if the court finds by clear and convincing evidence, based upon the evidence already presented to it, including a recommendation by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, that there is a compelling reason for determining that a hearing held pursuant to Section 727.31 is not in the best interest of the minor because the minor is not a proper subject for adoption and has no one willing to accept legal guardianship. For purposes of this section, a recommendation by the State Department Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency that adoption is not in the best interest of the minor shall constitute a compelling reason for the court's determination. That recommendation shall be based on the present circumstances of the minor and shall not preclude a different recommendation at a later date if the minor's circumstances change.

(3) Order that the hearing be held within 120 days, pursuant to Section 727.31, if there is clear and convincing evidence that reasonable services have been provided or offered to the parents.

(i) Notwithstanding subdivision (h), the court shall not order a hearing pursuant to Section 727.31 if the probation department has documented a compelling reason for determining that the termination of parental rights would not be in the minor's best interests. A compelling reason is either of the following:

(1) A determination made by the probation officer that any of the following applies:

(A) The parent or legal guardians have maintained regular visitation and contact with the minor and the minor would benefit from continuing the relationship.

(B) The permanent plan is for the minor to return to his or her own home.

(C) A child 12 years of age or older objects to termination of parental rights.

(D) The minor is placed in residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent finding the minor a permanent family placement if the parents cannot resume custody when residential care is no longer needed.

(2) A determination by the licensed county adoption agency or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency that the minor is unlikely to be adopted and the child is living with a relative who is unable or unwilling to adopt the child because

exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the minor but who is willing and capable of providing the minor with a stable and permanent home environment, and the removal of the minor from the physical custody of his or her relative or foster parent would be detrimental to the minor's emotional well-being.

(j) Whenever the court orders that a hearing pursuant to Section 727.31 shall be held, it shall direct the agency supervising the minor and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment that shall include all of the following:

(1) Current search efforts for an absent parent or parents.

(2) A review of the amount and nature of any contact between the minor and his or her parents and other members of his or her extended family since the time of placement. Although the extended family of each minor shall be reviewed on case-by-case basis, "extended family" for the purpose of the paragraph shall include, but not be limited to, the minor's siblings, grandparents, aunts, and uncles.

(3) An evaluation of the minor's medical, developmental, scholastic, mental, and emotional status.

(4) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or guardian, particularly the caretaker, to include a social history including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the minor's needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. If a proposed guardian is a relative of the minor, and the relative was assessed for foster care placement of the minor prior to January 1, 1998, the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of Section 361.3.

(5) The relationship of the minor to any identified prospective adoptive parent or guardian, the duration and character of the relationship, the motivation of seeking adoption or guardianship, and a statement from the minor concerning placement and the adoption or guardianship, unless the minor's age or physical, emotional, or other condition precludes his or her meaningful response, and if so, a description of the condition.

(6) An analysis of the likelihood that the minor will be adopted if parental rights are terminated.

(7) Whenever a court orders a hearing pursuant to Section 727.31, it shall order that the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or the licensed county adoption agency has exclusive responsibility for determining the adoptive placement and making all adoption-related decisions.

(k) Nothing in this section shall be construed to limit the ability of a parent to voluntarily relinquish his or her child to the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or to a licensed county adoption agency at any time while the minor is a ward of the juvenile court if the department agency is willing to accept the relinquishment.

SEC. 17. Section 727.31 is added to the Welfare and Institutions Code, to read:

727.31. (a) This section applies to all minors placed in out-of-home care pursuant to Section 727.3 and for whom the juvenile court orders a hearing to consider permanently terminating parental rights to free the minor for adoption.

Except for subdivision (i) of Section 366.26, the procedures for permanently terminating parental rights for minors described by this section shall proceed exclusively pursuant to Section 366.26.

At the beginning of any proceeding pursuant to this section, if the minor is not being represented by previously retained or appointed counsel, the court shall appoint counsel to represent the minor, and the minor shall be present in court unless the minor or the minor's counsel so requests and the court so orders. If a parent appears without counsel and is unable to afford counsel, the court shall appoint counsel for the parent, unless this representation is knowingly and intelligently waived. The same counsel shall not be appointed to represent both the minor and the parent. Private counsel appointed under this section shall receive a reasonable sum for compensation and expenses as specified in subdivision (f) of paragraph (3) in Section 366.26.

(b) If the court, by order of judgment declares the minor free from the custody and control of both parents, or one parent if the other does not have custody and control, the court shall at the same time order the minor referred to the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or a licensed county adoption agency for adoptive placement by the agency. The order shall state that responsibility for custody of the minor shall be held jointly by the probation department and the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or the licensed county adoption agency. The order shall also state that the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or the licensed county adoption agency has exclusive responsibility for determining the adoptive placement and for making all adoption-related decisions. However, no petition for adoption may be granted until the appellate rights of the natural parents have been exhausted.

(c) The notice procedures for terminating parental rights for minors described by this section shall proceed exclusively pursuant to Section 366.23.

SEC. 18. Section 727.4 is added to the Welfare and Institutions Code, to read:

727.4. (a) Notice of any hearing pursuant to Section 727 shall be mailed by the probation officer to the child, the child's parent or guardian, any adult provider of care to the child including, but not limited to, foster parents, relative caregivers, preadoptive parents, community care facility, or foster family agency and to the counsel of record if the counsel of record was not present at the time that the hearing was set by the court, by first-class mail addressed to the last known address of the person to be notified, or shall be personally served on those persons, not earlier than 30 days nor later than 15 days preceding the date of the hearing. The notice shall contain a statement regarding the nature of the status review or permanency planning hearing and any change in the custody or status of the child being recommended by the probation department. The notice shall also include a statement informing the foster parents, relative caregivers, or preadoptive parents that he or she may attend all hearings or may submit any information he or she deems relevant to the court in writing. The foster parents, relative caregiver, and preadoptive parents are entitled to notice and opportunity to be heard but need not be made parties to the proceedings.

(b) At least 10 calendar days prior to each status review and permanency planning hearing, after the hearing during which the court orders that the care, custody and control of the minor to be under the supervision of the probation officer for placement pursuant to subdivision (a) of Section 727, the probation officer shall file a social study report with the court. The social study report shall include, but not be limited to, the following information:

(1) Progress toward goals established in the case plan previously submitted to the court.

(2) The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care.

(3) The safety of the child and the continuing necessity for and appropriateness of the placement.

(4) A likely date by which the child may be returned to and safely maintained in the hope or placed for adoption or legal guardianship.

(5) An updated case plan as specified in Section 706.6.

(6) Whether the child has been or will be referred to educational services and what services the child is receiving, including special education and related services if the child has exceptional needs as described in Part 30 (commencing with Section 56000) of Division 4 of Title 2 of the Education Code or accommodations if the child has disabilities as described in Chapter 16 of Title 29 of the United States Code Annotated. The social worker or child advocate shall solicit

comments from the appropriate local education agency prior to completion of the social study.

(7) Whether the right of the parent or guardian to make educational decisions for the child should be limited by the court pursuant to Section 7579.5 of the Government Code.

(c) The probation department shall inform the child, the child's parent or guardian, and all counsel of record that a copy of the social study prepared for the hearing will be available 10 days prior to the hearing and may be obtained from the probation officer.

(d) As used in this section:

(1) "Foster care" means residential care provided in any of the settings described in Section 11402.

(2) "At risk of entering foster care" means that conditions within a child's family may necessitate his or her entry into foster care unless those conditions are resolved.

(3) "Preadoptive parent" means a licensed foster parent who has been approved for adoption by the State Department of Social Services when it is acting as an adoption agency or by a licensed adoption agency.

(4) "Date of entry into foster care" means the date that is 60 days after the date on which the minor was removed from his or her home.

(5) "Reasonable efforts" are those efforts made to prevent or eliminate the need for removing the minor from the minor's home, and efforts to make it possible for the minor to return home, including, but not limited to, case management, counseling, parenting training, mentoring programs, vocational training, educational services, substance abuse treatment, transportation, and therapeutic day services.

(6) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," "grand," or the spouse of any of these persons even if the marriage was terminated by death or dissolution.

SEC. 19. Section 1.1 of this bill incorporates amendments to Section 202 of the Welfare and Institutions Code proposed by both this bill and AB 645. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 202 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 645, in which case Section 1 of this bill shall not become operative.

SEC. 20. By July 1, 2000, the Judicial Council shall adopt rules of court, forms, and procedures to implement statutes pertaining to children in foster care placements as described in Section 11402 of the Welfare and Institutions Code.

SEC. 21. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local

agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

CHAPTER 998

An act to amend and renumber Section 990 of the Civil Code, relating to deceased personalities.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 990 of the Civil Code is amended and renumbered to read:

3344.1. (a) (1) Any person who uses a deceased personality's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods, or services, without prior consent from the person or persons specified in subdivision (c), shall be liable for any damages sustained by the person or persons injured as a result thereof. In addition, in any action brought under this section, the person who violated the section shall be liable to the injured party or parties in an amount equal to the greater of seven hundred fifty dollars ($750) or the actual damages suffered by the injured party or parties, as a result of the unauthorized use, and any profits from the unauthorized use that are attributable to the use and are not taken into account in computing the actual damages. In establishing these profits, the injured party or parties shall be required to present proof only of the gross revenue attributable to the use and the person who violated the section is required to prove his or her deductible expenses. Punitive damages may also be awarded to the injured party or parties. The prevailing party or parties in any action under this section shall also be entitled to attorneys' fees and costs.

(2) For purposes of this subdivision, a play, book, magazine, newspaper, musical composition, audiovisual work, radio or television program, single and original work of art, work of political or newsworthy value, or an advertisement or commercial announcement for any of these works, shall not be considered a product, article of merchandise, good, or service if it is fictional or nonfictional entertainment, or a dramatic, literary, or musical work.

(3) If a work that is protected under paragraph (2) includes within it a use in connection with a product, article of merchandise,

good, or service, this use shall not be exempt under this subdivision, notwithstanding the unprotected use's inclusion in a work otherwise exempt under this subdivision, if the claimant proves that this use is so directly connected with a product, article of merchandise, good, or service as to constitute an act of advertising, selling, or soliciting purchases of that product, article of merchandise, good, or service by the deceased personality without prior consent from the person or persons specified in subdivision (c).

(b) The rights recognized under this section are property rights, freely transferable, in whole or in part, by contract or by means of trust or testamentary documents, whether the transfer occurs before the death of the deceased personality, by the deceased personality or his or her transferees, or, after the death of the deceased personality, by the person or persons in whom the rights vest under this section or the transferees of that person or persons.

(c) The consent required by this section shall be exercisable by the person or persons to whom the right of consent (or portion thereof) has been transferred in accordance with subdivision (b), or if no transfer has occurred, then by the person or persons to whom the right of consent (or portion thereof) has passed in accordance with subdivision (d).

(d) Subject to subdivisions (b) and (c), after the death of any person, the rights under this section shall belong to the following person or persons and may be exercised, on behalf of and for the benefit of all of those persons, by those persons who, in the aggregate, are entitled to more than a one-half interest in the rights:

(1) The entire interest in those rights belong to the surviving spouse of the deceased personality unless there are any surviving children or grandchildren of the deceased personality, in which case one-half of the entire interest in those rights belong to the surviving spouse.

(2) The entire interest in those rights belong to the surviving children of the deceased personality and to the surviving children of any dead child of the deceased personality unless the deceased personality has a surviving spouse, in which case the ownership of a one-half interest in rights is divided among the surviving children and grandchildren.

(3) If there is no surviving spouse, and no surviving children or grandchildren, then the entire interest in those rights belong to the surviving parent or parents of the deceased personality.

(4) The rights of the deceased personality's children and grandchildren are in all cases divided among them and exercisable in the manner provided in Section 240 of the Probate Code according to the number of the deceased personality's children represented; the share of the children of a dead child of a deceased personality can be exercised only by the action of a majority of them.

(e) If any deceased personality does not transfer his or her rights under this section by contract, or by means of a trust or testamentary

document, and there are no surviving persons as described in subdivision (d), then the rights set forth in subdivision (a) shall terminate.

(f) (1) A successor in interest to the rights of a deceased personality under this section or a licensee thereof may not recover damages for a use prohibited by this section that occurs before the successor-in-interest or licensee registers a claim of the rights under paragraph (2).

(2) Any person claiming to be a successor-in-interest to the rights of a deceased personality under this section or a licensee thereof may register that claim with the Secretary of State on a form prescribed by the Secretary of State and upon payment of a fee of ten dollars ($10). The form shall be verified and shall include the name and date of death of the deceased personality, the name and address of the claimant, the basis of the claim, and the rights claimed.

(3) Upon receipt and after filing of any document under this section, the Secretary of State shall post the document along with the entire registry of persons claiming to be a successor in interest to the rights of a deceased personality or a registered licensee under this section upon the World Wide Web, also known as the Internet. The Secretary of State may microfilm or reproduce by other techniques any of the filings or documents and destroy the original filing or document. The microfilm or other reproduction of any document under the provisions of this section shall be admissible in any court of law. The microfilm or other reproduction of any document may be destroyed by the Secretary of State 70 years after the death of the personality named therein.

(4) Claims registered under this subdivision shall be public records.

(g) No action shall be brought under this section by reason of any use of a deceased personality's name, voice, signature, photograph, or likeness occurring after the expiration of 70 years after the death of the deceased personality.

(h) As used in this section, "deceased personality" means any natural person whose name, voice, signature, photograph, or likeness has commercial value at the time of his or her death, whether or not during the lifetime of that natural person the person used his or her name, voice, signature, photograph, or likeness on or in products, merchandise or goods, or for purposes of advertising or selling, or solicitation of purchase of, products, merchandise, goods, or services. A "deceased personality" shall include, without limitation, any such natural person who has died within 70 years prior to January 1, 1985.

(i) As used in this section, "photograph" means any photograph or photographic reproduction, still or moving, or any video tape or live television transmission, of any person, such that the deceased personality is readily identifiable. A deceased personality shall be deemed to be readily identifiable from a photograph when one who

views the photograph with the naked eye can reasonably determine who the person depicted in the photograph is.

(j) For purposes of this section, a use of a name, voice, signature, photograph, or likeness in connection with any news, public affairs, or sports broadcast or account, or any political campaign, shall not constitute a use for which consent is required under subdivision (a).

(k) The use of a name, voice, signature, photograph, or likeness in a commercial medium shall not constitute a use for which consent is required under subdivision (a) solely because the material containing the use is commercially sponsored or contains paid advertising. Rather, it shall be a question of fact whether or not the use of the deceased personality's name, voice, signature, photograph, or likeness was so directly connected with the commercial sponsorship or with the paid advertising as to constitute a use for which consent is required under subdivision (a).

(*l*) Nothing in this section shall apply to the owners or employees of any medium used for advertising, including, but not limited to, newspapers, magazines, radio and television networks and stations, cable television systems, billboards, and transit ads, by whom any advertisement or solicitation in violation of this section is published or disseminated, unless it is established that the owners or employees had knowledge of the unauthorized use of the deceased personality's name, voice, signature, photograph, or likeness as prohibited by this section.

(m) The remedies provided for in this section are cumulative and shall be in addition to any others provided for by law.

(n) This section shall apply to the adjudication of liability and the imposition of any damages or other remedies in cases in which the liability, damages, and other remedies arise from acts occurring directly in this state. For purposes of this section, acts giving rise to liability shall be limited to the use, on or in products, merchandise, goods, or services, or the advertising or selling, or soliciting purchases of, products, merchandise, goods, or services prohibited by this section.

(o) This section shall be known, and may be cited, as the Astaire Celebrity Image Protection Act.

CHAPTER 999

An act to amend Section 12208 of the Government Code, relating to the Secretary of State.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 12208 of the Government Code is amended to read:

12208. (a) The Secretary of State may by regulation establish fees to be charged and collected for special handling in connection with filing of documents, issuing of certificates, and other services performed by him or her.

(b) Except as provided in subdivision (c), those fees shall approximate the estimated cost of special handling.

(c) Fees charged for preclearance of documents and expedited filings may be in different amounts, which shall not exceed one thousand dollars ($1,000). Those fees may be charged only if the special handling does not cause disruption or delay in the process of normal handling of documents, and if the implementation of the special handling is supported by an appropriation in the Budget Act.

(d) Special handling fees shall be accounted as Secretary of State expenditure reimbursements.

(e) The preclearance or expedited filing of documents by the Secretary of State or his or her employees pursuant to this section shall be considered discretionary pursuant to Section 820.2.

SEC. 2. Notwithstanding Section 7550.5 of the Government Code, the Secretary of State shall provide a report to the Legislature within two years of implementation of the special handling provided for in subdivision (c) of Section 12208 of the Government Code. The report shall document the extent to which the special handling service is utilized, the fees charged, and comparative timeframes for regular and special handling regarding preclearance of documents and expedited filings. This section is repealed as of the January 1 following the submittal of the report to the Legislature.

CHAPTER 1000

An act to amend Sections 10151.5, 14233, 14250, 14260, 14427, 14461, 14483, and 18896.8 of, and to repeal Section 14492.5 of, the Business and Professions Code, to amend Section 1782 of, and to amend and renumber Section 990 of, the Civil Code, to amend Section 2104 of, and to repeal Section 1018 of, the Code of Civil Procedure, to amend Sections 9403, 9404, 9405, 9406, and 9409 of the Commercial Code, to amend Sections 1502, 1905, 2117, 2205, 5008.6, 6210, 8210, 15800, 16953, 16954, 16959, 16960, 16962, 17060, 17356, 17654, 21304, 24003, and 24004 of, to add Sections 1107.5 and 17375 to, and to repeal Chapter 15 (commencing with Section 17700) of Title 2.5 of, the Corporations Code, to repeal Section 5805 of the Financial Code, to amend Sections 6518 and 12168.5 of, to add Sections 12175, 12176, 12177, 12178, 12178.1, 12179, and 12179.1 to, to repeal Sections 12164.5 and 12164.7 of, and

to repeal and add Article 3 (commencing with Section 12180) of Chapter 3 of Part 2 of Division 3 of Title 2 of, the Government Code, to repeal Sections 601, 602, 603, and 604 of the Harbors and Navigation Code, and to repeal Section 21414 of the Public Utilities Code, relating to the Secretary of State.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 10151.5 of the Business and Professions Code is amended to read:

10151.5. (a) An applicant who is not a resident of this state shall be eligible for a real estate license provided (1) the applicant qualifies for licensure under this chapter, including Section 10162, and (2) the state or other jurisdiction that is the place of residence of the applicant permits a resident of California to qualify for and obtain a real estate license in that jurisdiction.

(b) A foreign corporation shall be exempt from the eligibility requirement set forth in clause (2) of subdivision (a) if, and for so long as, at least one of the officers of the corporation who is designated and licensed as a real estate broker pursuant to Section 10158 or 10211 is a resident of this state.

(c) Every nonresident applicant for a real estate license shall, along with his or her application, file with the Real Estate Commissioner an irrevocable consent that if in any action commenced against him or her in this state, personal service of process upon him or her cannot be made in this state after the exercise of due diligence, a valid service may thereupon be made upon the applicant by delivering the process to the Department of Real Estate.

SEC. 2. Section 14233 of the Business and Professions Code is amended to read:

14233. The application for registration shall be accompanied by a filing fee as set forth in subdivision (a) of Section 12193 of the Government Code.

SEC. 3. Section 14250 of the Business and Professions Code is amended to read:

14250. Registration of a mark, as provided by this chapter, shall be effective for a term of 10 years from the date of registration and be renewable for 10-year periods, upon application filed within six months prior to the expiration of the term. The application for renewal shall be prescribed by the Secretary of State for that purpose and shall be submitted with the fee as set forth in subdivision (c) of Section 12193 of the Government Code.

A mark registration may be renewed for successive periods of 10 years in like manner.

SEC. 4. Section 14260 of the Business and Professions Code is amended to read:

14260. Any mark and its registration pursuant to this chapter shall be assignable with the goodwill of the business in which the mark is used, or with that part of the goodwill of the business connected with the use of and symbolized by the mark. Assignment information shall be by instruments in writing duly executed and acknowledged and may be filed with the Secretary of State upon the payment of a fee as set forth in subdivision (b) of Section 12193 of the Government Code. Upon filing of the assignment, the Secretary of State shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under this chapter shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is filed with the Secretary of State within three months after the date thereof or prior to the subsequent purchase.

SEC. 5. Section 14427 of the Business and Professions Code is amended to read:

14427. Any person, who is engaged in the manufacture, packing, canning, bottling, or selling of any substance in containers with his or her name, or other mark or device impressed or produced thereon, or whose equipment or supplies, owned by and used in his or her business, bears a name or other mark or device impressed or produced thereon, may file in the office of the Secretary of State after payment of the fee set forth in subdivision (d) of Section 12193 of the Government Code, a description of the name, mark, or device so used, as a brand.

SEC. 6. Section 14461 of the Business and Professions Code is amended to read:

14461. Any farm owner or lessee in this state may register the name of his or her farm with the Secretary of State, and the Secretary of State shall issue a certificate setting forth the name and location of the farm and the name of the owner upon payment of the fee as set forth in subdivision (g) of Section 12193 of the Government Code.

SEC. 7. Section 14483 of the Business and Professions Code is amended to read:

14483. The registrant shall pay to the Secretary of State for filing each laundry supply designation described and for issuing a certificate of filing a fee as set forth in subdivision (e) of Section 12193 of the Government Code, and to the county clerk a fee of one dollar ($1) for each designation described and filed.

SEC. 8. Section 14492.5 of the Business and Professions Code is repealed.

SEC. 8.5. Section 18896.8 of the Business and Professions Code is amended to read:

18896.8. (a) An athlete agent shall pay filing fees in an amount established pursuant to subdivision (b) of Section 12195 of the

Government Code upon making the filings required by Sections 18896 and 18896.2.

(b) All fees collected by the Secretary of State under this chapter shall be paid into the State Treasury and credited to the Business Fees Fund of the Secretary of State.

SEC. 9. Section 990 of the Civil Code is amended to read:

990. (a) Any person who uses a deceased personality's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods, or services, without prior consent from the person or persons specified in subdivision (c), shall be liable for any damages sustained by the person or persons injured as a result thereof. In addition, in any action brought under this section, the person who violated the section shall be liable to the injured party or parties in an amount equal to the greater of seven hundred fifty dollars ($750) or the actual damages suffered by the injured party or parties, as a result of the unauthorized use, and any profits from the unauthorized use that are attributable to the use and are not taken into account in computing the actual damages. In establishing these profits, the injured party or parties shall be required to present proof only of the gross revenue attributable to the use and the person who violated the section is required to prove his or her deductible expenses. Punitive damages may also be awarded to the injured party or parties. The prevailing party or parties in any action under this section shall also be entitled to attorneys' fees and costs.

(b) The rights recognized under this section are property rights, freely transferable, in whole or in part, by contract or by means of trust or testamentary documents, whether the transfer occurs before the death of the deceased personality, by the deceased personality or his or her transferees, or, after the death of the deceased personality, by the person or persons in whom the rights vest under this section or the transferees of that person or persons.

(c) The consent required by this section shall be exercisable by the person or persons to whom the right of consent, or portion thereof, has been transferred in accordance with subdivision (b), or if no such transfer has occurred, then by the person or persons to whom the right of consent, or portion thereof, has passed in accordance with subdivision (d).

(d) Subject to subdivisions (b) and (c), after the death of any person, the rights under this section shall belong to the following person or persons and may be exercised, on behalf of and for the benefit of all of those persons, by those persons who, in the aggregate, are entitled to more than a one-half interest in the rights:

(1) The entire interest in those rights belong to the surviving spouse of the deceased personality unless there are any surviving children or grandchildren of the deceased personality, in which case

one-half of the entire interest in those rights belong to the surviving spouse.

(2) The entire interest in those rights belong to the surviving children of the deceased personality and to the surviving children of any dead child of the deceased personality unless the deceased personality has a surviving spouse, in which case the ownership of a one-half interest in rights is divided among the surviving children and grandchildren.

(3) If there is no surviving spouse, and no surviving children or grandchildren, then the entire interest in those rights belong to the surviving parent or parents of the deceased personality.

(4) The rights of the deceased personality's children and grandchildren are in all cases divided among them and exercisable in the manner provided in Section 240 of the Probate Code according to the number of the deceased personality's children represented. The share of the children of a dead child of a deceased personality can be exercised only by the action of a majority of them.

(e) If any deceased personality does not transfer his or her rights under this section by contract, or by means of a trust or testamentary document, and there are no surviving persons as described in subdivision (d), then the rights set forth in subdivision (a) shall terminate.

(f) (1) A successor-in-interest to the rights of a deceased personality under this section or a licensee thereof may not recover damages for a use prohibited by this section that occurs before the successor-in-interest or licensee registers a claim of the rights under paragraph (2).

(2) Any person claiming to be a successor-in-interest to the rights of a deceased personality under this section or a licensee thereof may register that claim with the Secretary of State on a form prescribed by the Secretary of State and upon payment of a fee as set forth in subdivision (d) of Section 12195 of the Government Code. The form shall be verified and shall include the name and date of death of the deceased personality, the name and address of the claimant, the basis of the claim, and the rights claimed.

(3) Upon receipt and after filing of any document under this section, the Secretary of State may microfilm or reproduce by other techniques any of the filings or documents and destroy the original filing or document. The microfilm or other reproduction of any document under the provisions of this section shall be admissible in any court of law. The microfilm or other reproduction of any document may be destroyed by the Secretary of State 50 years after the death of the personality named therein.

(4) Claims registered under this subdivision shall be public records.

(g) No action shall be brought under this section by reason of any use of a deceased personality's name, voice, signature, photograph,

or likeness occurring after the expiration of 50 years from the death of the deceased personality.

(h) As used in this section, "deceased personality" means any natural person whose name, voice, signature, photograph, or likeness has commercial value at the time of his or her death, whether or not during the lifetime of that natural person the person used his or her name, voice, signature, photograph, or likeness on or in products, merchandise or goods, or for purposes of advertising or selling, or solicitation of purchase of, products, merchandise, goods, or services. A "deceased personality" shall include, without limitation, any such natural person who has died within 50 years prior to January 1, 1985.

(i) As used in this section, "photograph" means any photograph or photographic reproduction, still or moving, or any video tape or live television transmission, of any person, such that the deceased personality is readily identifiable. A deceased personality shall be deemed to be readily identifiable from a photograph when one who views the photograph with the naked eye can reasonably determine who the person depicted in the photograph is.

(j) For purposes of this section, a use of a name, voice, signature, photograph, or likeness in connection with any news, public affairs, or sports broadcast or account, or any political campaign, shall not constitute a use for which consent is required under subdivision (a).

(k) The use of a name, voice, signature, photograph, or likeness in a commercial medium shall not constitute a use for which consent is required under subdivision (a) solely because the material containing the use is commercially sponsored or contains paid advertising. Rather, it shall be a question of fact whether or not the use of the deceased personality's name, voice, signature, photograph, or likeness was so directly connected with the commercial sponsorship or with the paid advertising as to constitute a use for which consent is required under subdivision (a).

(*l*) Nothing in this section shall apply to the owners or employees of any medium used for advertising, including, but not limited to, newspapers, magazines, radio and television networks and stations, cable television systems, billboards, and transit ads, by whom any advertisement or solicitation in violation of this section is published or disseminated, unless it is established that the owners or employees had knowledge of the unauthorized use of the deceased personality's name, voice, signature, photograph, or likeness as prohibited by this section.

(m) The remedies provided for in this section are cumulative and shall be in addition to any others provided for by law.

(n) This section shall not apply to the use of a deceased personality's name, voice, signature, photograph, or likeness, in any of the following instances:

(1) A play, book, magazine, newspaper, musical composition, film, radio or television program, other than an advertisement or commercial announcement not exempt under paragraph (4).

(2) Material that is of political or newsworthy value.

(3) Single and original works of fine art.

(4) An advertisement or commercial announcement for a use permitted by paragraph (1), (2), or (3).

SEC. 9.5. Section 990 of the Civil Code is amended and renumbered to read:

3344.1. (a) (1) Any person who uses a deceased personality's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods, or services, without prior consent from the person or persons specified in subdivision (c), shall be liable for any damages sustained by the person or persons injured as a result thereof. In addition, in any action brought under this section, the person who violated the section shall be liable to the injured party or parties in an amount equal to the greater of seven hundred fifty dollars ($750) or the actual damages suffered by the injured party or parties, as a result of the unauthorized use, and any profits from the unauthorized use that are attributable to the use and are not taken into account in computing the actual damages. In establishing these profits, the injured party or parties shall be required to present proof only of the gross revenue attributable to the use and the person who violated the section is required to prove his or her deductible expenses. Punitive damages may also be awarded to the injured party or parties. The prevailing party or parties in any action under this section shall also be entitled to attorneys' fees and costs.

(2) For purposes of this subdivision, a play, book, magazine, newspaper, musical composition, audiovisual work, radio or television program, single and original work of art, work of political or newsworthy value, or an advertisement or commercial announcement for any of these works, shall not be considered a product, article of merchandise, good, or service if it is fictional or nonfictional entertainment, or a dramatic, literary, or musical work.

(3) If a work that is protected under paragraph (2) includes within it a use in connection with a product, article of merchandise, good, or service, this use shall not be exempt under this subdivision, notwithstanding the unprotected use's inclusion in a work otherwise exempt under this subdivision, if the claimant proves that this use is so directly connected with a product, article of merchandise, good, or service as to constitute an act of advertising, selling, or soliciting purchases of that product, article of merchandise, good, or service by the deceased personality without prior consent from the person or persons specified in subdivision (c).

(b) The rights recognized under this section are property rights, freely transferable, in whole or in part, by contract or by means of trust or testamentary documents, whether the transfer occurs before the death of the deceased personality, by the deceased personality or his or her transferees, or, after the death of the deceased personality,

by the person or persons in whom the rights vest under this section or the transferees of that person or persons.

(c) The consent required by this section shall be exercisable by the person or persons to whom the right of consent, or portion thereof, has been transferred in accordance with subdivision (b), or if no transfer has occurred, then by the person or persons to whom the right of consent, or portion thereof, has passed in accordance with subdivision (d).

(d) Subject to subdivisions (b) and (c), after the death of any person, the rights under this section shall belong to the following person or persons and may be exercised, on behalf of and for the benefit of all of those persons, by those persons who, in the aggregate, are entitled to more than a one-half interest in the rights:

(1) The entire interest in those rights belong to the surviving spouse of the deceased personality unless there are any surviving children or grandchildren of the deceased personality, in which case one-half of the entire interest in those rights belong to the surviving spouse.

(2) The entire interest in those rights belong to the surviving children of the deceased personality and to the surviving children of any dead child of the deceased personality unless the deceased personality has a surviving spouse, in which case the ownership of a one-half interest in rights is divided among the surviving children and grandchildren.

(3) If there is no surviving spouse, and no surviving children or grandchildren, then the entire interest in those rights belong to the surviving parent or parents of the deceased personality.

(4) The rights of the deceased personality's children and grandchildren are in all cases divided among them and exercisable in the manner provided in Section 240 of the Probate Code according to the number of the deceased personality's children represented. The share of the children of a dead child of a deceased personality can be exercised only by the action of a majority of them.

(e) If any deceased personality does not transfer his or her rights under this section by contract, or by means of a trust or testamentary document, and there are no surviving persons as described in subdivision (d), then the rights set forth in subdivision (a) shall terminate.

(f) (1) A successor in interest to the rights of a deceased personality under this section or a licensee thereof may not recover damages for a use prohibited by this section that occurs before the successor in interest or licensee registers a claim of the rights under paragraph (2).

(2) Any person claiming to be a successor in interest to the rights of a deceased personality under this section or a licensee thereof may register that claim with the Secretary of State on a form prescribed by the Secretary of State and upon payment of a fee as set forth in subdivision (d) of Section 12195 of the Government Code. The form

shall be verified and shall include the name and date of death of the deceased personality, the name and address of the claimant, the basis of the claim, and the rights claimed.

(3) Upon receipt and after filing of any document under this section, the Secretary of State shall post the document along with the entire registry of persons claiming to be a successor in interest to the rights of a deceased personality or a registered licensee under this section upon the World Wide Web, also known as the Internet. The Secretary of State may microfilm or reproduce by other techniques any of the filings or documents and destroy the original filing or document. The microfilm or other reproduction of any document under the provisions of this section shall be admissible in any court of law. The microfilm or other reproduction of any document may be destroyed by the Secretary of State 70 years after the death of the personality named therein.

(4) Claims registered under this subdivision shall be public records.

(g) No action shall be brought under this section by reason of any use of a deceased personality's name, voice, signature, photograph, or likeness occurring after the expiration of 70 years after the death of the deceased personality.

(h) As used in this section, "deceased personality" means any natural person whose name, voice, signature, photograph, or likeness has commercial value at the time of his or her death, whether or not during the lifetime of that natural person the person used his or her name, voice, signature, photograph, or likeness on or in products, merchandise or goods, or for purposes of advertising or selling, or solicitation of purchase of, products, merchandise, goods, or services. A "deceased personality" shall include, without limitation, any such natural person who has died within 70 years prior to January 1, 1985.

(i) As used in this section, "photograph" means any photograph or photographic reproduction, still or moving, or any video tape or live television transmission, of any person, such that the deceased personality is readily identifiable. A deceased personality shall be deemed to be readily identifiable from a photograph when one who views the photograph with the naked eye can reasonably determine who the person depicted in the photograph is.

(j) For purposes of this section, a use of a name, voice, signature, photograph, or likeness in connection with any news, public affairs, or sports broadcast or account, or any political campaign, shall not constitute a use for which consent is required under subdivision (a).

(k) The use of a name, voice, signature, photograph, or likeness in a commercial medium shall not constitute a use for which consent is required under subdivision (a) solely because the material containing the use is commercially sponsored or contains paid advertising. Rather, it shall be a question of fact whether or not the use of the deceased personality's name, voice, signature, photograph, or likeness was so directly connected with the commercial

sponsorship or with the paid advertising as to constitute a use for which consent is required under subdivision (a).

(*l*) Nothing in this section shall apply to the owners or employees of any medium used for advertising, including, but not limited to, newspapers, magazines, radio and television networks and stations, cable television systems, billboards, and transit ads, by whom any advertisement or solicitation in violation of this section is published or disseminated, unless it is established that the owners or employees had knowledge of the unauthorized use of the deceased personality's name, voice, signature, photograph, or likeness as prohibited by this section.

(m) The remedies provided for in this section are cumulative and shall be in addition to any others provided for by law.

(n) This section shall apply to the adjudication of liability and the imposition of any damages or other remedies in cases in which the liability, damages, and other remedies arise from acts occurring directly in this state. For purposes of this section, acts giving rise to liability shall be limited to the use, on or in products, merchandise, goods, or services, or the advertising or selling, or soliciting purchases of, products, merchandise, goods, or services prohibited by this section.

(o) This section shall be known and may be cited as the Astaire Celebrity Image Protection Act.

SEC. 10. Section 1782 of the Civil Code is amended to read:

1782. (a) Thirty days or more prior to the commencement of an action for damages pursuant to this title, the consumer shall do the following:

(1) Notify the person alleged to have employed or committed methods, acts, or practices declared unlawful by Section 1770 of the particular alleged violations of Section 1770.

(2) Demand that the person correct, repair, replace, or otherwise rectify the goods or services alleged to be in violation of Section 1770.

The notice shall be in writing and shall be sent by certified or registered mail, return receipt requested, to the place where the transaction occurred or to the person's principal place of business within California.

(b) Except as provided in subdivision (c), no action for damages may be maintained under Section 1780 if an appropriate correction, repair, replacement, or other remedy is given, or agreed to be given within a reasonable time, to the consumer within 30 days after receipt of the notice.

(c) No action for damages may be maintained under Section 1781 upon a showing by a person alleged to have employed or committed methods, acts, or practices declared unlawful by Section 1770 that all of the following exist:

(1) All consumers similarly situated have been identified, or a reasonable effort to identify such other consumers has been made.

(2) All consumers so identified have been notified that upon their request the person shall make the appropriate correction, repair, replacement, or other remedy of the goods and services.

(3) The correction, repair, replacement, or other remedy requested by the consumers has been, or, in a reasonable time, shall be, given.

(4) The person has ceased from engaging, or if immediate cessation is impossible or unreasonably expensive under the circumstances, the person will, within a reasonable time, cease to engage, in the methods, act, or practices.

(d) An action for injunctive relief brought under the specific provisions of Section 1770 may be commenced without compliance with subdivision (a). Not less than 30 days after the commencement of an action for injunctive relief, and after compliance with subdivision (a), the consumer may amend his or her complaint without leave of court to include a request for damages. The appropriate provisions of subdivision (b) or (c) shall be applicable if the complaint for injunctive relief is amended to request damages.

(e) Attempts to comply with this section by a person receiving a demand shall be construed to be an offer to compromise and shall be inadmissible as evidence pursuant to Section 1152 of the Evidence Code. Furthermore, these attempts to comply with a demand shall not be considered an admission of engaging in an act or practice declared unlawful by Section 1770. Evidence of compliance or attempts to comply with this section may be introduced by a defendant for the purpose of establishing good faith or to show compliance with this section.

SEC. 12. Section 1018 of the Code of Civil Procedure is repealed.

SEC. 13. Section 2104 of the Code of Civil Procedure is amended to read:

2104. The fee charged for recording and indexing each notice of lien or certificate or notice affecting the lien filed with the county recorder shall be the same as those established by Article 5 (commencing with Section 27360) of Chapter 6 of Part 3 of Division 2 of Title 3 of the Government Code for the recording and indexing of documents.

The fee for filing and indexing each notice of lien or certificate or notice affecting the lien with the office of the Secretary of State is set forth in subdivision (a) of Section 12194 of the Government Code.

The officer shall bill the district directors of internal revenue or other appropriate federal officials on a monthly basis for fees for documents recorded or filed by the county recorder or the Secretary of State.

SEC. 14. Section 9403 of the Commercial Code is amended to read:

9403. (1) Presentation for filing of a financing statement, tender of the filing fee and acceptance of the statement by the filing officer constitutes filing under this division.

(2) Except as provided in subdivision (6), a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five-year period unless a continuation statement is filed prior to the lapse. Upon the lapse the security interest becomes unperfected unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse. Upon lapse of a fixture filing, it is deemed to have been ineffective as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party of record within six months prior to the expiration of the five-year period specified in subdivision (2). The continuation statement must be signed by the secured party of record, identify the original statement by file number thereof, and state that the original statement is continued. A continuation statement filed to continue the effectiveness of a financing statement filed as a fixture filing (Section 9313) is not effective unless the following requirements are met:

(a) If the debtor did not have an interest of record in the real estate as of the date of the filing of the original statement, the continuation statement shall contain the name of a record owner of the real estate as of the date of the filing of the original statement.

(b) The continuation statement shall contain substantially the following statement: "This continuation statement is filed to continue the effectiveness of a financing statement filed as a fixture filing." The continuation statement shall clearly indicate the intent to continue the effectiveness of a financing statement as a fixture filing.

Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subdivision (2) unless another continuation statement is filed prior to the lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. The filing officer may remove a lapsed financing statement and related filings from the files and destroy them immediately if he or she has retained a microfilm or other photographic record, or in other cases after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he or she physically destroys the financing statements of a period more than five years past, those that have been continued by a continuation statement or that are still effective under subdivision (6) shall be retained. The filing officer shall not destroy a financing statement and related filings as to which he or she has received written notice that there is an action pending relative thereto.

(4) Except as provided in subdivision (7) a filing officer shall mark each financing statement with a consecutive file number and with the date and time of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition, the filing officer shall index the statement according to the name of the debtor and shall note in the index the file number and the address of the debtor given in this statement. The filing officer shall mark each continuation statement with the date and time of filing and shall index the same under the file number of the original financing statement.

(5) The uniform fee for filing, indexing, and furnishing filing data (subdivision (1) of Section 9407) for an original financing statement, an amendment, or a continuation statement is set forth in subdivision (b) of Section 12194 of the Government Code.

(6) If the debtor is a transmitting utility (subdivision (5) of Section 9401) and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage that is effective as a fixture filing under subdivision (6) of Section 9402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) A financing or continuation statement covering collateral described in paragraph (b) of subdivision (1) of Section 9401 or filed as a fixture filing shall be recorded and indexed by the filing officer in the real property index of grantors under the name of the debtor and any owner of record shown on the financing statement. A financing or continuation statement so recorded and indexed and containing a description of real property affected thereby shall constitute constructive notice from the time of its acceptance for recording to any purchaser or encumbrancer of the real property of the security interest in such collateral.

SEC. 15. Section 9404 of the Commercial Code is amended to read:

9404. (1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations, or otherwise give value, the secured party of record must on written demand by the debtor send the debtor a statement that he or she no longer claims a security interest under the financing statement, which shall be identified by file number. If the affected secured party of record fails to send a termination statement within 10 days after proper demand therefor he or she shall be liable to the debtor for all actual damages suffered by the debtor by reason of that failure, and if the failure is in bad faith for a penalty of one hundred dollars ($100).

(2) The filing officer shall mark each such termination statement with the date and time of filing and shall index the same under the name of the debtor and under the file number of the original financing statement. If the filing officer has a microfilm or other photographic record of the financing statement and related filings,

the filing officer may remove the originals from the files at any time after receipt of the termination statement and destroy them, or if he or she has no such record, he or she may remove them from his or her files at any time after one year after receipt of the termination statement and destroy them.

(3) The uniform fee for filing, indexing and furnishing filing data (subdivision (1) of Section 9407) for a termination statement is set forth in subdivision (b) of Section 12194 of the Government Code.

SEC. 16. Section 9405 of the Commercial Code is amended to read:

9405. (1) A secured party of record may by a writing release his or her security interest in all or a part of the collateral covered by a filed financing statement. A statement of release is sufficient if it is signed by the secured party of record and contains a statement describing the collateral being released, the name of the debtor, and the file number of the original financing statement.

(2) The filing officer shall mark each such statement with the date and time of filing and index the same under the name of the debtor and under the file number of the original financing statement.

(3) The uniform fee for filing, indexing and furnishing filing data (subdivision (1) of Section 9407) for a statement of release on a form conforming to standards prescribed by the Secretary of State is set forth in subdivision (b) of Section 12194 of the Government Code.

SEC. 17. Section 9406 of the Commercial Code is amended to read:

9406. (1) If a secured party assigns all or part of his or her security interest in all or part of collateral covered by a filed financing statement, a statement of assignment may be filed. The statement shall be signed by the secured party and shall give the name and mailing address of the assignee, the names of the assignor secured party and the debtor, the file number of the original financing statement, and, if the assignment is less than a full assignment of all of the security interest in all of the collateral covered by the filed financing statement, a description of the collateral affected by the assignment.

(2) The filing officer shall mark each such statement of assignment with the date and time of filing and shall index the same under the name of the debtor and under the file number of the original financing statement.

(3) A statement of assignment may be filed at the time of the filing of the financing statement, in which event the filing officer shall first file the financing statement and index the assignment under the name of the debtor and under the file number given the financing statement. An assignment endorsed on the financing statement before it is filed with the filing officer need not be indexed by the filing officer.

(4) The uniform fee for filing, indexing, and furnishing filing data (subdivision (1) of Section 9407) for a separate statement of

assignment is set forth in subdivision (b) of Section 12194 of the Government Code.

(5) Whenever a continuation statement, an amendment to a financing statement, a termination statement, a statement of release, or a statement of assignment signed by one other than the secured party of record is presented for filing it must be accompanied by a statement of assignment signed by the secured party of record covering the collateral to which the continuation statement, amendment, termination statement, release, or assignment applies.

(6) Wherever in this code reference is made to the secured party of record it means the secured party named in the original financing statement or, if a statement of assignment has been filed, or an assignee has been named in the financing statement before it is filed, the assignee of the security interest in the collateral affected. Any continuation statement, amendment to a financing statement, termination statement, statement of release, or statement of assignment signed by one other than the secured party of record as to the collateral affected thereby shall be ineffective for any purpose except as between the parties thereto.

SEC. 18. Section 9409 of the Commercial Code is amended to read:

9409. (a) Upon request of any person, the Secretary of State shall issue a combined certificate showing the information as to financing statements as specified in Section 9407, the information as to state tax liens as specified in Section 7226 of the Government Code, the information as to attachment liens as specified in Sections 488.375 and 488.405 of the Code of Civil Procedure, the information as to judgment liens as specified in Section 697.580 of the Code of Civil Procedure, and the information as to federal liens as specified in Section 2103 of the Code of Civil Procedure.

(b) The fee for the certificate is set forth in Section 12183 of the Government Code. The fee for copies is set forth in Section 12182 of the Government Code.

SEC. 19. Section 1107.5 is added to the Corporations Code, to read:

1107.5. (a) Upon merger pursuant to this chapter, a surviving domestic corporation shall assume the liability of a domestic disappearing corporation (1) to prepare and file, or to cause to be prepared and filed, tax and information returns otherwise required of the domestic disappearing corporation under the Bank and Corporation Tax Law (Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code) and (2) to pay any tax liability determined to be due.

(b) Notwithstanding Sections 1103, 1108, and 1110 of this code and Section 23334 of the Revenue and Taxation Code, if (1) the articles of incorporation of a domestic disappearing corporation were filed 60 days or less prior to the date of filing of the merger and (2) the surviving corporation is a domestic corporation, the Secretary of

State shall file the merger without the certificate of satisfaction of the Franchise Tax Board and shall notify the Franchise Tax Board of the merger.

SEC. 20. Section 1502 of the Corporations Code is amended to read:

1502. (a) Every corporation shall file, within 90 days after the filing of its original articles and biennially thereafter during the applicable filing period, on a form prescribed by the Secretary of State, a statement containing all of the following:

(1) The names and complete business or residence addresses of its incumbent directors.

(2) The number of vacancies on the board, if any.

(3) The names and complete business or residence addresses of its chief executive officer, secretary, and chief financial officer.

(4) The street address of its principal executive office.

(5) If the address of its principal executive office is not in this state, the street address of its principal business office in this state, if any.

(6) A statement of the general type of business that constitutes the principal business activity of the corporation (for example, manufacturer of aircraft; wholesale liquor distributor; or retail department store).

(b) The statement required by subdivision (a) shall also designate, as the agent of the corporation for the purpose of service of process, a natural person residing in this state or a corporation that has complied with Section 1505 and whose capacity to act as an agent has not terminated. If a natural person is designated, the statement shall set forth that person's complete business or residence address. If a corporate agent is designated, no address for it shall be set forth.

(c) If there has been no change in the information in the last filed statement of the corporation on file in the Secretary of State's office, the corporation may, in lieu of filing the statement required by subdivisions (a) and (b), advise the Secretary of State, on a form prescribed by the Secretary of State, that no changes in the required information have occurred during the applicable filing period.

(d) For the purposes of this section, the applicable filing period for a corporation shall be the calendar month during which its original articles were filed and the immediately preceding five calendar months. The Secretary of State shall mail a form for compliance with this section to each corporation approximately three months prior to the close of the applicable filing period. The form shall state the due date thereof and shall be mailed to the last address of the corporation according to the records of the Secretary of State. The failure of the corporation to receive the form is not an excuse for failure to comply with this section.

(e) Whenever any of the information required by subdivision (a) is changed, the corporation may file a current statement containing all the information required by subdivisions (a) and (b). In order to change its agent for service of process or the address of the agent, the

corporation must file a current statement containing all the information required by subdivisions (a) and (b). Whenever any statement is filed pursuant to this section, it supersedes any previously filed statement and the statement in the articles as to the agent for service of process and the address of the agent.

(f) The Secretary of State may destroy or otherwise dispose of any statement filed pursuant to this section after it has been superseded by the filing of a new statement.

(g) This section shall not be construed to place any person dealing with the corporation on notice of, or under any duty to inquire about, the existence or content of a statement filed pursuant to this section.

SEC. 21. Section 1905 of the Corporations Code is amended to read:

1905. (a) When a corporation has been completely wound up without court proceedings therefor, a majority of the directors then in office shall sign and verify a certificate of dissolution stating:

(1) That the corporation has been completely wound up.

(2) That its known debts and liabilities have been actually paid, or adequately provided for, or paid or adequately provided for as far as its assets permitted, or that it has incurred no known debts or liabilities, as the case may be. If there are known debts or liabilities for payment of which adequate provision has been made, the certificate shall state what provision has been made, setting forth the name and address of the corporation, person or governmental agency that has assumed or guaranteed the payment, or the name and address of the depositary with which deposit has been made or any other information that may be necessary to enable the creditor or other person to whom payment is to be made to appear and claim payment of the debt or liability.

(3) That the tax liability will be satisfied on a taxes paid basis or that a person or corporation or other business entity 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 and is responsible for additional corporate taxes, if any, that are assessed and that become due after the date of the assumption of the tax liability.

(4) That its known assets have been distributed to the persons entitled thereto or that it acquired no known assets, as the case may be.

(5) That the corporation is dissolved.

(6) If no certificate of election is to be filed pursuant to subdivision (c) of Section 1901, that the election to dissolve was made by the vote of all the outstanding shares.

(b) The assumption agreement specified in paragraph (3) of subdivision (a) shall be submitted to the Secretary of State for transmittal to the Franchise Tax Board. The statement provided for in paragraph (3) of subdivision (a) need not be set forth in the

certificate if the assumption agreement specified therein is submitted to the Secretary of State with the certificate.

(c) The certificate of dissolution shall be filed with the Secretary of State and thereupon the corporate powers, rights, and privileges of the corporation shall cease. The Secretary of State shall notify the Franchise Tax Board of the filing and shall forward to the Franchise Tax Board any statement of assumption of tax liability accompanying the certificate of dissolution. The Franchise Tax Board shall determine from the available evidence whether or not all taxes imposed on the corporation pursuant to Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code have been paid or secured and shall notify the taxpayer of any outstanding tax liability and the necessity of satisfying the liability. The Franchise Tax Board shall notify the Secretary of State when all taxes imposed on the corporation pursuant to Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code have been paid or secured, at which time the corporation shall be dissolved as of the date of filing the certificate of dissolution and thereupon its corporate existence shall cease.

(d) When a corporation files a certificate of dissolution the Secretary of State shall notify the corporation that the corporation will be dissolved as of the date of filing only if the Franchise Tax Board notifies the Secretary of State that all taxes imposed on the corporation pursuant to Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code have been paid or secured.

SEC. 22. Section 2117 of the Corporations Code is amended to read:

2117. (a) Every foreign corporation (other than a foreign association) qualified to transact intrastate business shall file, biennially during the applicable filing period, on a form prescribed by the Secretary of State, a statement containing: (1) the names and complete business or residence addresses of its chief executive officer, secretary, and chief financial officer; (2) the street address of its principal executive office; (3) the street address of its principal business office in this state, if any; and (4) a statement of the general type of business that constitutes the principal business activity of the corporation (for example, manufacturer of aircraft; wholesale liquor distributor; or retail department store). If the officers of the corporation use other titles, the statement shall include the officers performing comparable duties under other titles. If the corporation has no officers, or has no officers who are natural persons, the statement shall include the names of natural persons performing comparable duties for the corporation pursuant to a management contract or other arrangement.

(b) The statement required by subdivision (a) shall also designate, as the agent of the corporation for the purpose of service of process, a natural person residing in this state or a corporation that

has complied with Section 1505 and whose capacity to act as the agent has not terminated. If a natural person is designated, the statement shall set forth the person's complete business or residence address. If a corporate agent is designated, no address for it shall be set forth.

(c) Whenever any of the information required by subdivision (a) is changed, the corporation may file a current statement containing all the information required by subdivisions (a) and (b). In order to change its agent for service of process or the address of the agent, the corporation shall file a current statement containing all the information required by subdivisions (a) and (b). Whenever any statement is filed pursuant to this section, it supersedes any previously filed statement and the statement in the filing pursuant to Section 2105.

(d) Subdivisions (c), (d), (f), and (g) of Section 1502 apply to statements filed pursuant to this section except that "articles" shall mean the filing pursuant to Section 2105.

SEC. 23. Section 2205 of the Corporations Code is amended to read:

2205. (a) A corporation that (1) fails to file a statement pursuant to Section 1502 for an applicable filing period, (2) has not filed a statement pursuant to Section 1502 during the preceding 24 months, and (3) was certified for penalty pursuant to Section 2204 for the same filing period, shall be subject to suspension pursuant to this section rather than to penalty pursuant to Section 2204.

(b) When subdivision (a) is applicable, the Secretary of State shall mail a notice to the corporation informing the corporation that its corporate powers, rights, and privileges will be suspended after 60 days if it fails to file a statement pursuant to Section 1502.

(c) After the expiration of the 60-day period without any statement filed pursuant to Section 1502, the Secretary of State shall notify the Franchise Tax Board of the suspension, and mail a notice of the suspension to the corporation and thereupon, except for the purpose of amending the articles of incorporation to set forth a new name, the corporate powers, rights, and privileges of the corporation are suspended.

(d) A statement pursuant to Section 1502 may be filed notwithstanding suspension of the corporate powers, rights, and privileges pursuant to this section or Section 23301 or 23301.5 of the Revenue and Taxation Code. Upon the filing of a statement pursuant to Section 1502 by a corporation that has suffered suspension pursuant to this section, the Secretary of State shall certify that fact to the Franchise Tax Board and the corporation may thereupon be relieved from suspension unless the corporation is held in suspension by the Franchise Tax Board by reason of Section 23301 or 23301.5 of the Revenue and Taxation Code.

SEC. 24. Section 5008.6 of the Corporations Code is amended to read:

5008.6. (a) A corporation that (1) fails to file a statement pursuant to Section 6210, 8210, or 9660 for an applicable filing period, (2) has not filed a statement pursuant to Section 6210, 8210, or 9660 during the preceding 24 months, and (3) was certified for penalty pursuant to Section 6810, 8810, or 9690 for the same filing period, shall be subject to suspension pursuant to this section rather than to penalty under Section 6810 or 8810.

(b) When subdivision (a) is applicable, the Secretary of State shall mail a notice to the corporation informing the corporation that its corporate powers, rights, and privileges will be suspended 60 days from the date of the notice if the corporation does not file the statement required by Section 6210, 8210, or 9660.

(c) If the 60-day period expires without the delinquent corporation filing the required statement, the Secretary of State shall notify the Franchise Tax Board of the suspension, and mail a notice of the suspension to the corporation. Thereupon, except for the purpose of amending the articles of incorporation to set forth a new name or filing an application for exempt status, the corporate powers, rights, and privileges of the corporation are suspended.

(d) A statement required by Section 6210, 8210, or 9660 may be filed, notwithstanding suspension of the corporate powers, rights, and privileges under this section or under provisions of the Revenue and Taxation Code. Upon the filing of a statement under Section 6210, 8210, or 9660, by a corporation that has suffered suspension under this section, the Secretary of State shall certify that fact to the Franchise Tax Board and the corporation may thereupon be relieved from suspension, unless the corporation is held in suspension by the Franchise Tax Board because of Section 23301, 23301.5, or 23775 of the Revenue and Taxation Code.

SEC. 25. Section 6210 of the Corporations Code is amended to read:

6210. (a) Every corporation shall, within 90 days after the filing of its original articles and biennially thereafter during the applicable filing period, file, on a form prescribed by the Secretary of State, a statement containing: (1) the names and complete business or residence addresses of its chief executive officer, secretary, and chief financial officer; and (2) the street address of its principal office in this state, if any.

(b) The statement required by subdivision (a) shall also designate, as the agent of the corporation for the purpose of service of process, a natural person residing in this state or any domestic or foreign or foreign business corporation that has complied with Section 1505 and whose capacity to act as an agent has not terminated. If a natural person is designated, the statement shall set forth the person's complete business or residence address. If a corporate agent is designated, no address for it shall be set forth.

(c) For the purposes of this section, the applicable filing period for a corporation shall be the calendar month during which its original

articles were filed and the immediately preceding five calendar months. The Secretary of State shall mail a form for compliance with this section to each corporation approximately three months prior to the close of the applicable filing period. The form shall state the due date thereof and shall be mailed to the last address of the corporation according to the records of the Secretary of State. Neither the failure of the Secretary of State to mail the form nor the failure of the corporation to receive it is an excuse for failure to comply with this section.

(d) Whenever any of the information required by subdivision (a) is changed, the corporation may file a current statement containing all the information required by subdivisions (a) and (b). In order to change its agent for service of process or the address of the agent, the corporation must file a current statement containing all the information required by subdivisions (a) and (b). Whenever any statement is filed pursuant to this section, it supersedes any previously filed statement and the statement in the articles as to the agent for service of process and the address of the agent.

(e) The Secretary of State may destroy or otherwise dispose of any statement filed pursuant to this section after it has been superseded by the filing of a new statement.

(f) This section shall not be construed to place any person dealing with the corporation on notice of, or under any duty to inquire about, the existence or content of a statement filed pursuant to this section.

SEC. 26. Section 8210 of the Corporations Code is amended to read:

8210. (a) Every corporation shall, within 90 days after the filing of its original articles and biennially thereafter during the applicable filing period, file, on a form prescribed by the Secretary of State, a statement containing: (1) the names and complete business or residence addresses of its chief executive officer, secretary, and chief financial officer; and (2) the street address of its principal office in this state, if any.

(b) The statement required by subdivision (a) shall also designate, as the agent of the corporation for the purpose of service of process, a natural person residing in this state or any domestic or foreign or foreign business corporation that has complied with Section 1505 and whose capacity to act as an agent has not terminated. If a natural person is designated, the statement shall set forth the person's complete business or residence address. If a corporate agent is designated, no address for it shall be set forth.

(c) For the purposes of this section, the applicable filing period for a corporation shall be the calendar month during which its original articles were filed and the immediately preceding five calendar months. The Secretary of State shall mail a form for compliance with this section to each corporation approximately three months prior to the close of the applicable filing period. The form shall state the due date thereof and shall be mailed to the last address of the corporation

according to the records of the Secretary of State. Neither the failure of the Secretary of State to mail the form nor the failure of the corporation to receive it is an excuse for failure to comply with this section.

(d) Whenever any of the information required by subdivision (a) is changed, the corporation may file a current statement containing all the information required by subdivisions (a) and (b). In order to change its agent for service of process or the address of the agent, the corporation must file a current statement containing all the information required by subdivisions (a) and (b). Whenever any statement is filed pursuant to this section, it supersedes any previously filed statement and the statement in the articles as to the agent for service of process and the address of the agent.

(e) The Secretary of State may destroy or otherwise dispose of any statement filed pursuant to this section after it has been superseded by the filing of a new statement.

(f) This section shall not be construed to place any person dealing with the corporation on notice of, or under any duty to inquire about, the existence or content of a statement filed pursuant to this section.

SEC. 27. Section 15800 of the Corporations Code is amended to read:

15800. Every partnership, other than a foreign limited partnership subject to Chapter 3 (commencing with Section 15611) or a commercial or banking partnership established and transacting business in a place without the United States, that is domiciled without this state and has no regular place of business within this state, shall, within 40 days from the time it commences to do business in this state, file a statement in the office of the Secretary of State in accordance with Section 24003 designating some natural person or corporation as the agent of the partnership upon whom process issued by authority of or under any law of this state directed against the partnership may be served. A copy of the designation, duly certified by the Secretary of State, is sufficient evidence of the appointment.

The process may be served in the manner provided in subdivision (e) of Section 24003 on the person so designated, or, in the event that no such person has been designated, or if the agent designated for the service of process is a natural person and cannot be found with due diligence at the address stated in the designation, or if the agent is a corporation and no person can be found with due diligence to whom the delivery authorized by subdivision (e) of Section 24003 may be made for the purpose of delivery to the corporate agent, or if the agent designated is no longer authorized to act, then service may be made by personal delivery to the Secretary of State, Assistant Secretary of State, or a Deputy Secretary of State of the process, together with a written statement signed by the party to the action seeking the service, or by the party's attorney, setting forth the last known address of the partnership and a service fee as set forth in

Section 12197 of the Government Code. The Secretary of State shall immediately give notice of the service to the partnership by forwarding the process to it by registered mail, return receipt requested, at the address given in the written statement.

Service on the person designated, or personal delivery of the process and statement of address together with a service fee as set forth in Section 12197 of the Government Code to the Secretary of State, Assistant Secretary of State, or a Deputy Secretary of State, pursuant to this section is a valid service on the partnership. The partnership so served shall appear within 30 days after service on the person designated or within 30 days after delivery of the process to the Secretary of State, Assistant Secretary of State, or a Deputy Secretary of State.

SEC. 28. Section 16953 of the Corporations Code is amended to read:

16953. (a) To become a registered limited liability partnership, a partnership, other than a limited partnership, shall file with the Secretary of State a registration, executed by one or more partners authorized to execute a registration, stating all of the following:

(1) The name of the partnership.

(2) The address of its principal office.

(3) The name and address of the agent for service of process on the limited liability partnership in California.

(4) A brief statement of the business in which the partnership engages.

(5) Any other matters that the partnership determines to include.

(6) That the partnership is registering as a registered limited liability partnership.

(b) The registration shall be accompanied by a fee as set forth in subdivision (a) of Section 12189 of the Government Code.

(c) The Secretary of State shall register as a registered limited liability partnership any partnership that submits a completed registration with the required fee.

(d) The Secretary of State may cancel the filing of the registration if a check or other remittance accepted in payment of the filing fee is not paid upon presentation. Upon receiving written notification that the item presented for payment has not been honored for payment, the Secretary of State shall give a first written notice of the applicability of this section to the agent for service of process or to the person submitting the instrument. Thereafter, if the amount has not been paid by cashier's check or equivalent, the Secretary of State shall give a second written notice of cancellation and the cancellation shall thereupon be effective. The second notice shall be given 20 days or more after the first notice and 90 days or less after the date of the original filing.

(e) A partnership becomes a registered limited liability partnership at the time of the filing of the initial registration with the Secretary of State or at any later date or time specified in the

registration and the payment of the fee required by subdivision (b). A partnership continues as a registered limited liability partnership until a notice that it is no longer a registered limited liability partnership has been filed pursuant to subdivision (b) of Section 16954 or, if applicable, until it has been dissolved and finally wound up. The status of a partnership as a registered limited liability partnership and the liability of a partner of the registered limited liability partnership shall not be adversely affected by errors or subsequent changes in the information stated in a registration under subdivision (a) or an amended registration or notice under Section 16954.

(f) The fact that a registration or amended registration pursuant to this section is on file with the Secretary of State is notice that the partnership is a registered limited liability partnership and of those other facts contained therein that are required to be set forth in the registration or amended registration.

(g) The Secretary of State shall provide a form for a registration under subdivision (a), which shall include the form for confirming compliance with the optional security requirement pursuant to subdivision (c) of Section 16956.

(h) A limited liability partnership providing professional limited liability partnership services in this state shall comply with all statutory and administrative registration or filing requirements of the state board, commission, or other agency that prescribes the rules and regulations governing the particular profession in which the partnership proposes to engage, pursuant to the applicable provisions of the Business and Professions Code relating to that profession. No such state board, commission, or other agency shall disclose, unless compelled by a subpoena or other order of a court of competent jurisdiction, any information it receives in the course of evaluating the compliance of a limited liability partnership with applicable statutory and administrative registration or filing requirements, provided that nothing in this section shall be construed to prevent a state board, commission, or other agency from disclosing the manner in which the limited liability partnership has complied with the requirements of Section 16956, or the compliance or noncompliance by the limited liability partnership with any other requirements of the state board, commission, or other agency.

SEC. 29. Section 16954 of the Corporations Code is amended to read:

16954. (a) The registration of a registered limited liability partnership may be amended by an amended registration executed by one or more partners authorized to execute an amended registration and filed with the Secretary of State, as soon as reasonably practical after any information set forth in the registration or previously filed amended registration becomes inaccurate or to add information to the registration or amended registration.

(b) If a registered limited liability partnership ceases to be a registered limited liability partnership, it shall file with the Secretary of State a notice, executed by one or more partners authorized to execute the notice, that it is no longer a registered limited liability partnership. A tax clearance certificate issued by the Franchise Tax Board pursuant to Section 17948.1 of the Revenue and Taxation Code shall be filed with the notice.

(c) An amendment pursuant to subdivision (a) and a notice pursuant to subdivision (b) shall each be accompanied by a fee as set forth in subdivision (c) of Section 12189 of the Government Code.

(d) The Secretary of State shall provide forms for an amended registration under subdivision (a) and a notice under subdivision (b).

SEC. 30. Section 16959 of the Corporations Code is amended to read:

16959. (a) (1) Before transacting intrastate business in this state, a foreign limited liability partnership shall comply with all statutory and administrative registration or filing requirements of the state board, commission, or agency that prescribes the rules and regulations governing a particular profession in which the partnership proposes to be engaged, pursuant to the applicable provisions of the Business and Professions Code relating to the profession or applicable rules adopted by the governing board. A foreign limited liability partnership that transacts intrastate business in this state shall within 30 days after the effective date of the act enacting this section or the date on which the foreign limited liability partnership first transacts intrastate business in this state, whichever is later, register with the Secretary of State by submitting to the Secretary of State an application for registration as a foreign limited liability partnership, signed by a person with authority to do so under the laws of the jurisdiction of formation of the foreign limited liability partnership, stating the name of the partnership, the address of its principal office, the name and address of its agent for service of process in this state, a brief statement of the business in which the partnership engages, and any other matters that the partnership determines to include.

(2) Annexed to the application for registration shall be a certificate from an authorized public official of the foreign limited liability partnership's jurisdiction of organization to the effect that the foreign limited liability partnership is in good standing in that jurisdiction, if the laws of that jurisdiction permit the issuance of those certificates, or, in the alternative, a statement by the foreign limited liability partnership that the laws of its jurisdiction of organization do not permit the issuance of those certificates.

(b) The registration shall be accompanied by a fee as set forth in subdivision (b) of Section 12189 of the Government Code.

(c) The Secretary of State shall register as a foreign limited liability partnership any partnership that submits a completed application for registration with the required fee.

(d) The Secretary of State may cancel the filing of the registration if a check or other remittance accepted in payment of the filing fee is not paid upon presentation. Upon receiving written notification that the item presented for payment has not been honored for payment, the Secretary of State shall give a first written notice of the applicability of this section to the agent for service of process or to the person submitting the instrument. Thereafter, if the amount has not been paid by cashier's check or equivalent, the Secretary of State shall give a second written notice of cancellation and the cancellation shall thereupon be effective. The second notice shall be given 20 days or more after the first notice and 90 days or less after the original filing.

(e) A partnership becomes registered as a foreign limited liability partnership at the time of the filing of the initial registration with the Secretary of State or at any later date or time specified in the registration and the payment of the fee required by subdivision (b). A partnership continues to be registered as a foreign limited liability partnership until a notice that it is no longer so registered as a limited liability partnership has been filed pursuant to Section 16960 or, if applicable, once it has been dissolved and finally wound up. The status of a partnership registered as a foreign limited liability partnership and the liability of a partner of that foreign limited liability partnership shall not be adversely affected by errors or subsequent changes in the information stated in an application for registration under subdivision (a) or an amended registration or notice under Section 16960.

(f) The fact that a registration or amended registration pursuant to Section 16960 is on file with the Secretary of State is notice that the partnership is a foreign limited liability partnership and of those other facts contained therein that are required to be set forth in the registration or amended registration.

(g) The Secretary of State shall provide a form for a registration under subdivision (a), which shall include the form for confirming compliance with the optional security requirement pursuant to subdivision (c) of Section 16956.

(h) A foreign limited liability partnership transacting intrastate business in this state shall not maintain any action, suit, or proceeding in any court of this state until it has registered in this state pursuant to this section.

(i) Any foreign limited liability partnership that transacts intrastate business in this state without registration is subject to a penalty of twenty dollars ($20) for each day that unauthorized intrastate business is transacted, up to a maximum of ten thousand dollars ($10,000).

(j) A partner of a foreign limited liability partnership is not liable for the debts or obligations of the foreign limited liability partnership solely by reason of its having transacted business in this state without registration.

(k) A foreign limited liability partnership, transacting business in this state without registration, appoints the Secretary of State as its agent for service of process with respect to causes of action arising out of the transaction of business in this state.

(*l*) "Transact intrastate business" as used in this section means to repeatedly and successively provide professional limited liability partnership services in this state, other than in interstate or foreign commerce.

(m) Without excluding other activities that may not be considered to be transacting intrastate business, a foreign limited liability partnership shall not be considered to be transacting intrastate business merely because its subsidiary or affiliate transacts intrastate business, or merely because of its status as any one or more of the following:

(1) A shareholder of a domestic corporation.

(2) A shareholder of a foreign corporation transacting intrastate business.

(3) A limited partner of a foreign limited partnership transacting intrastate business.

(4) A limited partner of a domestic limited partnership.

(5) A member or manager of a foreign limited liability company transacting intrastate business.

(6) A member or manager of a domestic limited liability company.

(n) Without excluding other activities that may not be considered to be transacting intrastate business, a foreign limited liability partnership shall not be considered to be transacting intrastate business within the meaning of this subdivision solely by reason of carrying on in this state any one or more of the following activities:

(1) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.

(2) Holding meetings of its partners or carrying on any other activities concerning its internal affairs.

(3) Maintaining bank accounts.

(4) Maintaining offices or agencies for the transfer, exchange, and registration of the foreign limited liability partnership's securities or maintaining trustees or depositories with respect to those securities.

(5) Effecting sales through independent contractors.

(6) Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where those orders require acceptance without this state before becoming binding contracts.

(7) Creating or acquiring evidences of debt or mortgages, liens, or security interest in real or personal property.

(8) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts.

(9) Conducting an isolated transaction that is completed within 180 days and not in the course of a number of repeated transactions of a like nature.

(o) A person shall not be deemed to be transacting intrastate business in this state merely because of its status as a partner of a registered limited liability partnership or a foreign limited liability company whether or not registered to transact intrastate business in this state.

(p) The Attorney General may bring an action to restrain a foreign limited liability partnership from transacting intrastate business in this state in violation of this chapter.

(q) Nothing in this section is intended to, or shall, augment, diminish, or otherwise alter existing provisions of law, statutes, or court rules relating to services by a California architect, California public accountant, or California attorney in another jurisdiction, or services by an out-of-state architect, out-of-state public accountant, or out-of-state attorney in California.

SEC. 31. Section 16960 of the Corporations Code is amended to read:

16960. (a) The registration of a foreign limited partnership may be amended by an amended registration executed by one or more partners authorized to execute an amended registration and filed with the Secretary of State, as soon as reasonably practical after any information set forth in the registration or previously filed amended registration becomes inaccurate, to add information to the registration or amended registration or to withdraw its registration as a foreign limited liability partnership.

(b) If a foreign limited partnership ceases to be a limited liability partnership, it shall file with the Secretary of State a notice, executed by one or more partners authorized to execute the notice, that it is no longer a foreign limited liability partnership. A tax clearance certificate issued by the Franchise Tax Board pursuant to Section 17948.1 of the Revenue and Taxation Code shall be filed with the notice.

(c) A foreign limited liability partnership that is, but is no longer required to be, registered under Section 16959 may withdraw its registration by filing a notice with the Secretary of State, executed by one or more partners authorized to execute the notice.

(d) The Secretary of State shall provide forms for an amended registration under subdivision (a) and notices under subdivisions (b) and (c).

(e) The filing of amended registration forms pursuant to subdivision (a) and a notice pursuant to subdivision (b) or (c) shall each be accompanied by a fee as set forth in subdivision (d) of Section 12189 of the Government Code.

SEC. 32. Section 16962 of the Corporations Code is amended to read:

16962. (a) Each registered limited liability partnership whose principal office is not in this state and each foreign limited liability partnership registered under Section 16959 shall designate as its agent for service of process any natural person or a domestic or

foreign corporation entitled to be designated as agent for the service of process pursuant to Section 1505.

(b) In addition to service that may be made as provided in Section 416.40 of the Code of Civil Procedure, delivery by hand of a copy of any process against a registered limited liability partnership or foreign limited liability partnership registered under Section 16959 (1) to any natural person designated by it as agent or (2), if a corporate agent has been designated, to any person named in the latest certificate of the corporate agent filed pursuant to Section 1505 at the office of that corporate agent shall constitute valid service on the registered limited liability partnership or foreign limited liability partnership.

(c) If an agent for the purpose of service of process has resigned and has not been replaced or if the agent designated cannot with reasonable diligence be found at the address designated for personally delivering the process, or if no agent has been designated, and it is shown by affidavit to the satisfaction of the court that process against a registered limited liability partnership or foreign limited liability partnership required to be registered under Section 16959 cannot be served with reasonable diligence upon the designated agent by hand in the manner provided in Section 415.10, subdivision (a) of Section 415.20, or subdivision (a) of Section 415.30 of the Code of Civil Procedure or upon the registered limited liability partnership or foreign limited liability partnership in the manner provided in Section 416.40 of the Code of Civil Procedure, the court may make an order that the service be made upon the registered limited liability partnership or foreign limited liability partnership by delivering by hand to the Secretary of State, or to any person employed in the Secretary of State's office in the capacity of assistant or deputy, one copy of the process for each defendant to be served, together with a copy of the order authorizing that service. If the court makes that order, the Secretary of State who receives the process, or the person employed in the Secretary of State's office in the capacity of assistant or deputy who receives the process, is required to accept the process. A fee as set forth in subdivision (b) of Section 12197 of the Government Code shall be paid to the Secretary of State for the use of the state upon receipt of the process. Service in this manner shall be deemed complete on the 10th day after delivery of the process to the Secretary of State.

(d) Upon the receipt of the copy of process and the fee therefor, the Secretary of State shall give notice of the service of process to the registered limited liability partnership or foreign limited liability partnership registered under Section 16959 at its principal executive office, by forwarding to that office, by registered mail with request for return receipt, the copy of the process or, if the records of the Secretary of State do not disclose an address for that principal executive office, by forwarding the copy in the same manner to the last designated agent for service of process who has not resigned. If

the agent for service of process has resigned and has not been replaced and the records of the Secretary of State do not disclose an address for its principal executive office, no action need be taken by the Secretary of State.

(e) The Secretary of State shall keep a record of all process served upon the Secretary of State under this section and shall record therein the time of service and the Secretary of State's action with reference thereto. The certificate of the Secretary of State, under the Secretary of State's official seal, certifying to the receipt of process, the giving of notice thereof to the registered limited liability partnership or foreign limited liability partnership, and the forwarding of the process pursuant to this section shall be competent and prima facie evidence of the matters stated therein.

(f) The court order pursuant to subdivision (c) that service of process be made upon the registered limited liability partnership or foreign limited liability partnership by delivery to the Secretary of State may be a court order of a court of another state, or of any federal court, if the suit, action, or proceeding has been filed in that court.

SEC. 33. Section 17060 of the Corporations Code is amended to read:

17060. (a) Every limited liability company and every foreign limited liability company registered to transact intrastate business in this state shall file within 90 days after the filing of its original articles of organization and biennially thereafter during the applicable filing period, on a form prescribed by the Secretary of State, a statement containing:

(1) The name of the limited liability company and the Secretary of State's file number and, in the case of a foreign limited liability company, the state under the laws of which it is organized.

(2) The name and address of the agent for service of process required to be maintained pursuant to subdivision (b) of Section 17057. If a corporate agent is designated, only the name of the agent shall be set forth.

(3) The street address of its principal executive office and, in the case of a domestic limited liability company, of the office required to be maintained pursuant to Section 17057.

(4) The name and complete business or residence addresses of any manager or managers and the chief executive officer, if any, appointed or elected in accordance with the articles of organization or operating agreement or, if no manager has been so elected or appointed, the name and business or residence address of each member.

(5) The general type of business that constitutes the principal business activity of the limited liability company (for example, manufacturer of aircraft; wholesale liquor distributor; or retail department store).

(b) If there has been no change in the information in the last filed statement of the limited liability company on file in the Secretary of

State's office, the limited liability company may, in lieu of filing the statement required by subdivision (a), advise the Secretary of State, on a form prescribed by the Secretary of State, that no changes in the required information have occurred during the applicable filing period.

(c) For the purposes of this section, the applicable filing period for a limited liability company shall be the calendar month during which its original articles of organization were filed or, in the case of a foreign limited liability company, the month during which its application for registration was filed, and the immediately preceding five calendar months. The Secretary of State shall mail a form for compliance with this section to each limited liability company approximately three months prior to the close of the applicable filing period. The form shall state the due date thereof and shall be mailed to the last address of the limited liability company according to the records of the Secretary of State. The failure of the limited liability company to receive the form shall not exempt the limited liability company from complying with this section.

(d) Whenever any of the information required by subdivision (a) changes, other than the name and address of the agent for service of process, the limited liability company may file a current statement containing all the information required by subdivision (a). When changing its agent for service of process or when the address of the agent changes, the limited liability company shall file a current statement containing all the information required by subdivision (a). Whenever any statement is filed pursuant to this section changing the name and address of the agent for service of process, that statement supersedes any previously filed statement pursuant to this section, the statement in the original articles of organization, and the statement in any restated articles of organization that have been filed, or in the case of a foreign limited liability company, in the application for registration. Whenever restated articles of organization are filed, the statement therein, if any, of the name and address of the agent for service of process supersedes any previously filed statement pursuant to this section.

(e) The Secretary of State may destroy or otherwise dispose of any statement filed pursuant to this section after it has been superseded by the filing of a new statement.

(f) This section shall not be construed to place any person dealing with the limited liability company on notice of, or under any duty to inquire about, the existence or content of a statement filed pursuant to this section.

SEC. 34. Section 17356 of the Corporations Code is amended to read:

17356. (a) (1) The managers shall cause to be filed in the office of, and on a form prescribed by, the Secretary of State, a certificate of dissolution upon the dissolution of the limited liability company pursuant to Chapter 8 (commencing with Section 17350), unless the

event causing the dissolution is that specified in subdivision (c) of Section 17350, in which case the managers or members conducting the winding up of the limited liability company's affairs pursuant to Section 17352 shall have the obligation to file the certificate of dissolution.

(2) The certificate of dissolution shall set forth all of the following:

(A) The name of the limited liability company and the Secretary of State's file number.

(B) Any other information the managers or members filing the certificate of dissolution determine to include.

(3) If a dissolution pursuant to subdivision (b) of Section 17350 is made by the vote of all of the members and a statement to that effect is added to the certificate of cancellation of articles of organization pursuant to subdivision (b), the separate filing of a certificate of dissolution pursuant to this subdivision is not required.

(b) (1) The managers or members who filed the certificate of dissolution shall cause to be filed in the office of, and on a form prescribed by, the Secretary of State, a certificate of cancellation of articles of organization upon the completion of the winding up of the affairs of the limited liability company pursuant to Chapter 8 (commencing with Section 17350), unless the event causing the dissolution is that specified in subdivision (c) of Section 17350, in which case the managers or members conducting the winding up of the limited liability company's affairs pursuant to Section 17352 shall have the obligation to file the certificate of cancellation of articles of organization.

(2) The certificate of cancellation of articles of organization shall set forth all of the following:

(A) The name of the limited liability company and the Secretary of State's file number.

(B) A statement that the tax liability will be satisfied on a taxes paid basis or that a person, limited liability company, or other business entity assumes the tax liability, if any, of the dissolving limited liability company as security for the issuance of a tax clearance certificate from the Franchise Tax Board and is responsible for additional taxes or fees, if any, that are assessed under the Revenue and Taxation Code and become due after the date of the assumption of tax liability.

(C) Any other information the managers or members filing the certificate of cancellation of articles of organization determine to include.

(3) The Secretary of State shall notify the Franchise Tax Board of the filing and shall forward to the Franchise Tax Board any statement of assumption of tax liability accompanying the certificate of cancellation. The Franchise Tax Board shall determine from the available evidence whether or not all taxes and fees imposed on the limited liability company under the Revenue and Taxation Code have been paid or secured and shall notify the taxpayer of any

outstanding tax or fee liability and the necessity of satisfying that liability.

(4) The Franchise Tax Board shall notify the Secretary of State when all taxes and fees imposed on the limited liability company under the Revenue and Taxation Code have been paid or secured, at which time the limited liability company shall cease to exist as of the date of filing its certificate of cancellation of articles of organization.

(5) When a limited liability company files a certificate of cancellation of articles of organization, the Secretary of State shall notify the limited liability company that the limited liability company will be dissolved as of the date of filing only if the Franchise Tax Board notifies the Secretary of State that all taxes and fees imposed on the limited liability company pursuant to Chapter 1.6 of Part II (commencing with Section 23091) of Division 2 of the Revenue and Taxation Code have been paid or secured.

SEC. 35. Section 17375 is added to the Corporations Code, to read:

17375. Nothing in this title shall be construed to permit a domestic or foreign limited liability company to render professional services, as defined in subdivision (a) of Section 13401, in this state.

SEC. 36. Section 17654 of the Corporations Code is amended to read:

17654. (a) A limited liability company that (1) fails to file a statement pursuant to Section 17060 for an applicable filing period, (2) has not filed a statement pursuant to Section 17060 during the preceding 24 months, and (3) was certified for penalty pursuant to Section 17653 for the same filing period, shall be subject to suspension pursuant to this section rather than to penalty pursuant to Section 17653.

(b) When subdivision (a) is applicable, the Secretary of State shall mail a notice to the limited liability company informing the limited liability company that its powers, rights, and privileges will be suspended after 60 days if it fails to file a statement pursuant to Section 17060.

(c) After the expiration of the 60-day period without any statement filed pursuant to Section 17060, the Secretary of State shall notify the Franchise Tax Board of the suspension, and mail a notice of the suspension to the limited liability company and thereupon, except for the purpose of amending the articles of organization to set forth a new name, the powers, rights, and privileges of the limited liability company are suspended.

(d) A statement pursuant to Section 17060 may be filed notwithstanding suspension of the powers, rights, and privileges pursuant to this section or Section 23301 or 23301.5 of the Revenue and Taxation Code. Upon the filing of a statement pursuant to Section 17060 by a limited liability company that has suffered suspension pursuant to this section, the Secretary of State shall certify that fact to the Franchise Tax Board and the limited liability company may

thereupon be relieved from suspension unless the limited liability company is held in suspension by the Franchise Tax Board by reason of Section 23301 or 23301.5 of the Revenue and Taxation Code.

SEC. 37. Chapter 15 (commencing with Section 17700) of Title 2.5 of the Corporations Code is repealed.

SEC. 38. Section 21304 of the Corporations Code is amended to read:

21304. The Secretary of State shall charge and collect a fee as set forth in paragraph (2) of subdivision (b) of Section 12191 of the Government Code for each registration made under this chapter.

SEC. 39. Section 24003 of the Corporations Code is amended to read:

24003. (a) An unincorporated association may file with the Secretary of State on a form prescribed by the Secretary of State a statement containing either of the following:

(1) A statement designating the location and complete address of the association's principal office in this state. Only one such place may be designated.

(2) A statement (i) designating the location and complete address of the association's principal office in this state in accordance with paragraph (1) or, if the association does not have an office in this state, designating the complete address of the association to which the Secretary of State shall send any notices required to be sent to the association under Sections 24005 and 24006, and (ii) designating as agent of the association for service of process any natural person residing in this state or any corporation that has complied with Section 1505 and whose capacity to act as an agent has not terminated.

(b) If a natural person is designated as agent for service of process, the statement shall set forth the person's complete business or residence address. If a corporate agent is designated, no address for it shall be set forth.

(c) Presentation for filing of a statement and one copy, tender of the filing fee, and acceptance of the statement by the office of the Secretary of State constitutes filing under this section. The Secretary of State shall note upon the copy of the statement the file number and the date of filing the original and deliver or send the copy to the unincorporated association filing the statement.

(d) At any time, an unincorporated association that has filed a statement under this section may file a new statement superseding the last previously filed statement. If the new statement does not designate an agent for service of process, the filing of the new statement shall be deemed to revoke the designation of an agent previously designated. A statement filed under this section expires five years from December 31 following the date it was filed in the office of the Secretary of State, unless previously superseded by the filing of a new statement.

(e) Delivery by hand of a copy of any process against the unincorporated association (1) to any natural person designated by it as agent, or (2) if the association has designated a corporate agent, to any person named in the last certificate of the corporate agent filed pursuant to Section 1505 at the office of the corporate agent shall constitute valid service on the association.

(f) For filing a statement as provided in this section, the Secretary of State shall charge and collect the fee prescribed in paragraph (1) of subdivision (b) of Section 12191 of the Government Code for filing a designation of agent.

SEC. 40. Section 24004 of the Corporations Code is amended to read:

24004. (a) The Secretary of State shall mark each statement filed under Section 24003 with a consecutive file number and the date of filing. He or she may destroy or otherwise dispose of any such statement four years after the statement expires. In lieu of retaining the original statement, the Secretary of State may retain a copy thereof in accordance with Section 14756 of the Government Code.

(b) The Secretary of State shall index each statement filed under Section 24003 according to the name of the unincorporated association as set out in the statement and shall enter in the index the file number and the address of the association as set out in the statement and, if an agent for service of process is designated in the statement, the name of the agent and, if a natural person is designated as the agent, the address of that person.

(c) Upon request of any person, the Secretary of State shall issue a certificate showing whether, according to the records of the office of the Secretary of State, there is on file on the date and hour stated therein, any presently effective statement filed under Section 24003 for an unincorporated association using a specific name designated by the person making the request. If such a statement is on file, the certificate shall include the information required by subdivision (b) to be included in the index. The fee for the certificate is as set forth in Section 12183 of the Government Code.

(d) When a statement has expired under subdivision (d) of Section 24003, the Secretary of State shall enter that fact in the index together with the date of the expiration.

(e) Four years after a statement has expired, the Secretary of State may delete the information concerning that statement from the index.

SEC. 41. Section 5805 of the Financial Code is repealed.

SEC. 42. Section 6518 of the Government Code is amended to read:

6518. (a) A joint powers agency, without being subject to any limitations of any party to the joint powers agreement pursuant to Section 6509, may also finance or refinance the acquisition or transfer of transit equipment or transfer federal income tax benefits with respect to any transit equipment by executing agreements, leases,

purchase agreements, and equipment trust certificates in the forms customarily used by a private corporation engaged in the transit business to effect purchases of transit equipment, and dispose of the equipment trust certificates by negotiation or public sale upon terms and conditions authorized by the parties to the agreement. Payment for transit equipment, or rentals therefor, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates payable from any source or sources of funds specified in the equipment trust certificates that are authorized by the parties to the agreement. Title to the transit equipment shall not vest in the joint powers agency until the equipment trust certificates are paid.

(b) An agency that finances or refinances transit equipment or transfers federal income tax benefits with respect to transit equipment under subdivision (a) may provide in the agreement to purchase or lease transit equipment any of the following:

(1) A direction that the vendor or lessor shall sell and assign or lease the transit equipment to a bank or trust company, duly authorized to transact business in the state as trustee, for the benefit and security of the equipment trust certificates.

(2) A direction that the trustee shall deliver the transit equipment to one or more designated officers of the entity.

(3) An authorization for the joint powers agency to execute and deliver simultaneously therewith an installment purchase agreement or a lease of equipment to the joint powers agency.

(c) An agency that finances or refinances transit equipment or transfers federal income tax benefits with respect to transit equipment under subdivision (a) shall do all of the following:

(1) Have each agreement or lease duly acknowledged before a person authorized by law to take acknowledgments of deeds and be acknowledged in the form required for acknowledgment of deeds.

(2) Have each agreement, lease, or equipment trust certificate authorized by resolution of the joint powers agency.

(3) Include in each agreement, lease, or equipment trust certificate any covenants, conditions, or provisions that may be deemed necessary or appropriate to ensure the payment of the equipment trust certificate from legally available sources of funds, as specified in the equipment trust certificates.

(4) Provide that the covenants, conditions, and provisions of an agreement, lease, or equipment trust certificate do not conflict with any of the provisions of any trust agreement securing the payment of any bond, note, or certificate of the joint powers agency.

(5) File an executed copy of each agreement, lease, or equipment trust certificate in the office of the Secretary of State, and pay the fee, as set forth in paragraph (3) of subdivision (a) of Section 12195 of the Government Code, for each copy filed.

(d) The Secretary of State may charge a fee for the filing of an agreement, lease, or equipment trust certificate under this section.

The agreement, lease, or equipment trust certificate shall be accepted for filing only if it expressly states thereon in an appropriate manner that it is filed under this section. The filing constitutes notice of the agreement, lease, or equipment trust certificate to any subsequent judgment creditor or any subsequent purchaser.

(e) Each vehicle purchased or leased under this section shall have the name of the owner or lessor plainly marked on both sides thereof followed by the appropriate words "Owner and Lessor" or "Owner and Vendor," as the case may be.

SEC. 43. Section 12164.5 of the Government Code is repealed.

SEC. 44. Section 12164.7 of the Government Code is repealed.

SEC. 45. Section 12168.5 of the Government Code is amended to read:

12168.5. (a) When not inconsistent with other provisions of law, in lieu of filing or recording documents presented in paper format, the Secretary of State may adopt rules and regulations to authorize the electronic filing, including filing by facsimile, of any document required to be filed with the Secretary of State under any act administered by the Secretary of State. The rules and regulations may set forth standards for the acceptance of a signature in a form other than the proper handwriting of the person filing a document that requires his or her signature. A signature on a document electronically filed or filed by facsimile in accordance with those rules and regulations is prima facie evidence for all purposes that the document actually was signed by the person whose signature appears on the electronically filed document or facsimile.

The filing or recording shall constitute a unique computerized informational record. The record need not be retained in the form in which it is received, if the technology used to retain the record results in a permanent record that does not permit additions, deletions, or changes in the original document and from which an accurate image may be created during the period for which the record is required to be retained.

The filing officer may employ a system of microphotography, optical disk, or reproduction by other techniques that do not permit additions, deletions, or changes to the original document.

(b) Notwithstanding Section 7550.5, the Secretary of State shall prepare and submit to the Legislature at the commencement of the public comment period required under Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 a report of, and a copy of, any rules and regulations proposed pursuant to subdivision (a) to authorize the electronic filing, including filing by facsimile, of documents required to be filed with the Secretary of State.

(c) All film used in the microphotography process shall comply with minimum standards of quality approved by the United States Bureau of Standards and the American National Standards Institute. A true copy of the microfilm, optical disk, or other storage medium shall be kept in a safe and separate place for security purposes. A

reproduction of any document filed, recorded, stored, or retained on microfilm, optical disk, or by other technology pursuant to this section shall be as admissible in any court as the original itself.

The Secretary of State shall obtain the approval of the Fair Political Practices Commission before applying this section to a filing or recording under the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)).

SEC. 46. Section 12175 is added to the Government Code, to read:

12175. The Secretary of State shall keep a fee book. There shall be entered in the book all fees, commissions, and compensation of whatever nature or kind that are earned, collected, or charged, with the date, name of payer, paid or not paid, and the nature of the service in each case. The book shall be verified annually by the Secretary of State's affidavit entered therein.

SEC. 47. Section 12176 is added to the Government Code, to read:

12176. (a) Commencing July 1, 1992, all fees collected by the Secretary of State's office pursuant to the Business and Professions Code, Code of Civil Procedure, Commercial Code, Corporations Code, Food and Agricultural Code, Harbors and Navigation Code, and this code, excluding Section 81008 of this code, shall be paid into the Secretary of State's Business Fees Fund which was created by former Section 12181 and is hereby continued in existence in the State Treasury for the administration of that portion of the Secretary of State's functions under these codes.

(b) It is the intent of the Legislature that moneys deposited into the Secretary of State's Business Fees Fund shall be used to support the programs from which fees are collected. It is further the intent of the Legislature that fees shall be sufficient to cover the costs of these programs and shall be expended, commencing in the 1992-93 fiscal year, to the extent that appropriations are made in the annual Budget Act. Of the fees collected, and any interest earned thereon, in excess of the authority of the Secretary of State to expend pursuant to the annual Budget Act, up to one million dollars ($1,000,000) may remain in the Secretary of State's Business Fee Fund. Any additional excess fees and interest earned shall be transferred to the General Fund at the end of each fiscal year.

At least weekly, all fees collected by the Secretary of State shall be paid into the State Treasury.

SEC. 48. Section 12177 is added to the Government Code, to read:

12177. For services performed in his or her office, the Secretary of State shall charge and collect the fees fixed in this article.

SEC. 49. Section 12178 is added to the Government Code, to read:

12178. No member of the Legislature or state officer shall be charged for any search relative to matters appertaining to the duties of his or her office, nor shall he or she be charged any fee for a certified copy of any law or resolution passed by the Legislature relative to his or her official duties.

SEC. 50. Section 12178.1 is added to the Government Code, to read:

12178.1. (a) Except for copies of documents on file prepared pursuant to Section 12182, 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 one dollar ($1) for the first page, and fifty cents ($0.50) for each additional page.

(b) Except for copies of documents on file prepared pursuant to subdivision (a), the Secretary of State shall provide compilations, indexes, extracts, or summaries of information, including computer information, contained in the public records of the Secretary of State at a charge sufficient to recover costs. Except where a fee or charge is prescribed by statute, the fee or charge imposed pursuant to this subdivision shall not exceed ten dollars ($10) per inquiry.

(c) Except as provided in Section 12185, the fee for comparing a copy of any law, resolution, record, or other document or paper with the original, or the certified copy of the original, on file in the office of the Secretary of State, is three dollars ($3).

(d) The Secretary of State may enter into contracts to provide information and copies and access to information, including direct access to computer information. The contracts may include reasonable conditions for access to information. The amounts payable pursuant to these contracts shall be sufficient to recover costs.

(e) The Secretary of State may require persons and firms regularly using the research facilities of the Secretary of State to use those research facilities only pursuant to a contract under subdivision (d).

(f) All fees, reimbursements, and contract amounts pursuant to this section shall be accounted as Secretary of State expenditure reimbursements.

(g) Fees for special handling pursuant to Section 12182 are in addition to amounts pursuant to this section.

SEC. 51. Section 12179 is added to the Government Code, to read:

12179. The fee for attesting each patent for land issued by the Governor is one dollar ($1) for each 160 acres, or fraction thereof.

SEC. 52. Section 12179.1 is added to the Government Code, to read:

12179.1. The fee for attesting each commission, passport, or other document signed by the Governor is ten dollars ($10).

A fee shall not be charged for attesting pardons, extradition papers, military commissions, and commissions issued to nonsalaried state officers other than notaries public.

SEC. 53. Article 3 (commencing with Section 12180) of Chapter 3 of Part 2 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 54. Article 3 (commencing with Section 12180) is added to Chapter 3 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 3. Business Programs

12180. The Secretary of State's office may adopt rules and regulations as necessary to carry out this article, in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1.

12182. The Secretary of State shall charge and collect fees as provided in this article and may also by regulation establish fees to be charged and collected for copying and special handling in connection with filing of documents, issuing of certificates, and other services performed by the office. The fees shall approximate the estimated cost of copying and special handling. Copying and special handling fees shall be accounted as Secretary of State expenditure reimbursements.

12182.1. The Secretary of State shall establish by regulation an application, examination, and commission fee that shall not exceed the amount necessary to cover the costs of commissioning notaries public and the enforcement of laws governing notaries public. The fee shall not exceed one hundred dollars ($100) per commission.

12183. The Secretary of State shall charge and collect the following fees for certification:

(a) Certification of a document: Five dollars ($5).

(b) Certificate of status or filing: Five dollars ($5).

(c) Certificate of information: Ten dollars ($10).

12185. Upon the filing of any document pursuant to any provision of the Corporations Code for which there is a filing fee of twenty-five dollars ($25) or more, the Secretary of State shall compare and certify up to two copies without charge, provided that the copies are submitted to the Secretary of State with the original to be filed.

12186. The fees for corporate filings are the following:

(a) Issuing a certificate of reservation of corporate name: Ten dollars ($10).

(b) Registering a corporate name for the calendar year pursuant to Section 2101 of the Corporations Code: Fifty dollars ($50).

(c) Filing articles of incorporation providing for shares: One hundred dollars ($100).

(d) Filing articles of incorporation not providing for shares: Thirty dollars ($30).

(e) Filing the statement and designation upon the qualification of a foreign, nonprofit, nonstock corporation, and of a foreign corporation organized for educational, religious, scientific, or charitable purposes, and not issuing shares: Thirty dollars ($30).

(f) Filing the statement and designation upon the qualification of any other foreign corporation not provided for in subdivision (e): One hundred dollars ($100).

(g) Filing the biennial statement of information for every corporation: Twenty dollars ($20).

(h) Filing the biennial statement of information for every foreign corporation (other than a foreign association) qualified to transact intrastate business: Twenty dollars ($20).

(i) Filing changes to any biennial statement of information: No fee.

(j) Filing for the merger of one corporation solely with one or more other corporations: One hundred dollars ($100).

(k) Filing for the merger of one or more corporations with one or more other types of business entities: One hundred fifty dollars ($150).

(*l*) Filing a certificate of amendment changing the status of a nonprofit corporation into a stock corporation: Seventy dollars ($70).

(m) Filing a certificate of election to dissolve a corporation, a certificate of dissolution of a corporation, or a certificate of surrender, or of change of address: No fee.

(n) Filing a statement of address by a foreign lending institution on or before June 30 of each year pursuant to Section 2104 of the Corporations Code: Fifty dollars ($50).

(o) Filing any other instrument by or on behalf of a corporation, unless another fee is specified by law: Thirty dollars ($30).

12187. The general partnership filing fees are the following:

(a) Filing a statement of partnership: Seventy dollars ($70).

(b) Filing a statement of dissolution for the purposes of canceling a statement of partnership: No fee.

(c) Filing any other partnership statement pursuant to this chapter, unless another fee is specified by law or the law specifies that no fee is to be charged: Thirty dollars ($30).

12188. The limited partnership filing fees are the following:

(a) Issuing a certificate of reservation of limited partnership name: Ten dollars ($10).

(b) Filing a certificate of limited partnership or an application for registration as a foreign limited partnership: Seventy dollars ($70).

(c) Filing an amendment, including restatements, to the certificate of limited partnership or to the application of a foreign limited partnership: Thirty dollars ($30).

(d) Filing a certificate of continuation for a domestic limited partnership after a certificate of dissolution has been filed: Thirty dollars ($30).

(e) Filing a certificate of dissolution or certificate of cancellation by a limited partnership, either domestic or foreign: No fee.

(f) Filing a certificate of merger pursuant to Section 15678.4 of the Corporations Code, for the merger of one limited partnership with one or more other limited partnerships: Seventy dollars ($70).

(g) Filing merger documents for the merger of one or more limited partnerships with one or more other types of business entities: One hundred fifty dollars ($150).

12189. The limited liability partnership filing fees are the following:

(a) Filing a registration for a registered limited liability partnership: Seventy dollars ($70).

(b) Filing a registration for a foreign limited liability partnership: Seventy dollars ($70).

(c) Filing an amendment to the registration of a limited liability partnership registration: Thirty dollars ($30).

(d) Filing an amendment to the registration of a foreign limited liability partnership: Thirty dollars ($30).

(e) Filing a notice of change of status pursuant to subdivision (b) of Section 16954 of the Corporations Code: Thirty dollars ($30).

(f) Filing any other partnership statement for a limited liability partnership, unless another fee is specified by law or the law specifies that no fee is to be charged: Thirty dollars ($30).

12190. The limited liability company filing fees are the following:

(a) Issuing a certificate of reservation of limited liability company name: Ten dollars ($10).

(b) Filing articles of organization of a limited liability company: Seventy dollars ($70).

(c) Filing an application for registration as a foreign limited liability company: Seventy dollars ($70).

(d) Filing a certificate of amendment to the articles of organization of a limited liability company: Thirty dollars ($30).

(e) Filing restated articles of organization of a limited liability company: Thirty dollars ($30).

(f) Filing an amendment to the application for registration as a foreign limited liability company: Thirty dollars ($30).

(g) Filing a certificate of correction for a limited liability company: Thirty dollars ($30).

(h) Filing a certificate of continuation for a limited liability company after a certificate of dissolution has been filed: Thirty dollars ($30).

(i) Filing a certificate of merger for a merger of a limited liability company with one or more other limited liability companies: Seventy dollars ($70).

(j) Filing a certificate of merger for a merger of one or more limited liability companies with one or more other business entities: One hundred fifty dollars ($150).

(k) Filing the biennial statement of information of a limited liability company or of a foreign limited liability company: Twenty dollars ($20).

(*l*) Filing changes to any biennial statement of information: No fee.

(m) Filing a certificate of dissolution or a certificate of cancellation of articles of organization for purposes of the dissolution of a limited liability company: No fee.

(n) Filing a certificate of cancellation for purposes of the cancellation of registration of a foreign limited liability company: No fee.

(o) Filing any instrument by or on behalf of a limited liability company, unless another fee is specified by law or the law specifies that no fee is to be charged: Thirty dollars ($30).

12191. The miscellaneous business entity filing fees are the following:

(a) Foreign Associations, as defined in Sections 170 and 171 of the Corporations Code:

(1) Filing the statement and designation upon the qualification of a foreign association pursuant to Section 2105 of the Corporations Code: One hundred dollars ($100).

(2) Filing an amended statement and designation by a foreign association pursuant to Section 2107 of the Corporations Code: Thirty dollars ($30).

(3) Filing a certificate showing the surrender of the right of a foreign association to transact intrastate business pursuant to Section 2112 of the Corporations Code: No fee.

(b) Unincorporated Associations:

(1) Filing a statement in accordance with Section 24003 of the Corporations Code as to principal place of office or place for sending notices or designating agent for service: Twenty-five dollars ($25).

(2) Insignia Registrations: Ten dollars ($10).

12192. The filing fees for a nonprofit mutual benefit ridesharing corporation are the following:

(a) Nonprofit mutual benefit corporation having as its sole purpose the operation of a single ridesharing vanpool vehicle designed for transporting at least seven persons, including the driver, under an arrangement in which ridesharing is incidental to another purpose of the driver: No fee.

(b) For purposes of this section ridesharing shall have the meaning specified in Section 522 of the Vehicle Code.

12193. The trademark and service mark fees are the following:

(a) Filing an application for registration of a trademark: Seventy dollars ($70).

(b) Issuing a certificate of assignment of a trademark: Thirty dollars ($30).

(c) Filing a renewal for registration of a trademark: Thirty dollars ($30).

(d) Filing of a name, mark, or device used as a brand: Thirty dollars ($30).

(e) Issuing a certificate of filing of a laundry supply designation: Ten dollars ($10).

(f) Filing the registration of any name used by an organization: Ten dollars ($10).

(g) Issuing a certificate with the name of a farm, ranch, or villa: Ten dollars ($10).

12194. The fees for filing liens pursuant to the Code of Civil Procedure and for filing financing statements and other Commercial Code filings are the following:

(a) Filing and indexing of each notice of lien or certificate of notice affecting the lien: Ten dollars ($10).

(b) All financing statements or other Commercial Code filings: If the statement is in the standard form prescribed by the Secretary of State: Ten dollars ($10); all others: Twenty dollars ($20).

(c) Filing a certificate of release of a state tax lien: Two dollars ($2).

12195. (a) Special filing fees for joint powers agreements are the following:

(1) Filing a notice of a joint powers agreement: One dollar ($1).

(2) Filing an amendment of a joint powers agreement: One dollar ($1).

(3) Filing an executed copy of each agreement, lease, or equipment trust certificate for an agency that financed or refinanced transit equipment or transferred federal income tax benefits with respect to transit equipment pursuant to subdivision (a) of Section 6518: One dollar ($1).

(b) Special filing fees for athlete agents are the following:

(1) Filing an athlete agent disclosure statement: Thirty dollars ($30).

(2) Filing an amendment to an athlete agent disclosure statement: Twenty dollars ($20).

(c) Special filing fees for a durable power of attorney for health care are the following:

(1) Filing a durable power of attorney for health care registration: No fee.

(2) Filing an amendment to a durable power of attorney for health care: No fee.

(d) The special filing fee for registering a claim as successor in interest is ten dollars ($10).

(e) The special filing fee for issuing a certificate of official character is twenty dollars ($20).

12197. The Secretary of State shall charge and collect, as applicable, fees for the following:

(a) Service of process, as provided in Section 15800 of the Corporations Code, for every partnership other than a foreign limited partnership subject to Article 9 (commencing with Section 15691) of Chapter 3 of Title 2 of the Corporations Code or a commercial banking partnership established and transacting business in a place without the United States, which is domiciled without this state and has no regular place of business within the state: Fifty dollars ($50).

(b) Service of process for each registered limited liability partnership whose principal office is not in this state and each foreign limited liability partnership registered under Section 16959 of the Corporations Code: Fifty dollars ($50).

(c) Acceptance of copies of process against a corporation, firm, partnership, limited liability company, association, business trust, or

natural person: Fifty dollars ($50), unless another fee is specified by law or the law specifies that no fee is to be charged.

(d) Filing a statement of resignation as an agent pursuant to paragraph (2) of subdivision (d) of Section 17061 of the Corporations Code for an individual or entity previously designated as an agent for service of process by a limited liability company: No fee.

SEC. 54.5. Section 12182 is added to the Government Code, to read:

12182. (a) The Secretary of State shall charge and collect fees as provided in this article and may also by regulation establish fees to be charged and collected for copying and special handling in connection with filing documents, issuing of certificates, and other services performed by the office.

(b) Except as provided in subdivision (c), the fees shall approximate the estimated cost of copying and special handling.

(c) Fees charged for preclearance of documents and expedited filings may be in different amounts, which shall not exceed one thousand dollars ($1,000). Those fees may be charged only if the special handling does not cause disruption or delay in the process of normal handling of documents, and if the implementation of the special handling is supported by an appropriation in the Budget Act.

(d) Copying and special handling fees shall be accounted as Secretary of State expenditure reimbursements.

(e) The preclearance or expedited filing of documents by the Secretary of State or his or her employees pursuant to this section shall be considered discretionary pursuant to Section 820.2.

SEC. 54.6. Notwithstanding Section 7550.5 of the Government Code, the Secretary of State shall provide a report to the Legislature within two years of implementation of the special handling provided for in subdivision (c) of Section 12182 of the Government Code. The report shall document the extent to which the special handling service is utilized, the fees charged, and comparative timeframes for regular and special handling regarding preclearance of documents and expedited filings. This section is repealed as of the January 1 following the submittal of the report to the Legislature.

SEC. 55. Section 601 of the Harbors and Navigation Code is repealed.

SEC. 56. Section 602 of the Harbors and Navigation Code is repealed.

SEC. 57. Section 603 of the Harbors and Navigation Code is repealed.

SEC. 58. Section 604 of the Harbors and Navigation Code is repealed.

SEC. 59. Section 21414 of the Public Utilities Code is repealed.

SEC. 60. The provisions of this act pertaining to information technology may not be implemented, and no information technology related preparatory work may be undertaken in connection with this act, prior to July 1, 2001, unless otherwise authorized by the

Department of Information Technology pursuant to Executive Order D-3-99.

SEC. 61. Section 9.5 of this bill incorporates amendments to Section 990 of the Civil Code proposed by both this bill and SB 209. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 990 of the Civil Code, and (3) this bill is enacted after SB 209, in which case Section 9 of this bill shall not become operative.

SEC. 62. Section 12182 as added to the Government Code by Section 54.5 of this bill incorporates amendments to Section 12208 of the Government Code proposed by SB 408. Sections 54.5 and 54.6 of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) this bill repeals Section 12208 of, and adds Section 12182 to, the Government Code and SB 408 amends Section 12208 of the Government Code, and (3) this bill is enacted after SB 408, in which case Section 12182 of the Government Code, as added by Section 54 of this bill, and Section 2 of SB 408 shall not become operative.

CHAPTER 1001

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

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

I am signing Senate Bill No. 1039, however I am deleting the $250,000 General Fund appropriation for Alumnae Resources.

This bill will allow the Newport-Mesa Unified School District to submit a placeholder application to the State Allocation Board for facilities funding from Proposition 1A.

GRAY DAVIS, Governor

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

SECTION 1. (a) Any school district that is in Orange County and that deposited proceeds derived from the sale of surplus property into the general fund of the school district and used those proceeds for general fund purposes pursuant to former Section 1 of Chapter 7 of the 1995 Second Extraordinary Session, may submit a placeholder application for per-pupil facilities funding pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of the Education Code (hereafter the Greene Act)) prior to the completion of the five-year period set forth in Section 3 of Chapter 7 of the 1995 Second Extraordinary Session.

(b) Notwithstanding the five-year waiting period for state school facilities funding for school districts as described in subdivision (a), the State Allocation Board may approve the district's new construction and modernization eligibility pursuant to Article 2 (commencing with Section 17071.10) and Article 6 (commencing with Section 17073.10). Project apportionments pursuant to Sections 17072.20 and 17074.15 may not be approved by the State Allocation Board before the expiration of the five-year period set forth in Section 3 of Chapter 7 of the 1995 Second Extraordinary Session.

SEC. 2. The sum of two hundred fifty thousand ($250,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for the purposes of providing a grant to Alumnae Resources, a nonprofit organization, for the purposes of providing job training and education services.

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

In order for school districts in Orange County to be permitted to submit a placeholder application so that those school districts may be eligible for state school facilities funding after a five-year moratorium on funding has ended, it is necessary that this act take effect immediately.

CHAPTER 1002

An act to add Sections 17210, 17210.1, and 17213.1 to, the Education Code, relating to school facilities.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 17210 is added to Chapter 1 (commencing with Section 17210) of Part 10.5 of the Education Code, to read:

17210. As used in this article, the following terms have the following meanings:

(a) "Administering agency" means any agency designated pursuant to Section 25502 of the Health and Safety Code.

(b) "Environmental assessor" means a class II environmental assessor registered by the Office of Environmental Health Hazard Assessment pursuant to Chapter 6.98 (commencing with Section 25570) of Division 20 of the Health and Safety Code or a licensed hazardous substance contractor certified pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code. A licensed hazardous substance contractor shall

hold the equivalent of a degree from an accredited public or private college or university or from a private postsecondary educational institution approved by the Bureau for Private Postsecondary and Vocational Education with at least 60 units in environmental, biological, chemical, physical, or soil science; engineering; geology; environmental or public health; or a directly related science field. In addition, a contractor who conducts Phase I environmental assessments shall have a least two years experience in the preparation of those assessments and a contractor who conducts a preliminary endangerment assessment shall have at least three years experience in conducting those assessments.

(c) "Handle" has the meaning the term is given in Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of the Health and Safety Code.

(d) "Hazardous air emissions" means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substance identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(e) "Hazardous material" has the meaning the term is given in subdivision (d) of Section 25260 of the Health and Safety Code.

(f) "Operation and maintenance," "removal action work plan," "respond," "response," "response action" and "site" have the meanings those terms are given in Article 2 (commencing with Section 25310) of the state act.

(g) "Phase I environmental assessment" means a preliminary assessment of a property to determine whether there has been or may have been a release of a hazardous material, or whether a naturally occurring hazardous material is present, based on reasonably available information about the property and the area in its vicinity. A Phase I environmental assessment may include, but is not limited to, a review of public and private records of current and historical land uses, prior releases of a hazardous material, data base searches, review of relevant files of federal, state, and local agencies, visual and other surveys of the property, review of historical aerial photographs of the property and the area in its vicinity, interviews with current and previous owners and operators, and review of regulatory correspondence and environmental reports. Sampling or testing is not required as part of the Phase I environmental assessment.

(h) "Preliminary endangerment assessment" means an activity that is performed to determine whether current or past hazardous material management practices or waste management practices have resulted in a release or threatened release of hazardous materials, or whether naturally occurring hazardous materials are

present, which pose a threat to children's health, children's learning abilities, public health or the environment. A preliminary endangerment assessment requires sampling and analysis of a site, a preliminary determination of the type and extent of hazardous material contamination of the site, and a preliminary evaluation of the risks that the hazardous material contamination of a site, may pose to children's health, public health, or the environment, and shall be conducted in a manner that complies with the guidelines published by the Department of Toxic Substances Control entitled "Preliminary Endangerment Assessment: Guidance Manual," including any amendments that are determined by the Department of Toxic Substances Control to be appropriate to address issues that are unique to schoolsites.

(i) "Proposed schoolsite" means real property acquired or to be acquired or proposed for use as a schoolsite, prior to its occupancy as a school.

(j) "Regulated substance" means any material defined in subdivision (g) of Section 25532 of the Health and Safety Code.

(k) "Release" has the same meaning the term is given in Article 2 (commencing with Section 25310) of Chapter 6.8 of Division 20 of the Health and Safety Code, and includes a release described in subdivision (d) of Section 25321 of the Health and Safety Code.

(*l*) "Remedial action plan" means a plan approved by the Department of Toxic Substances Control pursuant to Section 25356.1 of the Health and Safety Code.

(m) "State act" means the Carpenter-Presley-Tanner Hazardous Substance Account Act (Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code).

SEC. 2. Section 17210.1 is added to the Education Code, to read:

17210.1. (a) Notwithstanding any other provision of law:

(1) For sites addressed by this article for which school districts elect to receive state funds pursuant to Chapter 12.5 (commencing with Section 17070.10), the state act applies to schoolsites where naturally occurring hazardous materials are present, regardless of whether there has been a release or there is a threatened release of a hazardous material.

(2) For sites addressed by this article for which school districts elect to receive state funds pursuant to Chapter 12.5 (commencing with Section 17070.10), all references in the state act to hazardous substances shall be deemed to include hazardous materials and all references in the state act to public health shall be deemed to include children's health.

(3) All risk assessments conducted by school districts that elect to receive state funds pursuant to Chapter 12.5 (commencing with Section 17070.10) at sites addressed by this article shall include a focus on the risks to children's health posed by a hazardous materials release or threatened release, or the presence of naturally occurring hazardous materials, on the schoolsite.

(4) The response actions selected under this article shall, at a minimum, be protective of children's health, with an ample margin of safety.

(b) In implementing this article, the Department of Toxic Substances Control shall comply with Sections 25358.7 and 25358.7.1 of the Health and Safety Code.

(c) Nothing in this article shall be construed to limit the authority of the Department of Toxic Substances Control or the State Department of Education to take any action otherwise authorized under any other provision of law.

(d) The Department of Toxic Substances Control shall comply with Chapter 6.66 (commencing with Section 25269) of Division 20 of the Health and Safety Code when recovering its costs incurred in carrying out its duties pursuant to this article.

(e) Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code does not apply to schoolsites at which all necessary response actions have been completed.

SEC. 3. Section 17213.1 is added to the Education Code, to read:

17213.1. As a condition of receiving state funding pursuant to Chapter 12.5 (commencing with Section 17070.10) the governing board of a school district shall comply with subdivision (a), and is not required to comply with subdivision (a) of Section 17213, prior to the acquisition of a schoolsite, or if the school district owns or leases a schoolsite, prior to the construction of a project.

(a) Prior to acquiring a schoolsite the governing board shall contract with an environmental assessor to conduct a Phase I environmental assessment of the proposed schoolsite.

(1) The Phase I environmental assessment shall contain one of the following recommendations:

(A) A further investigation of the site is not required.

(B) A preliminary endangerment assessment is needed, including sampling or testing, to determine the following:

(i) If a release of hazardous material has occurred and, if so, the extent of the release.

(ii) If there is the threat of a release of hazardous materials.

(iii) If a naturally occurring hazardous material is present.

(2) If the Phase I environmental assessment concludes that further investigation of the site is not required, the assessment together with all documentation related to the proposed acquisition or use of the proposed schoolsite shall be submitted to the State Department of Education. A school district may submit a Phase I environmental assessment to the State Department of Education prior to its submission of other documentation related to the proposed schoolsite acquisition or use. Within 10 calendar days of receipt of the Phase I environmental assessment, the State Department of Education shall transmit the Phase I environmental assessment to the Department of Toxic Substances Control for its

review and approval, which shall be conducted by the Department of Toxic Substances Control within 30 calendar days of its receipt of the assessment. If the Department of Toxic Substances Control concurs with the conclusion of the Phase I environmental assessment that a further investigation of the site is not required, the Department of Toxic Substances Control shall approve the Phase I environmental assessment and shall notify the State Department of Education and the governing board of the school district of the approval.

(3) If the Phase I environmental assessment concludes that a preliminary endangerment assessment is needed, or if the Department of Toxic Substances Control concludes that a preliminary endangerment assessment is needed, the school district shall either contract with an environmental assessor to prepare a preliminary endangerment assessment of the proposed schoolsite and enter into an agreement with the Department of Toxic Substances Control to oversee the preparation of the preliminary endangerment assessment or elect not to pursue the acquisition or construction project. The preliminary endangerment assessment shall contain one of the following conclusions:

(A) A further investigation of the site is not required.

(B) A release of hazardous materials has occurred, and if so, the extent of the release, that there is the threat of a release of hazardous materials, or that a naturally occurring hazardous material is present, or any combination thereof.

(4) The school district shall submit the preliminary endangerment assessment to the Department of Toxic Substances Control for its review and approval. The school district shall also make the preliminary endangerment assessment available to the public for review for not less than 30 calendar days.

(5) The Department of Toxic Substances Control shall complete its review within 60 calendar days of receipt of the preliminary endangerment assessment and shall either approve or disapprove the preliminary endangerment assessment.

(6) If the Department of Toxic Substances Control disapproves the preliminary endangerment assessment, it shall inform the district of the decision, the basis for the decision, and actions necessary to secure the Department of Toxic Substances Control approval of the preliminary endangerment assessment. The school district shall take actions necessary to secure the approval of the Department of Toxic Substances Control of the preliminary endangerment assessment or elect not to pursue the acquisition or construction project.

(7) If the preliminary endangerment assessment determines that a further investigation of the site is not required and the Department of Toxic Substances Control approves this determination, it shall notify the State Department of Education and the school district of its approval. The school district may then proceed with the acquisition or construction project.

(8) If the preliminary endangerment assessment determines that a release of hazardous material has occurred, that there is the threat of a release of hazardous materials, that a naturally occurring hazardous material is present, or any combination thereof, that requires further investigation, and the Department of Toxic Substances Control approves this determination, the school district may elect not to pursue the acquisition or construction project. If the school district elects to pursue the acquisition or construction project, it shall do all of the following:

(A) Prepare a financial analysis that estimates the cost of response action that will be required at the proposed schoolsite.

(B) Assess the benefits that accrue from using the proposed schoolsite when compared to the use of alternative schoolsites, if any.

(C) Obtain the approval of the State Department of Education that the proposed schoolsite meets the schoolsite selection standards adopted by the State Department of Education pursuant to subdivision (b) of Section 17251.

(D) Evaluate the suitability of the proposed schoolsite in light of the recommended alternative schoolsite locations in order of merit if the school district has requested the assistance of the State Department of Education, based upon the standards of the State Department of Education, pursuant to subdivision (a) of Section 17251.

(9) The school district shall reimburse the Department of Toxic Substances Control for all of the department's response costs.

(b) The costs incurred by the school districts when complying with this section are allowable costs for purposes of an applicant under Chapter 12.5 (commencing with Section 17070.10) of Part 10 and may be reimbursed in accordance with Section 17072.13.

(c) A school district that releases a preliminary endangerment assessment, or information concerning a preliminary endangerment assessment, required by this section, may not be held liable in any action filed against the school district for making the preliminary endangerment assessment available for public review.

SEC. 4. Sections 1 to 3, inclusive, of this act shall not become operative unless and until Assembly Bill 387 of the 1999–2000 Regular Session is chaptered and becomes operative.

CHAPTER 1003

An act to amend and supplement the Budget Act of 1999 (Chapter 50, Statutes of 1999), relating to state government, and making an appropriation therefor.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. The appropriations made by this act are in augmentation of the appropriations made in Section 2.00 of the Budget Act of 1999 (Chapter 50, Statutes 1999) and are subject to the provisions of that act, as appropriate, including, as applicable, the provisions of that act that apply to the items of appropriation that are augmented by this act. The references in this act to item numbers refer to items of appropriation in Section 2.00 of the Budget Act of 1999.

SEC. 2. The sum of three hundred ninety-two thousand dollars ($392,000) is hereby appropriated from the General Fund to the Energy Resources, Conservation and Development Commission in augmentation of the appropriation made in Item 3360-102-0001, to be used to provide local assistance to Kern County to convert a traffic pedestrian light to LED.

SEC. 3. The sum of one hundred twenty thousand dollars ($120,000) is hereby appropriated from the Harbors and Watercraft Revolving Fund to the Department of Boating and Waterways, in augmentation of the appropriation made in Item 3680-101-0516 to be used to provide a launching facility grant for the Lake Isabella patrol boat dock and covering in Kern County.

SEC. 4. The sum of one million dollars ($1,000,000) is hereby appropriated from the General Fund to the State Coastal Conservancy in augmentation of the appropriation made in Schedule (1) of Item 3760-302-0001 to fund Window by the Bay in Monterey County in accordance with Provision 3 of that item.

SEC. 5. The sum of four hundred fifty thousand dollars ($450,000) is hereby appropriated from the General Fund to the Department of Parks and Recreation in augmentation of the appropriation made in Schedule (a) of Item 3790-101-0001 to fund a recreational grant for land acquisition for YMCA/Lancaster Park in the City of Lancaster.

SEC. 6. The sum of twenty-five thousand dollars ($25,000) is hereby appropriated from the General Fund to the Department of Parks and Recreation in augmentation of the appropriation made in Schedule (a) of Item 3790-101-0001 to fund a recreational grant for renovation of the Civic Center in the City of Scotts Valley.

SEC. 7. The sum of twenty-five thousand dollars ($25,000) is hereby appropriated from the General Fund to the Department of Parks and Recreation in augmentation of the appropriation made in Schedule (a) of Item 3790-101-0001 to fund a recreational grant to San Benito Youth Services for land acquisition for a youth center.

SEC. 8. The sum of three hundred thousand dollars ($300,000) is hereby appropriated from the General Fund to the Department of Water Resources in augmentation of the appropriation made in Item 3860-201-0001 for local assistance to the County of Butte to fund the Rock Creek/Keefer Slough Flood Control Project Study.

SEC. 9. The sum of seventeen thousand dollars ($17,000) is hereby reappropriated from the Proposition 98 Reversion Account to the Superintendent of Public Instruction for allocation on a one-time basis to the North Cow Creek School District to provide funding that was reduced by an audit exception in the kindergarten-to-grade-3, inclusive, class size reduction program.

SEC. 10. Item 5240-102-0001 is added to Section 2.00 of Chapter 50 of the Statutes of 1999, to read:

5240−102−0001–For local assistance, Department of Corrections, for remodeling the courthouse in Imperial County 400,000

SEC. 11. The sum of twelve thousand dollars ($12,000) is hereby appropriated from the General Fund to the California State Library in augmentation of the appropriation made in Item 6120-140-0001 to fund the Palmdale City Library.

SEC. 12. The sum of one hundred twenty thousand dollars ($120,000) is hereby appropriated from the General Fund to the Office of Criminal Justice Planning in augmentation of the appropriation made in Item 8100-101-0001 to fund the City of Oceanside Gangbusters Program.

SEC. 13. The sum of one hundred twenty thousand dollars ($120,000) is hereby appropriated from the General Fund in augmentation of the appropriation made in Item 9210-117-0001 for local assistance, to be used for purchase of two ambulances by Imperial County.

SEC. 14. The sum of three hundred thousand dollars ($300,000) is hereby appropriated from the General Fund in augmentation of the appropriation made in Item 9210-117-0001 for local assistance, to be used to assist the construction of job training centers in the Cities of Oxnard and Ventura for the CalWORKs Program.

CHAPTER 1004

An act to amend the heading of Chapter 13 (commencing with Section 3200) of Part 2 of Division 8 of, to add Sections 3201, 3202, 3203, and 3204 to, and to repeal Division 15 (commencing with Section 10100) of, the Family Code, relating to family law.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. The heading of Chapter 13 (commencing with Section 3200) of Part 2 of Division 8 of the Family Code is amended to read:

CHAPTER 13. SUPERVISED VISITATION AND EXCHANGE SERVICES, EDUCATION, AND COUNSELING

SEC. 2. Section 3201 is added to the Family Code, to read:

3201. (a) The programs described in this chapter shall be administered by the family law division of the superior court in the county.

(b) For purposes of this chapter, "education about protecting children during family disruption" includes education on parenting skills and the impact of parental conflict on children, how to put a parenting agreement into effect, and the responsibility of both parents to comply with custody and visitation orders.

SEC. 3. Section 3202 is added to the Family Code, to read:

3202. (a) All supervised visitation and exchange programs funded pursuant to this chapter shall comply with all requirements of the Uniform Standards of Practice for Providers of Supervised Visitation set forth in Section 26.2 of the Standards of Judicial Administration as amended. The family law division of the superior court may contract with eligible providers of supervised visitation and exchange services, education, and group counseling to provide services under this chapter.

(b) As used in this section, "eligible provider" means:

(1) For providers of supervised visitation and exchange services, a local public agency or nonprofit entity that satisfies the Uniform Standards of Practice for Providers of Supervised Visitation.

(2) For providers of group counseling, a professional licensed to practice psychotherapy in this state, including, but not limited to, a licensed psychiatrist, licensed psychologist, licensed clinical social worker, or licensed marriage and family therapist; or a mental health intern working under the direct supervision of a professional licensed to practice psychotherapy.

(3) For providers of education, a professional with a bachelor's or master's degree in human behavior, child development, psychology, counseling, family-life education, or a related field, having specific training in issues relating to child and family development, substance abuse, child abuse, domestic violence, effective parenting, and the impact of divorce and interparental conflict on children; or an intern working under the supervision of that professional.

SEC. 4. Section 3203 is added to the Family Code, to read:

3203. Subject to the availability of federal funding for the purposes of this chapter, the family law division of the superior court in each county may establish and administer a supervised visitation

and exchange program, programs for education about protecting children during family disruption, and group counseling programs for parents and children under this chapter. The programs shall allow parties and children to participate in supervised visitation between a custodial party and a noncustodial party or joint custodians, and to participate in the education and group counseling programs, irrespective of whether the parties are or are not married to each other or are currently living separately and apart on a permanent or temporary basis.

SEC. 5. Section 3204 is added to the Family Code, to read:

3204. (a) The Judicial Council shall annually submit an application to the federal Administration for Children and Families, pursuant to Section 669B of the "1996 Federal Personal Responsibility and Work Opportunity Recovery Act" (PRWORA), for a grant to fund child custody and visitation programs pursuant to this chapter.

The Judicial Council shall be charged with the administration of the grant funds.

(b) (1) It is the intention of the Legislature that, effective October 1, 2000, the grant funds described in subdivision (a) shall be used to fund the following three types of programs: supervised visitation and exchange services, education about protecting children during family disruption, and group counseling for parents and children, as set forth in this chapter. Contracts shall follow a standard request for proposal procedure, that may include multiple year funding. Requests for proposals shall meet all state and federal requirements for receiving access and visitation grant funds.

(2) The grant funds shall be awarded with the intent of approving as many requests for proposals as possible while assuring that each approved proposal would provide beneficial services and satisfy the overall goals of the program under this chapter. The Judicial Council shall determine the final number and amount of grants. Requests for proposals shall be evaluated based on the following criteria:

(A) Availability of services to a broad population of parties.

(B) The ability to expand existing services.

(C) Coordination with other community services.

(D) The hours of service delivery.

(E) The number of counties or regions participating.

(F) Overall cost effectiveness.

(G) The purpose of the program to promote and encourage healthy parent and child relationships between noncustodial parents and their children, while ensuring the health, safety, and welfare of the children.

(3) Special consideration for grant funds shall be given to proposals that coordinate supervised visitation and exchange services, education, and group counseling with existing court-based programs and services.

(c) The family law division of the superior court in each county shall approve sliding scale fees that are based on the ability to pay for

all parties, including low-income families, participating in a supervised visitation and exchange, education, and group counseling programs under this chapter.

(d) The Judicial Council shall, on March 1, 2002, and on the first day of March of each subsequent year, report to the Legislature on the programs funded pursuant to this chapter and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between noncustodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children, and the other goals described in this chapter.

SEC. 6. Division 15 (commencing with Section 10100) of the Family Code is repealed.

CHAPTER 1005

An act to amend Section 830.11 of the Penal Code, to amend Sections 308.5, 309.5, 309.6, 314.5, 394, 394.1, 394.2, 394.25, 394.3, 394.4, 394.5, 394.8, 396, 421, 454, 454.2, 458, 459, 461.5, 486, 488, 491, 493, 494, 527, 530, 556, 559, 703, 728.5, 730, 732, 733, 740.8, 763, 765.5, 788, 853, 874, 882, 1701.1, 1904, 2881, 2881.1, 2889.8, 2890, 4006, 4007, 4021, 4458, 5001.5, 5002, 5003.2, 5009, 5012, 5102, 5109, 5112, 5113, 5133, 5135, 5191, 5259.5, 5326, 5328, 5329, 5331, 5371.2, 7531.5, 7711, and 9202 of, to add Sections 218.3, 224.8, 248, 426, 3950, 5137, and 5363 to, to repeal Sections 3, 454.5, 457, 460, 461, 496, 526, 557, 706, 707, 731, 739.9, 746, 747, 763.1, 764, 765, 769, 769.5, 1823, 1824, 2851, 2882, 2882.5, 5195, 7532, 7532.5, 7902, and 7902.5 of, and to amend and repeal Section 311 of, and to repeal Chapter 4 (commencing with Section 2739) of Part 2 of Division 1 of, the Public Utilities Code, and to amend Section 7232 of the Revenue and Taxation Code, and to amend Sections 34505.6, 34601, and 34622 of the Vehicle Code, relating to public utilities.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The California Public Utilities Commission is required to prepare and submit, on a one-time basis, a number of reports concerning regulatory issues within the jurisdiction of the commission and the commission has prepared these reports as directed. In the interest of eliminating obsolete provisions of the Public Utilities Code, it is the intent of the Legislature that language concerning these reports should be deleted from the Public Utilities Code.

(b) Internal reorganization of the commission resulting in name changes for many divisions of the commission, together with recent reforms enacted by the Legislature, require certain clarifications and corrections of existing law.

(c) Regulatory changes mandated by state and federal laws require conformance of various provisions of the Public Utilities Code, including the repeal of provisions rendered obsolete and the clarifications of continuing commission authority. The repeal of a statute granting a specific authority does not prohibit the commission from providing the same or similar regulation pursuant to the commission's constitutional and general statutory authority.

SEC. 2. Section 830.11 of the Penal Code is amended to read:

830.11. (a) The following persons are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the power to serve warrants as specified in Sections 1523 and 1530 during the course and within the scope of their employment, if they receive a course in the exercise of those powers pursuant to Section 832. The authority and powers of the persons designated under this section shall extend to any place in the state:

(1) Persons employed by the Department of Financial Institutions designated by the Commissioner of Financial Institutions, provided that the primary duty of these persons shall be the enforcement of, and investigations relating to, the provisions of law administered by the Commissioner of Financial Institutions.

(2) Persons employed by the Department of Real Estate designated by the Real Estate Commissioner, provided that the primary duty of these persons shall be the enforcement of the laws set forth in Part 1 (commencing with Section 10000) and Part 2 (commencing with Section 11000) of Division 4 of the Business and Professions Code. The Real Estate Commissioner may designate persons under this section, who at the time of their designation, are assigned to the Special Investigations Unit, internally known as the Crisis Response Team.

(3) Persons employed by the State Lands Commission designated by the executive officer, provided that the primary duty of these persons shall be the enforcement of the law relating to the duties of the State Lands Commission.

(4) Persons employed as investigators of the Investigations Bureau of the Department of Insurance, who are designated by the Chief of the Investigations Bureau, provided that the primary duty of these persons shall be the enforcement of the Insurance Code and other laws relating to persons and businesses, licensed and unlicensed by the Department of Insurance, who are engaged in the business of insurance.

(5) Persons employed as investigators and investigator supervisors of the Consumer Services Division or the Rail Safety and Carrier Division of the Public Utilities Commission who are designated by the commission's executive director and approved by

the commission, provided that the primary duty of these persons shall be the enforcement of the law as that duty is set forth in Section 308.5 of the Public Utilities Code.

(b) Notwithstanding any other provision of law, persons designated pursuant to this section shall not carry firearms.

(c) Persons designated pursuant to this section shall be included as "peace officers of the state" under paragraph (2) of subdivision (c) of Section 11105 for the purpose of receiving state summary criminal history information and shall be furnished that information on the same basis as peace officers of the state designated in paragraph (2) of subdivision (c) of Section 11105.

SEC. 3. Section 3 of the Public Utilities Code is repealed.

SEC. 4. Section 218.3 is added to the Public Utilities Code, to read:

218.3. "Electric service provider" means an entity that offers electrical service to residential and small commercial customers, but does not include an electrical corporation, as defined in Section 218, or a public agency that offers electrical service to residential and small commercial customers within its jurisdiction, or within the service territory of a local publicly owned electric utility. "Electric service provider" includes the unregulated affiliates and subsidiaries of an electrical corporation, as defined in Section 218.

SEC. 4.5. Section 224.8 is added to the Public Utilities Code, to read:

224.8. "Network railroad transportation" means railroad transportation that is subject to the jurisdiction of the federal Surface Transportation Board pursuant to subsection (a) or (b) of Section 10501 of Title 49 of the United States Code.

SEC. 5. Section 248 is added to the Public Utilities Code, to read:

248. Any provision of the Public Utilities Act that is in conflict with the railroad provisions of Part A of Subtitle 4 of Title 49 of the United States Code shall be inapplicable to railroad transportation to the extent of that conflict. If any provision in the Public Utilities Act applicable to railroad transportation, or the application thereof to any person or circumstance, is in conflict with Part A of Subtitle 4 of Title 49 of the United States Code, the remainder of the act or the application of the provision to other persons or circumstances shall be unaffected to the extent no conflict exists.

SEC. 6. Section 308.5 of the Public Utilities Code is amended to read:

308.5. Persons employed as investigators and investigator supervisors of the Consumer Services Division or the Rail Safety and Carrier Division of the commission who are designated by the commission's executive director and approved by the commission have the authority of peace officers, as specified in paragraph (5) of subdivision (a) of Section 830.11 of the Penal Code, while engaged in exercising the powers granted to or performing the duties imposed upon them in investigating the laws administered by the commission or commencing directly or indirectly any criminal prosecution

arising from any investigation conducted under these laws. All persons herein referred to shall be deemed to be acting within the scope of employment with respect to all acts and matters set forth in this section.

SEC. 7. Section 309.5 of the Public Utilities Code, as added by Section 3 of Chapter 856 of the Statutes of 1996, is amended to read:

309.5. (a) There is within the commission a division to represent the interests of public utility customers and subscribers in commission proceedings. The goal of the division shall be to obtain the lowest possible rate for service consistent with reliable and safe service levels.

(b) The director of the division shall be appointed by and serve at the pleasure of the Governor, subject to confirmation by the Senate. The director shall annually appear before the appropriate policy committees of the Assembly and the Senate to report on the activities of the division.

(c) The commission shall, by rule or order, provide for the assignment of personnel to, and the functioning of, the division. The division may employ experts necessary to carry out its functions. Personnel and resources shall be provided to the division at a level sufficient to ensure that customer and subscriber interests are fairly represented in all significant proceedings.

(d) The commission shall develop appropriate procedures to ensure that the existence of the division does not create a conflict of roles for any employee or his or her representative. The procedures shall include, but shall not be limited to, the development of a code of conduct and procedures for ensuring that advocates and their representatives on a particular case or proceeding are not advising decisionmakers on the same case or proceeding.

(e) The division may compel the production or disclosure of any information it deems necessary to perform its duties from entities regulated by the commission provided that any objections to any request for information shall be decided by the assigned commissioner or by the president of the commission if there is no assigned commissioner.

(f) There is hereby created the Public Utilities Commission Ratepayer Advocate Account in the General Fund. Moneys from the Public Utilities Commission Utilities Reimbursement Account in the General Fund shall be transferred in the annual Budget Act to the Public Utilities Commission Ratepayer Advocate Account. The funds in the Public Utilities Commission Ratepayer Advocate Account shall be utilized exclusively by the division in the performance of its duties. The annual budget for the division shall be separately identified in the commission's annual budget request. The commission shall annually submit a staffing report containing a comparison of the staffing levels for each five-year period.

(g) This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2002, deletes or extends that date.

SEC. 8. Section 309.6 of the Public Utilities Code is amended to read:

309.6. (a) The commission shall adopt procedures on the disqualification of administrative law judges due to bias or prejudice similar to those of other state agencies and superior courts.

(b) The commission shall develop the procedures with the opportunity for public review and comment.

SEC. 8.3. Section 311 of the Public Utilities Code, as amended by Section 2 of Chapter 886 of the Statutes of 1998, is amended to read:

311. (a) The commission, each commissioner, the executive director, and the assistant executive directors may administer oaths, certify to all official acts, and issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents, and testimony in any inquiry, investigation, hearing, or proceeding in any part of the state.

(b) The administrative law judges may administer oaths, examine witnesses, issue subpoenas, and receive evidence, under rules that the commission adopts.

(c) The evidence in any hearing shall be taken by the commissioner or the administrative law judge designated for that purpose. The commissioner or the administrative law judge may receive and exclude evidence offered in the hearing in accordance with the rules of practice and procedure of the commission.

(d) Consistent with the procedures contained in Sections 1701.1, 1701.2, 1701.3, and 1701.4, the assigned commissioner or the administrative law judge shall prepare and file an opinion setting forth recommendations, findings, and conclusions. The opinion of the assigned commissioner or the administrative law judge is the proposed decision and a part of the public record in the proceeding. The proposed decision of the assigned commissioner or the administrative law judge shall be filed with the commission and served upon all parties to the action or proceeding without undue delay, not later than 90 days after the matter has been submitted for decision. The commission shall issue its decision not sooner than 30 days following filing and service of the proposed decision by the assigned commissioner or the administrative law judge, except that the 30-day period may be reduced or waived by the commission in an unforeseen emergency situation or upon the stipulation of all parties to the proceeding or as otherwise provided by law. The commission may, in issuing its decision, adopt, modify, or set aside the proposed decision or any part of the decision. Where the modification is of a decision in an adjudicatory hearing it shall be based upon the evidence in the record. Every finding, opinion, and order made in the proposed decision and approved or confirmed by the commission

shall, upon that approval or confirmation, be the finding, opinion, and order of the commission.

(e) Any item appearing on the commission's public agenda as an alternate item to a proposed decision or to a decision subject to subdivision (g) shall be served upon all parties to the proceeding without undue delay and shall be subject to public review and comment before it may be voted upon. For purposes of this subdivision "alternate" means either a substantive revision to a proposed decision that materially changes the resolution of a contested issue or any substantive addition to the findings of fact, conclusions of law, or ordering paragraphs. The commission shall adopt rules that provide for the time and manner of review and comment and the rescheduling of the item on a subsequent public agenda, except that the item may not be rescheduled for consideration sooner than 10 days following service of the alternative item upon all parties. The commission's rules may provide that the time and manner of review and comment on an alternate item may be reduced or waived by the commission in an unforeseen emergency situation.

(f) The commission may specify that the administrative law judge assigned to a proceeding involving an electrical, gas, telephone, railroad, or water corporation, or a highway carrier, initiated by customer or subscriber complaint need not prepare, file, and serve an opinion, unless the commission finds that to do so is required in the public interest in a particular case.

(g) (1) Prior to voting on any commission decision not subject to subdivision (d), the decision shall be served on parties and subject to at least 30 days public review and comment. Any alternate to any commission decision shall be subject to the same requirements as provided for alternate decisions under subdivision (e). For purposes of this subdivision, "decision" also includes resolutions, including resolutions on advice letter filings.

(2) The 30-day period may be reduced or waived in an unforeseen emergency situation, upon the stipulation of all parties in the proceeding, for an uncontested matter in which the decision grants the relief requested, or for an order seeking temporary injunctive relief.

(3) This subdivision does not apply to uncontested matters that pertain solely to water corporations, or to orders instituting investigations or rulemakings, categorization resolutions under Sections 1701.1 to 1701.4, inclusive, or orders authorized by law to be considered in executive session. Consistent with regulatory efficiency and the need for adequate prior notice and comment on commission decisions, the commission may adopt rules, after notice and comment, establishing additional categories of decisions subject to waiver or reduction of the time period in this section.

(h) Notwithstanding any other provision of law, amendments, revisions, or modifications by the commission of its Rules of Practice

and Procedure after January 1, 1999, shall be submitted to the Office of Administrative Law for prior review in accordance with Sections 11349, 11349.3, 11349.4, 11349.5, 11349.6, and 11350.3 of, and subdivisions (a) and (b) of Section 11349.1 of, the Government Code. If the commission adopts an emergency revision to its Rules of Practice and Procedure based upon a finding that the revision is necessary for the preservation of the public peace, health and safety, or general welfare, this emergency revision shall only be reviewed by the Office of Administrative Law in accordance with subdivisions (b) to (d), inclusive, of Section 11349.6 of the Government Code. The emergency revision shall become effective upon filing with the Secretary of State and shall remain in effect for no more than 120 days. A petition for writ of review pursuant to Section 1756 of a commission decision amending, revising, or modifying its Rules of Practice and Procedure shall not be filed until the regulation has been approved by the Office of Administrative Law, the Governor, or a court pursuant to Section 11350.3 of the Government Code. If the period for filing the petition for writ of review would otherwise have already commenced under Section 1733 or 1756 at the time of that approval, then the period for filing the petition for writ of review shall continue until 30 days after the date of that approval. Nothing in this subdivision shall require the commission to comply with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. This subdivision is only intended to provide for the Office of Administrative Law review of procedural commission decisions relating to Commission Rules of Practice and Procedure, and not General Orders, resolutions, or other substantive regulations.

SEC. 8.5. Section 311 of the Public Utilities Code, as added by Section 2.5 of Chapter 886 of the Statutes of 1998, is repealed.

SEC. 9. Section 314.5 of the Public Utilities Code is amended to read:

314.5. The commission shall inspect and audit the books and records for regulatory and tax purposes (a) at least once in every three years in the case of every electrical, gas, heat, telegraph, telephone, and water corporation serving over 1,000 customers, and (b) at least once in every five years in the case of every electrical, gas, heat, telegraph, telephone, and water corporation serving 1,000 or fewer customers. An audit conducted in connection with a rate proceeding shall be deemed to fulfill the requirements of this section. Reports of such inspections and audits and other pertinent information shall be furnished to the State Board of Equalization for use in the assessment of public utilities.

SEC. 10. Section 394 of the Public Utilities Code is amended to read:

394. (a) As used in this section, "electric service provider" means an entity that offers electrical service to residential and small commercial customers, but does not include an electrical

corporation, as defined in Section 218, or a public agency that offers electrical service to residential and small commercial customers within its jurisdiction, or within the service territory of a local publicly owned electric utility. "Electric service provider" includes the unregulated affiliates and subsidiaries of an electrical corporation, as defined in Section 218.

(b) Each electric service provider shall register with the commission. As a precondition to registration, the electric service provider shall provide, under oath, declaration, or affidavit, all of the following information to the commission:

(1) Legal name and any other names under which the electric service provider is doing business in California.

(2) Current telephone number.

(3) Current address.

(4) Agent for service of process.

(5) State and date of incorporation, if any.

(6) Number for a customer contact representative, or other personnel for receiving customer inquiries.

(7) Brief description of the nature of the service being provided.

(8) Disclosure of any civil, criminal, or regulatory sanctions or penalties imposed within the 10 years immediately prior to registration, against the company or any owner, partner, officer, or director of the company pursuant to any state or federal consumer protection law or regulation, and of any felony convictions of any kind against the company or any owner, partner, officer, or director of the company. In addition, each electric service provider shall furnish the commission with fingerprints for those owners, partners, officers, and managers of the electric service provider specified by any commission decision applicable to all electric service providers. The commission shall submit completed fingerprint cards to the Department of Justice. Those fingerprints shall be available for use by the Department of Justice and the Department of Justice may transmit the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The commission may use information obtained from a national criminal history record check conducted pursuant to this section to determine an electric service provider's eligibility for registration.

(9) Proof of financial viability. The commission shall develop uniform standards for determining financial viability and shall publish those standards for public comment no later than March 31, 1998. In determining the financial viability of the electric service provider, the commission shall take into account the number of customers the potential registrant expects to serve, the number of kilowatthours of electricity it expects to provide, and any other appropriate criteria to ensure that residential and small commercial customers have adequate recourse in the event of fraud or nonperformance.

(10) Proof of technical and operational ability. The commission shall develop uniform standards for determining technical and operational capacity and shall publish those standards for public comment no later than March 31, 1998.

(c) Any registration filing approved by the commission prior to the effective date of this section which does not comply in all respects with the requirements of subdivision (a) of Section 394 shall nevertheless continue in force and effect so long as within 90 days of the effective date of this section the electric service provider undertakes to supplement its registration filing to the satisfaction of the commission. Any registration that is not supplemented by the required information within the time set forth in this subdivision shall be suspended by the commission and shall not be reinstated until the commission has found the registration to be in full compliance with subdivision (a) of Section 394.

(d) Any public agency offering aggregation services as provided for in Section 366 solely to retail electric customers within its jurisdiction that has registered with the commission prior to the enactment of this section may voluntarily withdraw its registration to the extent that it is exempted from registration under this chapter.

(e) Before reentering the market, electric service providers whose registration has been revoked shall file a formal application with the commission that satisfies the requirements set forth in Section 394.1 and demonstrates the fitness and ability of the electric service provider to comply with all applicable rules of the commission.

(f) Registration with the commission is an exercise of the licensing function of the commission, and does not constitute regulation of the rates or terms and conditions of service offered by electric service providers. Nothing in this part authorizes the commission to regulate the rates or terms and conditions of service offered by electric service providers.

SEC. 10.1. Section 394.1 of the Public Utilities Code is amended to read:

394.1. (a) The registration shall be deemed approved and a registration number issued no later than 45 days after the required information has been submitted, unless the commission's executive director finds, upon review of the information submitted by the electric service provider or available to the commission, that there is evidence to support a finding that the electric service provider has committed an act constituting grounds for denial of registration as specifically set forth in the operative provisions of this chapter, including, but not limited to, subdivision (c).

(b) Upon a finding by the commission's executive director that there is evidence to support a finding that the electric service provider has committed an act constituting grounds for denial of registration as set forth in this section, the commission shall notify the electric service provider in writing, cause the documents submitted

by the electric service provider to be filed as a formal application for registration, and notice an expedited hearing on the registration of the electric service provider to be held within 30 days of the notification to the electric service provider of the executive director's finding of evidence to support denial of registration. The commission shall, within 45 days after holding the hearing, issue a decision on the registration request which shall be based on the findings of fact and conclusions of law based on the evidence presented at the hearing. The decision shall include the findings of fact and the conclusions of law relied upon.

(c) (1) The commission may deny an application for registration in accordance with subdivision (b) on the grounds that the electric service provider or any officer or director of the electric service provider has one or more of the following:

(A) Been convicted of a crime as described in paragraph (8) of subdivision (a) of Section 394.

(B) Failure to make a sufficient showing with respect to paragraphs (1) to (10), inclusive, of subdivision (a) of Section 394.

(C) Knowingly made a false statement of fact in the application for registration.

(2) The commission may deny registration pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties required to provide retail electric service to end use customers of electricity or the false statement is material to the registration application. For purposes of this subdivision, conviction of a crime shall be established in the same manner as that set forth in paragraph (1) of subdivision (a) of Section 480 of the Business and Professions Code.

(d) The commission shall require electric service providers registered under this section to update their registration information set forth in paragraphs (1) to (10), inclusive, of subdivision (a) of Section 394 within 60 days of any material change in the information provided. Material changes to any other information required pursuant to this article shall be updated annually.

SEC. 10.2. Section 394.2 of the Public Utilities Code is amended to read:

394.2. (a) The commission shall accept, compile, and attempt to informally resolve consumer complaints regarding electric service providers. Where the commission reasonably suspects a pattern of customer abuses, the commission may, on its own motion, initiate investigations into the activities of electric service providers offering electrical service. Consumer complaints regarding service by a public agency offering electric service within the political boundary of the public agency or service territory of a local publicly owned electric utility shall continue to be resolved by the public agency. Within the service territory of a local publicly owned utility, consumer complaints arising from the violation of direct access rules adopted by the governing body of the local publicly owned utility

shall be resolved through the local publicly owned utility's consumer complaint procedures.

(b) Notwithstanding other provisions, residential and small commercial customers shall have the option to proceed with a complaint against an electric service provider either through an action filed in the judicial court system or through a complaint filed with the commission. A customer who elects either the judicial or commission remedies may not raise the same claim in both forums. The commission shall have the authority to accept, compile, and resolve residential, and small commercial consumer complaints, including the authority to award reparations. The commission's authority in these complaint proceedings is limited to adjudication of complaints regarding residential and small commercial electric service provided by an electric service provider and shall not be expanded to include either an award of any other damages or regulation of the rates or charges of the electric service provider. However, a person or electric service provider that takes a conflict to the commission shall not be precluded from pursuing an appeal of the decision through the courts as provided for in law.

(c) In connection with customer complaints or commission investigations into customer abuses, electric service providers shall provide the commission access to their accounts, books, papers, and documents related to California transactions as described in Sections 313 and 314, provided the information is relevant to the complaint or investigation.

(d) No electric service provider may discontinue service to a customer for a disputed amount if that customer has filed a complaint that is pending with the commission, and that customer has paid the disputed amount into an escrow account.

SEC. 10.3. Section 394.25 of the Public Utilities Code is amended to read:

394.25. (a) The commission may enforce the provisions of Sections 2102, 2103, 2104, 2105, 2107, 2108, and 2114 against electric service providers as if those electric service providers were public utilities as defined in these code sections. Notwithstanding the above, nothing in this section grants the commission jurisdiction to regulate electric service providers other than as specifically set forth in this part. Electric service providers shall continue to be subject to the provisions of Sections 2111 and 2112. Upon a finding by the commission's executive director that there is evidence to support a finding that the electric service provider has committed an act constituting grounds for suspension or revocation of registration as set forth in subdivision (b) of Section 394.25, the commission shall notify the electric service provider in writing and notice an expedited hearing on the suspension or revocation of the electric service provider's registration to be held within 30 days of the notification to the electric service provider of the executive director's finding of evidence to support suspension or revocation of

registration. The commission shall, within 45 days after holding the hearing, issue a decision on the suspension or revocation of registration, which shall be based on findings of fact and conclusions of law based on the evidence presented at the hearing. The decision shall include the findings of fact and the conclusions of law relied upon.

(b) An electric service provider may have its registration suspended or revoked, immediately or prospectively, in whole or in part, for any of the following acts:

(1) Making material misrepresentations in the course of soliciting customers, entering into service agreements with those customers, or administering those service agreements.

(2) Dishonesty, fraud, or deceit with the intent to substantially benefit the electric service provider or its employees, agents, or representatives, or to disadvantage retail electric customers.

(3) Where the commission finds that there is evidence that the electric service provider is not financially or operationally capable of providing the offered electric service.

(c) Pursuant to its authority to revoke or suspend registration, the commission may suspend a registration for a specified period or revoke the registration, or in lieu of suspension or revocation, impose a moratorium on adding or soliciting additional customers. Any suspension or revocation of a registration shall require the electric service provider to cease serving customers within the boundaries of investor-owned electric corporations, and the affected customers shall be served by the electrical corporation until the time when they may select service from another service provider. Customers shall not be liable for the payment of any early termination fees or other penalties to any electric service provider under the service agreement if the serving electric service provider's registration is suspended or revoked.

SEC. 10.4. Section 394.3 of the Public Utilities Code is amended to read:

394.3. In order to carry out essential elements of a sustainable and effective consumer protection program in connection with electric service providers offering electrical service to residential and small commercial customers as intended by the Legislature in this article, the following shall apply:

(a) A registration fee of one hundred dollars ($100) shall be collected from electric service providers required to register under this article, and the fee proceeds shall be deposited in the Public Utilities Reimbursement Account established under Section 402.

(b) The commission shall annually determine the costs of administering the registration program and other facets of consumer protection directly related to the direct access transactions of electric service providers, including the cost for the duties imposed pursuant to subdivision (c) of Section 392.1. The commission shall only collect those costs not already being collected elsewhere. Registrants who

fail to submit to the commission required fees or information upon which fees are calculated within 30 days of billing shall be subject to a 15-percent penalty.

SEC. 10.5. Section 394.4 of the Public Utilities Code is amended to read:

394.4. Rules that implement the following minimum standards shall be adopted by the commission for electric service providers offering electrical services to residential and small commercial customers and the governing body of a public agency offering electrical services to residential and small commercial customers within its jurisdiction:

(a) Confidentiality: Customer information shall be confidential unless the customer consents in writing. This shall encompass confidentiality of customer specific billing, credit, or usage information. This requirement shall not extend to disclosure of generic information regarding the usage, load shape, or other general characteristics of a group or rate classification, unless the release of that information would reveal customer specific information because of the size of the group, rate classification, or nature of the information.

(b) Physical disconnects and reconnects: Only an electrical corporation, or a publicly owned electric utility, that provides physical delivery service to the affected customer shall have the authority to physically disconnect or reconnect a customer from the transmission or distribution grid. Physical disconnection by electrical corporations subject to the commission's jurisdiction shall occur only in accordance with protocols established by the commission. Physical disconnection by publicly owned electric utilities shall occur only in accordance with protocols established by the governing board of the local publicly owned electric utility.

(c) Change in providers: Upon adequate notice supplied by a electric service provider to the electric corporation or local publicly owned electric utility providing physical delivery service, customers who are eligible for direct access may change their energy supplier. Energy suppliers may charge for this change, provided that any fee or penalty charged by the supplier associated with early termination of service, shall be disclosed in that contract or applicable tariff.

(d) Written notices: Notices describing the terms and conditions of service as described in Section 394.5, service agreements, notices of late payment, notices of discontinuance of service, and disconnection notices addressed to residential and small commercial customers shall be easily understandable, and shall be provided in the language in which the electric service provider offered the services.

(e) Billing: All bills shall have a standard bill format, as determined by the commission or the governing body, and shall contain sufficient detail for the customer to recalculate the bill for accuracy. Any late fees shall be separately stated. Each electric service provider shall provide on all customer bills a phone number by which customers

may contact the electric service provider to report and resolve billing inquiries and complaints. An electric service provider contacted by a customer regarding a billing dispute shall advise the customer at the time of the initial contact that the customer may file a complaint with the commission if its dispute is not satisfactorily resolved by the electric service provider.

(f) Meter integrity: An electric customer shall have a reasonable opportunity to have its meter tested to ensure the reasonable accuracy of the meter. The commission or governing body shall determine who is responsible for the cost of that testing.

(g) Customer deposits: Electric service providers may require customer deposits before commencing service, but in no event shall the deposit be more than the estimated bill for the customer for a three-month period.

(h) Additional protections: The commission or the governing body may adopt additional residential and small commercial consumer protection standards that are in the public interest.

SEC. 10.6. Section 394.5 of the Public Utilities Code is amended to read:

394.5. (a) Except for an electrical corporation as defined in Section 218, or a local publicly owned electric utility as defined in subdivision (d) of Section 9604 offering electrical service to residential and small commercial customers within its service territory, each electric service provider offering electrical service to residential and small commercial customers shall, prior to the commencement of service, provide the potential customer with a written notice of the service describing the price, terms, and conditions of the service. The notices shall include all of the following:

(1) A clear description of the price, terms, and conditions of service, including:

(A) The price of electricity expressed in a format which makes it possible for residential and small commercial customers to compare and select among similar products and services on a standard basis. The commission shall adopt rules to implement this subdivision. The commission shall require disclosure of the total price of electricity on a cents-per-kilowatthour basis, including the costs of all electric services and charges regulated by the commission. The commission shall also require estimates of the total monthly bill for the electric service at varying consumption levels, including the costs of all electric services and charges regulated by the commission. In determining these rules, the commission may consider alternatives to the cent-per-kilowatthour disclosure if other information would provide the customer with sufficient information to compare among alternatives on a standard basis.

(B) Separate disclosure of all recurring and nonrecurring charges associated with the sale of electricity.

(C) If services other than electricity are offered, an itemization of the services and the charge or charges associated with each.

(2) An explanation of the applicability and amount of the competition transition charge, as determined pursuant to Sections 367 to 376, inclusive.

(3) A description of the potential customer's right to rescind the contract without fee or penalty as described in Section 395.

(4) An explanation of the customer's financial obligations, as well as the procedures regarding past due payments, discontinuance of service, billing disputes, and service complaints.

(5) The electric service provider's registration number, if applicable.

(6) The right to change service providers upon written notice, including disclosure of any fees or penalties assessed by the supplier for early termination of a contract.

(7) A description of the availability of low-income assistance programs for qualified customers and how customers can apply for these programs.

(b) The commission may assist electric service providers in developing the notice. The commission may suggest inclusion of additional information it deems necessary for the consumer protection purposes of this section. On at least a semiannual basis, electric service providers shall provide the commission with a copy of the form of notice included in standard service plans made available to residential and small commercial customers as described in subdivision (a) of Section 392.1.

(c) Any electric service provider offering electric services who declines to provide those services to a consumer shall, upon request of the consumer, disclose to that consumer the reason for the denial in writing within 30 days. At the time service is denied, the electric service provider shall disclose to the consumer his or her right to make this request. Consumers shall have at least 30 days from the date service is denied to make the request.

SEC. 10.7. Section 394.8 of the Public Utilities Code is amended to read:

394.8. Notwithstanding any other provision of this article, requirements placed on an electric service provider shall not apply to electrical services provided by a local publicly owned electric utility to customers within the jurisdiction or service territory of that local publicly owned electric utility.

SEC. 10.8. Section 396 of the Public Utilities Code is amended to read:

396. (a) A consumer damaged by a violation of this article by anelectric service provider is entitled to recover all of the following:

(1) Actual damages.

(2) The consumer's reasonable attorney's fees and court costs.

(3) Exemplary damages, in the amount the court deems proper, for intentional or willful violations.

(4) Equitable relief as the court deems proper.

(b) The rights, remedies, and penalties established by this article are in addition to the rights, remedies, or penalties established under any other law.

(c) Nothing in this article shall abrogate any authority of the Attorney General to enforce existing law.

SEC. 10.9. Section 421 of the Public Utilities Code is amended to read:

421. (a) The commission shall annually determine a fee to be paid by every passenger stage corporation, charter-party carrier of passengers, pipeline corporation, for-hire vessel operator, common carrier vessel operator, railroad corporation, and commercial air operator and every other common carrier and related business subject to the jurisdiction of the commission, except as otherwise provided in Article 3 (commencing with Section 431) of this chapter and Chapter 6 (commencing with Section 5001) of Division 2.

(b) The annual fee shall be established to produce a total amount equal to the amount established in the authorized commission budget for the same year, including adjustments appropriated by the Legislature and an appropriate reserve, to regulate common carriers and related businesses, less the amount to be paid from special accounts or funds pursuant to Section 403, reimbursements, federal funds, other revenues, and unencumbered funds from the preceding year.

(c) Notwithstanding any other provision of law, the fees paid by railroad corporations shall be used for state-funded railroad investigation and enforcement activities of the commission, other than the rail safety activities funded by the Transportation Planning and Development Account pursuant to Section 99315.5. The railroad fees shall be set annually at a level which generates not less than the amount sufficient to fund activities pursuant to Sections 765.5, 7711, and 7712.

(d) On January 1, 1992, the commission shall submit to the Legislature a detailed budget implementing this section for the 1992–93 fiscal year. The commission shall also submit to the Legislature by January 1, 1993, and on each January 1 thereafter, a detailed budget for expenditure of railroad corporation fees for the ensuing budget year. The budget for expenditure of railroad corporation fees, for each of the 1996–97 and 1997–98 fiscal years, shall not exceed the amount of three million dollars ($3,000,000). Expenditures of this budget shall be limited to the following items:

(1) Expenditures for employees occupying, and actually performing service in, railroad-safety personnel positions that are directly involved in inspecting railroads and enforcing rail safety regulations. The commission shall expend the funds budgeted pursuant to this subdivision for the salaries, per diem, and travel expenses of employees specified in this paragraph, unless by statute, the commission is specifically prohibited from expending all or part of those funds.

(2) Expenditures for employees occupying, and actually performing service in, clerical and support staff positions that are directly associated with railroad-safety inspections.

(3) Expenditures for legal personnel who actually pursue violations of rail safety regulations beyond the informal complaint level.

(4) Expenditures for an audit by the Bureau of State Audits pursuant to subdivision (f), not to exceed seventy-five thousand dollars ($75,000).

(5) Expenditures for the pro rata share of the commission's overhead costs while state personnel are actually occupying the positions, and are performing the duties specified in paragraphs (1) to (4), inclusive.

(e) The Department of Finance shall notify the Joint Legislative Budget Committee, pursuant to Section 28.00 of the annual Budget Act, prior to authorizing any change in the Budget Act appropriation for railroad corporation fees that is larger than one hundred thousand dollars ($100,000), or 10 percent of the amount budgeted, whichever is less.

(f) Except as otherwise provided in this subdivision, commencing with the 1993–94 fiscal year, and in each subsequent fiscal year until the 1999–2000 fiscal year, the commission shall conduct an audit of the expenditure of the funds received pursuant to this section, except that for the 1996–97 fiscal year and fiscal years thereafter the audit shall be conducted by the Bureau of State Audits. The results of this audit shall be reported, in writing, commencing on or before February 15, 1995, with respect to the audit for the 1993–94 fiscal year, and on or before January 15 of each year thereafter, with respect to the audit for the fiscal year ending on the previous June 30, to the appropriate policy and budget committees of the respective houses of the Legislature. The commission shall reimburse the Bureau of State Audits for the costs of the audits beginning with the 1996–97 fiscal year.

(g) On or before January 1, 1994, the commission shall hire a minimum of four additional operating practices inspectors, exclusive of supervisory personnel, who are, or shall become, by July 1, 1994, federally certified, for the purpose of enforcing compliance by railroads operating in this state with state and federal safety regulations.

(h) The commission, in performing its duties, shall limit the expenditure of funds for rail safety division purposes to those railroad corporation fees collected pursuant to subdivision (d). In no event, shall the commission fund railroad safety activities utilizing funds from other commission accounts unrelated to railroad safety.

SEC. 11. Section 426 is added to the Public Utilities Code, to read:

426. The commission shall use all moneys paid into the Public Utilities Commission Transportation Reimbursement Account by charter-party carriers in connection with charter bus transportation,

as defined in subdivision (b) of Section 5363, solely for the following purposes:

(a) Safety regulation.

(b) The administration of financial responsibility requirements.

(c) Commission activities to ensure compliance with safety regulation and financial responsibility requirements.

(d) Any other regulatory program permitted by Section 14501(a) of Title 49 of the United States Code.

SEC. 11.5. Section 454 of the Public Utilities Code is amended to read:

454. (a) Except as provided in Section 455, no public utility shall change any rate or so alter any classification, contract, practice, or rule as to result in any new rate, except upon a showing before the commission and a finding by the commission that the new rate is justified. Whenever any electrical, gas, heat, telephone, water, or sewer system corporation files an application to change any rate, other than a change reflecting and passing through to customers only new costs to the corporation which do not result in changes in revenue allocation, for the services or commodities furnished by it, the corporation shall furnish to its customers affected by the proposed rate change notice of its application to the commission for approval of the new rate. This notice requirement does not apply to any rate change proposed by a corporation pursuant to an advice letter submitted to the commission in accordance with commission procedures for this means of submission. The procedures for advice letters may include provision for notice to customers or subscribers on a case-by-case basis, as determined by the commission. The corporation may include the notice with the regular bill for charges transmitted to the customers within 45 days if the corporation operates on a 30-day billing cycle, or within 75 days if the corporation operates on a 60-day billing cycle. If more than one application to change any rate is filed within a single billing cycle, the corporation may combine the notices into a single notice if the applications are separately identified. The notice shall state the amount of the proposed rate change expressed in both dollar and percentage terms for the entire rate change as well as for each customer classification, a brief statement of the reasons the change is required or sought, and the mailing, and if available, the e-mail address of the commission to which any customer inquiries may be directed regarding how to participate in, or receive further notices regarding the date, time, or place of, any hearing on the application, and the mailing address of the corporation to which any customer inquiries relative to the proposed rate change may be directed.

(b) The commission may adopt rules it considers reasonable and proper for each class of public utility providing for the nature of the showing required to be made in support of proposed rate changes, the form and manner of the presentation of the showing, with or without a hearing, and the procedure to be followed in the

consideration thereof. Rules applicable to common carriers may provide for the publication and filing of any proposed rate change together with a written showing in support thereof, giving notice of the filing and showing in support thereof to the public, granting an opportunity for protests thereto, and to the consideration of, and action on, the showing and any protests filed thereto by the commission, with or without hearing. However, the proposed rate change does not become effective until it has been approved by the commission.

(c) The commission shall permit individual public utility customers and subscribers affected by a proposed rate change, and organizations formed to represent their interests, to testify at any hearing on the proposed rate change, except that the presiding officer need not allow repetitive or irrelevant testimony and may conduct the hearing in an efficient manner.

SEC. 12. Section 454.2 of the Public Utilities Code is amended to read:

454.2. Notwithstanding Section 454, the commission may establish a "zone of rate freedom" for any passenger stage transportation service which is operating in competition with other passenger transportation service from any means of transportation, if the competition together with the authorized zone of rate freedom will result in reasonable rates and charges for the passenger stage transportation service. An adjustment in rates or charges within a zone of rate freedom established by the commission is hereby deemed just and reasonable. The commission may, upon protest or on its own motion, suspend any adjustment in rates or charges under this section and institute proceedings under its rules of practice and procedure.

SEC. 13. Section 454.5 of the Public Utilities Code is repealed.

SEC. 14. Section 457 of the Public Utilities Code is repealed.

SEC. 15. Section 458 of the Public Utilities Code is amended to read:

458. (a) No common carrier, or any officer or agent thereof, or any person acting for or employed by it, shall, by means of known false billing, classification, weight, weighing, or report of weight, or by any other device or means assist, suffer, or permit any corporation or person to obtain transportation for any person or property between points within this state at less than the rates and fares then established and in force as shown by the schedules filed and in effect at the time.

No person, corporation, or any officer, agent, or employee of a corporation shall, by means of false billing, false or incorrect classification, false weight or weighing, false representation as to contents or substance of a package, or false report or statement of weight, or by any other device or means, whether with or without the consent or connivance of a common carrier or any of its officers, agents, or employees, seek to obtain or obtain such transportation for

such property at less than the rates then established and in force therefor.

(b) Subdivision (a) is not applicable to network railroad transportation.

SEC. 16. Section 459 of the Public Utilities Code is amended to read:

459. (a) No person or corporation, or any officer, agent, or employee of a corporation, shall knowingly, directly or indirectly, by any false statement or representation as to cost or value, or the nature or extent of an injury, or by the use of any false billing, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, or upon any false, fictitious, or fraudulent statement or entry, obtain or attempt to obtain any allowance, rebate, or payment for damage, in connection with or growing out of the transportation of persons or property, or an agreement to transport such persons or property, whether with or without the consent or connivance of a common carrier or any of its officers, agents, or employees. No common carrier, or any of its officers, agents, or employees, shall knowingly pay or offer to pay any such allowance, rebate, or claim for damage.

(b) Subdivision (a) is not applicable to network railroad transportation.

SEC. 17. Section 460 of the Public Utilities Code is repealed.

SEC. 18. Section 461 of the Public Utilities Code is repealed.

SEC. 19. Section 461.5 of the Public Utilities Code is amended to read:

461.5. (a) (1) No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state. It shall be unlawful for any railroad or other transportation company to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates.

(2) Upon application to the commission company may be authorized by the commission to charge less for longer than for shorter distances for the transportation of persons or property and the commission may from time to time prescribe the extent to which such company may be relieved from the prohibition to charge less for the longer than for the shorter haul. The commission may authorize the issuance of excursion and commutation tickets at special rates.

(3) Nothing contained in this section shall be construed to prevent the commission from ordering and compelling any railroad or other transportation company to make reparation to any shipper on account of the rates charged to such shipper being excessive or

discriminatory, provided no discrimination will result from such reparation.

(b) Subdivision (a) is not applicable to network railroad transportation.

SEC. 20. Section 486 of the Public Utilities Code is amended to read:

486. (a) Every common carrier shall file with the commission and shall print and keep open to the public inspection schedules showing the rates, fares, charges, and classifications for the transportation between termini within this state of persons and property from each point upon its route to all other points thereon; and from each point upon its route to all points upon every other route leased, operated, or controlled by it; and from each point on its route or upon any route leased, operated, or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate has been established or ordered between any two such points. If no joint rate over a through route has been established, the schedules of the several carriers in such through route shall show the separately established rates, fares, charges, and classifications applicable to the through transportation.

(b) Subdivision (a) is not applicable to network railroad transportation.

SEC. 21. Section 488 of the Public Utilities Code is amended to read:

488. (a) Subject to such rules as the commission may prescribe, the schedules of carriers shall be produced and made available for inspection upon the demand of any person. The form of every such schedule shall be prescribed by the commission and shall conform, in the case of any common carrier subject to federal regulation as nearly as possible to the form of schedules prescribed by the federal Surface Transportation Board.

(b) Subdivision (a) is not applicable to network railroad transportation.

SEC. 22. Section 491 of the Public Utilities Code is amended to read:

491. Unless the commission otherwise orders, no change shall be made by any public utility in any rate or classification, or in any rule or contract relating to or affecting any rate, classification, or service, or in any privilege or facility, except after 30 days' notice to the commission and to the public. Notice shall be given by filing with the commission and keeping open for public inspection new schedules stating plainly the changes to be made in the schedule or schedules then in force, and the time when the changes will go into effect. The commission, for good cause shown, may allow changes without requiring the 30 days' notice, by an order specifying the changes that may be made on less than 30 days' notice, the time when they shall take effect, and the manner in which they shall be filed and published. When any change is proposed in any rate or classification,

or in any form of contract or agreement or in any rule or contract relating to or affecting any rate, classification, or service, or in any privilege or facility, attention shall be directed to such change on the schedule filed with the commission, by some character to be designated by the commission, immediately preceding or following the item.

SEC. 23. Section 493 of the Public Utilities Code is amended to read:

493. (a) No common carrier subject to this part shall engage or participate in the transportation of persons or property, between points within this state, until its schedules of rates, fares, charges, and classifications have been filed and published in accordance with this part.

(b) If any common carrier of property, in contravention of subdivision (a), transports any property for which it does not have schedules of rates, fares, charges, and classifications on file, the commission may establish a just and reasonable charge for the transportation.

(c) This section is not applicable to network railroad transportation.

SEC. 24. Section 494 of the Public Utilities Code is amended to read:

494. (a) No common carrier shall charge, demand, collect, or receive a different compensation for the transportation of persons or property, or for any service in connection therewith, than the applicable rates, fares, and charges specified in its schedules filed and in effect at the time, nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified, except upon order of the commission as provided in this part, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons.

(b) Subdivision (a) is not applicable to network railroad transportation.

SEC. 25. Section 496 of the Public Utilities Code is repealed.

SEC. 26. Section 526 of the Public Utilities Code is repealed.

SEC. 27. Section 527 of the Public Utilities Code is amended to read:

527. Nothing in this part shall prevent the interchange of free or reduced rate transportation for passenger or express matter between common carriers, their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, where such common carriers are subject in whole or in part to the jurisdiction of the commission or of the federal Surface Transportation Board or where such common carriers, though not in whole or in part subject to the jurisdiction of this commission or of the federal Surface Transportation Board are engaged in the business of transporting passengers and freight by water between the United States and

foreign countries, and are permitted by federal law to interchange such free transportation with common carriers which are subject to the jurisdiction of the Public Utilities Commission or the federal Surface Transportation Board.

SEC. 28. Section 530 of the Public Utilities Code is amended to read:

530. (a) Every common carrier subject to the provisions of this part may transport, free or at reduced rates, as follows:

(1) Persons for the United States, state, county, or municipal governments, or persons or property for charitable or patriotic purposes, or to provide relief in cases of general epidemic, pestilence, or calamity.

(2) Contractors and their employees, material or supplies for use or engaged in carrying out their contracts with such carriers, for construction, operation, or maintenance work or work incidental thereto on the line of the issuing carrier, to the extent only that such free or reduced rate transportation is provided for in the specifications upon which the contract is based and in the contract itself.

(b) Common carriers may also enter into contracts with telegraph and telephone corporations for an exchange of service.

SEC. 29. Section 556 of the Public Utilities Code is amended to read:

556. Every common carrier shall afford all reasonable, proper, and equal facilities for the prompt and efficient interchange and transfer of passengers between the lines owned, operated, controlled, or leased by it and the lines of every other common carrier, and shall make such interchange and transfer promptly without discrimination between passengers or carriers as to compensation charged, service rendered, or facilities afforded.

SEC. 30. Section 557 of the Public Utilities Code is repealed.

SEC. 31. Section 559 of the Public Utilities Code is amended to read:

559. (a) Nothing in Sections 556 to 558, inclusive, shall limit or modify the duty of a common carrier to establish joint rates, fares, and charges for the transportation of passengers and property over the lines owned, operated, controlled, or leased by it and the lines of other common carriers, or the power of the commission to require the establishment of such joint rates, fares, and charges.

(b) Subdivision (a) is not applicable to network railroad transportation.

SEC. 32. Section 703 of the Public Utilities Code is amended to read:

703. The commission may investigate all existing or proposed interstate rates, fares, tolls, charges, and classifications, and all rules and practices in relation thereto, for or in relation to the transportation of persons or property or the transmission of messages for conversations, where any act in relation thereto takes place

within this state and when they are, in the opinion of the commission, in violation of federal law, or in conflict with the rulings, orders, or regulations of the a federal agency, the commission may apply for relief by petition or otherwise to the federal agency that has jurisdiction over the alleged violation or to any court of competent jurisdiction.

SEC. 33. Section 706 of the Public Utilities Code is repealed.

SEC. 34. Section 707 of the Public Utilities Code is repealed.

SEC. 35. Section 728.5 of the Public Utilities Code is amended to read:

728.5. (a) The commission may establish rates or charges for the transportation of passengers and freight by railroads and other transportation companies, except motor carriers of property, and no railroad or other transportation company under its jurisdiction, except motor carriers of property, shall charge or demand or collect or receive a greater or less or different compensation for that transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates established by the commission than the rates, fares and charges which are specified in that tariff. The commission may examine books, records and papers of all railroad and other transportation companies, except motor carriers of property; may hear and determine complaints against railroad and other transportation companies; and may issue subpoenas and all necessary process and send for persons and papers. The commission and each of the commissioners may administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record. The commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies, except motor carriers of property.

(b) Subdivision (a) is not applicable to network railroad transportation.

SEC. 36. Section 730 of the Public Utilities Code is amended to read:

730. (a) The commission shall, upon a hearing, determine the kind and character of facilities and the extent of the operation thereof, necessary reasonably and adequately to meet public requirements for service furnished by common carriers between any two or more points, and shall fix and determine the just, reasonable, and sufficient rates for such service. Whenever two or more common carriers are furnishing service in competition with each other, the commission may, after hearing, when necessary for the preservation of adequate service and when public interest demands, prescribe uniform rates, classifications, rules, and practices to be charged, collected, and observed by all such common carriers.

(b) Subdivision (a) is not applicable to network railroad transportation.

SEC. 37. Section 731 of the Public Utilities Code is repealed.

SEC. 38. Section 732 of the Public Utilities Code is amended to read:

732. (a) Whenever the commission, after a hearing finds that the rates, fares, or charges in force over two or more common carriers, between any two points in this state, are unjust, unreasonable, or excessive, or that no satisfactory through route or joint rate, fare, or charge exists between such points, and that the public convenience and necessity demand the establishment of such a through route and joint rate, fare, or charge, the commission may order such common carriers to establish such through route and may establish and fix a joint rate, fare, or charge which will be fair, just, reasonable, and sufficient, to be charged and collected in the future, and the terms and conditions under which such through route shall be operated. The commission may order that freight moving between such points shall be carried by the common carriers participating in such through route and joint rate, without being transferred from the originating cars.

(b) Subdivision (a) is not applicable to network railroad transportation.

SEC. 39. Section 733 of the Public Utilities Code is amended to read:

733. (a) If the common carriers do not agree upon the division between them of the joint rates, fares, or charges established by the commission over through routes, the commission shall, after hearing, by supplemental order, establish that division. Where any railroad, or passenger stage corporation that is made a party to a through route has itself over its own line an equally satisfactory through route between the termini of the through route established, that railroad, or passenger stage corporation may require as its division of the joint rate, fare, or charge its local rate, fare, or charge over the portion of its line comprised in the through route, and the commission may, in its discretion, allow to that railroad or passenger stage corporation, more than its local rate, fare, or charge if the commission determines that it will be equitable so to do. The commission may establish and fix through routes and joint rates, fares, or charges over common carriers and stage or auto stage lines which may not be otherwise subject to the provisions of this part, and may fix the division of those joint rates, fares, or charges.

(b) Subdivision (a) is not applicable to network railroad transportation.

SEC. 40. Section 739.9 of the Public Utilities Code is repealed.

SEC. 41. Section 740.8 of the Public Utilities Code is amended to read:

740.8. As used in Section 740.3, "interests" of ratepayers, short- or long-term, mean direct benefits that are specific to ratepayers in the form of safer, more reliable, or less costly gas or electrical service.

SEC. 42. Section 746 of the Public Utilities Code is repealed.

SEC. 43. Section 747 of the Public Utilities Code is repealed.

SEC. 44. Section 763 of the Public Utilities Code is amended to read:

763. (a) Whenever the commission, after a hearing, finds that any railroad corporation or street railroad corporation does not run a sufficient number of trains or cars, or possess or operate sufficient motive power, reasonably to accommodate the traffic, passenger or freight, transported by or offered for transportation to it, or does not run its trains or cars with sufficient frequency or at a reasonable or proper time having regard to safety, or does not stop its trains or cars at proper places, or does not run any train or car upon a reasonable time schedule for the run, the commission may make an order directing such corporation to increase the number of its trains or cars or its motive power or to change the time for starting its trains or cars or to change the time schedule for the run of any train or car, or to change the stopping place or places thereof. The commission may make any other order that it determines to be reasonably necessary to accommodate and transport the traffic, passenger or freight, transported or offered for transportation.

(b) Subdivision (a) is not applicable to network railroad transportation.

SEC. 45. Section 763.1 of the Public Utilities Code is repealed.

SEC. 46. Section 764 of the Public Utilities Code is repealed.

SEC. 47. Section 765 of the Public Utilities Code is repealed.

SEC. 48. Section 765.5 of the Public Utilities Code is amended to read:

765.5. (a) The purpose of this section is to provide that the commission takes all appropriate action necessary to ensure the safe operation of railroads in this state.

(b) The commission shall dedicate sufficient resources necessary to adequately carry out the State Participation Program for the regulation of rail transportation of hazardous materials as authorized by the Hazardous Material Transportation Uniform Safety Act of 1990 (P.L. 101-615).

(c) On or before July 1, 1992, the commission shall hire a minimum of six additional rail inspectors who are or shall become federally certified, consisting of three additional motive power and equipment inspectors, two signal inspectors, and one operating practices inspector, for the purpose of enforcing compliance by railroads operating in this state with state and federal safety regulations.

(d) On or before July 1, 1992, the commission shall establish, by regulation, a minimum inspection standard to ensure, at the time of inspection, that railroad locomotives, equipment and facilities located in Class I railroad yards in California will be inspected not less frequently than every 180 days, and inspection of all branch and main line track not less frequently than every 12 months.

SEC. 49. Section 769 of the Public Utilities Code is repealed.

SEC. 50. Section 769.5 of the Public Utilities Code is repealed.

SEC. 51. Section 788 of the Public Utilities Code is amended to read:

788. (a) This section applies only to a telephone corporation that is a provider of local exchange service.

(b) On or before March 1, 1992, and annually thereafter, every telephone corporation that is a provider of local exchange service shall issue to each of its residential subscribers, in a manner and form approved by the commission, a notice containing the following information:

(1) An explanation of the responsibilities of the subscriber and the telephone corporation in relation to the customer's inside telephone wiring, as that term is defined by and pursuant to Section 1941.4 of the Civil Code, including an explanation of lessor and tenant obligations.

(2) An explanation of the telephone corporation's procedures and charges for determining and notifying the subscriber of whether a malfunction in its telephone wire is located in the telephone network, or is located in the subscriber's inside telephone wiring, including customer-provided equipment.

(3) If the telephone corporation offers any services to maintain or repair a subscriber's inside telephone wiring, a full description of the types of services offered, including the rates, charges, and conditions for these services, and whether those services are offered by nonutility providers.

SEC. 52. Section 853 of the Public Utilities Code is amended to read:

853. (a) This article does not apply to any person or corporation which transacts no business subject to regulation under this part, except performing services or delivering commodities for or to public utilities or municipal corporations or other public agencies primarily for resale or use in serving the public or any portion thereof, but shall apply to any public utility, and any subsidiary or affiliate of, or corporation holding a controlling interest in, a public utility, if the commission finds, in a proceeding to which the public utility is or may become a party, that the application of this article is required by the public interest.

(b) The commission may from time to time by order or rule, and subject to those terms and conditions as may be prescribed therein, exempt any public utility or class of public utility from this article if it finds that the application thereof with respect to the public utility or class of public utility is not necessary in the public interest. The commission may establish rules or impose requirements deemed necessary to protect the interest of the customers or subscribers of the public utility or class of public utility exempted under this subdivision. These rules or requirements may include, but are not limited to, notification of a proposed sale or transfer of assets or stock and provision for refunds or credits to customers or subscribers.

(c) The provisions of Sections 851 and 854 that prohibit any assignment, acquisition, or change of control without advance authorization from the commission, do not apply to the transfer of the ownership interest in a water utility, with 10,000 or fewer service connections, from a decedent to a member of the decedent's family in the manner provided in Section 240 of the Probate Code or by a will, trust, or other instrument.

SEC. 53. Section 874 of the Public Utilities Code is amended to read:

874. The lifeline telephone service rates and charges shall be as follows:

(a) In a residential subscriber's service area where measured service is not available, the lifeline telephone service rates shall not be more than 50 percent of the rates for basic flat rate service, exclusive of federally mandated end user access charges, available to the residential subscriber.

(b) In a residential subscriber's service area where measured service is available, the subscriber may elect either of the following:

(1) A lifeline telephone service measured rate of not more than 50 percent of the basic rate for measured service, exclusive of federally mandated end user access charges, available to the residential subscriber.

(2) A lifeline flat rate of not more than 50 percent of the rates for basic flat rate service, exclusive of federally mandated end user access charges, available to the residential subscriber.

(c) The lifeline telephone service installation or connection charge, or both, shall not be more than 50 percent of the charge for basic residential service installation or connection, or both. The commission may limit the number of installation and connection charges, or both, that may be incurred at the reduced rate in any given period.

(d) There shall be no charge to the residential customer who has filed a valid eligibility statement for changing out of lifeline service.

(e) The commission shall assess whether there is a problem with customers who fraudulently obtain lifeline telephone service. If the commission determines that there is a problem, it shall recommend and promulgate appropriate solutions. This assessment and the solutions determined by the commission shall not, in and of themselves, change the procedures developed pursuant to Section 876.

SEC. 54. Section 882 of the Public Utilities Code is amended to read:

882. (a) The Public Utilities Commission shall, as soon as practicable, open a proceeding or proceedings to, or as part of existing proceedings shall, consider ways to ensure that advanced telecommunications services are made available as ubiquitously and economically as possible, in a timely fashion, to California's citizens,

institutions, and businesses. The proceeding or proceedings should be completed within one year of commencement.

(b) The proceeding or proceedings shall develop rules, procedures, orders, or strategies, or all of these, that seek to achieve the following goals:

(1) To provide all citizens and businesses with access to the widest possible array of advanced communications services.

(2) To provide the state's educational and health care institutions with access to advanced communications services.

(3) To ensure cost-effective deployment of technology so as to protect ratepayers' interests and the affordability of telecommunications services.

(c) In the proceeding or proceedings, the commission should also consider, but need not limit its consideration to, all of the following:

(1) Whether the definition of universal service should be broadened.

(2) How to encourage the timely and economic development of an advanced public communications infrastructure, which may include a variety of competitive providers.

SEC. 55. Section 1701.1 of the Public Utilities Code is amended to read:

1701.1. (a) The commission, consistent with due process, public policy, and statutory requirements, shall determine whether a proceeding requires a hearing. The commission shall determine whether the matter requires a quasi-legislative, an adjudication, or a ratesetting hearing. The commission's decision as to the nature of the proceeding shall be subject to a request for rehearing within 10 days of the date of that decision. If that decision is not appealed to the commission within that time period it shall not be subsequently subject to judicial review. Only those parties who have requested a rehearing within that time period shall subsequently have standing for judicial review and that review shall only be available at the conclusion of the proceeding. The commission shall render its decision regarding the rehearing within 30 days. The commission shall establish regulations regarding ex parte communication on case categorization issues.

(b) The commission upon initiating a hearing shall assign one or more commissioners to oversee the case and an administrative law judge where appropriate. The assigned commissioner shall schedule a prehearing conference. The assigned commissioner shall prepare and issue by order or ruling a scoping memo that describes the issues to be considered and the applicable timetable for resolution.

(c) (1) Quasi-legislative cases, for purposes of this article, are cases that establish policy, including, but not limited to, rulemakings and investigations which may establish rules affecting an entire industry.

(2) Adjudication cases, for purposes of this article, are enforcement cases and complaints except those challenging the reasonableness of any rates or charges as specified in Section 1702.

(3) Ratesetting cases, for purposes of this article, are cases in which rates are established for a specific company, including, but not limited to, general rate cases, performance-based ratemaking, and other ratesetting mechanisms.

(4) "Ex parte communication," for purposes of this article, means any oral or written communication between a decisionmaker and a person with an interest in a matter before the commission concerning substantive, but not procedural issues, that does not occur in a public hearing, workshop, or other public proceeding, or on the official record of the proceeding on the matter. "Person with an interest," for purposes of this article, means any of the following:

(A) Any applicant, an agent or an employee of the applicant, or a person receiving consideration for representing the applicant, or a participant in the proceeding on any matter before the commission.

(B) Any person with a financial interest, as described in Article 1 (commencing with Section 87100) of Chapter 7 of Title 9 of the Government Code, in a matter before the commission, or an agent or employee of the person with a financial interest, or a person receiving consideration for representing the person with a financial interest.

(C) A representative acting on behalf of any civic, environmental, neighborhood, business, labor, trade, or similar organization who intends to influence the decision of a commission member on a matter before the commission.

The commission shall by regulation adopt and publish a definition of decisionmakers and persons for purposes of this section, along with any requirements for written reporting of ex parte communications and appropriate sanctions for noncompliance with any rule proscribing ex parte communications. The regulation shall provide that reportable communications shall be reported by the party, whether the communication was initiated by the party or the decisionmaker. Communications shall be reported within three working days of the communication by filing a "Notice of Ex Parte Communication" with the commission in accordance with the procedures established by the commission for the service of that notice. The notice shall include the following information:

(i) The date, time, and location of the communication, and whether it was oral, written, or a combination.

(ii) The identity of the recipient and the person initiating the communication, as well as the identity of any persons present during the communication.

(iii) A description of the party's, but not the decisionmaker's, communication and its content, to which shall be attached a copy of any written material or text used during the communication.

SEC. 56. Section 1823 of the Public Utilities Code is repealed.

SEC. 57. Section 1824 of the Public Utilities Code is repealed.

SEC. 58. Section 1904 of the Public Utilities Code is amended to read:

1904. The commission shall also charge and collect the following fees:

(a) Except as otherwise provided in Section 1036 for filing each application for a certificate of public convenience and necessity, or for the mortgage, lease, transfer, or assignment thereof, seventy-five dollars ($75).

(b) For a certificate authorizing an issue of bonds, notes, or other evidences of indebtedness, two dollars ($2) for each one thousand dollars ($1,000) of the face value of the authorized issue or fraction thereof up to one million dollars ($1,000,000), one dollar ($1) for each one thousand dollars ($1,000) over one million dollars ($1,000,000) and up to ten million dollars ($10,000,000), and fifty cents ($0.50) for each one thousand dollars ($1,000) over ten million dollars ($10,000,000), with a minimum fee in any case of fifty dollars ($50). No fee need be paid on such portion of any such issue as may be used to guarantee, take over, refund, discharge, or retire any stock, bond, note or other evidence of indebtedness on which a fee has theretofore been paid to the commission. If the commission modified the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of the commission's authorization, no fee shall be paid, and if such fee is paid prior to the issuance of such certificate by the commission, such fee shall be returned.

SEC. 59. Chapter 4 (commencing with Section 2739) of Part 2 of Division 1 of the Public Utilities Code is repealed.

SEC. 60. Section 2851 of the Public Utilities Code is repealed.

SEC. 61. Section 2881 of the Public Utilities Code is amended to read:

2881. (a) The commission shall design and implement a program to provide a telecommunications device capable of serving the needs of individuals who are deaf or hearing impaired, together with a single party line, at no charge additional to the basic exchange rate, to any subscriber who is certified as an individual who is deaf or hearing impaired by a licensed physician and surgeon, audiologist, or a qualified state or federal agency, as determined by the commission, and to any subscriber that is an organization representing individuals who are deaf or hearing impaired, as determined and specified by the commission pursuant to subdivision (e). A licensed hearing aid dispenser may certify the need of an individual to participate in the program if that individual has been previously fitted with an amplified device by the dispenser and the dispenser has the individual's hearing records on file prior to certification.

(b) The commission shall also design and implement a program to provide a dual-party relay system, using third-party intervention to connect individuals who are deaf or hearing impaired and offices of organizations representing individuals who are deaf or hearing

impaired, as determined and specified by the commission pursuant to subdivision (e), with persons of normal hearing by way of intercommunications devices for individuals who are deaf or hearing impaired and the telephone system, making available reasonable access of all phases of public telephone service to telephone subscribers who are deaf or hearing impaired. In order to make a dual-party relay system that will meet the requirements of individuals who are deaf or hearing impaired available at a reasonable cost, the commission shall initiate an investigation, conduct public hearings to determine the most cost-effective method of providing dual-party relay service to the deaf or hearing impaired when using a telecommunications device, and solicit the advice, counsel, and physical assistance of statewide nonprofit consumer organizations of the deaf, during the development and implementation of the system. The commission shall phase in this program, on a geographical basis, over a three-year period ending on January 1, 1987. The commission shall apply for certification of this program under rules adopted by the Federal Communications Commission pursuant to Section 401 of the Americans with Disabilities Act of 1990 (Public Law 101-336).

(c) The commission shall also design and implement a program whereby specialized or supplemental telephone communications equipment may be provided to subscribers who are certified to be disabled at no charge additional to the basic exchange rate. The certification, including a statement of medical need for specialized telecommunications equipment, shall be provided by a licensed physician and surgeon acting within the scope of practice of his or her license, or by a qualified state or federal agency as determined by the commission. The commission shall, in this connection, study the feasibility of, and implement, if determined to be feasible, personal income criteria, in addition to the certification of disability, for determining a subscriber's eligibility under this subdivision.

(d) The commission shall establish a rate recovery mechanism through a surcharge not to exceed one-half of 1 percent uniformly applied to a subscriber's intrastate telephone service, other than one-way radio paging service and universal telephone service, both within a service area and between service areas, to allow providers of the equipment and service specified in subdivisions (a), (b), and (c), to recover costs as they are incurred under this section. The surcharge shall be in effect until January 1, 2001. The commission shall require that the programs implemented under this section be identified on subscribers' bills, and shall establish a fund and require separate accounting for each of the programs implemented under this section.

(e) The commission shall determine and specify those statewide organizations representing the deaf or hearing impaired which shall receive a telecommunications device pursuant to subdivision (a) or a dual-party relay system pursuant to subdivision (b), or both, and in

which offices the equipment shall be installed in the case of an organization having more than one office.

(f) The commission may direct any telephone corporation subject to its jurisdiction to comply with its determinations and specifications pursuant to this section.

(g) The commission shall annually review the surcharge level and the balances in the funds established pursuant to subdivision (d). Until January 1, 2001, the commission shall be authorized to make, within the limits set by subdivision (d), any necessary adjustments to the surcharge to ensure that the programs supported thereby are adequately funded and that the fund balances are not excessive. A fund balance which is projected to exceed six months' worth of projected expenses at the end of the fiscal year is excessive.

(h) The commission shall prepare and submit to the Legislature, on or before December 31, 1988, and annually thereafter, a report on the fiscal status of the programs established and funded pursuant to this section and Sections 2881.1 and 2881.2. The report shall include a statement of the surcharge level established pursuant to subdivision (d) and revenues produced by the surcharge, an accounting of program expenses, and an evaluation of options for controlling those expenses and increasing program efficiency, including, but not limited to, all of the following proposals:

(1) The establishment of a means test for persons to qualify for program equipment or free or reduced charges for the use of telecommunication services.

(2) If and to the extent not prohibited under Section 401 of the Americans with Disabilities Act of 1990 (Public Law 101-336), the imposition of limits or other restrictions on maximum usage levels for the relay service, which shall include the development of a program to provide basic communications requirements to all relay users at discounted rates, including discounted toll call rates, and, for usage in excess of those basic requirements, at rates which recover the full costs of service.

(3) More efficient means for obtaining and distributing equipment to qualified subscribers.

(4) The establishment of quality standards for increasing the efficiency of the relay system.

(i) In order to continue to meet the access needs of individuals with functional limitations of hearing, vision, movement, manipulation, speech and interpretation of information, the commission shall perform ongoing assessment of, and if appropriate, expand the scope of the program to allow for additional access capability consistent with evolving telecommunications technology.

SEC. 62. Section 2881.1 of the Public Utilities Code is amended to read:

2881.1. (a) In addition to the requirements of Section 2881, the commission shall design and implement a program to provide a telecommunications device capable of servicing the needs of the deaf

or severely hearing-impaired, together with a single party line, at no charge additional to the basic exchange rate, to any subscriber which is an agency of state government and which the commission determines serves a significant portion of the deaf or severely hearing-impaired population, and to an office located in the State Capitol and selected by the Joint Rules Committee, for purposes of access by the deaf or severely hearing-impaired to Members of the Legislature.

(b) The commission shall permit providers of equipment and service specified in subdivision (a) to recover costs as they are incurred under this section pursuant to subdivision (d) of Section 2881.

(c) The commission may direct any telephone corporation subject to its jurisdiction to comply with its determinations pursuant to this section.

SEC. 63. Section 2882 of the Public Utilities Code is repealed.

SEC. 64. Section 2882.5 of the Public Utilities Code is repealed.

SEC. 65. Section 2889.8 of the Public Utilities Code is amended to read:

2889.8. The commission periodically shall assess the reliability of the public telecommunications network and, if necessary, develop recommendations for improvement. The assessment shall include, but not be limited to, all of the following:

(a) An analysis of those factors that pose a risk to network reliability, including the adequacy of independent sources of reserve power.

(b) Consideration as to whether development of reliability standards is appropriate.

(c) Consideration as to whether procedures should be developed to notify customers about accessing other telecommunications companies in the event of a service disruption.

SEC. 65.5. Section 2890 of the Public Utilities Code, as added by Section 2 of Chapter 1041 of the Statutes of 1998, is amended to read:

2890. (a) A telephone bill may only contain charges for communications-related goods and services, including, but not limited to, wired and wireless communications service, Internet access, video service, information service, telephone equipment that is connected to a telecommunications network, and cable set top boxes. The commission may permit a billing telephone company to include in the same envelope with a subscriber's telephone bill, a separate bill for noncommunications-related goods and services. The commission may also specify the kinds of noncommunications-related goods and services that may be billed in this manner.

(b) A telephone bill, and a bill for noncommunications-related goods and services that is included in the same envelope as a telephone bill, may only contain charges for products or services, the purchase of which the subscriber has authorized.

(c) When a person or corporation obtains a written order for a product or service, the written order shall be a separate document from any solicitation material. The sole purpose of the document is to explain the nature and extent of the transaction. Written orders and written solicitation materials shall be unambiguous, legible, and in a minimum 10-point type. Written or oral solicitation materials used to obtain an order for a product or service shall be in the same language as the written order. Written orders may not be used as entry forms for sweepstakes, contests, or any other program that offers prizes or gifts.

(d) The commission may only permit a subscriber's local telephone service to be disconnected for nonpayment of charges relating to the subscriber's basic local exchange telephone service, long distance telephone service within a local access and transport area (intraLATA), long distance telephone service between local access and transport areas (interLATA), and international telephone service.

(e) (1) A billing telephone company shall clearly identify, and use a separate billing section for, each person, corporation, or billing agent that generates a charge on a subscriber's telephone bill. A billing telephone company may not bill for a person, corporation, or billing agent, unless that person, corporation or billing agent complies with paragraph (2).

(2) Any person, corporation, or billing agent that charges subscribers for products or services on a telephone bill, or on a bill for noncommunications-related goods and services that is included in the same envelope as a telephone bill, shall do all of the following:

(A) Include, or cause to be included, in the bill the amount being charged for each product or service, including any taxes or surcharges, and a clear and concise description of the service, product, or other offering for which a charge has been imposed.

(B) Include, or cause to be included, for each entity that charges for a product or service, information with regard to how to resolve any dispute about that charge, including the name of the party responsible for generating the charge, a toll-free telephone number of the entity responsible for resolving disputes regarding the charge, and a description of the manner in which a dispute regarding the charge may be addressed. Each telephone bill shall include the appropriate telephone numbers of the commissions that a customer may use to register a complaint.

(C) Establish, maintain, and staff a toll-free telephone number to respond to questions or disputes about its charges and to provide the appropriate addresses to which written questions or complaints may be sent. The person, corporation, or billing agent that generates a charge may also contract with a third party, including, but not limited to, the billing telephone corporation, to provide that service on behalf of the person, corporation or billing agent.

(D) Provide a means for expeditiously resolving subscriber disputes over charges for a product or service, the purchase of which was not authorized by the subscriber. In the case of a dispute, there is a rebuttable presumption that an unverified charge for a product or service was not authorized by the subscriber and that the subscriber is not responsible for that charge. With regard to direct dialed telecommunications services, evidence that a call was dialed is prima facie evidence of authorization. If recurring charges arise from the use of those subscriber-initiated services, the recurring charges are subject to this section.

(f) If an entity responsible for generating a charge on a telephone bill, or on a bill for noncommunications-related goods and services that is included in the same envelope as a telephone bill, receives a complaint from a subscriber that the subscriber did not authorize the purchase of the product or service associated with that charge, the entity, not later than 30 days from the date on which the complaint is received, shall verify the subscriber's authorization of that charge or undertake to resolve the billing dispute to the subscriber's satisfaction.

(g) For purposes of this section, "billing agent" is the clearinghouse or billing aggregator.

(h) This section shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2001, deletes or extends that date.

SEC. 65.7. Section 2890 of the Public Utilities Code, as added by Section 3 of Chapter 1041 of the Statutes of 1998, is amended to read:

2890. (a) A telephone bill may only contain charges for products or services, the purchase of which the subscriber has authorized.

(b) When a person or corporation obtains a written order for a product or service, the written order shall be a separate document from any solicitation material. The sole purpose of the document is to explain the nature and extent of the transaction. Written orders and written solicitation materials shall be unambiguous, legible, and in a minimum 10-point type. Written or oral solicitation materials used to obtain an order for a product or service shall be in the same language as the written order. Written orders may not be used as entry forms for sweepstakes, contests, or any other program that offers prizes or gifts.

(c) The commission may only permit a subscriber's local telephone service to be disconnected for nonpayment of charges relating to the subscriber's basic local exchange telephone service, long distance telephone service within a local access and transport area (intraLATA), long distance telephone service between local access and transport areas (interLATA), and international telephone service.

(d) (1) A billing telephone company shall clearly identify, and use a separate billing section for, each person, corporation, or billing agent that generates a charge on a subscriber's telephone bill. A

billing telephone company may not bill for a person, corporation, or billing agent, unless that person, corporation or billing agent complies with paragraph (2).

(2) Any person, corporation, or billing agent that charges subscribers for products or services on a telephone bill shall do all of the following:

(A) Include, or cause to be included, in the telephone bill the amount being charged for each product or service, including any taxes or surcharges, and a clear and concise description of the service, product, or other offering for which a charge has been imposed.

(B) Include, or cause to be included, for each entity that charges for a product or service, information with regard to how to resolve any dispute about that charge, including the name of the party responsible for generating the charge and a toll-free telephone number or other no cost means of contacting the entity responsible for resolving disputes regarding the charge and a description of the manner in which a dispute regarding the charge may be addressed. Each telephone bill shall include the appropriate telephone number of the commission that a subscriber may use to register a complaint.

(C) Establish, maintain, and staff a toll-free telephone number to respond to questions or disputes about its charges and to provide the appropriate addresses to which written questions or complaints may be sent. The person, corporation, or billing agent that generates a charge may also contract with a third party, including, but not limited to, the billing telephone corporation, to provide that service on behalf of the person, corporation or billing agent.

(D) Provide a means for expeditiously resolving subscriber disputes over charges for a product or service, the purchase of which was not authorized by the subscriber. In the case of a dispute, there is a rebuttable presumption that an unverified charge for a product or service was not authorized by the subscriber and that the subscriber is not responsible for that charge. With regard to direct dialed telecommunications services, evidence that a call was dialed is prima facie evidence of authorization. If recurring charges arise from the use of those subscriber-initiated services, the recurring charges are subject to this section.

(e) If an entity responsible for generating a charge on a telephone bill receives a complaint from a subscriber that the subscriber did not authorize the purchase of the product or service associated with that charge, the entity, not later than 30 days from the date on which the complaint is received, shall verify the subscriber's authorization of that charge or undertake to resolve the billing dispute to the subscriber's satisfaction.

(f) For purposes of this section, "billing agent" is the clearinghouse or billing aggregator.

(g) This section shall become operative on January 1, 2001.

SEC. 66. Section 3950 is added to the Public Utilities Code, to read:

3950. It is a violation of law for any person or corporation to operate, or cause to be operated, on the highways of this state, any motor vehicle in the transportation of property or passengers for compensation in interstate commerce without having first complied with the requirements of this chapter. That violation may be prosecuted and punished as provided in Section 16560 of the Vehicle Code.

SEC. 67. Section 4006 of the Public Utilities Code is amended to read:

4006. A fee of thirty-five dollars ($35) shall be paid to the commission for the filing of the initial registration of private carriers of passengers, and an annual renewal fee of thirty dollars ($30) shall also be paid by private carriers of passengers. The fees required to be paid by carriers of passengers pursuant to this section shall be deposited in the Public Utilities Commission Transportation Reimbursement Account in the General Fund.

SEC. 68. Section 4007 of the Public Utilities Code is amended to read:

4007. (a) When the department issues a carrier identification number pursuant to Section 34507.5 of the Vehicle Code to a private carrier of passengers, it shall inform the carrier of the provisions of this chapter and the requirement that the carrier register with the Public Utilities Commission.

(b) The department shall periodically, but not less frequently than quarterly, transmit to the commission a list of the persons, firms, and corporations identified as private carriers of passengers to whom it has issued a carrier identification number. Upon receipt of the list, the commission shall notify the private carriers of passengers of the registration requirements and of the penalties for failure to register.

SEC. 69. Section 4021 of the Public Utilities Code is amended to read:

4021. (a) Any person or corporation who violates any provision of this chapter is guilty of a misdemeanor, and is punishable by a fine of not more than two thousand five hundred dollars ($2,500), or by imprisonment in the county jail for not more than three months, or both.

(b) A violation of this section is an infraction subject to the procedures described in Sections 19.6 and 19.7 of the Penal Code when the conditions specified in either paragraph (1) or (2) of subdivision (d) of Section 17 of the Penal Code are met.

SEC. 70. Section 4458 of the Public Utilities Code is amended to read:

4458. (a) The commission shall establish a surcharge to be paid by operators with distribution systems subject to this chapter on propane purchased for distribution to their customers. The surcharge shall be designed to partially recover the commission's costs of the propane safety inspection and enforcement program required by this chapter, and to partially recover the commission's costs of collecting

and administering the surcharge. The commission shall collect the surcharge from the operators and deposit it into the Propane Safety Inspection and Enforcement Program Trust Fund, for transfer to the commission's Utilities Reimbursement Account in the General Fund, which shall be used, upon appropriation by the Legislature, for purposes of Chapter 4.1 (commencing with Section 4451) of Division 2 of the Public Utilities Code. The surcharge shall be assessed on a per space or lot basis, shall not exceed twenty-five cents ($0.25) per month, and shall be collected by the commission on an annual basis.

(b) Notwithstanding any other provision of law or local ordinance, rule, regulation, or initiative measure, the operator shall be entitled to recover the surcharge collected pursuant to subdivision (a) from its customers. However, the charge to any customer, to allow for the operator's recovery, shall not exceed the actual surcharge.

SEC. 71. Section 5001.5 of the Public Utilities Code is amended to read:

5001.5. In addition to those purposes specified in Sections 5001 and 5005, the commission may utilize the funds it collects pursuant to this chapter for the following purposes:

(a) The collection, aggregation, and analysis of data and information on the economics of the household goods carrier industry.

(b) The implementation of statutory policies or other legislative directives contained in law relating to the household goods carrier industry.

SEC. 72. Section 5002 of the Public Utilities Code is amended to read:

5002. "Gross operating revenue" as used in this chapter includes all revenue derived from the transportation of property having origin and destination within this state, where the revenue is derived from transportation performed under a permit issued by the commission.

SEC. 73. Section 5003.2 of the Public Utilities Code is amended to read:

5003.2. (a) Notwithstanding Section 5003.1, the commission shall require every highway carrier otherwise subject to Section 5003.1 for whom the commission does not establish minimum or maximum rates, or require rates to be on file with the commission, to pay a fee equal to one-tenth of 1 percent of the amount of gross operating revenue.

(b) When a household goods carrier pursuant to Section 5137 elects to transport under its household goods carrier permit used office, store, and institution furniture and fixtures, notwithstanding Section 5003.1, the fee on the gross operating revenue derived from transporting those items shall be one-tenth of 1 percent.

(c) The commission may raise the fee imposed by Section 5003.1 upon those persons and corporations subject to that section for whom the commission establishes minimum or maximum rates or requires rates to be on file, up to a maximum of one-half of 1 percent of gross

operating revenue, if the commission decides this increase is necessary to maintain adequate financing for the Transportation Rate Fund.

SEC. 74. Section 5009 of the Public Utilities Code is amended to read:

5009. The employees, representatives, and inspectors of the commission may, under its order or direction, inspect and examine any books, accounts, records, memoranda, documents, papers, and correspondence kept or required to be kept by any transportation agency referred to in this chapter. The provisions of this section shall, to the extent deemed necessary by the commission, apply to persons having direct or indirect control over, or affiliated with any transportation agency.

SEC. 75. Section 5012 of the Public Utilities Code is amended to read:

5012. The Public Utilities Commission shall conduct an audit of the expenditures of the funds received pursuant to this chapter each fiscal year. The results of this audit shall be reported in writing, on or before February 15th of each year thereafter, with respect to the audit for the fiscal year ending on the previous June 30th, to the appropriate policy and budget committees of the respective houses of the Legislature.

SEC. 76. Section 5102 of the Public Utilities Code is amended to read:

5102. The use of the public highways for the transportation of used household goods and personal effects for compensation is a business affected with a public interest. It is the purpose of this chapter to preserve for the public the full benefit and use of public highways consistent with the needs of commerce without unnecessary congestion or wear and tear upon such highways; to secure to the people just, reasonable and nondiscriminatory rates for transportation by carriers operating upon the highways; and to secure full and unrestricted flow of traffic by motor carriers over the highways which will adequately meet reasonable public demands by providing for the regulation of rates of all carriers so that adequate and dependable service by all necessary carriers shall be maintained and the full use of the highways preserved to the public.

SEC. 77. Section 5109 of the Public Utilities Code is amended to read:

5109. "Household goods carrier" includes every corporation or person, their lessees, trustee, receivers or trustees appointed by any court whatsoever, engaged in the transportation for compensation or hire as a business by means of a motor vehicle or motor vehicles being used in the transportation of used household goods and personal effects over any public highway in this state.

SEC. 78. Section 5112 of the Public Utilities Code is amended to read:

5112. The regulation of the transportation of used household goods and personal effects in a motor vehicle or motor vehicles over any public highway in this state shall be exclusively as provided in this chapter. Any provision of the Public Utilities Act in conflict with the provisions of this chapter does not apply to a household goods carrier.

SEC. 79. Section 5113 of the Public Utilities Code is amended to read:

5113. The transportation of used household goods and personal effects in any truck or trailer for compensation over any public highway in this state is a highly specialized type of truck transportation. This chapter is enacted for the limited purpose of providing necessary regulation for this specialized type of truck transportation only, and is not to be construed for any purpose as a precedent for the extension of such regulation to any other type of truck transportation not presently so restricted.

SEC. 80. Section 5133 of the Public Utilities Code is amended to read:

5133. No household goods carrier shall engage, or attempt to engage, in the business of the transportation of used household goods and personal effects, by motor vehicle over any public highway in this state, unless there is in force a permit issued by the commission authorizing those operations.

SEC. 81. Section 5135 of the Public Utilities Code is amended to read:

5135. (a) Before a permit is hereafter issued the commission shall require the applicant to establish ability and reasonable financial responsibility to initiate the proposed operations. The commission shall require the applicant to establish his or her knowledge and ability to engage in business as a household goods carrier by examination. The examination may be written or oral, or in the form of a demonstration of skill or any combination of these, and any investigation of character, experience and any tests of technical knowledge and manual skill that the commission determines to be appropriate may be employed. In any examination the qualification of the applicant shall be determined by an appraisal made by a member of the commission's staff. An applicant who has been determined to be unqualified may thereafter establish his or her qualifications through a subsequent examination; but no subsequent examination shall be taken prior to 30 days from the date when the applicant was found to be unqualified. If the staff member determines that the applicant is not qualified, then the matter shall be set for hearing and the qualification of the applicant shall be determined by the commission on the basis of evidence of qualifications presented at the hearing, which evidence may include consideration of any written examination of the applicant. If the staff member determines that the applicant is qualified, the commission may issue a permit without hearing, unless the commission

determines that a hearing is desirable, in which event the commission may set the application for hearing.

(b) An applicant may qualify in one of the following ways:

(1) If an individual, he or she may qualify by personal examination or by examination of his responsible managing employee.

(2) If a copartnership or corporation, or any other type of business organization, it may qualify by examination of the responsible managing officer, employee who works at least 32 hours per week, or partner of the applicant firm.

(c) If the individual qualified by examination ceases to be connected with the permitholder, the permitholder shall notify the commission in writing within 30 days after the cessation. If notice is given the permit shall remain in force a reasonable length of time in order that another representative of applicant may be qualified before the commission. If the permitholder fails to notify the commission of the cessation within a 30-day period, at the end of that period the permit shall be automatically suspended.

(d) The commission shall require each applicant for a permit to submit fingerprints for each owner, partner, officer, and director as a prerequisite to the issuance of a permit to operate as a household goods carrier. The commission shall submit completed fingerprint cards to the Department of Justice. Those fingerprints shall be available for use by the Department of Justice and the Department of Justice may transmit the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The commission may use any information obtained from the national criminal history record check conducted pursuant to this section to determine the applicant's qualification for permit.

(e) The commission may refuse to issue a permit if it is shown that an applicant or an officer, director, partner or associate thereof has committed any act constituting dishonesty or fraud; committed any act which, committed by a permitholder would be grounds for a suspension or revocation of the permit; misrepresented any material fact on the application; or, committed a felony, or crime involving moral turpitude.

(f) The commission shall issue a permit only to those applicants who it finds have demonstrated that they possess sufficient knowledge, ability, integrity and financial resources and responsibility to perform the service within the scope of their application.

(g) A permit may not be issued unless it has been shown that applicant meets one of the following residence requirements: If an individual, applicant shall have resided in the State of California for not less than 90 days next preceding the filing of the application. If a partnership, the partner having the largest percentage interest in the partnership shall have resided in the State of California continuously for not less than 90 days next preceding the filing of the application. If a corporation, applicant shall be a domestic

corporation or shall have qualified to transact business in the State of California as a foreign corporation at the time of filing the application.

(h) The commission shall prescribe, amend, and repeal rules in accordance with law for the administration of this section.

SEC. 81.5. Section 5137 is added to the Public Utilities Code, to read:

5137. (a) A household goods carrier, under its permit, may also transport used office, store, and institution furniture and fixtures. The commission shall not regulate the service, routes, or prices charged for the transportation of used office, store, and institution furniture and fixtures by a household goods carrier. The commission shall do nothing under this section that is in conflict with federal law as contained in Section 14501 of Title 49 of the United States Code.

(b) If a household goods carrier elects to transport used office, store, and institution furniture and fixtures under its household goods carrier permit all of the following apply:

(1) A permit is not needed from the Department of Motor Vehicles under the Motor Carriers of Property Permit Act in the Vehicle Code to conduct that transportation.

(2) The transportation is subject to the commission's safety and insurance requirements, except that the cargo insurance requirements of subdivision (c) of Section 5161 shall not apply.

(3) The household goods carrier shall pay the fee specified in subdivision (b) of Section 5003.2.

(c) To exercise the election pursuant to this section, a household goods carrier shall notify the commission of the election or the revocation of that election by filing a notice with the commission in the manner and on the form prescribed by the commission. If a household goods carrier does not elect to be subject to the provisions of this section or revokes a prior election to do so, the household goods carrier shall comply with the provisions of the Motor Carriers of Property Permit Act when transporting used office, store, and institution furniture and fixtures.

SEC. 82. Section 5191 of the Public Utilities Code is amended to read:

5191. (a) The commission shall establish or approve just, reasonable, and nondiscriminatory maximum or minimum or maximum and minimum rates to be charged by household goods carriers for the transportation of used household goods and personal effects and for accessorial service performed in connection therewith.

(b) In establishing or approving rates, the commission shall account for the cost of all transportation service performed or to be performed, for any accessorial service performed or to be performed in connection therewith, the value of the commodity transported, and the value of the equipment, facilities, and personnel reasonably necessary to perform the service.

(c) The commission shall establish or approve no minimum rate for household goods carriers unless it finds that the rate is at a sufficient level to allow safe operation upon the highways of the state and accounts for the cost of trained drivers and other reasonable expense of operation of household goods carriers.

(d) In establishing or approving any maximum rates for household goods carriers, the commission shall, on or immediately after January 1, 1996, adjust the current level of maximum rates by application and use of the index number methodology relied upon by the commission in 1992 to assist in the establishment of the current level of maximum rates and make that adjustment for the time period from the date that index was last relied upon to the latest date that index data is available. Thereafter, maximum rates shall be adjusted at least once annually by use of the same index methodology, or another index methodology found by the commission to be appropriate for the adjustment of household goods carrier maximum rates, less a reasonable percentage of any index increase to encourage higher productivity and promote efficiency and economy of operation by household goods carriers. The commission may also adjust maximum rates when deemed reasonable to allow for extraordinary changes in household goods carrier costs.

SEC. 83. Section 5195 of the Public Utilities Code is repealed.

SEC. 84. Section 5259.5 of the Public Utilities Code is amended to read:

5259.5. (a) Whenever the commission determines that any household goods carrier or any officer, director, or agent of any household goods carrier has abandoned, or is abandoning stored household goods or property of any shippers under contract with the carrier or carriers, it may commence a proceeding in superior court for the purpose of having the court appoint either a receiver or commission staff to identify the stored items of property, to take possession of the property, and to arrange the return of the property to its owners in accordance with the orders of the court and with regard for the protection of all property rights involved.

(b) The proceeding shall be brought in the superior court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the person or corporation complained of has its principal place of business, or in which the person complained of resides. The commission shall commence the proceeding in the name of the people of the State of California, by petition to the superior court, alleging the facts and circumstances involved and praying for appropriate relief by way of mandamus, or injunction, or the appointment of a receiver, and authorizing the commission to arrange for the hiring of a receiver who shall be required to comply with the requirements of Sections 566, 567, and 568 of the Code of Civil Procedure.

(c) The court may also appoint a receiver to manage the business of the household goods carrier or carriers and return property to its

owner or owners upon a showing by the commission satisfactory to the court that the abandonment or threatened abandonment by the carrier jeopardizes property or funds of others in the custody or under the control of the carrier. The court may make any other order that it finds appropriate to protect and preserve those funds or property. Service of the order of the court on a household goods carrier may be accomplished by personal delivery to the person to be served, or by posting a copy of the order at the dwelling house, usual place of abode, usual place of business, or usual residence of the person to be served and thereafter mailing a copy of the order, by first-class mail, postage prepaid, to the location where the order was posted.

(d) In the event a receiver is appointed by the court and the commission is responsible for contracting for a receiver to carry out the duties authorized by this section, the commission may contract on an emergency basis with a qualified person or corporation to serve as receiver under the conditions and guidelines set by the court. The contract for the receiver services may be executed by the commission on an expedited basis and without compliance with the requirements of Sections 11042 and 14615 of the Government Code and Sections 10295 and 10318 of the Public Contract Code. The receiver shall be paid from the fees collected pursuant to Section 5003.2.

SEC. 85. Section 5326 of the Public Utilities Code is amended to read:

5326. An adequate transportation system is essential to the welfare of the state, and an important part of that system is service rendered by household goods carriers.

SEC. 86. Section 5328 of the Public Utilities Code is amended to read:

5328. (a) On and after the effective date of this article, there is imposed upon every household goods carriers, and every person or corporation, owning or operating motor vehicles in the transportation of property for hire upon the public highways, under the jurisdiction of the commission, a license fee equal to one-tenth of 1 percent of gross operating revenue, which shall be payable to the commission in the manner and at the times provided for the payment of the fee provided in Section 5003.1. For purposes of this section, "gross operating revenue" shall be the gross operating revenue defined in Section 5002.

(b) The license fee imposed by this section is in lieu of all city or city and county excise or license taxes of any kind, character, or description whatever, upon the intercity transportation business of any household goods carrier, and every person or corporation owning or operating motor vehicles in the transportation of property for hire upon the public highways, under the jurisdiction of the commission.

(c) This section does not prohibit the imposition by any city, or city and county, of any excise or license tax authorized under Division

2 (commencing with Section 6001) of the Revenue and Taxation Code.

SEC. 87. Section 5329 of the Public Utilities Code is amended to read:

5329. On and after the effective date of this article, any person or corporation, subject to the license fee imposed by Section 5328, required to pay any excise or license tax of any kind, character, or description whatever imposed by any city, or city and county, other than an excise or license tax authorized under Division 2 (commencing with Section 6001) of the Revenue and Taxation Code, for the privilege of doing any transportation business therein on or after the effective date of this article and on which it pays the license fee imposed by Section 5328, may credit the amount of the tax against the fee imposed by Section 5328.

SEC. 88. Section 5331 of the Public Utilities Code is amended to read:

5331. (a) If any person or corporation is in default in the payment of the license fee prescribed by this chapter for a period of 30 days or more, the commission may suspend or revoke any permit or license of the person or corporation, shall estimate from all available information the gross operating revenue of that person or corporation, shall compute the license fee required by Section 5328, and shall impose a penalty of 25 percent of the fee for failure, neglect, or refusal to report. In no event shall the amount of the penalty be less than one dollar ($1). Upon payment of the estimated license fee and the penalty, the permit or license of the agency suspended in accordance with the provisions of this section shall be reinstated.

(b) The commission may grant a reasonable extension of the 30-day period to any person or corporation, upon written application of the person or corporation and showing of the necessity for the extension.

(c) Upon the revocation of any operating authority issued to any person or corporation subject to this chapter, all fees provided for by this chapter shall become due and payable immediately.

SEC. 89. Section 5363 is added to the Public Utilities Code, to read:

5363. (a) Any provision of the Public Utilities Act (Part 1 (commencing with Section 201) of Division 1) or of this chapter applicable to charter bus transportation that conflicts with the federal Transportation Equity Act for the 21st Century (P.L. 105-178) does not apply to charter bus transportation to the extent of that conflict. If any provision of the Public Utilities Act or of this chapter applicable to charter bus transportation, or the application thereof to any person or circumstance, is invalid as a result of federal preemption, the remainder of the act, or the application of the provision to other persons or circumstances, shall not be affected thereby.

(b) (1) Except as specified in paragraph (2), as used in this section, "charter bus transportation" means transportation, using a vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, of a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor vehicle to travel together.

(2) If a federal court or agency with the jurisdiction to construe Section 14501(a)(1)(C) of Title 49 of the United States Code determines that additional transportation falls within the meaning of the term "charter bus transportation," as used in that section, the federal construction of that term shall prevail.

SEC. 89.2. Section 5371.2 of the Public Utilities Code is amended to read:

5371.2. (a) All holders of certificates issued under this section shall operate from a service area to be determined by the commission. In no case shall this area encompass more than a radius of 125 air miles from the home terminal. The home terminal shall be designated by the applicant. This certificate shall be classified as a class B certificate. This section shall not apply to certificates subject to Section 5371.1.

(b) The restriction on a service area imposed by subdivision (a) does not apply to the holder of a class B certificate if that person is providing charter bus transportation as defined in subdivision (b) of Section 5363.

SEC. 89.4. Section 7531.5 of the Public Utilities Code is amended to read:

7531.5. Upon receipt by it of an application, filed with either the federal Surface Transportation Board or the Public Utilities Commission, to abandon a line of railroad, the Public Utilities Commission shall forward a copy of the application to the Department of Transportation within 10 days.

SEC. 90. Section 7532 of the Public Utilities Code is repealed.

SEC. 91. Section 7532.5 of the Public Utilities Code is repealed.

SEC. 92. Section 7711 of the Public Utilities Code is amended to read:

7711. On or before July 1, 1992, and on or before July 1 annually thereafter, the commission shall report to the Legislature on sites on railroad lines in the state it finds to be hazardous. The report shall include, but not be limited to, information on all of the following:

(a) A list, prepared pursuant to Section 59019 of the Health and Safety Code, 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.

(b) A description of the quantities of commodities identified in subdivision (a) that are transported on railroad lines in the state. The commission shall also describe the locations and routes at, and on, which the commodities specified in subdivision (a) are transported.

Railroad corporations shall provide to the commission all information necessary to comply with this subdivision.

(c) A list of all railroad derailment accident sites in the state on which accidents have occurred within at least the previous five years. The list shall describe the nature and probable causes of the accidents, if known, and shall indicate whether the accidents occurred at or near sites that the commission, pursuant to subdivision (d), has determined pose a local safety hazard.

(d) A list of all railroad sites in the state that the commission, pursuant to Section 20106 of Title 49 of the United States Code, determines pose a local safety hazard. The commission may submit in the annual report the list of railroad sites submitted in the immediate prior year annual report, and may amend or revise that list from the immediate prior year as necessary. Factors that the commission shall consider in determining a local safety hazard may include, but need not be limited to, all of the following:

(1) The severity of grade and curve of track.

(2) The value of special skills of train operators in negotiating the particular segment of railroad line.

(3) The value of special railroad equipment in negotiating the particular segment of railroad line.

(4) The types of commodities transported on or near the particular segment of railroad line.

(5) The hazard posed by the release of the commodity into the environment.

(6) The value of special railroad equipment in the process of safely loading, transporting, storing, or unloading potentially hazardous commodities.

(7) The proximity of railroad activity to human activity or sensitive environmental areas.

(e) In determining which railroad sites pose a local safety hazard pursuant to subdivision (d), the commission shall consider the history of accidents at or near the sites. The commission shall not limit its determination to sites at which accidents have already occurred, but shall identify potentially hazardous sites based on the criteria enumerated in subdivision (d) and all other criteria that the commission determines influence railroad safety. The commission shall also consider whether any local safety hazards at railroad sites have been eliminated or sufficiently remediated to warrant removal of the site from the list required under subdivision (d).

SEC. 93. Section 7902 of the Public Utilities Code is repealed.

SEC. 94. Section 7902.5 of the Public Utilities Code is repealed.

SEC. 95. Section 9202 of the Public Utilities Code is amended to read:

9202. (a) Commencing on or before March 1, 1985, the State Energy Resources Conservation and Development Commission shall participate in a meeting on an annual basis which shall include representatives from all of the following:

(1) San Diego Gas and Electric Company.
(2) Pacific Gas and Electric Company.
(3) Southern California Gas Company.
(4) Southern California Edison Company.

(b) Invitations for attendance at the meeting may also be issued to the following:

(1) Each municipal corporation, municipal utility district, public utility district, and irrigation district which furnishes electricity.
(2) The Electric Power Research Institute.
(3) The Gas Research Institute.
(4) Representatives of consumer or ratepayer organizations as determined by the commission.

(c) The chairmanship of each meeting shall be on a rotating basis, alternating among, and selected by, the participants from the San Diego Gas and Electric Company, the Pacific Gas and Electric Company, the Southern California Gas Company, and the Southern California Edison Company.

(d) The participants in the meeting shall participate without compensation.

SEC. 96. Section 7232 of the Revenue and Taxation Code is amended to read:

7232. (a) Every motor carrier of property shall annually pay a permit fee to the Department of Motor Vehicles. The fees contained in this section are due and shall be paid by each carrier at the time of application for an initial motor carrier permit, and upon annual renewal, with the Department of Motor Vehicles, pursuant to the Motor Carriers of Property Permit Act, as set forth in Division 14.85 (commencing with Section 34600) of the Vehicle Code. The Department of Motor Vehicles may, upon initial application for a motor carrier permit, assign an expiration date not less than six months, nor more than 18 months, from date of application, and may charge one-twelfth of the annual fee for each month covered by the initial permit. The fee paid by each motor carrier of property shall be based on the number of commercial motor vehicles operated in California by the motor carrier of property.

(b) As used in this chapter, "motor carrier of property" means any person who operates any commercial motor vehicle as defined in subdivision (d). "Motor carrier of property" does not include a household goods carrier, as defined in Section 5109 of the Public Utilities Code, a household goods carrier transporting used office, store, and institution furniture and fixtures under its household goods carrier permits pursuant to Section 5137 of the Public Utilities Code, persons providing only transportation of passengers, or a passenger stage corporation transporting baggage and express upon a passenger vehicle incidental to the transportation of passengers.

(c) As used in this chapter, "for-hire motor carrier of property" means a motor carrier of property, as defined in subdivision (b), who transports property for compensation.

(d) As used in this chapter, "commercial motor vehicle" means any self-propelled vehicle listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500 of the Vehicle Code, any motor truck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, and any other motor vehicle used to transport property for compensation. "Commercial motor vehicle" does not include vehicles operated by household goods carriers, as defined in Section 5109 of the Public Utilities Code, vehicles operated by household goods carriers to transport used office, store, and institution furniture and fixtures under their household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, pickup trucks as defined in Section 471, and two-axle daily rental trucks with gross vehicle weight ratings less than 26,001 pounds when operated in noncommercial use.

(e) The "number of commercial motor vehicles operated by the motor carrier of property" as used in this section means all of the commercial motor vehicles owned, registered to, or leased by the carrier. For interstate and foreign motor carriers of property the fees set forth in subdivision (a) shall be apportioned based on the percentage of fleet miles traveled in California in intrastate commerce. In the absence of records to establish intrastate fleet miles, the fees set forth in subdivision (a) shall be apportioned on total fleet miles traveled in California.

(f) For purposes of this chapter, "private carrier" means a motor carrier of property, as defined in subdivision (b), who does not transport any goods or property for compensation.

(g) (1) Fees contained in this chapter shall not apply to a motor carrier of property while engaged solely in interstate or foreign transportation of property by motor vehicle. No motor carrier of property shall engage in any interstate or foreign transportation of property for compensation by motor vehicle on any public highway in this state without first having registered the operation with the Department of Motor Vehicles or with the carrier's base registration state, if other than California, as determined in accordance with final regulations issued by the Interstate Commerce Commission pursuant to the Intermodal Surface Efficiency Act of 1991 (49 U.S.C. Sec. 11506). To register with the Department of Motor Vehicles, carriers specified in this subdivision shall comply with the following:

(A) When the operation requires authority from the Interstate Commerce Commission under the Interstate Commerce Act, or authority from another federal regulatory agency, a copy of that authority shall be filed with the initial application for registration. A copy of any additions or amendments to the authority shall be filed with the Department of Motor Vehicles.

(B) If the operation does not require authority from the Interstate Commerce Commission under the Interstate Commerce Act, or authority from another federal regulatory agency, an affidavit of that exempt status shall be filed with the application for registration.

(2) The Department of Motor Vehicles shall grant registration upon the filing of the application pursuant to applicable law and the payment of any applicable fees, subject to the carrier's compliance with this chapter.

(3) This subdivision does not apply to household goods carriers, as defined in Section 5109 of the Public Utilities Code, and motor carriers engaged in the transportation of passengers for compensation.

SEC. 96.5. Section 7232 of the Revenue and Taxation Code is amended to read:

7232. (a) Every motor carrier of property shall annually pay a permit fee to the Department of Motor Vehicles. The fees contained in this section are due and shall be paid by each carrier at the time of application for an initial motor carrier permit, and upon annual renewal, with the Department of Motor Vehicles, pursuant to the Motor Carriers of Property Permit Act, as set forth in Division 14.85 (commencing with Section 34600) of the Vehicle Code. The Department of Motor Vehicles may, upon initial application for a motor carrier permit, assign an expiration date not less than six months, nor more than 18 months, from date of application, and may charge one-twelfth of the annual fee for each month covered by the initial permit. The fee paid by each motor carrier of property shall be based on the number of commercial motor vehicles operated in California by the motor carrier of property.

(b) As used in this chapter, "motor carrier of property" means any person who operates any commercial motor vehicle as defined in subdivision (d). "Motor carrier of property" does not include a household goods carrier, as defined in Section 5109 of the Public Utilities Code, a household goods carrier transporting used office, store, and institution furniture and fixtures under its household goods carrier permits pursuant to Section 5137 of the Public Utilities Code, persons providing only transportation of passengers, or a passenger stage corporation transporting baggage and express upon a passenger vehicle incidental to the transportation of passengers.

(c) As used in this chapter, "for-hire motor carrier of property" means a motor carrier of property, as defined in subdivision (b), who transports property for compensation.

(d) As used in this chapter, "commercial motor vehicle" means any self-propelled vehicle listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500 of the Vehicle Code, any motortruck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, and any other motor vehicle used to transport property for compensation. "Commercial motor vehicle" does not include vehicles operated by household goods carriers, as defined in Section 5109 of the Public Utilities Code, vehicles operated by household goods carriers to transport used office, store, and institution furniture and fixtures under their household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, pickup trucks as defined in

Section 471 of the Vehicle Code, two-axle daily rental trucks with gross vehicle weight ratings less than 26,001 pounds when operated in noncommercial use or a motortruck or two-axle truck trailer operated in noncommercial use with a gross vehicle weight rating (GVWR) of less than 26,001 pounds used solely to tow a camp trailer, trailer coach, fifth-wheel travel trailer, or utility trailer.

(e) The "number of commercial motor vehicles operated by the motor carrier of property" as used in this section means all of the commercial motor vehicles owned, registered to, or leased by the carrier. For interstate and foreign motor carriers of property the fees set forth in subdivision (a) shall be apportioned based on the percentage of fleet miles traveled in California in intrastate commerce. In the absence of records to establish intrastate fleet miles, the fees set forth in subdivision (a) shall be apportioned on total fleet miles traveled in California.

(f) For purposes of this chapter, "private carrier" means a motor carrier of property, as defined in subdivision (b), who does not transport any goods or property for compensation.

(g) (1) Fees contained in this chapter shall not apply to a motor carrier of property while engaged solely in interstate or foreign transportation of property by motor vehicle. No motor carrier of property shall engage in any interstate or foreign transportation of property for compensation by motor vehicle on any public highway in this state without first having registered the operation with the Department of Motor Vehicles or with the carrier's base registration state, if other than California, as determined in accordance with final regulations issued by the Interstate Commerce Commission pursuant to the Intermodal Surface Efficiency Act of 1991 (49 U.S.C. Sec. 11506). To register with the Department of Motor Vehicles, carriers specified in this subdivision shall comply with the following:

(A) When the operation requires authority from the Interstate Commerce Commission under the Interstate Commerce Act, or authority from another federal regulatory agency, a copy of that authority shall be filed with the initial application for registration. A copy of any additions or amendments to the authority shall be filed with the Department of Motor Vehicles.

(B) If the operation does not require authority from the Interstate Commerce Commission under the Interstate Commerce Act, or authority from another federal regulatory agency, an affidavit of that exempt status shall be filed with the application for registration.

(2) The Department of Motor Vehicles shall grant registration upon the filing of the application pursuant to applicable law and the payment of any applicable fees, subject to the carrier's compliance with this chapter.

(3) This subdivision does not apply to household goods carriers, as defined in Section 5109 of the Public Utilities Code, and motor carriers engaged in the transportation of passengers for compensation.

SEC. 97. Section 34505.6 of the Vehicle Code is amended to read:

34505.6. (a) Upon determining that a motor carrier of property who is operating any vehicle described in subdivision (a), (b), (e), (f), (g), or (k) of Section 34500, or any motortruck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, on a public highway, has done either of the following: (1) failed to maintain any vehicle of a type described above in a safe operating condition or to comply with the Vehicle Code or with regulations contained in Title 13 of the California Code of Regulations relative to motor carrier safety, and, in the department's opinion, that failure presents an imminent danger to public safety or constitutes a consistent failure so as to justify a suspension or revocation of the motor carrier's motor carrier permit or (2) failed to enroll all drivers in the pull notice system as required by Section 1808.1, the department shall recommend that the Department of Motor Vehicles suspend or revoke the carrier's motor carrier permit. For interstate operators, the department shall recommend to the federal Highway Administration Office of Motor Carriers that appropriate administrative action be taken against the carrier. For purposes of this subdivision, two consecutive unsatisfactory compliance ratings for an inspected terminal assigned because the motor carrier failed to comply with the periodic report requirements of Section 1808.1 or the cancellation of the carrier's enrollment by the Department of Motor Vehicles for nonpayment of required fees is a consistent failure. The department shall retain a record, by operator, of every recommendation made pursuant to this section.

(b) Upon determining that a household goods carrier, or a household goods carrier transporting used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, operating any vehicle described in subdivision (a), (b), (e), (f), (g), or (k) of Section 34500 on a public highway has done either of the following: (1) failed to maintain any vehicle used in transportation for compensation in a safe operating condition or to comply with the Vehicle Code or with regulations contained in Title 13 of the California Code of Regulations relative to motor carrier safety, and, in the department's opinion, that failure presents an imminent danger to public safety or constitutes a consistent failure so as to justify a suspension, revocation, or denial of the motor carrier's operating authority or (2) failed to enroll all drivers in the pull notice system as required by Section 1808.1, the department shall recommend that the Public Utilities Commission deny, suspend, or revoke the carrier's operating authority. For interstate operators, the department shall recommend to the Federal Highway Administration Office of Motor Carriers that appropriate administrative action be taken against the carrier. For purposes of this subdivision, two consecutive unsatisfactory compliance ratings for an inspected terminal assigned because the motor carrier failed

to comply with the periodic report requirements of Section 1808.1 or the cancellation of the carrier's enrollment by the Department of Motor Vehicles for the nonpayment of required fees is a consistent failure. The department shall retain a record, by operator, of every recommendation made pursuant to this section.

(c) Before transmitting a recommendation pursuant to subdivision (a), the department shall notify the carrier in writing of all of the following:

(1) That the department has determined that the carrier's safety record is unsatisfactory, furnishing a copy of any documentation or summary of any other evidence supporting the determination.

(2) That the determination may result in a suspension, revocation, or denial of the carrier's motor carrier permit by the Department of Motor Vehicles, suspension, revocation, of the motor carrier's operating authority by the California Public Utilities Commission, or administrative action by the federal Highway Administration Office of Motor Carriers.

(3) That the carrier may request a review of the determination by the department within five days of its receipt of the notice required under this subdivision. If a review pursuant to this paragraph is requested by the carrier, the department shall conduct and evaluate that review prior to transmitting any notification pursuant to subdivision (a) or (b).

(d) Upon receipt of a written recommendation from the department that a motor carrier permit or operating authority be suspended, revoked, or denied, the Department of Motor Vehicles or Public Utilities Commission, as appropriate, shall, pending a hearing in the matter pursuant to Section 34623 or appropriate Public Utilities Commission authority, suspend the motor carrier permit or operating authority. The written recommendation shall specifically indicate compliance with subdivision (c).

SEC. 98. Section 34601 of the Vehicle Code is amended to read:

34601. (a) As used in this division, "motor carrier of property" means any person who operates any commercial motor vehicle as defined in subdivision (c). "Motor carrier of property" does not include a household goods carrier, as defined in Section 5109 of the Public Utilities Code, a household goods carrier transporting used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, persons providing only transportation of passengers, or a passenger stage corporation transporting baggage and express upon a passenger vehicle incidental to the transportation of passengers.

(b) As used in this division, "for-hire motor carrier or property" means a motor carrier of property as defined in subdivision (a) who transports property for compensation.

(c) (1) As used in this division, except as provided in paragraph (2), a commercial motor vehicle is defined as any self-propelled vehicle listed in subdivisions (a), (b), (f), (g), and (k) of Section

34500, any motor truck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, and any other motor vehicle used to transport property for compensation.

(2) "Commercial motor vehicle" does not include vehicles operated by household goods carriers, as defined in Section 5109 of the Public Utilities Code, vehicles operated by a household goods carrier to transport used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, or pickup trucks as defined in Section 471 and two-axle daily rental trucks with gross vehicle weight ratings less than 26,001 pounds when operated in noncommercial use.

(d) For purposes of this chapter, "private carrier" means a motor carrier of property, as defined in subdivision (a), who does not transport any goods or property for compensation.

SEC. 99. Section 34601 of the Vehicle Code is amended to read:

34601. (a) As used in this division, "motor carrier of property" means any person who operates any commercial motor vehicle as defined in subdivision (c). "Motor carrier of property" does not include a household goods carrier, as defined in Section 5109 of the Public Utilities Code, a household goods carrier transporting used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, persons providing only transportation of passengers, or a passenger stage corporation transporting baggage and express upon a passenger vehicle incidental to the transportation of passengers.

(b) As used in this division, "for-hire motor carrier or property" means a motor carrier of property as defined in subdivision (a) who transports property for compensation.

(c) (1) As used in this division, except as provided in paragraph (2), a "commercial motor vehicle" means any self-propelled vehicle listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500, any motortruck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, and any other motor vehicle used to transport property for compensation.

(2) "Commercial motor vehicle" does not include vehicles operated by household goods carriers, as defined in Section 5109 of the Public Utilities Code, vehicles operated by a household goods carrier to transport used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, or pickup trucks as defined in Section 471, two-axle daily rental trucks with gross vehicle weight ratings less than 26,001 pounds when operated in noncommercial use or a motortruck or two-axle truck tractor, with a gross vehicle weight rating of less than 26,001 pounds, used solely to tow a camp trailer, trailer coach, fifth-wheel travel trailer, or utility trailer. Vehicle combinations described in this paragraph are not subject to Sections 27900, 34501.12, and 34507.5.

(d) For purposes of this chapter, "private carrier" means a motor carrier of property, as defined in subdivision (a), who does not transport any goods or property for compensation.

SEC. 100. Section 34622 of the Vehicle Code is amended to read:

34622. This chapter does not apply to any of the following:

(a) Vehicles that are exempt from vehicle registration fees.

(b) A household goods carrier transporting used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code.

SEC. 101. Section 96.5 of this bill incorporates amendments to Section 7232 of the Revenue and Taxation Code proposed by both this bill and SB 532. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 7232 of the Revenue and Taxation Code, and (3) this bill is enacted after SB 532, in which case Section 96 of this bill shall not become operative.

SEC. 102. Section 99 of this bill incorporates amendments to Section 34601 of the Vehicle Code proposed by both this bill and SB 533. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 34601 of the Vehicle Code, and (3) this bill is enacted after SB 533, in which case Section 98 of this bill shall not become operative.

CHAPTER 1006

An act to amend Section 5285.6 of the Public Utilities Code, and to amend Sections 34505.6 and 34623 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 5285.6 of the Public Utilities Code is amended to read:

5285.6. (a) (1) Upon receipt of a written recommendation from the Department of the California Highway Patrol that the permit of a household goods carrier be suspended for any of the following, the commission, pending a hearing in the matter pursuant to subdivision (d), shall suspend the carrier's permit:

(A) Failure to maintain any vehicle used in transportation for compensation in a safe operating condition or to comply with the Vehicle Code or with applicable regulations contained in Title 13 of the California Code of Regulations, if that failure is either a consistent failure or presents an imminent danger to public safety.

(B) Failure to enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

(C) Failure to submit any application or pay any fee required by subdivision (e) or (h) of Section 34501.12 of the Vehicle Code within the timeframes set forth in that section.

(2) The written recommendation shall specifically indicate compliance with subdivision (c).

(b) (1) A carrier whose permit is suspended pursuant to subdivision (a) may obtain a reinspection of its terminal and vehicles by the Department of the California Highway Patrol, by submitting a written request for reinstatement to the commission and paying a reinstatement fee of one hundred twenty-five dollars ($125).

(2) A carrier whose permit is suspended for failure to submit any application or to pay any fee required by Section 34501.12 of the Vehicle Code shall present proof of having submitted that application or having paid that fee to the Department of the California Highway Patrol before applying for reinstatement of that permit.

(3) The commission shall deposit all reinstatement fees collected pursuant to this subdivision in the Transportation Rate Fund. The commission shall then forward a request for reinspection to the Department of the California Highway Patrol which shall then perform a reinspection within a reasonable time or verify receipt of the application or fee, or both the application and fee. The commission shall reinstate a carrier's permit that is suspended under subdivision (a) promptly upon receipt of a written recommendation from the Department of the California Highway Patrol that the carrier's safety compliance has improved to the satisfaction of that department, or that the required application or fees have been received, unless the permit is suspended for another reason or has been revoked.

(c) Before transmitting a recommendation pursuant to subdivision (a) to the commission, the Department of the California Highway Patrol shall notify the household goods carrier in writing of all of the following:

(1) That the Department of the California Highway Patrol has determined that the carrier's safety record, or compliance with Section 1808.1 of, or subdivision (e) or (h) of Section 34501.12 of, the Vehicle Code, is unsatisfactory, furnishing a copy of any documentation or summary of any other evidence supporting the determination.

(2) That the determination may result in a suspension or revocation of the carrier's permit by the commission.

(3) That the carrier may request a review of the determination by the Department of the California Highway Patrol within five days of its receipt of the notice required under this subdivision. If a review pursuant to this paragraph is requested by the carrier, the Department of the California Highway Patrol shall conduct and

evaluate that review prior to transmitting any notification to the commission pursuant to subdivision (a).

(d) Whenever the commission suspends the permit of any household goods carrier pursuant to subdivision (a), the commission shall furnish the carrier written notice of the suspension and shall hold a hearing within a reasonable time, not to exceed 21 days, after a written request for a hearing is filed with the commission, with a copy of that written request furnished to the Department of the California Highway Patrol. At the hearing, the carrier shall show cause why the suspension should not be continued. At the conclusion of the hearing, the commission, in addition to any other penalty provided in this chapter, may terminate the suspension, continue the suspension in effect, or revoke the permit. The commission may revoke the permit of any household goods carrier suspended pursuant to subdivision (a) at any time 90 days or more after its suspension if the commission has not received a written recommendation for reinstatement from the Department of the California Highway Patrol and the carrier has not filed a written request for a hearing with the commission.

(e) Notwithstanding subdivision (d), no hearing shall be provided when the suspension of the permit is based solely upon the failure of the household goods carrier to submit an application or to pay fees required by Section 34501.12 of the Vehicle Code.

(f) If the commission, after a hearing, finds that a household goods carrier has continued to operate as such a carrier after its permit or permits have been suspended pursuant to subdivision (a), the commission shall do one of the following:

(1) Revoke the operating permit or permits of the carrier.

(2) Impose upon the holder of the permit or permits a civil penalty of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) for each day of unlawful operations.

SEC. 2. Section 34505.6 of the Vehicle Code is amended to read:

34505.6. (a) Upon determining that a motor carrier of property who is operating any vehicle described in subdivision (a), (b), (e), (f), (g), or (k) of Section 34500, or any motortruck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, on a public highway, has done any of the following, the department shall recommend that the Department of Motor Vehicles suspend or revoke the carrier's motor carrier permit, or for interstate operators, the department shall recommend to the federal Highway Administration Office of Motor Carriers that appropriate administrative action be taken against the carrier:

(1) Failed to maintain any vehicle of a type described above in a safe operating condition or to comply with the Vehicle Code or with applicable regulations contained in Title 13 of the California Code of Regulations, and, in the department's opinion, that failure presents an imminent danger to public safety or constitutes a consistent failure

so as to justify a suspension or revocation of the motor carrier's motor carrier permit.

(2) Failed to enroll all drivers in the pull notice system as required by Section 1808.1.

(3) Failed to submit any application or pay any fee required by subdivision (e) or (h) of Section 34501.12 within the timeframes set forth in that section.

(b) Upon determining that a household goods carrier operating any vehicle described in subdivision (a), (b), (e), (f), (g), or (k) of Section 34500 on a public highway has done any of the following, the department shall recommend that the Public Utilities Commission deny, suspend, or revoke the carrier's operating authority, or for interstate operators, the department shall recommend to the federal Highway Administration Office of Motor Carriers that appropriate administrative action be taken against the carrier:

(1) Failed to maintain any vehicle used in transportation for compensation in a safe operating condition or to comply with the Vehicle Code or with applicable regulations contained in Title 13 of the California Code of Regulations, and, in the department's opinion, that failure presents an imminent danger to public safety or constitutes a consistent failure so as to justify a suspension, revocation, or denial of the motor carrier's operating authority.

(2) Failed to enroll all drivers in the pull notice system as required by Section 1808.1.

(3) Failed to submit any application or pay any fee required by subdivision (e) or (h) of Section 34501.12 within the timeframes set forth in that section.

(c) For purposes of this section, two consecutive unsatisfactory compliance ratings for an inspected terminal assigned because the motor carrier failed to comply with the periodic report requirements of Section 1808.1 or the cancellation of the carrier's enrollment by the Department of Motor Vehicles for the nonpayment of required fees is a consistent failure. The department shall retain a record, by operator, of every recommendation made pursuant to this section.

(d) Before transmitting a recommendation pursuant to subdivision (a), the department shall notify the carrier in writing of all of the following:

(1) That the department has determined that the carrier's safety record or compliance with Section 1808.1 or subdivision (e) or (h) of Section 34501.12 is unsatisfactory, furnishing a copy of any documentation or summary of any other evidence supporting the determination.

(2) That the determination may result in a suspension, revocation, or denial of the carrier's motor carrier permit by the Department of Motor Vehicles, suspension, revocation, of the motor carrier's operating authority by the California Public Utilities Commission, or administrative action by the federal Highway Administration Office of Motor Carriers.

(3) That the carrier may request a review of the determination by the department within five days of its receipt of the notice required under this subdivision. If a review pursuant to this paragraph is requested by the carrier, the department shall conduct and evaluate that review prior to transmitting any notification pursuant to subdivision (a) or (b).

(e) Upon receipt of a written recommendation from the department that a motor carrier permit or operating authority be suspended, revoked, or denied, the Department of Motor Vehicles or Public Utilities Commission, as appropriate, shall, pending a hearing in the matter pursuant to Section 34623 or appropriate Public Utilities Commission authority, suspend the motor carrier permit or operating authority. The written recommendation shall specifically indicate compliance with subdivision (d).

SEC. 3. Section 34623 of the Vehicle Code is amended to read:

34623. (a) The Department of the California Highway Patrol has exclusive jurisdiction for the regulation of safety of operation of motor carriers of property.

(b) The motor carrier permit of a motor carrier of property may be suspended for failure to do any of the following:

(1) Maintain any vehicle of the carrier in a safe operating condition or to comply with this code or with applicable regulations contained in Title 13 of the California Code of Regulations, if that failure is either a consistent failure or presents an imminent danger to public safety.

(2) Enroll all drivers in the pull notice system as required by Section 1808.1.

(3) Submit any application or pay any fee required by subdivision (e) or (h) of Section 34501.12 within the timeframes set forth in that section.

(c) The department, pending a hearing in the matter pursuant to subdivision (e), may suspend a carrier's permit.

(d) (1) A motor carrier whose motor carrier permit is suspended pursuant to subdivision (b) may obtain a reinspection of its terminal and vehicles by the Department of the California Highway Patrol by submitting a written request for reinstatement to the department and paying a reinstatement fee as required by Section 34623.5.

(2) A motor carrier whose motor carrier permit is suspended for failure to submit any application or to pay any fee required by Section 34501.12 shall present proof of having submitted such application or have paid that fee to the Department of the California Highway Patrol before applying for reinstatement of its motor carrier permit.

(3) The department shall deposit all reinstatement fees collected from motor carriers of property pursuant to this section in the fund. Upon receipt of the fee, the department shall forward a request to the Department of the California Highway Patrol, which shall perform a reinspection within a reasonable time, or shall verify receipt of the application or fee or both the application and fee. Following the term

of a suspension imposed under Section 34670, the department shall reinstate a carrier's motor carrier permit suspended under subdivision (b) upon notification by the Department of the California Highway Patrol that the carrier's safety compliance has improved to the satisfaction of the Department of the California Highway Patrol, or that the required application or fees have been received by the Department of the California Highway Patrol, unless the permit is suspended for another reason or has been revoked.

(e) Whenever the department suspends the permit of any carrier pursuant to subdivision (b) or paragraph (3) of subdivision (h), the department shall furnish the carrier with written notice of the suspension and shall provide for a hearing within a reasonable time, not to exceed 21 days, after a written request is filed with the department. At the hearing, the carrier shall show cause why the suspension should not be continued. Following the hearing, the department may terminate the suspension, continue the suspension in effect, or revoke the permit. The department may revoke the permit of any carrier suspended pursuant to subdivision (b) at any time that is 90 days or more after its suspension if the carrier has not filed a written request for a hearing with the department or has failed to submit a request for reinstatement pursuant to subdivision (d).

(f) Notwithstanding any other provision of this code, no hearing shall be provided when the suspension of the motor carrier permit is based solely upon the failure of the motor carrier to maintain satisfactory proof of financial responsibility as required by this code, or failure of the motor carrier to submit an application or to pay fees required by Section 34501.12.

(g) A motor carrier of property may not operate a commercial motor vehicle on any public highway in this state during any period its motor carrier of property permit is suspended pursuant to this division.

(h) (1) A motor carrier of property whose motor carrier permit is suspended pursuant to this section or Section 34505.6, which suspension is based wholly or in part on the failure of the motor carrier to maintain any vehicle in safe operating condition, may not lease, or otherwise allow, another motor carrier to operate the vehicles of the carrier subject to the suspension, during the period of the suspension.

(2) A motor carrier of property may not knowingly lease, operate, dispatch, or otherwise utilize any vehicle from a motor carrier of property whose motor carrier permit is suspended, which suspension is based wholly or in part on the failure of the motor carrier to maintain any vehicle in safe operating condition.

(3) The department may immediately suspend the motor carrier permit of any motor carrier that the department determines to be in violation of paragraph (2).

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the

only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

CHAPTER 1007

An act to amend Section 65080 of the Government Code, to amend Section 830.14 of the Penal Code, to amend Sections 20321 and 20341 of, and to repeal Section 20231 of, the Public Contract Code, to amend Sections 102222, 130232, and 180051 of, and to add Sections 99315.7 and 102223 to, the Public Utilities Code, to amend Section 7232 of the Revenue and Taxation Code, and to add Sections 391.3 and 517.1 to the Streets and Highways Code, and to amend Sections 28, 246, 5201, 9255, 12517.5, 16560, 21059, 21211, 22522, 22658, 34501.13, and 34520.5 of, the Vehicle Code, relating to transportation, and making an appropriation therefor.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 65080 of the Government Code is amended to read:

65080. (a) Each transportation planning agency designated under Section 29532 or 29532.1 shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. The plan shall be action-oriented and pragmatic, considering both the short-term and long-term future, and shall present clear, concise policy guidance to local and state officials. The regional transportation plan shall consider factors specified in Section 134 of Title 23 of the United States Code. Each transportation planning agency shall consider and incorporate, as appropriate, the transportation plans of cities, counties, districts, private organizations, and state and federal agencies.

(b) The regional transportation plan shall include all of the following:

(1) A policy element that describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, and pragmatic objective and policy statements. The objective and policy

statements shall be consistent with the funding estimates of the financial element.

(2) An action element that describes the programs and actions necessary to implement the plan and assigns implementation responsibilities. The action element may describe all projects proposed for development during the 20-year life of the plan.

The action element shall consider congestion management programming activities carried out within the region.

(3) A financial element that summarizes the cost of plan implementation constrained by a realistic projection of available revenues. The financial element shall also contain recommendations for allocation of funds. A county transportation commission created pursuant to Section 130000 of the Public Utilities Code shall be responsible for recommending projects to be funded with regional improvement funds, if the project is consistent with the regional transportation plan. The first four years of the financial element shall be based on the four-year estimate of funds developed pursuant to Section 14524. The financial element may recommend the development of specified new sources of revenue, consistent with the policy element and action element.

(c) Each transportation planning agency shall adopt and submit, every three years beginning by September 1, 2001, an updated regional transportation plan to the California Transportation Commission and the Department of Transportation. The plan shall be consistent with federal planning and programming requirements. A transportation planning agency that does not contain an urbanized area may at its option adopt and submit a regional transportation plan once every four years beginning by September 1, 2001. Prior to adoption of the regional transportation plan, a public hearing shall be held, after the giving of notice of the hearing by publication in the affected county or counties pursuant to Section 6061.

SEC. 2. Section 65080 of the Government Code is amended to read:

65080. (a) Each transportation planning agency designated under Section 29532 or 29532.1 shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. The plan shall be action-oriented and pragmatic, considering both the short-term and long-term future, and shall present clear, concise policy guidance to local and state officials. The regional transportation plan shall consider factors specified in Section 134 of Title 23 of the United States Code. Each transportation planning agency shall consider and incorporate, as appropriate, the transportation plans of cities, counties, districts, private organizations, and state and federal agencies.

(b) The regional transportation plan shall include all of the following:

(1) A policy element that describes the transportation issues in the region, identifies and quantifies regional needs, including an assessment of transit capital rehabilitation and transit capital improvement needs, and an assessment of the maintenance, rehabilitation, and safety needs of local streets and roads, and describes the desired short-range and long-range transportation goals, and pragmatic objective and policy statements. The objective and policy statements shall be consistent with the funding estimates of the financial element.

(2) An action element that describes the programs and actions necessary to implement the plan and assigns implementation responsibilities. The action element may describe all projects proposed for development during the 20-year life of the plan.

The action element shall consider congestion management programming activities carried out within the region.

(3) A financial element that summarizes the cost of plan implementation constrained by a realistic projection of available revenues. The financial element shall also contain recommendations for allocation of funds. The financial element shall distinguish between the local, state, and federal funds required to meet transit capital rehabilitation and transit capital improvement needs. A county transportation commission created pursuant to Section 130000 of the Public Utilities Code shall be responsible for recommending projects to be funded with regional improvement funds, if the project is consistent with the regional transportation plan. The first four years of the financial element shall be based on the four-year estimate of funds developed pursuant to Section 14524. The financial element may recommend the development of specified new sources of revenue, consistent with the policy element and action element.

(c) Each transportation planning agency shall adopt and submit every three years beginning by September 1, 2001, an updated regional transportation plan to the California Transportation Commission and the Department of Transportation. The plan shall be consistent with federal planning and programming requirements. A transportation planning agency that does not contain an urbanized area may at its option adopt and submit a regional transportation plan once every four years beginning by September 1, 2001. Prior to adoption of the regional transportation plan, a public hearing shall be held, after the giving of notice of the hearing by publication in the affected county or counties pursuant to Section 6061.

SEC. 3. Section 830.14 of the Penal Code is amended to read:

830.14. (a) A local or regional transit agency or a joint powers agency operating rail service identified in an implementation program adopted pursuant to Article 10 (commencing with Section 130450) of Chapter 4 of Division 12 of the Public Utilities Code may

authorize by contract designated persons as conductors performing fare inspection duties who are employed by a railroad corporation that operates public rail commuter transit services for that agency to act as its agent in the enforcement of subdivisions (a) and (b) of Section 640 relating to the operation of the rail service if they complete the training requirement specified in subdivision (d).

(b) The governing board of the Altamont Commuter Express Authority, a joint powers agency duly formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, by and between the Alameda Congestion Management Agency, the Santa Clara County Transit District, and the San Joaquin Regional Rail Commission, may contract with designated persons to act as its agents in the enforcement of subdivisions (a) and (b) of Section 640 relating to the operation of a public transportation system if these persons complete the training requirement specified in subdivision (d).

(c) The governing board of the Peninsula Corridor Joint Powers Board, a joint powers agency duly formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, by and between the San Mateo County Transit District, the Santa Clara County Transit District, and the City and County of San Francisco, may appoint designated persons to act as its agents in the enforcement of subdivisions (a) and (b) of Section 640 relating to the operation of a public transportation system if these persons complete the training requirement specified in subdivision (d).

(d) Persons authorized pursuant to this section to enforce subdivisions (a) and (b) of Section 640 shall complete a specialized fare compliance course which shall be provided by the authorizing agency. This training course shall include, but not be limited to, the following topics:

(1) An overview of barrier-free fare inspection concepts.

(2) The scope and limitations of inspector authority.

(3) Familiarization with the elements of the infractions enumerated in subdivisions (a) and (b).

(4) Techniques for conducting fare checks, including inspection procedures, demeanor, and contacting violators.

(5) Citation issuance and court appearances.

(6) Fare media recognition.

(7) Handling argumentative violators and diffusing conflict.

(8) The mechanics of law enforcement support and interacting with law enforcement for effective incident resolution.

(e) Persons described in subdivisions (a), (b), and (c) are public officers, not peace officers, have no authority to carry firearms or any other weapon while performing the duties authorized in this section, and may not exercise the powers of arrest of a peace officer while performing the duties authorized in this section. These persons may be authorized by the agencies specified in subdivision (a), (b), or (c)

to issue citations involving infractions relating to the operation of the rail service specified in subdivision (a), (b), or (c).

(f) Nothing in this section shall affect the retirement or disability benefits provided to employees described in subdivision (a), (b), or (c) or be in violation of any collective bargaining agreement between a labor organization and a railroad corporation.

(g) Notwithstanding any other provision of this section, the primary responsibility of a conductor of a commuter passenger train shall be functions related to safe train operation.

SEC. 4. Section 20231 of the Public Contract Code is repealed.

SEC. 5. Section 20321 of the Public Contract Code is amended to read:

20321. (a) Except as provided in subdivision (b), contracts for the construction of transit works or transit facilities in excess of five thousand dollars ($5,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in emergency declared by four-fifths vote of the board of the district.

(b) Contracts for the construction of transit works or transit facilities let by the Los Angeles County Metropolitan Transportation Authority in excess of twenty-five thousand dollars ($25,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in an emergency declared by four-fifths vote of the board of the district.

SEC. 6. Section 20341 of the Public Contract Code is amended to read:

20341. (a) Except as provided in subdivision (c), contracts for construction in excess of twenty thousand dollars ($20,000) shall be awarded to the lowest responsible bidder submitting a responsive bid after competitive bidding, except in emergency declared by the vote of two-thirds of the membership of the board. When the expected construction contract exceeds one thousand dollars ($1,000) and does not exceed twenty thousand dollars ($20,000), the board shall seek a minimum of three quotations, either written or oral, which permit prices and other terms to be compared.

(b) If no bids are received, the project may be performed by a negotiated contract.

(c) This section does not apply to the Los Angeles County Metropolitan Transportation Authority.

SEC. 7. Section 102222 of the Public Utilities Code is amended to read:

102222. Contracts for the purchase of supplies, equipment, and materials in excess of forty thousand dollars ($40,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in an emergency declared by four-fifths vote of the board of the district.

SEC. 8. Section 99315.7 is added to the Public Utilities Code, to read:

99315.7. All funds from the Public Transportation Account and the State Highway Account, State Transportation Fund, previously allocated by the commission or the department to the new Fresno Amtrak Station project shall also be available for expenditure on any form of Amtrak project in the Fresno downtown area, including, but not limited to, the rehabilitation of the former Santa Fe Railway station, as approved by the commission or the department or the commission and the department. The encumbering and expending of funds for this project is not subject to an additional allocation action or approval action, or both actions, by the commission.

SEC. 8.5. Section 102223 is added to the Public Utilities Code, to read:

102223. Notwithstanding Section 102222 or any other provision of law, the district may procure one or more streetcars that operated more than 50 years ago in the district's service area without having to comply with competitive bidding procedures.

SEC. 9. Section 130232 of the Public Utilities Code is amended to read:

130232. (a) Except as provided in subdivision (f), purchase of all supplies, equipment, and materials, and the construction of all facilities and works, when the expenditure required exceeds twenty-five thousand dollars ($25,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published at least once in a newspaper of general circulation. The publication shall be made at least 10 days before the date for the receipt of the bids. The commission, at its discretion, may reject any and all bids and readvertise.

(b) Except as provided for in subdivision (f), whenever the expected expenditure required exceeds one thousand dollars ($1,000), but not twenty-five thousand dollars ($25,000), the commission shall obtain a minimum of three quotations, either written or oral, which permit prices and terms to be compared.

(c) Where the expenditure required by the bid price is less than fifty thousand dollars ($50,000), the executive director may act for the commission.

(d) All bids for construction work submitted pursuant to this section shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security:

(1) Cash.

(2) A cashier's check made payable to the commission.

(3) A certified check made payable to the commission.

(4) A bidder's bond executed by an admitted surety insurer, made payable to the commission.

(e) Upon an award to the lowest bidder, the security of an unsuccessful bidder shall be returned in a reasonable period of time, but in no event shall that security be held by the commission beyond 60 days from the date that the award was made.

(f) The following provisions apply only to the Los Angeles County Metropolitan Transportation Authority:

(1) The contract shall be let to the lowest responsible bidder when the purchase price of all supplies, equipment, and materials exceeds forty thousand dollars ($40,000), and the construction of all facilities exceeds twenty-five thousand dollars ($25,000).

(2) The commission shall obtain a minimum of three quotations, whether written or oral that permit prices and terms to be compared whenever the expected expenditure required exceeds two thousand five hundred dollars ($2,500), but not forty thousand dollars ($40,000).

SEC. 10. Section 180051 of the Public Utilities Code is amended to read:

180051. (a) A board of supervisors that chooses to create an entirely new entity as an authority pursuant to Section 180050 shall determine the membership of the authority with the concurrence of a majority of the cities having a majority of the population in the incorporated area of the county.

(b) Each member of the authority, and each alternate designated pursuant to subdivision (c), shall be an elected official of a local governmental entity within or partly within the county. Members of the board of supervisors serving on an authority shall comprise less than a majority of the authority.

(c) (1) Each member of the authority may have an alternate to vote or otherwise officially participate on behalf of the member at meetings of the authority when the member is not present. Either the member, or the alternate, but not both, may officially participate in a meeting of the authority. An alternate shall be designated as follows:

(A) Except as specified in subparagraph (B), the local governmental entity that appointed the member shall designate the alternate.

(B) A member who serves because the member holds a specified public office, as specified in the county transportation expenditure plan, shall designate his or her own alternate.

(2) An alternate acting on behalf of a member has all of the rights, privileges, and responsibilities of a member.

SEC. 11. Section 7232 of the Revenue and Taxation Code is amended to read:

7232. (a) Every motor carrier of property shall annually pay a permit fee to the Department of Motor Vehicles. The fees contained in this section are due and shall be paid by each carrier at the time of application for an initial motor carrier permit, and upon annual renewal, with the Department of Motor Vehicles, pursuant to the Motor Carriers of Property Permit Act, as set forth in Division 14.85 (commencing with Section 34600) of the Vehicle Code. The Department of Motor Vehicles may, upon initial application for a motor carrier permit, assign an expiration date not less than six

months, nor more than 18 months, from date of application, and may charge one-twelfth of the annual fee for each month covered by the initial permit. The fee paid by each motor carrier of property shall be based on the number of commercial motor vehicles operated in California by the motor carrier of property.

(b) As used in this chapter, "motor carrier of property" means any person who operates any commercial motor vehicle as defined in subdivision (d). "Motor carrier of property" does not include household goods carriers, as defined in Section 5109 of the Public Utilities Code, persons providing only transportation of passengers, or a passenger stage corporation transporting baggage and express upon a passenger vehicle incidental to the transportation of passengers.

(c) As used in this chapter, "for-hire motor carrier of property" means a motor carrier of property, as defined in subdivision (b), who transports property for compensation.

(d) As used in this chapter, "commercial motor vehicle" means any self-propelled vehicle listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500 of the Vehicle Code, any motor truck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, and any other motor vehicle used to transport property for compensation. "Commercial motor vehicle" does not include vehicles operated by household goods carriers, as defined in Section 5109 of the Public Utilities Code, pickup trucks as defined in Section 471 of the Vehicle Code, two-axle daily rental trucks with gross vehicle weight ratings less than 26,001 pounds when operated in noncommercial use or a motor truck or two-axle truck trailer operated in noncommercial use with a gross vehicle weight rating (GVWR) of less than 26,001 pounds used solely to tow a camp trailer, trailer coach, fifth wheel travel trailer, or utility trailer.

(e) The "number of commercial motor vehicles operated by the motor carrier of property" as used in this section means all of the commercial motor vehicles owned, registered to, or leased by the carrier. For interstate and foreign motor carriers of property the fees set forth in subdivision (a) shall be apportioned based on the percentage of fleet miles traveled in California in intrastate commerce. In the absence of records to establish intrastate fleet miles, the fees set forth in subdivision (a) shall be apportioned on total fleet miles traveled in California.

(f) For purposes of this chapter, "private carrier" means a motor carrier of property, as defined in subdivision (b), who does not transport any goods or property for compensation.

(g) (1) Fees contained in this chapter shall not apply to a motor carrier of property while engaged solely in interstate or foreign transportation of property by motor vehicle. No motor carrier of property shall engage in any interstate or foreign transportation of property for compensation by motor vehicle on any public highway in this state without first having registered the operation with the

Department of Motor Vehicles or with the carrier's base registration state, if other than California, as determined in accordance with final regulations issued by the Interstate Commerce Commission pursuant to the Intermodal Surface Efficiency Act of 1991 (49 U.S.C. Sec. 11506). To register with the Department of Motor Vehicles, carriers specified in this subdivision shall comply with the following:

(A) When the operation requires authority from the Interstate Commerce Commission under the Interstate Commerce Act, or authority from another federal regulatory agency, a copy of that authority shall be filed with the initial application for registration. A copy of any additions or amendments to the authority shall be filed with the Department of Motor Vehicles.

(B) If the operation does not require authority from the Interstate Commerce Commission under the Interstate Commerce Act, or authority from another federal regulatory agency, an affidavit of that exempt status shall be filed with the application for registration.

(2) The Department of Motor Vehicles shall grant registration upon the filing of the application pursuant to applicable law and the payment of any applicable fees, subject to the carrier's compliance with this chapter.

(3) This subdivision does not apply to household goods carriers, as defined in Section 5109 of the Public Utilities Code, and motor carriers engaged in the transportation of passengers for compensation.

SEC. 12. Section 7232 of the Revenue and Taxation Code is amended to read:

7232. (a) Every motor carrier of property shall annually pay a permit fee to the Department of Motor Vehicles. The fees contained in this section are due and shall be paid by each carrier at the time of application for an initial motor carrier permit, and upon annual renewal, with the Department of Motor Vehicles, pursuant to the Motor Carriers of Property Permit Act, as set forth in Division 14.85 (commencing with Section 34600) of the Vehicle Code. The Department of Motor Vehicles may, upon initial application for a motor carrier permit, assign an expiration date not less than six months, nor more than 18 months, from date of application, and may charge one-twelfth of the annual fee for each month covered by the initial permit. The fee paid by each motor carrier of property shall be based on the number of commercial motor vehicles operated in California by the motor carrier of property.

(b) As used in this chapter, "motor carrier of property" means any person who operates any commercial motor vehicle as defined in subdivision (d). "Motor carrier of property" does not include a household goods carrier, as defined in Section 5109 of the Public Utilities Code, a household goods carrier transporting used office, store, and institution furniture and fixtures under its household goods carrier permits pursuant to Section 5137 of the Public Utilities Code, persons providing only transportation of passengers, or a passenger

stage corporation transporting baggage and express upon a passenger vehicle incidental to the transportation of passengers.

(c) As used in this chapter, "for-hire motor carrier of property" means a motor carrier of property, as defined in subdivision (b), who transports property for compensation.

(d) As used in this chapter, "commercial motor vehicle" means any self-propelled vehicle listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500 of the Vehicle Code, any motor truck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, and any other motor vehicle used to transport property for compensation. "Commercial motor vehicle" does not include vehicles operated by household goods carriers, as defined in Section 5109 of the Public Utilities Code, vehicles operated by household goods carriers to transport used office, store, and institution furniture and fixtures under their household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, pickup trucks as defined in Section 471 of the Vehicle Code, two-axle daily rental trucks with gross vehicle weight ratings less than 26,001 pounds when operated in noncommercial use or a motor truck or two-axle truck trailer operated in noncommercial use with a gross vehicle weight rating (GVWR) of less than 26,001 pounds used solely to tow a camp trailer, trailer coach, fifth wheel travel trailer, or utility trailer.

(e) The "number of commercial motor vehicles operated by the motor carrier of property" as used in this section means all of the commercial motor vehicles owned, registered to, or leased by the carrier. For interstate and foreign motor carriers of property the fees set forth in subdivision (a) shall be apportioned based on the percentage of fleet miles traveled in California in intrastate commerce. In the absence of records to establish intrastate fleet miles, the fees set forth in subdivision (a) shall be apportioned on total fleet miles traveled in California.

(f) For purposes of this chapter, "private carrier" means a motor carrier of property, as defined in subdivision (b), who does not transport any goods or property for compensation.

(g) (1) Fees contained in this chapter shall not apply to a motor carrier of property while engaged solely in interstate or foreign transportation of property by motor vehicle. No motor carrier of property shall engage in any interstate or foreign transportation of property for compensation by motor vehicle on any public highway in this state without first having registered the operation with the Department of Motor Vehicles or with the carrier's base registration state, if other than California, as determined in accordance with final regulations issued by the Interstate Commerce Commission pursuant to the Intermodal Surface Efficiency Act of 1991 (49 U.S.C. Sec. 11506). To register with the Department of Motor Vehicles, carriers specified in this subdivision shall comply with the following:

(A) When the operation requires authority from the Interstate Commerce Commission under the Interstate Commerce Act, or

authority from another federal regulatory agency, a copy of that authority shall be filed with the initial application for registration. A copy of any additions or amendments to the authority shall be filed with the Department of Motor Vehicles.

(B) If the operation does not require authority from the Interstate Commerce Commission under the Interstate Commerce Act, or authority from another federal regulatory agency, an affidavit of that exempt status shall be filed with the application for registration.

(2) The Department of Motor Vehicles shall grant registration upon the filing of the application pursuant to applicable law and the payment of any applicable fees, subject to the carrier's compliance with this chapter.

(3) This subdivision does not apply to household goods carriers, as defined in Section 5109 of the Public Utilities Code, and motor carriers engaged in the transportation of passengers for compensation.

SEC. 12.5. Section 391.3 is added to the Streets and Highways Code, to read:

391.3. Upon a determination by the commission that it is in the best interests of the state to do so, the commission may, upon terms and conditions approved by it, relinquish a portion of Route 91 between State Route 107 and State Route 1 to the Cities of Hermosa Beach, Lawndale, Manhattan Beach, and Redondo Beach in which that portion of the highway is located, if the city has agreed to accept it. The relinquishment shall be effective on the day immediately following the commission's approval of the terms and conditions.

SEC. 13. Section 517.1 is added to the Streets and Highways Code, to read:

517.1. Upon a determination by the commission that it is in the best interests of the state to do so, the commission may, upon terms and conditions approved by it, relinquish a portion of Route 217 from the westerly end of both the East Goleta overhead and the Route 101-217 separation structures to the University of California, Santa Barbara property line to Santa Barbara County, in which that portion of the highway is located, if the county has agreed to accept it. The relinquishment shall be effective on the day immediately following the commission's approval of the terms and conditions.

SEC. 14. Section 28 of the Vehicle Code is amended to read:

28. (a) Whenever possession is taken of any vehicle by or on behalf of any legal owner thereof under the terms of a security agreement or lease agreement, the person taking possession shall notify, within one hour after taking possession of the vehicle, and by the most expeditious means available, the city police department where the taking of possession occurred, if within an incorporated city, or the sheriff's department of the county where the taking of possession occurred, if outside an incorporated city, or the police department of a campus of the University of California or the California State University, if the taking of possession occurred on

that campus, and shall within one business day forward a written notice to the city police or sheriff's department.

(b) Any person failing to notify the city police department, sheriff's department, or campus police department as required by this section is guilty of an infraction, and shall be fined a minimum of three hundred dollars ($300), and up to five hundred dollars ($500). The district attorney, city attorney, or city prosecutor shall promptly notify the Bureau of Security and Investigative Services of any conviction resulting from a violation of this section.

SEC. 15. Section 246 of the Vehicle Code is amended to read:

246. A "certificate of compliance" for the purposes of this code is an electronic or printed document issued by a state agency, board, or commission, or authorized person, setting forth that the requirements of a particular law, rule or regulation, within its jurisdiction to regulate or administer has been satisfied.

SEC. 16. Section 5201 of the Vehicle Code is amended to read:

5201. License plates shall at all times be securely fastened to the vehicle for which they are issued so as to prevent the plates from swinging and shall be mounted in a position to be clearly visible, and shall be maintained in a condition so as to be clearly legible. The rear license plate shall be mounted not less than 12 inches nor more than 60 inches from the ground, and the front license plate shall be mounted not more than 60 inches from the ground, except as follows:

(a) The rear license plate on a tow truck may be mounted on the left-hand side of the mast assembly at the rear of the cab of the vehicle, not less than 12 inches nor more than 90 inches from the ground.

(b) The rear license plate on a tank vehicle hauling hazardous waste, as defined in Section 25117 of the Health and Safety Code, or asphalt material may be mounted not less than 12 inches nor more than 90 inches from the ground.

(c) The rear license plate on a truck tractor may be mounted at the rear of the cab of the vehicle, not less than 12 inches nor more than 90 inches from the ground.

(d) The rear license plate of a vehicle designed by the manufacturer for the collection and transportation of garbage, rubbish, or refuse and which is used regularly for the collection and transportation of that material by any person or governmental entity employed to collect, transport, and dispose of garbage, rubbish, or refuse may be mounted not less than 12 inches nor more than 90 inches from the ground.

(e) No covering shall be used on license plates except as follows:

(1) The installation of a cover over a lawfully parked vehicle to protect it from the weather and the elements does not constitute a violation of this subdivision. Any peace officer or other regularly salaried employee of a public agency designated to enforce laws, including local ordinances, relating to the parking of vehicles may

temporarily remove so much of the cover as is necessary to inspect any license plate, tab, or indicia of registration on a vehicle.

(2) The installation of a license plate security cover is not a violation of this subdivision if the device does not obstruct or impair the recognition of the license plate information, including, but not limited to, the issuing state, license plate number, and registration tabs, and the cover is limited to the area directly over the top of the registration tabs. No portion of a license plate security cover shall rest over the license plate number.

(f) No casing, shield, frame, border, or other device that obstructs or impairs the reading or recognition of a license plate by a remote emission sensing device, as specified in Sections 44081 and 44081.6 of the Health and Safety Code, shall be installed on, or affixed to, a vehicle.

SEC. 17. Section 9255 of the Vehicle Code is amended to read:

9255. (a) Upon application for the transfer of the title or any interest of an owner or legal owner in or to a vehicle registered under this code, or for which a certificate of ownership has been issued without registration under Section 4452, other than upon a transfer to a chattel mortgagee and other than upon a transfer to a transferee not required under this code to obtain the issuance to the owner of a new certificate of ownership and registration card, there shall be paid the following fees:

(1) For a transfer by the owner of an automobile or motorcycle	$15
(2) For a transfer by the owner of a trailer, trailer coach, or commercial vehicle	$15
(3) For a transfer by the legal owner	$15
(4) When an application is presented showing a transfer by both the owner and legal owner of an automobile or motorcycle	$15
(5) When an application is presented showing a transfer by both the owner and legal owner of a trailer, trailer coach, or commercial vehicle	$15

(b) This section shall become operative on July 1, 1999, and applies to fees due or paid on or after July 1, 1999.

SEC. 18. Section 12517.5 of the Vehicle Code is amended to read:

12517.5. A person who is employed as a driver of a paratransit vehicle shall not operate that vehicle unless the person meets both of the following requirements:

(a) Has in his or her immediate possession a valid driver's license of a class appropriate to the vehicle driven.

(b) Successfully completes, during each calendar year, four hours of training administered by, or at the direction of, his or her employer

or the employer's agent on the safe operation of paratransit vehicles and four hours of training on the special transportation needs of the persons he or she is employed to transport.

This subdivision may be satisfied if the driver receives transportation training or a certificate, or both, pursuant to Section 38157, 38158, 38161, 38162, or 38165 of the Education Code.

The employer shall maintain a record of the current training received by each driver in his or her employ and shall present that record on demand to any authorized representative of the Department of the California Highway Patrol.

SEC. 19. Section 16560 of the Vehicle Code is amended to read:

16560. (a) Any person or corporation who operates or causes to be operated on the highways of this state any motor vehicle in the interstate or foreign transportation of property, other than household goods, for compensation without having first complied with the requirements of paragraph (1) of subdivision (g) of Section 7232 of the Revenue and Taxation Code is guilty of a misdemeanor, and is punishable by a fine of not more than one thousand dollars ($1,000), or by imprisonment in the county jail for not more than three months, or by both that fine and imprisonment.

(b) Any person or corporation who operates or causes to be operated on the highways of this state any motor vehicle in the interstate or foreign transportation of household goods or passengers for compensation without having first complied with the requirements of Chapter 1 (commencing with Section 3901) of Division 2 of the Public Utilities Code is guilty of a misdemeanor, and is punishable by a fine of not more than one thousand dollars ($1,000), or by imprisonment in the county jail for not more than three months, or both that fine and imprisonment.

SEC. 20. Section 21059 of the Vehicle Code is amended to read:

21059. Sections 21211, 21650, 21660, 22502, 22504, and subdivision (h) of Section 22500 do not apply to the operation of a rubbish or garbage truck while actually engaged in the collection of rubbish or garbage within a business or residence district, if the front turn signal lamps at each side of the vehicle are being flashed simultaneously and the rear turn signal lamps at each side of the vehicle are being flashed simultaneously.

This provision does not apply when the vehicle is being driven to and from work, and it does not relieve the driver of the vehicle from the duty to drive with due regard for the safety of all persons using the highway or protect him or her from the consequences of an arbitrary exercise of the privilege granted.

SEC. 21. Section 21211 of the Vehicle Code is amended to read:

21211. (a) No person shall stop, stand, sit, or loiter upon any class I bikeway, as defined in subdivision (a) of Section 890.4 of the Streets and Highways Code, or any other public or private bicycle path or trail, if the stopping, standing, sitting, or loitering impedes or blocks the normal and reasonable movement of any bicyclist.

(b) No person shall place or park any bicycle, vehicle, or any other object upon any bikeway or bicycle path or trail, as specified in subdivision (a), which impedes or blocks the normal and reasonable movement of any bicyclist unless the placement or parking is necessary for safe operation or is otherwise in compliance with the law.

(c) This section does not apply to drivers or owners of utility or public utility vehicles, as provided in Section 22512.

(d) This section does not apply to owners or drivers of vehicles who make brief stops while engaged in the delivery of newspapers to customers along the person's route.

(e) This section does not apply to the driver or owner of a rubbish or garbage truck while actually engaged in the collection of rubbish or garbage within a business or residence district if the front turn signal lamps at each side of the vehicle are being flashed simultaneously and the rear turn signal lamps at each side of the vehicle are being flashed simultaneously.

SEC. 22. Section 22522 of the Vehicle Code is amended to read:

22522. No person shall park a vehicle within three feet of any sidewalk access ramp constructed at, or adjacent to, a crosswalk or at any other location on a sidewalk so as to be accessible to and usable by the physically disabled, if the area adjoining the ramp is designated by either a sign or red paint.

SEC. 23. Section 22658 of the Vehicle Code is amended to read:

22658. (a) Except as provided in Section 22658.2, the owner or person in lawful possession of any private property, within one hour of notifying, by telephone or, if impractical, by the most expeditious means available, the local traffic law enforcement agency, may cause the removal of a vehicle parked on the property to the nearest public garage under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than 17 by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency. The sign may also indicate that a citation may also be issued for the violation.

(2) The vehicle has been issued a notice of parking violation, and 96 hours have elapsed since the issuance of that notice.

(3) The vehicle is on private property and lacks an engine, transmission, wheels, tires, doors, windshield, or any other major part or equipment necessary to operate safely on the highways, the owner or person in lawful possession of the private property has notified the local traffic law enforcement agency, and 24 hours have elapsed since that notification.

(4) The lot or parcel upon which the vehicle is parked is improved with a single-family dwelling.

(b) The person causing removal of the vehicle, if the person knows or is able to ascertain from the registration records of the Department of Motor Vehicles the name and address of the registered and legal owner of the vehicle, shall immediately give, or cause to be given, notice in writing to the registered and legal owner of the fact of the removal, the grounds for the removal, and indicate the place to which the vehicle has been removed. If the vehicle is stored in a public garage, a copy of the notice shall be given to the proprietor of the garage. The notice provided for in this section shall include the amount of mileage on the vehicle at the time of removal. If the person does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as provided in this section, the person causing removal of the vehicle shall comply with the requirements of subdivision (c) of Section 22853 relating to notice in the same manner as applicable to an officer removing a vehicle from private property.

(c) This section does not limit or affect any right or remedy which the owner or person in lawful possession of private property may have by virtue of other provisions of law authorizing the removal of a vehicle parked upon private property.

(d) The owner of a vehicle removed from private property pursuant to subdivision (a) may recover for any damage to the vehicle resulting from any intentional or negligent act of any person causing the removal of, or removing, the vehicle.

(e) Any owner or person in lawful possession of any private property, or an ''association'' pursuant to Section 22658.2, causing the removal of a vehicle parked on that property is liable for double the storage or towing charges whenever there has been a failure to comply with paragraph (1), (2), or (3) of subdivision (a) or to state the grounds for the removal of the vehicle if requested by the legal or registered owner of the vehicle as required by subdivision (f).

(f) Any owner or person in lawful possession of any private property, or an ''association'' pursuant to Section 22658.2, causing the removal of a vehicle parked on that property shall state the grounds for the removal of the vehicle if requested by the legal or registered owner of that vehicle. Any towing company that removes a vehicle from private property with the authorization of the property owner or the property owner's agent shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes the vehicle under this section shall be responsible for (1) any damage to the vehicle in the transit and subsequent storage of the vehicle and (2) the removal of a vehicle other than the vehicle specified by the owner or other person in lawful possession of the private property.

(g) Possession of any vehicle under this section shall be deemed to arise when a vehicle is removed from private property and is in transit.

(h) A towing company may impose a charge of not more than one-half of the regular towing charge for the towing of a vehicle at the request of the owner of private property or that owner's agent pursuant to this section if the owner of the vehicle or the owner's agent returns to the vehicle before it is removed from the private property. The regular towing charge may only be imposed after the vehicle has been removed from the property and is in transit.

(i) (1) A charge for towing or storage, or both, of a vehicle under this section is excessive if the charge is greater than that which would have been charged for towing or storage, or both, made at the request of a law enforcement agency under an agreement between the law enforcement agency and a towing company in the city or county in which is located the private property from which the vehicle was, or was attempted to be, removed.

(2) If a vehicle is released within 24 hours from the time the vehicle is brought into the storage facility, regardless of the calendar date, the storage charge shall be for only one day. Not more than one day's storage charge may be required for any vehicle released the same day that it is stored.

(3) If a request to release a vehicle is made and the appropriate fees are tendered and documentation establishing that the person requesting release is entitled to possession of the vehicle, or is the owner's insurance representative, is presented within the initial 24 hours of storage, and the storage facility fails to comply with the request to release the vehicle or is not open for business during normal business hours, then only one day's storage charge may be required to be paid until after the first business day. A business day is any day in which the lienholder is open for business to the public for at least eight hours. If a 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.

(j) Any person who charges a vehicle owner a towing, service, or storage charge at an excessive rate, as described in subdivision (i), is liable to the vehicle owner for four times the amount charged.

(k) Persons operating or in charge of any storage facility where vehicles are stored pursuant to this section shall accept a valid bank credit card or cash for payment of towing and storage by a registered owner or the owner's agent claiming the vehicle. A person operating or in charge of any storage facility who refuses to accept a valid bank credit card is liable to the registered owner of the vehicle for four times the amount of the towing and storage charges, but not to exceed five hundred dollars ($500). In addition, persons operating or in charge of the storage facility shall have sufficient moneys on the premises of the primary storage facility during normal business hours to accommodate, and make change in, a reasonable monetary transaction.

Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of providing for payment by credit when making agreements with towing companies as described in subdivision (i).

(*l*) (1) A towing company shall not remove or commence the removal of a vehicle from private property without first obtaining written authorization from the property owner or lessee, or an employee or agent thereof, who shall be present at the time of removal. General authorization to remove or commence removal of a vehicle at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of a vehicle unlawfully parked within 15 feet of a fire hydrant or in a fire lane, or in a manner which interferes with any entrance to, or exit from, the private property.

(2) If a towing company removes a vehicle without written authorization and that vehicle is unlawfully parked within 15 feet of a fire hydrant or in a fire lane, or in a manner which interferes with any entrance to, or exit from, the private property, the towing company shall take, prior to the removal of that vehicle, a photograph of the vehicle which clearly indicates that parking violation. The towing company shall keep one copy of the photograph taken pursuant to this paragraph, and shall present that photograph to the owner or an agent of the owner, when that person claims the vehicle.

(3) Any towing company, or any affiliate of a towing company, which removes, or commences removal of, a vehicle from private property without first obtaining written authorization from the property owner or lessee, or an employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted by paragraph (1), is liable to the owner of the vehicle for four times the amount of the towing and storage charges, in addition to any applicable criminal penalty, for a violation of paragraph (1).

SEC. 24. Section 22658 of the Vehicle Code is amended to read:

22658. (a) Except as provided in Section 22658.2, the owner or person in lawful possession of any private property, within one hour of notifying, by telephone or, if impractical, by the most expeditious means available, the local traffic law enforcement agency may cause the removal of a vehicle parked on the property to the nearest public garage under any of the following circumstances:

(1) (A) There is displayed, in plain view at all entrances to the property, a sign not less than 17 by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency. The sign may also indicate that a citation may also be issued for the violation.

(B) If the vehicle is on the property of a retail establishment, prior to the removal of that vehicle under this paragraph, the owner of the

establishment or his or her designee shall affix a notice on the vehicle notifying the vehicle owner that the vehicle will be removed in accordance with this subparagraph. If the vehicle is on the property during regular business hours of the retail establishment, and the notice is affixed on the vehicle during that time, the notice shall inform the owner that the vehicle will be removed after four hours has elapsed since the notice was affixed and that the vehicle owner may remove the vehicle prior to the conclusion of that four hours. If the vehicle is on the property after regular business hours of the establishment and the notice is affixed on the vehicle during that time, the notice shall inform the owner that the vehicle will be removed after eight hours has elapsed since the notice was affixed and that the vehicle owner may remove the vehicle prior to the conclusion of that eight hours.

As used in this subparagraph, "retail establishment" is a person who engages in the business of selling consumer goods to retail buyers at a fixed location during regular established business hours.

(2) The vehicle has been issued a notice of parking violation, and 96 hours have elapsed since the issuance of that notice.

(3) The vehicle is on private property and lacks an engine, transmission, wheels, tires, doors, windshield, or any other major part or equipment necessary to operate safely on the highways, the owner or person in lawful possession of the private property has notified the local traffic law enforcement agency, and 24 hours have elapsed since that notification.

(4) The lot or parcel upon which the vehicle is parked is improved with a single-family dwelling.

(b) The person causing removal of the vehicle, if the person knows or is able to ascertain from the registration records of the Department of Motor Vehicles the name and address of the registered and legal owner of the vehicle, shall immediately give, or cause to be given, notice in writing to the registered and legal owner of the fact of the removal, the grounds for the removal, and indicate the place to which the vehicle has been removed. If the vehicle is stored in a public garage, a copy of the notice shall be given to the proprietor of the garage. The notice provided for in this section shall include the amount of mileage on the vehicle at the time of removal. If the person does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as provided in this section, the person causing removal of the vehicle shall comply with the requirements of subdivision (c) of Section 22853 relating to notice in the same manner as applicable to an officer removing a vehicle from private property.

(c) This section does not limit or affect any right or remedy which the owner or person in lawful possession of private property may have by virtue of other provisions of law authorizing the removal of a vehicle parked upon private property.

(d) The owner of a vehicle removed from private property pursuant to subdivision (a) may recover for any damage to the vehicle resulting from any intentional or negligent act of any person causing the removal of, or removing, the vehicle.

(e) Any owner or person in lawful possession of any private property, or an "association" pursuant to Section 22658.2, causing the removal of a vehicle parked on that property is liable for double the storage or towing charges whenever there has been a failure to comply with paragraph (1), (2), or (3) of subdivision (a) or to state the grounds for the removal of the vehicle if requested by the legal or registered owner of the vehicle as required by subdivision (f).

(f) Any owner or person in lawful possession of any private property, or an "association" pursuant to Section 22658.2, causing the removal of a vehicle parked on that property shall state the grounds for the removal of the vehicle if requested by the legal or registered owner of that vehicle. Any towing company that removes a vehicle from private property with the authorization of the property owner or the property owner's agent shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes the vehicle under this section shall be responsible for (1) any damage to the vehicle in the transit and subsequent storage of the vehicle and (2) the removal of a vehicle other than the vehicle specified by the owner or other person in lawful possession of the private property.

(g) Possession of any vehicle under this section shall be deemed to arise when a vehicle is removed from private property and is in transit.

(h) A towing company may impose a charge of not more than one-half of the regular towing charge for the towing of a vehicle at the request of the owner of private property or that owner's agent pursuant to this section if the owner of the vehicle or the owner's agent returns to the vehicle before it is removed from the private property. The regular towing charge may only be imposed after the vehicle has been removed from the property and is in transit.

(i) (1) A charge for towing or storage, or both, of a vehicle under this section is excessive if the charge is greater than that which would have been charged for towing or storage, or both, made at the request of a law enforcement agency under an agreement between the law enforcement agency and a towing company in the city or county in which is located the private property from which the vehicle was, or was attempted to be, removed.

(2) If a vehicle is released within 24 hours from the time the vehicle is brought into the storage facility, regardless of the calendar date, the storage charge shall be for only one day. Not more than one day's storage charge may be required for any vehicle released the same day that it is stored.

(3) If a request to release a vehicle is made and the appropriate fees are tendered and documentation establishing that the person

requesting release is entitled to possession of the vehicle, or is the owner's insurance representative, is presented within the initial 24 hours of storage, and the storage facility fails to comply with the request to release the vehicle or is not open for business during normal business hours, then only one day's storage charge may be required to be paid until after the first business day. A business day is any day in which the lienholder is open for business to the public for at least eight hours. If a 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.

(j) Any person who charges a vehicle owner a towing, service, or storage charge at an excessive rate, as described in subdivision (i), is liable to the vehicle owner for four times the amount charged.

(k) Persons operating or in charge of any storage facility where vehicles are stored pursuant to this section shall accept a valid bank credit card or cash for payment of towing and storage by a registered owner or the owner's agent claiming the vehicle. A person operating or in charge of any storage facility who refuses to accept a valid bank credit card is liable to the registered owner of the vehicle for four times the amount of the towing and storage charges, but not to exceed five hundred dollars ($500). In addition, persons operating or in charge of the storage facility shall have sufficient moneys on the premises of the primary storage facility during normal business hours to accommodate, and make change in, a reasonable monetary transaction.

Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of providing for payment by credit when making agreements with towing companies as described in subdivision (i).

(*l*) (1) A towing company shall not remove or commence the removal of a vehicle from private property without first obtaining written authorization from the property owner or lessee, or an employee or agent thereof, who shall be present at the time of removal. General authorization to remove or commence removal of a vehicle at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of a vehicle unlawfully parked within 15 feet of a fire hydrant or in a fire lane, or in a manner which interferes with any entrance to, or exit from, the private property.

(2) If a towing company removes a vehicle without written authorization and that vehicle is unlawfully parked within 15 feet of a fire hydrant or in a fire lane, or in a manner which interferes with any entrance to, or exit from, the private property, the towing company shall take, prior to the removal of that vehicle, a photograph of the vehicle which clearly indicates that parking violation. The towing company shall keep one copy of the photograph taken

pursuant to this paragraph, and shall present that photograph to the owner or an agent of the owner, when that person claims the vehicle.

(3) Any towing company, or any affiliate of a towing company, which removes, or commences removal of, a vehicle from private property without first obtaining written authorization from the property owner or lessee, or an employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted by paragraph (1), is liable to the owner of the vehicle for four times the amount of the towing and storage charges, in addition to any applicable criminal penalty, for a violation of paragraph (1).

SEC. 24.5. Section 34501.13 of the Vehicle Code is amended to read:

34501.13. If the inspection of a carrier facility, maintenance facility, or terminal of any person who operates a schoolbus results in an unsatisfactory terminal rating by the department, the department shall notify the school board of the district that is responsible for the terminal.

SEC. 25. Section 34520.5 of the Vehicle Code is amended to read:

34520.5. (a) All employers of drivers who operate paratransit vehicles, and the drivers of those vehicles, who are not otherwise required to participate in a testing program of the United States Secretary of Transportation, shall participate in a program consistent with the controlled substances and alcohol use and testing requirements of the United States Secretary of Transportation as set forth in Part 382 (commencing with Section 382.101), Part 653 (commencing with Section 653.1), or Part 654 (commencing with Section 654.1) of Title 49 of the Code of Federal Regulations.

(b) Section 34520 is applicable to any controlled substances or alcohol testing program undertaken under this section.

(c) The employer of a paratransit vehicle driver shall participate in the pull notice system defined in Section 1808.1.

SEC. 26. The Legislature finds and declares that, as to Section 3 of this act, a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the Peninsula Corridor Joint Powers Board. The facts constituting the special circumstances are:

The Peninsula Corridor Joint Powers Board operates rail service through three counties and 20 city jurisdictions. The regional nature of this rail service necessitates that a single agency be authorized to designate persons for the issuance of citations for any violations of Section 640 of the Penal Code occurring along the service area of the Peninsula Corridor Joint Powers Board's rail service.

The Peninsula Corridor Joint Powers Board is in the process of installing automated ticket vending machines in all its stations. Once these ticket vending machines are installed, passengers will be encouraged to purchase tickets through the machines before

boarding the trains. Ticket sales on board the trains may ultimately be phased out. As a result, a fare enforcement program requiring passengers to present proof of payment will need to be implemented to ensure that passengers pay the appropriate fares, with citations issued to those who fail to pay the appropriate fares.

SEC. 27. Section 2 of this bill incorporates amendments to Section 65080 of the Government Code proposed by both this bill and AB 308. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 65080 of the Government Code, and (3) this bill is enacted after AB 308, in which case Section 1 of this bill shall not become operative.

SEC. 28. Section 12 of this bill incorporates amendments to Section 7232 of the Revenue and Taxation Code proposed by both this bill and AB 1658. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 7232 of the Revenue and Taxation Code, and (3) this bill is enacted after AB 1658, in which case Section 11 of this bill shall not become operative.

SEC. 29. Section 24 of this bill incorporates amendments to Section 22658 of the Vehicle Code proposed by both this bill and SB 852. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 22658 of the Vehicle Code, and (3) this bill is enacted after SB 852, in which case Section 23 of this bill shall not become operative.

SEC. 30. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

CHAPTER 1008

An act to amend Sections 465, 666, 2503, 12800.7, 12811, 12815, 13000, 13003, 22110, 34501.5, 34501.12, 34601, 38010, 38246, 40802, and 41501 of, and to repeal Sections 13551.1, 14908, and 15310 of, the Vehicle Code, relating to vehicles.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 465 of the Vehicle Code is amended to read:

465. A "passenger vehicle" is any motor vehicle, other than a motortruck, truck tractor, or a bus, as defined in Section 233, and used or maintained for the transportation of persons. The term "passenger vehicle" shall include a housecar.

SEC. 2. Section 666 of the Vehicle Code is amended to read:

666. A "utility trailer" is any trailer or semitrailer used solely for the transportation of the user's personal property and that does not exceed a gross weight of 10,000 pounds.

SEC. 3. Section 2503 of the Vehicle Code is amended to read:

2503. (a) Licenses issued by the commissioner shall not be transferable. A change in ownership or control of the licensed activity shall render the existing license null and void and a new license shall be required. A change in ownership or control includes, but is not limited to, a change in corporate status, or a stock transfer of shares possessing more than 50 percent of the voting power of the corporation. A change in ownership or control does not include the addition or deletion of partners, officers, directors, or board members comprising 50 percent or less ownership or control of the licensed activity if both of the following are complied with:

(1) The new partners, officers, directors, or board members have not committed any acts described in Section 2541.

(2) An amended license application form indicating the changes and any other information required pursuant to subdivision (d) of Section 2502 is submitted to the commissioner within 10 days of the change.

(b) In the event of a change of name, not involving a change of ownership or control, the license shall be returned to the commissioner for cancellation, and a new license application form shall be submitted. The commissioner shall cancel the returned license and issue a new license for the unexpired term without a fee.

(c) In the event of loss, destruction, or mutilation of a license issued by the commissioner, the person to whom it was issued may obtain a duplicate upon paying a fee of five dollars ($5). Any person who loses a license issued by the commissioner and who, after obtaining a duplicate, finds the original license, shall immediately surrender the original license to the commissioner.

(d) Any change of address or relocation of a licensed service shall be reported to the commissioner within 10 days.

SEC. 4. Section 12800.7 of the Vehicle Code is amended to read:

12800.7. Upon application for an original or duplicate license the department may require the applicant to produce any identification that it determines is necessary in order to ensure that the name of the applicant stated in the application is his or her true, full name and that his or her residence address as set forth in the application is his or her true residence address.

SEC. 5. Section 12811 of the Vehicle Code is amended to read:

12811. (a) (1) When the department determines that the applicant is lawfully entitled to a license, it shall issue to the person

a driver's license as applied for. The license shall state the class of license for which the licensee has qualified and shall contain the distinguishing number assigned to the applicant, the date of expiration, the true full name, age, and mailing address of the licensee, a brief description and engraved picture or photograph of the licensee for the purpose of identification, and space for the signature of the licensee.

Each license shall also contain a space for the endorsement of a record of each suspension or revocation thereof.

The department shall use whatever process or processes, in the issuance of engraved or colored licenses, that prohibit, as near as possible, the ability to alter or reproduce the license, or prohibit the ability to superimpose a picture or photograph on the license without ready detection.

(2) In addition to the requirements of paragraph (1), a license issued to a person under 18 years of age shall display the words "provisional until age 18."

(b) The department shall provide a form that, when completed, may be carried with the license, by which the licensee may indicate his or her willingness and intent to make an anatomical gift, including the gift of a pacemaker, or his or her refusal to make an anatomical gift pursuant to Section 7150.5 of the Health and Safety Code, and, if applicable, the date that a pacemaker was implanted. The form shall be designed to obtain information sufficient to identify the nature of the anatomical gift and shall include, but not be limited to, all of the following:

(1) A space for the signature of the potential donor.

(2) A space for the signature of one or more witnesses, which should include the spouse, parent, or adult child of the donor or any other next of kin.

(3) A statement sufficient in its terms to meet the requirements of the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code).

(4) A space for the donor to indicate whether the donor desires to donate tissues or organs, or both, or the donor's entire body for the purpose of transplantation or medical research, or both.

(5) Text informing the donor that the form is a legally binding document, which shall remain binding after death despite any expressed desires of next of kin opposed to the donation.

(6) Text requiring the donor to discuss the decision to donate with family, friends, or any other person who might be directly affected by the donation, particularly those next of kin who might object to the decision and a space for the donor's initials to acknowledge that it is the donor's responsibility to comply with this requirement.

(7) Text informing the donor that rescission of the decision to donate shall require the completion of a new form and the removal of the sticker described in Section 1672.5 from the driver's license or identification card.

(c) (1) The statement required under paragraph (3) of subdivision (b) shall not be deemed to be effective unless both of the following conditions have been met:

(A) The statement is signed by the licensee.

(B) The licensee is 18 years of age or older at the time of signing.

(2) If the licensee cannot sign, the statement may be signed for the licensee, at his or her direction and in his or her presence, in the presence of two witnesses who shall sign the statement in his or her presence.

(d) The department shall present the form provided under subdivision (b), and explain its use, to each applicant for a license or license renewal.

(e) The anatomical gift shall become effective upon the death of the licensee.

(f) No public entity or employee is liable for any loss, detriment, or injury resulting directly or indirectly from false or inaccurate information contained in the form provided pursuant to subdivision (b).

(g) No contract may be let to any nongovernmental entity for the processing of driver's licenses, unless the department receives two or more qualified bids from independent, responsible bidders.

(h) This section shall become operative on the date determined under subdivision (a) of Section 1672.3.

SEC. 6. Section 12815 of the Vehicle Code is amended to read:

12815. (a) If a driver's license issued under this code is lost, destroyed or mutilated, or a new true, full name is acquired, the person to whom it was issued shall obtain a duplicate upon furnishing to the department (a) satisfactory proof of that loss, destruction, or mutilation and (b) if the licensee is a minor, evidence of permission to obtain a duplicate secured from the parents, guardian or person having custody of the minor. Any person who loses a driver's license and who, after obtaining a duplicate, finds the original license shall immediately destroy the original license.

(b) A person in possession of a valid driver's license who has been informed either by the department or by a law enforcement agency that the document is mutilated shall surrender the license to the department not later than 10 days after that notification.

(c) For purposes of this section, a mutilated license is one that has been damaged sufficiently to render any or all of the elements of identity set forth in Sections 12800.5 and 12811 unreadable or unidentifiable through visual, mechanical, or electronic means.

SEC. 7. Section 13000 of the Vehicle Code is amended to read:

13000. (a) The department may issue an identification card to any person attesting to the true full name, correct age, and other identifying data as certified by the applicant for such identification card.

(b) Any person 62 years of age or older may apply for, and the department upon receipt of a proper application therefor shall issue, an identification card bearing the notation "Senior Citizen".

(c) Every application for an identification card shall be signed and verified by the applicant before a person authorized to administer oaths and shall be supported by bona fide documentary evidence of the age and identity of the applicant as the department may require, and shall include a legible print of the thumb or finger of the applicant.

(d) Any person 62 years of age or older, and any other qualified person, may apply for, or possess, an identification card under the provisions of either subdivision (a) or (b), but not under both of those provisions.

SEC. 8. Section 13003 of the Vehicle Code is amended to read:

13003. (a) If an identification card issued under this code is lost, destroyed, mutilated, or a new true full name is acquired, the person to whom it was issued shall make application for an original identification card as specified in Section 13000. The fee provided in Section 14902 shall be paid to the department upon application for the card. Every identification card issued pursuant to this section shall expire as provided in Section 13002 and shall be deemed an original identification card for that purpose.

(b) A person in possession of a valid identification card who has been informed either by the department or by a law enforcement agency that the document is mutilated shall surrender the identification card to the department not later than 10 days after that notification.

(c) For purposes of this section a mutilated identification card is one that has been damaged sufficiently to render any or all of the elements of identity set forth in Sections 13005 and 13005.5 unreadable or unidentifiable through visual, mechanical, or electronic means.

SEC. 9. Section 13551.1 of the Vehicle Code is repealed.

SEC. 10. Section 14908 of the Vehicle Code is repealed.

SEC. 11. Section 15310 of the Vehicle Code is repealed.

SEC. 12. Section 22110 of the Vehicle Code is amended to read:

22110. (a) The signals required by this chapter shall be given by signal lamp, unless a vehicle is not required to be and is not equipped with turn signals. Drivers of vehicles not required to be and not equipped with turn signals shall give a hand and arm signal when required by this chapter.

(b) In the event the signal lamps become inoperable while driving, hand and arm signals shall be used in the manner required in this chapter.

SEC. 13. Section 34501.5 of the Vehicle Code is amended to read:

34501.5. (a) The Department of the California Highway Patrol shall adopt reasonable rules and regulations which, in the judgment of the department, are designed to promote the safe operation of

vehicles described in Sections 38045 and 82321 of the Education Code and Sections 545 and 34500 of this code. The Commissioner of the California Highway Patrol shall appoint a committee of 11 members to act in an advisory capacity when developing and adopting regulations affecting school pupil transportation buses and school pupil transportation operations. The advisory committee shall consist of 11 members appointed as follows:

(1) One member of the State Department of Education.

(2) One member of the Department of Motor Vehicles.

(3) One member of the Department of the California Highway Patrol.

(4) One member who is employed as a schoolbus driver.

(5) One member of the Office of Traffic Safety in the Business, Transportation and Housing Agency.

(6) Two members who are schoolbus contractors, one of whom shall be from an urban area of the state and one of whom shall be from a rural area of the state, as determined by the department.

(7) Two members who are representatives of school districts, one of whom shall be from an urban area of the state and one of whom shall be from a rural area of the state, as determined by the department.

(8) One professionally licensed member of the American Academy of Pediatrics.

(9) One member representing school pupil transportation operations other than schoolbus operations.

(b) The department shall cooperate and confer with the advisory committee appointed pursuant to this section prior to adopting rules or regulations affecting school pupil transportation buses and school pupil transportation operations.

SEC. 14. Section 34501.12 of the Vehicle Code is amended to read:

34501.12. (a) Notwithstanding Section 408, as used in this section and Sections 34505.5 and 34505.6, "motor carrier" means the registered owner of any vehicle described in subdivision (a), (b), (e), (f), or (g) of Section 34500, except in the following circumstances:

(1) The registered owner leases the vehicle to another person for a term of more than four months. If the lease is for more than four months, the lessee is the motor carrier.

(2) The registered owner operates the vehicle exclusively under the authority and direction of another person. If the operation is exclusively under the authority and direction of another person, that other person may assume the responsibilities as the motor carrier. If not so assumed, the registered owner is the motor carrier. A person who assumes the motor carrier responsibilities of another pursuant to subdivision (b) shall provide to that other person whose motor carrier responsibility is so assumed, a completed copy of a department form documenting that assumption, stating the period for which responsibility is assumed, and signed by an agent of the assuming person. A legible copy shall be carried in each vehicle or

combination of vehicles operated on the highway during the period for which responsibility is assumed. That copy shall be presented upon request by any authorized employee of the department. The original completed departmental form documenting the assumption shall be provided to the department within 30 days of the assumption. If the assumption of responsibility is terminated, the person who had assumed responsibility shall so notify the department in writing within 30 days of the termination.

(b) (1) A motor carrier may combine two or more terminals for purposes of the inspection required by subdivision (d) subject to all of the following conditions:

(A) The carrier identifies to the department, in writing, each terminal proposed to be included in the combination of terminals for purposes of this subdivision prior to an inspection of the designated terminal pursuant to subdivision (d).

(B) The carrier provides the department, prior to the inspection of the designated terminal pursuant to subdivision (d), a written listing of all its vehicles of a type subject to subdivision (a), (b), (e), (f), or (g) of Section 34500 that are based at each of the terminals combined for purposes of this subdivision. The listing shall specify the number of vehicles of each type at each terminal.

(C) The carrier provides to the department at the designated terminal during the inspection all maintenance records and driver records and a representative sample of vehicles based at each of the terminals included within the combination of terminals.

(2) If the carrier fails to provide the maintenance records, driver records, and representative sample of vehicles pursuant to subparagraph (C) of paragraph (1), the department shall assign the carrier an unsatisfactory terminal rating and require a reinspection to be conducted pursuant to subdivision (h).

(3) For purposes of this subdivision, the following terms have the meanings given:

(A) "Driver records" includes pull notice system records, driver proficiency records, and driver timekeeping records.

(B) "Maintenance records" includes all required maintenance, lubrication, and repair records and drivers' daily vehicle condition reports.

(C) "Representative sample" means the following, applied separately to the carrier's fleet of motortrucks and truck tractors and its fleet of trailers:

Fleet Size	Representative Sample
1 or 2	All
3 to 8	3
9 to 15	4
16 to 25	6

26 to 50	9
51 to 90	14
91 or more	20

(c) Each motor carrier who, in this state, directs the operation of, or maintains, any vehicle of a type described in subdivision (a) shall designate one or more terminals, as defined in Section 34515, in this state where vehicles can be inspected by the department pursuant to paragraph (4) of subdivision (a) of Section 34501 and where vehicle inspection and maintenance records and driver records will be made available for inspection.

(d) The department shall inspect, at least every 25 months, every terminal, as defined in Section 34515, of any motor carrier who, at any time, operates any vehicle described in subdivision (a).

As used in this section and in Sections 34505.5 and 34505.6, subdivision (f) of Section 34500 includes only those combinations where the gross vehicle weight rating (GVWR) of the towing vehicle exceeds 10,000 pounds, but does not include a pickup truck, and subdivision (g) of Section 34500 includes only those vehicles transporting hazardous material for which the display of placards is required pursuant to Section 27903, a license is required pursuant to Section 32000.5, or for which hazardous waste transporter registration is required pursuant to Section 25163 of the Health and Safety Code. Historical vehicles, as described in Section 5004, vehicles that display special identification plates in accordance with Section 5011, implements of husbandry and farm vehicles, as defined in Chapter 1 (commencing with Section 36000) of Division 16, and vehicles owned or operated by an agency of the federal government are not subject to this section or to Sections 34505.5 and 34505.6.

(e) (1) It is the responsibility of the motor carrier to schedule with the department the inspection required by subdivision (d). The motor carrier shall submit an application form supplied by the department, accompanied by the required fee. The fee, which is nonrefundable, is four hundred dollars ($400) per terminal, except in the case of an owner-operator, or a nonregulated motor carrier who owns, leases, or otherwise operates not more than one heavy power unit and not more than three towed vehicles described in subdivision (a), (b), (e), (f), or (g) of Section 34500, for which the fee shall be one hundred dollars ($100). Federal, state, and local public entities are exempt from the fee requirements of this section.

(2) Except as provided in paragraph (4), the inspection term for each inspected terminal of a motor carrier shall expire 25 months from the date the terminal receives a satisfactory compliance rating, as specified in subdivision (h). Applications and fees for subsequent inspections shall be submitted not earlier than nine months and not later than seven months before the expiration of the motor carrier's then current inspection term. If the motor carrier has submitted the

inspection application and the required accompanying fees, but the department is unable to complete the inspection within the 25-month inspection period, then no additional fee shall be required for the inspection requested in the original application.

(3) All fees collected pursuant to this subdivision shall be deposited in the Motor Vehicle Account in the State Transportation Fund. An amount equal to the fees collected shall be available for appropriation by the Legislature from the Motor Vehicle Account to the department for the purpose of conducting truck terminal inspections and for the additional roadside safety inspections required by Section 34514.

(4) To avoid the scheduling of a renewal terminal inspection pursuant to this section during a carrier's seasonal peak business periods, the current inspection term of a terminal that has paid all required fees and has been rated satisfactory in its last inspection may be reduced by not more than nine months if a written request is submitted by the carrier to the department at least four months prior to the desired inspection month, or at the time of payment of renewal inspection fees in compliance with paragraph (2), whichever date is earlier. A motor carrier may request this adjustment of the inspection term during any inspection cycle. A request made pursuant to this paragraph shall not result in a fee proration and does not relieve the carrier from the requirements of paragraph (2).

(f) It is unlawful for a motor carrier to operate any vehicle subject to this section without having submitted an inspection application and the required fees to the department as required by subdivision (e) or (h).

(g) It is unlawful for any motor carrier to operate any vehicle subject to this section after submitting an inspection application to the department, without the inspection described in subdivision (d) having been performed and a safety compliance report having been issued to the motor carrier within the 25-month inspection period or within 60 days immediately preceding the inspection period.

(h) (1) Any inspected terminal that receives an unsatisfactory compliance rating shall be reinspected within 120 days after the issuance of the unsatisfactory compliance rating.

(2) A terminal's first required reinspection under this subdivision shall be without charge unless one or more of the following is established:

(A) The motor carrier's operation presented an imminent danger to public safety.

(B) The motor carrier was not in compliance with the requirement to enroll all drivers in the pull notice program pursuant to Section 1808.1.

(C) The motor carrier failed to provide all required records and vehicles for a consolidated inspection pursuant to subdivision (b).

(3) If the unsatisfactory rating was assigned for any of the reasons set forth in paragraph (2), the carrier shall submit the required fee as provided in paragraph (4).

(4) Applications for reinspection pursuant to paragraph (3) or for second and subsequent consecutive reinspections under this subdivision shall be accompanied by the fee specified in paragraph (1) of subdivision (e) and shall be filed within 60 days of issuance of the unsatisfactory compliance rating. The reinspection fee is nonrefundable.

(5) When a motor carrier's Motor Carrier of Property Permit or Public Utilities Commission operating authority is suspended as a result of an unsatisfactory compliance rating, the department shall conduct no reinspection until requested to do so by the Department of Motor Vehicles or the Public Utilities Commission, as appropriate.

(i) It is the intent of the Legislature that the department make its best efforts to inspect terminals within the resources provided. In the interest of the state, the Commissioner of the California Highway Patrol may extend for a period not to exceed six months the inspection terms beginning prior to July 1, 1990.

(j) To encourage motor carriers to attain continuous satisfactory compliance ratings, the department may establish and implement an incentive program consisting of the following:

(1) After the second consecutive satisfactory compliance rating assigned to a motor carrier terminal as a result of an inspection conducted pursuant to subdivision (d), and after each consecutive satisfactory compliance rating thereafter, an appropriate certificate, denoting the number of consecutive satisfactory ratings, shall be awarded to the terminal, unless the terminal has received an unsatisfactory compliance rating as a result of any inspection conducted in the interim between the consecutive inspections conducted under subdivision (d), or the motor carrier is rated unsatisfactory by the department following a controlled substances and alcohol testing program inspection. The certificate authorized under this paragraph shall not be awarded for performance in the administrative review authorized under paragraph (2). However, the certificate shall include a reference to any administrative reviews conducted during the period of consecutive satisfactory ratings.

(2) Unless the department's evaluation of the motor carrier's safety record indicates a declining level of compliance, a terminal that has attained two consecutive satisfactory compliance ratings assigned following inspections conducted pursuant to subdivision (d) is eligible for an administrative review in lieu of the next required inspection, unless the terminal has received an unsatisfactory compliance rating as a result of any inspection conducted in the interim between the consecutive inspections conducted under subdivision (d). An administrative review shall consist of all of the following:

(A) A signed request by a terminal management representative requesting the administrative review in lieu of the required inspection containing a promise to continue to maintain a satisfactory level of compliance for the next 25-month inspection term.

(B) A review with a terminal management representative of the carrier's record as contained in the department's files. If a terminal has been authorized a second consecutive administrative review, the review required under this subparagraph is optional, and may be omitted at the carrier's request.

(C) Absent any cogent reasons to the contrary, upon completion of the requirements of subparagraphs (A) and (B), the safety compliance rating assigned during the last required inspection shall be extended for 25 months.

(3) Not more than two administrative reviews may be conducted consecutively. At the completion of the 25-month inspection term following a second administrative review, a terminal inspection shall be conducted pursuant to subdivision (d). If this inspection results in a satisfactory compliance rating, the terminal shall again be eligible for an administrative review in lieu of the next required inspection. If the succession of satisfactory ratings is interrupted by any rating of other than satisfactory, irrespective of the reason for the inspection, the terminal shall again attain two consecutive satisfactory ratings to become eligible for an administrative review.

(4) As a condition for receiving the administrative reviews authorized under this subdivision in lieu of inspections, and in order to ensure that compliance levels remain satisfactory, the motor carrier shall agree to accept random, unannounced inspections by the department.

SEC. 15. Section 34601 of the Vehicle Code is amended to read:

34601. (a) As used in this division, "motor carrier of property" means any person who operates any commercial motor vehicle as defined in subdivision (c). "Motor carrier of property" does not include household goods carriers, as defined in Section 5109 of the Public Utilities Code, persons providing only transportation of passengers, or a passenger stage corporation transporting baggage and express upon a passenger vehicle incidental to the transportation of passengers.

(b) As used in this division, "for-hire motor carrier or property" means a motor carrier of property as defined in subdivision (a) who transports property for compensation.

(c) (1) As used in this division, except as provided in paragraph (2), "commercial motor vehicle" means any self-propelled vehicle listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500, any motor truck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, and any other motor vehicle used to transport property for compensation.

(2) "Commercial motor vehicle" does not include vehicles operated by household goods carriers, as defined in Section 5109 of

the Public Utilities Code, pickup trucks as defined in Section 471, two-axle daily rental trucks with gross vehicle weight ratings less than 26,001 pounds when operated in noncommercial use, or a motor truck or two-axle truck tractor, with a gross vehicle weight rating of less than 26,001 pounds, used solely to tow a camp trailer, trailer coach, fifth-wheel travel trailer, or utility trailer. Vehicle combinations described in this paragraph are not subject to Sections 27900, 34501.12, and 34507.5.

(d) For purposes of this chapter, "private carrier" means a motor carrier of property, as defined in subdivision (a), who does not transport any goods or property for compensation.

SEC. 15.5. Section 34601 of the Vehicle Code is amended to read:

34601. (a) As used in this division, "motor carrier of property" means any person who operates any commercial motor vehicle as defined in subdivision (c). "Motor carrier of property" does not include a household goods carrier, as defined in Section 5109 of the Public Utilities Code, a household goods carrier transporting used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, persons providing only transportation of passengers, or a passenger stage corporation transporting baggage and express upon a passenger vehicle incidental to the transportation of passengers.

(b) As used in this division, "for-hire motor carrier or property" means a motor carrier of property as defined in subdivision (a) who transports property for compensation.

(c) (1) As used in this division, except as provided in paragraph (2), a "commercial motor vehicle" means any self-propelled vehicle listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500, any motor truck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, and any other motor vehicle used to transport property for compensation.

(2) "Commercial motor vehicle" does not include vehicles operated by household goods carriers, as defined in Section 5109 of the Public Utilities Code, vehicles operated by a household goods carrier to transport used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, or pickup trucks as defined in Section 471, two-axle daily rental trucks with gross vehicle weight ratings less than 26,001 pounds when operated in noncommercial use or a motor truck or two-axle truck tractor, with a gross vehicle weight rating of less than 26,001 pounds, used solely to tow a camp trailer, trailer coach, fifth-wheel travel trailer, or utility trailer. Vehicle combinations described in this paragraph are not subject to Sections 27900, 34501.12, and 34507.5.

(d) For purposes of this chapter, "private carrier" means a motor carrier of property, as defined in subdivision (a), who does not transport any goods or property for compensation.

SEC. 16. Section 38010 of the Vehicle Code is amended to read:

38010. (a) Except as otherwise provided in subdivision (b), every motor vehicle specified in Section 38012 that is not registered under this code because it is to be operated or used exclusively off the highways, except as provided in this division, shall be issued and display an identification plate or device issued by the department.

(b) Subdivision (a) does not apply to any of the following:

(1) Motor vehicles specifically exempted from registration under this code, including, but not limited to, motor vehicles exempted pursuant to Sections 4006, 4010, 4012, 4013, 4015, 4018, and 4019.

(2) Implements of husbandry.

(3) Motor vehicles owned by the state, or any county, city, district, or political subdivision of the state, or the United States.

(4) Motor vehicles owned or operated by, or operated under contract with a utility, whether privately or publicly owned, when used as specified in Section 22512.

(5) Special construction equipment described in Section 565, regardless of whether those motor vehicles are used in connection with highway or railroad work.

(6) A motor vehicle with a currently valid special permit issued under Section 38087.5 that is owned or operated by a nonresident of this state and the vehicle is not identified or registered in a foreign jurisdiction. For the purposes of this paragraph, a person who holds a valid driver's license issued by a foreign jurisdiction is presumed to be a nonresident.

(7) Commercial vehicles weighing more than 6,000 pounds unladen.

(8) Any motorcycle manufactured in the year 1942 or prior.

(9) Four-wheeled motor vehicles operated solely in organized racing or competitive events upon a closed course when those events are conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.

(10) A motor vehicle with a currently valid identification or registration permit issued by another state.

SEC. 17. Section 38246 of the Vehicle Code is amended to read:

38246. (a) A penalty shall be added upon any application for renewal of identification made on or after the day following the expiration date, except as provided in Section 4605, 38121, or 38247.

(b) If the fee specified in subdivision (a) or (b) of Section 38255 is not paid within 10 days after the fee becomes delinquent, a penalty shall be assessed.

(c) If renewal fee penalties have not accrued and the ownership of the vehicle is transferred, the transferee has 20 days from the date of transfer to pay the identification fees that become due without payment of any penalties that would otherwise be required under subdivision (a) or to file a certificate of nonoperation pursuant to subdivision (a) of Section 38121, if the vehicle will not be operated, used, or transported on public property or private property in a

manner so as to subject the vehicle to identification during the subsequent identification period without first making application for identification of the vehicle, including full payment of all fees.

(d) Except as otherwise provided in this section, if any fee is not paid within 20 days after the fee becomes delinquent, a penalty shall be assessed.

SEC. 18. Section 40802 of the Vehicle Code is amended to read:

40802. (a) A "speed trap" is either of the following:

(1) 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.

(2) A particular section of a highway with a prima facie speed limit that is provided by this code or by local ordinance under subparagraph (A) of paragraph (2) of subdivision (a) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects. This paragraph does not apply to a local street, road, or school zone.

(b) (1) For purposes of this section, a local street or road is defined by the latest functional usage and federal-aid system maps submitted to the federal Highway Administration, except that when these maps have not been submitted, or when the street or road is not shown on the maps, a "local street or road" means a street or road that primarily provides access to abutting residential property and meets the following three conditions:

(A) Roadway width of not more than 40 feet.

(B) Not more than one-half of a mile of uninterrupted length. Interruptions shall include official traffic control signals as defined in Section 445.

(C) Not more than one traffic lane in each direction.

(2) For purposes of this section "school zone" means that area of road contiguous to a school building or the grounds thereof, and on which is posted a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period.

(c) (1) When all of the following criteria are met, paragraph (2) of this subdivision shall be applicable and subdivision (a) shall not be applicable:

(A) When radar is used, the arresting officer has successfully completed a radar operator course of not less than 24 hours on the use of police traffic radar, and the course was approved and certified by the Commission on Peace Officer Standards and Training.

(B) When laser or any other electronic device is used to measure the speed of moving objects, the arresting officer has successfully

completed the training required in subparagraph (A) and an additional training course of not less than two hours approved and certified by the Commission on Peace Officer Standards and Training.

(C) (i) The prosecution proved that the arresting officer complied with subparagraphs (A) and (B) and that an engineering and traffic survey has been conducted in accordance with subparagraph (B) of paragraph (2). The prosecution proved that, prior to the officer issuing the notice to appear, the arresting officer established that the radar, laser, or other electronic device conformed to the requirements of subparagraph (D).

(ii) The prosecution proved the speed of the accused was unsafe for the conditions present at the time of alleged violation unless the citation was for a violation of Section 22349, 22356, or 22406.

(D) The radar, laser, or other electronic device used to measure the speed of the accused meets or exceeds the minimal operational standards of the National Traffic Highway Safety Administration, and has been calibrated within the three years prior to the date of the alleged violation by an independent certified laser or radar repair and testing or calibration facility.

(2) A "speed trap" is either of the following:

(A) 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.

(B) (i) A particular section of a highway or state highway with a prima facie speed limit that is provided by this code or by local ordinance under subparagraph (A) of paragraph (2) of subdivision (a) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within one of the following time periods, prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects:

(I) Except as specified in subclause (II), seven years.

(II) If an engineering and traffic survey was conducted more than seven years prior to the date of the alleged violation, and a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred, including, but not limited to, changes in adjoining property or land use, roadway width, or traffic volume, 10 years.

(ii) This subparagraph does not apply to a local street, road, or school zone.

SEC. 19. Section 41501 of the Vehicle Code is amended to read:

41501. The court may order a continuance of a proceeding against a person, who receives a notice to appear in court for a violation of any statute relating to the safe operation of a vehicle, in consideration for attendance at a licensed school for traffic violators, a licensed

driving school, or any other court-approved program of driving instruction, and, after that attendance, the court may dismiss the complaint under the following conditions:

(a) If the offense is alleged to have been committed within 12 months of another offense that was dismissed under this section, the court may order the continuance and, after the attendance, dismiss the complaint. The court may order attendance at a licensed school for traffic violators that offers a program of at least 12 hours of instruction.

(b) If the offense is not alleged to have occurred within 18 months of another offense that was dismissed under this section, the court may order the continuance and, after the attendance, dismiss the complaint if the attendance is at any of the types of schools or programs that the court directed pursuant to Section 42005 at the time of ordering the continuance.

SEC. 20. Section 15.5 of this bill incorporates amendments to Section 34601 of the Vehicle Code proposed by both this bill and Assembly Bill 1658. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 34601 of the Vehicle Code, and (3) this bill is enacted after Assembly Bill 1658, in which case Section 15 of this bill shall not become operative.

CHAPTER 1009

An act to add Section 33328 to the Education Code, relating to English language education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 33328 is added to the Education Code, to read:

33328. (a) It is the intent of the Legislature to evaluate the effectiveness of programs developed for English learners subsequent to Proposition 227 in order to ensure that only programs successful in teaching pupils English and allowing them to meet content standards are adopted by districts. After the results of the evaluation and the dissemination of accurate information on effective programs, a foundation will exist upon which to hold school districts accountable for the program choices made and the subsequent results. It is also the intent of the Legislature that the evaluation identify any necessary changes in law to promote programs that can document success and to allow those programs to continue or expand.

(b) The Superintendent of Public Instruction, in consultation with the State Board of Education, shall convene a working group for the purpose of selecting a contractor, on a competitive basis, to conduct an independent evaluation of the effects of the implementation of Chapter 3 (commencing with Section 300) of Part 1 (Proposition 227) on the education of pupils attending kindergarten and grades 1 to 12, inclusive, in California public schools. The working group shall be comprised of representatives of the Governor, the Superintendent of Public Instruction, the State Board of Education, the Assembly Committee on Education, the Senate Committee on Education, the Assembly Committee on Appropriations, the Senate Committee on Appropriations, and other interested parties selected by the working group. The evaluation shall be rigorous and shall consider the long-term effects of programs upon pupils. The evaluation shall consider supplemental instruction programs for English learners in grades 4 to 8, inclusive, established pursuant to the English Language Acquisition Program (Ch. 4 (commencing with Sec. 400) Pt. 1) enacted pursuant to Chapter 71 of the Statutes of 1999. The contract shall provide for two interim reports and one final report.

(c) (1) The first interim report shall set benchmarks, survey program methods, and select samples for long-term study. The first interim report shall include, but shall not be limited to, samples regarding rural, suburban, and urban, school districts and programs in which any of the following conditions exist:

(A) Pupils have obtained waivers and are receiving a portion of their instruction in their primary language.

(B) Pupils are in structured or sheltered English immersion.

(C) Pupils who are English learners are placed in an English language mainstream classroom and are receiving no special services.

(2) The second interim report shall present comparisons of student performance, shall analyze the preliminary effects of Proposition 227 and shall make preliminary findings and recommendations regarding how a school district may modify its implementation of Proposition 227 to improve pupils' academic achievement and acquisition of the English language.

(3) The interim reports shall also contain preliminary findings and recommendations, if any, regarding modifications and revisions to Proposition 227 that are necessary to facilitate implementation in a way that will maximize academic achievement and the acquisition of the English language.

(4) The first interim report shall be delivered to the Governor and the Legislature on or before October 1, 2000. The second interim report shall be delivered to the Governor and the Legislature on or before May 17, 2002.

(d) The final report shall present results from sample programs that detail achievement data and do all of the following:

(1) Identify programs that are effective in teaching pupils the English language.

(2) Identify curriculums for limited-English-speaking pupils that are effective in enabling these pupils to meet state and district standards.

(3) Compare program benefits, and detail any unintended consequences.

(4) Identify programs, if any, that are not effective in teaching pupils the English language.

(5) Identify curriculums, if any, for limited-English-speaking pupils that are not effective in enabling these pupils to meet state and district standards.

(e) The final report shall be delivered to the Governor and the Legislature on or before October 1, 2005.

(f) This section shall be implemented only if funds are appropriated for the purposes of this section.

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

To provide adequate educational opportunities to the 25 percent of the California pupil population directly affected by Proposition 227, it is necessary for this act to take effect immediately.

CHAPTER 1010

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

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

I am signing Senate Bill No. 204 which provides resources for local treatment to control and eradicate the Red Imported Fire Ant (RIFA). However, I am reducing the appropriation by $7,500,000 leaving $2 million for these purposes.

I included in my 1999–2000 budget $8,800,000 for statewide eradication efforts. Additionally, the California Department of Food and Agriculture's multi-year action plan for control and eradication of this pest calls for additional funds in each of the next four budget years. I will review the need for these additional funds during the budget process.

In order to assist local jurisdictions with eradication efforts, I am directing the Secretary of Food and Agriculture to redirect $4,000,000 from existing statewide funds for local treatment efforts.

Responsibility for eradication efforts must be borne primarily by the areas impacted, and funding for local treatment programs must reflect that responsibility. Therefore, I am directing the Secretary of Food and Agriculture to seek additional funds from both the federal government and local entities for these efforts.

GRAY DAVIS, Governor

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

SECTION 1. (a) The Legislature hereby finds and declares that the red imported fire ant is known for its aggressive behavior and venomous bite, and can interfere with outdoor activities, and threaten people as well as animals and agriculture. Red imported fire ants have been identified in six counties and are spreading rapidly, with new mounds being discovered daily. To date, there have been more than 32 deaths related to red imported fire ants throughout the nation.

(b) Notwithstanding Section 7550.5 of the Government Code, the Department of Food and Agriculture, not later than June 30, 2000, shall report to the Legislature outlining its expenditures and setting forth its progress in eradicating the infestation of the red imported fire ant in California.

SEC. 2. The amount of nine million five hundred thousand dollars ($9,500,000) is hereby appropriated without regard to fiscal year from the General Fund to the Department of Food and Agriculture Fund for the purpose of controlling and eradicating the infestation of the red imported fire ant in California, as follows:

(a) The funds appropriated pursuant to this section shall be used for those costs that are incurred by the state or by local entities after the effective date of the bill that added this section.

(b) Whenever, in any county, funds are allocated by the Department of Food and Agriculture for local assistance regarding the red imported fire ant, those funds shall be made available to a local public entity, or local public entities, designated by that county's board of supervisors.

(c) Any funds allocated by the department to a designated local public entity or designated local public entities shall be utilized solely for activities consistent with the local red imported fire ant workplan.

(d) The development and implementation of the local red imported fire ant workplan shall be the responsibility of the designated local public entity. On request, the department shall provide consultation to the local public entity regarding the local red imported fire ant workplan.

(e) The local red imported fire ant workplan developed by the designated local public entity shall include, but is not limited to, all of the following:

(1) In coordination with the department, the development and delivery of public outreach information and training to local communities, groups, and individuals to organize their involvement with the work plan and to raise public awareness regarding the red imported fire ant.

(2) In coordination with the department, the development and delivery of ongoing training of the designated local public entity's employees in the biology, survey, and treatment of the red imported fire ant.

(3) The identification within the designated local public entity of a local red imported fire ant coordinator.

(4) A survey of locations of the red imported fire ant.

(5) The proposed treatment of the red imported fire ant. If pesticide treatment is proposed, the plan shall identify how the local public entity will comply with applicable laws and regulations regarding the use of pesticides.

(6) In coordination with the department, the development and implementation of a data collection system to track and report red imported fire ant activities.

(7) An annual budget for the workplan.

(f) On an annual basis, while funds appropriated by this section are available for encumbrance, the department shall review the progress of each local public entity's red imported fire ant activities and, as needed, make recommendations regarding those activities to the local public entity.

(g) Funds appropriated for local assistance shall not be allocated to a local public entity until the local public entity's red imported fire ant workplan is approved by the department as being consistent with subdivision (e) and, in addition, annually thereafter with recommendations required in subdivision (f).

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

In order to bring about the control and eradication of the red imported fire ant at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 1011

An act to add Title 7.10 (commencing with Section 66540) to, and to repeal Section 66519 of, the Government Code, relating to transportation.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 66519 of the Government Code is repealed.

SEC. 2. Title 7.10 (commencing with Section 66540) is added to the Government Code, to read:

TITLE 7.10. SAN FRANCISCO BAY AREA WATER TRANSIT AUTHORITY

66540. Unless the context otherwise requires, the definitions set forth in this section govern the construction of this title.

(a) "Authority" means the San Francisco Bay Area Water Transit Authority created by Section 66540.1.

(b) "Board" means the board of directors of the authority.

(c) A "public water transit operating agency" is any general purpose local government or special district that operates or sponsors water transit, including, but not limited to, those water transit services provided under agreement with a private operator.

66540.1. There is hereby created the San Francisco Bay Area Water Transit Authority.

66540.2. (a) The authority shall be governed by a board comprised of eleven members as follows:

(1) Eight of the members shall be appointed as follows:

(A) Four members shall be appointed by the Governor.

(B) Two members shall be appointed by the Senate Committee on Rules.

(C) Two members shall be appointed by the Assembly Committee on Rules.

(2) (A) Except as provided in subparagraph (B), three members shall be members of the community advisory committee established under Section 66540.14, and shall be selected by, and serve at the pleasure of, that committee.

(B) For the first eight-year term only, the governing board of any public water transit operating agency that provided service prior to June 30, 1999, that is not represented by one of the two locally elected officials specified in paragraph (2) of subdivision (b) may designate a person who is or will be its representative on the community advisory committee to be a member of the board. The person designated under this subparagraph shall be appointed, immediately upon designation, to not more than one eight-year term, concurrently, on the board and the community advisory committee.

(b) (1) From his or her appointees, the Governor shall designate one member as the president of the board and one member as the vice president of the board.

(2) The six remaining members of the board appointed pursuant to paragraph (1) of subdivision (a) shall consist of a representative from the maritime industry, a representative from the transit industry, a biological resource specialist, two locally elected officials, and a representative from the public at large who is a regular user of the water transit services of the authority. For the first eight-year term only, one of the locally elected officials shall represent a public water transit operating agency that provided service prior to June 30, 1999.

(c) Each member of the board shall be a resident of a county in the region described in Section 66502.

(d) In making the appointments, the appointing authorities shall make every effort to ensure that the board is geographically balanced, but only to the extent consistent with the requirements of this title.

(e) Each member shall have one vote, except that the president of the board shall have two votes if there is a tie vote and the member representing the community advisory committee has not yet been appointed as required under paragraph (2) of subdivision (a).

(f) No local jurisdiction or public water transit operating agency may have more than one representative on the board of the authority.

66540.4. The initial terms of the appointed directors shall be eight years.

66540.6. Upon the expiration of the eight-year terms described in Section 66540.4, two directors shall be appointed to serve until February 1, 2010, two directors shall be appointed to serve until February 1, 2011, and four directors shall be appointed to serve until February 1, 2012.

66540.8. (a) A director may be compensated at the rate of one hundred dollars ($100) per day for performance of his or her duties. The compensation authorized under this subdivision may not be for more than five days in any month.

(b) A director shall be compensated for his or her necessary, actual expenses incurred in the discharge of his or her duties.

66540.10. The board shall employ a chief executive officer who shall have charge of administering the affairs and responsibilities of the authority, subject to the policy direction of the board. The chief executive officer, subject to the approval of the board, shall oversee the hiring of employees necessary to carry out the functions of the authority.

66540.12. The board shall employ a general counsel, responsible for managing the legal affairs of the authority, and the board may employ additional legal staff, contract for private legal counsel, and contract with state agencies for legal services.

66540.14. Not later than six months from the date of the first meeting of the board, the chief executive officer, with the advice and consent of the board, shall convene a community advisory committee to assist and advise the board in carrying out its functions. The community advisory committee shall meet on a regular basis. The community advisory committee shall include one member representing each local jurisdiction in which a water transit terminal exists or is proposed, and one member representing each special district providing public water transit services. Unless appointed under subparagraph (B) of paragraph (2) subdivision (a) of Section 66540.2, the members shall be appointed by the county board of supervisors and the city council of each county or city in which a

water transit terminal is located or is proposed to be located, with one member appointed by the Golden Gate Bridge Highway and Transit District. The community advisory committee shall appoint one of its members to the board.

66540.16. (a) Not later than six months from the date of the first meeting of the board, the chief executive officer, with the advice and consent of the board, shall convene a technical advisory committee to assist and advise the board in carrying out its functions. The technical advisory committee shall meet on a regular basis. The technical advisory committee shall consist of members representing local, regional, state, and federal agencies, operating ground transportation agencies, and operating water transit services.

(b) Additional members shall include at least one member who represents each of the following interests: fish and wildlife, recreational boating, private environmental protection entities, business, real estate development, architecture, urban planning, private sector vessel operators, and organized labor, as well as the public at large.

66540.18. The board shall properly notice and conduct its meetings in accordance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

66540.20. (a) The authority shall prepare and adopt a San Francisco Bay Area Water Transit Implementation and Operations Plan. The plan shall include all appropriate landside, vessel, and support elements, operational and performance standards, and policies. In preparing the plan, the authority shall review and consider, in addition to other materials and information, the findings presented in the document entitled "San Francisco Bay Area Water Transit Initiative," dated February 1999, and prepared by the Bay Area Council and the Bay Area Economic Forum, and shall include, but need not be limited to, all environmental standards and conditions set forth in that initiative. The adoption of the plan shall be subject to public hearings in all nine San Francisco Bay area counties, and shall be reviewed by the Metropolitan Transportation Commission. A copy of the plan shall be submitted to the Legislature. The authority shall accomplish programmatic environmental impact reports in connection with the adoption of the plan, as required under Division 13 (commencing with Section 21000) of the Public Resources Code. The plan shall not be implemented until the Legislature by statute approves the plan.

(b) The plan shall investigate and provide for terminal locations throughout the San Francisco Bay area.

(c) The authority shall consult with the Metropolitan Transportation Commission in preparation of the plan. The commission shall provide input and data in response to the authority's requests in a responsive and timely manner. The authority shall submit the plan to the commission for review and

comment not later than 90 days prior to the date the plan is submitted to the Legislature. The commission shall prepare and transmit comments on the plan to the authority not later than 90 days after the date the plan is submitted to the commission for review. The authority shall include any comments received from the commission when submitting the plan to the Legislature.

(d) In compliance with subdivision (c), the Metropolitan Transportation Commission shall do all of the following:

(1) Provide the authority with relevant data and analytical criteria for the evaluation of cost-effectiveness of alternative forms of transit, high-occupancy vehicle lane expansion, or other transportation investments in the corridors that potentially would be served by the authority.

(2) Collaborate with the authority in updating the water transit demand model to include travel forecasting on each of the proposed water transit corridors.

(3) Collaborate with the authority in the development of feeder system proposals.

(4) Identify all necessary and appropriate steps required to coordinate the water transit system with other elements of the San Francisco Bay area transportation network.

(e) The primary focus of the authority and the plan shall be to provide new or expanded water transit services and related ground transportation terminal access services that were not in operation as of June 30, 1999. The authority shall seek to cooperatively involve in the implementation planning and operations all existing water transit services and related ground transportation agencies in whose jurisdictions existing or planned water transit terminals are located. The authority shall operate in good faith to avoid negatively impacting water transit services and related ground transportation terminal access services in existence as of June 30, 1999. The authority may not request an allocation of any funds that were available to the Metropolitan Transportation Commission for allocation on June 30, 1999, including the revenues dedicated from state-owned bridges to ferry services as of June 30, 1999, and revenues derived continuously from sources in the amounts and manner as specified in law in effect as of June 30, 1999.

(f) The authority may not operate water transit services that are scheduled at the same time, from the same origin, and to the same destination as publicly sponsored services, if those public services were in operation as of June 30, 1999. The authority shall provide ferry services at only those terminals in which docking rights have been obtained with the consent of the owner of those rights.

(g) Following approval by the Legislature, by statute, of the plan, the authority shall negotiate in good faith, as described below, with public sponsors of existing water transit services and related ground transportation terminal access services to provide services in the approved plan that would expand or augment existing services in

their service district, as defined by law, or in plans of the Metropolitan Transportation Commission that existed and were in effect as of June 30, 1999. Good faith negotiations shall include all of the following steps:

(1) Notification by certified mail from the authority to the public sponsor of existing water transit services or related ground transportation terminal access services, hereafter referred to as the notified agency, setting forth the specific services to be negotiated, including performance standards and conditions and cost reimbursement available according to the plan approved by the Legislature.

(2) A period of 30 days from receipt of the notification required under paragraph (1) for the notified agency to declare in writing to the authority by certified mail their intent to negotiate in good faith. If the notified agency does not so declare in writing to the authority within 30 days, the notified agency shall be deemed not interested in negotiating for the service and the authority may announce a competitive bid process or take actions to directly operate the service if the board of directors of the authority makes a public finding that the action is in the public interest.

(3) A period of 90 days from declaration of intent to negotiate by the notified agency for the authority and notified agency to negotiate in good faith to reach agreement.

(4) The authority and notified agency, by mutual agreement, may extend the period for good faith negotiations.

(5) Notwithstanding the procedure described in subdivision (h), if at the end of 90 days or the mutually agreed-upon extension period for negotiations, the authority and the notified agency have not reached agreement for operation of the service, the authority may announce a competitive bid process. The notified agency may participate in that competitive bid process.

(h) If at the conclusion of the good faith negotiations process there is a dispute between the authority and the notified agency as to the impact of proposed new services on existing services, the matter shall be submitted to the Metropolitan Transportation Commission for resolution pursuant to Section 66516.5 of the Government Code. The Metropolitan Transportation Commission shall make a determination based on the demand model adopted by the authority as to whether the proposed new service will have a minor or major impact on services existing as of June 30, 1999. A minor impact means an impact that reasonably and potentially diverts less than 15 percent of the passengers using services that were in existence as of June 30, 1999. A major impact means an impact that reasonably and potentially diverts 15 percent or more of the passengers using services that were in existence as of June 30, 1999. If the proposed new service will have a major impact, the authority may not operate a water transit service in that location without mutual agreement between the authority and the notified agency. If the proposed new

service will have a minor impact, the authority may initiate service according to the procedures contained in subdivision (g).

66540.22. The San Francisco Bay Area Water Transit Implementation and Operations Plan shall include all of the following:

(a) A detailed description of the high-speed water transit system, including, but not limited to, all routes to be operated and terminals to be served during the 10-year period following funding of the authority. The description may include phasing of the routes to be served and terminals to be constructed.

(b) An adopted demand model based upon ridership surveys conducted throughout the region and an updated demand model developed by the Metropolitan Transportation Commission.

(c) A water transit demand analysis, based upon the demand model, of the demand forecast and cost-effectiveness for the water transit system as a whole and for each corridor to be served.

(d) Architectural design criteria and standards for terminals and landside facilities to meet the performance objectives and operational criteria. The architectural design criteria and standards for terminals shall be developed in cooperation with the community advisory committee and in consultation with local jurisdictions that are prospective hosts of terminals for the water transit system.

(e) An intermodal plan to connect water transit services with other modes of transportation and public transit, including, but not limited to, cooperative arrangements with existing public transit services and new intermodal services. The intermodal plan shall be developed in cooperation with the community advisory committee, the technical advisory committee, and existing ground transportation agencies.

(f) A feasibility analysis and proposal for the use of new technologies and alternative fuels in marine engines and ground transportation intermodal services, to the extent feasible, to minimize air emission and water pollution impacts from the system operations. The analysis shall be conducted in cooperation with the Bay Area Air Quality Management District, the Regional Water Quality Control Board, and the Bay Conservation and Development Commission.

(g) A plan for monitoring air emissions and water impacts that is mutually agreed upon by the authority and the entities listed in subdivision (f).

(h) Design specifications for vessels, consistent with the architectural design criteria and standards for the terminals and landside facilities and the feasibility analysis to minimize air emission impacts.

(i) A plan for acquiring the requisite vessels, including, but not limited to, a proposed request for proposals, that incorporates the design specifications and seeks to support shipbuilding and fleet maintenance within the region to the extent possible.

(j) A plan for ensuring safety of vessel operations traveling on the San Francisco Bay. The plan shall be developed in cooperation with the California Maritime Academy and the United States Coast Guard.

(k) A systemwide regional programmatic environmental impact report and study of the plan, consistent with the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and the National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.). The report shall include an independent evaluation conducted by the Bay Area Air Quality Management District to assess the air quality impacts of the complete water transit system, as set forth in the San Francisco Bay Area Water Transit Implementation and Operations Plan, in comparison to transporting the same number of people over the same distance by motor vehicles and other modes of transportation.

(*l*) An overall funding and financing plan based upon the detailed description of the water transit system and demand analysis, including, but not limited to, acquisition and construction phasing.

(m) A projection of capital and cash-flow requirements, including, but not limited to, costs for vessels and associated maintenance facilities, terminals and associated land use costs, and costs for feeder vehicles and associated maintenance facilities.

(n) A projection of operating costs and revenues, including, but not limited to, projected patronage, fare structure, and fare revenues for water transit and feeder services.

(o) A proposal for ongoing operating financial support.

(p) An analysis of the cost-effectiveness of the water transit system in comparison to other options for mobility and disaster relief and recovery. The analysis shall be prepared in cooperation with the Metropolitan Transportation Commission.

66540.23. Notwithstanding any other provision of law, the authority may not operate the water transit system until the plan has been approved by the Legislature by statute.

66540.24. The authority shall operate a comprehensive San Francisco Bay area regional public water transit system, that includes water transit terminals, feeder buses, and any other transport and facilities supportive of the system. The primary focus of the authority shall be the provision of services through the development and operation of a comprehensive water transit system.

66540.26. (a) The authority shall plan for, coordinate, and effect the delivery of feeder bus services that serve the water transit terminals. The plans shall be coordinated with local public transit operators.

(b) For the purposes of carrying out subdivision (a), the authority may do all of the following:

(1) Enter into agreements with public transit operators for the provision of feeder transit services that offer direct linkages to the water transit system.

(2) Own rolling stock, and operate feeder bus lines and other forms of feeder transportation, as needed, that offer direct linkages to the water transit system.

(3) Contract with public, private, nonprofit, and for-profit franchisees for the purpose of providing feeder transportation services that offer direct linkages to the water transit system.

(4) Take any other actions necessary and proper to ensure that feeder transportation services are provided.

66540.28. The authority may accept, through purchase of fee, conveyance of title, long-term lease, or other means deemed appropriate, the vessels, terminals, maintenance and support facilities, and other assets of public water transit providers.

66540.30. The authority shall, in coordination with local public agencies, construct, acquire, develop, jointly develop, own, maintain, operate, and lease property and facilities which are elements of the operations of the San Francisco Bay area water transit service, including terminals, parking, maintenance and administration facilities.

66540.32. The authority may enter into agreements for the joint use or joint development of any property rights, including air rights, owned by the authority.

66540.34. The authority shall set fares for travel on the water transit system that it operates, and define and set other fares and fees for services related to the water transit system without the approval of the Public Utilities Commission.

66540.36. The authority may acquire real or personal property, through negotiation, purchase, lease, or gift.

66540.38. The authority may exercise the power of eminent domain within the region described in subdivision (b) of Section 66540.2, except in areas of national park lands, to take any property necessary, incidental, or convenient to carry out the purposes of the authority. In the event that the power of condemnation is exercised, the authority shall duly notify the local jurisdiction in which the property is sited and the special district that owns the facility, and shall exercise the power of eminent domain only with the formal consent of that jurisdiction. Eminent domain can be exercised only if the authority, the affected local jurisdiction, and the special district each approves its use by a two-thirds vote.

66540.40. The authority may acquire, own, lease, construct, and operate water transit vessels and equipment, including, but not limited to, real and personal property, and equipment, and any facilities of the authority, except those facilities providing access to national parks.

66540.42. The authority may select franchisees, which may be private or public, for those operating elements of the water transit system and related facilities of the authority.

66540.44. The authority may enter into contracts with public, private, and nonprofit entities for the provision of services and materials necessary to carry out its purposes.

66540.46. The authority shall prepare and implement annual operating budgets for the operation of the San Francisco Bay area water transit system, associated terminals, and related feeder transit and support services.

66540.48. The authority shall contract with an independent certified public account for an annual audit of the financial records and books of the authority. The accountant shall submit a report of the audit to the board and the board shall make copies of the report available to the public.

66540.50. The authority may apply for and receive grants from any and all state and federal agencies.

66540.52. The authority may solicit and accept gifts, fees, grants, or allocations from other public and private entities.

66540.54. The authority may sue and be sued.

66540.56. The authority may issue revenue bonds.

66540.58. The authority may incur bonded indebtedness and receive and manage a dedicated revenue source.

66540.60. The authority may deposit or invest any moneys of the authority in banks or financial institutions in the state in accordance with state law.

66540.62. The authority shall prescribe a method of securing employees, and shall adopt rules and regulations governing the employment of employees including the establishment of a retirement system. If the authority determines that it is in the best interests of the employees of the authority, the authority may enter into a contract with the Public Employees' Retirement System.

66540.64. The authority may create, oversee, and terminate special advisory committees.

66540.68. The authority is subject to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and the National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.).

66540.70. The authority shall not exercise the power to levy any tax or to seek that authority for any purposes.

66540.72. The authority shall be funded through appropriations made under the annual Budget Act.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for

reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

CHAPTER 1012

An act to amend Section 11166.9 of the Penal Code, relating to child abuse.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 11166.9 of the Penal Code is amended to read:

11166.9. (a) (1) The purpose of this section shall be to coordinate and integrate state and local efforts to address fatal child abuse and neglect, and to create a body of information to prevent child deaths.

(2) It is the intent of the Legislature that the California State Child Death Review Council, the Department of Justice, the State Department of Social Services, the State Department of Health Services, and state and local child death review teams shall share data and other information necessary from the Department of Justice Child Abuse Central Index and Supplemental Homicide File, the State Department of Health Services Vital Statistics and the Department of Social Services Child Welfare Services/Case Management System files to establish accurate information on the nature and extent of child abuse and neglect related fatalities in California as those documents relate to child fatality cases. Further, it is the intent of the Legislature to ensure that records of child abuse or neglect related fatalities are entered into the State Department of Social Services, Child Welfare Services/Case Management System. It is also the intent that training and technical assistance be provided to child death review teams and professionals in the child protection system regarding multiagency case review.

(b) (1) It shall be the duty of the California State Child Death Review Council to oversee the statewide coordination and integration of state and local efforts to address fatal child abuse and neglect and to create a body of information to prevent child deaths. The Department of Justice, the State Department of Social Services, the State Department of Health Services, the California Coroner's Association, the County Welfare Directors Association, Prevent Child Abuse California, the California Homicide Investigators Association, the Office of Criminal Justice Planning, the Inter-Agency Council on Child Abuse and Neglect/National Center on Child Fatality Review, the California Conference of Local Health

Officers, the California Conference of Local Directors of Maternal, Child, and Adolescent Health, the California Conference of Local Health Department Nursing Directors, the California District Attorneys Association, and at least three regional representatives, chosen by the other members of the council, working collaboratively for the purposes of this section, shall be known as the California State Child Death Review Council. The council shall select a chairperson or cochairpersons from the members.

(2) The Department of Justice is hereby authorized to carry out the purposes of this section by coordinating council activities and working collaboratively with the agencies and organizations in paragraph (1), and may consult with other representatives of other agencies and private organizations, to help accomplish the purpose of this section.

(c) Meetings of the agencies and organizations involved shall be convened by a representative of the Department of Justice. All meetings convened between the Department of Justice and any organizations required to carry out the purpose of this section shall take place in this state. There shall be a minimum of four meetings per calendar year.

(d) To accomplish the purpose of this section, the Department of Justice and agencies and organizations involved shall engage in the following activities:

(1) Analyze and interpret state and local data on child death in an annual report to be submitted to local child death review teams with copies to the Governor and the Legislature, no later than July 1 each year. Copies of the report shall also be distributed to public officials in the state who deal with child abuse issues and to those agencies responsible for child death investigation in each county. The report shall contain, but not be limited to, information provided by state agencies and the county child death review teams for the preceding year.

The state data shall include the Department of Justice Child Abuse Central Index and Supplemental Homicide File, the State Department of Health Services Vital Statistics, and the State Department of Social Services Child Welfare Services/Case Management System.

(2) In conjunction with the Office of Criminal Justice Planning, coordinate statewide and local training for county death review teams and the members of the teams, including, but not limited to, training in the application of the interagency child death investigation protocols and procedures established under Sections 11166.7 and 11166.8 to identify child deaths associated with abuse.

(e) The State Department of Health Services, in collaboration with the California State Child Death Review Council, shall design, test and implement a statewide child abuse and neglect fatality tracking system incorporating information collected by local child death review teams. The department shall:

(1) Establish a minimum case selection criteria and review protocols of local child death review teams.

(2) Develop a standard child death review form with a minimum core set of data elements to be used by local child death review teams, and collect and analyze that data.

(3) Establish procedural safeguards in order to maintain appropriate confidentiality and integrity of the data.

(4) Conduct annual reviews to reconcile data reported to the State Department of Health Services Vital Statistics, Department of Justice Homicide Files and Child Abuse Central Index, and the State Department of Social Services Child Welfare Services/Case Management System data systems, with data provided from local child death review teams.

(5) Provide technical assistance to local child death review teams in implementing and maintaining the tracking system.

(6) This subdivision shall become operative on July 1, 2000, and shall be implemented only to the extent that funds are appropriated for its purposes in the Budget Act.

(f) Local child death review teams shall participate in a statewide child abuse and neglect fatalities monitoring system by:

(1) Meeting the minimum standard protocols set forth by the State Department of Health Services in collaboration with the California State Child Death Review Council.

(2) Using the standard data form to submit information on child abuse and neglect fatalities in a timely manner established by the State Department of Health Services.

(g) The California State Child Death Review Council shall monitor the implementation of the monitoring system and incorporate the results and findings of the system and review into an annual report.

(h) The Department of Justice shall direct the creation, maintenance, updating, and distribution electronically and by paper, of a statewide child death review team directory, which shall contain the names of the members of the agencies and private organizations participating under this section, and the members of local child death review teams and local liaisons to those teams. The department shall work in collaboration with members of the California State Child Death Review Council to develop a directory of professional experts, resources, and information from relevant agencies and organizations and local child death review teams, and to facilitate regional working relationships among teams. The Department of Justice shall maintain and update these directories annually.

(i) The agencies or private organizations participating under this section shall participate without reimbursement from the state. Costs incurred by participants for travel or per diem shall be borne by the participant agency or organization. The participants shall be responsible for collecting and compiling information to be included in the annual report. The Department of Justice shall be responsible

for printing and distributing the annual report using available funds and existing resources.

(j) The Office of Criminal Justice Planning, in coordination with the State Department of Social Services, Department of Justice, and the California State Child Death Review Council shall contract with state or nationally recognized organizations in the area of child death review to conduct statewide training and technical assistance for local child death review teams and relevant organizations, develop standardized definitions for fatal child abuse and neglect, develop protocols for the investigation of fatal child abuse, and address relevant issues such as grief and mourning, data collection, training for medical personnel in the identification of child abuse fatalities, domestic violence fatality review, and other related topics and programs. The provisions of this subdivision shall only be implemented to the extent that the Office of Criminal Justice Planning can absorb the costs of implementation within its current funding, or to the extent that funds are appropriated for its purposes in the Budget Act.

(k) Law enforcement and child welfare agencies shall cross-report all cases of child death suspected to be related to child abuse or neglect whether or not the deceased child has any known surviving siblings.

(*l*) County child welfare agencies shall create a record in the Child Welfare Services/Case Management System (CWS/CMS) on all cases of child death suspected to be related to child abuse or neglect, whether or not the deceased child has any known surviving siblings. Upon notification that the death was determined not to be related to child abuse or neglect, the child welfare agency shall enter that information into the Child Welfare Services/Case Management System.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

CHAPTER 1013

An act to amend Sections 48110 and 48111 of, and to add Article 6 (commencing with Section 49370) to Chapter 8 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to school safety.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 44810 of the Education Code is amended to read:

44810. (a) Every minor over 16 years of age or adult who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school, who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor.

(b) A violation of subdivision (a) shall be punished as follows:

(1) Upon the first conviction, by a fine of not less than five hundred dollars ($500) and not more than one thousand dollars ($1,000), or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.

(2) Upon a second conviction, by imprisonment in a county jail for a period of not less than 10 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars ($1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 10 days in a county jail.

(3) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars ($1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 90 days in a county jail.

(4) Upon a showing of good cause, the court may find that for any mandatory minimum imprisonment specified by paragraph (2) or (3) of this subdivision, the imprisonment shall not be imposed, and the court may grant probation, or the suspension of the execution or imposition of the sentence.

SEC. 2. Section 44811 of the Education Code is amended to read:

44811. (a) Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor.

(b) A violation of subdivision (a) shall be punished as follows:

(1) Upon the first conviction, by a fine of not less than five hundred dollars ($500) and not more than one thousand dollars ($1,000), or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.

(2) Upon a second conviction, by imprisonment in a county jail for a period of not less than 10 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars ($1,000). The defendant shall not be released on probation, or for any

other basis until he or she has served not less than 10 days in a county jail.

(3) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars ($1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 90 days in a county jail.

(4) Upon a showing of good cause, the court may find that for any mandatory minimum imprisonment specified by paragraph (2) or (3) of this subdivision, the imprisonment shall not be imposed, and the court may grant probation, or the suspension of the execution or imposition of the sentence.

(c) This section shall not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

SEC. 3. Article 6 (commencing with Section 49370) is added to Chapter 8 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

Article 6. Reporting of Missing Children

49370. The Legislature hereby declares its intent in enacting this article to require that specified persons, including school teachers, school administrators, school aides, school playground workers, and school bus drivers, report missing children to a law enforcement agency in a timely manner, in order to provide those children a necessary level of protection when they are at serious risk.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

CHAPTER 1014

An act to add Section 25534.06 to, and to repeal Chapter 6.12 (commencing with Section 25405) of Division 20 of, the Health and Safety Code, relating to regulated substances.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Chapter 6.12 (commencing with Section 25405) of Division 20 of the Health and Safety Code is repealed.

SEC. 2. Section 25534.06 is added to the Health and Safety Code, to read:

25534.06. (a) A city or county that adopts, amends, or repeals an ordinance related to the regulation of regulated substances pursuant to this article shall do so at a public meeting for which notice has been given in a newspaper of general circulation that is published and circulated in the affected city or county, and the city or county shall state in the ordinance the reasons for adopting, amending, or repealing the ordinance.

(b) A city or county required to provide notice pursuant to subdivision (a) may, in addition to publishing the notice in a newspaper of general circulation, submit the notice to the California Environmental Protection Agency, which shall post that notice on the Internet at a location established for notices that may be posted pursuant to this subdivision.

(c) The California Environmental Protection Agency shall not implement subdivision (b) until July 1, 2001, unless otherwise authorized to do so on an earlier date, in accordance with a process for considering exemptions established by the Year 2000 Executive Committee, pursuant to Executive Order D-3-99.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

CHAPTER 1015

An act to add Chapter 10.5 (commencing with Section 2850) to Division 3 of the Fish and Game Code, relating to marine resources, and making an appropriation therefor.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Chapter 10.5 (commencing with Section 2850) is added to Division 3 of the Fish and Game Code, to read:

CHAPTER 10.5. MARINE LIFE PROTECTION ACT

2850. This chapter shall be known and may be cited as the Marine Life Protection Act.

2851. The Legislature finds and declares all of the following:

(a) California's marine protected areas (MPAs) were established on a piecemeal basis rather than according to a coherent plan and sound scientific guidelines. Many of these MPAs lack clearly defined purposes, effective management measures and enforcement. As a result, the array of MPAs creates the illusion of protection while falling far short of its potential to protect and conserve living marine life and habitat.

(b) California's extraordinary marine biological diversity is a vital asset to the state and nation. The diversity of species and ecosystems found in the state's ocean waters is important to public health and well-being, ecological health, and ocean-dependent industry.

(c) Coastal development, water pollution, and other human activities threaten the health of marine habitat and the biological diversity found in California's ocean waters. New technologies and demands have encouraged the expansion of fishing and other activities to formerly inaccessible marine areas that once recharged nearby fisheries. As a result, ecosystems throughout the state's ocean waters are being altered, often at a rapid rate.

(d) Fish and other sea life are a sustainable resource, and fishing is an important community asset. MPAs and sound fishery management are complementary components of a comprehensive effort to sustain marine habitats and fisheries.

(e) Understanding of the impacts of human activities and the processes required to sustain the abundance and diversity of marine life is limited. The designation of certain areas as sea life reserves can help expand our knowledge by providing baseline information and improving our understanding of ecosystems where minimal disturbance occurs.

(f) Marine life reserves are an essential element of an MPA system because they protect habitat and ecosystems, conserve biological diversity, provide a sanctuary for fish and other sea life, enhance recreational and educational opportunities, provide a reference point against which scientists can measure changes elsewhere in the marine environment, and may help rebuild depleted fisheries.

(g) Despite the demonstrated value of marine life reserves, only 14 of the 220,000 square miles of combined state and federal ocean water off California, or six-thousandths of 1 percent, are set aside as genuine no take areas.

(h) For all of the above reasons, it is necessary to modify the existing collection of MPAs to ensure that they are designed and managed according to clear, conservation-based goals and guidelines that take full advantage of the multiple benefits that can be derived from the establishment of marine life reserves.

2852. The following definitions govern the construction of this chapter:

(a) "Adaptive management," with regard to marine protected areas, means a management policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning. Actions shall be designed so that, even if they fail, they will provide useful information for future actions, and monitoring and evaluation shall be emphasized so that the interaction of different elements within marine systems may be better understood.

(b) "Biogeographical regions" refers to the following oceanic or near shore areas, seaward from the high tide line or the mouth of coastal rivers, with distinctive biological characteristics, unless the master plan team establishes an alternative set of boundaries:

(1) The area extending south from Point Conception.

(2) The area between Point Conception and Point Arena.

(3) The area extending north from Point Arena.

(c) "Marine protected area" (MPA) means a named, discrete geographic marine or estuarine area seaward of the high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law, administrative action, or voter initiative to protect or conserve marine life and habitat. An MPA includes marine life reserves and other areas that allow for specified commercial and recreational activities, including fishing for certain species but not others, fishing with certain practices but not others, and kelp harvesting, provided that these activities are consistent with the objectives of the area and the goals and guidelines of this chapter. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs), which are broader groups of named, discrete geographic areas along the coast that protect, conserve, or otherwise manage a variety of resources and uses, including living marine resources, cultural and historical resources, and recreational opportunities.

(d) "Marine life reserve," for the purposes of this chapter, means a marine protected area in which all extractive activities, including the taking of marine species, and, at the discretion of the commission and within the authority of the commission, other activities that upset the natural ecological functions of the area, are prohibited. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state.

2853. (a) The Legislature finds and declares that there is a need to reexamine and redesign California's MPA system to increase its coherence and its effectiveness at protecting the state's marine life, habitat, and ecosystems.

(b) To improve the design and management of that system, the commission, pursuant to Section 2859, shall adopt a Marine Life Protection Program, which shall have all of the following goals:

(1) To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.

(2) To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.

(3) To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.

(4) To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value.

(5) To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.

(6) To ensure that the state's MPAs are designed and managed, to the extent possible, as a network.

(c) The program may include areas with various levels of protection, and shall include all of the following elements:

(1) An improved marine life reserve component consistent with the guidelines in subdivision (c) of Section 2857.

(2) Specific identified objectives, and management and enforcement measures, for all MPAs in the system.

(3) Provisions for monitoring, research, and evaluation at selected sites to facilitate adaptive management of MPAs and ensure that the system meets the goals stated in this chapter.

(4) Provisions for educating the public about MPAs, and for administering and enforcing MPAs in a manner that encourages public participation.

(5) A process for the establishment, modification, or abolishment of existing MPAs or new MPAs established pursuant to this program, that involves interested parties, consistent with paragraph (7) of subdivision (b) of Section 7050, and that facilitates the designation of MPAs consistent with the master plan adopted pursuant to Section 2855.

2854. Notwithstanding Section 7550.5 of the Government Code, the State Interagency Marine Managed Areas Workgroup established by the Resources Agency shall submit its final report to the Legislature and the commission by January 15, 2000. The workgroup shall, after appropriate consultation with members of the public, determine future actions for implementing the recommendations of its final report.

2855. (a) The commission shall adopt a master plan that guides the adoption and implementation of the Marine Life Protection Program adopted pursuant to Section 2853 and decisions regarding

the siting of new MPAs and major modifications of existing MPAs. The plan shall be based on the best readily available science.

(b) (1) The department shall prepare, or by contract shall cause to be prepared, a master plan in accordance with this subdivision. In order to take full advantage of scientific expertise on MPAs, the department shall convene a master plan team to advise and assist in the preparation of the master plan, or hire a contractor with relevant expertise to assist in convening such a team.

(2) The team members convened pursuant to this subdivision shall have expertise in marine life protection and shall be knowledgeable about the use of protected areas as a marine ecosystem management tool. The members shall also be familiar with underwater ecosystems found in California waters, with the biology and habitat requirements of major species groups in the state's marine waters, and with water quality and related issues.

(3) The team shall be composed of the following individuals:

(A) Staff from the department, the Department of Parks and Recreation, and the State Water Resources Control Board, to be designated by each of those departments.

(B) Five to seven members who shall be scientists, one of whom may have expertise in the economics and culture of California coastal communities.

(C) One member, appointed from a list prepared by Sea Grant marine advisers, who shall have direct expertise with ocean habitat and sea life in California marine waters.

(4) The master plan shall be prepared with the advice, assistance, and involvement of participants in the various fisheries and their representatives, marine conservationists, marine scientists, and other interested persons. In preparing the master plan, the department shall confer, to the extent feasible, with the commission, the Pacific Fishery Management Council, the National Marine Fisheries Service, the United States Navy, the United States Geological Survey's national biological survey, staff from national marine sanctuaries off California, Sea Grant researchers, marine advisers, and national parks personnel.

(5) The department may engage other experts to contribute to the master plan, including scientists, geographic information system (GIS) experts, and commercial and recreational fishermen, divers, and other individuals knowledgeable about the state's underwater ecosystems, the history of fishing effort or MPA management, or other relevant subjects.

(c) The department and team, in carrying out this chapter, shall take into account relevant information from local communities, and shall solicit comments and advice for the master plan from interested parties on issues including, but not necessarily limited to, each of the following:

(1) Practical information on the marine environment and the relevant history of fishing and other resources use, areas where

fishing is currently prohibited, and water pollution in the state's coastal waters.

(2) Socioeconomic and environmental impacts of various alternatives.

(3) Design of monitoring and evaluation activities.

(4) Methods to encourage public participation in the stewardship of the state's MPAs.

2856. (a) (1) The department and team shall use the best readily available scientific information in preparing the master plan adopted pursuant to Section 2855, and shall organize the location-specific contents, where feasible, by biogeographical region. In preparing the plan, the department and team shall use and build upon the findings of the Sea Grant survey of protected areas in California waters, which is entitled "California's Marine Protected Areas," the report of the State Interagency Marine Managed Areas Workgroup, the Department of Parks and Recreation's planning information and documents regarding existing and potential underwater parks and reserves, maps and other information from the department's marine nearshore ecosystem mapping project, and other relevant planning and scientific materials.

(2) The master plan shall include all of the following components:

(A) Recommendations for the extent and types of habitat that should be represented in the MPA system and in marine life reserves. Habitat types described on maps shall include, to the extent possible using existing information, rocky reefs, intertidal zones, sandy or soft ocean bottoms, underwater pinnacles, sea mounts, kelp forests, submarine canyons, and seagrass beds.

(B) An identification of select species or groups of species likely to benefit from MPAs, and the extent of their marine habitat, with special attention to marine breeding and spawning grounds, and available information on oceanographic features, such as current patterns, upwelling zones, and other factors that significantly affect the distribution of those fish or shellfish and their larvae.

(C) Recommendations to augment or modify the guidelines in subdivision (c) of Section 2857, if necessary to ensure that the guidelines reflect the most up-to-date science, including, for example, recommendations regarding the minimum size of individual marine life reserves needed to accomplish the various goals set forth in Section 2853.

(D) Recommended alternative networks of MPAs, including marine life reserves in each biogeographical region that are capable of achieving the goals in Section 2853 and designed according to the guidelines in subdivision (c) of Section 2857.

(E) A simplified classification system, which shall be consistent with the goals of Section 2853 and the guidelines in subdivision (c) of Section 2857, and which may include protections for specific habitats or species, if no system that meets these specifications has already been developed.

(F) Recommendations for a preferred siting alternative for a network of MPAs that is consistent with the goals in Section 2853 and the guidelines in subdivision (c) of Section 2857.

(G) An analysis of the state's current MPAs, based on the preferred siting alternative, and recommendations as to whether any specific MPAs should be consolidated, expanded, abolished, reclassified, or managed differently so that, taken as a group, the MPAs best achieve the goals of Section 2853 and conform to the guidelines in subdivision (c) of Section 2857.

(H) Recommendations for monitoring, research, and evaluation in selected areas of the preferred alternative, including existing and long-established MPAs, to assist in adaptive management of the MPA network, taking into account existing and planned research and evaluation efforts.

(I) Recommendations for management and enforcement measures for the preferred alternative that apply systemwide or to specific types of sites and that would achieve the goals of this chapter.

(J) Recommendations for improving the effectiveness of enforcement practices, including, to the extent practicable, the increased use of advanced technology surveillance systems.

(K) Recommendations for funding sources to ensure all MPA management activities are carried out and the Marine Life Protection Program is implemented.

(b) The team shall, as necessary, identify and define additional appropriate components of the master plan as soon as possible after enactment of this section.

2857. (a) On or before July 1, 2001, the department shall convene, in each biogeographical region and to the extent practicable near major working harbors, siting workshops, composed of interested parties, to review the alternatives for MPA networks and to provide advice on a preferred siting alternative. The department and team shall develop a preferred siting alternative that incorporates information and views provided by people who live in the area and other interested parties, including economic information, to the extent possible while maintaining consistency with the goals of Section 2853 and guidelines in subdivision (c) of this section.

(b) The preferred alternative may include MPAs that will achieve either or both of the following objectives:

(1) Protection of habitat by prohibiting potentially damaging fishing practices or other activities that upset the natural ecological functions of the area.

(2) Enhancement of a particular species or group of species, by prohibiting or restricting fishing for that species or group within the MPA boundary.

(c) The preferred siting alternative shall include MPA networks with an improved marine life reserve component, and shall be designed according to each of the following guidelines:

(1) Each MPA shall have identified goals and objectives. Individual MPAs may serve varied primary purposes while collectively achieving the overall goals and guidelines of this chapter.

(2) Marine life reserves in each bioregion shall encompass a representative variety of marine habitat types and communities, across a range of depths and environmental conditions.

(3) Similar types of marine habitats and communities shall be replicated, to the extent possible, in more than one marine life reserve in each biogeographical region.

(4) Marine life reserves shall be designed, to the extent practicable, to ensure that activities that upset the natural ecological functions of the area are avoided.

(5) The MPA network and individual MPAs shall be of adequate size, number, type of protection, and location to ensure that each MPA meets its objectives and that the network as a whole meets the goals and guidelines of this chapter.

(d) The department and team, in developing the preferred siting alternative, shall take into account the existence and location of commercial kelp beds.

(e) The department and team may provide recommendations for phasing in the new MPAs in the preferred siting alternative.

2858. The department shall establish a process for external peer review of the scientific basis for the master plan prepared pursuant to Section 2855. The peer review process may be based, to the extent practicable, on the peer review process described in Section 7062.

2859. (a) On or before January 1, 2002, the department shall submit to the commission a draft of the master plan prepared pursuant to this chapter.

(b) On or before April 1, 2002, after public review, not less than three public meetings, and appropriate modifications of the draft plan, the department shall submit a proposed final master plan to the commission. On or before July 1, 2002, the commission shall adopt a final master plan and a Marine Life Protection Program based on the plan and shall implement the program, to the extent funds are available. The commission's adoption of the plan and a program based on the plan shall not trigger an additional review under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(c) The commission shall hold at least two public hearings on the master plan and the Marine Life Protection Program prior to adopting the plan and program. The commission may adopt the plan and the program immediately following the second public hearing or at any duly noticed subsequent meeting.

(d) Notwithstanding Section 7550.5 of the Government Code, upon the commission's adoption of the program, the commission shall submit the master plan and program description, including marine life reserve and other MPA designations, to the Joint Committee on Fisheries and Aquaculture for review and comment. Upon receipt of

the plan, the joint committee shall have 60 days to review the plan and to submit written recommendations to the commission regarding the plan and program. The joint committee shall only submit a recommendation to the commission if a majority of the members agree to that recommendation. The commission shall consider all recommendations submitted by the joint committee, and may amend the program to incorporate the recommendations. If the commission does not incorporate any recommendations submitted by the joint committee, the commission shall set forth, in writing, its reasons for not incorporating that recommendation.

2860. (a) The commission may regulate commercial and recreational fishing and any other taking of marine species in MPAs.

(b) Notwithstanding any other provision of this code, the taking of a marine species in a marine life reserve is prohibited for any purpose, including recreational and commercial fishing, except that the commission may authorize the taking of a marine species for scientific purposes, consistent with the purposes of this chapter, under a scientific collecting permit issued by the department.

2861. (a) The commission shall, annually until the master plan is adopted and thereafter at least every three years, receive, consider, and promptly act upon petitions from the department or any other interested party, to add, delete, or modify MPAs, favoring those petitions that are compatible with the goals and guidelines of this chapter.

(b) Notwithstanding Section 7550.5 of the Government Code, prior to the adoption of a new MPA or the modification of an existing MPA that would make inoperative a statute, the commission shall provide a copy of the proposed MPA to the Legislature for review by the Joint Committee on Fisheries and Aquaculture or, if there is no such committee, to the appropriate policy committee in each house of the Legislature.

(c) Nothing in this chapter shall restrict any existing authority of the department or the commission to make changes to improve the management or design of existing MPAs or designate new MPAs prior to the completion of the master plan. The commission may abbreviate the master plan process to account for equivalent activities that have taken place before enactment of this chapter, providing that those activities are consistent with this chapter.

2862. The department, in evaluating proposed projects with potential adverse impacts on marine life and habitat in MPAs, shall highlight those impacts in its analysis and comments related to the project and shall recommend measures to avoid or fully mitigate any impacts that are inconsistent with the goals and guidelines of this chapter or the objectives of the MPA.

2863. The department shall confer as necessary with the United States Navy regarding issues related to its activities.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the

only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

CHAPTER 1016

An act to amend Sections 5093.54 and 5093.545 of the Public Resources Code, relating to wild and scenic rivers.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. The Legislature finds and declares that the South Yuba River contains extraordinary scenic, recreational, fishery, and wildlife values of statewide significance that deserve to be preserved in their free-flowing state for the benefit and enjoyment of the people of this state. In designating the South Yuba River as a component of the California Wild and Scenic Rivers System, it is the intent of the Legislature that this act will accomplish the preservation of those values without the necessity of having the South Yuba River added to the federal Wild and Scenic Rivers System.

SEC. 2. The Legislature finds and declares the following:

(a) California Wild and Scenic Rivers Act, contained in Chapter 1.4 (commencing with Section 5093.50) of Division 5 of the Public Resources Code declares that it is the policy of this state that certain rivers that possess extraordinary scenic, recreational, fishery, or wildlife values shall be preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the state.

(b) The South Yuba River possesses such extraordinary, unique, and remarkable scenic, recreational, wildlife, and historical resources that the southern portion of the Yuba River should be preserved and protected.

SEC. 3. Section 5093.54 of the Public Resources Code is amended to read:

5093.54. The following rivers and segments thereof are designated as components of the system:

(a) Klamath River. The main stem from 100 yards below Iron Gate Dam to the Pacific Ocean; the Scott River from the mouth of Shackleford Creek west of Fort Jones to the river mouth near Hamburg; the Salmon River from Cecilville Bridge to the river mouth near Somesbar; the North Fork of the Salmon River from the

intersection of the river with the south boundary of the Marble Mountain Wilderness Area to the river mouth; Wooley Creek from the western boundary of the Marble Mountain Wilderness Area to its confluence with the Salmon River.

(b) Trinity River. The main stem from 100 yards below Lewiston Dam to the river mouth at Weitchpec; the North Fork of the Trinity from the intersection of the river with the southern boundary of the Salmon-Trinity Primitive Area downstream to the river mouth at Helena; New River from the intersection of the river with the southern boundary of the Salmon-Trinity Primitive Area downstream to the river mouth near Burnt Ranch; South Fork of the Trinity from the junction of the river with State Highway Route 36 to the river mouth near Salver.

(c) Smith River. The main stem from the confluence of the Middle and South Forks to its mouth at the Pacific Ocean; the Middle Fork from its source about three miles south of Sanger Lake as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the middle of Section 7 T17N R5E; the Middle Fork from the middle of Section 7 T17N R5E to the middle of Section 6 T17N R5E; the Middle Fork from the middle of Section 6 T17N R5E to one-half mile upstream from the confluence with Knopki Creek; the Middle Fork from one-half mile upstream from the confluence with Knopki Creek to the confluence with the South Fork; Myrtle Creek from its source in Section 9 T17N R1E as depicted on 1952 USGS 15′ "Crescent City" topographic map to the middle of Section 28 T17N R1E; Myrtle Creek, from the middle of Section 28 T17N R1E to the confluence with the Middle Fork; Shelly Creek from its source in Section 1 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with Patrick Creek; Kelly Creek from its source in Section 32 T17N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the Middle Fork; Packsaddle Creek from its source about 0.8 miles southwest of Broken Rib Mountain as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the eastern boundary of Section 3 T17N R1E; Packsaddle Creek from the eastern boundary of Section 3 T17N R4E to the northern boundary of Section 3 T17N R4E; Packsaddle Creek from the northern boundary of Section 3 T17N R4E to the confluence with the Middle Fork; East Fork Patrick Creek from its source in Section 10 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with West Fork Patrick Creek; West Fork Patrick Creek from its source in Section 18 T18N R3E as depicted on 1951 15′ "Gasquet" topographic map to the confluence with East Fork Patrick Creek; Griffin Creek from its source about 0.2 miles southwest of Hazel View Summit as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the Middle Fork; Knopki Creek from its source about 0.4 miles west of Sanger Peak as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with Middle Fork; Monkey Creek from its source in the northeast

quadrant of Section 12 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the northern boundary of Section 26 T18N R3E; Monkey Creek from the northern boundary of Section 26 T18N R3E to the confluence with the Middle Fork; Patrick Creek from the junction of the East and West Forks of Patrick Creek to the confluence with Middle Fork; the North Fork from the California-Oregon boundary to the confluence with an unnamed tributary in the northern quarter Section 5 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map; the North Fork from the confluence with an unnamed tributary in northern quarter of Section 5 T18N R2E to the southernmost intersection of eastern boundary Section 5 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map; the North Fork from the southern-most intersection of the eastern boundary Section 5 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with Stony Creek; the North Fork from the confluence with Stony Creek to the confluence with the Middle Fork; Diamond Creek from the California-Oregon state boundary to the confluence with High Plateau Creek; Diamond Creek from the confluence with High Plateau Creek to the confluence with the North Fork; Bear Creek from its source in Section 24 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with Diamond Creek; Still Creek from its source in Section 11 T18N R1E as depicted on 1952 USGS 15′ "Crescent City" topographic map to the confluence with the North Fork Smith River; North Fork Diamond Creek from the California-Oregon state boundary to the confluence with Diamond Creek; High Plateau Creek from its source in Section 26 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to northern boundary Section 23 T18N R2E; High Plateau Creek from the northern boundary Section 23 T18N R2E to the confluence with Diamond Creek; the Siskiyou Fork from its source about 0.7 miles southeast of Broken Rib Mountain as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the South Siskiyou Fork; the Siskiyou Fork from its confluence with the South Siskiyou Fork to the confluence with the Middle Fork; the South Siskiyou Fork from its source about 0.6 miles southwest of Buck Lake as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the Siskiyou Fork; the South Fork from its source about 0.5 miles southwest of Bear Mountain as depicted on 1956 USGS 15′ "Preston Peak" topographic map to Blackhawk Bar; the South Fork from Blackhawk Bar to the confluence with the Middle Fork; Williams Creek from its source in Section 31 T14N R4E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with Eight Mile Creek; Eight Mile Creek from its source in Section 29 T14N R4E as depicted on 1955 USGS 15′ "Dillon Mountain" topographic map to the confluence with the South Fork; the Prescott Fork from its source about 0.5 miles southeast of Island Lake as depicted on 1955 USGS 15′ "Dillon Mountain" topographic

map to the confluence with the South Fork; Quartz Creek from its source in Section 31 T16N R4E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with the South Fork; Jones Creek from its source in Section 36 T16N R3E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the middle of Section 5 T15N R3E; Jones Creek from the middle of Section 5 T15N R3E to the confluence with the South Fork; Hurdygurdy Creek from its source about 0.4 miles southwest of Bear Basin Butte as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the South Fork; Gordon Creek from its source in Section 18 T16N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the South Fork; Coon Creek from the junction of the two-source tributaries in the southwest quadrant of Section 31 T17N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the western boundary Section 14 T16N R2E; Coon Creek from the western boundary Section 14 T16N R2E to the confluence with the South Fork; Craigs Creek from its source in Section 36 T17N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the South Fork; Buck Creek from its source at Cedar Camp Spring as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with the South Fork; Muzzleloader Creek from its source in Section 2 T15N R3E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with Jones Creek; Canthook Creek from its source in Section 2 T15N R2E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with South Fork.

(d) Eel River. The main stem from 100 yards below Van Arsdale Dam to the Pacific Ocean; the South Fork of the Eel from the mouth of Section Four Creek near Branscomb to the river mouth below Weott; Middle Fork of the Eel from the intersection of the river with the southern boundary of the Middle Eel-Yolla Bolly Wilderness Area to the river mouth at Dos Rios; North Fork of the Eel from the Old Gilman Ranch downstream to the river mouth near Ramsey; Van Duzen River from Dinsmores Bridge downstream to the river mouth near Fortuna.

(e) American River. The North Fork from its source to the Iowa Hill Bridge; the Lower American from Nimbus Dam to its junction with the Sacramento River.

(f) (1) West Walker River. The main stem from its source to the confluence with Rock Creek near the town of Walker; Leavitt Creek from Leavitt Falls to the confluence with the main stem of the West Walker River.

(2) Carson River. The East Fork from the Hangman's Bridge crossing of State Highway Route 89 to the California-Nevada border.

(3) The Legislature finds and declares that, because the East Fork Carson River and West Walker River are interstate streams, and a source of agricultural water and domestic water for communities

within the counties of Alpine and Mono where they originate, it is necessary that the following special provisions apply:

(A) Nothing in this subdivision shall be construed to prohibit the replacement of diversions or changes in the purpose of use, place of use, or point of diversion under existing water rights, except that (i) no such replacement or change shall operate to increase the adverse effect, if any, of the preexisting diversion facility or place or purpose of use, upon the free-flowing condition and natural character of the stream, and (ii) after January 1, 1990, no new diversion shall be constructed unless and until the secretary determines that the facility is needed to supply domestic water to the residents of any county through which the river or segment flows and that the facility will not adversely affect the free-flowing condition and natural character of the stream.

(B) Nothing in this chapter shall be construed as quantifying or otherwise affecting any equitable apportionment, or as establishing any upper limit, between the State of California and the State of Nevada of the waters of these streams.

(g) (1) The South Yuba River: From Lang Crossing to its confluence with Kentucky Creek below Bridgeport.

(2) Nothing in this subdivision shall prejudice, alter, delay, interfere with, or affect in any way, the existing rights of the Placer County Water Agency, the implementation of those rights; any historic water use practices; the replacement, maintenance, repair, operation, or future expansion of existing diversions, storage, powerhouses, or conveyance facilities or other works by the Placer County Water Agency; or changes in the purpose of use, places of use, points of diversion, or ownership of those existing water rights; nor shall anything in this subdivision preclude the issuance of any governmental authorization needed for utilization of those rights, except that no changes shall operate to increase the adverse effect, if any, of the preexisting facilities or places, or the purposes of use upon the free-flowing and natural character of the river segment designated herein.

(h) Other rivers which qualify for inclusion in the system may be recommended to the Legislature by the secretary.

SEC. 3. Section 5093.545 of the Public Resources Code is amended to read:

5093.545. The classifications heretofore established by the secretary for the rivers or segments of rivers included in the system are revised and adopted as follows:

	Rivers	Classification
(a)	Klamath River: The Klamath River from the	

		FERC Project 2082 downstream boundary in Section 17 T47N R5W as shown on Exhibit K−7 sheet 1 dated May 25, 1962, to the river mouth at the Pacific Ocean	Recreational
(b)	Scott River:		
	(1)	The Scott River from Shackleford Creek to McCarthy Creek	Recreational
	(2)	The Scott River from McCarthy Creek to Scott Bar	Scenic
	(3)	The Scott River from Scott Bar to the confluence with the Klamath River	Recreational
(c)	Salmon River:		
	(1)	The Salmon River from the Forks of Salmon to the Lewis Creek confluence	Recreational
	(2)	The Salmon River from the Lewis Creek confluence to the Wooley Creek confluence	Scenic
	(3)	The Salmon River from the Wooley Creek confluence to the confluence with the Klamath River	Recreational
	(4)	The South Fork of the Salmon River from Cecilville to St. Claire Creek confluence	Recreational
	(5)	The South Fork from St. Claire Creek confluence to the Matthews Creek confluence	Scenic
	(6)	The South Fork from Matthews Creek confluence to the Forks of Salmon	Recreational
	(7)	The North Fork of the Salmon River from Marble Mountain Wilderness boundary to Mule Bridge Campground in Section 35 T12N R11W and Section 12 T11N R11W	Wild
	(8)	The North Fork from Mule Bridge Campground to the Forks of Salmon	Recreational
	(9)	Wooley Creek from the Marble Mountain Wilderness Area boundary to 1/2 mile upstream of the confluence with Salmon River	Wild

	(10)	Wooley Creek downstream 1/2 mile above the confluence with the Salmon River	Recreational
(d)	Trinity River:		
	(1)	The Trinity River from 100 yards below Lewiston Dam to Cedar Flat Creek confluence	Recreational
	(2)	The Trinity River from Cedar Flat Creek confluence to Gray Falls	Scenic
	(3)	The Trinity River from Gray Falls to the west boundary of Section 2 T8N R4E	Recreational
	(4)	The Trinity River from the west boundary of Section 2 T8N R4E to the confluence with the Klamath River at Weitchpec	Scenic
	(5)	The North Fork of the Trinity River from the Trinity Alps Primitive Area boundary to north boundary Section 20 T34N R11W	Wild
	(6)	The North Fork from the north boundary Section 20 T34N R11W to mouth	Recreational
	(7)	The South Fork Trinity River from Forest Glen to Hidden Valley Ranch	Wild
	(8)	The South Fork from Hidden Valley Ranch to the Naufus Creek confluence in Section 8 T1N R7E	Scenic
	(9)	The South Fork from the Naufus Creek confluence in Section 8 T1N R7E to Johnson Creek confluence near the boundary of Sections 13 and 14 T2N R6E	Wild
	(10)	The South Fork from Johnson Creek confluence near the boundary of Sections 13 and 14 T2N R6E to the boundary of Sections 25 and 36 T2N R6E	Scenic
	(11)	The South Fork from the boundary of Sections 25 and 36 T2N R6E to the footbridge near the mouth of Underwood Creek in Section 17 T4N R6E Humboldt Base and Meridian	Recreational

	(12)	The South Fork from the footbridge near the mouth of Underwood Creek in Section 17 T4N R6E to Todd Ranch in Section 18 T5N R5E	Wild
	(13)	The South Fork from Todd Ranch in Section 18 T5N R5E to the confluence with Main Trinity	Scenic
	(14)	New River from the Salmon Trinity Primitive Area boundary to the junction with the East Fork New River in Section 23 T7N R7E	Wild
	(15)	New River from the junction with the East Fork New River in Section 23 T7N R7E to 100 yards below Panther Creek campground in Section 18 T6N R7E	Recreational
	(16)	New River from 100 yards below Panther Creek Campground in Section 18 T6N R7E to Dyer Creek confluence in Section 25 T26N R6E	Scenic
	(17)	New River from Dyer Creek confluence in Section 25 T26N R6E to the confluence with Trinity River	Wild
(e)	Smith River:		
	(1)	Smith River from the confluence of the Middle and South Forks to its mouth at the Pacific Ocean	Recreational
	(2)	Middle Fork Smith River from its source about 3 miles south of Sanger Lake as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the middle of Section 7 T17N R5E	Wild
	(3)	Middle Fork Smith River from the middle of Section 7 T17N R5E to the middle of Section 6 T17N R5E	Scenic
	(4)	Middle Fork Smith River from middle of Section 6 T17N R5E to one−half mile upstream from the confluence with Knopki Creek	Wild

(5)	Middle Fork Smith River from one–half mile upstream from the confluence with Knopki Creek to the confluence with South Fork Smith River	Recreational
(6)	Myrtle Creek from its source in Section 9 T17N R1E as depicted on 1952 USGS 15′ "Crescent City" topographic map to the middle of Section 28 T17N R1E	Recreational
(7)	Myrtle Creek from the middle of Section 28 T17N R1E to the confluence with the Middle Fork Smith River	Recreational
(8)	Shelly Creek from its source in Section 1 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with Patrick Creek	Recreational
(9)	Kelly Creek from its source in Section 32 T17N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the Middle Fork Smith River	Recreational
(10)	Packsaddle Creek from its source about 0.8 miles southwest of Broken Rib Mountain as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the eastern boundary of Section 3 T17N R1E	Recreational
(11)	Packsaddle Creek from the eastern boundary of Section 3 T17N R4E to the northern boundary of Section 3 T17N R4E	Recreational
(12)	Packsaddle Creek from the northern boundary of Section 3 T17N R4E to the confluence with the Middle Fork of Smith River	Recreational
(13)	East Fork Patrick Creek from its source in Section 10 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the West Fork PatrickCreek	Recreational

(14)	West Fork Patrick Creek from its source in Section 18 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the East Fork Patrick Creek	Recreational
(15)	Griffin Creek from its source about 0.2 miles southwest of Hazel View Summit as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the Middle Fork Smith River	Recreational
(16)	Knopki Creek from its source about 0.4 miles west of Sanger Peak as depicted on 1956 USGS 15′"Preston Peak" topographic map to the confluence with the Middle Fork Smith River	Recreational
(17)	Monkey Creek from its source in the northeast quadrant of Section 12 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the northern boundary of Section 26 T18N R3E	Recreational
(18)	Monkey Creek from the northern boundary of Section 26 T18N R3E to the confluence with the Middle Fork of Smith River	Recreational
(19)	Patrick Creek from the junction of East and West Forks of Patrick Creek to the confluence with the Middle Fork Smith River	Recreational
(20)	North Fork Smith River from the California–Oregon boundary to the confluence with an unnamed tributary in the northern quarter Section 5 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map	Wild

(21)	North Fork Smith River from the confluence with an unnamed tributary in the northern quarter of Section 5 T18N R2E to the southern–most intersection of the eastern boundary of Section 5 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map	Scenic
(22)	North Fork Smith River from the southernmost intersection of the eastern boundary Section 5 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with Stony Creek	Wild
(23)	North Fork Smith River from the confluence with Stony Creek to the confluence with the Middle Fork of the Smith River	Recreational
(24)	Diamond Creek from the California–Oregon state boundary to the confluence with High Plateau Creek	Recreational
(25)	Diamond Creek from the confluence with High Plateau Creek to the confluence with the North Fork Smith River	Recreational
(26)	Bear Creek from its source in Section 24 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with Diamond Creek	Recreational
(27)	Still Creek from its source in Section 11 T18N R1E as depicted on 1952 USGS 15′ "Crescent City" topographic map to the confluence with the North Fork Smith River	Recreational
(28)	North Fork Diamond Creek from the California–Oregon state boundary to the confluence with Diamond Creek	Recreational
(29)	High Plateau Creek from its source in Section 26 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the northern boundary Section 23 T18N R2E	Recreational

(30)	High Plateau Creek from the northern boundary Section 23 T18N R2E to the confluence with Diamond Creek	Recreational
(31)	Siskiyou Fork of Smith River from its source about 0.7 miles southeast of Broken Rib Mountain as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the South Siskiyou Fork of the Smith River	Wild
(32)	Siskiyou Fork of the Smith River from the confluence with the South Siskiyou Fork of the Smith River to the confluence with the Middle Fork of the Smith River	Recreational
(33)	South Siskiyou Fork of the Smith River from its source about 0.6 miles southwest of Buck Lake as depicted on 1956 USGS 15′ "Preston Peak" to pographic map to the confluence with the Siskiyou Fork of the Smith River	Wild
(34)	South Fork Smith River from its source about 0.5 miles southwest of Bear Mountain as depicted on 1956 USGS 15′ "Preston Peak" topographic map to Blackhawk Bar	Wild
(35)	South Fork Smith River from Blackhawk Bar to the confluence with the Middle Fork Smith River	Recreational
(36)	Williams Creek from its source in Section 31 T14N R4E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with Eight Mile Creek	Recreational
(37)	Eight Mile Creek from its source in Section 29 T14N R4E as depicted on 1955 USGS 15′ "Dillon Mtn." topographic map to the confluence with the South Fork Smith River	Recreational

(38)	Prescott Fork of the Smith River from its source about 0.5 miles southeast of Island Lake as depicted on 1955 USGS 15′ "Dillon Mtn." topographic map to the confluence with the South Fork Smith River	Recreational
(39)	Quartz Creek from its source in Section 31 T16N R4E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with the South Fork Smith River	Recreational
(40)	Jones Creek from its source in Section 36 T16N R3E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the middle of Section 5 T15N R3E	Recreational
(41)	Jones Creek from the middle of Section 5 T15N R3E to the confluence with the South Fork of the Smith River	Recreational
(42)	Hurdygurdy Creek from its source about 0.4 miles southwest of Bear Basin Butte as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the South Fork Smith River	Recreational
(43)	Gordon Creek from its source in Section 18 T16N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the South Fork Smith River	Recreational
(44)	Coon Creek from the junction of the two source tributaries in the southwest quadrant of Section 31 T17N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the western boundary of Section 14 T16N R2E	Recreational
(45)	Coon Creek from the western boundary of Section 14 T16N R2E to the confluence with the South Fork Smith River	Recreational

(46)	Craigs Creek from its source in Section 36 T17N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the South Fork Smith River	Recreational
(47)	Buck Creek from its source at Cedar Camp Spring as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with the South Fork Smith River	Recreational
(48)	Muzzleloader Creek from its source in Section 2 T15N R3E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with Jones Creek	Recreational
(49)	Canthook Creek from its source in Section 2 T15N R2E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with the South Fork Smith River	Recreational
(f)	Eel River:	
(1)	The Eel River from 100 yards below Van Arsdale Dam to the confluence with Tomki Creek	Recreational
(2)	The Eel River from the confluence with Tomki Creek to the middle of Section 22 T19N R12W	Scenic
(3)	The Eel River from the middle of Section 22 T19N R12W to the boundary between Sections 7 and 8 T19N R12W	Recreational
(4)	The Eel River from the boundary between Sections 7 and 8 T19N R12W to the confluence with Outlet Creek	Wild
(5)	The Eel River from the confluence with Outlet Creek to the mouth at the Pacific Ocean	Recreational
(6)	The South Fork of the Eel River from the mouth of Section Four Creek near Branscomb	Recreational

(7)	The South Fork of the Eel River from Horseshoe Bend to the middle of Section 29 T23N R16W	Wild
(8)	The South Fork of the Eel River from the middle of Section 29 T23N R16W to the confluence with the main Eel near Weott	Recreational
(9)	Middle Fork of the Eel River from the intersection of the river with the southern boundary of the Middle Eel–Yolla Bolly Wilderness Area to the Eel River Ranger Station	Wild
(10)	The Middle Fork of the Eel River from Eel River Ranger Station to Williams Creek	Recreational
(11)	The Middle Fork of the Eel River from Williams Creek to the southern boundary of the northern quarter of Section 25 T22N R12W	Scenic
(12)	The Middle Fork of the Eel River from the southern boundary of the northern quarter of Section 25 T22N R12W to the boundary between Sections 4 and 5 T21N R13W	Wild
(13)	The Middle Fork of the Eel River from the boundary between Sections 4 and 5 T21N R13W to the confluence with main Eel at Dos Rios	Recreational
(14)	The North Fork of the Eel River from the Old Gilman Ranch to the middle of Section 8 T24N R13W	Wild
(15)	The North Fork of the Eel River from the middle of Section 8 T24N R13W to the boundary between Sections 12 and 13 T24N R14W	Recreational
(16)	The North Fork of the Eel River from the boundary between Sections 12 and 13 T24N R14W to the confluence with main Eel	Wild

(g) Van Duzen River:

	(1)	The Van Duzen River from the Dinsmore Bridge to the powerline crossing above Little Larribee Creek	Scenic
	(2)	The Van Duzen River from the powerline crossing above Little Larribee Creek to the confluence with Eel River	Recreational
(h)		Lower American River: The Lower American River from Nimbus Dam to its junction with the Sacramento River	Recreational
(i)		North Fork American River:	
	(1)	The North Fork from the source of the North Fork American River to two and one–half miles above the Forest Hill–Soda Springs Road	Wild
	(2)	The North Fork from two and one–half miles above the Forest Hill–Soda Springs Road to one–half mile below the Forest Hill–Soda Springs Road	Scenic
	(3)	The North Fork from one–half mile below the Forest Hill–Soda Springs Road to one–quarter mile above the Iowa Hill Bridge	Wild
	(4)	The North Fork from one–quarter mile above the Iowa Hill Bridge to the Iowa Hill Bridge	Scenic
(j)		West Walker River:	
	(1)	West Walker River from Tower Lake to northern boundary of Section 10 (T5N, R22E)	Wild
	(2)	West Walker River From northern boundary of Section 10 (T5N, R22E) to the eastern boundary of Section 23 (T6N, R22E)	Scenic
	(3)	West Walker River from the eastern boundary of Section 23 (T6N, R22E) to the eastern boundary of Section 24 (T6N, R22E)	Recreational

	(4)	West Walker River from the eastern boundary of Section 24 (T6N, R22E) to the confluence with Little Walker River	Scenic
	(5)	West Walker River from the confluence with Little Walker River to the confluence with Rock Creek	Recreational
	(6)	Leavitt Creek from Leavitt Falls to the confluence with West Walker River	Scenic
(k)	East Fork Carson River: East Fork Carson River from Hangman's Bridge crossing of state Highway 89 to the California–Nevada border		Scenic
(*l*)	The South Yuba River:		
	(1)	The South Yuba River from Lang Crossing to the confluence with Fall Creek	Scenic
	(2)	The South Yuba River from the confluence with Fall Creek to the confluence with Jefferson Creek below the Town of Washington	Recreational
	(3)	The South Yuba River from the confluence with Jefferson Creek to Edwards Crossing	Scenic
	(4)	The South Yuba River from Edwards Crossing to its confluence with Kentucky Creek below Bridgeport	Scenic

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CHAPTER 1017

An act to amend Sections 5093.54 and 5093.545 of the Public Resources Code, relating to rivers.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 5093.54 of the Public Resources Code, as amended by Senate Bill No. 496 of the 1999–2000 Regular Session, is amended to read:

5093.54. The following rivers and segments thereof are designated as components of the system:

(a) Klamath River. The main stem from 100 yards below Iron Gate Dam to the Pacific Ocean; the Scott River from the mouth of Shackleford Creek west of Fort Jones to the river mouth near Hamburg; the Salmon River from Cecilville Bridge to the river mouth near Somesbar; the North Fork of the Salmon River from the intersection of the river with the south boundary of the Marble Mountain Wilderness Area to the river mouth; Wooley Creek from the western boundary of the Marble Mountain Wilderness Area to its confluence with the Salmon River.

(b) Trinity River. The main stem from 100 yards below Lewiston Dam to the river mouth at Weitchpec; the North Fork of the Trinity from the intersection of the river with the southern boundary of the Salmon-Trinity Primitive Area downstream to the river mouth at Helena; New River from the intersection of the river with the southern boundary of the Salmon-Trinity Primitive Area downstream to the river mouth near Burnt Ranch; South Fork of the Trinity from the junction of the river with State Highway Route 36 to the river mouth near Salver.

(c) Smith River. The main stem from the confluence of the Middle and South Forks to its mouth at the Pacific Ocean; the Middle Fork from its source about three miles south of Sanger Lake as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the middle of Section 7 T17N R5E; the Middle Fork from the middle of Section 7 T17N R5E to the middle of Section 6 T17N R5E; the Middle Fork from the middle of Section 6 T17N R5E to one-half mile upstream from the confluence with Knopki Creek; the Middle Fork from one-half mile upstream from the confluence with Knopki Creek to the confluence with the South Fork; Myrtle Creek from its source in Section 9 T17N R1E as depicted on 1952 USGS 15′ "Crescent City" topographic map to the middle of Section 28 T17N R1E; Myrtle Creek, from the middle of Section 28 T17N R1E to the confluence with the Middle Fork; Shelly Creek from its source in Section 1 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with Patrick Creek; Kelly Creek from its source in Section 32 T17N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the Middle Fork; Packsaddle Creek from its source about 0.8 miles southwest of Broken Rib Mountain as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the eastern boundary of Section 3 T17N R1E; Packsaddle Creek from the eastern boundary of Section 3 T17N R4E to the northern boundary of Section 3 T17N R4E; Packsaddle Creek from the northern boundary of Section 3 T17N R4E to the confluence with the Middle Fork; East Fork Patrick Creek from its source in Section 10 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with West Fork Patrick Creek; West Fork Patrick Creek from its source in Section 18 T18N R3E as depicted on 1951 15′

"Gasquet" topographic map to the confluence with East Fork Patrick Creek; Griffin Creek from its source about 0.2 miles southwest of Hazel View Summit as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the Middle Fork; Knopki Creek from its source about 0.4 miles west of Sanger Peak as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with Middle Fork; Monkey Creek from its source in the northeast quadrant of Section 12 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the northern boundary of Section 26 T18N R3E; Monkey Creek from the northern boundary of Section 26 T18N R3E to the confluence with the Middle Fork; Patrick Creek from the junction of the East and West Forks of Patrick Creek to the confluence with Middle Fork; the North Fork from the California-Oregon boundary to the confluence with an unnamed tributary in the northern quarter Section 5 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map; the North Fork from the confluence with an unnamed tributary in northern quarter of Section 5 T18N R2E to the southernmost intersection of eastern boundary Section 5 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map; the North Fork from the southern-most intersection of the eastern boundary Section 5 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with Stony Creek; the North Fork from the confluence with Stony Creek to the confluence with the Middle Fork; Diamond Creek from the California-Oregon state boundary to the confluence with High Plateau Creek; Diamond Creek from the confluence with High Plateau Creek to the confluence with the North Fork; Bear Creek from its source in Section 24 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with Diamond Creek; Still Creek from its source in Section 11 T18N R1E as depicted on 1952 USGS 15′ "Crescent City" topographic map to the confluence with the North Fork Smith River; North Fork Diamond Creek from the California-Oregon state boundary to the confluence with Diamond Creek; High Plateau Creek from its source in Section 26 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to northern boundary Section 23 T18N R2E; High Plateau Creek from the northern boundary Section 23 T18N R2E to the confluence with Diamond Creek; the Siskiyou Fork from its source about 0.7 miles southeast of Broken Rib Mountain as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the South Siskiyou Fork; the Siskiyou Fork from its confluence with the South Siskiyou Fork to the confluence with the Middle Fork; the South Siskiyou Fork from its source about 0.6 miles southwest of Buck Lake as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the Siskiyou Fork; the South Fork from its source about 0.5 miles southwest of Bear Mountain as depicted on 1956 USGS 15′ "Preston Peak" topographic map to Blackhawk Bar; the South Fork from Blackhawk Bar to the confluence with the Middle Fork;

Williams Creek from its source in Section 31 T14N R4E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with Eight Mile Creek; Eight Mile Creek from its source in Section 29 T14N R4E as depicted on 1955 USGS 15′ "Dillon Mountain" topographic map to the confluence with the South Fork; the Prescott Fork from its source about 0.5 miles southeast of Island Lake as depicted on 1955 USGS 15′ "Dillon Mountain" topographic map to the confluence with the South Fork; Quartz Creek from its source in Section 31 T16N R4E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with the South Fork; Jones Creek from its source in Section 36 T16N R3E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the middle of Section 5 T15N R3E; Jones Creek from the middle of Section 5 T15N R3E to the confluence with the South Fork; Hurdygurdy Creek from its source about 0.4 miles southwest of Bear Basin Butte as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the South Fork; Gordon Creek from its source in Section 18 T16N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the South Fork; Coon Creek from the junction of the two-source tributaries in the southwest quadrant of Section 31 T17N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the western boundary Section 14 T16N R2E; Coon Creek from the western boundary Section 14 T16N R2E to the confluence with the South Fork; Craigs Creek from its source in Section 36 T17N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the South Fork; Buck Creek from its source at Cedar Camp Spring as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with the South Fork; Muzzleloader Creek from its source in Section 2 T15N R3E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with Jones Creek; Canthook Creek from its source in Section 2 T15N R2E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with South Fork.

(d) Eel River. The main stem from 100 yards below Van Arsdale Dam to the Pacific Ocean; the South Fork of the Eel from the mouth of Section Four Creek near Branscomb to the river mouth below Weott; Middle Fork of the Eel from the intersection of the river with the southern boundary of the Middle Eel-Yolla Bolly Wilderness Area to the river mouth at Dos Rios; North Fork of the Eel from the Old Gilman Ranch downstream to the river mouth near Ramsey; Van Duzen River from Dinsmores Bridge downstream to the river mouth near Fortuna.

(e) American River. The North Fork from its source to the Iowa Hill Bridge; the Lower American from Nimbus Dam to its junction with the Sacramento River.

(f) (1) West Walker River. The main stem from its source to the confluence with Rock Creek near the town of Walker; Leavitt Creek

from Leavitt Falls to the confluence with the main stem of the West Walker River.

(2) Carson River. The East Fork from the Hangman's Bridge crossing of State Highway Route 89 to the California-Nevada border.

(3) The Legislature finds and declares that, because the East Fork Carson River and West Walker River are interstate streams, and a source of agricultural water and domestic water for communities within the counties of Alpine and Mono where they originate, it is necessary that the following special provisions apply:

(A) Nothing in this subdivision shall be construed to prohibit the replacement of diversions or changes in the purpose of use, place of use, or point of diversion under existing water rights, except that (i) no such replacement or change shall operate to increase the adverse effect, if any, of the preexisting diversion facility or place or purpose of use, upon the free-flowing condition and natural character of the stream, and (ii) after January 1, 1990, no new diversion shall be constructed unless and until the secretary determines that the facility is needed to supply domestic water to the residents of any county through which the river or segment flows and that the facility will not adversely affect the free-flowing condition and natural character of the stream.

(B) Nothing in this chapter shall be construed as quantifying or otherwise affecting any equitable apportionment, or as establishing any upper limit, between the State of California and the State of Nevada of the waters of these streams.

(g) (1) The South Yuba River: From Lang Crossing to its confluence with Kentucky Creek below Bridgeport.

(2) Nothing in this subdivision shall prejudice, alter, delay, interfere with, or affect in any way, the existing rights of the Placer County Water Agency, the implementation of those rights; any historic water use practices; the replacement, maintenance, repair, operation, or future expansion of existing diversions, storage, powerhouses, or conveyance facilities or other works by the Placer County Water Agency; or changes in the purpose of use, places of use, points of diversion, or ownership of those existing water rights; nor shall anything in this subdivision preclude the issuance of any governmental authorization needed for utilization of those rights, except that no changes shall operate to increase the adverse effect, if any, of the preexisting facilities or places, or the purposes of use upon the free-flowing and natural character of the river segment designated herein.

(3) This subdivision shall become operative on January 1, 2001.

(h) Other rivers which qualify for inclusion in the system may be recommended to the Legislature by the secretary.

SEC. 2. Section 5093.545 of the Public Resources Code, as amended by Senate Bill No. 496 of the 1999–2000 Regular Session, is amended to read:

5093.545. The classifications heretofore established by the secretary for the rivers or segments of rivers included in the system are revised and adopted as follows:

	Rivers	Classification
(a)	Klamath River: The Klamath River from the FERC Project 2082 downstream boundary in Section 17 T47N R5W as shown on Exhibit K−7 sheet 1 dated May 25, 1962, to the river mouth at the Pacific Ocean	Recreational
(b)	Scott River:	
(1)	The Scott River from Shackleford Creek to McCarthy Creek	Recreational
(2)	The Scott River from McCarthy Creek to Scott Bar	Scenic
(3)	The Scott River from Scott Bar to the confluence with the Klamath River	Recreational
(c)	Salmon River:	
(1)	The Salmon River from the Forks of Salmon to the Lewis Creek confluence	Recreational
(2)	The Salmon River from the Lewis Creek confluence to the Wooley Creek confluence	Scenic
(3)	The Salmon River from the Wooley Creek confluence to the confluence with the Klamath River	Recreational
(4)	The South Fork of the Salmon River from Cecilville to St. Claire Creek confluence	Recreational
(5)	The South Fork from St. Claire Creek confluence to the Matthews Creek confluence	Scenic
(6)	The South Fork from Matthews Creek confluence to the Forks of Salmon	Recreational
(7)	The North Fork of the Salmon River from Marble Mountain Wilderness boundary to Mule Bridge Campground in Section 35 T12N R11W and Section 12 T11N R11W	Wild

(8)	The North Fork from Mule Bridge Campground to the Forks of Salmon	Recreational
(9)	Wooley Creek from the Marble Mountain Wilderness Area boundary to 1/2 mile upstream of the confluence with Salmon River	Wild
(10)	Wooley Creek downstream 1/2 mile above the confluence with the Salmon River	Recreational
(d)	Trinity River:	
(1)	The Trinity River from 100 yards below Lewiston Dam to Cedar Flat Creek confluence	Recreational
(2)	The Trinity River from Cedar Flat Creek confluence to Gray Falls	Scenic
(3)	The Trinity River from Gray Falls to the west boundary of Section 2 T8N R4E	Recreational
(4)	The Trinity River from the west boundary of Section 2 T8N R4E to the confluence with the Klamath River at Weitchpec	Scenic
(5)	The North Fork of the Trinity River from the Trinity Alps Primitive Area boundary to north boundary Section 20 T34N R11W	Wild
(6)	The North Fork from the north boundary Section 20 T34N R11W to mouth	Recreational
(7)	The South Fork Trinity River from Forest Glen to Hidden Valley Ranch	Wild
(8)	The South Fork from Hidden Valley Ranch to the Naufus Creek confluence in Section 8 T1N R7E	Scenic
(9)	The South Fork from the Naufus Creek confluence in Section 8 T1N R7E to Johnson Creek confluence near the boundary of Sections 13 and 14 T2N R6E	Wild

(10)	The South Fork from Johnson Creek confluence near the boundary of Sections 13 and 14 T2N R6E to the boundary of Sections 25 and 36 T2N R6E	Scenic
(11)	The South Fork from the boundary of Sections 25 and 36 T2N R6E to the footbridge near the mouth of Underwood Creek in Section 17 T4N R6E Humboldt Base and Meridian	Recreational
(12)	The South Fork from the footbridge near the mouth of Underwood Creek in Section 17 T4N R6E to Todd Ranch in Section 18 T5N R5E	Wild
(13)	The South Fork from Todd Ranch in Section 18 T5N R5E to the confluence with Main Trinity	Scenic
(14)	New River from the Salmon Trinity Primitive Area boundary to the junction with the East Fork New River in Section 23 T7N R7E	Wild
(15)	New River from the junction with the East Fork New River in Section 23 T7N R7E to 100 yards below Panther Creek Campground in Section 18 T6N R7E	Recreational
(16)	New River from 100 yards below Panther Creek Campground in Section 18 T6N R7E to Dyer Creek confluence in Section 25 T26N R6E	Scenic
(17)	New River from Dyer Creek confluence in Section 25 T26N R6E to the confluence with Trinity River	Wild
(e)	Smith River:	
(1)	Smith River from the confluence of the Middle and South Forks to its mouth at the Pacific Ocean	Recreational

(2)	Middle Fork Smith River from its source about 3 miles south of Sanger Lake as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the middle of Section 7 T17N R5E	Wild
(3)	Middle Fork Smith River from the middle of Section 7 T17N R5E to the middle of Section 6 T17N R5E	Scenic
(4)	Middle Fork Smith River from middle of Section 6 T17N R5E to one−half mile upstream from the confluence with Knopki Creek	Wild
(5)	Middle Fork Smith River from one−half mile upstream from the confluence with Knopki Creek to the confluence with South Fork Smith River	Recreational
(6)	Myrtle Creek from its source in Section 9 T17N R1E as depicted on 1952 USGS 15′ "Crescent City" topographic map to the middle of Section 28 T17N R1E	Recreational
(7)	Myrtle Creek from the middle of Section 28 T17N R1E to the confluence with the Middle Fork Smith River	Recreational
(8)	Shelly Creek from its source in Section 1 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with Patrick Creek	Recreational
(9)	Kelly Creek from its source in Section 32 T17N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the Middle Fork Smith River	Recreational
(10)	Packsaddle Creek from its source about 0.8 miles southwest of Broken Rib Mountain as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the eastern boundary of Section 3 T17N R1E	Recreational

(11)	Packsaddle Creek from the eastern boundary of Section 3 T17N R4E to the northern boundary of Section 3 T17N R4E	Recreational
(12)	Packsaddle Creek from the northern boundary of Section 3 T17N R4E to the confluence with the Middle Fork of Smith River	Recreational
(13)	East Fork Patrick Creek from its source in Section 10 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the West Fork Patrick Creek	Recreational
(14)	West Fork Patrick Creek from its source in Section 18 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the East Fork Patrick Creek	Recreational
(15)	Griffin Creek from its source about 0.2 miles southwest of Hazel View Summit as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the Middle Fork Smith River	Recreational
(16)	Knopki Creek from its source about 0.4 miles west of Sanger Peak as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the Middle Fork Smith River	Recreational
(17)	Monkey Creek from its source in the northeast quadrant of Section 12 T18N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the northern boundary of Section 26 T18N R3E	Recreational
(18)	Monkey Creek from the northern boundary of Section 26 T18N R3E to the confluence with the Middle Fork of Smith River	Recreational

(19)	Patrick Creek from the junction of East and West Forks of Patrick Creek to the confluence with the Middle Fork Smith River	Recreational
(20)	North Fork Smith River from the California–Oregon boundary to the confluence with an unnamed tributary in the northern quarter Section 5 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map	Wild
(21)	North Fork Smith River from the confluence with an unnamed tributary in the northern quarter of Section 5 T18N R2E to the southern−most intersection of the eastern boundary of Section 5 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map	Scenic
(22)	North Fork Smith River from the southern most intersection of the eastern boundary Section 5 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with Stony Creek	Wild
(23)	North Fork Smith River from the confluence with Stony Creek to the confluence with the Middle Fork of the Smith River	Recreational
(24)	Diamond Creek from the California−Oregon state boundary to the confluence with High Plateau Creek	Recreational
(25)	Diamond Creek from the confluence with High Plateau Creek to the confluence with the North Fork Smith River	Recreational
(26)	Bear Creek from its source in Section 24 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with Diamond Creek	Recreational

(27)	Still Creek from its source in Section 11 T18N R1E as depicted on 1952 USGS 15′ "Crescent City" topographic map to the confluence with the North Fork Smith River	Recreational
(28)	North Fork Diamond Creek from the California–Oregon state boundary to the confluence with Diamond Creek	Recreational
(29)	High Plateau Creek from its source in Section 26 T18N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the northern boundary Section 23 T18N R2E	Recreational
(30)	High Plateau Creek from the northern boundary Section 23 T18N R2E to the confluence with Diamond Creek	Recreational
(31)	Siskiyou Fork of Smith River from its source about 0.7 miles southeast of Broken Rib Mountain as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the South Siskiyou Fork of the Smith River	Wild
(32)	Siskiyou Fork of the Smith River from the confluence with the South Siskiyou Fork of the Smith River to the confluence with the Middle Fork of the Smith River	Recreational
(33)	South Siskiyou Fork of the Smith River from its source about 0.6 miles southwest of Buck Lake as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the Siskiyou Fork of the Smith River	Wild
(34)	South Fork Smith River from its source about 0.5 miles southwest of Bear Mountain as depicted on 1956 USGS 15′ "Preston Peak" topographic map to Blackhawk Bar	Wild

(35)	South Fork Smith River from Blackhawk Bar to the confluence with the Middle Fork Smith River	Recreational
(36)	Williams Creek from its source in Section 31 T14N R4E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with Eight Mile Creek	Recreational
(37)	Eight Mile Creek from its source in Section 29 T14N R4E as depicted on 1955 USGS 15′ "Dillon Mtn." topographic map to the confluence with the South Fork Smith River	Recreational
(38)	Prescott Fork of the Smith River from its source about 0.5 miles southeast of Island Lake as depicted on 1955 USGS 15′ "Dillon Mtn." topographic map to the confluence with the South Fork Smith River	Recreational
(39)	Quartz Creek from its source in Section 31 T16N R4E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with the South Fork Smith River	Recreational
(40)	Jones Creek from its source in Section 36 T16N R3E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the middle of Section 5 T15N R3E	Recreational
(41)	Jones Creek from the middle of Section 5 T15N R3E to the confluence with the South Fork of the Smith River	Recreational
(42)	Hurdygurdy Creek from its source about 0.4 miles southwest of Bear Basin Butte as depicted on 1956 USGS 15′ "Preston Peak" topographic map to the confluence with the South Fork Smith River	Recreational

(43)	Gordon Creek from its source in Section 18 T16N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the South Fork Smith River	Recreational
(44)	Coon Creek from the junction of the two source tributaries in the southwest quadrant of Section 31 T17N R3E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the western boundary of Section 14 T16N R2E	Recreational
(45)	Coon Creek from the western boundary of Section 14 T16N R2E to the confluence with the South Fork Smith River	Recreational
(46)	Craigs Creek from its source in Section 36 T17N R2E as depicted on 1951 USGS 15′ "Gasquet" topographic map to the confluence with the South Fork Smith River	Recreational
(47)	Buck Creek from its source at Cedar Camp Spring as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with the South Fork Smith River	Recreational
(48)	Muzzleloader Creek from its source in Section 2 T15N R3E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with Jones Creek	Recreational
(49)	Canthook Creek from its source in Section 2 T15N R2E as depicted on 1952 USGS 15′ "Ship Mountain" topographic map to the confluence with the South Fork Smith River	Recreational
(f)	Eel River:	
(1)	The Eel River from 100 yards below Van Arsdale Dam to the confluence with Tomki Creek	Recreational

(2)	The Eel River from the confluence with Tomki Creek to the middle of Section 22 T19N R12W	Scenic
(3)	The Eel River from the middle of Section 22 T19N R12W to the boundary between Sections 7 and 8 T19N R12W	Recreational
(4)	The Eel River from the boundary between Sections 7 and 8 T19N R12W to the confluence with Outlet Creek	Wild
(5)	The Eel River from the confluence with Outlet Creek to the mouth at the Pacific Ocean	Recreational
(6)	The South Fork of the Eel River from the mouth of Section Four Creek near Branscomb	Recreational
(7)	The South Fork of the Eel River from Horseshoe Bend to the middle of Section 29 T23N R16W	Wild
(8)	The South Fork of the Eel River from the middle of Section 29 T23N R16W to the confluence with the main Eel near Weott	Recreational
(9)	Middle Fork of the Eel River from the intersection of the river with the southern boundary of the Middle Eel–Yolla Bolly Wilderness Area to the Eel River Ranger Station	Wild
(10)	The Middle Fork of the Eel River from Eel River Ranger Station to Williams Creek	Recreational
(11)	The Middle Fork of the Eel River from Williams Creek to the southern boundary of the northern quarter of Section 25 T22N R12W	Scenic
(12)	The Middle Fork of the Eel River from the southern boundary of the northern quarter of Section 25 T22N R12W to the boundary between Sections 4 and 5 T21N R13W	Wild

	(13)	The Middle Fork of the Eel River from the boundary between Sections 4 and 5 T21N R13W to the confluence with main Eel at Dos Rios	Recreational
	(14)	The North Fork of the Eel River from the Old Gilman Ranch to the middle of Section 8 T24N R13W	Wild
	(15)	The North Fork of the Eel River from the middle of Section 8 T24N R13W to the boundary between Sections 12 and 13 T24N R14W	Recreational
	(16)	The North Fork of the Eel River from the boundary between Sections 12 and 13 T24N R14W to the confluence with main Eel	Wild
(g)	Van Duzen River:		
	(1)	The Van Duzen River from the Dinsmore Bridge to the powerline crossing above Little Larribee Creek	Scenic
	(2)	The Van Duzen River from the powerline crossing above Little Larribee Creek to the confluence with Eel River	Recreational
(h)	Lower American River: The Lower American River from Nimbus Dam to its junction with the Sacramento River		Recreational
(i)	North Fork American River:		
	(1)	The North Fork from the source of the North Fork American River to two and one–half miles above the Forest Hill–Soda Springs Road	Wild
	(2)	The North Fork from two and one–half miles above the Forest Hill–Soda Springs Road to one–half mile below the Forest Hill–Soda Springs Road	Scenic
	(3)	The North Fork from one–half mile below the Forest Hill–Soda Springs Road to one–quarter mile above the Iowa Hill Bridge	Wild

(4)	The North Fork from one–quarter mile above the Iowa Hill Bridge to the Iowa Hill Bridge	Scenic
(j)	West Walker River:	
(1)	West Walker River from Tower Lake to northern boundary of Section 10 (T5N, R22E)	Wild
(2)	West Walker River From northern boundary of Section 10 (T5N, R22E) to the eastern boundary of Section 23 (T6N, R22E)	Scenic
(3)	West Walker River from the eastern boundary of Section 23 (T6N, R22E) to the eastern boundary of Section 24 (T6N, R22E)	Recreational
(4)	West Walker River from the eastern boundary of Section 24 (T6N, R22E) to the confluence with Little Walker River	Scenic
(5)	West Walker River from the confluence with Little Walker River to the confluence with Rock Creek	Recreational
(6)	Leavitt Creek from Leavitt Falls to the confluence with West Walker River	Scenic
(k)	East Fork Carson River: East Fork Carson River from Hangman's Bridge crossing of state Highway 89 to the California–Nevada border	Scenic
(*l*)	(1) The South Yuba River:	
	(A) The South Yuba River from Lang Crossing to the confluence with Fall Creek	Scenic
	(B) The South Yuba River from the confluence with Fall Creek to the confluence with Jefferson Creek below the Town of Washington	Recreational

(C) The South Yuba River from the confluence with Jefferson Creek to Edwards Crossing	Scenic
(D) The South Yuba River from Edwards Crossing to its confluence with Kentucky Creek below Bridgeport	Scenic

(2) This subdivision shall become operative January 1, 2001.

SEC. 3. This act shall become operative only if Senate Bill No. 496 of the 1999–2000 Regular Session is enacted and becomes effective on or before January 1, 2000.

CHAPTER 1018

An act to amend Sections 51201, 51230, 51234, 51256, 51282.3, 51283, 51291, 51292, 51296, and 66474.4 of, to amend and repeal Section 51257 of, and to add Sections 51256.1 and 51291.5 to, the Government Code, relating to the Williamson Act.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) The long-term conservation of agricultural and open-space land is critical to the welfare of the people of California.

(b) The Williamson Act (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code) has succeeded in keeping large amounts of agricultural land in agriculture for more than three decades by providing long-term, enforceably restricted contracts, and property tax benefits to participating farmers and ranchers.

(c) The people of the state have made significant investments in local government subventions to offset property tax revenue loss and the cost of administering local agricultural preserve programs.

(d) Strong and consistent state and local enforcement of the restrictions required under the Williamson Act is necessary to preserve the constitutional benefit of preferential assessments for contracting landowners, and to protect the state's considerable investment in the conservation of agricultural and open-space land.

(e) The interpretation of compatible recreational uses has expanded well beyond the types of uses originally contemplated by

the Legislature as being consistent with the agricultural or open-space character so greatly valued by the people of California, and local governments should be provided more specific guidance on the latitude for those uses.

(f) Some owners of contracted land are seeking to establish multiple legal parcels to circumvent local restrictions on minimum parcel sizes on land for which the original parcel size was an element of the contract.

(g) Existing provisions of the Williamson Act do not require that local zoning of designated agriculture preserves be consistent with the minimum parcel size under the act, and without that requirement the purpose of the act can be seriously undermined by subminimum parcel sizes and incompatible uses within those preserves.

(h) Some local governments have approved or are considering approval of large-scale mining or other uses that would terminate and replace or irreparably diminish the agricultural uses on contracted lands, while still receiving both tax benefits and qualifying for subventions from the state.

(i) The latitude provided by the Williamson Act to participating local governments is not, and has never been, so great as to make uses that are not inherently related to, or beneficial to, the agricultural or open-space character of contracted land permissible under the compatible use provisions of the Williamson Act.

(j) Some local governments have approved proposals for subdivision maps or parcel maps on Williamson Act contracted land that met the minimum parcel size requirements in the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code), even though the result has been the creation of housing developments on property under contract that continues to receive tax benefits and state subventions.

(k) More specific guidance is needed, in concert with the careful enforcement of the Williamson Act by administering local governments, so that the result will not excessively curtail the latitude of local governments to manage agricultural preserves and Williamson Act contracts.

(*l*) Focusing development pressures, infrastructure funding, and investment funds away from agricultural preserves will increase the urban benefits of the program by making more funds available to develop or redevelop within existing urban boundaries.

(m) The long-term conservation of agricultural and open-space land will additionally benefit urban areas by ensuring that a steady supply of high-quality, low-cost fresh foods is available to urban residents, by providing open-space uses that benefit the public seeking escape from the closeness of urban society, and by conserving world-class agricultural soils.

SEC. 2. Section 51201 of the Government Code is amended to read:

51201. As used in this chapter, unless otherwise apparent from the context:

(a) "Agricultural commodity" means any and all plant and animal products produced in this state for commercial purposes.

(b) "Agricultural use" means use of land for the purpose of producing an agricultural commodity for commercial purposes.

(c) "Prime agricultural land" means any of the following:

(1) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.

(2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.

(3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.

(4) Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre.

(5) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars ($200) per acre for three of the previous five years.

(d) "Agricultural preserve" means an area devoted to either agricultural use, as defined in subdivision (b), recreational use as defined in subdivision (n), or open-space use as defined in subdivision (o), or any combination of those uses and which is established in accordance with the provisions of this chapter.

(e) "Compatible use" is any use determined by the county or city administering the preserve pursuant to Section 51231, 51238, or 51238.1 or by this act to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. "Compatible use" includes agricultural use, recreational use or open-space use unless the board or council finds after notice and hearing that the use is not compatible with the agricultural, recreational or open-space use to which the land is restricted by contract pursuant to this chapter.

(f) "Board" means the board of supervisors of a county which establishes or proposes to establish an agricultural preserve or which enters or proposes to enter into a contract on land within an agricultural preserve pursuant to this chapter.

(g) "Council" means the city council of a city which establishes or proposes to establish an agricultural preserve or which enters or proposes to enter into a contract on land within an agricultural preserve pursuant to this chapter.

(h) Except where it is otherwise apparent from the context, "county" or "city" means the county or city having jurisdiction over the land.

(i) A "scenic highway corridor" is an area adjacent to, and within view of, the right-of-way of:

(1) An existing or proposed state scenic highway in the state scenic highway system established by the Legislature pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which has been officially designated by the Department of Transportation as an official state scenic highway; or

(2) A county scenic highway established pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code, if each of the following conditions have been met:

(A) The scenic highway is included in an adopted general plan of the county or city; and

(B) The scenic highway corridor is included in an adopted specific plan of the county or city; and

(C) Specific proposals for implementing the plan, including regulation of land use, have been approved by the Advisory Committee on a Master Plan for Scenic Highways, and the county or city highway has been officially designated by the Department of Transportation as an official county scenic highway.

(j) A "wildlife habitat area" is a land or water area designated by a board or council, after consulting with and considering the recommendation of the Department of Fish and Game, as an area of great importance for the protection or enhancement of the wildlife resources of the state.

(k) A "saltpond" is an area which, for at least three consecutive years immediately prior to being placed within an agricultural preserve pursuant to this chapter, has been used for the solar evaporation of seawater in the course of salt production for commercial purposes.

(*l*) A "managed wetland area" is an area, which may be an area diked off from the ocean or any bay, river or stream to which water is occasionally admitted, and which, for at least three consecutive years immediately prior to being placed within an agricultural preserve pursuant to this chapter, was used and maintained as a waterfowl hunting preserve or game refuge or for agricultural purposes.

(m) A "submerged area" is any land determined by the board or council to be submerged or subject to tidal action and found by the board or council to be of great value to the state as open space.

(n) "Recreational use" is the use of land in its agricultural or natural state by the public, with or without charge, for any of the following: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities

are provided for public participation. Any fee charged for the recreational use of land as defined in this subdivision shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public. Any ancillary structures necessary for a recreational use shall comply with the provisions of Section 51238.1.

(o) "Open-space use" is the use or maintenance of land in a manner that preserves its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife, or for the solar evaporation of seawater in the course of salt production for commercial purposes, if the land is within:

(1) A scenic highway corridor, as defined in subdivision (i).

(2) A wildlife habitat area, as defined in subdivision (j).

(3) A saltpond, as defined in subdivision (k).

(4) A managed wetland area, as defined in subdivision (*l*).

(5) A submerged area, as defined in subdivision (m).

SEC. 3. Section 51230 of the Government Code is amended to read:

51230. Beginning January 1, 1971, any county or city having a general plan, and until December 31, 1970, any county or city, by resolution, and after a public hearing may establish an agricultural preserve. Notice of the hearing shall be published pursuant to Section 6061, and shall include a legal description, or the assessor's parcel number, of the land which is proposed to be included within the preserve. The preserves shall be established for the purpose of defining the boundaries of those areas within which the city or county will be willing to enter into contracts pursuant to this act. An agricultural preserve shall consist of no less than 100 acres; provided, that in order to meet this requirement two or more parcels may be combined if they are contiguous or if they are in common ownership; and further provided, that in order to meet this requirement land zoned as timberland production pursuant to Chapter 6.7 (commencing with Section 51100) may be taken into account.

A county or city may establish agricultural preserves of less than 100 acres if it finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area and that the establishment of preserves of less than 100 acres is consistent with the general plan of the county or city.

An agricultural preserve may contain land other than agricultural land, but the use of any land within the preserve and not under contract shall within two years of the effective date of any contract on land within the preserve be restricted by zoning, including appropriate minimum parcel sizes that are at a minimum consistent with this chapter, in such a way as not to be incompatible with the agricultural use of the land, the use of which is limited by contract in accordance with this chapter.

Failure on the part of the board or council to restrict the use of land within a preserve but not subject to contract shall not be sufficient reason to cancel or otherwise invalidate a contract.

SEC. 4. Section 51234 of the Government Code is amended to read:

51234. Any proposal to establish an agricultural preserve shall be submitted to the planning department of the county or city having jurisdiction over the land. If the county or city has no planning department, a proposal to establish an agricultural preserve shall be submitted to the planning commission. Within 30 days after receiving such a proposal, the planning department or planning commission shall submit a report thereon to the board or council. However, the board or council may extend the time allowed for an additional period not to exceed 30 days.

The report shall include a statement that the preserve is consistent with the general plan, and the board or council shall make a finding to that effect. Final action upon the establishment of an agricultural preserve may not be taken by the board or council until the report required by this section is received from the planning department or planning commission, or until the required 30 days have elapsed and any extension thereof granted by the board or council has elapsed.

SEC. 5. Section 51256 of the Government Code is amended to read:

51256. Notwithstanding any other provision of this chapter, a city or county, upon petition by a landowner, may enter into an agreement with the landowner to rescind a contract in accordance with the contract cancellation provisions of Section 51282 in order to simultaneously place other land within that city, the county, or the county where the contract is rescinded under an agricultural conservation easement, consistent with the purposes and, except as provided in subdivision (b), the requirements of the Agricultural Land Stewardship Program pursuant to Division 10.2 (commencing with Section 10200) of the Public Resources Code, provided that the board or council makes all of the following findings:

(a) The proposed agricultural conservation easement is consistent with the criteria set forth in Section 10251 of the Public Resources Code.

(b) The proposed agricultural conservation easement is evaluated pursuant to the selection criteria in Section 10252 of the Public Resources Code, and particularly subdivisions (a), (c), (e), (f), and (h), and the board or council makes a finding that the proposed easement will make a beneficial contribution to the conservation of agricultural land in its area.

(c) The land proposed to be placed under an agricultural conservation easement is of equal size or larger than the land subject to the contract to be rescinded, and is equally or more suitable for agricultural use than the land subject to the contract to be rescinded. In determining the suitability of the land for agricultural use, the city

or county shall consider the soil quality and water availability of the land, adjacent land uses, and any agricultural support infrastructure.

(d) The value of the proposed agricultural conservation easement, as determined pursuant to Section 10260 of the Public Resources Code, is equal to or greater than 12.5 percent of the cancellation valuation of the land subject to the contract to be rescinded, pursuant to subdivision (a) of Section 51283. The easement value and the cancellation valuation shall be determined within 30 days before the approval of the city or county of an agreement pursuant to this section.

SEC. 6. Section 51256.1 is added to the Government Code, to read:

51256.1. No agreement entered into pursuant to Section 51256 shall take effect until it is approved by the Secretary of Resources. The secretary may approve the agreement if he or she finds that the findings of the board or council, as required by Sections 51256 and 51282, are supported by substantial evidence, and that the proposed agricultural conservation easement is consistent with the eligibility criteria set forth in Section 10251 of the Public Resources Code and will make a beneficial contribution to the conservation of agricultural land in its area. The secretary shall not approve the agreement if an agricultural conservation easement has been purchased with funds from the Agricultural Land Stewardship Program Fund, established pursuant to Section 10230 of the Public Resources Code, on the same land proposed to be placed under an agricultural conservation easement pursuant to this section.

SEC. 7. Section 51257 of the Government Code is amended to read:

51257. (a) To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

(1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

(2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

(3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

(4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

(5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

(6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

(7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

(b) Nothing in this section shall limit the authority of the board or council to enact additional conditions or restrictions on lot line adjustments.

(c) Only one new contract may be entered into pursuant to this section with respect to a given parcel, prior to January 1, 2003.

(d) In the year 2002, the department's Williamson Act Status Report, prepared pursuant to Section 51207, shall include a review of the performance of this section.

(e) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted on or before January 1, 2003, deletes or extends that date.

SEC. 8. Section 51282.3 of the Government Code is amended to read:

51282.3. (a) The landowner may petition the board or council, pursuant to Section 51282, for cancellation of any contract or of any portion of a contract if the board or council has determined that agricultural laborer housing is not a compatible use on the contracted lands. The petition, and any subsequent cancellation based thereon, shall (1) particularly describe the acreage to be subject to cancellation; (2) stipulate that the purpose of the cancellation is to allow the land to be used exclusively for agricultural laborer housing facilities; (3) demonstrate that the contracted lands, or portion thereof, for which cancellation is being sought are reasonably necessary for the development and siting of agricultural laborer housing; and (4) certify that the contracted lands, or portion thereof, for which cancellation is being sought, shall not be converted to any other alternative use within the first 10 years immediately following the cancellation.

The petition shall be deemed to be a petition for cancellation for a specified alternative use of the land. The petition shall be acted upon by the board or council in the manner prescribed in Section 51283.4. However, the provisions of Section 51283 pertaining to the payment of cancellation fees shall not be imposed except as provided in subdivision (b).

(b) If the owner of real property is issued a certificate of cancellation of contract based on subdivision (a), there shall be executed and recorded concurrently with the recordation of the

certificate of cancellation of contract, a lien in favor of the county, city or city and county in the amount of the fees which would otherwise have been imposed pursuant to Section 51283. Those amounts shall bear interest at the rate of 10 percent per annum. The lien shall particularly describe the real property subject to the lien, shall be recorded in the county where the real property subject to the lien is located, and shall be indexed by the recorder in the grantor index to the name of the owner of the real property and in the grantee index in the name of the county or city or city and county. From the date of recordation, the lien shall have the force, effect and priority of a judgment lien. The board or council shall execute and record a release of lien if, after a period of 10 years from the date of the recordation of the certificate of cancellation of contract, the real property subject to the lien has not been converted to a use other than agricultural laborer housing. In the event the real property subject to the lien has been converted to a use other than agricultural laborer housing, or the construction of agricultural laborer housing has not commenced within a period of one year from the date of recordation of the certificate of cancellation of contract, then the lien shall only be released upon payment of the fees and interest for which the lien has been imposed. Where construction commences after the one-year period, the amount of the interest shall only be for that period from one year following the date of the recordation of the certificate of cancellation of contract until the actual commencement of construction.

SEC. 9. Section 51283 of the Government Code is amended to read:

51283. (a) Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor of the county in which the land is located shall determine the current fair market value of the land as though it were free of the contractual restriction. The assessor shall certify to the board or council the cancellation valuation of the land for the purpose of determining the cancellation fee.

(b) Prior to giving tentative approval to the cancellation of any contract, the board or council shall determine and certify to the county auditor the amount of the cancellation fee which the landowner shall pay the county treasurer upon cancellation. That fee shall be an amount equal to $12^1/_2$ percent of the cancellation valuation of the property.

(c) If it finds that it is in the public interest to do so, the board or council may waive any payment or any portion of a payment by the landowner, or may extend the time for making the payment or a portion of the payment contingent upon the future use made of the land and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract, had it not been canceled, if all of the following occur:

(1) The cancellation is caused by an involuntary transfer or change in the use which may be made of the land and the land is not immediately suitable, nor will be immediately used, for a purpose which produces a greater economic return to the owner.

(2) The board or council has determined that it is in the best interests of the program to conserve agricultural land use that the payment be either deferred or is not required.

(3) The waiver or extension of time is approved by the Secretary of the Resources Agency. The secretary shall approve a waiver or extension of time if the secretary finds that the granting of the waiver or extension of time by the board or council is consistent with the policies of this chapter and that the board or council complied with this article. In evaluating a request for a waiver or extension of time, the secretary shall review the findings of the board or council, the evidence in the record of the board or council, and any other evidence the secretary may receive concerning the cancellation, waiver, or extension of time.

(d) The first nine hundred eighty-five thousand dollars ($985,000) of revenue paid to the Controller pursuant to subdivision (e) in the 1992–93 fiscal year, and any other amount as approved in the final Budget Act for each fiscal year thereafter, shall be deposited in the Soil Conservation Fund, which is continued in existence. The money in the fund is available, when appropriated by the Legislature, for the support of both of the following:

(1) The total cost of the farmlands mapping and monitoring program of the Department of Conservation pursuant to Section 65570.

(2) The soil conservation program identified in Section 614 of the Public Resources Code.

(e) When cancellation fees required by this section are collected, they shall be transmitted by the county treasurer to the Controller and deposited in the General Fund, except as provided in subdivision (d). The funds collected by the county treasurer with respect to each cancellation of a contract shall be transmitted to the Controller within 30 days of the execution of a certificate of cancellation of contract by the board or council, as specified in subdivision (b) of Section 51283.4.

(f) It is the intent of the Legislature that fees paid to cancel a contract do not constitute taxes but are payments that, when made, provide a private benefit that tends to increase the value of the property.

SEC. 10. Section 51291 of the Government Code is amended to read:

51291. (a) As used in this section and Sections 51292 and 51295, (1) "public agency" means any department or agency of the United States or the state, and any county, city, school district, or other local public district, agency, or entity, and (2) "person" means any person authorized to acquire property by eminent domain.

(b) Except as provided in Section 51291.5, whenever it appears that land within an agricultural preserve may be required by a public agency or person for a public use, the public agency or person shall advise the Director of Conservation and the local governing body responsible for the administration of the preserve of its intention to consider the location of a public improvement within the preserve. In accordance with Section 51290, the notice shall include an explanation of the preliminary consideration of Section 51292, and give a general description, in text or by diagram, of the agricultural preserve land proposed for acquisition, and a copy of any applicable contract created under this chapter. The Director of Conservation shall forward to the Secretary of Food and Agriculture, a copy of any material received from the public agency or person relating to the proposed acquisition.

Within 30 days thereafter, the Director of Conservation and the local governing body shall forward to the appropriate public agency or person concerned their comments with respect to the effect of the location of the public improvement on the land within the agricultural preserve and those comments shall be considered by the public agency or person. In preparing those comments, the Director of Conservation shall consider issues related to agricultural land use, including, but not limited to, matters related to the effects of the proposal on the conversion of adjacent or nearby agricultural land to nonagricultural uses, and shall consult with, and incorporate the comments of, the Secretary of Food and Agriculture on any other matters related to agricultural operations. The failure by any person or public agency, other than a state agency, to comply with the requirements of this section shall be admissible in evidence in any litigation for the acquisition of that land or involving the allocation of funds or the construction of the public improvement. This subdivision does not apply to the erection, construction, alteration, or maintenance of gas, electric, piped subterranean water or wastewater, or communication utility facilities within an agricultural preserve if that preserve was established after the submission of the location of those facilities to the city or county for review or approval.

(c) When land in an agricultural preserve is acquired by a public entity, the public entity shall notify the Director of Conservation within 10 working days. The notice shall include a general explanation of the decision and the findings made pursuant to Section 51292. If different from that previously provided pursuant to subdivision (b), the notice shall also include a general description, in text or by diagram, of the agricultural preserve land acquired and a copy of any applicable contract created under this chapter.

(d) If, after giving the notice required under subdivisions (b) and (c) and before the project is completed within an agricultural preserve, the public agency or person proposes any significant change in the public improvement, it shall give notice of the changes to the Director of Conservation and the local governing body

responsible for the administration of the preserve. Within 30 days thereafter, the Director of Conservation and the local governing body may forward to the public agency or person their comments with respect to the effect of the change to the public improvement on the land within the preserve and the compliance of the changed public improvements with this article. Those comments shall be considered by the public agency or person, if available within the time limits set by this subdivision.

(e) Any action or proceeding regarding notices or findings required by this article filed by the Director of Conservation or the local governing body administering the agricultural preserve shall be governed by Section 51294.

SEC. 11. Section 51291.5 is added to the Government Code, to read:

51291.5. The notice requirements of subdivision (b) of Section 51291 shall not apply to the acquisition of land for the erection, construction, or alteration of gas, electric, piped subterranean water or wastewater, or communication facilities.

SEC. 12. Section 51292 of the Government Code is amended to read:

51292. No public agency or person shall locate a public improvement within an agricultural preserve unless the following findings are made:

(a) The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve.

(b) If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

SEC. 13. Section 51296 of the Government Code is amended to read:

51296. (a) The Legislature finds and declares that it is desirable to expand options available to landowners for the preservation of agricultural land. It is therefore the intent of the Legislature in enacting this article to encourage the creation of longer term voluntary enforceable restrictions within agricultural preserves.

(b) A landowner or group of landowners may petition the board to rescind a contract or contracts entered into pursuant to this chapter in order to simultaneously place the land subject to that contract or those contracts under a new contract designating the property as a farmland security zone.

(1) Before approving the rescission of a contract or contracts entered into pursuant to this chapter in order to simultaneously place the land under a new farmland security zone contract, the board shall create a farmland security zone, pursuant to the requirements of Section 51230, within an existing agricultural preserve.

(2) No land shall be included in a farmland security zone unless expressly requested by the landowner. Any land located within a

city's sphere of influence shall not be included within a farmland security zone, unless the creation of the farmland security zone within the sphere of influence has been expressly approved by resolution by the city with jurisdiction within the sphere.

(3) If more than one landowner requests the creation of a farmland security zone and the parcels are contiguous, the county shall place those parcels in the same farmland security zone.

(4) A contract entered into pursuant to this section shall be for an initial term of no less than 20 years. Each contract shall provide that on the anniversary date of the contract or on another annual date as specified by the contract, a year shall be added automatically to the initial term unless a notice of nonrenewal is given pursuant to Section 51245.

(5) Upon termination of a farmland security zone contract, the farmland security zone designation for that parcel shall simultaneously be terminated.

(c) Both of the following shall apply to land within a designated farmland security zone:

(1) The land shall be eligible for property tax valuation pursuant to Section 423.4 of the Revenue and Taxation Code.

(2) Notwithstanding any other provision of law, any special tax approved by the voters for urban-related services on or after January 1, 1999, on the land or any living improvement shall be levied at a reduced rate unless the tax directly benefits the land or the living improvements.

(d) Notwithstanding any provision of the Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000)), a local agency formation commission shall not approve a change of organization or reorganization that would result in the annexation of land within a designated farmland security zone to a city. However, this subdivision shall not apply under any of the following circumstances:

(1) If the farmland security zone is located within a designated, delineated area that has been approved by the voters as a limit for existing and future urban facilities, utilities, and services.

(2) If annexation of a parcel or a portion of a parcel is necessary for the location of a public improvement, as defined in Section 51290.5, except as provided in subdivision (f) or (g) of this section.

(3) If the landowner consents to the annexation.

(e) Notwithstanding any provision of the Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000)), a local agency formation commission shall not approve a change of organization or reorganization that would result in the annexation of land within a designated farmland security zone to a special district that provides urban services, including, but not limited to, sewers, nonagricultural water, or streets and roads, unless the facilities or services provided by the special district benefit land

uses that are allowed under the contract and the landowner consents to the change of organization or reorganization.

(f) Notwithstanding Article 5 (commencing with Section 53090) of Chapter 1 of Division 2 of Title 5, a school district shall not render inapplicable a county zoning ordinance to the use of land by the school district if the land is within a designated farmland security zone.

(g) Notwithstanding any provision of law, a school district shall not acquire any land that is within a designated farmland security zone.

(h) The board shall not approve any use of land within a designated farmland security zone based on the compatible use provisions contained in subdivision (c) of Section 51238.1.

(i) This section shall only apply to land that is designated on the Important Farmland Series maps, prepared pursuant to Section 65570 as predominantly one or more of the following:

(1) Prime farmland.

(2) Farmland of statewide significance.

(3) Unique farmland.

(4) Farmland of local importance.

If the proposed farmland security zone is in an area that is not designated on the Important Farmland Series maps, the land shall qualify if it is predominantly prime agricultural land, as defined in subdivision (c) of Section 51201.

(j) Nonrenewal of a farmland security zone contract shall be pursuant to Article 3 (commencing with Section 51240), except as otherwise provided in this article.

(k) All of the provisions of Article 6 (commencing with Section 51290) shall apply to farmland security zones created pursuant to this article except as specifically provided in this article.

(*l*) No state agency, as defined in Section 65934, or local agency, as defined in Section 65930, shall require any land to be placed under a farmland security zone contract as a condition of the issuance of any entitlement to use or the approval of a legislative or adjudicative act involving, but not limited to, the planning, use, or development of real property, or a change of organization or reorganization, as defined in Section 56021 or 56073. No contract shall be executed as a condition of an entitlement to use issued by an agency of the United States government.

(m) Subdivisions (d) and (e) shall not apply during the three-year period preceding the termination of a farmland security zone contract.

(n) Sections 51255 and 51256 shall not apply to farmland security zones.

SEC. 14. Section 66474.4 of the Government Code is amended to read:

66474.4. (a) The legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative

map was not required, if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5) and that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land. For purposes of this section, land shall be conclusively presumed to be in parcels too small to sustain their agricultural use if the land is (1) less than 10 acres in size in the case of prime agricultural land, or (2) less than 40 acres in size in the case of land which is not prime agricultural land. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.

(b) A legislative body may approve a subdivision with parcels smaller than those specified in this section if the legislative body makes either of the following findings:

(1) The parcels can nevertheless sustain an agricultural use permitted under the contract, or are subject to a written agreement for joint management pursuant to Section 51230.1, provided that the parcels which are jointly managed total at least 10 acres in size in the case of prime agricultural land or 40 acres in size in the case of land which is not prime agricultural land.

(2) One of the parcels contains a residence and is subject to Section 428 of the Revenue and Taxation Code; the residence has existed on the property for at least five years; the landowner has owned the parcels for at least 10 years; and the remaining parcels shown on the map are at least 10 acres in size if the land is prime agricultural land, or at least 40 acres in size if the land is not prime agricultural land.

(c) No other homesite parcels as described in paragraph (2) of subdivision (b) may be created on any remaining parcels under contract for at least 10 years following the creation of a homesite parcel pursuant to this section.

(d) This section shall not apply to land which is subject to a contract when any of the following has occurred:

(1) A local agency formation commission has approved the annexation of the land to a city and the city will not succeed to the contract as provided in Sections 51243 and 51243.5.

(2) Written notice of nonrenewal of the contract has been served prior to March 7, 1985, as provided in Section 51245.

(3) Written notice of nonrenewal of the contract has been served on or after March 7, 1985, as provided in Section 51245, and, as a result of that notice, there are no more than three years remaining in the term of the contract.

(4) The board or council has granted tentative approval for cancellation of the contract as provided in Section 51282.

(e) This section shall not be construed as limiting the power of legislative bodies to establish minimum parcel sizes larger than those specified in subdivision (a).

SEC. 15. The Legislature is aware of the Attorney General's Opinion No. 92-708, dated December 2, 1992, the Attorney General's Opinion No. 79-309, dated May 11, 1979, and the Attorney General's Opinion No. 70-229, dated May 25, 1971. In enacting Section 14 of this act, it is the intent of the Legislature to concur in those interpretations by clarifying that a landowner's right to subdivide is subject to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code) and that act's protection of enrolled lands, and that, therefore, the subdivision of enrolled lands for residential purposes is prohibited by both the Williamson Act and by Section 66474.4 of the Government Code, which was added in 1984 to ensure that the Williamson Act requirements are incorporated into the Subdivision Map Act (Chapter 1 (commencing with Section 66410) of Division 2 of Title 7 of the Government Code).

Therefore, the Legislature finds and declares that the amendment of Section 66474.4 of the Government Code by Section 14 of this act is declaratory of existing law.

CHAPTER 1019

An act to amend Sections 16142 and 51296 of, and to add Section 16142.1 to, the Government Code, relating to open-space subventions, and making an appropriation therefor.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 16142 of the Government Code is amended to read:

16142. (a) The Secretary of the Resources Agency shall direct the Controller to pay annually out of the funds appropriated by Section 16140, to each eligible county, city, or city and county, the following amounts for each acre of land within its regulatory jurisdiction that is assessed pursuant to Section 423, 423.3, 423.4, or 423.5, or 426 if it was previously assessed under Section 423.4, of the Revenue and Taxation Code:

(1) Five dollars ($5) for prime agricultural land, as defined in Section 51201.

(2) One dollar ($1) for all land, other than prime agricultural land, which is devoted to open-space uses of statewide significance, as defined in Section 16143.

(b) The amount per acre in paragraph (1) of subdivision (a) may be increased by the Secretary of the Resources Agency to a figure which would offset any savings due to a more restrictive determination by the secretary as to what land is devoted to open-space use of statewide significance.

(c) The amount per acre in subdivision (a) shall only be paid for 10 years from the date that the land was first assessed pursuant to Section 426 of the Revenue and Taxation Code, if it was previously assessed under Section 423.4 of that code.

SEC. 2. Section 16142.1 is added to the Government Code, to read:

16142.1. (a) In lieu of the payments made pursuant to Section 16142, in a county that has adopted farmland security zones pursuant to Section 51296, the Secretary of the Resources Agency shall direct the Controller to pay annually out of the funds appropriated by Section 16140, to each eligible county, city, or city and county, the following amount for each acre of land within its regulatory jurisdiction that is assessed pursuant to Section 423.4 or 426 of the Revenue and Taxation Code, if it was previously assessed under Section 423.4 of that code:

Eight dollars ($8) for land that is within, or within three miles of the boundaries of the sphere of influence of, each incorporated city.

(b) The amount per acre in subdivision (a) shall only be paid for 10 years from the date that the land was first assessed pursuant to Section 426 of the Revenue and Taxation Code, if it was previously assessed under Section 423.4 of that code. The appropriation authorized by this subdivision shall not exceed one hundred thousand dollars ($100,000) per year until 2005.

SEC. 3. Section 51296 of the Government Code is amended to read:

51296. (a) The Legislature finds and declares that it is desirable to expand options available to landowners for the preservation of agricultural land. It is therefore the intent of the Legislature in enacting this article to encourage the creation of longer term voluntary enforceable restrictions within agricultural preserves.

(b) A landowner or group of landowners may petition the board to rescind a contract or contracts entered into pursuant to this chapter in order to simultaneously place the land subject to that contract or those contracts under a new contract designating the property as a farmland security zone. A landowner or group of landowners may also petition the board to create a farmland security zone for the purpose of entering into farmland security zone contracts pursuant to this section.

(1) Before approving the rescission of a contract or contracts entered into pursuant to this chapter in order to simultaneously place

the land under a new farmland security zone contract, the board shall create a farmland security zone, pursuant to the requirements of Section 51230, within an existing agricultural preserve.

(2) No land shall be included in a farmland security zone unless expressly requested by the landowner. Any land located within a city's sphere of influence shall not be included within a farmland security zone, unless the creation of the farmland security zone within the sphere of influence has been expressly approved by resolution by the city with jurisdiction within the sphere of influence.

(3) If more than one landowner requests the creation of a farmland security zone and the parcels are contiguous, the county shall place those parcels in the same farmland security zone.

(4) A contract entered into pursuant to this section shall be for an initial term of no less than 20 years. Each contract shall provide that on the anniversary date of the contract or on another annual date as specified by the contract, a year shall be added automatically to the initial term unless a notice of nonrenewal is given pursuant to Section 51245.

(5) Upon termination of a farmland security zone contract, the farmland security zone designation for that parcel shall simultaneously be terminated.

(c) Both of the following shall apply to land within a designated farmland security zone:

(1) The land shall be eligible for property tax valuation pursuant to Section 423.4 of the Revenue and Taxation Code.

(2) Notwithstanding any other provision of law, any special tax approved by the voters for urban-related services on or after January 1, 1999, on the land or any living improvement shall be levied at a reduced rate unless the tax directly benefits the land or the living improvements.

(d) Notwithstanding any provision of the Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000)), a local agency formation commission shall not approve a change of organization or reorganization that would result in the annexation of land within a designated farmland security zone to a city. However, this subdivision shall not apply under any of the following circumstances:

(1) If the farmland security zone is located within a designated, delineated area that has been approved by the voters as a limit for existing and future urban facilities, utilities, and services.

(2) If annexation of a parcel or a portion of a parcel is necessary for the location of a public improvement, as defined in Section 51290.5, except as provided in subdivision (f) or (g) of this section.

(3) If the landowner consents to the annexation.

(e) Notwithstanding any provision of the Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000)), a local agency formation commission shall not approve a change of organization or reorganization that would result

in the annexation of land within a designated farmland security zone to a special district that provides sewers, nonagricultural water, or streets and roads, unless the facilities or services provided by the special district benefit land uses that are allowed under the contract and the landowner consents to the change of organization or reorganization.

(f) Notwithstanding Article 5 (commencing with Section 53090) of Chapter 1 of Division 2 of Title 5, a school district shall not render inapplicable a county zoning ordinance to the use of land by the school district if the land is within a designated farmland security zone.

(g) Notwithstanding any provision of law, a school district shall not acquire any land that is within a designated farmland security zone.

(h) The board shall not approve any use of land within a designated farmland security zone based on the compatible use provisions contained in subdivision (c) of Section 51238.1.

(i) This section shall only apply to land that is designated on the Important Farmland Series maps, prepared pursuant to Section 65570 as predominantly one or more of the following:

(1) Prime farmland.

(2) Farmland of statewide significance.

(3) Unique farmland.

(4) Farmland of local importance.

If the proposed farmland security zone is in an area that is not designated on the Important Farmland Series maps, the land shall qualify if it is predominantly prime agricultural land, as defined in subdivision (c) of Section 51201.

(j) Nonrenewal of a farmland security zone contract shall be pursuant to Article 3 (commencing with Section 51240), except as otherwise provided in this article.

(k) A petition for cancellation of a farmland security zone contract created under this article may be filed only by the landowner with the city or county within which the contracted land is located. The city or county may grant a petition only in accordance with the procedures provided for in Article 5 (commencing with Section 51280) and only if all the following requirements are met:

(1) The city or county shall make both of the findings specified in paragraphs (1) and (2) of subdivision (a) of Section 51282, based on substantial evidence in the record. Subdivisions (b) to (e), inclusive, of Section 51282 shall apply to the findings made by the city or county.

(2) In its resolution tentatively approving cancellation of the contract, the city or county shall find all of the following:

(A) That no beneficial public purpose would be served by the continuation of the contract.

(B) That the uneconomic nature of the agricultural use is primarily attributable to circumstances beyond the control of the landowner and the local government.

(C) That the landowner has paid a cancellation fee equal to 25 percent of the cancellation valuation calculated in accordance with subdivision (b) of Section 51283.

(3) The Director of Conservation approves the cancellation. The director may approve the cancellation after reviewing the record of the tentative cancellation provided by the city or county, only if he or she finds both of the following:

(A) That there is substantial evidence in the record supporting the decision.

(B) That no beneficial public purpose would be served by the continuation of the contract.

(4) A finding that no authorized use may be made of a remnant contract parcel of five acres or less left by public acquisition pursuant to Section 51295, may be substituted for the finding in paragraph (1).

(*l*) All of the provisions of Article 6 (commencing with Section 51290) shall apply to farmland security zones created pursuant to this article except as specifically provided in this article.

(m) No state agency, as defined in Section 65934, or local agency, as defined in Section 65930, shall require any land to be placed under a farmland security zone contract as a condition of the issuance of any entitlement to use or the approval of a legislative or adjudicative act involving, but not limited to, the planning, use, or development of real property, or a change of organization or reorganization, as defined in Section 56021 or 56073. No contract shall be executed as a condition of an entitlement to use issued by an agency of the United States government.

(n) Subdivisions (d) and (e) shall not apply during the three-year period preceding the termination of a farmland security zone contract.

(o) Nothing in this section shall be construed to limit the authority of a board to rescind a portion or portions of a Williamson Act contract or contracts for the purpose of immediately enrolling the land in a farmland security zone contract so long as the remaining land is retained in a Williamson Act contract and the board determines that its action would improve the conservation of agricultural land within the county where the rescission occurs. The creation of multiple contracts under this subdivision does not constitute a subdivision of the land.

SEC. 4. Subdivision (k) of Section 51296 of the Government Code, as amended by Section 3 of this act, shall apply to any farmland security zone contract entered into prior to the effective date of this act, except as follows:

(a) If the contract contains a cancellation provision pursuant to Section 51282 of the Government Code and either party objects to conforming it to subdivision (k) of Section 51296 of the Government Code, as amended by this act, the contract shall revert to the form in which it previously existed under the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the

Government Code) prior to its conversion to a contract under Section 51296.

(b) If the contract currently contains no cancellation clause or a prohibition on cancellation, the contract shall remain in effect unmodified. However, with the consent of both parties, the contract may be modified to conform to subdivision (k) of Section 51296.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

CHAPTER 1020

An act to add Chapter 4.8 (commencing with Section 89450) to Part 55 of the Education Code, relating to education, and making an appropriation therefor.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Chapter 4.8 (commencing with Section 89450) is added to Part 55 of the Education Code, to read:

CHAPTER 4.8. CALIFORNIA STATE UNIVERSITY, STANISLAUS: REUSE OF STOCKTON DEVELOPMENT CENTER

89450. The Legislature finds and declares all of the following:

(a) There is a need for the California State University to continue development of a reuse plan for the site of the former Stockton Development Center, the property of which has been conveyed to the trustees for public school purposes.

(b) The establishment of an educationally focused campus consisting of public-public and public-private partnerships will result in greater educational opportunities for the residents of San Joaquin County and in economic development opportunities for the City of Stockton.

(c) To facilitate the reuse of the site, it is necessary to provide funding for the maintenance of physical facilities on the site and for a study to explore the long-term feasibility of reusing the site in the prescribed manner.

89451. It is the intent of the Legislature that the Stockton Development Center be a productive asset focused on educationally based programs. Further, it is the intent of the Legislature to

supplement state resources in site maintenance through public-public and public-private partnerships.

89452. (a) The trustees, the Department of General Services, the Department of Finance, and the City of Stockton shall prepare a long-term feasibility study regarding the reuse of the site. The study shall include consideration of the state resources necessary to develop the site in the future. The study shall be completed by September 1, 2000.

SEC. 2. The sum of one million six hundred thousand dollars ($1,600,000) is hereby appropriated for expenditure, without regard to fiscal year, from the General Fund to the Trustees of the California State University for allocation in the 1999–2000 fiscal year as follows:

(a) One million three hundred thousand dollars ($1,300,000) to California State University, Stanislaus, for expenditure for maintenance and operation of physical facilities located on the site of the Stockton Development Center, as set forth in Chapter 4.8 (commencing with Section 89450) of Part 55 of the Education Code.

(b) Three hundred thousand dollars ($300,000) to the trustees for purposes of funding the feasibility study required by Section 89452 of the Education Code.

SEC. 3. It is the intent of the Legislature that funding for purposes of Chapter 4.8 (commencing with Section 89450) of Part 55 of the Education Code in the 2000–01 fiscal year be provided in the Budget Act or in another act.

CHAPTER 1021

An act to amend and supplement the Budget Act of 1999 (Chapter 50, Statutes of 1999), relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

I am signing Senate Bill No. 735, however, I am reducing augmentations and reappropriations made to various items by a total of $523,000 General Fund.

This bill would appropriate $4,981,000 General Fund, reduce existing special fund appropriations by $2 million, and reappropriate $5,725,000 General Fund for programs and projects as a supplement to the Budget Act of 1999 (Chapter 50, Statutes of 1999) as follows: $250,000 appropriation to the Department of Trade and Commerce for the California Institute for Federal Policy Research; $1.5 million reappropriation to the State Coastal Conservancy for Elysian Valley and Arroyo Seco projects; $3,275,000 to the Department of Parks and Recreation (DPR) for reappropriation of 10 local projects; $950,000 reappropriation to DPR for Rancho San Andres Castro Adobe as a capital outlay project; $1,150,000 appropriation to DPR for four new projects including $400,000 for a teen center and a senior center for the Plaza Community Center; $31,000 to Sacramento County for Street and Traffic Lighting; $50,000 to the Employment Development Department for a grant to the Vallejo Cadet Project; $31,000 to

Sacramento County for Street and Traffic Lighting; Plaza Community Center, $31,000 to Sacramento County for Street and Traffic Lighting; $50,000 to the Employment Development Department for a grant to the Vallejo Cadet Project; $1 million to the University of California (UC) for the Welfare Policy Research Project; $2.5 million to UC for Internet 2; and $2 million special fund reduction to the Department of Industrial Relations related to the Uninsured Employers Fund. The bill would also add provisional language for the following; the California Energy Commission, the Public Utilities Commission, and the Electricity Oversight Board regarding a report on electricity reliability issues; the Department of Water Resources regarding road repair; the Department of Corrections regarding the reimbursement of local costs for detention and parole revocation proceedings; and the California Arts Council for the Japanese American National Museum.

I am deleting funding for the $250,000 appropriation for the California Institute for Federal Policy Research because the State already maintains an office in Washington, DC which is the appropriate voice for California's positions on federal policy issues.

I am deleting the $31,000 appropriation for the Sacramento County Street and Traffic Lighting. While this project may have merit, it is not of sufficient priority to fund and maintain a prudent General Fund reserve.

I am reducing the Internet2 appropriation to the University of California from $2.5 million to $2.25 million. I support this appropriation to allow the University of California to make progress toward completing this information technology project.

I am reducing the appropriation to DPR for the Plaza Community Center from $400,000 to $399,000 and deleting a reference to a senior citizen center for the Plaza Community Center project. This is necessary in order to correct a drafting error.

I am sustaining the reappropriation for a capital outlay project at the Rancho San Andres Castro Adobe, the historic home of Jose Joaquin Castro, only because DPR indicates that there is an excellent prospect that the facility could be operated as a concession agreement without state funding. My sustaining this reappropriation also reflects my position that the $950,000 appropriation would represent the State's full commitment to the restoration project.

GRAY DAVIS, Governor

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

SECTION 1. The appropriations made by this act are in augmentation of the appropriations made in Section 2.00 of the Budget Act of 1999 (Ch. 50, Stats. 1999) and are subject to the provisions of that act, as appropriate, including, as applicable, the provisions of that act that apply to the items of appropriation that are augmented by this act. The references in this act to item numbers refer to items of appropriation in Section 2.00 of the Budget Act of 1999.

SEC. 2. The sum of two hundred fifty thousand dollars ($250,000) is hereby appropriated from the General Fund to the Trade and Commerce Agency in augmentation of the appropriation in Item 2920-101-0001 for a grant to the California Institute for Federal Policy Research.

SEC. 3. The scope of the Supplemental Report required in Item 3360-001-0465 shall be as follows:

(a) The Energy Resources, Conservation and Development Commission shall investigate the suitability, technical feasibility, behavioral efficacy, policy and implementation issues, and cost and benefits of methods by which private or public conservation and energy efficiency projects or private distributed generation projects

could provide comparably reliable alternatives to transmission system or generation projects in the Independent System Operator's electric grid planning process.

(b) The Public Utilities Commission shall investigate the suitability, technical feasibility, behavioral efficacy, policy and implementation issues, and cost and benefits of using electric rate design approaches and consumer-controlled, real-time monitoring technologies to improve the responsiveness of residential and small commercial consumer electricity demand to market price signals.

(c) The Electricity Oversight Board shall coordinate the reports specified in subdivisions (a) and (b) to ensure consistency in their assumptions, technical approach, findings, and conclusions.

(d) The reports identified in subdivisions (a) and (b) shall be accomplished by using current resources and shall be provided to the Governor and the Legislature no later than May 1, 2000.

SEC. 4. The sum of one million five hundred thousand dollars ($1,500,000) appropriated to the State Coastal Conservancy in Item 3760-302-0001 for Elysian Valley is hereby reappropriated to the State Coastal Conservancy for projects in Elysian Valley and Arroyo Seco for activities consistent with Division 21 (commencing with Section 31000) of the Public Resources Code.

SEC. 5. The sum appropriated to the Department of Parks and Recreation in Schedule (a) (31) of Item 3790-101-0001 for a recreational grant of three hundred thousand dollars ($300,000) to the City of El Monte for the Recreational Facility Project.

SEC. 6. The sum appropriated to the Department of Parks and Recreation in Schedule (a) (33) of Item 3790-101-0001 for a recreational grant to the Community of Foresthill is hereby reappropriated to the Department of Parks and Recreation for a recreational grant to the County of Placer for the retrofit of the Foresthill Community Veterans Hall.

SEC. 7. The sum appropriated to the Department of Parks and Recreation in Schedule (a) (86) of Item 3790-101-0001 for a recreational grant to the City of Los Angeles is hereby reappropriated to the Department of Parks and Recreation for a recreational grant to the Bienvenidos Family Services Center.

SEC. 8. The sum appropriated to the Department of Parks and Recreation in Schedule (a) (88) of Item 3790-101-0001 for a recreational grant to the City of Los Angeles is hereby reappropriated to the Department of Parks and Recreation for a recreational grant to the Little Tokyo Service Center.

SEC. 9. The sum appropriated to the Department of Parks and Recreation in Schedule (a) (91) of Item 3790-101-0001 for a recreational grant to the County of Los Angeles is hereby reappropriated to the Department of Parks and Recreation for a recreational grant to the Central American Resource Center.

SEC. 10. The sum appropriated to the Department of Parks and Recreation in Schedule (a) (140) of Item 3790-101-0001 for a

recreational grant to the County of San Diego is hereby reappropriated to the Department of Parks and Recreation for a recreational grant to the I Love a Clean San Diego organization for the Park and Playground Cleanup Program.

SEC. 11. The sum appropriated to the Department of Parks and Recreation in Schedule (a) (152) of Item 3790-101-0001 for a recreational grant to the City of San Jacinto is hereby reappropriated to the Department of Parks and Recreation for a recreational grant to ValleyWide Foundation, Inc., for the Regional Aquatic Center Swimming Pool.

SEC. 12. The sum appropriated to the Department of Parks and Recreation in Schedule (a) (161) of Item 3790-101-0001 for a recreational grant to the County of Santa Cruz is hereby reappropriated to the Department of Parks and Recreation in augmentation of the appropriation made in Item 3790-302-0001 and the addition of Schedule (4) 90.86.100 for acquisition, repair, and restoration of the Rancho San Andres Castro Adobe.

SEC. 12.5. The sum appropriated to the Department of Parks and Recreation in Schedule (a) (165) of Item 3790-101-0001 for a recreational grant to the City of Santa Rosa is hereby reappropriated to the Department of Parks and Recreation for a recreational grant to the City of Sebastopol for the Burbank Senior Center renovation and expansion.

SEC. 13. The sum appropriated to the Department of Parks and Recreation in Schedule (a) (170) of Item 3790-101-0001 for a recreational grant to the City of Spring Valley is hereby reappropriated to the Department of Parks and Recreation for a recreational grant to the County of San Diego for the LaMar Street Park Design and Redevelopment.

SEC. 14. The sum appropriated to the Department of Parks and Recreation in Schedule (a) (171) of Item 3790-101-0001 for a recreational grant to the City of Spring Valley is hereby reappropriated to the Department of Parks and Recreation for a recreational grant to the County of San Diego for the Park Land Acquisition for the Library, Gym, and Teen Center.

SEC. 15. The sum of one million one hundred fifty thousand dollars ($1,150,000) is hereby appropriated from the General Fund to the Department of Parks and Recreation in augmentation of the appropriation in Item 3790-101-0001 for local assistance recreational grants as follows:

(a) Four hundred thousand dollars ($400,000) to the Plaza Community Center organization to construct a teen center and to complete the Senior Citizen Civic Center in the City Terrace neighborhood of Los Angeles.

(b) Two hundred thousand dollars ($200,000) to the City of Yucaipa for the Skate Park in Yucaipa.

(c) Fifty thousand dollars ($50,000) to the City of Calimesa for the Calimesa City Library.

(d) Five hundred thousand dollars ($500,000) to the City of El Monte for the Teen Center and Aquatic Facility.

SEC. 16. Up to 5 percent of the funds appropriated in Schedule (b) of Item 3860-101-0001 for delta levee maintenance may be used for repair and maintenance of roads damaged by flood control maintenance.

SEC. 17. Thirty-one thousand dollars ($31,000) is hereby appropriated from the General Fund to Item 9210-116-0001 for local assistance to Sacramento County for Morse Avenue street lighting and a pedestrian signal at Eastern Avenue and Castec Drive.

SEC. 18. The sum of fifty thousand dollars ($50,000) is hereby appropriated from the General Fund to the Employment Development Department in augmentation of the appropriation made in Item 5100-101-0001 for local assistance to the City of Vallejo to fund the Vallejo Cadet Project.

SEC. 19. Notwithstanding Section 4016.5 of the Penal Code or any other provision of law, a city or county shall be reimbursed by the Department of Corrections from funds appropriated in Item 5240-101-0001 of the annual Budget Act for costs incurred pursuant to subdivisions (a), (b), and (c) of Section 4016.5 of the Penal Code, and from funds appropriated in Item 5240-001-0001 of the annual Budget Act for costs incurred pursuant to subdivision (d) of Section 4016.5 of the Penal Code.

SEC. 20. The sum of one million dollars ($1,000,000) is hereby appropriated from the General Fund to the University of California in augmentation of Item 6440-001-0001 for the purpose of the Welfare Policy Research Project, mandated by Article 9.7 (commencing with Section 11526) of Chapter 2 of Part 3 of the Welfare and Institutions Code.

SEC. 21. The sum of two million five hundred thousand dollars ($2,500,000) is hereby appropriated from the General Fund for support of the University of California in augmentation of the appropriation made in Item 6440-001-0001 to fund an Internet2 link between the northern and southern hubs and to provide additional access connections to Internet2.

SEC. 22. Notwithstanding Provision 4 (a) of Item 8260-103-0001, funds appropriated in Item 8260-103-0001 for allocation for capital improvements to the Japanese-American National Museum shall be expended for design or construction of facilities or exhibits, furniture, equipment, and acquisitions for the Media Arts Center, the Orientation Theater, and the National Resource Center.

SEC. 23. The sum of two million dollars ($2,000,000) is hereby appropriated from the General Fund in augmentation of the appropriation made in Item 8350-001-0001 for support of the Department of Industrial Relations. The amount in Schedule (29) of Item 8350-001-0001 payable from the Uninsured Employers Account of the Uninsured Employers Fund that is payable from Item 8350-001-0571 is hereby reduced by two million dollars ($2,000,000)

from twenty-four million five hundred twenty-nine thousand dollars ($24,529,000) to twenty-two million five hundred twenty-nine thousand dollars ($22,529,000).

SEC. 24. The sum of twenty-four million five hundred twenty-nine thousand dollars ($24,529,000) appropriated in Item 8350-001-0571 from the Uninsured Employers Account of the Uninsured Employers Fund is hereby reduced to twenty-two million five hundred twenty-nine thousand dollars ($22,529,000) and two million dollars ($2,000,000) is hereby reverted to that fund.

SEC. 25. The sum in Item 8350-011-0001 appropriated for transfer by the Controller is hereby reduced by two million dollars ($2,000,000) to the sum of sixteen million six hundred three thousand dollars ($16,603,000), which is available for transfer by the Controller to the Uninsured Employers Account of the Uninsured Employers Fund and the sum of two million dollars ($2,000,000) is hereby reverted to the General Fund.

SEC. 26. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make certain necessary augmentations and adjustments to the appropriations made by the Budget Act of 1999 for support of state government for the 1999–2000 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 1022

An act to add Section 6228 to the Family Code, relating to law enforcement, and making an appropriation therefor.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

I am signing Assembly Bill No. 403; however, I am deleting the $200,000 General Fund appropriation contained in Section 1.5.

AB 403 would appropriate $200,000 from the General Fund to the Department of Justice (DOJ) for training local law enforcement on the enforcement of firearm laws at gun shows.

Having recently signed legislation tightening regulation of gun shows, I support the need for additional training. However, primary responsibility of law enforcement at gun shows is a local responsibility, and I believe the Commission on Peace Officers Standards an Training is the appropriate state agency to provide training for local law enforcement officers.

If the Commission desires to contract with the Department of Justice to provide such training, I will provide the necessary funding in the budget process.

This bill would also require local law enforcement agencies to make available to a victim one copy of domestic violence incident report within a specific period of time.

I believe this is an important measure that will help victims of domestic violence obtain the documentation they need to secure restraining orders as quickly as possible.

GRAY DAVIS, Governor

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

SECTION 1. Section 6228 is added to the Family Code, to read:

6228. (a) State and local law enforcement agencies shall provide, without charging a fee, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, to a victim of domestic violence, upon request. For purposes of this section, "domestic violence" has the definition given in Section 6211.

(b) A copy of a domestic violence incident report face sheet shall be made available during regular business hours to a victim of domestic violence no later than 48 hours after being requested by the victim, unless the state or local law enforcement agency informs the victim of the reasons why, for good cause, the domestic violence incident report face sheet is not available, in which case the domestic violence incident report face sheet shall be made available to the victim no later than five working days after the request is made.

(c) A copy of the domestic violence incident report shall be made available during regular business hours to a victim of domestic violence no later than five working days after being requested by a victim, unless the state or local law enforcement agency informs the victim of the reasons why, for good cause, the domestic violence incident report is not available, in which case the domestic violence incident report shall be made available to the victim no later than 10 working days after the request is made.

(d) Persons requesting copies under this section shall present state or local law enforcement with identification at the time a request is made.

(e) This section shall apply to requests for face sheets or reports made within five years from the date of completion of the domestic violence incidence report.

(f) This section shall be known, and may be cited, as the Access to Domestic Violence Reports Act of 1999.

SEC. 1.5. There is hereby appropriated from the General Fund to the Department of Justice the sum of two hundred thousand dollars ($200,000) for the training of local law enforcement agencies on the enforcement of firearms laws at gun shows.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for

reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

CHAPTER 1023

An act to amend Section 1464 of the Penal Code, to amend Sections 4354, 4355, 4357, and 4359 of, to add Sections 4354.5, 4357.1, 4357.2, and 4358.5 to, and to repeal and add Section 4356 of, the Welfare and Institutions Code, relating to human services.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

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

SECTION 1. Section 1464 of the Penal Code is amended to read:

1464. (a) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, there shall be levied a state penalty, in an amount equal to ten dollars ($10) for every ten dollars ($10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the state penalties established by this section and Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state penalty prescribed by this section for forfeited bail. If bail is returned, the state penalty paid thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state penalty, the payment of which would work a hardship on the person convicted or his or her immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the penalty and transmit it to the

county treasury. The portion thereof attributable to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code shall be deposited in the appropriate county fund and 70 percent of the balance shall then be transmitted to the State Treasury, to be deposited in the State Penalty Fund, which is hereby created, and 30 percent to remain on deposit in the county general fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited in the State Penalty Fund shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.33 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month, except that the total amount shall not be less than the state penalty levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. These moneys shall be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 32.02 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Those funds shall be made available in accordance with Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 23.99 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 25.70 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 7.88 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.78 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. The amount so transferred shall not exceed the sum of eight hundred fifty thousand dollars ($850,000) in any fiscal year. The remainder in excess of eight hundred fifty thousand dollars ($850,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 8.64 percent of

the state penalty funds deposited in the State Penalty Fund during the preceding month.

(8) (A) Once a month there shall be transferred into the Traumatic Brain Injury Fund, created pursuant to Section 4358 of the Welfare and Institutions Code, an amount equal to 0.66 percent of the state penalty funds deposited into the State Penalty Fund during the preceding month. However, the amount of funds transferred into the Traumatic Brain Injury Fund for the 1996–97, 1997–98, and 1998–99 fiscal years shall not exceed the amount of five hundred thousand dollars ($500,000). Thereafter, funds shall be transferred pursuant to the requirements of this section.

(B) Any moneys deposited in the State Penalty Fund attributable to the assessments made pursuant to subdivision (i) of Section 27315 of the Vehicle Code on or after the date that Chapter 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the Welfare and Institutions Code is repealed shall be utilized in accordance with paragraphs (1) to (8), inclusive, of this subdivision.

SEC. 2. Section 4354 of the Welfare and Institutions Code is amended to read:

4354. For purposes of this chapter, the following definitions shall apply:

(a) "Acquired traumatic brain injury" is an injury that is sustained after birth from an external force to the brain or any of its parts, resulting in cognitive, psychological, neurological, or anatomical changes in brain functions.

(b) "Department" means the State Department of Mental Health.

(c) "Director" means the Director of Mental Health.

(d) "Vocational supportive services" means a method of providing vocational rehabilitation and related services that may include prevocational and educational services to individuals who are unserved or underserved by existing vocational rehabilitation services.

(e) The following four characteristics distinguish "vocational supportive services" from traditional methods of providing vocational rehabilitation and day activity services:

(1) Service recipients appear to lack the potential for unassisted competitive employment.

(2) Ongoing training, supervision, and support services must be provided.

(3) The opportunity is designed to provide the same benefits that other persons receive from work, including an adequate income level, quality of working life, security, and mobility.

(4) There is flexibility in the provision of support which is necessary to enable the person to function effectively at the worksite.

(f) "Community reintegration services" means services as needed by clients, designed to develop, maintain, increase, or maximize independent functioning, with the goal of living in the community

and participating in community life. These services may include, but are not limited to, providing, or arranging for access to, housing, transportation, medical care, rehabilitative therapies, day programs, chemical dependency recovery programs, personal assistance, and education.

(g) "Fund" means the Traumatic Brain Injury Fund.

(h) "Supported living services" means a range of appropriate supervision, support, and training in the client's place of residence, designed to maximize independence.

(i) "Functional assessment" means measuring the level or degree of independence, amount of assistance required, and speed and safety considerations for a variety of categories, including activities of daily living, mobility, communication skills, psychosocial adjustment, and cognitive function.

(j) "Residence" means the place where a client makes his or her home, that may include, but is not limited to, a house or apartment where the client lives independently, assistive living arrangements, congregate housing, group homes, residential care facilities, transitional living programs, and nursing facilities.

SEC. 3. Section 4354.5 is added to the Welfare and Institutions Code, to read:

4354.5. The Legislature finds and declares the following:

(a) Ascertaining the number of Californians who survive traumatic brain injuries is difficult, but the best estimates are that there are approximately 225,000 survivors who have sustained "closed" or "open" head injuries.

(b) Traumatic brain injuries have a long-term impact on the survivors, their families, caregivers, and support systems.

(c) Long-term care consumers experience great differences in service levels, eligibility criteria, and service availability, resulting in inappropriate and expensive care that fails to be responsive to their needs.

(d) California must develop an action plan with a timetable for implementation to ensure that there will be an array of appropriate services and assistance funded and administered by a state structure that has a focus and commitment to integration and coordination.

(e) The state must pursue, in a timely manner, all available sources of federal financial participation, including, but not limited to, the medicaid home and community-based services waiver program (42 U.S.C. Sec. 1396n(c)) and Part J of Subchapter II of the Public Health Service Act (42 U.S.C. Sec. 280b et seq.).

(f) The department, pursuant to this chapter, has funded and demonstrated, successfully, through four projects for a postacute continuum-of-care model for adults 18 years of age or older with acquired traumatic brain injuries, the array of services and assistance that meet the needs of these individuals and their families.

(g) The state shall replicate these models toward developing a statewide system that has as a goal the support of existing

community-based agencies and organizations with a proven record of serving survivors of traumatic brain injuries.

(h) Implementation of the act that added this section shall be consistent with the state's public policy strategy to design a coordinated services delivery system pursuant to Article 4.05 (commencing with Section 14139.05) of Chapter 7 of Part 3 of Division 9.

SEC. 4. Section 4355 of the Welfare and Institutions Code is amended to read:

4355. The department shall designate sites in order to develop a system of postacute continuum-of-care models for adults 18 years of age or older with an acquired traumatic brain injury. The project sites shall coordinate vocational supportive services, community reintegration services, and supported living services. The purpose of the project is to demonstrate the effectiveness of a coordinated service approach which furthers the goal of assisting those persons to attain productive, independent lives which may include paid employment.

SEC. 5. Section 4356 of the Welfare and Institutions Code is repealed.

SEC. 6. Section 4356 is added to the Welfare and Institutions Code, to read:

4356. (a) The department shall provide support to the four original pilot sites.

(b) (1) The department shall award and administer grants to four additional sites, to be selected through a competitive bidding process. One site shall be within each of the regions listed in Section 4357.2. It is the intent of the Legislature that one site be located in a rural area. Implementation of new project sites shall be contingent upon the availability of funds, and new project sites shall be selected on an incremental basis as funds become available.

(2) Priority shall be given to applicants that have proven experience in providing services to persons with an acquired traumatic brain injury including, but not limited to, supported living services, community reintegration services, vocational support services, caregiver support, and family and community education.

(3) The department shall convene a working group, established pursuant to Section 4357.1, to assist them in developing requests for proposals and evaluating bids. In addition, the department shall use this working group as an advisory committee in accordance with requirements of Part J of Subchapter II of the Public Health Service Act (42 U.S.C. Sec. 280b et seq.) in order to pursue available federal funds including, but not limited to, Section 300d-52 of Title 42 of the United States Code.

(4) Each new site shall be in operation within six months following the grant award.

(5) The four additional sites prescribed by this subdivision shall be established to the extent that the availability of federal funds or other appropriate funds permit.

(c) (1) The department, with the advice and assistance of the working group, shall develop an independent evaluation and assist sites in collecting uniform data on all clients.

(2) The evaluation shall test the efficacy, individually and in the aggregate, of the existing and new project sites in the following areas:

(A) The degree of community reintegration achieved by clients, including their increased ability to independently carry out activities of daily living, increased participation in community life, and improved living arrangements.

(B) The improvements in clients' prevocational and vocational abilities, educational attainment, and paid and volunteer job placements.

(C) Client and family satisfaction with services provided.

(D) Number of clients, family members, health and social service professionals, law enforcement professionals, and other persons receiving education and training designed to improve their understanding of the nature and consequences of traumatic brain injury, as well as any documented outcomes of that training and education.

(E) The extent to which participating programs result in reduced state costs for institutionalization or higher levels of care, if such an estimate can be obtained within the 10 percent of funds allowed for the evaluation.

(3) The department shall expend not more than 10 percent of the annual program amount on the evaluation. The evaluator shall be chosen by means of competitive bid and shall report to the department.

(4) The evaluator shall make an interim report to the Legislature within two years of being selected, and shall make a final report to the Legislature by January 30, 2003.

SEC. 7. Section 4357 of the Welfare and Institutions Code is amended to read:

4357. (a) The sites shall be able to identify the special needs and problems of clients and the services shall be designed to meet those needs.

(b) The sites shall match not less than 20 percent of the amount granted, with the exception of funds used for mentoring. The required match may be cash or in-kind contributions, or a combination of both, from the sites or any cooperating agency. In-kind contributions may include, but shall not be limited to, staff and volunteer services.

(c) The sites shall provide at least 51 percent of their services under the grant to individuals who are Medi-Cal eligible or who have no other identified third-party funding source.

(d) The sites shall provide, directly or by arrangement, a coordinated service model to include all of the following:

(1) Supported living services.

(2) Community reintegration services.

(3) Vocational supportive services.

(4) Information, referral, and, as needed, assistance in identifying, accessing, utilizing, and coordinating all services needed by individuals with traumatic brain injury and their families.

(5) Public and professional education designed to facilitate early identification of persons with brain injury, prompt referral of these persons to appropriate services, and improvement of the system of services available to them.

The model shall be designed and modified with advice from clients and their families, and shall be accessible to the population in need, taking into account transportation, linguistic, and cultural factors.

(e) The sites shall develop and utilize an individual service plan which will allow clients to move from intensive medical rehabilitation or highly structured living arrangements to increased levels of independence and employment. The goals and priorities of each client shall be an integral part of his or her service plan.

(f) The sites shall seek all third-party reimbursements for which clients are eligible and shall utilize all services otherwise available to clients at no cost, including vocational rehabilitation services provided by the Department of Rehabilitation. However, grantees may utilize grant dollars for the purchase of nonreimbursed services or services otherwise unavailable to clients.

(g) The sites shall endeavor to serve a population that is broadly representative with regard to race and ethnicity of the population with traumatic brain injury in their geographical service area, undertaking outreach activities as needed to achieve this goal.

(h) The sites shall maintain a broad network of relationships with local groups of brain injury survivors and families of survivors, as well as local providers of health, social, and vocational services to individuals with traumatic brain injury and their families. The sites shall work cooperatively with these groups and providers to improve and develop needed services and to promote a well-coordinated service system, taking a leadership role as necessary.

SEC. 8. Section 4357.1 is added to the Welfare and Institutions Code, to read:

4357.1. (a) The department shall convene a working group including the following persons as selected by the director:

(1) A survivor currently using services in the program.

(2) Two family members of persons surviving traumatic brain injuries, one of whom shall be a family member of a person with significant disabilities resulting from injuries.

(3) A representative of the Brain Injury Association of California.

(4) A representative of each of the existing sites.

(5) A representative of the Caregiver Resource Centers.

(6) A representative of the California Foundation for Independent Living Centers.

(7) A representative of the Public Interest Center for Long-term Care.

(8) A representative of the California Rehabilitation Association.

(9) A member from a survivor's organization.

(10) Representatives of the Department of Rehabilitation and the State Department of Health Services and others as determined by the director.

(b) Members of the working group shall participate without compensation. The working group may be reimbursed by the department for expenses related to the meetings, as determined by the director.

(c) The department shall consult with the working group on the following, as determined by the director:

(1) Development of the evaluation instrument and plan.

(2) Selection and development of the four new sites.

(3) Progress reports and input from participating state or local agencies and the public.

(4) Project implementation, achievements, and recommendations regarding project improvement.

(5) Development of recommended strategies and guidelines for accident prevention and training of peace officers in awareness of brain injury issues. These recommendations shall be made available for use by the department, project sites, other state agencies, and other appropriate entities.

(6) A recommended plan including financial requirements for expansion of the project to all regions of the state to be completed and issued by January 1, 2003.

(d) Contracts awarded pursuant to this part and Part 4 (commencing with Section 4370), including contracts required for administration or ancillary services in support of programs, shall be exempt from the requirements of the Public Contract Code and the State Administrative Manual, and from approval by the Department of General Services.

SEC. 9. Section 4357.2 is added to the Welfare and Institutions Code, to read:

4357.2. (a) New sites shall be chosen from areas of the state that are not currently served by a site. Two new sites shall be located in the southern portion of the state and two new sites shall be located in the northern portion of the state. Of these, at least one site shall be located in a rural area. Nothing in this chapter shall prohibit a site from serving multiple counties. Implementation of the new sites shall be contingent upon funds appropriated by the Legislature and funds becoming available for this purpose.

(b) The department, in conjunction with the existing sites, shall develop guidelines and procedures for the coordinated continuum-of-care model and its component services. The existing

sites shall assist the department in providing orientation, training, and technical assistance to the new sites.

(c) Up to 10 percent of funds allocated to new sites during their first year of operation may be expended for training, technical assistance, and mentoring by existing sites and any other source of assistance appropriate to the needs of the new sites. A plan and budget for technical assistance and mentoring shall be included in the proposals submitted by potential sites.

(d) Mentoring activities shall include, but not be limited to, assisting new sites in refining their continuum-of-care model and its component services, developing guidelines and procedures, and providing advice in meeting the needs of traumatic brain injury survivors and their caregivers, as well as carrying out community outreach and networking with community groups and service providers. Mentoring shall be carried out with the goal of responding to the needs identified by the new sites, transferring the knowledge and expertise of the existing sites, and helping each new site to be successful in developing an effective program that takes into account the needs, resources, and priorities of their local community. Mentoring shall be coordinated with and overseen by the department.

(e) Department staff and site directors shall meet quarterly as a group for ongoing technical assistance, transfer of knowledge, and refinement of the models of continuum of care.

(f) Existing and new sites may allocate up to 15 percent of annual program funds to any appropriate caregiver resource center to assist in caregiver services.

SEC. 10. Section 4358.5 is added to the Welfare and Institutions Code, to read:

4358.5. (a) Funds deposited into the Traumatic Brain Injury Fund pursuant to paragraph (8) of subdivision (f) of Section 1464 of the Penal Code shall be matched by federal vocational rehabilitation services funds for implementation of the Traumatic Brain Injury program pursuant to this chapter. However, this matching of funds shall be required only to the extent it is required by other state and federal law, and to the extent the matching of funds would be consistent with the policies and priorities of the Department of Rehabilitation regarding funding.

(b) The department shall seek and secure funding from available federal resources, including, but not limited to, medicaid and drug and alcohol funds, utilizing the Traumatic Brain Injury Fund as match and shall seek any necessary waiver of federal program requirements to maximize available federal dollars.

SEC. 11. Section 4359 of the Welfare and Institutions Code is amended to read:

4359. This chapter shall remain in effect until January 1, 2005, and as of that date is repealed, unless a later enacted statute enacted prior to that date extends or deletes that date.

CHAPTER 1024

An act to amend Sections 1812.53, 1812.54, 1812.64, and 1812.69 of, and to repeal Section 1812.66 of, the Civil Code, relating to dance studio lessons.

[Became law without Governor's signature. Filed with Secretary of State October 14, 1999.]

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

SECTION 1. Section 1812.53 of the Civil Code is amended to read:

1812.53. (a) No contract for dance studio lessons and other services shall require payments or financing by the buyer over a period in excess of one year from the date the contract is entered into, nor shall the term of any contract be measured by the life of the buyer. However, the lessons and other services to be rendered to the buyer under the contract may extend over a period not to exceed seven years from the date the contract is entered into.

(b) All contracts for dance studio lessons and other services that may be in effect between the same seller and the same buyer, the terms of which overlap for any period, shall be considered as one contract for the purposes of this title.

SEC. 2. Section 1812.54 of the Civil Code is amended to read:

1812.54. (a) Every contract for dance studio lessons and other services shall provide that performance of the agreed-upon lessons will begin within six months from the date the contract is entered into.

(b) A contract for dance studio lessons and other services may be canceled by the student at any time provided he or she gives written notice to the dance studio at the address specified in the contract. When a contract for dance studio lessons and other services is canceled the dance studio shall calculate the refund on the contract, if any, on a pro rata basis. The dance studio shall refund any moneys owed to the student within 10 days of receiving the cancellation notice, unless the student owes the dance studio money for studio lessons or other services received prior to the cancellation, in which case any moneys owed the dance studio shall be deducted by the dance studio from the refund owed to the student and the balance, if any, shall be refunded as specified above. A dance studio shall not charge a cancellation fee, or other fee, for cancellation of the contract by the student.

(c) Every contract for dance studio lessons and other services shall contain a written statement of the hourly rate charged for each type of lesson for which the student has contracted. If the contract includes dance studio lessons that are sold at different per-hour rates, the contract shall contain separate hourly rates for each different type of lesson sold. All other services for which the student has contracted that are not capable of a per-hour charge shall be set forth in writing in specific terms. The statement shall be contained in the dance studio contract before the contract is signed by the buyer.

(d) Every dance studio subject to Sections 1812.64 and 1812.65 shall include in every contract for dance studio lessons or other services a statement that the studio is bonded and that information concerning the bond may be obtained by writing to the office of the Secretary of State.

SEC. 3. Section 1812.64 of the Civil Code is amended to read:

1812.64. Every dance studio shall maintain a bond issued by a surety company admitted to do business in this state. The principal sum of the bond shall be 25 percent of the dance studio's gross income from the studio business in this state during the studio's last fiscal year, except that the principal sum of the bond shall not be less than twenty-five thousand dollars ($25,000) in the first or any subsequent year of operation.

A copy of the bond shall be filed with the Secretary of State, together with a declaration under penalty of perjury signed by the owner of the studio stating the dance studio's gross income from the dance studio business in this state during the last fiscal year. The information contained in the declaration shall not be subject to public inspection. If the person in whose name the bond is issued severs his or her relationship with the bonded dance studio, the new owner shall, as a condition of doing business, notify the Secretary of State of the change of ownership and of proof of compliance with Sections 1812.64 and 1812.65.

SEC. 4. Section 1812.66 of the Civil Code is repealed.

SEC. 5. Section 1812.69 of the Civil Code is amended to read:

1812.69. (a) The Secretary of State shall enforce the provisions of this title that govern the filing and maintenance of bonds.

(b) The Secretary of State shall charge a filing fee not to exceed the cost of filing the bond.

CHAPTER 1025

An act to add and repeal Chapter 8 (commencing with Section 124960) of Part 4 of Division 106 of the Health and Safety Code, relating to health.

[Became law without Governor's signature. Filed with Secretary of State October 14, 1999.]

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

SECTION 1. (a) It is the intent of the Legislature to establish a pilot program that will team community clinics with local hospitals, small employers, and the School of Public Health of the University of California, Los Angeles, to create a complete system of health care for poor children and adults who are ineligible for public health programs or private health plans or insurance.

(b) The purpose of the pilot program is to accomplish all of the following:

(1) To demonstrate the potential for profound reductions in the cost of health care services provided to uninsured working poor families by tracking the cost of the care and the impact of access to care on those families.

(2) To achieve a better understanding of the overall social and financial implications of moving uninsured working poor families to a fully covered status.

(3) To learn what the baseline utilization of health care services is for uninsured working poor families when they have access to a full range of health care services.

(4) To learn the actual cost of providing comprehensive health care to this population.

(5) To learn how a managed care system for uninsured working poor families might be used to change the structure of health care delivery in California.

SEC. 2. Chapter 8 (commencing with Section 124960) is added to Part 4 of Division 106 of the Health and Safety Code, to read:

CHAPTER 8. HEALTH PILOT PROGRAM FOR WORKING POOR FAMILIES

124960. The department shall establish and administer a three-year pilot program to provide health care services to poor children and adults, who are not eligible for public or private health coverage.

124961. The pilot program shall be implemented through the participation of the community health clinic known as the Venice Family Clinic.

124962. The participating community clinic shall do all of the following:

(a) On or before June 30, 2000, enter into an agreement with a local partner hospital to implement the pilot project.

(b) On or before June 30, 2000, with the consultation and assistance of the department, and with the participation of its local hospital partner, develop a managed health care delivery system to provide to uninsured poor children and adults a standard health benefit package that meets the requirements of Section 124964, including, but not limited to, primary and preventive health care services, specialty health care services, emergency health care

services, inpatient hospital services, laboratory, radiological, and other diagnostic services, and medications related to all of these health services.

(c) On or before June 30, 2000, with the consultation and assistance of the department, develop recruitment and enrollment materials and procedures.

(d) On or before June 30, 2000, recruit, hire and train staff, conduct outreach to small employers in order to enroll poor children and adults into the pilot program, and collect baseline data.

(e) Commencing July 1, 2000, enroll approximately 350 uninsured poor children and adults and begin providing health care services.

(f) Utilize managed care principles, including utilization review and quality assurance, in operating the system.

124963. By January 1, 2001, each participating community clinic shall have its pilot program in full operation, and shall conduct ongoing data collection and analysis for the duration of the pilot program.

124964. The standard health benefit package provided to the uninsured poor children and adults enrolled in the pilot program shall be the same as, or comparable to, the benefit packages available to the employees of those public agencies who have elected to have their employees participate in the Public Employees' Medical and Hospital Care Act, Part 5 (commencing with Section 22751) of Division 5 of Title 2 of the Government Code.

124965. The School of Public Health of the University of California, Los Angeles may, with the consent of the Regents of the University of California, participate in the pilot program by doing the following:

(a) On or before June 30, 2000, develop an overall evaluation design for the pilot program, including, but not limited to, methods for evaluating the quality of care provided, measuring the impact on public health, and assessing the health outcomes of participants.

(b) On or before March 30, 2003, prepare an evaluation of the pilot program and a financial analysis that includes the amounts expended by the program in each year of operation and for what purposes expenditures were made.

124966. The department may, in consultation with the participating community clinic, appoint a small business and health care industry advisory group to provide assistance and advice to the pilot program.

124967. This chapter shall be implemented only to the extent funding is made available by the Legislature. It is the intent of the Legislature that no more than three hundred seventy-five thousand dollars ($375,000) be appropriated for the purpose of implementing this chapter.

124968. This chapter shall become inoperative on July 1, 2003, and, as of January 1, 2004, is repealed, unless a later enacted statute

that is enacted before January 1, 2004, deletes or extends the dates on which it becomes inoperative and is repealed.

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

1999–2000

REGULAR SESSION

1999 RESOLUTION CHAPTERS

RESOLUTION CHAPTER 1

Assembly Concurrent Resolution No. 3—Relative to Dr. Martin Luther King, Jr. Day.

[Filed with Secretary of State January 20, 1999.]

WHEREAS, Renowned civil rights leader Martin Luther King, Jr. was born in Atlanta on January 15, 1929; and

WHEREAS, In 1948, Martin Luther King, Jr. received his bachelor of arts degree in sociology from Morehouse College, in 1951, he received his bachelor of divinity degree from Crozer Theological Seminary, as valedictorian and student body president, and in 1955, he was awarded a doctorate in systematic theology from Boston University; and

WHEREAS, King married Coretta Scott on June 18, 1953; and

WHEREAS, King was ordained pastor of Dexter Avenue Baptist Church in Montgomery Alabama in 1954; and

WHEREAS, Five days after Rosa Parks' arrest for refusing to comply with segregation on buses in Montgomery, on December 5, 1955, King was elected president of the Montgomery Improvement Association and the Montgomery Bus Boycott began; and

WHEREAS, During the boycott, King gained national prominence as an exceptional leader with extraordinary oratorical skills and personal courage; and

WHEREAS, On December 20, 1956, the United States Supreme Court declared Alabama's segregation laws unconstitutional and Montgomery buses were desegregated; and

WHEREAS, In 1957, King and other southern African-American ministers founded the Southern Christian Leadership Conference, and elected King as president; and

WHEREAS, King led the 1957 Prayer Pilgrimage for Freedom in Washington, D.C., and subsequently published his first book, Stride Toward Freedom: The Montgomery Story; and

WHEREAS, In 1959, King toured India, where he learned more about Gandhian strategies of nonviolence and developed his own theories about achieving social change through nonviolent resistance; and

WHEREAS, During mass demonstrations in 1963 organized by Dr. King and his staff in Birmingham, Alabama, images of brutality inflicted on African-American demonstrators by police using police dogs and firehoses shocked the world; and

WHEREAS, King delivered his famous "I Have a Dream" speech on August 28, 1963, at the March on Washington for Jobs and Freedom; and

WHEREAS, Rev. King received the Nobel Peace Prize in Oslo, Norway in 1964, and the Civil Rights Act of 1964 was enacted as a direct result of Dr. King's work; and

WHEREAS, In 1965, King led the march from Selma to Montgomery, and President Johnson signed the Voting Rights Act; and

WHEREAS, On April 4, 1968, while in Memphis assisting striking sanitation workers, King was assassinated; and

WHEREAS, Representative John Conyers introduced legislation in Congress four days later proposing Dr. King's birthday as a holiday; and

WHEREAS, On April 10, 1970, California became the first state to pass legislation making King's birthday a school holiday; and

WHEREAS, Despite resistance to the creation of a new national holiday, the diligence and perseverance of Representative John Conyers and numerous others in pursuing this goal culminated when on November 2, 1983, President Ronald Reagan signed legislation making King's birthday a national holiday; and

WHEREAS, January 20, 1986, marked the first observance of Dr. Martin Luther King, Jr. Day; and

WHEREAS, The Rev. Dr. Martin Luther King, Jr. devoted his life to fight segregation and injustice by nonviolent means, and is an outstanding example of courageous leadership in the face of unrelenting violence and harassment by individuals and government institutions; and

WHEREAS, The Rev. Dr. Martin Luther King, Jr. is a source of inspiration for all Americans; now, therefor be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California State Legislature honors the late Rev. Dr. Martin King, Jr., and commemorates Dr. Martin Luther King, Jr. Day.

RESOLUTION CHAPTER 2

Assembly Joint Resolution No. 1—Relative to cold storms in California.

[Filed with Secretary of State January 29, 1999.]

WHEREAS, The cold storms and consequent frost damage that occurred in this state during December 1998 have affected virtually every geographic area of the state; and

WHEREAS, Small businesses and farming entities have suffered actual physical damage and significant economic losses; and

WHEREAS, The residents of this state have suffered substantial losses as a result of the cold storms and frost damage and have financial and practical needs equal to or greater than other areas that have been declared as federal natural disaster areas; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby respectfully memorializes the President of the United States to declare the affected portions of California as a federal natural disaster area as a result of the cold storms and consequent frost damage that occurred in December 1998; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 3

Assembly Concurrent Resolution No. 12—Relative to the Honorable Robert K. Puglia.

[Filed with Secretary of State February 24, 1999.]

WHEREAS, The Honorable Robert K. Puglia has retired as Presiding Justice of the California Court of Appeal, Third Appellate District, after more than 27 years of dedicated trial and appellate judicial leadership and service, and in recognition of his exemplary record of personal and professional accomplishments, he is deserving of special honors and the highest commendations; and

WHEREAS, Robert K. Puglia was born October 16, 1929, in Westerville, Franklin County, Ohio, and served his country with honor in the United States Army Infantry, attaining the rank of Sergeant First Class, in the Korean War from 1952 to 1955; and

WHEREAS, He earned a Bachelor of Arts degree from Ohio State University and a Bachelor of Laws degree from the University of California at Berkeley School of Law, Boalt Hall; and

WHEREAS, In 1959, Robert Puglia was admitted to the California State Bar, the United States Court of Appeals, Ninth Circuit, and the United States District Court, Eastern District of California; and

WHEREAS, Robert Puglia thereafter distinguished himself as Chief Deputy District Attorney of Sacramento County and as a partner in a private law firm in Sacramento; and

WHEREAS, Governor Ronald Reagan appointed Robert Puglia as Judge of the Sacramento Superior Court in 1971, elevated him to Associate Justice of the California Court of Appeal, Third Appellate District, in 1974, and elevated him to Presiding Justice of that Court on November 27, 1974; and

WHEREAS, Justice Puglia was overwhelmingly confirmed by the electorate in 1974, 1978, and again in 1990; and

WHEREAS, During his tenure as Presiding Justice of the California Court of Appeal, Third Appellate District, Presiding Justice Puglia established himself as a distinguished jurist, eloquent legal author, and keen legal intellect with instant recall of legal principles, case names, and citations; and

WHEREAS, During the same period, he established himself as an able and conscientious leader and administrator at the Court of Appeal, inspiring colleagues and employees alike to the highest standards; and

WHEREAS, Presiding Justice Puglia, as a triumvir on the Commission on Judicial Appointments, confirmed the appointments to the California Supreme Court of Chief Justice Ronald M. George, and Associate Justices Kathryn Werdegar, Ming Chin, and Janice Rogers Brown, and to the Court of Appeal, Third Appellate District, of Associate Justices Cruz Reynoso, Coleman Blease, Frances Carr, Keith Sparks, Richard Sims, Fred Marler, Rodney Davis, Arthur Scotland, Joseph DeCristoforo, George Nicholson, Vance Raye, Fred Morrison, Janice Rogers Brown, Connie Callahan, and Harry Hull; and

WHEREAS, Presiding Justice Puglia served on assignment as Acting Chief Justice of the California Supreme Court in 1992, and as Associate Justice in 1995, 1994, 1991, 1990, 1989, 1984, 1983, and 1979; and

WHEREAS, Presiding Justice Puglia served as President of the California Judges Association, the Council of Chief Judges of Courts of Appeal, and the Anthony M. Kennedy American Inn of Court; and

WHEREAS, Presiding Justice Puglia as author, in concurrence or dissent, has participated in approximately 10,000 opinions of the Court of Appeal, including over 1,000 published opinions, a number of which established controlling legal precedent; and

WHEREAS, In those opinions, Presiding Justice Puglia has remained consistently faithful to the principles of judicial restraint and separation of powers; and

WHEREAS, The Legislature is indebted to Presiding Justice Puglia for initiating the return of Emmanuel Leutze's renowned painting "Fort Sumter After the Bombardment" (which presently hangs in the State Capitol) to the State of California (to which the Honorable Norton Chipman, first Presiding Justice of the Court of Appeal, Third Appellate District, had bequeathed the painting in 1921) from the State of South Carolina, which had neglected to return it after borrowing it some years earlier; and

WHEREAS, Presiding Justice Puglia and his beautiful wife, Ingrid, are the parents of four wonderful children, Susan, Peter, David, and Thomas; and

WHEREAS, Presiding Justice Puglia has admirably and faithfully served the people of the State of California with great integrity and, by providing consistent interpretation of the law, has ensured equitable treatment for all citizens; now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California takes great pleasure in honoring Presiding Justice Robert K. Puglia on his outstanding record of judicial leadership with the California Court of Appeal, Third Appellate District, commends, congratulates, and honors him on his long and distinguished record of public service and on his outstanding display of civic leadership, and conveys to him best, heartfelt wishes for good health and every continued success and happiness in his future endeavors.

RESOLUTION CHAPTER 4

Senate Concurrent Resolution No. 10—Relative to Orange County Vietnamese-American Community Week.

[Filed with Secretary of State February 24, 1999.]

WHEREAS, The Vietnamese-American community in Orange County is an important and vibrant element of Southern California, representing more than 200,000 residents, who continue to make a positive and lasting impact on the institutions and social fabric of the entire state; and

WHEREAS, Each year, the Vietnamese Tet Festival in Orange County is organized by Vietnamese-American community organizations of Southern California to celebrate Tet, the Vietnamese lunar New Year; and

WHEREAS, The festival, which is held in Little Saigon in Orange County, attracts as many as 50,000 people annually; and

WHEREAS, The 1999 Tet Festival will be held from February 12 through February 20 and will include many events commemorating this important holiday, including a parade on February 20, and a wide range of exhibits of cultural interest; and

WHEREAS, The 1999 Tet Festival in Orange County contributes to the appreciation and cultural understanding of a large part of the Orange County community and reflects the growing diversity of the state's residents; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the week of February 12 through February 20, 1999, be proclaimed "Orange County Vietnamese-American Community Week" to honor the contributions and achievements of the state's Vietnamese population; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 5

Senate Concurrent Resolution No. 3—Relative to College Awareness Month.

[Filed with Secretary of State March 2, 1999.]

WHEREAS, The California Education Round Table and its Intersegmental Coordinating Committee are sponsoring February 1999 as "College Awareness Month"; and

WHEREAS, California needs a college-educated work force in order to maintain a strong and vibrant economy, a cohesive society, and an effective democracy; and

WHEREAS, Pupils have to learn the skills, competencies, and behaviors that will enable them to have a variety of choices after high school graduation, including entering and succeeding in college; and

WHEREAS, California is disadvantaged when pupils leave high school before they graduate—a situation that happens too frequently—or graduate without the skills that are necessary to participate productively in the state's future; and

WHEREAS, Parents have important responsibilities in encouraging their daughters and sons to master the skills in elementary and secondary school that will prepare them to pursue a college education; and

WHEREAS, California's educational community will be conducting a statewide campaign during the month of February to provide parents with information in the appropriate language that will assist them in serving as academic advisers and financial planners for their daughters and sons so that they can graduate from college; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California hereby supports the actions of the California Education Round Table by proclaiming February 1999 as "College Awareness Month"; and be it further

Resolved, That the Legislature urges the residents of California to encourage elementary and secondary school pupils to succeed in their academic endeavors so that they may earn a college education and contribute to the economic, social, and political future of this state; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor, the Superintendent of Public Instruction, and the California Education Round Table.

RESOLUTION CHAPTER 6

Assembly Concurrent Resolution No. 9—Relative to Engineer's Week.

[Filed with Secretary of State March 4, 1999.]

WHEREAS, Engineers have used their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and

WHEREAS, Engineers face the major technological challenges of our time—from rebuilding towns devastated by natural disasters to designing an information superhighway that will speed our country into the 21st century; and

WHEREAS, Engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, We will look more than ever to engineers and their knowledge and skills to meet the challenges of the future; now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of February 21 to February 27, 1999, is hereby declared Engineer's Week in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and to the author for appropriate distribution.

RESOLUTION CHAPTER 7

Assembly Concurrent Resolution No. 15—Relative to a Day of Remembrance.

[Filed with Secretary of State March 4, 1999.]

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, pursuant to which 120,000 Americans and resident aliens of Japanese ancestry were incarcerated in internment camps during World War II; and

WHEREAS, Executive Order 9066 deferred the American Dream for 120,000 Americans and resident aliens of Japanese ancestry by inflicting a great human cost of abandoned homes, businesses, careers, and professional advancement, and disruption to family life; and

WHEREAS, Despite their families being incarcerated behind barbed wire in the United States, approximately 33,000 veterans of Japanese ancestry fought bravely for our country during World War

II, serving in the 100th Battalion, the 442nd Regimental Combat Team, and the 522nd Field Artillery Battalion; and

WHEREAS, The 100th Battalion, the 442nd Regimental Combat Team, and the 522nd Field Artillery Battalion heroically suffered nearly 10,000 casualties and are honored as one of World War II's most decorated combat teams, receiving seven Presidential Distinguished Unit Citations, one Congressional Medal of Honor, 52 Distinguished Service Crosses, 588 Silver Stars, 5,200 Bronze Stars, and 9,486 Purple Hearts; and

WHEREAS, Nearly 6,000 veterans of Japanese ancestry served with the Military Intelligence Service and have been credited for shortening the war by two years by translating enemy battle plans, defense maps, tactical orders, intercepted messages and diaries, and interrogating enemy prisoners; and

WHEREAS, Nearly 40 years subsequent to the United States Supreme Court decisions upholding the convictions of Fred Korematsu, Min Yasui, and Gordon Hirabayashi for violations of curfew and Executive Order 9066, it was discovered that the United States War Department and Department of Justice officials altered and destroyed evidence regarding the loyalty of Americans and resident aliens of Japanese ancestry and withheld information from the United States Supreme Court; and

WHEREAS, Dale Minami, Peggy Nagae, Rod Kawakami, and many attorneys and interns contributed innumerable hours to win a reversal in 1983 of the original convictions of Korematsu, Yasui, and Hirabayashi by filing a petition for writ of error *coram nobis* on the grounds that fundamental errors and injustice occurred; and

WHEREAS, On August 10, 1988, President Ronald Reagan signed into law the Civil Liberties Act of 1988, finding that Executive Order 9066 was not justified by military necessity and, hence, was caused by racial prejudice, war hysteria, and a failure of political leadership; and

WHEREAS, February 19, 1999, marks 57 years since the signing of Executive Order 9066, a policy of grave injustice against American citizens and resident aliens of Japanese ancestry; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California declares February 19, 1999, as a Day of Remembrance in this state to increase public awareness of the events surrounding the internment of Americans of Japanese ancestry during World War II; and be it further

Resolved, That the Legislature encourages the annual observance of this day in subsequent years so that California's youth may learn from our history; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the Superintendent of Public Instruction, the State Library, and the State Archives.

RESOLUTION CHAPTER 8

Senate Concurrent Resolution No. 20—Relative to adult education.

[Filed with Secretary of State March 18, 1999.]

WHEREAS, Approximately 371 California adult schools serve the changing economic and cultural needs of a vigorous, expanding community; and

WHEREAS, Adult schools serve approximately 1,191,680 California students; and

WHEREAS, Adult schools provide instruction to those in our state who need English-as-a-second-language and citizenship courses; and

WHEREAS, Adult schools are primary community resources for the teaching and instruction of adult family literacy; and

WHEREAS, Adult schools provide a way for adults to complete high school studies in their own time and pace; and

WHEREAS, Adult schools provide approximately 108,087,430 hours of instruction annually; and

WHEREAS, Adult schools provide programs especially designed for older adult and disabled populations; and

WHEREAS, Adult schools provide vocational and job training for adults seeking career changes or enhancements; and

WHEREAS, Adult schools provide instruction for parents, ranging from prebirth classes through a wide spectrum of parent education courses; and

WHEREAS, Adult schools provide education services as called for by the federal Workforce Investment Act, and for participants of the CalWORKs program; and

WHEREAS, Adult schools provide for the unique needs of individuals in a diverse population; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the week of March 14 through March 20, 1999, be proclaimed California Adult Education Week, in honor of the many outstanding services and contributions provided by California Adult Schools; and be it further

Resolved, That the administrators, teachers, classified staffs, and students of California's adult schools be commended for their support of, and contributions to, quality public education in the state.

RESOLUTION CHAPTER 9

Assembly Concurrent Resolution No. 6—Relative to agriculture.

[Filed with Secretary of State March 24, 1999.]

WHEREAS, The cold storms and consequent frost damage that occurred in this state during December of 1998 have caused severe economic damage to agricultural interests in California; and

WHEREAS, Many citrus farmers in the seven counties of Fresno, Kern, Kings, Madera, Monterey, Tulare, and Ventura affected by the cold storms have lost a large percentage of their crops this year; and

WHEREAS, California's citrus industry and the many people engaged in that industry contribute greatly to the state's economy; and

WHEREAS, The Legislature recognized the significance of California's citrus industry by approving Assembly Bill 20 of the 1991–92 First Extraordinary Session (Bronzan, Ch. 8, Stats. of 1991–92 1st Ex. Sess.), in response to similar, destructive freeze conditions which occurred in December of 1990; and

WHEREAS, Section 744.5 of the Public Utilities Code, as implemented by the enactment of AB 20, required the Public Utilities Commission to require public utilities to establish payment deferral programs in 1991–92 for citrus growers who were able to provide verification of freeze-related crop losses of not less than 50 percent; and

WHEREAS, The Public Utilities Commission passed Resolution E-3245 in 1991 and accepted advice filings from public utilities, that were submitted in order to establish special citrus payment deferral accounts; and

WHEREAS, It is appropriate, given the current economic disaster that has crippled the California citrus industry, for the state's public utilities to reinstate payment deferral programs for citrus growers as expediently as possible; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby respectfully requests the Public Utilities Commission to cooperate with the state's public utilities in immediately approving advice filings to establish appropriate payment deferral programs for citrus growers whose crops were destroyed as a result of the cold storms and consequent frost damage that occurred in December of 1998; and be it further

Resolved, That the Legislature of the State of California also respectfully requests the Public Utilities Commission to authorize recovery for the actual administrative costs, with the exception of interest foregone on deferred amounts, and recovery of uncollected deferred amounts incurred by the state's public utilities as a result of this program; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the commissioners and the Executive Director of the Public Utilities Commission.

RESOLUTION CHAPTER 10

Senate Concurrent Resolution No. 23—Relative to Absolutely Incredible Kids Day.

[Filed with Secretary of State March 26, 1999.]

WHEREAS, The Camp Fire Boys and Girls is a national organization dedicated to promoting youth development, self-esteem, leadership, and community involvement; and

WHEREAS, Camp Fire Boys and Girls strive to realize the dignity and worth of each individual and to eliminate human barriers based on all assumptions that prejudge individuals; and

WHEREAS, More than 117,000 youngsters throughout California, from kindergarten to grade 12, are members of Camp Fire Boys and Girls; and

WHEREAS, Camp Fire Boys and Girls have provided a positive outlet for youth activities in the areas of recreation, education, the arts, camping, and other outdoor skills; and

WHEREAS, Writing a letter to a child shows care and concern for his or her welfare; and

WHEREAS, Camp Fire Boys and Girls have created Absolutely Incredible Kids Day on the third Thursday in March, a day when adults around America are asked to write a letter to a child, whether the child is a son, daughter, grandchild, niece, nephew, neighbor, or any child who needs a friend; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature designates Thursday, March 18, 1999, as the Third Annual Absolutely Incredible Kids Day; and be it further

Resolved, That all adults observe this special day by writing a letter to an absolutely incredible kid; and be it further

Resolved, That the Legislature commend all those who work in the Camp Fire Boys and Girls and who put the needs of our children first because their work is, indeed, an inspiration to all who seek to improve our world; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for distribution.

RESOLUTION CHAPTER 11

Assembly Joint Resolution No. 11—Relative to United States Army Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher J. Stone, and Specialist Steven M. Gonzales.

[Filed with Secretary of State April 13, 1999.]

WHEREAS, Members of the United States Armed Forces have consistently answered their nation's call to duty with honor and bravery; and

WHEREAS, Californians serve proudly and with distinction in every branch of the United States Armed Forces; and

WHEREAS, The residents of California praise the sacrifices of our families, friends, and acquaintances in military service who have entered harm's way; and

WHEREAS, One California native, United States Army Staff Sergeant Andrew A. Ramirez, was taken prisoner while part of a peacekeeping force on the Yugoslav-Macedonia border; and

WHEREAS, Staff Sergeant Ramirez was raised in East Los Angeles, a proud community in the 49th Assembly District which is home to many veterans and active members of the armed forces; and

WHEREAS, Staff Sergeant Ramirez volunteered for military service in 1992 following his graduation from high school; and

WHEREAS, Staff Sergeant Ramirez proudly serves his nation as a cavalry scout for the First Infantry Division of the United States Army; and

WHEREAS, The uncertainty of Staff Sergeant Ramirez's welfare has caused his family unimaginable grief and anguish; and

WHEREAS, The residents of East Los Angeles and the State of California stand united in support of Staff Sergeant Ramirez, his captured colleagues, Staff Sergeant Christopher J. Stone, and Specialist Steven M. Gonzales, and their families; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature commends United States Army Staff Sergeant Andrew A. Ramirez for heroically and courageously executing his military duties in furtherance of overseas peacekeeping efforts; and be it further

Resolved, That the Legislature respectfully memorializes the President and the Congress of the United States to press for the safe and speedy return of Staff Sergeant Ramirez, Staff Sergeant Stone, Specialist Gonzales, and all other prisoners of war; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, President pro Tem of the United States Senate, each Senator and Representative from

California in the Congress of the United States, and to the family of Staff Sergeant Ramirez.

RESOLUTION CHAPTER 12

Senate Joint Resolution No. 11—Relative to Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales.

[Filed with Secretary of State April 13, 1999.]

WHEREAS, California stands behind our armed forces whenever soldiers are in harm's way in the name of freedom and liberty; and

WHEREAS, Many valiant Californians join the United States Armed Forces to uphold freedom and liberty throughout the world; and

WHEREAS, One such brave individual, Staff Sergeant Andrew A. Ramirez, exemplifies the best qualities of California's commitment to freedom and liberty; and

WHEREAS, Staff Sergeant Andrew A. Ramirez was taken prisoner by Yugoslav Armed Forces while he, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales were on a peace mission in Macedonia; and

WHEREAS, Staff Sergeant Andrew A. Ramirez originates from East Los Angeles in the 24th Senate District; and

WHEREAS, Staff Sergeant Andrew A. Ramirez joined the United States Army in July 1992 and is a cavalry scout in B Troop of the Fourth Cavalry of the First Infantry Division who was stationed in Schweinfurt, Germany, prior to deployment in Macedonia; and

WHEREAS, Communities in California and especially East Los Angeles anxiously await the safe release of Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales captured by the Yugoslav Armed Forces; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California commend Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales for courageously executing their duties as members of the United States Armed Forces; and be it further

Resolved, That the Legislature respectfully urges the President of the United States and the United States Congress to do all that is within their power to secure and expedite the safe return of Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales captured by the Yugoslav Armed Forces in Macedonia; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 13

Assembly Concurrent Resolution No. 7—Relative to child abuse and neglect.

[Filed with Secretary of State April 14, 1999.]

WHEREAS, Child abuse and neglect continue to pose a serious threat to our nation's children; and

WHEREAS, In 1996, more than 3,000,000 children were reported to child protective agencies in the United States as having suffered abuse and neglect; and

WHEREAS, It is estimated that for every three dollars spent on child abuse and neglect, at least six dollars are saved that might be spent on child welfare services, special education services, medical care, foster care, counseling, and the housing of juvenile offenders; and

WHEREAS, Child abuse and neglect is a community problem and finding solutions depends on the involvement of people throughout the community; and

WHEREAS, The first organized statewide Blue Ribbon Campaign was originated in Norfolk, Virginia by the grandmother of Bubba Dickinson, a child who was murdered by his mother's abusive boyfriend; and

WHEREAS, In recent years, the National Committee to Prevent Child Abuse, the California chapter and other local affiliates, United States military bases, and other groups have organized Blue Ribbon Campaigns to increase public awareness of child abuse and to promote ways to prevent child abuse; and

WHEREAS, The National Committee to Prevent Child Abuse, in all its forms, has proclaimed April as National Child Abuse Prevention Month; and

WHEREAS, Blue ribbons are displayed to increase awareness of child abuse and as a strategy for Child Abuse Prevention Month; and

WHEREAS, This year's campaign is entitled "Honor Our Children" and is designed to solicit the involvement of the whole community by encouraging the formation of partnerships to build a support network for families and children, in every community; and

WHEREAS, The flexibility of this program offers numerous opportunities to be innovative and to create partnerships within business, professional, and community organizations; and

WHEREAS, The Assembly encourages the community to work together for youth-serving prevention programs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature does hereby acknowledge the Child Abuse Prevention Month Blue Ribbon Campaign as a positive effort to promote public awareness of child abuse and its prevention; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 14

Assembly Concurrent Resolution No. 10—Relative to California Architecture Week.

[Filed with Secretary of State April 14, 1999.]

WHEREAS, Architecture influences the daily lives of all Californians through the definition and enhancement of the areas in which we work, play, and live; and

WHEREAS, More than 20,000 licensed architects practice in California and are entrusted by the state to protect public health, safety, and welfare through their concern for, and understanding of, such important issues as seismic safety, growth management, accessibility for people with disabilities, historic preservation, energy conservation, housing for the homeless, and the sensitivity of the relationship between nature and the built environment; and

WHEREAS, California architects have been recognized as forerunners of architectural design in the United States and have helped create California's unique visual character through their innovative and responsive designs of public and private spaces; and

WHEREAS, Architects have worked with teachers to establish a built environment education program in California's public schools to teach young people about the relationship between people and their built environments; and

WHEREAS, The American Institute of Architects, California Council (AIACC), in representing architects and the architectural profession in California, has worked in concert with other organizations in the design and construction industry to endeavor to streamline the state government's regulations of their industries; and

WHEREAS, Architects at local AIA chapters have worked diligently to represent architects and the architectural profession

and to serve the public interest on such issues as community disaster assistance following earthquakes and fires, managing growth, housing the homeless, and preserving the architectural heritage of our communities; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims the week of April 12 to April 18, 1999, inclusive, as California Architecture Week and urges all Californians to become aware of architecture, architectural design, and the architects who helped to shape our built and natural environments and create our livable communities.

RESOLUTION CHAPTER 15

Assembly Concurrent Resolution No. 21—Relative to California Holocaust Memorial Week.

[Filed with Secretary of State April 20, 1999.]

WHEREAS, More than 50 years have passed since the tragic events we now call the Holocaust transpired in which the dictatorship of Nazi Germany murdered six million Jews as part of a systematic program of genocide known as "The Final Solution of the Jewish Question"; and

WHEREAS, The Holocaust was a tragedy of proportions the world had never witnessed; and

WHEREAS, Five million others were also murdered by the Nazis because of physical disabilities, sexual orientation, ethnic heritage, and political ideology; and

WHEREAS, Countless others, still living, who were imprisoned, tortured, and torn from their family members, have, as survivors, struggled for years to overcome the results of that cruel treatment; and

WHEREAS, We must be reminded of the reality of the Holocaust's horrors so they will never be repeated; and

WHEREAS, Each person in the State of California should set aside moments of his or her time every year to give remembrance to those who lost their lives in the Holocaust; and

WHEREAS, The United States Holocaust Memorial Council has designated the week of April 11 through April 17, 1999, as Holocaust Memorial Week Days of Remembrance for Victims of the Holocaust; and

WHEREAS, April 13, 1999, is Yom HaSho'ah, and has been designated internationally as a day of remembrance for victims of the Holocaust; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of April 11 through April 17, 1999,

be proclaimed as California Holocaust Memorial Week, and that Californians are urged to observe these days of remembrance for victims of the Holocaust in an appropriate manner; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 16

Senate Concurrent Resolution No. 30—Relative to libraries.

[Filed with Secretary of State April 30, 1999.]

WHEREAS, Our nation's public, school, and academic libraries play a vital role in helping people of all ages connect with books, computers, videotapes, and other resources they need to learn and grow; and

WHEREAS, Libraries offer preschool story hour and programs to help children learn and enjoy reading; and

WHEREAS, Libraries provide access to the information superhighway for all people; and

WHEREAS, Children and their families view librarians as friends and teachers available to answer questions and guide them; and

WHEREAS, Library services remain free to every citizen, providing equal opportunity for people of all ages and backgrounds; and

WHEREAS, Libraries nationwide are celebrating National Library Week, with the theme "Read! Learn! Connect! @ the Library"; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the week of April 11 through April 17, 1999, is hereby declared California Library Week; and be it further

Resolved, That all Californians are urged to join in the celebration of California Library Week by encouraging all adults to take a child to a library this week and help them to connect to a wonderful world of learning, adventure, and imagination.

RESOLUTION CHAPTER 17

Assembly Concurrent Resolution No. 36—Relative to Older Californians Month.

[Filed with Secretary of State May 3, 1999.]

WHEREAS, Older Californians are a great resource of skills, wisdom, and experience upon which much of our state's progress has been built; and

WHEREAS, Nearly six million older persons in California today are active, live busy and dynamic lives, and bring generations of experience, wisdom, and leadership to all; and

WHEREAS, An ever-increasing number of older Californians improve the quality of communities statewide through many hours of volunteering and imparting their expertise, which makes them beneficial role models and mentors to young people; and

WHEREAS, An increasing number of California's older population, which is both a productive and dependable group, is part of our state's labor force and contributes to our growing economy; and

WHEREAS, More and more older Californians are leading healthy, vigorous lifestyles that enable them to participate in a wide variety of athletic program events; and

WHEREAS, Californians of all ages can demonstrate commitment to helping older Californians by protecting them from abuse, neglect, exploitation, and discrimination; and

WHEREAS, Our sense of responsibility toward older Californians is greater today than it was in the past; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature does hereby designate May 1999 as Older Californians Month in California and that the Legislature urges all Californians to honor our state's seniors by participating in activities held throughout the month to commemorate this observance.

RESOLUTION CHAPTER 18

Assembly Concurrent Resolution No. 34—Relative to children.

[Filed with Secretary of State May 3, 1999.]

WHEREAS, Latino children are the center of the Latino family; and

WHEREAS, Latino families should have an established day to acknowledge the contribution and value of their children; and

WHEREAS, The strengths of the Latino culture can be preserved and passed down to future generations; and

WHEREAS, Latino families, communities, and the generations that follow are committed to providing a safe environment for children to know, love, grow, learn, excel, and be happy; and

WHEREAS, The National Latino Children's Institute, and the "El Dia de los Niños" Los Angeles Committee have designated April 30

as "El Dia de los Niños," a day to bring together Latino and other communities nationwide to celebrate and uplift all children and ensure that they are first in our lives and have a future in the next millennium; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That April 30, 1999, shall be declared as "El Dia de los Niños" in the State of California; and be it further

Resolved, That the Legislature joins with children, parents, individuals, families, organizations, communities, cities, and states across the nation to share the establishment of a nationally recognized and celebrated "El Dia de los Niños" beginning April 30, 1999, and to be celebrated by all generations that follow.

RESOLUTION CHAPTER 19

Assembly Concurrent Resolution No. 32—Relative to the Japanese YWCA in San Francisco.

[Filed with Secretary of State May 3, 1999.]

WHEREAS, The California Alien Land Law was enacted in 1913 in an atmosphere of racial prejudice and barred Japanese immigrants and their charitable and religious organizations from owning real property; and

WHEREAS, In response to the California Alien Land Law, Japanese Americans legally entered into trust agreements with non-Japanese to hold their property in another's name so they might establish their roots in this country and build a stable and lasting community; and

WHEREAS, Japanese immigrant women of the Soko Bukai, an association of Japanese Christian churches in San Francisco, established a Japanese YWCA in that city in 1912 to work with Japanese women and girls; and

WHEREAS, The San Francisco YWCA policy in the early 1900's forbade Japanese and other minority women and girls from living in their residence halls, and this discriminatory policy was adopted, enforced, and periodically reaffirmed by the San Francisco YWCA; and

WHEREAS, The Japanese YWCA, in response to this discriminatory policy, undertook a fundraising campaign to purchase a building that would serve as a residence hall for Japanese women and girls; and

WHEREAS, In 1920–21, the Japanese YWCA raised the funds to purchase the building and property, with the San Francisco YWCA Board agreeing to hold this property in trust for the permanent use of the Japanese YWCA; and

WHEREAS, Ten years later, noted architect Julia Morgan donated her services to design a new Japanese YWCA building as a tribute to the architectural heritage of Japan; and

WHEREAS, In 1932, the Japanese YWCA celebrated the opening of its building at 1830 Sutter Street in San Francisco and continuously and exclusively occupied, controlled, and provided services to Japanese women and girls from that building; and

WHEREAS, Programs and services of the Japanese YWCA were abruptly ended in 1942 when Executive Order Number 9066 forcibly removed all Japanese Americans from the West Coast to inland concentration camps; and

WHEREAS, The Japanese YWCA leased the building during the internment years to the American Friends Service Committee, which provided services to Japanese American internees; and

WHEREAS, Institutional memory of the trust agreement was lost during the four years of internment and the years that followed, with the Japanese YWCA never regaining control of their building; and

WHEREAS, The Japanese YWCA building is the only surviving prewar building constructed through the efforts, dedication, and vision of Japanese immigrant women and is their legacy to the Japanese American community; and

WHEREAS, In 1996 the San Francisco YWCA threatened the existence of the Japanese YWCA building by (1) attempting to sell the property at its highest commercial value , (2) rejecting the Japanese American community's request that the San Francisco YWCA honor the trust established by the Japanese immigrant (Issei) women , and (3) rejecting the community's good faith offer to purchase the Japanese YWCA property to preserve it for community service; and

WHEREAS, The Soko Bukai, whose Issei women members founded the Japanese YWCA, today reasserts the Japanese American community's claim to the Japanese YWCA building; and

WHEREAS, The San Francisco YWCA steadfastly disavows the existence of the trust agreement with the Japanese YWCA in spite of the minutes of the San Francisco YWCA Board of Directors from the 1920's and 1930's which document that agreement; and

WHEREAS, The San Francisco YWCA refuses to acknowledge any legal or moral obligations to the Japanese American community and has taken overt actions to prevent any enforcement of the trust agreement; and

WHEREAS, The San Francisco YWCA's refusal to honor the trust agreement and fulfill its duties as trustee allows the YWCA to profit from the racism of the California Alien Land Law; and

WHEREAS, The actions by the San Francisco YWCA are in direct contradiction to the YWCA's official imperative "to seek the elimination of racism wherever it exists and by any means necessary"; and

WHEREAS, The California Alien Land Law was ruled unconstitutional in 1952 and repealed by the California Legislature in 1956; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California declares that it shall be the policy of the state to eradicate any vestiges of the racism of the California Alien Land Law and to take steps to ensure the enforcement of charitable trusts created in response to that law; and be it further

Resolved, That the Legislature pays tribute to the contributions, tenacity, and vision of the Issei women pioneers of the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor of the State of California, the State Library, the State Archives, and to the author for distribution.

RESOLUTION CHAPTER 20

Assembly Concurrent Resolution No. 30—Relative to Child Passenger Safety Week.

[Filed with Secretary of State May 3, 1999.]

WHEREAS, The number one, preventable cause of death and injury of children and young adults is the automobile collision; and

WHEREAS, Approximately 200 children under the age of 16 years are killed, and over 28,000 children in this age group are injured, in automobile collisions each year in California; and

WHEREAS, Up to 71 percent of the children killed would be alive today if they had been properly restrained in crash-tested car safety seats or safety belts; and

WHEREAS, Infants and young children are not capable of initiating action to use proper restraints and are not protected adequately by automatic belts or air bags; and

WHEREAS, Only about 60 percent of children in this age group are protected by proper restraint use; and

WHEREAS, Crash-tested safety seats are moderately priced and widely available for purchase at retail stores and for rent or at low cost from car safety seat loan programs throughout California; and

WHEREAS, The State of California has required children, until they are both four years of age and 40 pounds or more, to be restrained in child safety seats and all other motor vehicle occupants to use safety belts; and

WHEREAS, The goal of SafetyBeltSafe U.S.A. is to further the right of every child to protection from injury or death while being transported in a motor vehicle; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of April 26 to May 2, 1999, is hereby declared to be Child Passenger Safety Week.

RESOLUTION CHAPTER 21

Assembly Concurrent Resolution No. 20—Relative to the Armenian Genocide.

[Filed with Secretary of State May 3, 1999.]

WHEREAS, The Armenian Genocide of 1915–1923 was the first genocide of the 20th century, in which 1.5 million men, women, and children lost their lives at the hands of the Turkish Ottoman Empire; and

WHEREAS, During the seven decades of the USSR's existence, the government of Soviet Azerbaijan conducted a systematic policy of removal of Karabagh Armenians from their historic homeland; and

WHEREAS, Armenians in Azerbaijan fell victims to the Sumgait Pogroms in 1988 resulting in 72 deaths, the Baku anti-Armenian riots in 1990 resulting in 68 Armenian deaths, and the mass deportations of 350,000 Armenians from Azerbaijan; and

WHEREAS, Recognition of these instances of man's inhumanity to man is crucial to ensuring against the repetition of genocide and provides the American public with a greater understanding of its heritage; and

WHEREAS, Armenians in the Republic of Nagorno Karabagh remain at risk of yet another genocide until the time when a peaceful resolution to the Nagorno Karabagh conflict is reached that guarantees the freedom and security for these people while supporting their right to self-determination; and

WHEREAS, Despite the abundance of overwhelming and convincing evidence, the government of Turkey persists in denying the occurrence of the Armenian Genocide; and

WHEREAS, California is home to the largest Armenian-American population in the United States, and Armenians living in California have enriched our state through their leadership in business, agriculture, academia, government, and the arts; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby designates April 24, 1999, as "California Day of Remembrance for the Armenian Genocide of 1915–1923, and for the Victims of the Sumgait Pogroms of 1988 and Baku Riots of 1990"; and be it further

Resolved, That the people of California are called upon to use vigilance to ensure the peaceful settlement of the Nagorno Karabagh

conflict while protecting the security of the Armenians in the Republic of Nagorno Karabagh; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor and to the Armenian Genocide Commemorative Committee.

RESOLUTION CHAPTER 22

Assembly Concurrent Resolution No. 19—Relative to Public Service Recognition Week.

[Filed with Secretary of State May 3, 1999.]

WHEREAS, Public employees at every level of government faithfully serve their fellow Californians; and

WHEREAS, There are approximately 1.2 million employees in local government in California, over 400,000 employees in state government, and numerous civilian and military employees of the federal government based in California; and

WHEREAS, Californians are aware of the many contributions public employees have made to the quality of their lives, in occupations that run the gamut from accountants to zoologists, including teachers, scientists, police officers, nurses, custodians, engineers, food inspectors, and social workers, among countless others; and

WHEREAS, The state should value a professional civil service whose highest principle is duty to the public, whose foremost commitment is to excellence, and whose experience and expertise are a resource to be used and respected for the benefit of all Californians; and

WHEREAS, The millions of workers who serve at all levels of government in California are men and women of knowledge, ability, and integrity who deserve to be recognized for their dedicated service; and

WHEREAS, Designating a week to honor these employees will provide a dual opportunity to pay tribute to our public employees and to inform the people of California about the scope and importance of public service, including the range of employment opportunities available to our young people; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby designates the first Monday of May to the following Sunday of May, inclusive, each year as "Public Service Recognition Week"; and be it further

Resolved, That the Governor is hereby requested to issue a proclamation calling upon the people of California to observe this

week with appropriate programs, ceremonies, and activities; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor and to the author for appropriate distribution.

RESOLUTION CHAPTER 23

Assembly Concurrent Resolution No. 11—Relative to American Flag Month.

[Filed with Secretary of State May 3, 1999.]

WHEREAS, For more than two centuries, the American flag has been a banner of hope for generation after generation of Americans; and

WHEREAS, The flag is the symbol of a country that has grown from 13 colonies to a united nation of 50 sovereign states; and

WHEREAS, The first flag of the United States was authorized by Congressional Resolution on June 14, 1877, and in 1949, the United States Congress officially designated June 14th of each year as National Flag Day, to be observed by the display of the flag and appropriate ceremonies; and

WHEREAS, The Pledge of Allegiance to the flag was first used in 1892, was made official by the United States Congress in 1945, and through the years has been recited to reaffirm our love and loyalty to our flag and country and to the ideals that have made America a great nation; and

WHEREAS, The Legislature of the State of California recognizes and appreciates the symbolism represented when our flag is proudly displayed and celebrated; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby declares that the 30 days from June 14 to July 14, inclusive, shall be observed annually as American Flag Month in the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor.

RESOLUTION CHAPTER 24

Senate Concurrent Resolution No. 6—Relative to Cinco de Mayo.

[Filed with Secretary of State May 7, 1999.]

WHEREAS, May 5, or Cinco De Mayo, is a date of great importance for the Mexican and Mexican-American communities; and

WHEREAS, Since May 5, 1862, this date has become one of Mexico's most celebrated national holidays and is celebrated annually by almost all Mexicans and Mexican-Americans, north and south of the United States-Mexican border. The Battle of Puebla was but one of the many battles that these courageous people had to win in their long and brave struggle for independence and freedom; and

WHEREAS, The French general, confident that his battle-seasoned troops were far superior to the almost amateuristic Mexican forces, probably expected little or no opposition from the Mexican army. However, on that historic day the French army, which had not tasted defeat in half a century against Europe's finest troops, suffered a disastrous loss at the hands of an outnumbered, ill-equipped, and ragged, but highly spirited and courageous Mexican force; and

WHEREAS, Napoleon III of France was not only planning to build an empire for himself in Mexico, but was actually looking ahead to then aiding the Southern states in their fight against the North in the American Civil War in order to procure the South's cotton, which was much needed by France; and

WHEREAS, After three bloody assaults upon Puebla in which over a thousand gallant Frenchmen lost their lives, the once handsomely uniformed French troops were finally defeated and driven back by the outnumbered Mexican troops. The courageous and heroic spirit that General Zaragoza and his men displayed during this historic battle can never be forgotten. The battle of Cinco de Mayo, in which many brave Mexicans willingly gave their lives for the cause of justice and freedom, was instrumental in keeping Mexico from falling under European domination at that time; and

WHEREAS, Cinco de Mayo is not only the commemoration of the rout of the French troops at the town of Puebla in Mexico, but also a celebration of the virtues of individual courage and patriotism of all Mexicans and Mexican-Americans who have fought for freedom and independence against foreign aggressors; and

WHEREAS, Cinco de Mayo reminds us that the foundation of our nation is built by people from many nations and diverse cultures who are willing to fight and die for freedom; and

WHEREAS, Cinco de Mayo also reminds us of the close ties, spiritual as well as economic, that bind the people of Mexico and the people of the United States, and especially California, the home of millions of Mexicans and Mexican-Americans; and

WHEREAS, In the larger sense, Cinco de Mayo symbolizes the right of a free people to self-determination just as Benito Juarez once said, "El respeto al derecho ajeno es la paz" (The respect of other people's rights is peace); now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California

hereby calls on all the people of California to join in celebrating Cinco de Mayo as a day to honor the valiant spirit of the brave Mexicans who defended the town of Puebla and the Mexican-Americans of today who have fought and died for the freedom of the United States of America; and be it further

Resolved, That the Legislature recognizes May 5 as Cinco de Mayo.

RESOLUTION CHAPTER 25

Assembly Concurrent Resolution No. 46—Relative to skin cancer and melanoma awareness.

[Filed with Secretary of State May 10, 1999.]

WHEREAS, Malignant melanoma, a serious skin cancer, is characterized by the uncontrolled growth of pigment-producing tanning cells; and

WHEREAS, Melanoma has its beginnings in melanocytes, the skin cells that produce the dark protective pigment called melanin. Melanomas may suddenly appear without warning, but may also begin in or near a mole or other dark spot in the skin; and

WHEREAS, Melanoma generally begins as a mottled, light brown to black flat blemish with irregular borders, usually at least one-quarter inch in size. It may turn shades of red, blue or white, crust on the surface or bleed, and most frequently appears on the upper back torso, lower legs, head and neck; and

WHEREAS, Excessive exposure to the ultraviolet radiation of the sun is the most important preventable cause of melanoma. Other possible causes include genetic factors and immune deficiencies. Malignant melanoma has also been linked to past sunburns and sun exposure at younger ages; and

WHEREAS, Melanoma can affect men, women, and children, but individuals with increased risk include those with fair complexions, prior significant sunburns, a family member with melanoma, or a high number of atypical moles; and

WHEREAS, Atypical moles are unusual moles that are generally larger than normal moles, variable in color, often have irregular borders, and may occur in far greater number than regular moles; and

WHEREAS, The incidence of melanoma has doubled in the last 20 years, and it continues to rise faster than any other cancer in women, except for lung cancer. Melanoma is the most common form of cancer among people between 25 and 29 years of age, and experts estimate that if the present rate continues, soon melanoma will strike one in 75 Americans; and

WHEREAS, Six out of seven skin cancer deaths are from malignant melanoma. Advanced malignant melanoma spreads to other organs and may result in death. When detected early, surgical removal of thin melanomas can cure the disease in most cases; and

WHEREAS, Early detection is crucial. There is a direct correlation between the thickness of the melanoma and the survival rate. If a melanoma is detected and treated early, the cure rate is very high. Generally, as the disease advances, the tumor thickens and spreads, lowering the survival rate; and

WHEREAS, Correct aggressive treatment by qualified medical professionals can lead to positive results; and

WHEREAS, Melanoma in its early stages may only be detected by visual inspection. Dermatologists recommend regular self-examination of the skin to detect changes in its appearance, especially changes in existing moles or blemishes. Additionally, patients with risk factors should have a complete skin examination annually; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the month of May 1999 shall be recognized as Skin Cancer Awareness Month in California, and all Californians be encouraged to make themselves and their families aware of the risk of skin cancer and the preventive measures; and be it further

Resolved, That the Legislature hereby proclaims May 3, 1999, as Melanoma Awareness Monday in California to increase public awareness of the importance of routine complete skin examination to detect early melanomas.

RESOLUTION CHAPTER 26

Assembly Concurrent Resolution No. 1—Relative to the Vic Fazio Yolo Wildlife Area, the Phil and Marilyn Isenberg Sandhill Crane Reserve, and the Kenneth L. Maddy Equine Analytical Chemistry Laboratory.

[Filed with Secretary of State May 12, 1999.]

WHEREAS, Vic Fazio was elected to the Congress of the United States for 10 consecutive terms beginning in 1978, after having served in the California State Assembly from 1975 to 1978; and

WHEREAS, Vic Fazio earned a reputation as one of Capitol Hill's most effective legislators and was recognized as one of the most influential leaders in the United States House of Representatives; and

WHEREAS, In recognition of Vic Fazio's contribution to the Yolo Bypass Wildlife Area project, it is appropriate to change the name of the Yolo Bypass Wildlife Area to the Vic Fazio Yolo Wildlife Area; and

WHEREAS, Phil Isenberg demonstrated foresight and dedication throughout his service in the California State Assembly as evidenced by his effort to secure funding for the Woodbridge Ecological Reserve; and

WHEREAS, The Woodbridge Ecological Reserve was one of the first tangible efforts by the state to protect sandhill cranes, an effort that has begun to pay great dividends; and

WHEREAS, In recognition of Phil Isenberg's contribution to the Woodbridge Ecological Reserve, it is appropriate to change the name of the reserve to the Phil and Marilyn Isenberg Sandhill Crane Reserve; and

WHEREAS, Kenneth Maddy was elected to the California State Assembly in 1970, serving for four consecutive terms, and was elected to the California State Senate in 1978, serving five consecutive terms, including eight years as the Republican Leader of the Senate; and

WHEREAS, Kenneth Maddy earned a reputation as a consummate consensus builder and established himself as one of the most effective legislators in the California State Legislature; and

WHEREAS, Kenneth Maddy was a leader and tireless advocate for the improvement and advancement of veterinary medical sciences in California and was the motivating force behind the construction of the Equine Analytical Chemistry Laboratory at the University of California, Davis; and

WHEREAS, In recognition of Kenneth Maddy's contribution to the Equine Analytical Chemistry Laboratory, it is appropriate to change the name of the building to the Kenneth L. Maddy Equine Analytical Chemistry Laboratory; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the Department of Fish and Game to change the name of the Yolo Bypass Wildlife Area to the Vic Fazio Yolo Wildlife Area; and be it further

Resolved, That the Legislature requests the Department of Fish and Game to change the name of the Woodbridge Ecological Reserve to the Phil and Marilyn Isenberg Sandhill Crane Reserve; and be it further

Resolved, That the Legislature requests the University of California, Davis, to change the name of the Equine Analytical Chemistry Laboratory to the Kenneth L. Maddy Equine Analytical Chemistry Laboratory; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Department of Fish and Game, and to the Regents of the University of California.

RESOLUTION CHAPTER 27

Assembly Concurrent Resolution No. 26—Relative to California SAFE KIDS Week.

[Filed with Secretary of State May 12, 1999.]

WHEREAS, Older Americans are taking a major role in caring for their grandchildren, with 9 out of 10 grandparents now caring for their grandchildren during the course of a year, and with four million grandparents now acting as primary care providers; and

WHEREAS, Safety practices have changed dramatically since these grandparents have raised their own children; and

WHEREAS, The National SAFE KIDS Campaign is launching a grandparent-focused safety awareness initiative, "Helping Every Generation Care for Kids," during National SAFE KIDS Week from May 1 through May 8, 1999; and

WHEREAS, A brochure will be distributed through 60,000 participating retail stores nationwide, and by the Foster Grandparent program, to help educate grandparents about safety and injury prevention for children; and

WHEREAS, A first-ever nationwide survey will gauge grandparents' knowledge, attitudes, and behavior concerning preventable childhood injury, and the results of this survey will be released by National SAFE KIDS Chairman C. Everett Koop, M.D., Sc.D.; and

WHEREAS, During National SAFE KIDS Week, the campaign's state and local coalitions will host safety fairs and other community events throughout the country for children, grandparents, parents, and other caregivers to give families the opportunity to play and learn together through safety games, interactive displays, and information booths; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of May 1 through May 8, 1999, is declared California SAFE KIDS Week, in support of the activities of the National SAFE KIDS Campaign during National SAFE KIDS Week; and be it further

Resolved, That Californians are encouraged to participate in the state and local activities planned for the observance of that week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 28

Assembly Concurrent Resolution No. 49—Relative to Cinco de Mayo.

[Filed with Secretary of State May 12, 1999.]

WHEREAS, Cinco de Mayo, or the Fifth of May, is a date of great importance to the vast communities of Mexicans and Mexican Americans in California and across the United States; and

WHEREAS, Cinco de Mayo has been recognized as a significant day in the history of Mexico and California by the recent introduction of the Cinco de Mayo stamp; and

WHEREAS, On May 5, 1862, French troops by the order of Napoleon III and under the command of General Latrille, launched an invasion in the Mexican town of Puebla; and

WHEREAS, Mexican forces, determined to protect hearth and home, decided to make their stand defending the strategic town of Puebla against a hostile foreign invasion; and

WHEREAS, A spirited and courageous garrison of Mestizo and Zapotec Indians, outgunned and outnumbered over two to one, commanded by General Ignacio Zaragoza, successfully withstood a French offensive of battle-ready troops; and

WHEREAS, The French general, overconfident in his highly polished troops and underestimating the heart and desire of a handful of Mexican soldiers to do battle, expected minor opposition from the Mexican army. Unbeknownst to the French general, the ill-equipped, untrained, poor, and hungry Mexican forces possessed much more spirit and courage than his French troops that were ranked among the finest in Europe. For the Mexican battalion, its stand against the French invasion forces involved not only a struggle against a foreign aggressor but a struggle for self-determination; and

WHEREAS, The "Batalla de Puebla" resulted in the routing of the once handsome French army by the determined, valiant, and highly spirited Mexican troops. The courageous and heroic spirit that General Zaragoza and his men displayed during this historic battle should never be forgotten; and

WHEREAS, Cinco de Mayo is not only the commemoration of the defeat of the French at the town of Puebla in Mexico, but also a celebration of the virtues of courage and patriotism of all Mexicans and Mexican Americans who have fought for freedom and independence against foreign aggressors; and

WHEREAS, Cinco de Mayo reminds us that the foundation of our nation is built by people from many nations and diverse cultures who share a readiness to shed blood, sweat, and tears in the pursuit of freedom and liberty; and

WHEREAS, In a broader sense, Cinco de Mayo symbolizes the right of a free people to self-determination just as Benito Juarez, the

President of Mexico, said, "El respeto al derecho ajeno es la paz." (The respect of other people's rights is peace.); now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby calls on the people of California to join in celebrating Cinco de Mayo as a day to honor the valiant spirit of the brave Mexicanos who defended the town of Puebla with corazón (heart) and might and the Mexican Americans of today who have fought and died for the freedom of the United States of America; and be it further

Resolved, That the Legislature hereby recognizes not only May 5 as Cinco de Mayo day but also the week of May 2 through May 8 as Cinco de Mayo Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for distribution.

RESOLUTION CHAPTER 29

Assembly Concurrent Resolution No. 50—Relative to Columbine High School tragedy.

[Filed with Secretary of State May 12, 1999.]

WHEREAS, The members of the California State Legislature send their thoughts and prayers to the people of Littleton, Colorado, and to the parents of the victims, other family members, and their friends whose lives are forever saddened by the senseless tragedy at Columbine High School last Tuesday; and

WHEREAS, We pray for the recovery of the many men, women, and children who were wounded; and

WHEREAS, We pray for the souls of those who lost their lives, and for comfort and strength for those they leave behind; and

WHEREAS, We condemn those who caused these acts of senseless and vicious brutality; and

WHEREAS, Hatred and inner personal conflict can never justify reckless disregard for the value of human life; and

WHEREAS, We send our heartfelt appreciation and admiration for the compassion and inner strength of the citizens of Littleton and to the community's law enforcement officials whose professionalism and genuine concern helped people through this terrible crisis; and

WHEREAS, We give our caring concern to those who through duty or circumstance must now help rebuild lives and heal a grievously wounded community; and

WHEREAS, While we recognize that there is no antidote to random acts of violence in schools or elsewhere in our communities, we know that we must redouble our work to provide a safe

environment for our children and do what we must to prevent this tragedy from repeating itself in our neighborhoods; and

WHEREAS, We understand that pain and suffering in the wake of this nightmare has hurt others whose loved ones are not among those who died at Columbine High School; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, May God bless and comfort all those who have been touched directly or indirectly by the tragic events in Littleton, Colorado, this week.

RESOLUTION CHAPTER 30

Assembly Concurrent Resolution No. 56—Relative to California Winemaking Families and Grape Growers Appreciation Day.

[Filed with Secretary of State May 14, 1999.]

WHEREAS, California's proud wine making and grape growing heritage is integrally connected to the cultural, religious, and familial traditions of this state; and

WHEREAS, California's wine making history began in 1769 when Padre Junípero Serra planted the first vinyards in San Diego; and

WHEREAS, The Gold Rush of 1849 transformed northern California into an important viticulture region when many "49ers" planted grapes and made wine, along with many other immigrant families throughout California; and

WHEREAS, California has become the leading producer of wine in America, now accounting for 90 percent of all wine, foreign and domestic, consumed in this country; and

WHEREAS, The wine industry is comprised primarily of family-owned enterprises, with 800 winery families and 4,000 growers promoting responsible stewardship of agriculture resources; and

WHEREAS, Wine grape growing and production is a significant agriculture industry in 43 of California's 58 counties, with an estimated grape crush value of $1.5 billion; and

WHEREAS, California wine grape growers produced an all-time record of more than 2.9 million tons in 1997, on more than 407,231 acres; and

WHEREAS, Grapes are the second largest agricultural commodity in California and the sixth largest commodity in the nation, with California's grape production ranking fourth internationally after Italy, France, and Spain; and

WHEREAS, The California wine industry is estimated to account for $10.9 billion in economic activity, providing 100,000 full-time jobs, and 300,000 seasonal part-time jobs, and the generation of more than $626 million in taxes and fees annually; and

WHEREAS, The California wine industry has flourished despite fires, floods, a revolution, military occupation, insect infestations, and Prohibition; and

WHEREAS, Wine grape growing enhances the environmental beauty of the state by preserving open space; and

WHEREAS, California wines frequently distinguish themselves as the best in the world in competitions and tastings, acquiring genuine respect for quality from foreign competitors; and

WHEREAS, Wine consumed in moderation enhances the appetite and provides delicious accompaniment to all types of regional cuisine in California, and enriches the quality of life for the citizenry of the state; and

WHEREAS, The wine industry enhances California's quality of life through generous contributions to health, civic, and educational organizations; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California commends the family vintners and grape growers of this state for their dedication to quality and also commends them for their commitment to enhancing their environment and communities; and be it further

Resolved, That the day of May 17, 1999, be proclaimed as "California Winemaking Families and Grape Growers Appreciation Day," to promote the recognition and appreciation of the families of California's wine industry; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 31

Assembly Concurrent Resolution No. 54—Relative to Day of the Teacher.

[Filed with Secretary of State May 17, 1999.]

WHEREAS, An educated citizenry serves as the very foundation of our democracy; and

WHEREAS, Today's teachers mold the minds and train the work force of the future; and

WHEREAS, No other profession touches as many persons with such a lasting effect; and

WHEREAS, Good teaching grows in value and pays dividends far beyond the classroom; and

WHEREAS, California long ago recognized the immeasurable value of our teachers and has designated the second Wednesday in

May to be Day of the Teacher, a special observance that honors teachers and the teaching profession; and

WHEREAS, Day of the Teacher has been sponsored by the California Teacher's Association and the Association of Mexican American Educators and was first recognized in 1982; and

WHEREAS, California has patterned its celebration after the traditional "El Dia del Maestro" festivities observed in Mexico and other Latin American countries; and

WHEREAS, Day of the Teacher should be a day for school districts, parents, public officials, and the community to recognize the dedication and commitment of teachers who are educating our children; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the day of May 12, 1999, be proclaimed Day of the Teacher; and be it further

Resolved, That the Legislature urges all Californians to observe the Day of the Teacher by taking the time to remember and honor all teachers who give the gift of knowledge through teaching; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 32

Senate Concurrent Resolution No. 7—Relative to Domestic Violence Awareness Month.

[Filed with Secretary of State May 18, 1999.]

WHEREAS, Home should be a place of warmth, unconditional love, tranquility, and security; however, for many Americans, home is tainted with violence and fear; and

WHEREAS, Domestic violence is much more than the occasional family dispute; and

WHEREAS, According to the United States Department of Health and Human Services, domestic violence is the single largest cause of injury to American women, affecting 6,000,000 women of all racial, cultural, and economic backgrounds; and

WHEREAS, According to data published by the California Department of Justice in 1996, 624 incidents of domestic violence were reported, on average, every day in California. According to the American Psychological Association, nearly one in three adult women are physically assaulted by a partner during adulthood; and

WHEREAS, According to the United States Department of Labor, 1,000,000 people are assaulted and injured every year as a result of workplace violence, 1,000 people are killed every year due to

workplace violence, and 30 percent of battered women lose their jobs due to harassment at work by abusive husbands or boyfriends; and

WHEREAS, More than one-half of the number of women in need of shelter from an abusive environment may be turned away from a shelter due to lack of space; and

WHEREAS, Women are not the only targets of domestic violence; young children, elderly persons, and men are also victims in their own homes; and

WHEREAS, Emotional scars are often permanent; and

WHEREAS, A coalition of organizations has emerged to confront this crisis directly. Law enforcement agencies, domestic violence hotlines, battered women and children's shelters, health care providers, churches, and the volunteers that serve those entities are helping the effort to end domestic violence; and

WHEREAS, It is important to recognize the compassion and dedication of the individuals involved in that effort, applaud their commitment, and increase public understanding of this significant problem; and

WHEREAS, The first Day of Unity was celebrated in October 1981 and was sponsored by the National Coalition Against Domestic Violence for the purpose of uniting battered women's advocates across the nation in an effort to end domestic violence; and

WHEREAS, That one day has grown into a month of activities at all levels of government, aimed at creating awareness about the problem and presenting solutions; and

WHEREAS, The first Domestic Violence Awareness Month was proclaimed in October 1987; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby proclaims the month of October 1999, as Domestic Violence Awareness Month; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President of the United States, the Governor of the State of California, the Director of the United States Department of Health and Human Services, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 33

Senate Concurrent Resolution No. 27—Relative to Amyotrophic Lateral Sclerosis Awareness Month.

[Filed with Secretary of State May 18, 1999.]

WHEREAS, More than 30,000 Americans suffer from amyotrophic lateral sclerosis (ALS), and will die within three to five years; and

WHEREAS, It is estimated that 300,000 Americans that are alive and healthy today will die of ALS; and

WHEREAS, ALS is always fatal; and

WHEREAS, There is currently no known cause or cure for ALS; and

WHEREAS, ALS patients require 24-hour-a-day care, and the care givers are most often a spouse or child; and

WHEREAS, ALS causes a gradual, but eventually complete, paralysis. The only muscles not affected by ALS are the eyes and heart; and

WHEREAS, ALS patients lose the ability to speak, swallow, and even breathe on their own; and

WHEREAS, The Greater Sacramento Chapter of the Amyotrophic Lateral Sclerosis Association's volunteer leadership is continuing the war against ALS by providing public education, advocacy, fund development for research, and patient services; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby proclaims the month of May in each year as "Amyotrophic Lateral Sclerosis Awareness Month"; and be it further

Resolved, That the Legislature encourages all Californians to join the Amyotrophic Lateral Sclerosis Association in its war against the deadly disease of amyotrophic lateral sclerosis.

RESOLUTION CHAPTER 34

Senate Concurrent Resolution No. 28—Relative to 9-1-1 for Kids Week.

[Filed with Secretary of State May 18, 1999.]

WHEREAS, Every year, hundreds of thousands of calls are received at 9-1-1 emergency system centers across the state; and

WHEREAS, Over 20 percent of all calls made to those 9-1-1 emergency system centers are "abandoned" calls, where the caller either hangs up or does not speak, all of which must be traced by emergency system center personnel at enormous public cost; and

WHEREAS, In Houston, Texas, public safety officials found that 50 percent of the 160,000 9-1-1 calls that were dispatched in 1994 were deemed not to be emergencies and, at a median cost of $350 for each basic emergency medical services response, the City of Houston alone could save $12 million per year by eliminating these nonemergency 9-1-1 calls; and

WHEREAS, Many 9-1-1 callers are young and curious or thrill seekers who do not understand that their misuse and abuse of the

system wastes public resources and diverts emergency personnel and equipment from others who desperately need help; and

WHEREAS, In 1991 the San Jose Police Department, the California Chapter of the National Emergency Number Association, the State of California 9-1-1 Program office, corporations, and individuals began a collaborative effort to develop 9-1-1 educational materials targeting children, ages 4 to 7 years; and

WHEREAS, In the summer of 1994, work began on a "9-1-1 for Kids" curriculum and set of educational materials that would deliver easy to remember messages about the proper use of the 9-1-1 emergency system, hold children's interest, have universal appeal to all children, have guaranteed wide application, and have a long shelf-life; and

WHEREAS, Emmy and Peabody Award winning Tony Urbano Productions joined the project team and created the 9-1-1 for Kids mascot, "Red E. Fox," that has captivated children and adults alike and helped deliver critical 9-1-1 information in a fun and memorable manner; and

WHEREAS, The nonprofit organization "9-1-1 for Kids" was formed in 1995 to distribute training program materials to public safety agencies, schools, and community-based organizations throughout the state; this tax-exempt organization is located at 355 Redondo Avenue, Long Beach, California 90814; and

WHEREAS, To date, the 9-1-1 for Kids educational program has been taught to over one million children, ages 4 to 7 years, through the tireless, dedicated efforts of teachers, police officers, firefighters, and community volunteers; and

WHEREAS, 9-1-1 for Kids hopes to provide materials to teach another 500,000 children during 1999; and

WHEREAS, Children who complete the 9-1-1 for Kids classroom educational program will learn what an emergency is for purposes of using the 9-1-1 emergency system, how to place a 9-1-1 emergency call, and what to say to a 9-1-1 dispatcher in case of a police, fire, or medical emergency; armed with this basic 9-1-1 information, children who complete the 9-1-1 for Kids training program will be able to call for help when they need it for themselves or for others, save lives and property, and avoid costly abuses of the 9-1-1 emergency system; and

WHEREAS, The State 9-1-1 Program, in the Telecommunications Division of the State Department of General Services, has recognized the 9-1-1 for Kids educational program as one of the most effective 9-1-1 emergency system classroom programs available; and

WHEREAS, National Football League star, Tim Brown, the captain of the Oakland Raiders and the 1987 Heisman Trophy winner, serves as the national spokesperson for 9-1-1 for Kids; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby designates the week

of May 16, 1999, to May 22, 1999, inclusive, as "9-1-1 for Kids Week" in the State of California, in recognition of the valuable work of the 9-1-1 for Kids program; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 35

Senate Concurrent Resolution No. 19—Relative to leaf blowers.

[Filed with Secretary of State May 21, 1999.]

WHEREAS, Questions and concerns have been raised about the potential environmental impacts and health hazards associated with the operation of leaf blowers; and

WHEREAS, The potential impacts from exhaust, noise, and blown dust affect both the operators of leaf blowers and the public at large; and

WHEREAS, There is no comprehensive review available of existing studies of the impacts of leaf blowers on leaf blower operators and on the public at large, or of the availability and actual use of protective equipment for leaf blowers; and

WHEREAS, A comprehensive review would aid in answering these concerns about the use of leaf blowers and clarify the public debate; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby requests that the State Air Resources Board, on or before January 1, 2000, use data and information in existence at that time to prepare and submit a report to the Legislature summarizing the potential health and environmental impacts of leaf blowers and including recommendations for alternatives to the use of leaf blowers and alternative leaf blower technology if the state board determines that alternatives are necessary; and be it further

Resolved, That the Legislature hereby requests each governing body of a city, including a charter city, or county to refrain from enacting any new ordinance that prohibits the use of leaf blowers until the State Air Resources Board submits its report to the Legislature, as requested above; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Executive Officer of the State Air Resources Board.

RESOLUTION CHAPTER 36

Assembly Concurrent Resolution No. 16—Relative to California Fitness Month.

[Filed with Secretary of State May 26, 1999.]

WHEREAS, Exercise and fitness activities can increase self-esteem, boost energy, strengthen the heart and muscles, burn calories, and improve cholesterol levels; and

WHEREAS, Exercise and fitness activities are excellent ways to relieve stress, lower the risk of heart disease, hypertension and diabetes, prevent bone loss, and decrease the risk of some cancers; and

WHEREAS, A person's fitness level has a dramatic effect on the body's ability to produce energy and to reduce fat; and

WHEREAS, A fit person burns a higher percentage of fat not only during activity, but also at rest, fit people have a higher proportion of muscle tissue, which burns more calories than fat does, and those with more muscle mass can eat more calories and still maintain a healthy weight; and

WHEREAS, To lose weight and keep it off, one should do an enjoyable moderate-intensity aerobic activity for 30 to 60 minutes, three to five times a week; and

WHEREAS, A person should also do muscle-strengthening exercises two or three times a week, and should concentrate on maintaining a balanced diet; and

WHEREAS, Most popular diet programs cannot produce long-lasting weight reduction results without exercise; and

WHEREAS, There is no age limit for physical activity. Among the elderly, exercise provides cardiovascular, respiratory, neuromuscular, metabolic, and mental health benefits; and

WHEREAS, Fitness activities have been shown to sharpen mental ability in all people, and to retard the aging process; and

WHEREAS, Maximizing one's energy level, increasing muscle mass, and reducing body fat, increases one's chances of living a longer, healthier life; and

WHEREAS, More than 60 percent of American adults do not get the recommended amount of physical activity, 25 percent of American adults are not active; and

WHEREAS, Nearly all American youths from 12 to 21 years of age are not vigorously active on a regular basis; and

WHEREAS, The State Department of Education reports that a majority of California's children are not physically fit; and

WHEREAS, The Legislature seeks to advance the physical fitness of all Californians by educating them about the benefits of exercise and a balanced diet; and

WHEREAS, The Legislature will increase public awareness about the benefits of exercise and physical fitness by encouraging members to host events in their districts that stimulate physical fitness and increase participation by Californians in activities that promote physical health and benefit both mental and physical well-being; and

WHEREAS, The Legislature encourages its members, as well as organizations, businesses, and individuals to sponsor and attend physical fitness events that are informative, fun, and result in a number of Californians becoming physically fit; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims the month of May 1999 as California Fitness Month, and encourages all Californians to enrich their lives through proper diet and exercise; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 37

Assembly Concurrent Resolution No. 22—Relative to California Hispanic Heritage Month.

[Filed with Secretary of State May 26, 1999.]

WHEREAS, In recognition of Hispanic contributions to American culture and history, President Lyndon B. Johnson first proclaimed National Hispanic Heritage Week on September 17, 1968, and in 1989, the original weeklong commemoration was changed to National Hispanic Heritage Month; and

WHEREAS, National Hispanic Heritage Month is intended to broaden and increase the awareness of the many Hispanic contributions to American culture, to show how diversified the Hispanic community is, and to promote a greater interest in young people as to the Hispanic history and culture; and

WHEREAS, The Hispanic influence, whether it is in music, arts, any of the sciences, food, or business and trade, is evident in American culture and, in particular, in California; and

WHEREAS, Hispanics have proudly served this country and California in the Armed Forces from the Revolutionary War to Operation Desert Storm; and

WHEREAS, Nine Californians, as well as 29 other Hispanics, have been awarded the highest honor for military bravery, the Congressional Medal of Honor; and

WHEREAS, Today, there are more than 9 million Hispanics in California who are contributing to California's success by playing

leading roles in agriculture, medicine, science, entertainment, business, education, and sports; and

WHEREAS, The role of Hispanics is particularly evident and important in politics in California today where Hispanics serve as the Lieutenant Governor and the Speaker of the Assembly; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby designates September 15 to October 15, 1999, as California Hispanic Heritage Month, and encourages Californians to observe this event throughout the state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution to Hispanic leaders throughout California.

RESOLUTION CHAPTER 38

Assembly Concurrent Resolution No. 38—Relative to beach safety.

[Filed with Secretary of State May 26, 1999.]

WHEREAS, The beautiful coastal areas of California represent a world renowned recreational resource; and

WHEREAS, Californians and visitors alike are drawn to our waters by the millions each year for a variety of aquatic activities; and

WHEREAS, The aquatic environment has dangers that can be effectively managed through public awareness and the vigilance of professional lifeguards; and

WHEREAS, For reasons of public safety, an annual reminder of the joys and hazards associated with the aquatic environment is appropriate at the commencement of the busy summer season; and

WHEREAS, Californians and visitors alike must remember to never swim alone, always swim near a lifeguard, never drink alcohol before swimming, respect the power of the surf, and learn to swim; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims the week of May 24, 1999 to May 30, 1999, inclusive, as California Beach Safety Week, and urges everyone, both residents and visitors, to enjoy our beaches this year, while taking appropriate measures to protect themselves and their children.

RESOLUTION CHAPTER 39

Assembly Concurrent Resolution No. 47—Relative to State Parks Month.

[Filed with Secretary of State May 26, 1999.]

WHEREAS, California is home to 265 state parks that showcase California's rich ecological and cultural diversity; and

WHEREAS, State parks are state and national treasures that are in place, in part, to help preserve the environment; and

WHEREAS, State parks provide many recreational opportunities, including opportunities for swimming, surfing, windsurfing, sailing, fishing, mountain biking, horseback riding, cross-country skiing, off-highway vehicle recreation, and hiking; and

WHEREAS, State parks offer thousands of educational and recreational programs led by staff and volunteers, including nature walks, campfire talks, museums, cultural programs, living history events, and special programs for children; and

WHEREAS, State Parks Month, which is celebrated in the month of May, promotes awareness of the natural environment, and increases use of state parks; and

WHEREAS, This year's theme, "Visit State Parks in 3-D: Discovery, Diversity, Destiny," celebrates the contributions of local parks and commemorates California's Sesquicentennial celebration; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That May 1999, is proclaimed as State Parks Month, and that the Legislature encourages all Californians to participate in activities held throughout the month of May to commemorate this observance.

RESOLUTION CHAPTER 40

Assembly Joint Resolution No. 9—Relative to Social Security.

[Filed with Secretary of State May 26, 1999.]

WHEREAS, The Social Security Trust Fund is expected to have insufficient funds to meet its obligations by 2032; and

WHEREAS, Comprehensive Social Security reform is necessary to ensure continued viability of the Social Security system for the millions of current and future beneficiaries; and

WHEREAS, Legislation is expected to be considered in Congress which is intended to provide financial stability to the Social Security Trust Fund; and

WHEREAS, Mandating coverage for all newly hired noncovered state and local government employees has been suggested by some as one of the possible options for financing Social Security reform; and

WHEREAS, State and local government employers were initially precluded from participating in the Social Security system when it was established in 1935 on the basis that it was considered unconstitutional for the federal government to tax state and local governments; and

WHEREAS, State and local governments established retirement plans to meet their needs in lieu of Social Security coverage; and

WHEREAS, The federal government is now searching for avenues to finance the failing Social Security Trust Fund; and

WHEREAS, Mandating Social Security coverage on all newly hired noncovered employees extends the solvency of the Social Security Trust Fund a mere two years; and

WHEREAS, Mandatory Social Security coverage results in a tax increase of 6.2 percent each for the state and local government employer and employee; and

WHEREAS, There are currently over one million noncovered public employees in the State of California most notably public school teachers, faculty, and administrators, and public safety, as well as numerous city, county, and special district, employees; and

WHEREAS, Estimates project a cost of at least $12.5 billion to California's state and local government employers, primarily school districts, and newly hired workers over the first 10 years of implementation; and

WHEREAS, Education reform is a critical priority for the State of California; and

WHEREAS, Mandatory Social Security coverage will have a devastating impact on California's ability to implement education reform measures, such as class size reduction; and

WHEREAS, This increased tax from mandatory Social Security coverage would come at the direct expense of education programs, benefits, and services for students and employees in California; and

WHEREAS, State and local government employers in California may have no choice but to reduce services such as law enforcement, fire protection, health, programs for senior citizens and the disabled, library, parks and recreation, refuse collection, and recycling programs in order to pay this new federal tax; and

WHEREAS, Benefits currently provided by California's state and local government retirement plans may need to be reduced due to the cost imposed by mandatory Social Security coverage; and

WHEREAS, The increased employee tax will result in a significant reduction of a newly hired worker's take-home salary; and

WHEREAS, Reducing the current retirement benefit structure and the take-home salary of workers will have an adverse impact on the recruitment and retention of public employees in California and employee morale; and

WHEREAS, This new tax is a shift of federal government burden to our communities to solve a federal problem which our state and local governments had no hand in creating and under which there will be no benefit paid to our workers for more than a generation; and

WHEREAS, Compelling state and local governments to participate in the Social Security system provides no benefit to these public employers, school districts, or students; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California urges the President and the Congress of the United States in the strongest possible terms not to include mandatory Social Security coverage on noncovered state and local government employees in any Social Security reform legislation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 41

Assembly Concurrent Resolution No. 39—Relative to Military Families Recognition Day.

[Filed with Secretary of State May 27, 1999.]

WHEREAS, Military families play an integral role in ensuring the effectiveness of America's Armed Forces; and

WHEREAS, Without fanfare, military families selflessly provide behind-the-scenes support to service members, their units, and their commands worldwide; and

WHEREAS, Their devotion to their loved ones, the military, and their country is unfaltering; and

WHEREAS, Military families frequently and bravely bid farewell, as wives, husbands, children, and parents depart for missions in far off and often hostile areas; and

WHEREAS, Military families face abrupt separations which often create single-parent families to endure not only the absence of a loved one but the hardship of rearing children alone for extended periods of time; and

WHEREAS, Military families are uprooted from their hometowns and moved to foreign soil for tours in isolated locations away from friends and relatives; and

WHEREAS, As they adjust to conditions around the world, military families learn to do without many of the conveniences that most Americans consider part of their basic lifestyle; and

WHEREAS, Military families quickly and adeptly transform unfamiliar quarters into welcoming homes, forming bonds of friendship with others in the unit, and sharing their hopes, dreams, and aspirations; and

WHEREAS, Military families in foreign lands act as goodwill ambassadors, representing all Americans; and

WHEREAS, Military families are committed to preserving freedom and democracy for all, and these families provide the continuity and stability essential to the well-being of our soldiers, sailors, airmen, Marines, and the members of our Coast Guard, National Guard, and the Reserves; and

WHEREAS, We have long recognized the importance of families in the retention and readiness of military members; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature, in honor of military families throughout the world who are supporting the American men and women who defend the cause of freedom at home and abroad, hereby designates Saturday, November 20, 1999, as Military Families Recognition Day.

RESOLUTION CHAPTER 42

Assembly Concurrent Resolution No. 40—Relative to the Fourth of July.

[Filed with Secretary of State May 27, 1999.]

WHEREAS, Two hundred twenty-three years ago, on June 11, 1776, the Continental Congress appointed a committee to draft a document proclaiming American sovereignty, naming Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert Livingston to the committee; and

WHEREAS, The committee, with Jefferson doing by far most of the work, finished its task in 17 days and produced the Declaration of Independence, which was published on July 4, 1776; and

WHEREAS, The Declaration of Independence is a document that Pauline Maier has described as "... an organic expression of an emerging polity rooted in centuries of English law, growing out of the colonial experience and flowering in American aspirations toward life, liberty, and the pursuit of happiness," and that Abraham Lincoln called "the father of all moral principles"; and

WHEREAS, The fact that the Fourth of July is called Independence Day could explain why the Fourth has always been America's favorite holiday, because Independence Day is our birthday and we celebrate birthdays; and

WHEREAS, There have always been speeches on this holiday and usually a parade, and fireworks were added a long, long time ago, followed by picnics and flags and bunting, and today we have floats and costumes, food, game booths, arts and crafts, and entertainment, and games, barbecues, gunnysack races, egg races, one- and three-legged hopping contests, and bicycle contests, to name a few; and

WHEREAS, One president, Calvin Coolidge, was born on the Fourth of July, and three presidents, two of whom signed the Declaration of Independence, died on the Fourth of July: Thomas Jefferson, John Adams, and James Monroe; and

WHEREAS, Outside of the fun and all the celebration, the Fourth of July is truly one of those moments when we remember the origins of our freedoms, a time when we understand our rights and responsibilities, and a time when we pay tribute to the Declaration of Independence, the document that led to a way of life envied all over the world; and

WHEREAS, We forget just how much those who signed the document stood to lose and what great risks they took as they put their fortunes and their lives on the line, doing so in the face of those who told them that they ought to be cautious, but since they were brave, daring men, freedom and justice far outweighed caution in their minds and in their acts; and

WHEREAS, The Declaration of Independence reflects our nation's founding and heritage, as alive and vital today as it was 223 years ago; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That July 4, 1999, be fully observed in this state as Independence Day; and be it further

Resolved, That the Legislature of the State of California encourages all Californians to participate in the appropriate programs and activities and celebrations in recognition of our nation's birthday; and be it further

Resolved, That all Californians are urged to take a moment to remember those brave men who signed the Declaration of Independence 223 years ago; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 43

Senate Concurrent Resolution No. 29—Relative to education master plan.

[Filed with Secretary of State May 27, 1999.]

WHEREAS, Education is the most important function of the State of California and is essential to the cultural, political, and economic health of the state and the nation; and

WHEREAS, California's population is rich in ethnic and cultural diversity, which is a resource that should continually be developed to ensure the ongoing success of the state and its residents; and

WHEREAS, Over the past 25 years, California has developed an extraordinary educational system, from preschool to the postgraduate level, with an unprecedented investment of public and private moneys and the energy and commitment of countless individuals; and

WHEREAS, In 1960, California established a master plan for the development, expansion, and integration of the facilities, curriculum, and standards of higher education in junior colleges, the California State University system, the University of California system, and other institutions of higher education in the state to meet the needs of the state during the 10 years following the master plan's establishment; and

WHEREAS, Since the adoption of the Master Plan for Higher Education in California, the master plan has been reviewed periodically by the Commission for the Review of the Master Plan for Higher Education, the Coordinating Council for Higher Education, the Joint Committee for Review of the Master Plan in Higher Education, and the California Postsecondary Education Commission; and

WHEREAS, Many members of the education community believe a master plan for kindergarten and grades 1 to 12, inclusive, is necessary due to the major policy initiatives enacted in recent years, and that coordination, guidance, and policy direction toward a framework for understanding the roles of the state and school districts in governing and financing the education system is critical; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That a joint committee composed of nine Members of the Senate, to be appointed by the Senate Rules Committee, and nine Members of the Assembly, to be appointed by the Speaker of the Assembly, be established; and be it further

Resolved, That the joint committee develop a "Master Plan for Education-Kindergarten through University" to provide a blueprint for education in California in the 21st century, to support lifelong learning for all Californians, and to serve as an example to other states by raising the standard for educational excellence; and be it further

Resolved, That the joint committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and the Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members; and be it further

Resolved, That the Senate Committee on Rules may make money available from the Senate Operating Fund, as it deems necessary, for the expenses of the joint committee and its members. Any expenditure of money shall be made in compliance with policies set forth by the Senate Committee on Rules and shall be subject to the approval of the Senate Committee on Rules; and be it further

Resolved, That the joint committee shall, within 15 days of authorization and consistent with the normal annual appropriation process for funding legislative committees, present its initial budget to the Senate Committee on Rules for its review, comment, and approval; and be it further

Resolved, That the joint committee is authorized to act until November 30, 2000, at which time the committee's existence shall terminate; and be it further

Resolved, That the joint committee shall submit a report at the end of the legislative session to the Legislature on its activities.

RESOLUTION CHAPTER 44

Senate Concurrent Resolution No. 32—Relative to National Day of Prayer.

[Filed with Secretary of State June 2, 1999.]

WHEREAS, It is important for children to learn key values that may include their family traditions, an awareness of prayer, and the rights and responsibilities of citizens and children in America's free society; and

WHEREAS, On April 20, 1999, gunmen opened fire at Columbine High School in Littleton, Colorado, resulting in the death of 15 persons and injuries to numerous others; and

WHEREAS, This Colorado shooting is the fifth major school shooting to occur since the October 1, 1997, incident at Pearl High School in Mississippi where two persons were killed and seven others were wounded; and

WHEREAS, There was a time when schools were safe and we did not have to worry about children or youths being killed in a school incident; and

WHEREAS, The times have changed and many people now believe that this destructive trend results from too many children who have not been taught a moral standard or given a spiritual belief but are daily bombarded by violence, disrespect, and moral scandals; and

WHEREAS, The youth of today must be protected and guided along their way since they face numerous challenges unknown just

a few years ago, and our country's youth will grow up to lead the 21st century; and

WHEREAS, In 1952, President Truman and Congress established the "National Day of Prayer," and in 1988 Congress set aside the first Thursday in May (May 6th this year) as an annual event for Americans of all faiths to take time to pray for our nation and its leaders; and

WHEREAS, Since 1988, every President has issued a proclamation encouraging Americans to participate in the National Day of Prayer, and people of all faiths are encouraged to participate in this event according to their own traditions; and

WHEREAS, Since 1990, the event "See You at the Pole" is celebrated on the third Wednesday in September (September 15th this year) and is an annual event during which millions of young people proclaim their faith by gathering around their school's flagpole, and where they pray together to help bring about peace and hope to our nation and state; and

WHEREAS, The time has now come to pray not only for our nation's leaders but also for our children and youth, and it is vital that we instill upon parents and community leaders the importance of making young people aware of the importance of prayer; and

WHEREAS, Prayers will complement the important work of parents who make it a point to learn about their children's educational program, spend quality time with their children, and assist in their education; and

WHEREAS, Prayer will complement the important work of teachers and other school personnel who make it a point to learn about the challenges and strengths of each student; and

WHEREAS, Prayer will complement the important work of school and community officials who develop quality safety rules to help maintain safety in our schools and communities; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the first Thursday in May is recognized by California as the National Day of Prayer and that religious faiths of all denominations are asked to celebrate the dignity of and respect for all people and to bring the message of peace and hope through prayer; and be it further

Resolved, That leaders of religious faiths and other persons are encouraged in this celebration to improve the awareness by young people about the importance of prayer, the knowledge of diverse cultures and groups, along with positive ways of interacting, so as to improve the education of our young people, strengthen families, and maintain safe schools and communities.

RESOLUTION CHAPTER 45

Senate Concurrent Resolution No. 35—Relative to the Remembrance Memorial for California Korean War Veterans.

[Filed with Secretary of State June 2, 1999.]

WHEREAS, In 1993, Ron Jabaut contacted the United States Department of Veterans Affairs requesting permission to erect the Remembrance Memorial for California Korean War Veterans in honor of the 2,495 men and women from California who died in the Korean Conflict; and

WHEREAS, Many supporters of the memorial formed a committee, which launched an aggressive five-year public campaign to generate support among California's American Legion and Veterans of Foreign Wars posts, the "Chosin Few," and "1st Marine Division" associations, as well as the citizens of the state; and

WHEREAS, The committee's efforts resulted in providing the necessary financial support and resources by thousands of Californians and many Korean-based corporations for the memorial's completion; and

WHEREAS, Upon the United States Department of Veterans Affairs' approval of the memorial's final design by Edwin Bruce, ground breaking and construction was begun in July of 1998 within the San Joaquin Valley National Cemetery in Gustine, and was remarkably completed by California-based contractors within one month; and

WHEREAS, The memorial is a simple, dignified design, composed of indigenous stone, including California white granite, with 16 panels engraved with the names of the 2,495 men and women who died in their country's service; and

WHEREAS, The Remembrance Memorial for California Korean War Veterans was dedicated on August 1, 1998, thereby commemorating the ultimate sacrifice of those Californians who fell in the line of duty during the Korean Conflict; and

WHEREAS, It is appropriate to recognize the efforts of Ron Jabaut and veterans throughout the state in erecting this memorial on behalf of those who died, so those veterans will never be forgotten; and

WHEREAS, It is important to draw the attention of Californians to the presence of this grand memorial in the San Joaquin Valley National Cemetery in Gustine; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby honors the Remembrance Memorial for California Korean War Veterans located in the San Joaquin Valley National Cemetery; and be it further

Resolved, The Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 46

Senate Concurrent Resolution No. 5—Relative to a sister state relationship with the State of Baja California, Mexico/relación de hermandad con el Estado de Baja California, Mexico.

[Filed with Secretary of State June 8, 1999.]

WHEREAS, The people of California and the State of Baja California in Mexico share a common border and a mutual history, ancestry, culture, art, and architecture of Spanish and Native American civilizations; and

WHEREAS, Gaspar de Portola, Baja California's former Governor, made significant contributions in the exploration of California and the establishment of the state's first presidio in 1769; and

WHEREAS, The States of California and Baja California share many geographical, agricultural, and economic similarities, including beautiful coastlines on the Pacific Rim, significant irrigated agricultural areas, and a strong level of tourism; and

WHEREAS, A sister state relationship would promote mutual trade and commerce and increase the potential for commercial relationships between small, medium, and large companies in California and Baja California; and

WHEREAS, A sister state relationship between California and Baja California would facilitate the exchange of environmental protection information and other scientific and technological knowledge, especially in the areas of water and transportation, and would provide a forum for sharing legislative solutions; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California, on behalf of the people of California, extends to the people of the State of Baja California in Mexico an invitation to join with California in a sister state relationship (relación de hermandad con el Estado de Baja California, Mexico) in order to encourage and facilitate mutually beneficial educational, economic, and cultural exchanges and to lead to a more indelible and lasting relationship between California and the citizens of Baja California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Congress of Baja California, to the Governor of Baja

California, to the Governor of California, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 47

Senate Concurrent Resolution No. 18—Relative to Reflex Sympathetic Dystrophy Syndrome Awareness Month.

[Filed with Secretary of State June 8, 1999.]

WHEREAS, Reflex Sympathetic Dystrophy (RSD) Syndrome, a progressive multisymptom, multisystem, neuromuscular, neurovascular disorder, is a debilitating disease simultaneously involving nerves, muscles, blood vessels, skin, bones, and tissue; and

WHEREAS, It can develop after an injury, minor or major, and generally occurs in a limb; and

WHEREAS, RSD attacks the sympathetic nervous system, causing it to become confused, leading to a variety of symptoms, resulting in devastating consequences; and

WHEREAS, If left untreated, or mistreated, RSD begins to damage the surrounding tissues and can spread to other areas of the body and ultimately lead to total disability; and

WHEREAS, Early diagnosis is crucial. There is a short "window of time" during which RSD can possibly be helped, usually within the first three months after onset; and

WHEREAS, Correct aggressive treatment by qualified medical professionals can lead to a positive result; and

WHEREAS, As RSD progresses, treatment becomes increasingly difficult; and

WHEREAS, Although millions are affected with RSD, it is not well known by the public or some medical professionals, and this lack of knowledge causes many patients to suffer needlessly for many years; and

WHEREAS, RSD knows no age limit and can strike young and old; and

WHEREAS, Other events that can cause RSD include infections, cuts, pricks of fingers or toes, soft tissue injuries, crush injuries, injury to any area rich in nerve endings, fractures, sprains, dislocations, broken bones, multiple trauma to a particular body part, some surgical procedures, invasive procedures, and repetitive motion disorders, such as that which causes Carpal Tunnel Syndrome; and

WHEREAS, Some signs and symptoms of RSD include severe burning pain in a localized region that is out of proportion to the severity of the injury, localized edema or swelling that may not always be apparent in the later stages, hyperesthesia, which is oversensitivity to touch and light pressure, vasospasm, which affects

color and temperature of skin, muscle atrophy, constant burning pain, decreased range of motion, muscle spasms, stiffness, restricted mobility, and rapid hair and nail growth; and

WHEREAS, RSD sufferers may experience some or all of the signs and symptoms. The one common element is constant burning pain, the intensity of which can fluctuate; and

WHEREAS, Although RSD dates to before the Civil War, there is no known cure; and

WHEREAS, The medical professionals must find the cause before they can find the cure; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature does hereby proclaim May 1999 as Reflex Sympathetic Dystrophy (RSD) Syndrome Awareness Month.

RESOLUTION CHAPTER 48

Assembly Concurrent Resolution No. 64—Relative to Juneteenth, Emancipation Day.

[Filed with Secretary of State June 17, 1999.]

WHEREAS, June 19, 1999, marks the 134th Anniversary of Juneteenth, Emancipation Day; and

WHEREAS, The history of Juneteenth dates back to June 19, 1865, when General Gordon Granger landed at Galveston, Texas, with a regiment of Union Army soldiers and read General Order No. 3, which began with the following two memorable sentences: "The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and hired labor."; and

WHEREAS, Juneteenth, as Emancipation Day, spread from Texas to the neighboring states of Louisiana, Arkansas, and Oklahoma and has also appeared in Alabama, Florida, and California where many African American Texans migrated; and

WHEREAS, Large celebrations of June 19 began in 1866 and have continued regularly into the 20th Century; African Americans treat this day like the Fourth of July with celebrations that include prayer services, speakers, readings from the emancipation proclamation, and food and entertainment; and

WHEREAS, African Americans have played a major role in the history of the United States and have enriched society through their

steadfast commitment to promoting brotherhood, equality, and justice; and

WHEREAS, From the earliest days of the United States, the course of its history has been influenced greatly by African Americans in many diverse areas, from science, medicine, business, and education to government, industry, law, and military and social leadership; and

WHEREAS, History books of United States history note prominently many of the gallant and accomplished African Americans who have played a major role in American history, including Booker T. Washington, George Washington Carver, Mary McCleod Bethune, Harriet Tubman, Daniel Hale Williams, Fannie Lou Hamer, General Benjamin O. Davis, Jr. of the Tuskegee Airmen, U.S. Supreme Court Justice Thurgood Marshall, Dr. Martin Luther King, Jr., and Congressman Oscar De Priest, to name a few; and

WHEREAS, A growing number of American and African American cultural institutions, including the Smithsonian Institution's National Museum of American History in Washington, D.C., the Chicago Historical Society, the Black Archives of Mid-America Inc. in Kansas City, Missouri, the Los Angeles Cultural Center, the Henry Ford Museum & Greenfield Village in Detroit, and the Museum of African-American Life and Culture in Dallas, have sponsored Juneteenth-based cultural events designed to share knowledge of this celebration with all Americans; and

WHEREAS, Juneteenth celebrations are a tribute to those African Americans who fought so long and worked so hard to make the dream of equality a reality; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That June 19 is hereby declared permanently as Juneteenth throughout the State of California; and be it further

Resolved, That the Legislature urges all Californians to take this opportunity to reflect on the significant role that African Americans have played in the history of the United States, and California in particular, and on the positive impact that African Americans continue to make on society; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the State Library, the State Archives, the State Department of Education, and the author for appropriate distribution.

RESOLUTION CHAPTER 49

Assembly Concurrent Resolution No. 5—Relative to Marin County Veterans Memorial Freeway.

[Filed with Secretary of State June 23, 1999.]

WHEREAS, State Highway Route 101 is a north-south highway that spans California from the Oregon-California border to the junction with Interstate Highway Route 5 in Los Angeles; and

WHEREAS, A portion of State Highway Route 101 passes through Marin County; and

WHEREAS, The citizens of Marin County have a continuing sense of gratitude to those veterans who have done so much to preserve the American way of life; and

WHEREAS, It is fitting and proper that that portion of State Highway Route 101 in San Rafael from Lucas Valley Road north for two miles be designated the Marin County Veterans Memorial Freeway; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby designates that portion of State Highway Route 101 in San Rafael from Lucas Valley Road north for two miles as the Marin County Veterans Memorial Freeway; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of erecting the appropriate signs or markers, consistent with the signing requirements for the state highway system, showing those special designations, and, upon receiving donations from nonstate sources covering that cost, to erect those signs or markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Department of Transportation and to the author for appropriate distribution.

RESOLUTION CHAPTER 50

Assembly Concurrent Resolution No. 71—Relative to synagogue fires in Sacramento.

[Filed with Secretary of State June 29, 1999.]

WHEREAS, Members of the Jewish community have played a strong and vital role in the affairs of the Sacramento region for more than 150 years; and

WHEREAS, Three Sacramento area synagogues, Congregation B'nai Israel, the oldest synagogue in the western United States, Congregation Beth Shalom, and the Kenesset Israel Torah Center, were attacked by arsonists on the eve of the Sabbath, June 18, 1999; and

WHEREAS, All three fires occurred in the early morning hours, in the dark of night, within a one-hour time period; and

WHEREAS, Damage at the three synagogues was extensive and included the library with many historic books and videos at

Congregation B'nai Israel and virtually the complete destruction of the Kenesset Israel Torah Center; and

WHEREAS, These three fires were the result of despicable hatred and cowardice that comprise one of the worst acts of anti-Semitism in American history; and

WHEREAS, An act against one house of worship is an act of violence against all houses of worship; and

WHEREAS, An act against one part of our community is an act of violence against the entire community; and

WHEREAS, It is incumbent upon each of us to do everything possible to combat hatred and intolerance whenever and wherever it occurs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California sends support and heartfelt condolences to Congregation B'nai Israel, Congregation Beth Shalom, Kenesset Israel Torah Center, and the entire Sacramento community; and be it further

Resolved, That the Legislature denounces these cowardly criminal acts and resolves to do everything possible as representatives of California to combat hatred, promote unity, assist in bringing those responsible for these heinous crimes to justice, and help the community rebuild the damaged synagogues.

RESOLUTION CHAPTER 51

Senate Concurrent Resolution No. 11—Relative to school safety.

[Filed with Secretary of State July 2, 1999.]

WHEREAS, Department of Justice crime statistics show that since 1992 the homicide arrest rate for juveniles has significantly exceeded that for adults; and

WHEREAS, Department of Justice statistics also show that between 1992 and 1997 the juvenile arrest rate for violent crimes is unacceptable; and

WHEREAS, The number of juveniles in California between 10 and 17 years of age increased 15 percent between 1992 and 1997, and the number of juveniles arrested for homicide is unacceptable during that same period; and

WHEREAS, While the juveniles in California between 10 and 17 years of age make up 11.6 percent of the state's total population, they account for 18.9 percent of those arrested for homicide; and

WHEREAS, The California Constitution guarantees students and staff the right to be safe and secure on public primary, elementary, junior high, and senior high school campuses; and

WHEREAS, There is a need for violence prevention strategies that effectively deal with individual and cultural relations and that include the collaboration of parents, community members, and law enforcement; and

WHEREAS, School districts, in conjunction with the Senate Select Committee on School Safety, will continue to strengthen their efforts to reduce and prevent violence through unity, harmony, and collaboration; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature recognizes October 1999 as School Safety Month and the week of January 10 to 14, 2000, inclusive, as Yellow Ribbon Week; and be it further

Resolved, That the Legislature encourages all schools to participate in appropriate activities during School Safety Month and throughout the year to recognize the importance of conflict resolution, mutual respect, and violence eradication; and be it further

Resolved, That the Legislature encourages parents, pupils, teachers, other school personnel, and members of the community to wear yellow ribbons or participate in other appropriate activities during the week of January 10 to 14, 2000, inclusive, to demonstrate their commitment to safe schools and in recognition of pupils who have lost their lives as a direct result of school violence; and be it further

Resolved, That the Legislature encourages all schools to promote ongoing activities that develop positive leadership and prosocial behavior among youth, and actively involve pupils in helping to solve problems related to conflict and violence.

RESOLUTION CHAPTER 52

Senate Concurrent Resolution No. 16—Relative to the Stephen Lindheim Overcrossing.

[Filed with Secretary of State July 2, 1999.]

WHEREAS, Stephen Lindheim was born in Glen Cove, Long Island, the youngest son of Irma and Norvin Lindheim; and

WHEREAS, At 13 years of age, Mr. Lindheim traveled to Palestine in the 1930's and helped establish a kibbutz during the six years he lived there; and

WHEREAS, In 1939, Mr. Lindheim attended the University of California, Davis, and subsequently transferred to the University of California, Berkeley, where he earned his degree in electrical engineering; and

WHEREAS, In 1952, Mr. Lindheim and Robert Schwartz formed a partnership and started the electrical contracting firm, Schwartz & Lindheim, Inc., in Oakland, California; and

WHEREAS, Mr. Lindheim was the Chairman of Schwartz & Lindheim, Inc. until his death in 1991 at 72 years of age; and

WHEREAS, Mr. Lindheim was active in many industry-related organizations; and

WHEREAS, For 25 years, he was a member of the Board of the Northern California Chapter of the National Electrical Contractors Association, and in 1979 he was nominated to the Academy of Electrical Contractors; and

WHEREAS, He also served as a member of the Alameda County Electrical Trust; and

WHEREAS, In 1990, Mr. Lindheim became one of the first participants in ELECTRI 21, a national foundation created by the electrical contracting industry to promote and finance research into the 21st century; and

WHEREAS, Mr. Lindheim also participated in numerous business and community groups including membership in the Oakland Chamber of Commerce from 1959 until his death; and

WHEREAS, He was a founding member, director, officer, and past president from 1990 to 1991, of the Coliseum Commerce Center Corp., an active member of the Coliseum Commerce Center Advisory Committee, and the Chairperson of the Transportation Committee for six years, and a founding member of the Oakland Airport Users Forum; and

WHEREAS, This involvement in the community symbolized a lifelong concern and dedication to enhancing the welfare of individuals' lives; and

WHEREAS, Mr. Lindheim was a lifelong supporter of the Jewish community in the East Bay area; and

WHEREAS, He was past President of the Board of Directors of Jewish Family Service in Oakland, a Hadassah Associate, a member of Congregation Beth El in Berkeley, and a member of the Berkeley Richmond Jewish Community Center; and

WHEREAS, Just prior to his death, Mr. Lindheim was the chairperson of a committee serving the needs of an Oakland neighborhood facing significant changes due to new freeway construction, and was instrumental in the construction of a pedestrian overcrossing at 98th Avenue and Interstate Highway Route 880; and

WHEREAS, Mr. Lindheim died of cancer at 72 years of age, on September 6, 1991, at his home in Berkeley; and

WHEREAS, Mr. Lindheim is survived by his wife Dorothy, children Judith, Nora, Elisabeth, and Michael, and six grandchildren; and

WHEREAS, Because Mr. Lindheim was so instrumental in bringing together the residents and business people in Oakland for

the planning and construction of the pedestrian overcrossing at 98th Avenue and Interstate Highway Route 880 in that city, it is appropriate that this structure be dedicated to the memory of Stephen Lindheim; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby designates the pedestrian overcrossing at 98th Avenue and Interstate Highway Route 880 in Oakland, California, the Stephen Lindheim Overcrossing in memory of Stephen Lindheim; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of erecting the appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation, and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Department of Transportation and to the author for appropriate distribution.

RESOLUTION CHAPTER 53

Senate Joint Resolution No. 12—Relative to housing.

[Filed with Secretary of State July 2, 1999.]

WHEREAS, There are 240,000 people in California residing in federally assisted project-based Section 8 housing units. Forty-four percent of Section 8 residents are elderly, and the median income of Section 8 residents is $9,300. Without Section 8 and comparable assistance, many of these households will become homeless; and

WHEREAS, The Department of Housing and Urban Development (HUD) has typically provided all capital and operating subsidies for public housing. In 1974 Congress created the new housing production program known as the Section 8 New Construction and Substantial Rehabilitation Program, under which HUD typically provided a 20-year commitment for rental subsidies that assured owners a specified level of rental income; and

WHEREAS, Property owners may convert their properties to market-based housing when their Section 8 contracts expire with HUD. Dramatic rent increases occurring in a number of housing markets in this state have already inspired many property owners to opt out of Section 8 subsidies, thus eliminating vast resources for low-income housing and potentially increasing levels of homelessness throughout the state. In California, owners of approximately 10,500 formerly affordable HUD units have converted to market rate use in the past two years; and

WHEREAS, Every county in California has buildings with project-based Section 8 units, and will be severely affected by the loss of affordable units. The largest concentrations are in Los Angeles County, the San Francisco Bay Area, San Diego, and Sacramento; and

WHEREAS, Recent federal housing policy and budget decisions have led to uncertainty over the current federally assisted housing inventory in California. Those decisions will place increasing demands on the financial and administrative resources of the state to maintain that housing inventory; and

WHEREAS, The federal fiscal year 1999 budget provides insufficient funding to preserve most of the below market housing stock; and

WHEREAS, The federal fiscal year 2000 budget will need $1.3 billion in additional budget authority to fund all contract extensions on current Section 8 projects. HUD's initiative to provide $100 million to increase contract rents at below market properties was rejected by the Office of Management and Budget; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States and the Department of Housing and Urban Development to establish policies and funding priorities that will ensure the preservation of the inventory of federally assisted housing in California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Department of Housing and Urban Development.

RESOLUTION CHAPTER 55

Senate Concurrent Resolution No. 12—Relative to POW Recognition Day.

[Filed with Secretary of State July 8, 1999.]

WHEREAS, Men and women have long answered our nation's call to duty and undertaken their mission as members of the United States Armed Forces; and

WHEREAS, Our military personnel have gone to battle in countries far and near to defend the ramparts of liberty and resist the agents of tyranny; and

WHEREAS, Hostile forces throughout the world continue to subvert the political and economic freedom for which American soldiers have sacrificed their lives; and

WHEREAS, There were some 142,257 Americans captured and interned under deplorable conditions during World War I, World War II, the Korean Conflict, the Vietnam Conflict, the Persian Gulf War, and the Somalian Conflict; and

WHEREAS, Most of our military personnel have returned home as heroes and proud veterans, but tragically another 92,457 other Americans were lost in combat, and their remains were never recovered; and

WHEREAS, Each year, citizens throughout America join in observances to honor and recognize former American prisoners of war, and to remember those individuals still unaccounted for, so that we may rededicate ourselves to finding a resolution to their status that will allow their families to have the peace they deserve; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby designates April 9, 1999, as POW Recognition Day in California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 56

Senate Joint Resolution No. 3—Relative to the U.S. Coast Guard Training Facility (TRACEN) Petaluma.

[Filed with Secretary of State July 8, 1999.]

WHEREAS, The United States Coast Guard is presently assessing its training structure for cost-effectiveness and is considering consolidating or closing one or two of its five training centers including the United States Coast Guard Training Center (TRACEN) Petaluma in the rural community of Two Rock, California; and

WHEREAS, TRACEN Petaluma is the only Coast Guard training facility on the west coast, while the Coast Guard maintains four other training centers on the eastern seaboard; and

WHEREAS, In the case of a prolonged national emergency, a Coast Guard training facility on the west coast has both logistic and strategic value to the service's two-ocean mission and to national security; and

WHEREAS, The mild California coastal climate makes it possible for TRACEN Petaluma to conduct outdoor exercises year round; and

WHEREAS, The Coast Guard has invested more than $50 million in TRACEN Petaluma since its inception, including $29 million to construct a state-of-the-art electronics and telecommunications training facility; and

WHEREAS, The rural community of Two Rock is dependent on TRACEN Petaluma for the continued existence of its neighborhood school and for fire and emergency services; and

WHEREAS, TRACEN Petaluma contributes $24.9 million annually to the North Bay economy in an area that has been severely impacted by military base closures; and

WHEREAS, The closings of veterans hospitals in California have increased the dependence of retired military on the health services available at the TRACEN Petaluma medical facility; and

WHEREAS, TRACEN Petaluma also houses essential non-Coast Guard training activities for police, fire, and emergency personnel and rangers employed by local, state, and federal agencies operating throughout the region; and

WHEREAS, These entities have no other place to continue their training activities in the near future; and

WHEREAS, TRACEN Petaluma has a tradition of excellence recognized by the Coast Guard, a well-earned reputation for community involvement, and a legacy of environmental stewardship;

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature believes the continued operation of the United States Coast Guard Training Center (TRACEN) Petaluma is beneficial to the critical public safety and national security mission of the United States Coast Guard, and to the people and economy of California; and be it further

Resolved, That the Legislature respectfully memorializes the President and the Congress of the United States, and the United States Coast Guard to continue the operation of the United States Coast Guard Training Facility (TRACEN) Petaluma through increased utilization of its facilities and more efficient use of the Coast Guard's east coast facilities; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and each Senator and Representative from California in the Congress of the United States, and to the United States Coast Guard.

RESOLUTION CHAPTER 57

Senate Joint Resolution No. 10—Relative to the Older Americans Act.

[Filed with Secretary of State July 8, 1999.]

WHEREAS, The federal Older Americans Act of 1965 (42 U.S.C. Sec. 3001 et seq.) expired in October 1995, although funding for its programs has been authorized since that date on an annual basis; and

WHEREAS, The congressional appropriations staff continue to stress the tight spending caps on discretionary programs imposed by the Balanced Budget Act of 1997 (Public Law 105-33); and

WHEREAS, A substantial number of seniors living in the State of California will be at risk if there are significant reductions in allocated funds for Older Americans Act programs; and

WHEREAS, Further delay in the reauthorization of the federal Older Americans Act of 1965 will erode the capacity of the act's various structures to deliver services to meet the needs of older Americans; and

WHEREAS, The federal Older Americans Act of 1965 should immediately be reauthorized to preserve the aging network's role in home- and community-based services, maintain the advocacy and consumer directed focus of the act, and give area agencies on aging increased flexibility in planning and delivering services to vulnerable older Americans; and

WHEREAS, The federal Older Americans Act of 1965 should be funded in the same manner in which the act has been funded for the past 33 years; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation that would reauthorize the federal Older Americans Act of 1965 without further delay; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 58

Assembly Joint Resolution No. 6—Relative to federal transportation funds.

[Filed with Secretary of State July 9, 1999.]

WHEREAS, The allocation of federal transportation funds was reformed under the federal Transportation Equity Act for the 21st Century (P.L. 105-178), commonly known as TEA-21, in a manner that greatly increases the share of federal transportation dollars that states are eligible to receive; and

WHEREAS, The recent surge in the federal transportation fund, spurred by unexpected gas tax and car sales tax revenues, would mean that states would receive an additional eight hundred fifty-eight million dollars ($858,000,000) above and beyond the amount of funds that was expected under last year's agreement; and

WHEREAS, California's share of that transportation fund surplus would be one hundred twenty-one million dollars ($121,000,000) in additional funds under the TEA-21 formulas, which funds could be used for much needed transportation projects; and

WHEREAS, The United States Department of Transportation has proposed diverting the eight hundred fifty-eight million dollar surplus to federal programs; and

WHEREAS, State and local governments are best qualified to evaluate the specific transportation needs of their state local area; and

WHEREAS, The additional federal transportation funds could be used for projects such as road construction, reduction of traffic congestion, and air quality improvements; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature urges the Congress and the President of the United States to use the framework established under the Transportation Equity Act for the 21st Century when allocating federal transportation funds to California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 59

Assembly Concurrent Resolution No. 55—Relative to Fibromyalgia Awareness Month.

[Filed with Secretary of State July 9, 1999.]

WHEREAS, Generalized pain and musculoskeletal tenderness, fatigue, nonrestorative sleep, and morning stiffness characterize Fibromyalgia Syndrome (FMS). People with FMS often report that they "hurt all over." Many describe the pain as aching, exhausting, or nagging. Pain is most commonly associated with tender points in the suboccipital area of the neck, shoulder, chest wall, elbows, knees, hips, and back. Muscle cramping and spasms are common. Although classified as a chronic pain syndrome, FMS may produce "flares" of acute pain. In fact, pain may become so severe that it limits range of motion and functional ability; and

WHEREAS, Often denied or misunderstood, FMS has been described as an invisible illness. Because people with the syndrome do not look sick, their clinicians, family, and friends may fail to respond empathetically. Over time, that insensitivity may produce self-doubt and diminish self-worth; and

WHEREAS, The condition often is mislabeled as rheumatism, fibromyostis, and myositis. Unlike stiffness associated with arthritis, pain from FMS does not diminish with activity; and

WHEREAS, In addition to pain, signs and symptoms of FMS include dry eyes and mouth, swelling, sleep myoclonous, paresthesia, poor posture, weight gain, cold sensitivity, exercise intolerance, difficulty concentrating, visual effects, balance disturbances, and anxiety. Febrile illnesses, physical or emotional trauma, cold or damp weather, and acute or chronic stress may precipitate or intensify FMS symptoms. Various other disorders such as irritable bowel syndrome, irritable bladder, chronic headache (both migraine and tension), dysmenorrhea, chronic fatigue syndrome, restless legs syndrome, periodic limb-movement disorder, osteoarthritis, and myofascial pain syndrome are common in those with FMS; and

WHEREAS, The causes of FMS are unknown. No known laboratory test is diagnostic for FMS, and most people with this condition suffer more than six years before receiving a correct diagnosis; and

WHEREAS, The Arthritis Foundation reports that FMS affects approximately five million Americans, or 2 percent of the population of the United States. Of the ailments for which people seek care from rheumatologists, FMS is second only to rheumatoid arthritis. The syndrome is about 8 to 10 times more common among women than men. Although FMS occurs in all age groups, it is generally diagnosed in adults in their mid-40s; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California declares June 1999 to be Fibromyalgia Awareness Month, and encourages the observance of this event in communities throughout the state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 60

Assembly Concurrent Resolution No. 72—Relative to Valley Fever Awareness Month.

[Filed with Secretary of State July 13, 1999.]

WHEREAS, Valley Fever (Coccidioidomycosis), a progressive, multisymptom, respiratory disorder, is a debilitating disease; and

WHEREAS, It is caused by the inhalation of tiny airborne fungi that live in soil, but are released into the air by soil disturbance or wind; and

WHEREAS, Valley Fever attacks the respiratory system causing infection which can lead to symptoms that resemble a cold, flu, or pneumonia-like symptoms; and

WHEREAS, Left untreated or mistreated, infection can spread from the lungs into the bloodstream causing inflammation to the skin, permanent damage to lung and bone tissue, and swelling of the membrane surrounding the brain leading to meningitis, which can be devastating and even fatal; and

WHEREAS, Once serious symptoms of Valley Fever appear, including pneumonia and labored breathing, treatment must be prompt with antifungal drugs that are disagreeable and often toxic, especially for patients who have it injected beneath the base of their skull for meningitis, causing side effects such as nausea, fever, and kidney damage; and

WHEREAS, Within California alone, Valley Fever is found in portions of the Sacramento Valley, all of the San Joaquin Valley, desert regions, and portions of southern California; and

WHEREAS, Valley Fever affects the young, the elderly, and those with lowered immune systems, which number in the tens of thousands; and

WHEREAS, Valley Fever has been a disease studied for the past 100 years, but still remains impossible to control and difficult to treat; and

WHEREAS, There is no known cure to date for Valley Fever; however, researchers are closer than they ever have been in finding a much needed vaccine to this devastating disease; and

WHEREAS, Recognizing the research effort to find a vaccine and the funding partnership, including funding from the State of California, which was approved by the Legislature and signed by Governor Wilson in 1997; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature does hereby proclaim August 1999, as Valley Fever Awareness Month.

RESOLUTION CHAPTER 61

Senate Concurrent Resolution No. 17—Relative to the Gene Autry Memorial Interchange.

[Filed with Secretary of State July 16, 1999.]

WHEREAS, The passing, on October 2, 1998, of Mr. Orvon Gene Autry, the singing cowboy superstar of the silver screen, media entrepreneur, and original owner of the Anaheim Angels, has brought immense sorrow and loss to people throughout the State of California, the nation, and the world; and

WHEREAS, Gene Autry was born on September 29, 1907, in Tioga, Texas, at five years of age, he began singing in the church choir, and at 12 years of age, he was taught to play the guitar by his mother; and

WHEREAS, Gene Autry, America's first and favorite singing cowboy, contributed extensively to the people of the state through his many activities; and

WHEREAS, Gene Autry's more than 60-year career encompassed every facet of the entertainment business, from radio and recording artist to motion picture star, television star, broadcast executive, and major league baseball owner; and

WHEREAS, Gene Autry is the only entertainer to have five stars on Hollywood's Walk of Fame, one each for radio, records, movies, television, and live theater, including rodeo performances; and

WHEREAS, Gene Autry began his radio career in 1928, made his first recordings one year later, and by 1937 was America's Favorite Cowboy; he was voted the No. 1 western star by the theater exhibitors of America ; and by 1940, he placed fourth in Motion Picture Herald's annual poll of all stars in terms of box office drawing power at the nation's theaters; and

WHEREAS, In addition to his success in movies, Gene Autry continued on radio until 1956; he became the first major movie star to enter the television medium in 1950 ; and for the next five years, he produced and starred in 91 half-hour episodes of The Gene Autry Show, and produced several popular television series; and

WHEREAS, Gene Autry appeared in 94 feature films and made 635 recordings, 200 of which he wrote or cowrote, and some of his best-known movies are based on his hit records; and

WHEREAS, Gene Autry's records have sold more than 60 million copies, and he received over a dozen gold records, including the first record ever certified gold for over a million copies sold, "That Silver-Haired Daddy of Mine"; another, "Be Honest With Me," was nominated for an Academy Award; and his Christmas and children's records, "Here Comes Santa Claus" and "Peter Cottontail," went platinum for over two million copies sold, and the second all-time best-selling single, "Rudolph the Red-Nosed Reindeer," boasts over 30 million in sales; and

WHEREAS, Gene Autry's great love for baseball prompted him to acquire the American League California Angels in 1961; and

WHEREAS, A long-cherished dream came true with the opening, in November 1988, of the Gene Autry Western Heritage Museum, which features exhibitions of important historical artifacts and significant works of art, covering a timespan from prehistoric native

cultures to the present day; and the museum has been renamed the Autry Museum of Western Heritage; and

WHEREAS, In 1993, he was the subject of Biography on the Arts and Entertainment Cable Network, and in late 1994, he appeared in the American Movie Classics television special, "Gene Autry: Melody of the West"; and

WHEREAS, Included among Gene Autry's many honors and awards is the National Cowboy Hall of Fame induction, the Songwriters Guild Life Achievement Award, and the Hubert H. Humphrey Humanitarian of the Year Award, all tributes to a man whose natural talent, personal integrity, sincerity of character, and concern for the well-being of his fellow man have been of inestimable value to, and revered by, admiring fans and friends throughout the world; and

WHEREAS, The high esteem in which Gene Autry is held by his loving family, his numerous friends, and other individuals fortunate enough to have known him stands as a testament for others who strive for the best in life, and his memory will live forever in the hearts and minds of those people who knew him; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby designates the freeway interchange at the juncture of Interstate Highway Route 5 and State Highway Route 134, commonly referred to as the Ventura Freeway, as the Gene Autry Memorial Interchange, in honor and in recognition of Gene Autry; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Transportation and to the author for distribution.

RESOLUTION CHAPTER 62

Senate Concurrent Resolution No. 33—Relative to the 100th anniversary of the Veterans of Foreign Wars.

[Filed with Secretary of State July 16, 1999.]

WHEREAS, The Veterans of Foreign Wars was formed by veterans of the Spanish-American War and the Philippine Insurrection to help secure rights and benefits for their service; and

WHEREAS, This distinguished organization will be celebrating its 100th anniversary in 1999; and

WHEREAS, Since its formation, the Veterans of Foreign Wars has played an integral role in the development of government policies for veterans at the local, state, and national levels; and

WHEREAS, The members of the Veterans of Foreign Wars fought bravely during numerous conflicts risking their lives for God and country; and

WHEREAS, The Veterans of Foreign Wars continues to provide service beyond the field of battle that has required sacrifice, hardship, endurance, dedication, bravery, courage, and the highest level of patriotism; and

WHEREAS, The Veterans of Foreign Wars continues to make positive contributions in communities throughout the state in programs ranging from national disaster relief to senior citizen assistance and youth activities; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature commemorates the 100th anniversary of the founding of the Veterans of Foreign Wars and honors each of its members for service above self; and be it further

Resolved That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 63

Senate Joint Resolution No. 1—Relative to Medicare.

[Filed with Secretary of State July 16, 1999.]

WHEREAS, Many health maintenance organizations (HMOs) have thrown the Medicare system into a state of turmoil by withdrawing coverage of Medicare enrollees at the end of 1998; and

WHEREAS, Thousands of HMO patients in California are now in a state of panic and confusion regarding their future ability to access health care services, including pharmacy benefits, at a reasonable cost; and

WHEREAS, In California, 39 percent of Medicare enrollees, or approximately 1.5 million patients, are served by HMOs, more than double the national average; and

WHEREAS, In recent years, HMOs have aggressively and successfully recruited the elderly into their Medicare health plans with promises to provide more benefits than standard fee-for-service Medicare coverage, including allowances for prescription drugs, hearing aids, and eyeglasses; and

WHEREAS, Each year HMOs participating in the Medicare managed care program are required to notify the federal Health

Care Financing Administration (HCFA) whether they will renew their contracts for the following year; and

WHEREAS, This year, numerous HMOs have notified HCFA that they will not renew their contracts for next year, or will reduce the areas that they currently serve, with these withdrawals and service area reductions adversely affecting more than 400,000 beneficiaries across the nation, and over 40,000 Medicare patients in California; and

WHEREAS, The Inspector General of the United States Department of Health and Human Services has discovered that HMOs have been receiving more than $1 billion annually in overpayments from the Medicare Trust Fund, because HMOs are inflating administration costs dedicated to marketing, executive salaries and fringe benefits, legal fees, and other overhead costs; and

WHEREAS, The inspector general has recommended that these funds be recovered from HMOs and dedicated to providing Medicare beneficiaries with added health benefits, including prescription drugs; and

WHEREAS, Many Medicare patients not served by HMOs purchase Medicare supplement insurance, also known as Medigap coverage, which fills in the gaps in Medicare coverage and offers patients the most flexibility in choosing doctors and hospitals, and premiums for Medigap insurance have increased, on average, 35 percent since 1994; and

WHEREAS, Under the federal Balanced Budget Act of 1997, seniors enrolled in a Medicare HMO that terminates its services are eligible to purchase specified Medigap insurance coverage, regardless of their health status, but the last day to take advantage of this guaranteed access is March 4, 1999; and

WHEREAS, Disabled individuals who qualify for Medicare, but are younger than 65 years of age, are not guaranteed access to Medigap coverage under a federal interpretation of federal law, and will need special assistance to secure health care services after they are abandoned by their HMOs; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the federal government to take immediate and appropriate steps to ensure that persons abandoned by Medicare HMOs have access to other HMO or Medigap policies that cover prescription drugs and to establish stopgap measures to ensure that HMOs do not further restrict coverage areas or benefits until the larger issue of the Medicare HMO payment mechanism is further examined or refined; and be it further

Resolved, That the Legislature respectfully memorializes the federal government to rescind its determination that disabled persons under 65 years of age enrolled in HMOs do not have the same guaranteed rights to Medigap policies as all other Medicare enrollees; and be it further

Resolved, That the Legislature respectfully memorializes the President of the United States to issue an Executive order directing his administration to work closely and coordinate with California and other states to guide and assist Medicare enrollees who are abandoned by their HMOs to find new Medicare coverage, either in the form of another HMO that serves the abandoned region, or through Medigap coverage, until appropriate federal legislation is enacted to address permanently these types of dislocations that adversely affect Medicare patients; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the majority leader of the Senate, each Senator and Representative from California in the Congress of the United States, the Secretary of Health and Human Services, and the Administrator of the Health Care Financing Administration.

RESOLUTION CHAPTER 64

Senate Joint Resolution No. 4—Relative to Human Rights.

[Filed with Secretary of State July 16, 1999.]

WHEREAS, The legacy of war in Afghanistan has had a devastating impact on the civilian population; and

WHEREAS, The warring factions in Afghanistan have routinely violated the rights of women and girls; and

WHEREAS, There has been a marked increase in human rights violations against women and girls since the Taliban militia seized the City of Kabul in September 1996; and

WHEREAS, Afghan women are now forbidden to work outside of the home. Prior to the Taliban takeover, women worked outside of the home in various professions; and

WHEREAS, Seventy percent of school teachers, 50 percent of civilian government workers, and 40 percent of doctors in Kabul were women; and

WHEREAS, Afghan girls and women are prohibited from attending schools and universities. Before the takeover, 50 percent of the students in Afghanistan were women; and

WHEREAS, Afghan women are forbidden from appearing outside the home unless accompanied by a close male relative; and

WHEREAS, Access to health care has been denied to the majority of Afghan women and girls. This is a result of prohibiting male doctors from examining women, prohibiting women doctors from practicing, and limiting the health facilities available to women; and

WHEREAS, Afghan women are required to be covered from head to toe in a shroud, with only a narrow mesh opening through which to see, when they leave their homes. Likewise, they are not allowed to wear shoes that make any noise when they walk; and

WHEREAS, Homes and other buildings in which Afghan women or girls might be present must have their windows painted so no female can be seen from outside; and

WHEREAS, Afghan women have been whipped, beaten, shot at, and, at times, killed for not adhering to these restrictions; and

WHEREAS, The Secretary of State of the United States, the United Nations, and the Physicians for Human Rights have reported that the Taliban's targeting of women and girls for discrimination and abuse has created a health and humanitarian disaster; and

WHEREAS, The International Red Cross and the United Nations estimate that more than 500,000 people in the City of Kabul, approximately two-thirds of the residents of that city, depend on international aid to survive; and

WHEREAS, Afghanistan recognizes international human rights conventions such as the Covenant on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, and the International Covenant on Economic, Social, and Cultural Rights, all of which espouse respect for basic human rights of all individuals without regard to race, religion, ethnicity, or gender; and

WHEREAS, Denying women and girls the right to education, employment, access to adequate health care, and direct access to humanitarian aid runs counter to international human rights conventions; and

WHEREAS, Peace and security in Afghanistan can only be realized with the full restoration of all human rights and fundamental freedom, the voluntary repatriation of refugees to their homeland in safety and dignity, and the reconstruction of Afghanistan; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the President of the United States and Congress to take the necessary action to ensure the rights of women and girls in Afghanistan are not systematically violated, and urges a peaceful resolution to the situation in Afghanistan that restores the human rights of Afghan women and girls; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of State of the United States, to the President of the United States, and to the Secretary General of the United Nations.

RESOLUTION CHAPTER 65

Senate Joint Resolution No. 6—Relative to Filipino veterans' benefits.

[Filed with Secretary of State July 16, 1999.]

WHEREAS, The Philippine Islands became a United States possession in 1898 when they were ceded from Spain following the Spanish-American War and remained a possession of the United States until 1946; and

WHEREAS, In 1934, Congress passed Public Law 73-127, the Philippine Independence Act, that set a 10-year timetable for the eventual independence of the Philippines and in the interim established a Commonwealth of the Philippines with certain powers over its internal affairs; and

WHEREAS, The granting of full independence ultimately was delayed for two years until 1946 because of the Japanese occupation of the islands from 1942 to 1945; and

WHEREAS, During the interval between 1934 and the final independence in 1946, the United States retained certain sovereign powers over the Philippines, including the right, upon order of the President of the United States, to call into the service of the United States Armed Forces all military forces organized by the Commonwealth government; and

WHEREAS, President Roosevelt invoked this authority by Executive order of July 26, 1941, bringing the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East under the command of Lieutenant General Douglas MacArthur; and

WHEREAS, Two hundred thousand Filipino soldiers, driven by a sense of honor and dignity, battled under United States Command after 1941 to preserve our liberty; and

WHEREAS, Filipinos gallantly served at Bataan and Corregidor, giving their toil, blood, and lives so as to provide the United States valuable time to rearm materiel and men to launch the counteroffensive in the Pacific war; and

WHEREAS, There are four groups of Filipino nationals who are entitled to all or some of the benefits to which United States veterans are entitled. These are:

(1) Filipinos who served in the regular components of the United States Armed Forces.

(2) Regular Philippine Scouts, called "Old Scouts," who enlisted in Filipino-manned units of the United States Army prior to October 6, 1945.

(3) Special Philippine Scouts, called "New Scouts," who enlisted in the United States Armed Forces between October 6, 1945, and

June 30, 1947, primarily to perform occupation duty in the Pacific following World War II.

(4) Members of the Philippine Commonwealth Army who on July 26, 1941, were called into the service of the United States Armed Forces. This group includes organized guerrilla resistance units that were recognized by the United States Army; and

WHEREAS, The first two groups, Filipinos who served in the regular components of the United States Army and Old Scouts, are considered United States veterans and are generally entitled to the full range of United States veterans' benefits; and

WHEREAS, The other two groups, New Scouts and members of the Philippine Commonwealth Army, are eligible for certain benefits, and some of these benefits are paid at lower than full rates. United States veterans' medical benefits for the four groups of Filipino veterans vary depending upon whether the person resides in the United States or the Philippines; and

WHEREAS, The Old Scouts were created in 1901 pursuant to the act of February 2, 1901, that authorized the President of the United States "to enlist natives [of the Philippines] ... for service in the Army, to be organized as scouts ... or as troops or companies, as authorized by this Act, for the regular Army"; and

WHEREAS, Prior to World War II, these troops assisted in the maintenance of domestic order in the Philippines and served as a combat-ready force to defend the Philippine Islands against foreign invasion; and

WHEREAS, During the war, they participated in the defense and retaking of the islands from Japanese occupation. The eligibility of Old Scouts for benefits based on military service in the United States Armed Forces, including veterans' benefits, has long been established; and

WHEREAS, The United States Department of Veterans Affairs operates a comprehensive program of veterans' benefits in the Republic of the Philippines, including the operation of a United States Department of Veterans Affairs office in Manila; and

WHEREAS, The United States Department of Veterans Affairs does not operate a program of this type in any other country; and

WHEREAS, The program in the Philippines evolved because the Philippines were a United States possession during the period 1898–1946, and many Filipinos have served in the United States Armed Forces, and because the preindependence Commonwealth Army of the Philippines was called into the service of the United States Armed Forces during World War II (1941–1945); and

WHEREAS, Our nation, however, has failed to meet the promises made to those Filipino soldiers who fought as American soldiers during World War II; and

WHEREAS, Many Filipino veterans have been discriminated against by the classification of their service as not being service

rendered in the United States Armed Forces for purposes of benefits from the United States Department of Veterans Affairs; and

WHEREAS, All other nationals, even foreigners, who served in the United States Armed Forces have been recognized and granted full rights and benefits, but the Filipinos who actually were American nationals at that time were and are still denied recognition and singled out for exclusion, and this treatment is unfair and discriminatory; and

WHEREAS, On October 20, 1996, President Clinton issued a proclamation honoring the nearly 100,000 Filipino veterans of World War II, soldiers of the Philippine Commonwealth Army, who fought as a component of the United States Armed Forces alongside Allied Forces for four long years to defend and reclaim the Philippine Islands, and thousands more who joined the United States Armed Forces after the war; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to take action necessary to honor our country's moral obligation to provide Filipino veterans with the military benefits that they deserve, including, but not limited to, holding related hearings, and acting favorably on legislation pertaining to granting full veterans' benefits to Filipino veterans of the United States Armed Forces; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 66

Senate Joint Resolution No. 8—Relative to the Main San Gabriel Groundwater Basin.

[Filed with Secretary of State July 16, 1999.]

WHEREAS, The Main San Gabriel Groundwater Basin is the principal source of drinking water for approximately 1.4 million people who live in southern California; and

WHEREAS, The economy of the San Gabriel Valley is dependent upon the availability of a safe, reliable source of water for the residents and businesses in the region; and

WHEREAS, The groundwater supply in the Main San Gabriel Groundwater Basin is contaminated by both volatile organic

compounds and inorganic chemicals, including perchlorate, that can be dangerous to human health; and

WHEREAS, The presence of perchlorate contamination is directly associated with the production of solid rocket fuels and explosives related to the defense and national security of the United States of America; and

WHEREAS, The contaminated groundwater in the Main San Gabriel Groundwater Basin is now spreading toward Los Angeles County's Central Groundwater Basin; and

WHEREAS, The spreading of contaminated groundwater into the massive Central Groundwater Basin will adversely affect the drinking water of over half of Los Angeles County; and

WHEREAS, The health and economy of the entire southern California region may be devastated by the continued presence and possible spreading of contaminated groundwater; and

WHEREAS, Perchlorate contamination of drinking water is a serious health-related problem in other areas of the United States outside southern California; and

WHEREAS, The application of treatment technology in the Main San Gabriel Groundwater Basin may be used as a model for areas in the United States with similar contamination problems; and

WHEREAS, All stakeholders affected by the contaminated groundwater have joined together to support a comprehensive plan to treat the contaminated groundwater and reclaim the Main San Gabriel Groundwater Basin for the storage of a safe, reliable drinking water source; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the President and Congress of the United States to enact legislation to make available necessary funds to implement groundwater remediation in the Main San Gabriel Groundwater Basin; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President, to the Speaker of the House of Representatives, the majority leader of the Senate, and each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 67

Senate Joint Resolution No. 9—Relative to an Orange County commissary.

[Filed with Secretary of State July 16, 1999.]

WHEREAS, The federal military base realignment and closure (BRAC) process will lead to the closing of the United States Marine

Corps Air Station (MCAS) at El Toro, California, in June 1999, and the impending closure of its commissary in September 2000 ; and

WHEREAS, Over 1,000 active duty military personnel from all services will remain in the vicinity of MCAS at El Toro after the base closes; and

WHEREAS, Over 120,000 military retirees reside in the Orange County vicinity of MCAS at EL Toro and are active customers of the commissary located there; and

WHEREAS, The active duty military personnel, members of the National Guard and reserves, and military retirees presently entitled to commissary privileges at MCAS at El Toro will suffer from a decreased quality of life and increased financial burdens if the commissary is closed; and

WHEREAS, The closure of the commissary will eliminate over 100 jobs; and

WHEREAS, The closest alternative commissaries are: March Air Force Base, Riverside, approximately 90 miles round-trip from El Toro; Camp Pendleton, United States Marine Corps, Oceanside, approximately 110 miles round-trip from El Toro; and Los Angeles Air Force Base, El Segundo, approximately 80 miles round-trip from El Toro; and

WHEREAS, These alternative locations pose a substantial hardship by requiring travel from one to two hours to use these facilities; and

WHEREAS, Four other bases in the State of California, March Air Force Base, Fort Ord, the Presidio of San Francisco, and McClellan Air Force Base, have been closed, but their exchange and commissary facilities have remained open; and

WHEREAS, United States Senators, Barbara Boxer and Dianne Feinstein; United States Representatives, Christopher Cox, Gary Miller, Ed Royce, and Loretta Sanchez; State Senators, Joe Dunn, Ross Johnson, John Lewis, and Bill Morrow; Assembly Members, Dick Ackerman, Pat Bates, Scott Baugh, Marilyn Brewer, Bill Campbell, Lou Correa, and Ken Maddox; and the Orange County Board of Supervisors, as the Local Redevelopment Authority (LRA), whose members are Cynthia Coad, James Silva, Charles Smith, Todd Spitzer, and Thomas Wilson, all support the continued operation of the commissary after base closure and have so petitioned the United States Secretary of Defense; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the President and Congress of the United States, the Secretary of Defense, the Chairpersons of the Joint Chiefs of Staff, the Chief of Naval Operations, and the Marine Commandant to take immediate action to authorize the continued operation of a commissary in Orange County after the closure of the United States Marine Corps Air Station at El Toro; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States,

the Speaker of the United States House of Representatives, each Senator and Representative from California in the Congress of the United States, the Secretary of Defense, the Chairperson of the Joint Chiefs of Staff, the Chief of Naval Operations, the Marine Commandant, and the Commissary Operating Board.

RESOLUTION CHAPTER 68

Assembly Concurrent Resolution No. 4—Relative to Neighborhood Watch Month.

[Filed with Secretary of State July 19, 1999.]

WHEREAS, California's communities recognize Neighborhood Watch as an effective means for keeping crime out of neighborhoods; and

WHEREAS, Neighbors and law enforcement agencies can work together to create an effective crimefighting team; and

WHEREAS, Approximately one residential burglary occurs every two minutes in the State of California; and

WHEREAS, The United States Attorney General has warned that juvenile crime arrests will more than double by the year 2010; and

WHEREAS, Much remains to be done to ensure the safety of our homes, our neighborhoods, and our communities for ourselves and our children; and

WHEREAS, The battle against crime will not be won by individuals acting alone; and

WHEREAS, Neighborhood Watch teaches children respect for the law, reinforces community values, and encourages the kind of individual responsibility that makes for healthy, creative neighborhoods populated by safer and happier citizens; and

WHEREAS, Neighborhood Watch programs put neighbors on guard for criminal activity that may occur near their homes, encourage the reporting of suspicious activity to the police, and provide escorts for elderly or vulnerable citizens; and

WHEREAS, The growth of Neighborhood Watch programs is truly encouraging; and

WHEREAS, Neighborhood Watch programs play a significant role and encompass a broad range of activities in making neighborhoods safe; and

WHEREAS, Because of the significance and scope of Neighborhood Watch programs in making neighborhoods safe, it is important that the State of California recognize the many contributions of the residents of this state and of law enforcement officers; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the month of August 1999 be declared Neighborhood Watch Month; and be it further

Resolved, That on the occasion of Neighborhood Watch Month, the Legislature of the State of California commends those California residents who have participated in Neighborhood Watch programs for their distinguished service to their communities by uniting with their neighbors and law enforcement to keep their neighborhoods safe, and encourages all Californians to join in this effective means of fighting crime in their neighborhoods.

RESOLUTION CHAPTER 69

Assembly Concurrent Resolution No. 65—Relative to California Pear Day.

[Filed with Secretary of State July 19, 1999.]

WHEREAS, California agriculture is among the most diverse in the world, and the jobs associated with the industry are a pillar of the state's economy; and

WHEREAS, Bartlett pears, developed in England in the 18th century, were introduced to the American colonies by Enoch Bartlett, a resident of Dorchester, Massachusetts; and

WHEREAS, Bartlett pears share in California agriculture's rich, long history, dating back 150 years when the first pear trees came west in covered wagons bound for the Great California Gold Rush; and

WHEREAS, Bartlett pears have been here since statehood and, thus, contribute to California's Sesquicentennial Celebration; and

WHEREAS, Bartlett pears are highly nutritious, providing a rich source of fiber, vitamins, and minerals with no cholesterol and virtually no fat; and

WHEREAS, Bartlett pears are the most popular pear variety nationwide, and 60 percent of them—285,000 tons raised on 18,500 acres—are grown in California; and

WHEREAS, Bartlett pears represent the largest agricultural crop in Lake County and the second largest crop in Mendocino County, as well as the third largest crop in Sacramento County; and

WHEREAS, More than 300 California farm families, many of whom have grown pears for generations, have dedicated themselves, with pride, to raising the nation's finest pears for 150 years, harvesting from July to September, with the peak of the season coming in August; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California

recognizes the historical, nutritional, and economic importance of pears, as well as the contributions of pear growers and the California Pear Advisory Board, by declaring August 11, 1999, as California Pear Day; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 70

Assembly Joint Resolution No. 4—Relative to poisonous and noxious weeds.

[Filed with Secretary of State July 19, 1999.]

WHEREAS, Poisonous and noxious weeds are spreading throughout the State of California due to the use of straw for soil-erosion control and road construction by California agencies, such as the Department of Transportation (CALTRANS), the Department of Fish and Game, and the Department of Forestry and Fire Protection, by federal agencies, such as the United States Forest Service and the United States Bureau of Land Management, and by other federal, state, and county agencies; and

WHEREAS, The grazing capacity of animals, wildlife habitat, and native plant species is being destroyed through the use of straw for these purposes; and

WHEREAS, It is in the best interest of the state for these agencies to use materials that are not detrimental to our wildlife, domestic animals, and plant species; and

WHEREAS, California-grown rice straw is produced in an aquatic environment and cannot coexist with the yellow star thistle and other terrestrial noxious weeds of concern; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, Jointly, That the Legislature of the State of California respectfully memorializes all government agencies, particularly the United States Forest Service, the United States Bureau of Land Management, CALTRANS, the Department of Fish and Game, and the Department of Forestry and Fire Protection, to abstain from using nonnative plant material and encourage the use of weed-free straw or California-grown rice straw in any of their programs within California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, each Senator and Representative from California in the Congress of the United States, the United States Forest Service, and the United States Bureau of Land Management, and to the Director

of Transportation, the Director of Fish and Game, and the Director of Forestry and Fire Protection.

RESOLUTION CHAPTER 71

Assembly Joint Resolution No. 10—Relative to the export of cryptographic products.

[Filed with Secretary of State July 19, 1999.]

WHEREAS, Current United States export control laws governing cryptographic products are adversely affecting California and American companies; and

WHEREAS, With California poised to greatly benefit from the rapid growth of electronic commerce, which is predicted to amount to as much as $200 billion per year by the year 2000, outdated cryptographic provisions dating back to World War II and the Cold War retard the ability of California producers of cryptographic products to compete and succeed in the global market; and

WHEREAS, There exists a tremendous worldwide market for cryptographic products incorporating secure encryption features; and

WHEREAS, Foreign competitors of data-scrambling technology, unfettered by strict government export controls on cryptographic products, are able to successfully develop, market, and sell sophisticated encryption systems well above the United States limit; and

WHEREAS, Any benefit to American law enforcement or national security realized by American export controls on cryptographic products has been minimized by the rapid availability of strong, robust cryptographic systems produced by non-American companies and even by the ability to lawfully import these systems into the United States; and

WHEREAS, The Computer Systems Policy Project estimates that if the current outdated policy remains in effect, the cost to American companies could be up to $96 billion by the year 2002 and the loss of over 200,000 high-skill, high-wage jobs by the year 2000; and

WHEREAS, The National Research Council of the National Academy of Sciences has concluded after exhaustive study that United States export controls on cryptography may be causing American software and hardware companies to lose a significant share of a rapidly growing market, with losses of at least several hundred million dollars per year; and

WHEREAS, The current administration supports a "key recovery" system that would force computer users to give the government access to their encryption keys, thus allowing the federal government

to monitor an individual's communications and on-line transactions without that individual's knowledge or consent; and

WHEREAS, There is pending in the United States Congress H.R. 850, which will substantially ease or eliminate current federal export controls on American cryptographic products, and other legislation related to cryptography and export controls is being introduced and considered in the Congress; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That there be greater discussion between industry, government, and the public in this policy area; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to act immediately to consider the relaxation of current United States export control laws governing cryptographic products and to discourage the implementation of a federally mandated "key recovery" program; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 72

Senate Concurrent Resolution No. 25—Relative to the Gunnery Sergeant John Basilone Memorial Freeway.

[Filed with Secretary of State July 23, 1999.]

WHEREAS, Gunnery Sergeant John Basilone was born in 1916 in Buffalo, New York, son of Salvatore and Dora Basilone, one of 10 children; and

WHEREAS, John Basilone was raised and educated in Raritan, New Jersey; and

WHEREAS, At the age of 18, in 1934, John Basilone enlisted in the United States Army, principally seeing garrison service in the Philippines; and

WHEREAS, While stationed in Manila, Sergeant Basilone was a Golden Gloves light-heavyweight boxing champion and, while there, he met the great love of his life, the .30-caliber machine gun; and

WHEREAS, After his honorable discharge in 1937, Sergeant Basilone, known by his comrades as "Manila John," returned to Raritan; and

WHEREAS, He saw the storm clouds of war hovering over the nation, and believing his place was with the fighting forces, he enlisted in the United States Marine Corps in July 1940; and

WHEREAS, On October 24 and 25, 1942, on Guadalcanal, Solomon Islands, Sergeant Basilone was a member of "C" Company, 1st Battalion, 7th Regiment, 1st Marine Division, one of "Chesty" Puller's Battalions, and was in charge of two sections of heavy machine guns defending a narrow pass that led to Henderson Airfield; and

WHEREAS, Although Sergeant Basilone and his machine gunners were vastly outnumbered without available reinforcements, Sergeant Basilone and his fellow Marines fought valiantly to check the savage and determined assault by the Japanese Imperial Army; and

WHEREAS, In a fierce frontal attack with the enemy blasting his division with grenades and mortar fire, one of Sergeant Basilone's sections, with its gun crews, was put out of action, leaving only two men to carry on, Sergeant Basilone moved an extra gun into position and, under continual fire, repaired another gun and personally manned it; and

WHEREAS, A short time later, with the ammunition critically low and supply lines cut off, Sergeant Basilone, at great risk to his life and in the face of continued enemy attack, battled his way through hostile lines with urgently needed shells for his gunners; and

WHEREAS, Hour after hour Sergeant Basilone and his remaining men battled the Japanese forces, and at one point he was forced to use his revolver to shoot down enemy soldiers who had reached his trench; and

WHEREAS, By the time reinforcements arrived, the enemy had been stopped; and

WHEREAS, Sergeant Basilone's small force had contributed in large measure to the virtual annihilation of an enemy regiment; and

WHEREAS, For this action, Sergeant Basilone was awarded the Congressional Medal of Honor and sent home a hero; and

WHEREAS, John Basilone married his sweetheart, Lena Mae Riggi, who, with love and devotion, encouraged her husband of one month to follow his heart; and

WHEREAS, In December 1944, Sergeant Basilone's restlessness to rejoin his fellow Marines who were fighting the bloody island-to-island battles in route to the Philippines and Japan prompted him to again volunteer for combat; and

WHEREAS, On Iwo Jima, February 19, 1945, Sergeant Basilone again distinguished himself, single-handedly destroying an enemy blockhouse while braving a smashing bombardment of enemy heavy caliber fire, putting the blockhouse out of commission; and

WHEREAS, Minutes later an artillery shell killed Sergeant Basilone and four of his platoon members; and

WHEREAS, He was posthumously awarded the Navy Cross and Purple Heart, and a life-sized bronze statue stands in Raritan, New Jersey where "Manila John" is clad in battle dress and cradles in his arms a machine gun; and

WHEREAS, In 1949 the United States Government commissioned a destroyer U.S.S. Basilone, and in November 1951, Governor Alfred E. Driscoll posthumously awarded Sergeant Basilone the State of New Jersey's highest decoration; and

WHEREAS, Following World War II, Sergeant Basilone's remains were reinterred in the Arlington National Cemetery; and

WHEREAS, Sergeant Basilone was the first recipient of the Congressional Medal of Honor awarded in World War II; and

WHEREAS, Sergeant Basilone was also awarded the Navy Cross and the Purple Heart, giving him the distinction of being the only enlisted Marine in World War II to receive all three medals; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby designates the 17-mile portion of Interstate 5 between the Basilone Road exit at the north and the main gate of Camp Pendleton at the south, the "Gunnery Sergeant John Basilone Memorial Freeway," in honor and in recognition of John Basilone; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing this special designation, and indicating that Sergeant Basilone was a United States Marine, and upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Transportation and to the author for distribution.

RESOLUTION CHAPTER 73

Senate Concurrent Resolution No. 31—Relative to Latino Behavioral Health Week.

[Filed with Secretary of State July 23, 1999.]

WHEREAS, The Latino population represents a significant percentage of California's population; and

WHEREAS, The Latino population continues to increase at a rapid rate; and

WHEREAS, Latinos suffer from mental illness and from alcohol and other drugs in the same proportion as the general population; and

WHEREAS, Latinos historically underutilize early intervention and preventive public behavioral health services; and

WHEREAS, Underutilization of early intervention and preventive public behavioral health services leads to overuse of high-cost services financed by the taxpayer; and

WHEREAS, Underutilization of behavioral health care results in unnecessary pain and suffering by Latino families; and

WHEREAS, The State of California desires to eliminate unnecessary pain and suffering of behavioral health disorders in the Latino community; and

WHEREAS, The State of California strives to provide quality and fiscally prudent behavioral health care to the Latino community; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the third week of September of each year be proclaimed "Latino Behavioral Health Week"; and be it further

Resolved, That each county in California is expected to conduct activities promoting awareness through community education, screening, and referrals to linguistic and culturally appropriate services, organized and implemented by community health, drug, and mental health agencies; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 74

Senate Concurrent Resolution No. 37—Relative to California's Legislators Go Back to School Week.

[Filed with Secretary of State July 23, 1999.]

WHEREAS, The State of California was created 150 years ago as a representative form of government in which all political power is inherent in the people who exercise that power through legislative, executive, and judicial branches and through the initiative and referendum processes; and

WHEREAS, In recent years, citizen interest in government and the political system has declined, in part, due to a weakening belief in, and a lack of understanding of, the virtues and knowledge needed for a successful republican form of government; and

WHEREAS, The people's understanding of the fundamental values and principles, institutions, and processes of our constitutional republic is critical to building public trust and confidence; and whereas the operations and values of state government and in particular the state Legislature, such as legislative representation, deliberation, compromise, and resolution of conflicts, are often poorly understood by the people; and

WHEREAS, Many states and national organizations such as the National Conference of State Legislatures, the Council of State Governments, the American Council of Education, the National Association of Secretaries of State, the American Political Science Association, and the National Commission on Civic Renewal have adopted resolutions pertaining to the issue of civic values and education; and

WHEREAS, California is fortunate to have a number of civic education projects and organizations, including, but not limited to, Capitol Focus, the Center for California Studies at California State University, Sacramento, the Center for Civic Education, the California Channel, the YMCA Model Legislatures, the Chicano Latino Youth Leadership Program, Junior Statesman and Youth Vote, but the effectiveness of these projects and organizations is sometimes limited by the small numbers of people able to participate in those activities as well as difficulties in coordination and communication among civic education groups and organizations; and

WHEREAS, As stated by Benjamin Rush, signer of the Declaration of Independence, "There is but one method of rendering a republican form of government durable, and that is by disseminating the seeds of virtue and knowledge through every part of the state by means of proper places and modes of education and this can be done effectively only by the aid of the legislature"; and

WHEREAS, The Executive Committee of the National Conference of State Legislatures recently passed a resolution that said, in part, that the operations of state legislatures and the roles of individual legislators are often little understood by citizens, and that public understanding of the institutions and processes of government is critical to building public trust and confidence; and

WHEREAS, The executive committee's resolution also stated that state Legislatures need to bring about better understanding of the concept of representative democracy and that education about representative democracy should emphasize the importance of compromise and the difficulty of resolving competing interests in a diverse society; and

WHEREAS, Civic education is a vital tool to promote greater understanding of the legislative institution and the role of legislators in a representative form of government ; and

WHEREAS, The National Conference of State Legislatures urges the nation's state Legislatures to promote civic education on representative democracy; and

WHEREAS, To help implement this recommendation, the National Conference of State Legislatures proposes to create the America's Legislators Go Back to School program, a national day on which state legislators across the country visit schools and classrooms to talk about the Legislature and to observe activities in the schools; and

WHEREAS, Legislators may benefit from interacting with pupils, teachers, and administrators; and

WHEREAS, In California, there is also need for a Legislators Go Back to School Week; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the third week in September shall be designated as the annual week for California's Legislators Go Back to School Week.

RESOLUTION CHAPTER 75

Senate Joint Resolution No. 13—Relative to former military base property.

[Filed with Secretary of State July 23, 1999.]

WHEREAS, The President of the United States and the Secretary of Defense have announced that they will ask Congress for the authority to transfer former military base property to local communities at no cost if the local communities use the property for job-generating economic development; and

WHEREAS, These no-cost economic development conveyances would minimize time-consuming property appraisals and negotiations, thereby speeding property transfers and reuse of these properties, and reducing the Department of Defense's costs to maintain and operate excess property; and

WHEREAS, The Department of Defense is organizing a base-reuse "Red Team" to develop plans to implement the new economic development conveyances, with an emphasis on a rapid and smooth transition of property to productive reuse; and

WHEREAS, Proposed federal legislation would forgive lease payments for communities that have already entered into agreements with the Department of Defense, including communities in California; and

WHEREAS, This proposed legislation would benefit the State of California, which suffered disproportionately, compared to other states, by base closures in 1988, 1991, 1993, and 1995; and

WHEREAS, California shouldered 60 percent of the net cuts in military personnel as a result of those base closures, despite the fact that the state had just 15 percent of military personnel before the cuts began; and

WHEREAS, California suffered the closure or realignment of 29 bases, losing more than 186,000 jobs and almost $9.6 billion in economic activity; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California Legislature respectfully memorializes

Congress and the President of the United States to enact legislation to transfer former military base property to local communities at no cost if the local communities use the property for job-generating economic development, and to forgive lease payments for communities that have already entered into agreements with the Department of Defense; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 76

Assembly Joint Resolution No. 12—Relative to special education funding.

[Filed with Secretary of State August 19, 1999.]

WHEREAS, The Congress of the United States enacted the Education for All Handicapped Children Act of 1975 (P.L. 94-142), now known as the Individuals with Disabilities Education Act (IDEA), to ensure that all children with disabilities in the United States have available to them a free and appropriate public education that emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities; and

WHEREAS, Since 1975, federal law has authorized appropriation levels for grants to states under the IDEA at 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

WHEREAS, Congress continued the 40-percent funding authority in Public Law 105-17, the Individuals with Disabilities Education Act Amendments of 1997; and

WHEREAS, Congress has never appropriated funds equivalent to the authorized level, has never exceeded the 15-percent level, and has usually only appropriated funding at about the 8-percent level; and

WHEREAS, The California Master Plan for Special Education was approved for statewide implementation in 1980 on the basis of the anticipated federal commitment to fund special education programs at the federally authorized level; and

WHEREAS, The Governor's Budget for the 1999–2000 fiscal year proposes $2.2 billion in General Fund support for the state's share of funding for special education programs; and

WHEREAS, The State of California anticipates receiving approximately $410,500,000 in federal special education funds under Part B of IDEA for the 1999–2000 school year, even though the federally authorized level of funding would provide over $1.8 billion annually to California; and

WHEREAS, Local educational agencies in California are required to pay for the underfunded federal mandates for special education programs, at a statewide total cost approaching $1 billion annually, from regular education program money, thereby reducing the funding that is available for other education programs; and

WHEREAS, The decision of the Supreme Court of the United States in the case of Cedar Rapids Community Sch. Dist. v. Garret F. ((1999) 143 L.Ed 2d 154), has had the effect of creating an additional mandate for providing specialized health care , and will significantly increase the costs associated with providing special education services; and

WHEREAS, Whether or not California participates in the IDEA grant program, the state has to meet the requirements of Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701) and its implementing regulations (34 C.F.R. 104), which prohibit recipients of federal financial assistance, including educational institutions, from discriminating on the basis of disability, yet no federal funds are available under that act for state grants; and

WHEREAS, California is committed to providing a free and appropriate public education to children and youth with disabilities, in order to meet their unique needs; and

WHEREAS, The California Legislature is extremely concerned that, since 1978, Congress has not provided states with the full amount of financial assistance necessary to achieve its goal of ensuring children and youth with disabilities equal protection of the laws; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully memorializes the President and Congress of the United States to provide the full 40-percent federal share of funding for special education programs so that California and other states participating in these critical programs will not be required to take funding from other vital state and local programs in order to fund this underfunded federal mandate; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the Chair of the Senate Committee on Budget, to the Chair of the House Committee on the Budget, to the Senate Committee on Appropriations, to the Chair of the House

Committee on Appropriations, to each Senator and Representative from California in the Congress of the United States, and to the United States Secretary of Education.

RESOLUTION CHAPTER 77

Assembly Joint Resolution No. 17—Relative to persons with disabilities.

[Filed with Secretary of State August 19, 1999.]

WHEREAS, In California and elsewhere, throughout a prolonged period of economic well-being and record low unemployment rates, recent national and California studies both have unacceptable findings that only one-third of adults with disabilities nationally and in California hold part-time or full-time jobs; and

WHEREAS, In these same studies, 75 percent of those not working stated they want to work; and

WHEREAS, The lack of access to private health insurance or the lack of continuing access to Medi-Cal or Medicare is the main obstacle individuals with significant disabilities face when working or returning to work; and

WHEREAS, The Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) work incentive rules have the potential to be effective but are underutilized, overly complex, and inconsistently administered. Social Security work incentives are used by only a small fraction of those eligible and often result in benefit overpayments that must be repaid by the payee; and

WHEREAS, People with disabilities who are SSDI beneficiaries and SSI recipients have limited choice in employment services; and

WHEREAS, On January 28, 1999, Senator James M. Jeffords, Senator Edward M. Kennedy, Senator William V. Roth, Jr., and Senator Daniel Patrick Moynihan, introduced Senate Bill 331, cited as the "Work Incentives Improvement Act of 1999," to expand the availability of health care coverage for working individuals with disabilities, establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide these individuals with meaningful opportunities to work, and for other purposes; and

WHEREAS, On March 18, 1999, Representative Rick A. Lazio, Representative Michael Bilirakis, Representative Nancy L. Johnson, Representative Henry A. Waxman, Representative Tom Bliley, Jr., Representative Bob Matsui, Representative Fortney (Pete) Stark, Representative Brian Bilbray, Representative Steve Horn, of California and other states, introduced House Resolution 1180, cited as the "Work Incentives Improvement Act of 1999," a measure similar to that introduced in the Senate; and

WHEREAS, The federal act, as introduced, would provide states with the option and incentive grants to set up programs to extend medicaid coverage to certain classes of SSDI and SSI beneficiaries who work, extend Medicare for SSDI beneficiaries who work, provide more choice of employment services, and establish a $2 for $1 earned income offset demonstration project for SSDI beneficiaries; and

WHEREAS, The federal act, as introduced, contains strong work incentive and planning provisions for individuals with disabilities who work or want to work, and provisions for community work incentive planners to help individuals understand and use federal and state work incentive programs, Social Security specialists in work incentives at field offices to disseminate accurate information, protection and advocacy assistance when an individual's situation is negatively impacted as a result of work, and an advisory panel to counsel the Commissioner of Social Security and other federal agencies on employment and work incentive programs; and

WHEREAS, The interconnected provisions of the federal act work in concert to remove work barriers for people with disabilities; and

WHEREAS, Californians with disabilities want to live and work side by side with others in their communities and this goal can begin to happen with passage of this historic national legislation; and

WHEREAS, It is the California Legislature's strongest belief that people have the responsibility and right to meaningful employment opportunities; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature affirms its endorsement of the federal "Work Incentives Improvement Act of 1999," and urges the United States Congress to pass this act at once in order to meet the urgent demands of people with disabilities who work or want to work across the nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Senate Majority Leader, the Speaker of the House of Representatives, the Chairpersons of the Senate Committees on Appropriations, Budget, and Finance, and to the Chairpersons of the House Committees on Appropriations, Budget, Commerce, and Ways and Means, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 78

Assembly Joint Resolution No. 19—Relative to a just and peaceful resolution of the situation in Cyprus.

[Filed with Secretary of State August 19, 1999.]

WHEREAS, The Republic of Cyprus has been illegally divided and occupied by Turkish forces since 1974 in violation of United Nations resolutions; and

WHEREAS, The international community and the United States government have repeatedly called for the speedy withdrawal of all foreign troops from the territory of Cyprus; and

WHEREAS, There are internationally acceptable means to resolve the situation in Cyprus, including the proposal for the demilitarization of Cyprus and the establishment of a multinational force to ensure the security of both the Greek and Turkish communities in Cyprus, which has been endorsed by the international community including the United States government; and

WHEREAS, It is recognized that the prospect of Cyprus accession to the European Union will serve as a catalyst for resolving the situation in Cyprus; and

WHEREAS, A peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security and the political, economic, and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey; and

WHEREAS, The United Nations has repeatedly stated the parameters for such a solution, most recently in United Nations Security Council Resolution 1217, adopted on December 22, 1998, with United States support; and

WHEREAS, In spite of unsuccessful high level meetings in 1997 and the United States led mediation efforts in May 1998, the situation has led to a stalemate in the efforts of the international community to reach a Cyprus settlement; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the solution of the situation in Cyprus must be based on the parameters and principles set forth in House Concurrent Resolution No. 81 and Senate Concurrent Resolution No. 41, both of the 105th Congress, and the aforementioned United Nations Security Council resolutions, regarding the situation in Cyprus; and be it further

Resolved, That the Assembly and Senate of the State of California, jointly, call on the President and the Congress of the United States to continue their active support in finding a just, viable, and lasting solution to the Cyprus problem within the United Nations framework and according to those parameters; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative in the Congress of the United States.

RESOLUTION CHAPTER 79

Assembly Concurrent Resolution No. 2—Relative to creating the Joint Committee to Investigate Financial Institution Mergers and Acquisitions.

[Filed with Secretary of State August 23, 1999.]

WHEREAS, According to an article by Daniel Kadlec in the December 7, 1998, issue of Time Magazine, Amadeo Peter Giannini "found himself at odds with other directors of Columbus Savings and Loan Society who had little interest in extending loans to hard working immigrants"; and

WHEREAS, Amadeo Peter Giannini "... also made a career out of lending to out-of-favor industries... including California's wine and movie industries"; and

WHEREAS, In 1904, because Mr. Giannini was at odds with his fellow bankers and their reluctance to extend banking services and loans to working immigrants and small businesses, he formed Bank of Italy in San Francisco, California; and

WHEREAS, A. P. Giannini eschewed personal wealth for fear of losing touch with the people he wished to serve; and

WHEREAS, According to writer Kadlec, "A. P. Giannini always encouraged his employees and customers to become shareholders and to fully participate in the success of the bank"; and

WHEREAS, Banks established in California over many decades have and had grown and prospered with the State of California; and

WHEREAS, These banks have or had evolved into multinational corporations, maintaining their corporate headquarters in California; and

WHEREAS, These banks obtained their early, critical expansion-inducing deposits from the people of California and have or had continued to draw much of their financing from all of California; and

WHEREAS, The people of California, recognizing the mutuality of interests in having a vital business and personal banking industry in the state, have or had endeavored, over the years, to accommodate and facilitate the expansion and economic health of these banks; and

WHEREAS, The people of California have or had taken a certain pride in watching their banks grow and thought of them as their banks; and

WHEREAS, These California banks through "mergers" but more properly identified as "acquisitions" have been gradually taken over by foreign (other state) banks and their headquarters have been located outside of California; and

WHEREAS, Mergers and acquisitions of in-state banks by foreign (other state) banks and holding companies have traditionally

resulted in the acquired bank's gradual withdrawal from community involvement; and

WHEREAS, Community involvement by local financial institutions provides more interest in and development of those local communities; and

WHEREAS, California, being the sixth largest economy in the world, should be the headquarters of national and international banks; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Assembly and Senate hereby express their serious concern over mergers and acquisitions of California banks by foreign (other state) banks and holding companies and the removal of financial institution headquarters from California; and be it further

Resolved, That the Assembly and Senate further express their serious concern over the loss of local branches and financial institution services in California; and be it further

Resolved, That there is hereby created the Joint Committee to Investigate Financial Institution Mergers and Acquisitions; and be it further

Resolved, That the committee shall commence a study of the potential impact of the removal of the corporate headquarters of banks from California and whether the state would be well advised to withdraw funds currently deposited in those banks in order to ensure that these funds best serve the people of the State of California; and be it further

Resolved, That it shall be the purpose of the committee to investigate and determine the detrimental consequences to the State of California, its agencies and departments, and its inhabitants resulting from financial institution mergers and acquisitions, and if the committee finds that these activities have resulted in damage to the state, its people, or its institutions, it shall ascertain and recommend available methods or sanctions to correct the wrongs; and be it further

Resolved, That the committee shall particularly address the effects of mergers and acquisitions in the areas of community investment, charitable contributions, related social activities, and advancement opportunities for women and minorities; and be it further

Resolved, That the committee shall investigate and determine how to provide incentives for national and international banks to make their headquarters in California; and be it further

Resolved, That the committee shall examine the financial institution industry, sizes of financial institutions in California, and their participation in California communities' development; and be it further

Resolved, That the committee shall examine access to financial services as a result of mergers and acquisitions and the number of

branch closures by type and size of affected communities; and be it further

Resolved, That the committee shall examine methods of allowing independent community and local financial institutions to participate in the moneys of the State Treasurer's Pooled Money Investment Account and other state financial business; and be it further

Resolved, That the committee shall examine the need for people-to-people contact and the role of philanthropy; and be it further

Resolved, That the committee shall examine the changes in niche markets and whether they are being filled by new charters so that there are minimal exposures and an available safety net; and be it further

Resolved, That the committee shall examine the impact upon public revenue as the result of removal of a major financial institution headquarters from California to another state; and be it further

Resolved, That the committee shall consist of five Members of the Assembly appointed by the Speaker of the Assembly and five Members of the Senate appointed by the Senate Committee on Rules; that a Member of the Assembly shall chair the committee; and that the chairperson shall appoint committee staff; and be it further

Resolved, That the committee and its members shall have all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which rules are incorporated herein and made applicable to the committee and its members; and be it further

Resolved, That the Assembly Committee on Rules may make money available from the Assembly Operating Fund as it deems necessary for the expenses of the Joint Committee to Investigate Financial Institution Mergers and Acquisitions; and be it further

Resolved, That any expenditure of money shall be made in compliance with policies set forth by the Assembly Committee on Rules and shall be subject to the approval of the Assembly Committee on Rules; and be it further

Resolved, That the Joint Committee to Investigate Financial Institution Mergers and Acquisitions shall, within 15 days of authorization, present its initial budget to the Assembly Committee on Rules for its review, comment, and approval; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 80

Assembly Concurrent Resolution No. 14—Relative to California History Week.

[Filed with Secretary of State August 23, 1999.]

WHEREAS, California became the thirty-first State in the Union of the United States of America on September 9, 1850, which became known as Admission Day; and

WHEREAS, The Great State of California is as economically strong as if it were the fourth largest country in the world; and

WHEREAS, California has such a rich heritage of a multicultural nature, and Californians desire to preserve this rich history and multicultural heritage of the Great State of California and its people; and

WHEREAS, California has an extensive mission system built by the Spanish missionaries; and

WHEREAS, California's state flower, the Poppy, continues to beautify the hills of our Great State; and

WHEREAS, Californians want to preserve the geographical diversity that helps make the Great State so different because it has a sample of the geography from all over the world; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby designates the Saturday before, to the Sunday following, September 9th of every year as California History Week with special emphasis on September 9, Admission Day; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 81

Assembly Concurrent Resolution No. 17—Relative to the California Law Revision Commission.

[Filed with Secretary of State August 23, 1999.]

WHEREAS, The California Law Revision Commission is authorized to study only topics set forth in the calendar contained in its report to the Governor and the Legislature that are thereafter approved for study by concurrent resolution of the Legislature, and topics that have been referred to the commission for study by concurrent resolution of the Legislature; and

WHEREAS, The commission, in its annual report covering its activities for 1998 and 1999, recommends continued study of 16 topics,

all of which the Legislature has previously authorized or directed the commission to study; and

WHEREAS, The commission, in its annual report covering its activities for 1998 and l999, recommends removal of five topics, all of which the Legislature has previously authorized or directed the commission to study and which the commission either has completed study of or found to be no longer appropriate for commission study; and

WHEREAS, The commission, in its annual report covering its activities for 1998 and 1999, recommends addition of four new topics to its calendar; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature approves for continued study by the California Law Revision Commission the topics listed below, all of which the Legislature has previously authorized or directed the commission to study:

(1) Whether the law should be revised that relates to creditors' remedies, including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code provisions on repossession of property), civil arrest, confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, insolvency, and related matters;

(2) Whether the California Probate Code should be revised, including, but not limited to, the issue of whether California should adopt, in whole or in part, the Uniform Probate Code;

(3) Whether the law should be revised that relates to real and personal property, including, but not limited to, a marketable title act, covenants, servitudes, conditions, and restrictions on land use or relating to land, possibilities of reverter, powers of termination, Section 1464 of the Civil Code, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant upon assignment, subletting, termination, or abandonment of a lease, powers of appointment, and related matters;

(4) Whether the law should be revised that relates to family law, including, but not limited to, community property, the adjudication of child and family civil proceedings, child custody, adoption, guardianship, freedom from parental custody and control, and related matters, including other subjects covered by the Family Code;

(5) Whether the law relating to offers of compromise should be revised;

(6) Whether the law relating to discovery in civil cases should be revised;

(7) Whether the acts governing special assessments for public improvement should be simplified and unified;

(8) Whether the law relating to the rights and disabilities of minors and incompetent persons should be revised;

(9) Whether the Evidence Code should be revised;

(10) Whether the law relating to arbitration should be revised;

(11) Whether there should be changes to administrative law;

(12) Whether the law relating to the payment and the shifting of attorney's fees between litigants should be revised;

(13) Whether the Uniform Unincorporated Nonprofit Association Act, or parts of that uniform act, and related provisions should be adopted in California;

(14) Recommendations to be reported pertaining to statutory changes that may be necessitated by court unification;

(15) Whether the law of contracts should be revised, including the law relating to the effect of electronic communications on the law governing contract formation, the statute of frauds, the parol evidence rule, and related matters;

(16) Whether the laws within various codes relating to environmental quality and natural resources should be reorganized in order to simplify and consolidate relevant statutes, resolve inconsistencies between the statutes, and eliminate obsolete and unnecessarily duplicative statutes; and be it further

Resolved, That the Legislature approves removal of the topics listed below from the calendar of the California Law Revision Commission:

(1) Whether the law relating to class actions should be revised;

(2) Whether a summary procedure should be provided by which property owners can remove doubtful or invalid liens from their property, including a provision for the payment of attorneys' fees to the prevailing party;

(3) Whether the law governing unfair competition litigation under Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code should be revised to clarify the scope of the chapter and to resolve procedural problems in litigation under the chapter, including the res judicata and collateral estoppel effect on the public of a judgment between the parties to the litigation, and related matters;

(4) Whether the requirement of paragraph (2) of subdivision (b) of Section 800 of the Corporations Code that the plaintiff in a shareholder's derivative action must allege the plaintiff's efforts to secure board action or the reasons for not making the effort, the standard under Section 309 of the Corporations Code for protection of a director from liability for a good faith business judgment, and related provisions, should be revised;

(5) Whether Section 351 of the Code of Civil Procedure, relating to tolling statutes of limitations while the defendant is out of state, and related matters, should be revised; and be it further

Resolved, That the Legislature approves for study by the California Law Revision Commission the new topics listed below:

(1) Whether the law governing common interest housing developments should be revised to clarify the law, eliminate unnecessary or obsolete provisions, consolidate existing statutes in one place in the codes, establish a clear, consistent, and unified policy with regard to formation and management of these developments and transaction of real property interests located within them, and to determine to what extent they should be subject to regulation;

(2) Whether the statutes of limitation for legal malpractice actions should be revised to recognize equitable tolling or other adjustment for the circumstances of simultaneous litigation, and related matters;

(3) Whether the law governing disclosure of public records and the law governing protection of privacy in public records should be revised to better coordinate them, including consolidation and clarification of the scope of required disclosure and creation of a single set of disclosure procedures, to provide appropriate enforcement mechanisms, and to ensure that the law governing disclosure of public records adequately treats electronic information, and related matters;

(4) Whether the law governing criminal sentencing should be revised, nonsubstantively, to reorganize and clarify the sentencing procedure statutes in order to make them more logical and understandable; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the California Law Revision Commission.

RESOLUTION CHAPTER 82

Assembly Concurrent Resolution No. 35—Relative to the University of California.

[Filed with Secretary of State August 23, 1999.]

WHEREAS, In August 1911, a lone starving man known as Ishi emerged from the foothills of Butte County into Oroville; and

WHEREAS, It was later determined that this man was the last surviving member of the Yahi Indians, a tribe that was virtually exterminated in 1865 by white settlers, and the few survivors of which had fled into the mountains of the Butte County area to avoid enslavement, disease, or massacre; and

WHEREAS, Ishi's story of survival, and his avoidance of European ways and influence, has made him a legendary figure in Native American and California history books, scientific treatises, and movies; and

WHEREAS, The discovery of Ishi sparked the interest of anthropologists at the University of California, who brought him from the Oroville Jail to San Francisco, where he was examined, studied, and ultimately employed as a janitor at the Anthropology Museum of the University of California; and

WHEREAS, Ishi lived the remainder of his life as a living exhibit at the Anthropology Museum of the University of California; and

WHEREAS, When Ishi died in 1916 of tuberculosis, a European disease against which he was almost defenseless, his body was autopsied by medical personnel of the University of California in violation of his beliefs and against his wishes; and

WHEREAS, During the autopsy, Ishi's brain was removed and subsequently sent by the University of California to the curator for physical anthropology at the Smithsonian Institution for analysis; Ishi's brain was preserved, and it languished in a warehouse in Suitland, Maryland for 80 years until its recent discovery; and

WHEREAS, The rest of Ishi's body was cremated shortly after his death, and his cremated remains are now interred in a cemetery in Colma, California; and

WHEREAS, The Butte County Native American Cultural Committee, which inspired the search for Ishi's brain, believes that a complete body is necessary to perform a proper Indian burial ceremony; and

WHEREAS, The University of California has responded to questions about Ishi's brain by claiming that its records showed that Ishi's brain had been cremated with the rest of his body; and

WHEREAS, The University of California, San Francisco, in response to accounts in the press, launched an investigation to determine what happened to Ishi's brain and, through the efforts of their historian, the Smithsonian Institution eventually acknowledged that the brain was in its collection; and

WHEREAS, A federal statute, known as the Native American Graves Protection and Repatriation Act of 1990, provides protection for Native American remains and cultural items and provides for the repatriation of these remains and items; and

WHEREAS, It is the explicit policy of the State of California that all Native American remains be repatriated; and

WHEREAS, The fate of Ishi is an example of the cruelty and injustice dealt to every tribe in California by those who came here and displaced them; and

WHEREAS, An expression of a desire for the unification and return of the remains of Ishi to his homeland would constitute an expression of remorse on the part of the State of California for its actions that contributed to this injustice; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature urges the Regents of the University of California to immediately take any and all actions

necessary to ensure that the remains of Ishi be returned to the appropriate tribal representatives; and be it further

Resolved, That the Legislature urges the Governor to direct all affected state agencies to cooperate in the effort to return the remains of Ishi so that a proper Indian burial ceremony may take place and closure may be brought to this indignity; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor and to each of the other members of the Regents of the University of California.

RESOLUTION CHAPTER 83

Assembly Concurrent Resolution No. 78—Relative to the North Valley Jewish Community Center Tragedy.

[Filed with Secretary of State August 23, 1999.]

WHEREAS, The Jewish Community has played an integral role in the welfare of our nation since Colonial times and of California since the birth of the territory; and

WHEREAS, The Jewish community of the San Fernando Valley has for generations contributed mightily and selflessly to the welfare and happiness of all of the people of that region, establishing community centers, charities, and good works of every description; and

WHEREAS, On August 10, 1999, the North Valley Jewish Community Center became the target of hate-inspired violence against toddlers and preschoolers and the staff who care for them as well as an innocent postal carrier on his daily rounds, in a manner so cowardly and so vile that it will haunt our state for many decades to come; and

WHEREAS, This despicable attack is the latest in a growing list of hate-inspired violence directed against the good people of this state, their children, and families, and their houses of worship and faith; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That speaking in united voice on behalf of the People of California, that it deplores and condemns these acts and most immediately the wanton attack against the children and staff of the North Valley Jewish Community Center and postal carrier Joseph Ileto; and be it further

Resolved, That the Legislature extends its deepest sympathy to the victims and their families, and wishes them to know that all of California stands with them, that their suffering will not be in vain, and the crimes committed against them have united our people in moral outrage as never before; and be it further

Resolved, That from the suffering endured that day, this state draws a renewed determination to eradicate the elements of evil within our society responsible for these outrages, and to strengthen the common bonds of humanity, morality, and affection that comprise the cornerstone of civilization and the foundation of public felicity.

RESOLUTION CHAPTER 84

Senate Concurrent Resolution No. 9—Relative to Red Ribbon Week.

[Filed with Secretary of State August 24, 1999.]

WHEREAS, Californians for Drug-Free Youth, Inc. (CADFY), a statewide parent-community organization, the office of the Governor, the office of the Attorney General, the State Department of Alcohol and Drug Programs, the State Department of Education, the California Parent Teacher Association, and over 100 other statewide agencies, departments, and organizations are cosponsoring October 23 through October 31, 1999, as Red Ribbon Week; and

WHEREAS, Parents, youth, schools, businesses, law enforcement, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the State of California will demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this weeklong celebration; and

WHEREAS, The theme of this year's effort is "BE HEALTHY AND DRUG FREE!"; and

WHEREAS, Drug abuse stands as one of the major challenges our state faces in securing a safe and healthy future for our children; and

WHEREAS, The objective of Red Ribbon Week, 1999, will be to promote this view though drug prevention, education, parental involvement, and community-wide support; and

WHEREAS, The Senate of the State of California has further committed its resources to ensure the success of the Red Ribbon Week celebration; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature does hereby proclaim its support for the Red Ribbon Week celebration by proclaiming October 23 through October 31, 1999, as Red Ribbon Week; and be it further

Resolved, That the Legislature encourages all Californians to help build drug-free communities and to participate in drug prevention activities by making a visible statement that we are firmly committed to healthy, productive, drug-free lifestyles; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor of the State of California and to the author for appropriate distribution throughout the community.

RESOLUTION CHAPTER 85

Senate Concurrent Resolution No. 15—Relative to state employee merit awards.

[Filed with Secretary of State August 24, 1999.]

WHEREAS, An award of $5,000 has already been made to Margaret J. Griffin, California Department of Aging, for a proposal resulting in increased savings of $282,000, recommending amending a waiver for Special Services, a multipurpose senior services program provided to frail seniors. The Case Management Administration and Waived Services were matched with equal amounts of General Fund money and reimbursed 50 percent from the federal government. Special Services were not eligible. Redefining and using a 50-50 match formula for Special Services provides an equal amount of federal money, resulting in a net increase to the program; and

WHEREAS, An award of $5,000 has already been made to Scott R. Sweet, Department of Corrections, for a proposal resulting in annual savings of $212,000, recommending developing a simulation model to run on a personal computer that that replaces the department's existing mainframe simulation program. This program provides updates and parole population projections, eliminates running projections on the mainframe at Teale Data Center, and improves error detection; and

WHEREAS, An award of $5,000 has already been made to Robert E. Salon, Employment Development Department, for a proposal resulting in annual savings of $943,085, recommending revising a Quarterly Contribution Return Form DE 3, by adding a penalty and interest (P&I) computation section for voluntary payments. Nearly all employers are required to file quarterly returns each quarter. In 1995, because of legislation (AB 3086), reporting requirements were revised for California employers, eliminating the DE 3 form with a replaced, Quarterly Wage Report Form DE 6 and Deposit Coupon Form DE 88. As an alternative solution, revisions suggested by Mr. Salon were made on a Deposit Coupon Form DE 88 for employees to use whenever they were making any payments along with the required deposits of disability insurance and personal income tax; and

WHEREAS, An award of $5,000 has already been made to David A. McCoy, Employment Development Department, for a proposal resulting in annual savings of $56,584, recommending purchasing a

CD ROM for processing automated searches and displaying address information at authorization centers, field offices, and outstations. This phone disc software would lower staff hours processing the File Payment Time Lap and Unemployment Insurance Claims, and would eliminate using directories to manually look up employer addresses or sending the claims back to the claimant when the address information was omitted; and

WHEREAS, An award of $5,000 has already been made to Larry V. Herrback, California State Lottery, for a proposal resulting in a 10 percent versus 5 percent annual savings of $116,519, recommending developing a new base for the Lottery Playcenters to accommodate handicapped playcenters. This new base has a writing surface of 18 inches to 24 inches from the ground and enables a wheelchair-bound individual to fill out a playslip; and

WHEREAS, An award of $5,000 has already been made to Jack L. Smith, Department of Transportation, for a proposal resulting in a savings of $76,874, recommending replacing a Status Display Map of Los Angeles with a computer-generated graphic display system. This new software prepares different maps and graphs and eliminates all existing equipment, 1,800 lights and circuit boards, and the need for three engineers to operate the system; and

WHEREAS, These employees' proposals have resulted in actual savings of $1,587,062; and

WHEREAS, As a result of these savings and increased revenue, it is unnecessary to appropriate additional funds for payment of awards to these employees; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby declares that the following additional awards, authorized by the Department of Personnel Administration, are hereby made as follows to the employees named:

Margaret J. Griffin	$ 9,100
Larry V. Herrback	$ 826
David A. McCoy	$ 658
Robert E. Salon	$42,154
Jack L. Smith	$ 2,687
Scott R. Sweet	$16,200; and be it further

RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Controller and the Department of Personnel Administration.

RESOLUTION CHAPTER 86

Senate Joint Resolution No. 2—Relative to offshore oil leases.

[Filed with Secretary of State August 24, 1999.]

WHEREAS, The history of offshore oil development in the State of California has been one that has resulted in harm to the people of the state and its natural resources and raised concerns that the activity may produce additional harm; and

WHEREAS, Outer continental shelf (OCS) development has resulted in accidental oil spills, toxic gas releases, environmental pollution, losses to commercial fishing, loss of public recreational opportunities, loss of coastal access, and adverse impacts associated with onshore ancillary facilities; and

WHEREAS, Undeveloped federal offshore oil leases, awarded prior to the moratorium on leases adopted by President Bush, and located primarily off the coast of Santa Barbara and San Luis Obispo Counties, could begin development within the next 5 to 10 years; and

WHEREAS, Anticipated yield from these leases could be roughly one billion barrels—an amount that could be equivalent to the total amount of oil extracted off the California coast since drilling began; and

WHEREAS, These leases are not covered by the Bush Moratorium recently extended by President Clinton, which only affects the sale of new leases in federal waters; and

WHEREAS, The California Coastal Sanctuary Act of 1994 exempts areas that are being drained from adjacent federal lands; and

WHEREAS, Accordingly, additional development on the OCS may lead to new leasing and development within the state's jurisdiction as well; and

WHEREAS, This development could occur within state sanctuary waters; and

WHEREAS, Development of these leases may result in the need for additional onshore support facilities as well as transport infrastructure; and

WHEREAS, These facilities and infrastructure could cause additional environmental harm to local communities; and

WHEREAS, Development of these leases is not in the best interests of the State of California and may create substantial costs to the state in the form of increased public health risks, air and water pollution, environmental damage, visual blight, loss of tourism, loss of fishing and recreational opportunities, increased risks of oil spills, and adverse impacts on coastal access and land uses; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes President

Clinton to extend the moratorium to these leases or to terminate these leases; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to President Clinton.

RESOLUTION CHAPTER 87

Senate Joint Resolution No. 18—Relative to border medical and burial costs.

[Filed with Secretary of State August 24, 1999.]

WHEREAS, Imperial County has declared a state of emergency resulting from an adverse interpretation of federal policy at border patrol crossings and providing medical care to undocumented persons; and

WHEREAS, The United States Border Patrol, when initial contact is made with an undocumented person and an emergency situation exists, uses the county's 911 emergency system; and

WHEREAS, Under both state and federal law, emergency calls cannot be denied; and

WHEREAS, Emergency care should be the responsibility of the United States Border Patrol; and

WHEREAS, Using the county's 911 system shifts all financial burden to the county and private providers of medical services; and

WHEREAS, Costs for autopsies, hospital care, and emergency medical transportation have exceeded $2,000,000; and

WHEREAS, This practice of the United States Border Patrol of failing to perform has resulted in putting emergency and medical care in extreme peril; and

WHEREAS, Imperial County and local medical care providers are cognizant of their responsibility to provide medical care to those in need and will not shun that responsibility; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation that would require the United States government to reimburse Imperial County for all money expended in providing medical care, autopsies, and burials of undocumented persons that should have been provided by the United States Border Patrol; and be it further

Resolved, That the United States Border Patrol is respectfully requested to maintain custody when initial contact is made with undocumented persons, provide necessary medical care, and not avail itself of the local 911 services unless the United States Border

Patrol has exhausted all federal emergency medical response services; and be it further

Resolved, That if any medical costs are incurred by Imperial County for those types of costs with respect to undocumented persons, that the United States government is respectfully requested to reimburse Imperial County for those costs; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 88

Assembly Concurrent Resolution No. 53—Relative to the CHP Officer Christopher D. Lydon Memorial Freeway.

[Filed with Secretary of State August 26, 1999.]

WHEREAS, California Highway Patrol Officer Christopher D. Lydon, a dedicated officer, died in the line of duty at the age of 27 years while attempting to apprehend a drunk driver on southbound State Highway Route 67 at Riverford Road in the town of Lakeside on June 5, 1998; and

WHEREAS, Officer Lydon was involved in a solo vehicle traffic collision while attempting to apprehend that drunk driver; and

WHEREAS, Officer Lydon sustained fatal injuries as a result of that collision; and

WHEREAS, The errant driver was subsequently arrested and charged with drunk driving; and

WHEREAS, Officer Lydon graduated from Poway High School in 1989 and immediately enlisted as a reservist in the United States Marines Corps; and

WHEREAS, Officer Lydon was called to active duty in November 1990, and served as a Humvee driver during Operation Desert Storm before being honorably discharged from active duty in August, 1991; and

WHEREAS, Officer Lydon, prior to joining the Department of the California Highway Patrol, attended San Diego State University graduating with a Bachelor's Degree in Public Administration in December, 1994; and

WHEREAS, Officer Lydon graduated from the California Highway Patrol Academy on August 30, 1996; and

WHEREAS, Officer Lydon is survived by his parents, Steve and Janie Lydon, his half brother Jowell Lydon, his paternal grandmother Elizabeth Lydon, and his maternal grandfather Del Hicks; and

WHEREAS, Officer Lydon was known by his fellow officers for his dedication to the Department of the California Highway Patrol and to the protection of the citizens of our state; and

WHEREAS, It is appropriate that the northbound and southbound portions of State Highway Route 67 between Interstate Highway Route 8 and Mapleview Street in the County of San Diego, be dedicated to the memory of this officer who made the ultimate sacrifice in his service to the people of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby dedicates the northbound and southbound portions of State Highway Route 67 between Interstate Highway Route 8 and Mapleview Street in Lakeside, California, to the memory of California Highway Patrol Officer Christopher D. Lydon; and be it further

Resolved, That that portion of State Highway Route 67 be officially designated the "CHP Officer Christopher D. Lydon Memorial Freeway"; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing this special designation, and upon receiving donations from nonstate sources sufficient to cover that cost, to erect those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Department of Transportation and to the author for appropriate distribution.

RESOLUTION CHAPTER 89

Assembly Concurrent Resolution No. 77—Relative to Truck Driver Appreciation Week.

[Filed with Secretary of State August 26, 1999.]

WHEREAS, The trucking industry performs an invaluable service for the citizens of the State of California, delivering food and goods to every home, school, business, and community; and

WHEREAS, Trucks transport nearly 100 percent of all goods and products needed by California's 33 million citizens; and

WHEREAS, More than 75 percent of California's communities receive all freight by truck; and

WHEREAS, The trucking industry employs one of every 12 Californians and has an annual payroll of more than 31.5 billion dollars; and

WHEREAS, The trucking industry is committed to safe travel for all motorists on California's roads and highways; and

WHEREAS, The trucking accident rate in California has been reduced by more than 38 percent over the past decade, while truck miles traveled have increased by more than 40 percent; and

WHEREAS, California's professional truck drivers are among the safest in the world; and

WHEREAS, Hundreds of professional truck drivers have performed extraordinary acts of courage and heroism while aiding and rescuing injured and stranded motorists; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of August 21 to August 28, 1999, is hereby declared Truck Driver Appreciation Week in honor of those men and women who play such a vital role in our state's economy.

RESOLUTION CHAPTER 90

Assembly Joint Resolution No. 27—Relative to the war crimes committed by the Japanese military during World War II.

[Filed with Secretary of State August 26, 1999.]

WHEREAS, Our nation is founded on democratic principles that recognize the vigilance with which fundamental individual human rights must be safeguarded in order to preserve freedom; and

WHEREAS, This resolution condemns all violations of the international law designed to safeguard fundamental human rights as embodied in the Geneva and Hague Conventions; and

WHEREAS, This resolution vociferously condemns all crimes against humanity and at the same time condemns the actions of those who would use this resolution to further an agenda that fosters anti-Asian sentiment and racism, or Japan "bashing," or otherwise fails to distinguish between Japan's war criminals and Americans of Japanese ancestry; and

WHEREAS, Since the end of World War II, Japan has earned its place as an equal in the society of nations, yet the Government of Japan has failed to fully acknowledge the crimes committed during World War II and to provide reparations to the victims of those crimes; and

WHEREAS, While high ranking Japanese government officials have expressed personal apologies, supported the payment of privately funded reparations to some victims, and modified some textbooks, these efforts are not adequate substitutes for an apology and reparations approved by the Government of Japan; and

WHEREAS, The need for an apology sanctioned by the Government of Japan is underscored by the contradictory statements and actions of Japanese government officials and leaders of a "revisionist" movement who openly deny that war crimes took place, defend the actions of the Japanese military, seek to remove the modest language included in textbooks, and refuse to cooperate with United States Department of Justice efforts to identify Japanese war criminals; and

WHEREAS, During World War II, 33,587 United States military and 13,966 civilian prisoners of the Japanese military were confined in inhumane prison camps where they were subjected to forced labor and died unmentionable deaths; and

WHEREAS, The Japanese military invaded Nanking, China, from December 1937 until February 1938, during the period known as the "Rape of Nanking," and brutally slaughtered, in ways that defy description, by some accounts as many as 300,000 Chinese men, women, and children and raped more than 20,000 women, adding to a death toll that may have exceeded millions of Chinese; and

WHEREAS, The people of Guam and the Marshall Islands, during the Japanese occupation from 1941–1944, were subjected to unmentionable acts of violence, including forced labor and marches, and imprisonment by the Japanese military during its occupation of these islands; and

WHEREAS, Three-fourths of the population in Port Blair on Andaman Islands, India, were exterminated by Japanese troops between March 1942 and the end of World War II; many were tortured to death or forced into sexual slavery at "comfort stations," and crimes beyond description were committed on families and young children; and

WHEREAS, At the February 1945 "Battle of Manila," 100,000 men, women, and children were killed by Japanese armed forces in inhumane ways, adding to a total death toll that may have exceeded one million Filipinos during the Japanese occupation of the Philippines, which began in December 1941 and ended in August 1945; and

WHEREAS, At least 260 of the 1,500 United States prisoners, including many Californians, believed to have been held at Mukden, Manchuria, died during the first winter of their imprisonment and many of the 300 living survivors of Mukden claim to suffer from physical ailments resulting from their subjection to Japanese military chemical and biological experiments; and

WHEREAS, The Japanese military enslaved millions of Koreans, Chinese, Filipinos, and citizens from other occupied or colonized territories during World War II, and forced hundreds of thousands of women into sexual slavery for Japanese troops; and

WHEREAS, The International Commission of Jurists, a nongovernmental organization (NGO) in Geneva, Switzerland, ruled in 1993 that the Government of Japan should pay reparations

of at least $40,000 for the "extreme pain and suffering" caused to each woman who was forced into sexual slavery by the Japanese military (referred by the Japanese military as "comfort women"), yet none of these women have been paid any compensation by the Government of Japan; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California urges the Government of Japan to finally bring closure to concerns relating to World War II by doing both of the following:

(1) Formally issuing a clear and unambiguous apology for the atrocious war crimes committed by the Japanese military during World War II.

(2) Immediately paying reparations to the victims of those crimes, including, but not limited to, United States military and civilian prisoners of war, the people of Guam and the Marshall Islands, who were subjected to violence and imprisonment, the survivors of the "Rape of Nanking" from December 1937 until February 1938, and the women who were forced into sexual slavery and known by the Japanese military as "comfort women"; and be it further

Resolved, That the Legislature of the State of California calls upon the United States Congress to adopt a similar resolution that follows the spirit and letter of this resolution calling on the Government of Japan to issue a formal apology and pay reparations to the victims of its war crimes during World War II; and be it further

Resolved, That the Legislature of the State of California requests that the President of the United States take all appropriate action to further bring about a formal apology and reparations by the Government of Japan to the victims of its war crimes during World War II; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Japanese Ambassador to the United States, the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and each California Member of the Senate and the United States House of Representatives.

RESOLUTION CHAPTER 91

Assembly Joint Resolution No. 23—Relative to the California film industry.

[Filed with Secretary of State September 1, 1999.]

WHEREAS, The film industry is a major contributor to the California economy. It was one of the main drivers of the California comeback as the state recovered from the protracted recession of

1991, however, other countries aggressively promote incentives for filming outside of California. This competition translates into a significant share of tax revenue that is not directed to California. According to published estimates by the Motion Picture Association of America (MPAA), every one percent of entertainment jobs in California represents about $9 million in state tax revenue; and

WHEREAS, The MPAA also notes that most forecasts predict that the demand for motion picture, television, and commercial products will increase. The issue is whether the future economic activity that this growth may generate will occur in California or elsewhere; and

WHEREAS, The film industry has a significant effect on other industries, including the multimedia industry, tourism, toys, games, and industries that perpetuate the "California look" in apparel and furniture manufacturing. This is part of the residual effect of the film industry; and

WHEREAS, The enormity of the film industry makes it an important contributor of tax revenue to this state; and

WHEREAS, While there is an abundance of available labor in the film industry in the Los Angeles region, many below-the-line union workers are currently unemployed; and

WHEREAS, Canada is enticing entertainment industry jobs out of this country by offering significant tax credits to United States production companies. This practice is resulting in less work for American film crews as more and more movies, TV series, sitcoms, mini-series, etc. are being relocated there; and

WHEREAS, A continued exodus of motion picture and television production to foreign countries such as Canada will not only eliminate thousands of well-paying jobs, it will mean the United States will lose a growing and very lucrative industry that it created; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully memorializes the President and the Congress of the United States to evaluate the problems caused by relocating film industry business to Canada and other foreign nations, to evaluate the current state and federal tax incentives provided to the film industry, and to promote trade-related legislation that will persuade the film industry to remain in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate of the United States, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 92

Senate Concurrent Resolution No. 8—Relative to a sister state relationship with the State of Paraná, Brazil.

[Filed with Secretary of State September 2, 1999.]

WHEREAS, The State of Paraná, Brazil, has expressed interest in the creation of a sister state relationship with the State of California; and

WHEREAS, South America, in general, and Brazil, in particular, rank among California's highest priorities in terms of trade and investment opportunities, according to the California Trade and Commerce Agency; and

WHEREAS, Establishing strong ties in Brazil will enhance California's position for the anticipated development of the Free Trade Agreement of the Americas (FTAA) over the next several years; and

WHEREAS, Brazil is making great strides toward economic liberalization and privatization of industry, and offers considerable opportunities for California firms in the fields of telecommunications, information technology and infrastructure development; and

WHEREAS, The States of California and Paraná share similar historical, geographical, economic and demographic characteristics, including early periods of colonialism, temperate climates, diverse landscapes, beautiful national parks, numerous high technology centers, and large populations of immigrants who contribute to rich multicultural environments; and

WHEREAS, Paraná's strategic location near the most developed economic centers of Brazil, and the capital cities of the Mercosur countries, parallels California's role as one of the most economically attractive regions of the United States; and

WHEREAS, Both states derive their economic prosperity in large measure from their roles as commercial and processing centers for expanding agricultural and ranching enterprises and from their fast-growing telecommunications industries; and

WHEREAS, Curitiba, the capital of Paraná, prides itself on being the most "livable" city in Brazil, whose ecologically sustainable urban development, excellent public transportation system, quality of life, and general environmental urban design have earned it the title of United Nations Model City and Environmental Capital of Brazil; and

WHEREAS, A sister state relationship will promote an exchange of information that will assist the governments of both Paraná and California in their roles of regulating the development of natural resources while limiting environmental degradation, and in the development of programs that will ensure biodiversity through participatory projects and activities; and

WHEREAS, A sister state relationship between California and Paraná will facilitate the exchange of other technical, cultural and scientific knowledge of mutual interest, provide a forum for sharing legislative solutions that will enhance the socioeconomic development of both states and encourage student exchanges between colleges and universities located within California and Paraná; and

WHEREAS, A sister state relationship will also promote mutual trade, commerce, and investment, and increase the potential for commercial relationships between small, medium, and large companies in California and the State of Paraná; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California on behalf of the people of California hereby extends to the people of the State of Paraná an invitation to join with California in a sister state relationship in order to promote and assure mutually beneficial, educational, economic, environmental, scientific, and cultural exchanges that will lead to a closer relationship between Californians and the citizens of the State of Paraná; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor of the State of Paraná, to the Governor of California, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 93

Senate Concurrent Resolution No. 26—Relative to a friendship state relationship with Inner Mongolia.

[Filed with Secretary of State September 2, 1999.]

WHEREAS, We live in an interconnected world with global economic, environmental, and immigration concerns, making international cooperation, education, and cultural understanding increasingly important; and

WHEREAS, The Inner Mongolian Autonomous Region of China has expressed interest in the creation of a friendship state relationship with the State of California; and

WHEREAS, Inner Mongolia and the State of California share many economic, agricultural, and energy resource similarities, such as an important tourism industry, extensive agriculture, and large wind farm developments for rural electrification; and

WHEREAS, The industries of Inner Mongolia and the State of California are sufficiently different to warrant trade; and

WHEREAS, Inner Mongolia contains large deposits of metals such as iron, niobium, and other precious rare earth metals, and is one of China's most important steel and coal producers; and

WHEREAS, Inner Mongolia's railways link Beijing, the Chinese capital, with the northeast and key cities like Lanzhou, and form one section of the second trunk line of northern China's mainland from east to west; and

WHEREAS, The Inner Mongolia University is committed to becoming more open to the outside world, and is working to better serve economic development and educational reform; and

WHEREAS, Inner Mongolia is currently integrating renewable sources of energy in the form of wind and photovoltaic systems, and shares technological similarities with wind farm companies in the State of California; and

WHEREAS, Both California and Inner Mongolia have ethnically diverse populations and are concerned with peaceful coexistence of the many cultures within their borders; and

WHEREAS, A friendship state relationship would promote mutual trade and commerce, and increase the potential for educational, environmental, and cultural relations between Inner Mongolia and the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California, on behalf of the people of California, extends to the people of the Inner Mongolian Autonomous Region of China an invitation to join with California in a friendship state relationship in order to encourage and facilitate mutually beneficial economic, educational, environmental, and cultural exchanges and to lead to a more indelible and lasting relationship between Californians and the citizens of the Inner Mongolian Autonomous Region of China; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Consul General of China, to the Government of Inner Mongolia, to the Governor of California, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 94

Senate Concurrent Resolution No. 34—Relative to the Donna De Neal Bridge.

[Filed with Secretary of State September 2, 1999.]

WHEREAS, Donna De Neal was a Caltrans (Department of Transportation) Equipment Operator working in the San Diego maintenance region; and

WHEREAS, On February 7, 1995, at 35 years of age, Donna De Neal was killed by an inattentive motorist on State Route 75 near Imperial Beach, while she was replacing a damaged sign; and

WHEREAS, Donna De Neal's career started with Caltrans in July 1987, where she worked in Colton until September 1990, when she was transferred to San Diego; and

WHEREAS, Donna was married to Daniel De Neal and they and their two children, Ahtollie and Marjani, lived in South Bay just off Orange Avenue; and

WHEREAS, Donna De Neal was highly regarded by her peers as a good worker and a leader; and

WHEREAS, Donna knew that, as a Caltrans Equipment Operator, she was working beside fast-moving traffic and that any misstep could be fatal; and

WHEREAS, Donna also knew the proper procedures for setting up work zones and parking vehicles close by for extra protection; and

WHEREAS, Ironically, with all those measures in place, on February 7, 1995, the driver that penetrated Donna's work zone had fallen asleep behind the wheel and crashed between two protective trucks; and

WHEREAS, Donna was an excellent example of the Caltrans maintenance family in that she was hardworking and dedicated to her work and her fellow employees; and

WHEREAS, Donna and Daniel drove over the Interstate 805 Orange Avenue overcrossing every day to get to and from work; and

WHEREAS, After a long day's work, as she approached the overcrossing, Donna knew she was almost home; and

WHEREAS, It would be a fitting tribute to Donna De Neal to name the Interstate 805 Orange Avenue overcrossing in her memory; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby designates the Interstate 805 Orange Avenue overcrossing as the Donna De Neal Bridge in honor and recognition of Donna De Neal; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Transportation and to the author for distribution.

RESOLUTION CHAPTER 95

Senate Joint Resolution No. 15—Relative to gasoline.

[Filed with Secretary of State September 2, 1999.]

WHEREAS, The federal Clean Air Act Amendments of 1990 (P.L. 101-549) mandate the use of reformulated gasoline containing 2 percent, by weight, oxygen in areas designated as nonattainment areas due to high ambient ozone levels in summer months and high ambient carbon monoxide levels in winter months; and

WHEREAS, The federal oxygenate mandate requires the use of oxygenate in gasoline in approximately 70 percent of the California retail gasoline market; and

WHEREAS, California has historically led the nation in enacting air quality improvement measures that provide substantial health, economic, and social benefits for the state's citizens; and

WHEREAS, The State Air Resources Board's Cleaner Burning Gasoline Program has resulted in reducing emissions equivalent to removing 3.5 million cars from California's roads; and

WHEREAS, The California Cleaner Burning Gasoline Program provides greater flexibility than the federal program to produce gasoline that meets stringent emission reduction mandates; and

WHEREAS, Methyl tertiary-butyl ether (MTBE) has been used in California as the primary oxygenate additive to gasoline because its relatively low vapor pressure (RVP) simplifies the production of low-RVP summer gasolines, and because of its compatibility with the blending and distribution system for gasoline, its ability to be transported by pipeline, and its high octane rating; and

WHEREAS, Pursuant to Chapter 816 of the Statutes of 1997, the University of California prepared a report that assessed the health and environmental effects of MTBE and submitted that report to the Legislature and the Governor in November 1998; and

WHEREAS, The University of California report found that there are significant risks and costs associated with water contamination due to the use of MTBE because it is highly soluble in water and will transfer readily to groundwater from leaking underground storage tank systems and other components of the gasoline distribution system; and

WHEREAS, The County of Santa Clara, the City of Santa Monica, and the Lake Tahoe region, as well as other municipalities in other areas of the state, have all been forced to shut down public drinking water wells due to MTBE contamination; and

WHEREAS, The University of California report found that there is no significant additional air quality benefit to the use of oxygenates such as MTBE in reformulated gasoline, relative to the alternative non-oxygenated formulations identified by the California Cleaner Burning Gasoline Program; and

WHEREAS, United States Senator Diane Feinstein and United States Congressman Brian Bilbray previously introduced legislation, H.R. 630, to grant California the flexibility to apply its own gasoline formulation regulations, thus relieving California from the federal oxygenated gasoline mandate, so long as California achieves equivalent or greater air emission reductions; and

WHEREAS, California has sought and received waivers from other provisions of the federal Clean Air Act, including Section 209(b)(1) of that act, and has demonstrated no loss of air quality benefits after those waivers have been issued; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests that, to the extent permitted by the federal Clean Air Act, the United States Environmental Protection Agency grant an administrative waiver of the federal Clean Air Act's oxygenated gasoline requirement to the State of California, given the state's independent requirements for clean gasoline that meet both state and national ambient air quality standards; and be it further

Resolved, That the Legislature of the State of California respectfully requests that, to the extent an administrative waiver of the federal Clean Air Act may not be granted by the United States Environmental Protection Agency, the Congress of the United States enact legislation similar to, or including, the Feinstein-Bilbray legislation, that would permit California to promulgate and implement reformulated gasoline standards that would allow greater flexibility in producing gasoline than that currently authorized by the federal Clean Air Act's oxygenated gasoline mandate, so long as California continues to achieve equivalent or greater air emission reductions than required under the federal Clean Air Act; and be it further

Resolved, That the Legislature of the State of California respectfully requests the President of the United States to sign that legislation if it is enacted by the Congress of the United States; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Secretary of the United States Environmental Protection Agency, the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 96

Assembly Concurrent Resolution No. 60—Relative to the Loma Prieta earthquake and earthquake preparedness.

[Filed with Secretary of State September 3, 1999.]

WHEREAS, On October 17, 1989, a 6.9 magnitude earthquake ruptured a segment of the Loma Prieta fault system and its effects took less than 10 seconds to cause $10 billion in economic damages, 63 deaths, and 3,757 serious injuries; and

WHEREAS, The United States Geological Survey's new probability report will incorporate 10 years of new information and will indicate a continuing high probability of a major earthquake occurring in the regional bay area; and

WHEREAS, The Hayward fault in the East Bay is the next, most likely location for a major earthquake, and an earthquake on this fault may cause 10 to 20 times as much damage, loss, and social disruption as that resulting from the Loma Prieta earthquake; and

WHEREAS, The social and economic losses resulting from the Loma Prieta earthquake, combined with the continuing high probability of a major earthquake striking California in the near future, emphasize the need for seismic safety to remain a high priority; and

WHEREAS, The research and data compiled as a result of the Loma Prieta earthquake has inspired numerous seismic safety programs and policies that have had a positive impact on California's level of earthquake preparedness; and

WHEREAS, It is essential that the State of California continue to implement innovative mitigation efforts, identify and prioritize seismic safety needs, and educate the public about the value of planning and preparedness to save lives and prevent property damage after future earthquakes; and

WHEREAS, The 10-year anniversary of the Loma Prieta earthquake should serve as a reminder that seismic safety must be a priority for all California's residents and that it is imperative to continue investing in activities that will save lives and reduce damage; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby commemorates the 10-year anniversary of the Loma Prieta earthquake on October 17, 1999, and urges California residents and businesses to engage in appropriate earthquake safety-related activities on an ongoing basis.

RESOLUTION CHAPTER 97

Assembly Concurrent Resolution No. 67—Relative to the Charles A. Lazzaretto Memorial Freeway.

[Filed with Secretary of State September 3, 1999.]

WHEREAS, Glendale Police Officer Charles A. "Chuck" Lazzaretto, a dedicated officer, died in the line of duty at the age of 30, while attempting to apprehend a suspect; and

WHEREAS, Chuck Lazzaretto was born in Lynwood, California, on October 5, 1966, and spent his early childhood living with his family in the communities of Walnut and Montebello; and

WHEREAS, In 1982, Chuck Lazzaretto moved with his family to Burbank, where his father served as city manager; and

WHEREAS, Chuck Lazzaretto graduated from Don Bosco Technical Institute in 1984; and

WHEREAS, Chuck Lazzaretto attended Glendale Community College and California State University, Los Angeles; and

WHEREAS, In 1985, Chuck Lazzaretto joined the United States Marine Corps Reserve and attended Officer Candidate School; and

WHEREAS, While attending Glendale Community College, Chuck Lazzaretto was appointed as a campus public safety officer and was subsequently promoted to the rank of sergeant; and

WHEREAS, On May 3, 1987, Chuck Lazzaretto was appointed as a reserve police officer with the Glendale Police Department and on August 7, 1989, he was appointed as a police officer recruit with the Glendale Police Department and completed the Los Angeles County Sheriff Department's basic academy; and

WHEREAS, In 1991, Chuck Lazzaretto was appointed to the position of field training officer and in 1992, he was appointed as an officer, working assignments in the juvenile, burglary, auto theft, arson, and robbery/homicide areas; and

WHEREAS, On May 27, 1997, Officer Chuck Lazzaretto was shot and killed in the line of duty by a suspect wanted for the attempted murder of a Glendale citizen; and

WHEREAS, Officer Chuck Lazzaretto's favorite pastime was spending time with his wife and two sons, going on family trips, and he often spoke to other officers of his love for his family; and

WHEREAS, Chuck Lazzaretto is survived by his wife, Annamaria, his young sons, Andrew and Matthew, his parents, Andrew and Nan, and his brothers, Tony, Mark, and Dominic; and

WHEREAS, It is appropriate that the eastbound and westbound portions of State Highway Route 134 between Interstate Highway 5 and State Highway Route 2 be dedicated to the memory of this officer; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the eastbound and westbound portions of State Highway Route 134 between Interstate Highway 5 and State Highway Route 2 be officially designated the "Glendale Police Officer Charles A. Lazzaretto Memorial Freeway"; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing that special designation, and, upon receiving donations from

nonstate sources sufficient to cover that cost, to erect those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Department of Transportation and to the author for appropriate distribution.

RESOLUTION CHAPTER 98

Assembly Concurrent Resolution No. 81—Relative to California Grown Certified Farmers' Market Month.

[Filed with Secretary of State September 3, 1999.]

WHEREAS, Certified Farmers' Markets are now serving over 400 different communities throughout California; and

WHEREAS, More than 4,000 California farmers use Certified Farmers' Markets as the sole or major outlet for the fruits and vegetables produced on their farms; and

WHEREAS, The California system of Certified Farmers' Markets, where only actual farmers can bring and sell directly to the public the California produce that they grow, is original and unique in the world of farmer's markets; and

WHEREAS, California farmers bringing their produce directly from the field and selling directly to the public eliminates the farmers' packing, labeling, shipping, and wholesale handling costs, thereby creating a major cost reduction needed to sustain the small acreage farmer and a significant shared savings to the income-challenged public; and

WHEREAS, Certified Farmers' Markets have become important harmonious community meeting places, blending the various and diverse ethnic neighborhoods surrounding each location, and creating a positive atmosphere for the communities where they are located; and

WHEREAS, Certified Farmers' Markets are almost exclusively operated by nonprofit organizations or city agencies, the missions of which are to bring California's agricultural and urban communities together for their mutual benefit, increased communication, and mutual education; and

WHEREAS, Certified Farmers' Markets are a major tool used by many California cities in their attempt to revitalize economically and socially depressed downtown area; and

WHEREAS, Certified Farmers' Markets are instrumental in preserving the diversity of California agriculture by providing profitable marketing outlets for the small acreage growers of heirloom, culinary, ethnic, organic, no-pesticide, and other specialty

crops not widely grown on a large scale or found at traditional food sources; and

WHEREAS, Certified Farmers' Markets have become key educational mediums for a great number of school, health, and nutrition programs in their endeavor to increase the consumption of fresh fruits and vegetables by at-risk members of the public, especially pregnant women, mothers breast-feeding their babies, and children of all ages; and

WHEREAS, California grown fruits and vegetables are, and should be, the safest, freshest, tastiest, and most nutritious fruits and vegetables in the world; and

WHEREAS, During the month of August a great diversity of California fruits and vegetables are produced by California growers, and is therefore an ideal time to showcase California growers and California grown produce; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature recognizes the month of August 1999 as California Grown Certified Farmers' Market Month in the State of California, and urge all Californians to celebrate and become more aware of the bounty and values of California Certified Farmers' Markets and California grown produce during that month; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 99

Assembly Concurrent Resolution No. 87—Relative to the 1999 earthquake in Turkey.

[Filed with Secretary of State September 3, 1999.]

WHEREAS, On the morning of August 17, 1999, a devastating and deadly earthquake struck Istanbul and the eastern Marmara region of the Republic of Turkey, killing more than 13,000 people, injuring more than 30,000 people, and leaving more than 600,000 people temporarily homeless; and

WHEREAS, The earthquake and its aftershocks devastated buildings, and destroyed highways, train lines, and other infrastructure, causing losses of as much as $14 billion in the affected region; and

WHEREAS, The people of California understand the destruction that earthquakes can cause and the difficult challenge facing the people of Turkey as they strive to recover and rebuild; and

WHEREAS, The State of California and the Republic of Turkey have enjoyed a close friendship, and many citizens of Turkish descent reside in California; and

WHEREAS, Although governments and private citizens from around the world have responded with donations of equipment, supplies, medicine, personnel, and other humanitarian aid to assist the Republic of Turkey in search and rescue efforts and postearthquake recovery, the need for assistance is still great; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the Legislature of the State of California extends its deepest condolences to the Republic of Turkey and to the victims and their families who have suffered tragic losses as a result of the earthquake; and be it further

Resolved, That the Legislature expresses support for the citizens of Turkey as they seek to rebuild their cities and their lives; and be it further

Resolved, That the Legislature urges the citizens of California to give generously to responsible charitable funds and organizations that are supporting relief efforts in the region; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 100

Assembly Joint Resolution No. 7—Relative to the alternative minimum tax.

[Filed with Secretary of State September 3, 1999.]

WHEREAS, The federal Alternative Minimum Tax (AMT) is intended to assure that wealthy income taxpayers do not avoid taxation by using various credits, deductions, and other tax preferences; and

WHEREAS, The AMT requires an increasing number of taxpayers to calculate their taxes twice, under two different sets of rules, and pay whichever tax is higher; and

WHEREAS, The AMT affected 134,000 taxpayers in 1988, it now affects nearly one million and will affect five million by 2006; and

WHEREAS, More than 20 percent of those now paying AMT have adjusted gross incomes of less than one hundred thousand dollars ($100,000), and nearly 2 percent have adjusted gross incomes of between thirty thousand dollars ($30,000) and forty thousand dollars ($40,000); and

WHEREAS, Families in the lowest income tax bracket of 15 percent who cut their tax bills by taking advantage of the new tuition

and child credits could be forced to pay some taxes at the higher AMT minimum rate of 26 percent; and

WHEREAS, The sharp increase in the number of moderate income earners affected by the AMT is attributable to inflation indexing of personal exemptions, the standard deduction and tax-bracket break points, while AMT exemption amounts and tax brackets are not so indexed; and

WHEREAS, The AMT's inclusion of lower and lower-adjusted gross incomes is exacerbated by a strong economy; and

WHEREAS, The AMT disallows many deductions, credits, and other tax preferences that taxpayers could otherwise use, such as state and local taxes; and

WHEREAS, The AMT distorts economic decisions, especially in relation to capital formation, by raising marginal tax rates; and

WHEREAS, Compliance costs related to the AMT amount to at least 30 percent of its current revenue; and

WHEREAS, The inconsistent tax results between regular income tax and the AMT create hidden, onerous tax choices, produce conflicting goals for tax and financial planning, and vastly increase the complexity of compliance with the income tax law; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That California respectfully urges the Congress of the United States to index the AMT exemption and tax brackets for inflation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, the Senate Majority Leader, the Senate Minority Leader, the House Majority Leader, the House Minority Leader, the Chair and ranking minority member of the Senate Finance Committee, the Chair and ranking minority member of the House Committee on Ways and Means, and each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 101

Assembly Joint Resolution No. 15—Relative to Filipino veterans.

[Filed with Secretary of State September 3, 1999.]

WHEREAS, The Philippine Islands, as a result of the Spanish-American War, were a possession of the United States between 1898 and 1946; and

WHEREAS, In 1934, the Philippine Independence Act (P.L. 73-127) set a 10-year timetable for the eventual independence of the

Philippines and in the interim established a government of the Commonwealth of the Philippines with certain powers over its own internal affairs; and

WHEREAS, The granting of full independence ultimately was delayed for two years until 1946 because of the Japanese occupation of the islands from 1942 to 1945; and

WHEREAS, Between 1934 and the final independence of the Philippine Islands in 1946, the United States retained certain sovereign powers over the Philippines, including the right, upon order of the President of the United States, to call into the service of the United States Armed Forces all military forces organized by the Commonwealth government; and

WHEREAS, President Franklin D. Roosevelt, by Executive order of July 26, 1941, brought the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East under the command of Lieutenant General Douglas MacArthur; and

WHEREAS, Under the Executive Order of July 26, 1941, Filipinos were entitled to full veterans benefits; and

WHEREAS, Approximately 200,000 Filipino soldiers, driven by a sense of honor and dignity, battled under the United States Command after 1941 to preserve our liberty; and

WHEREAS, There are four groups of Filipino nationals who are entitled to all or some of the benefits to which United States veterans are entitled. These are:

(1) Filipinos who served in the regular components of the United States Armed Forces.

(2) Regular Philippine Scouts, called "Old Scouts," who enlisted in Filipino-manned units of the United States Army prior to October 6, 1945. Prior to World War II, these troops assisted in the maintenance of domestic order in the Philippines and served as a combat-ready force to defend the islands against foreign invasion, and during the war, they participated in the defense and retaking of the islands from Japanese occupation.

(3) Special Philippine Scouts, called "New Scouts," who enlisted in the United States Armed Forces between October 6, 1945, and June 30, 1947, primarily to perform occupation duty in the Pacific following World War II.

(4) Members of the Philippine Commonwealth Army who on July 26, 1941, were called into the service of the United States Armed Forces. This group includes organized guerrilla resistance units that were recognized by the United States Army; and

WHEREAS, The first two groups, Filipinos who served in the regular components of the United States Armed Forces and Old Scouts, are considered United States veterans and are generally entitled to the full range of United States veterans benefits; and

WHEREAS, The other two groups, New Scouts and members of the Philippine Commonwealth Army, are eligible for certain

veterans benefits, some of which are lower than full veterans benefits; and

WHEREAS, United States veterans medical benefits for the four groups of Filipino veterans vary depending upon whether the person resides in the United States or the Philippines; and

WHEREAS, The eligibility of Old Scouts for benefits based on military service in the United States Armed Forces has long been established; and

WHEREAS, The federal Department of Veterans Affairs operates a comprehensive program of veterans benefits in the present government of the Republic of the Philippines, including the operation of a federal Department of Veterans Affairs office in Manila; and

WHEREAS, The federal Department of Veterans Affairs does not operate a program of this type in any other country; and

WHEREAS, The program in the Philippines evolved because the Philippine Islands were a United States possession during the period 1898–1946, and many Filipinos have served in the United States Armed Forces, and because the preindependence Philippine Commonwealth Army was called into the service of the United States Armed Forces during World War II (1941–1945); and

WHEREAS, Our nation has failed to meet the promises made to those Filipino soldiers who fought as American soldiers during World War II; and

WHEREAS, The Congress passed legislation in 1946 limiting and precluding Filipino veterans that fought in the service of the United States during World War II from receiving most veterans benefits that were available to them before 1946; and

WHEREAS, Many Filipino veterans have been unfairly treated by the classification of their service as not being service rendered in the United States Armed Forces for purposes of benefits from the federal Department of Veterans Affairs; and

WHEREAS, All other nationals who served in the United States Armed Forces have been recognized and granted full rights and benefits, but the Filipinos, as American nationals at the time of service, were and still are denied recognition and singled out for exclusion, and this treatment is unfair and discriminatory; and

WHEREAS, On October 20, 1996, President Clinton issued a proclamation honoring the nearly 100,000 Filipino veterans of World War II, soldiers of the Philippine Commonwealth Army, who fought as a component of the United States Armed Forces alongside allied forces for four long years to defend and reclaim the Philippine Islands, and thousands more who joined the United States Armed Forces after the war; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States during the First Session of the 106th Congress to take action

necessary to honor our country's moral obligation to provide these Filipino veterans with the military benefits that they deserve, including, but not limited to, holding related hearings, and acting favorably on legislation pertaining to granting full veterans benefits to Filipino veterans of the United States Armed Forces; and be it further

Resolved, That the Clerk of the Assembly transmit a copy of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 102

Assembly Joint Resolution No. 18—Relative to Medicare.

[Filed with Secretary of State September 3, 1999.]

WHEREAS, Prescription drugs are an important component of modern medical treatment; and

WHEREAS, Many elderly patients cannot afford necessary prescription drugs because of their limited and fixed incomes; and

WHEREAS, The Medicare program, provided for pursuant to Title XVIII of the federal Social Security Act (42 U.S.C. Sec. 1395 et seq.), generally does not provide coverage for the cost of prescription drugs; and

WHEREAS, Many medical insurance plans, including senior health maintenance organization plans, medical insurance plans for public and private employees, and medicaid, provide coverage for the cost of prescription drugs; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation expanding Medicare benefits to include the cost of prescription drugs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative in the California delegation in the Congress of the United States.

RESOLUTION CHAPTER 103

Assembly Joint Resolution No. 26—Relative to Asian Pacific Americans.

[Filed with Secretary of State September 3, 1999.]

WHEREAS, The bipartisan Congressional Select Committee on United States Security and Military/Commercial Concerns with the People's Republic of China recently released its unanimous report on diversions and theft of United States nuclear weapons design information and other classified information, and made a number of findings relative to the inadequacy of security programs at our national weapons laboratories; and

WHEREAS, The President's Foreign Intelligence Advisory Board and the Department of Energy's Inspector General subsequently released their own reports on the same subject; and

WHEREAS, Some have mistakenly used these reports to impugn the loyalty of Asian Pacific Americans, thereby creating an alarming sense of apprehension in the Asian Pacific American community that the loyalty and patriotism of all Asian Pacific Americans are now being called into question; and

WHEREAS, The sense of apprehension within the Asian Pacific American community is based, in part, on past discrimination against Asian Pacific Americans solely on the basis of race or country of origin; and

WHEREAS, The fundamental principles of American government and jurisprudence require that the civil rights of all Americans be protected, that any official sanctions be based on findings of fact consistent with principles of due process, and that the alleged actions of individuals not be attributed to an entire group based upon unsubstantiated generalizations or stereotypes; and

WHEREAS, All Americans are guaranteed equal protection of the laws under the United States and California Constitutions and are presumed by law innocent until proven guilty in a court of competent jurisdiction; and

WHEREAS, Asian Pacific Americans, whether citizens of the United States of America or legal residents with applications for citizenship pending, are Americans and this community of Asian Pacific Americans is as loyal to the government of the United States of America as any other American community; and

WHEREAS, Americans of Asian Pacific ancestry have consistently demonstrated their loyalty and patriotism by honorably serving to defend the United States in time of armed conflict and have made and continue to make profound contributions to America's greatness in all aspects of American life, and in the fields of science, technology, and business; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests that the President, Congress, and all Americans recognize that it is important to vigorously protect national security at America's national weapons laboratories, and it is necessary to do so

in a manner that avoids sweeping all Asian Pacific Americans into false characterizations and stereotypes; and be it further

Resolved, That the Legislature respectfully urges the United States Attorney General and the United States Secretary of Energy to fully investigate all allegations of security breaches at national weapons laboratories and all retaliatory actions and discrimination against Asian Pacific Americans at those national weapons laboratories; and be it further

Resolved, That anyone found to have illegally transferred nuclear weapons development information to the People's Republic of China should be prosecuted to the fullest extent of the law; and be it further

Resolved, That the Legislature requests the United States Equal Employment Opportunity Commission to vigorously investigate and enforce employment discrimination claims filed by Asian Pacific Americans; and be it further

Resolved, That the Legislature hereby reaffirms that Americans of Asian Pacific ancestry are entitled to the same rights and privileges afforded all Americans; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the President of the United States, the United States Attorney General, the United States Secretary of Energy, and the commissioners of the federal Equal Employment Opportunity Commission, and distinguished members of the Congressional Select Committee on United States Security and Military/Commercial Concerns with the People's Republic of China.

RESOLUTION CHAPTER 104

Assembly Concurrent Resolution No. 57—Relative to commemorative state seals.

[Filed with Secretary of State September 8, 1999.]

WHEREAS, In the year 2000, the State of California will celebrate the 150th year, the sesquicentennial, of its existence as an American state; and

WHEREAS, For as many as 40 generations, Native Americans have lived within the boundaries of present day California and Native American names dot the landscape of California; and

WHEREAS, Native Americans were the first Californians, and Californians today should be educated about the enduring legacy of the Native American heritage of our state; and

WHEREAS, In recognition of the sesquicentennial, the Legislature declares its intent to memorialize 40 generations of Native Americans in California through a monument at the State Capitol; and

WHEREAS, The Spanish and Mexican era represents the colonial and the first frontier history of our great state inasmuch as Spain brought European civilization to California, and Mexico administered California for nearly 25 years as its northernmost frontier; and

WHEREAS, Spanish names dot our landscape and the pueblos, presidios, missions, and ranchos of Spain established the beginnings of California's political and institutional life. On the 150th anniversary of the establishment of the State of California, it is clear that as a matter of people, culture, and historic heritage, California and Mexico are bonded together in their mutual destinies; and

WHEREAS, In recognition of the sesquicentennial, the Legislature declares its intent to memorialize the Spanish and Mexican era of California through a monument at the State Capitol; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring:

(a) That the Commemorative Seals Advisory Committee, composed of 13 members, be created to include all of the following:

(1) The California State Librarian.

(2) A representative of the Native American Heritage Commission, selected by the members of that commission.

(3) A representative of the Historic State Capitol Commission, selected by the members of that commission.

(4) Three members appointed by the Speaker of the Assembly, with at least one member representing Native Americans and at least one member representing Mexican Americans.

(5) Three members appointed by the Senate Committee on Rules, with at least one member representing Native Americans and at least one member representing Mexican Americans.

(6) Three members appointed by the Governor, with at least one member representing Mexican Americans.

(7) One member appointed by the Lieutenant Governor.

(b) That the appointments to the advisory committee shall be made within 90 days of the effective date of this resolution.

(c) That the first meeting of the advisory committee shall take place within three months of the effective date of this resolution.

(d) That the chairperson of the advisory committee be selected from the membership of the advisory committee at the first meeting of the committee; and be it further

Resolved, That the advisory committee shall make recommendations to the Governor and the Legislature regarding the construction of two commemorative seals, one honoring Native Americans in California, and the other honoring California's Spanish and Mexican heritage, for installation on the steps on the west side of the State Capitol Building; and be it further

Resolved, That the recommendations by the advisory committee incorporate all of the following components:

(a) That each of the two commemorative seals be smaller than the Great Seal of California that is located on the landing of the upper steps on the west side of the State Capitol.

(b) That the commemorative seals be installed on the landing of the steps on the west side of the State Capitol on the level below the Great Seal of California.

(c) That the commemorative seal honoring Native Americans contain a map of California with the names of the 70 major native California tribes depicted on its surface.

(d) That the commemorative seal honoring California's Spanish and Mexican heritage contain a map of California depicting the names of the pueblos, presidios, missions, and major ranchos of the Spanish and Mexican eras; and be it further

Resolved, That funds for the construction of the commemorative seals be provided by any of the following means:

(a) Appropriation by the Legislature, provided that one-half of the funds for the construction of the commemorative seals be from private contributions.

(b) Private contributions made to the advisory committee for the construction of the commemorative seals; and be it further

Resolved, That the Joint Rules Committee shall be the recipient of the funds that are appropriated or contributed for the construction of the commemorative seals, the entity responsible for administering these funds, and the entity responsible for organizing the construction of the commemorative seals; and be it further

Resolved, That the advisory committee shall make recommendations to the Governor and the Legislature with respect to the design, construction, and dedication of the commemorative seals as follows:

(a) After consultation with the Department of General Services, establishing a schedule for the design, construction, and dedication of the commemorative seals.

(b) After consultation with the Department of General Services, implementing procedures to solicit designs for the commemorative seals and devising a selection process for the choice of the designs.

(c) Selecting the designs.

(d) Reviewing and monitoring the design and construction of the commemorative seals and establishing a program for the dedication of the seals during the year 2000; and be it further

Resolved, That the advisory committee make its recommendations to the Governor and the Legislature at the earliest time possible; and be it further

Resolved, That the Chief Clerk of the Assembly provide copies of this resolution to the Governor, the Director of General Services, and the author for appropriate distribution.

RESOLUTION CHAPTER 105

Assembly Joint Resolution No. 16—Relative to trucks entering California from foreign nations.

[Filed with Secretary of State September 8, 1999.]

WHEREAS, A recent study by the United States Government Accounting Office (GAO) found that Mexican commercial trucks entering the United States often fail to meet basic safety standards; and

WHEREAS, The GAO reported that Mexican trucks entering the United States may have serious safety violations impacting highway safety, including broken suspension systems, substandard tires, inoperable brakes, overweight loads, and improperly maintained hazardous material loads; and

WHEREAS, The report of the federal Office of the Inspector General titled, "Motor Carrier Safety Program for Commercial Trucks at U.S. Borders," issued on December 28, 1998, identified California as the only state that enforces the Federal Operating Authority Regulation and complimented California for having both the best inspection practices and the lowest out-of-service rate; and

WHEREAS, Mexico has no automated system by which California law enforcement officials can determine whether a Mexican commercial driver has a valid license or a driving or criminal record; and

WHEREAS, The government of Mexico has no laws limiting the maximum number of hours that drivers may safely operate a commercial vehicle and no system of worker's compensation insurance to protect drivers who are injured while at work; and

WHEREAS, Mexico's mandatory alcohol and drug testing program does not adequately test commercial drivers and its substance-abuse testing laboratory has not been certified by the United States Department of Transportation to meet internationally agreed-upon standards for accuracy; and

WHEREAS, "Operation Alliance," a federally sponsored drug-enforcement coordinating agency and the United States Customs Service drug-inspection program found that drug traffickers are becoming owners of, or are obtaining controlling interests in, transportation businesses, such as trucking companies, warehouses, and semi-trailer manufacturing companies, in order to take advantage of the increased trucking trade authorized by the North American Free Trade Agreement; and

WHEREAS, The Southern California Association of Governments recently passed a resolution authorizing its regional council to alert the President of the United States to the "major safety issues involved in trucking regulations under the North American Free Trade Agreement"; and

WHEREAS, The federal government has chosen not to implement the provisions of the North American Free Trade Agreement that call for unlimited access by Mexican trucks to the territory of the State of California; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature memorializes the President and the Congress of the United States to maintain the existing restrictions on trucks from Mexico and other foreign nations entering California and to continue efforts to ensure full compliance by the owners and drivers of those trucks with all highway safety, environmental, and drug-enforcement laws; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor.

RESOLUTION CHAPTER 106

Assembly Concurrent Resolution No. 76—Relative to honoring the family.

[Filed with Secretary of State September 13, 1999.]

WHEREAS, The family unit plays a key role in establishing a foundation of values and morality in individuals, and, consequently, in developing responsible citizens; and

WHEREAS, It is within the family that individuals, as family members, learn right from wrong, and learn how to be kind to others and how to love one another; and

WHEREAS, The family is our most important social institution; and

WHEREAS, Today's society has abandoned the heritage that was passed on to us by our parents, resulting in the breakdown of the family and in cultural decline; and

WHEREAS, It is becoming increasingly difficult for families to impart standards of ethical behavior to their children and to pass on a cultural heritage for the benefit of humanity; and

WHEREAS, The President of the United States of America and the United States Congress have traditionally declared a week in November as National Family Week; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That mothers, fathers, husbands, wives, and children be encouraged to join together as a family to protect and nurture the tremendous blessings that are a result of having a family; and be it further

Resolved, That the Legislature commends the mothers, fathers, sons, and daughters that have shown the discipline necessary to preserve a code of moral and ethical behavior by maintaining strong families; and be it further

Resolved, That the Legislature directs the attention of the public to the positive contributions to the people of California by the family unit; and be it further

Resolved, That the Legislature recognizes the month of November 1999 as California Family Month; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 107

Assembly Concurrent Resolution No. 93—Relative to California Skate Park Day.

[Filed with Secretary of State September 13, 1999.]

WHEREAS, Skateboarding originated in California and has been an important part of California culture since the 1960's; and

WHEREAS, Since 1997, 40 new skate parks have been opened throughout California, and there are currently 34 new skate parks being built; and

WHEREAS, It is planned that by the end of the year 2000, 77 additional new parks will be opened; and

WHEREAS, Participation in athletics, including skating, has proven to be a constructive use of time for teenagers and a healthy alternative to less socially acceptable behavior; and

WHEREAS, Skate parks provide a safe environment for teenagers to gather and engage in athletic activity; and

WHEREAS, Use of skate parks is a preferable alternative to skating in unmonitored public places; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That October 23, 1999, is hereby proclaimed California Skate Park Day; and be it further

Resolved, That the Legislature hereby recognizes the young people of the state who have empowered and improved themselves by working with their municipalities and local businesses to bring about the construction of their skate parks; and be it further

Resolved, That the Legislature hereby encourages all communities and private industries in California to recognize the benefits of skate parks to the youth of California by assisting in the creation and ongoing support of skate parks throughout the state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 108

Assembly Concurrent Resolution No. 18—Relative to California Veterans Day, 1999.

[Filed with Secretary of State September 14, 1999.]

WHEREAS, The people of California have a special affinity for, and are greatly indebted to, the myriad brave men and women in the United States military who serve and have served to protect and defend our precious freedom; and

WHEREAS, All Californians are encouraged to remember the great debt of gratitude that we as free Californians owe to our veterans; and

WHEREAS, Since the days of the American Revolution (1776–1781), nearly 42,000,000 patriots have taken up arms to defend America and to guarantee that the blessings of liberty are, indeed, secure; and

WHEREAS, The significance of November 11 was originally set aside as Armistice Day in the United States to remember the sacrifices that men and women made during the First World War (1914–1918) in order to ensure a lasting peace; and

WHEREAS, On Armistice Day 1918, soldiers who survived the terrific onslaught and loss of life brought on by "The Great War," as it was often referred to, marched in parades through their hometowns and were treated to great victory speeches given by politicians and veteran officers of the day; and

WHEREAS, Sixty-one years ago, in 1938, 20 years after World War I had concluded, the United States Congress voted to make Armistice Day a legal holiday; and

WHEREAS, Forty-six years ago, in 1953, the townspeople of Emporia, Kansas were first attributed to calling the new federal holiday Veterans Day, in tribute to the town's many servicemen and women veterans; and

WHEREAS, Shortly thereafter, a popular movement focused its attention and efforts upon our nation's capital toward the renaming of Armistice Day, a legal holiday honoring veterans from World War I, to more appropriately Veterans Day, a legal holiday specifically honoring all veterans of the United States Armed Forces; and

WHEREAS, In recognition of, and gratitude for, the contributions of those who have served in our Armed Forces, the United States Congress has designated November 11 of each year as a legal public holiday (5 U.S.C. 6103(a)) to honor America's veterans; and

WHEREAS, Americans still give thanks for peace on Veterans Day, often participating in local ceremonies, speeches, town picnics, and parades; and

WHEREAS, Each year, on the 11th day of the 11th month, November, we pause to look back and reflect with pride and profound gratitude upon the achievements of our nation's veterans; and

WHEREAS, California has a strong commitment to those who have served their nation during times of war; and

WHEREAS, Many structures and monuments have been erected in observance of the service and great sacrifices of all California's estimated 3,300,000 veterans (13 percent of the nation's population); and

WHEREAS, California's commitment to its veterans must not wane or be forgotten; and

WHEREAS, It is appropriate, on this 81st anniversary of the first Armistice Day, that California's veterans be commemorated for their heroic efforts in the struggle for democracy; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature recognizes California's veterans for the great service and sacrifices that they have made for our liberty; and be it further

Resolved, That all Californians are encouraged to remember the great debt of gratitude that we as free Californians owe to our veterans, and that we freely participate in patriotic activities in our communities; and be it further

Resolved, That the Legislature hereby designates November 11, 1999, as California Veterans Day, 1999, to promote the recognition and appreciation of the great service and sacrifices made by California's veterans in order to secure our liberty.

RESOLUTION CHAPTER 109

Assembly Concurrent Resolution No. 51—Relative to breast cancer.

[Filed with Secretary of State September 14, 1999.]

WHEREAS, Breast cancer is an epidemic that will strike one out of eight American women and one out of 10 California women in their lifetime; and

WHEREAS, Breast cancer is the most common form of cancer among women and is second only to lung cancer as the leading cause of cancer deaths among women, both nationally, and in California; and

WHEREAS, In the United States, approximately 43,000 women will die of breast cancer and some 181,000 new cases will be diagnosed in 1999; and

WHEREAS, In the State of California, approximately 5,000 women will die of breast cancer and nearly 20,000 new cases will be diagnosed in 1999; and

WHEREAS, In California, the highest incidence of breast cancer is found in Anglo women, the highest mortality rate occurs among African-American women, and the greatest percentage of late-stage diagnosis occurs among Latino and African-American women; and

WHEREAS, Breast cancer is increasingly being diagnosed among women in their 30's and 40's; and

WHEREAS, More than 70 percent of women with breast cancer exhibit none of the known risk factors; and

WHEREAS, Although evidence is emerging about a link between environmental factors and breast cancer, not enough research is being funded to pursue this link; and

WHEREAS, Despite over 25 years of the "war on cancer," there is still no known cause, cure, or method of preventing breast cancer; and

WHEREAS, While mammography remains an important method for breast cancer detection, it often fails to identify the disease effectively, particularly among women in their 20's, 30's, and 40's; and

WHEREAS, In addition to the incalculable emotional costs to women and their families, the direct and indirect economic costs of breast cancer are estimated at $8 billion a year nationally in additional health care services and lost productivity; and

WHEREAS, Historically, breast cancer research has been grossly underfunded at the federal level, topping a decade of erosion in federal appropriations in the 1980's for all cancer research; and

WHEREAS, According to the National Cancer Institute, the incidence of breast cancer in the United States increased 32 percent between 1982 and 1989; and

WHEREAS, The United States government during the same period of time reportedly spent only $77 million annually researching the prevention of breast cancer, while it spent $648 million annually to prevent heart disease. Breast cancer accounts for 15 percent of all cancers in this country; and

WHEREAS, By the following decade, the 105th Congress appropriated almost $530 million for federal breast cancer research. However, much more is needed to fund research directed at finding a cure and means of preventing breast cancer adequately; and

WHEREAS, Californians now have a unique opportunity to support breast cancer research in this state through the California Breast Cancer Research Fund Act, which allows individuals to make a voluntary contribution to support research when filing state income tax returns; and

WHEREAS, Heightened public awareness and education about breast cancer are crucial to the national effort to eradicate this epidemic; and

WHEREAS, Prominent organizations like the National Breast Cancer Coalition focus on three important goals to achieve such a worthy purpose; (1) increasing appropriations for high quality, peer-reviewed research, and working within the scientific community to focus research on prevention and finding a cure, (2) increasing access for all women to high quality treatment and care and to breast cancer clinical trials, and (3) increasing the influence of women living with breast cancer and other breast cancer activists in the decisionmaking that impacts all issues surrounding breast cancer; and

WHEREAS, Such national organizations have precipitated the development of a National Action Plan on breast cancer that will be a collaboration of government, science, private industry, and consumers; and

WHEREAS, It is in the best interest of all women, men, and families to join together to promote greater awareness about a disease that affects all Californians, the need for true early detection and adequate treatment options, and the urgency of finding a cure; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California, in order to heighten public awareness about breast cancer, including the need to redouble efforts to prevent and cure this disease, declares the month of October as Breast Cancer Awareness Month; and be it further

Resolved, The Legislature of the State of California, in order to recognize that, to date, breast exam and mammography are still the primary methods of breast cancer detection available to women, and that, therefore, all women should perform monthly breast self-exams, women over 50 years of age should have regularly scheduled mammograms every year, and women 40 to 49 years of age, inclusive, should consult about mammograms with their health care provider, declares October 15, 1999, as Breast Exam and Mammography Awareness Day; and be it further

Resolved, That the Legislature of the State of California emphasizes that the public education efforts conducted during the month of October should be part of an ongoing, year-round effort to raise public awareness across the state, and be it further

Resolved, That the Legislature of the State of California recognizes that while early detection through routine mammograms, clinical exams, and breast self-exams are important, the only effective means of protecting women against breast cancer is to make breast cancer research a priority and fund critically needed research into the cause, cure, and prevention of breast cancer; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 110

Assembly Concurrent Resolution No. 68—Relative to the Officer Bill C. Bean, Jr. Memorial Highway.

[Filed with Secretary of State September 14, 1999.]

WHEREAS, Sacramento Police Officer Bill C. Bean, Jr., a dedicated officer, died on February 9, 1999, in the line of duty at the age of 28 years during a traffic stop in the Del Paso Heights area of North Sacramento; and

WHEREAS, Officer Bean was fatally shot during the incident, and a suspect was apprehended and is being criminally prosecuted; and

WHEREAS, Officer Bean graduated from Colfax High School in 1989, where he lettered in three varsity sports, and later coached football; and

WHEREAS, Officer Bean received an appointment to the United States Military Academy at West Point and admittance to the University of California at Davis; and

WHEREAS, Officer Bean joined the Placer County Sheriff's Department in 1991, and served the citizens of Placer County for four years before transferring to the Sacramento Police Department in 1995; and

WHEREAS, Officer Bean volunteered to be a neighborhood police officer and a problem-oriented police officer in Del Paso Heights, one of the toughest beats in Sacramento; and

WHEREAS, Officer Bean worked hard to keep drugs out of Del Paso Heights and acted as a positive role model for youth in the area; and

WHEREAS, Officer Bean made four consecutive appearances, including the 1999 starting free safety, in the Annual "Pig Bowl," a football game between the Sacramento Police Department and the Sacramento Sheriff's Department that benefits area charities; and

WHEREAS, Officer Bean, in addition to working full time as a police officer, was enrolled as a full-time student at Sierra College where he won Bay-Valley Conference honors playing football for the Wolverines; and

WHEREAS, Officer Bean is survived by his fiancée, Carrie Heimann; his parents, Bill Bean, Sr., and Kim Toms; his brothers, Chris and Brandon Bean; his stepmother, Pam Bean; his stepfather, Nick Toms; and other loving family members; and

WHEREAS, Officer Bean was well known for his dedication to duty, friendly disposition, and positive attitude; and

WHEREAS, Officer Bean will be sorely missed by family, friends, colleagues, and the citizens he proudly served in Placer and Sacramento Counties; and

WHEREAS, It is appropriate that State Highway Route 174, between State Highway Route 20 in Grass Valley and Interstate Highway Route 80 in Colfax, be dedicated to the memory of this officer who made the ultimate sacrifice in his service to the people of Placer and Sacramento Counties, and the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby dedicates State Highway Route 174, between State Highway Route 20 in Grass Valley and Interstate Highway Route 80 in Colfax, to the memory of Officer Bill C. Bean, Jr., who served the people of Placer and Sacramento Counties, and be it further

Resolved, That State Highway Route 174 be officially designated the "Officer Bill C. Bean, Jr. Memorial Highway"; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing this special designation, and upon receiving donations from nonstate sources sufficient to cover that cost, to erect those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Department of Transportation and to the author for appropriate distribution.

RESOLUTION CHAPTER 111

Assembly Concurrent Resolution No. 79—Relative to Retinoblastoma Awareness Month.

[Filed with Secretary of State September 14, 1999.]

WHEREAS, Retinoblastoma International located at Children's Hospital Los Angeles was created to work toward the worldwide elimination of blindness and death in children caused by the pediatric eye cancer, retinoblastoma; and

WHEREAS, Retinoblastoma is a rare childhood cancer arising in immature retinal cells inside the eye and accounts for approximately 13 percent of all cancers in infants; and

WHEREAS, This cancer affects newborns, infants, and toddlers, and most children are diagnosed before two and one-half years of age; and

WHEREAS, Each year there are an estimated 8,000 cases worldwide and of these cases, 7,000 children die from the disease due to the delay in diagnosis or to lack of access to expert medical care; and

WHEREAS, There may be a genetic predisposition to retinoblastoma and other malignancies; and

WHEREAS, Nine out of 10 families have no previous history of this tumor; and

WHEREAS, Over 70 percent of children treated for retinoblastoma at Children's Hospital Los Angeles are Hispanic and there are studies proposed to explore this possible racial predilection; and

WHEREAS, To realize our goal of early diagnosis, the standard of care must be changed for all infants in California by enacting legislation requiring pupillary dilation in newborns; and

WHEREAS, The dilated pupil exam significantly enhances the detection of blinding and life-threatening birth defects arising inside the eye such as retinoblastoma, pediatric cataracts, and other ocular abnormalities; and

WHEREAS, Guidelines for a dilated pupil exam by the primary care physician in early infancy would facilitate detection of the abnormal disease process and facilitate timely referral to an ophthalmologist for diagnosis and treatment of retinoblastoma; and

WHEREAS, Early detection and referral would allow early diagnosis of retinoblastoma which, if recognized and treated as soon as possible after birth, could cause little long-term disability; and

WHEREAS, Pediatricians do not perform a dilated pupil exam as part of well-baby care once the child is discharged from the hospital because it is not included in the standard of care. The American Academy of Pediatrics is prepared to support the effort to include this exam as part of the standard of care at the well-baby visit; and

WHEREAS, Early diagnosis and intervention can save the State of California and the health insurers tens of millions of dollars annually; and

WHEREAS, The costs in time and supplies for the pupillary dilation test is negligible; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Members of the Legislature hereby recognize the month of October 1999 as Retinoblastoma Awareness Month and encourage all Californians to make themselves and their families aware of the risk of retinoblastoma and the need for appropriate screening, early diagnosis, and referral; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor of the State of California and to the author for appropriate distribution.

RESOLUTION CHAPTER 112

Assembly Joint Resolution No. 21—Relative to child sexual abuse.

[Filed with Secretary of State September 14, 1999.]

WHEREAS, Children are a precious gift and responsibility; and

WHEREAS, The spiritual, physical, and mental well-being of children is our sacred duty; and

WHEREAS, No segment of our society is more critical to the future of human survival and society than our children; and

WHEREAS, Children who have been sexually abused often experience health problems, eating disorders, learning difficulties, behavioral problems, fearfulness, social withdrawal, anxiety, depression, and suicidal thoughts; and

WHEREAS, Psychologists, as researchers, educators, service providers, and policy advocates, have played important roles in advancing knowledge regarding the consequences, effective treatment, and prevention of child sexual abuse; and

WHEREAS, It is the obligation of all public policymakers not only to support but also to defend the health and rights of parents, families, and children; and

WHEREAS, Information endangering to children is being made public and, in some instances, may be given unwarranted or unintended credibility through release under professional titles or through professional organizations; and

WHEREAS, Elected officials have a duty to inform and counter actions they consider damaging to children, parents, families, and society; and

WHEREAS, California has made sexual molestation of a child a felony and has declared parents who sexually molest their children to be unfit; and

WHEREAS, Virtually all studies in this area, including those published by the American Psychological Association, condemn child sexual abuse as criminal and harmful to children; and

WHEREAS, The American Psychological Association repudiates and disassociates itself from any organization or publication that advocates sexual interaction between children and adults; and

WHEREAS, The American Psychological Association in July 1998, published a review of 59 studies of college aged students that indicates that some sexual relationships between adults and children may be less harmful than believed, and that some of the college students viewed their experience as positive at the time they occurred or positive when reflecting back on them; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully urges the President and Congress to reject and condemn, in the strongest honorable written

and vocal terms possible, any suggestions that sexual relations between children and adults, except for those that may be legal in the various states under statutes pertaining to marriage, are anything but abusive, destructive, exploitive, reprehensible, and punishable by law; and be it further

Resolved, That the Legislature condemns and denounces all suggestions in the recently published study by the American Psychological Association that indicates sexual relationships between adults and "willing" children are less harmful than believed and might even be positive; and be it further

Resolved, That the Legislature encourages competent investigations to continue to research the effects of child sexual abuse using the best methodology so that the public and public policymakers may act upon accurate information; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the majority leader of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 113

Assembly Joint Resolution No. 32—Relative to Medicare reimbursement for nursing home services.

[Filed with Secretary of State September 14, 1999.]

WHEREAS, The United States Congress enacted short-term Medicare reforms as part of the Budget Act of 1997; and

WHEREAS, These reforms included changes in the manner in which the federal government reimburses nursing homes around the country for Medicare patient claims. In an effort to save $115 billion over a 10-year period, the new law changes the reimbursement method from fee-for-service to flat rate reimbursement; and

WHEREAS, Since the enactment of these reforms, Medicare spending during the first half of the 1998–99 fiscal year was $2.6 billion less than for the comparable six-month period of the 1997–98 fiscal year; and

WHEREAS, Under the new, lower reimbursement rates, most nursing homes lose money on patients who require intravenous antibiotics, tube feeding, dialysis, or ventilator support; and

WHEREAS, Changes in the method of reimbursing nursing homes for the care of Medicare beneficiaries results in many nursing homes refusing Medicare patients, or places these homes in serious financial jeopardy; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully memorializes the United States Congress to enact legislation to require the Medicare prospective payment system to take into account the costs associated with providing medically complex care, such as ventilator care, tracheostomy care, and care for pressure ulcers, and to provide a more accurate inflation adjuster index.

RESOLUTION CHAPTER 114

Assembly Concurrent Resolution No. 91—Relative to Mexican Independence Week.

[Filed with Secretary of State September 15, 1999.]

WHEREAS, For centuries the people of Mexico suffered under the oppressive political and economic rule of the government of Spain; and

WHEREAS, A movement toward Mexican independence was slowly taking root under the widespread exploitation and oppression at all levels of society by the government of Spain; and

WHEREAS, The nucleus of this movement was a group of intellectuals in the State of Queretaro. The group included Miguel Dominguez, a former corregidor (Mayor) of Queretaro, his wife, Dona Josefa Ortiz de Dominguez, remembered in Mexican history as *La Corregidora*, several distinguished officers, among them the adventurous Ignacio Allende, and Ignacio Aldama, and the parish priest of the City of Dolores, Father Miguel Hidalgo y Costilla; and

WHEREAS, In the early morning hours of September 16, 1810, Father Hidalgo rang the church bells, assembled the townspeople, and rallied them to rise up in arms and rebel against the despotism of Spanish rule; and

WHEREAS, Speaking from the balcony of the parish of Nuestra Senora de Los Dolores (Our Lady of Sorrows), Father Hidalgo made a proclamation for independence with the famous words, now known as *El Grito de Dolores*: "Long live our Lady of Guadalupe! Long live independence! Death to bad government!"; and

WHEREAS, The war to free Mexico from the stronghold of Spain began with a rebel army comprised of civilian Indians, Mestizos, and Creoles armed with makeshift weapons including machetes, swords, knives, clubs, axes, stones, slings, sticks, and spears; and

WHEREAS, The revolutionary army assembled by Father Hidalgo's momentous call for independence eventually swelled to over 80,000 and managed to conquer several important cities; and

WHEREAS, Father Hidalgo's *El Grito de Dolores* (Cry of Dolores) became the battle cry of the Mexican War of Independence. The

people of Mexico fought for 11 years before they finally won their freedom and independence from Spain on September 28, 1821; and

WHEREAS, Because of Father Hidalgo's patriotism, his championing of human rights, and his personal courage and tenacity, he is widely considered by the people of Mexico to be the father of their nation and the symbol of Mexican independence; and

WHEREAS, The famous Grito de Dolores that he shouted that night is remembered and repeated each year in elaborate ceremonial Mexican Independence Day celebrations north and south of the border; and

WHEREAS, Increasingly, Mexico and the United States, particularly the State of California, are now forming ever closer ties both culturally and economically that benefit both nations; and

WHEREAS, September 16 reminds us of the close ties, spiritual as well as economic, that bind the people of Mexico and the people of the United States, and especially California, the home of millions of Mexicans and Mexican-Americans; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby calls on all the people of California to join the people of Mexico and Californians of Mexican heritage in recognizing and celebrating the 16th of September with the cry of Father Miguel Hidalgo y Costilla: "Long live independence! Death to bad government!"; and be it further

Resolved, That the week of September 12 to 18, 1999, is hereby declared Mexican Independence Week, and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and to the author for appropriate distribution.

RESOLUTION CHAPTER 115

Assembly Joint Resolution No. 33—Relative to space-related commerce.

[Filed with Secretary of State September 16, 1999.]

WHEREAS, As we approach the next millennium an unprecedented surge in space technology and commercial enterprise is creating a new space services era; and

WHEREAS, Over 40 countries are vigorously competing to participate in this rapidly expanding industry; and

WHEREAS, At a time of increasing foreign launch competition, the United States Air Force has stated that it intends to encourage private development and become a customer of launch facilities in

lieu of its current role as developer, operator, and maintainer of United States space launch complexes; and

WHEREAS, The recently completed Cox Commission report concludes that it is in the national security interest of the United States to expand our domestic launch capability; and

WHEREAS, It is in the best interest of California's economy to encourage the development of a robust commercial launch industry so that the state can continue its role as an international space "center of excellence" in the rapidly growing commercial space market; and

WHEREAS, California's educational institutions, aerospace industries, and highly skilled work force have historically played a dominant role in space education, research, technology, manufacturing, services, and transportation, now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to recognize the driving force of space-related commerce in our economy and support Sen. No. 1239 and H.R. No. 2289, federal legislation to classify spaceports as exempt facilities and enable state and local entities to sell bonds for private or public development of spaceport infrastructure; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate of the United States, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 116

Assembly Concurrent Resolution No. 73—Relative to life-threatening disease and condition diagnosis and screening.

[Filed with Secretary of State September 20, 1999.]

WHEREAS, Most forms of cancer pose a high probability of death unless the course of the disease is interrupted; and

WHEREAS, There is no cure and no known prevention for many forms of cancer and many of the currently available treatments attack both the cancer cells and healthy cells leading to associated morbidity; and

WHEREAS, Biomedical research is making strong progress by identifying specific mechanisms that contribute to the growth of cancer and this progress is leading to more targeted therapies that combat the disease with more limited toxicities; and

WHEREAS, Public and private payers generally provide coverage and reimbursement for these innovative life-saving treatment options when medically appropriate for a given patient; and

WHEREAS, Diagnostic and screening tests can help identify those patients for whom these innovative life-saving treatments would be medically appropriate; and

WHEREAS, Guidelines, including but not limited to those developed for cancer diagnosis and care by the National Comprehensive Cancer Network and the American Cancer Society, can help patients and physicians use diagnostic and screening tests to determine which treatments may be medically appropriate; and

WHEREAS, The Legislature recognizes that the use of those diagnostic and screening tests to ascertain medically appropriate use of innovative treatments defines the standard of care for the diagnosis and treatment of life-threatening diseases and conditions; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby respectfully urges health insurers and health care service plans operating in the state to provide expeditious access to diagnostic and screening tests in order to ensure medically appropriate and cost-effective use of innovative treatments for life-threatening diseases and conditions, when those diagnostic and screening tests are recommended by professional treatment guidelines, including but not limited to those developed by the National Comprehensive Cancer Network and the American Cancer Society; and be it further

Resolved, That the Legislature urges patients to be active advocates in seeking access to appropriate diagnostic and screening tests in order to support more informed treatment decisions and in following through to ensure that health insurers and health care service plans provide coverage and payment; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Commissioner of Insurance and the Commissioner of Corporations .

RESOLUTION CHAPTER 117

Assembly Concurrent Resolution No. 80—Relative to California Hospice Month.

[Filed with Secretary of State September 20, 1999.]

WHEREAS, The hospice philosophy of care treats the person instead of the disease, focuses on the family in addition to the patient, and emphasizes quality of life; and

WHEREAS, Hospice care is a specialized form of interdisciplinary health care designed to alleviate the physical, emotional, social, and spiritual needs of individuals and families experiencing terminal illness, while providing them with choice, dignity, and independence; and

WHEREAS, Hospice brings a tradition of stewardship of resources, interdisciplinary team management, patient and family advocacy, and ethical decision-making to the management of terminal illness; and

WHEREAS, Approximately 50,000 patients were served by California hospice programs in 1998 and the number grows annually; and

WHEREAS, Hospice provides compassionate, cost-effective care; and

WHEREAS, The California Hospice and Palliative Care Association is a nonprofit, charitable organization advocating for the terminally ill and their families by promoting the availability and access to quality hospice and palliative care; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in acknowledgment of the value of hospice services to families and communities and in recognition of the thousands of health care professionals and volunteers who care for terminally ill patients and their families, the members of the California Assembly and Senate declare and proclaim the month of November as California Hospice Month; and be it further

Resolved, That the California Legislature urge all government agencies, health care organizations and providers, hospice providers, and the people of the State of California to observe California Hospice Month with appropriate programs and activities designed to educate and to encourage recognition of, and support for, hospice care as a valuable component of our state's health system; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 118

Assembly Concurrent Resolution No. 84—Relative to the Officer James Rapozo Memorial Freeway.

[Filed with Secretary of State September 20, 1999.]

WHEREAS, Officer James Rapozo, a dedicated law enforcement officer of the Visalia Police Department, died in the line of duty at

the age of 33, during a police raid of an apartment on January 9, 1998; and

WHEREAS, Officer Rapozo, a devoted husband and father, was born on June 14, 1964, in Hanford, California, to Alfred and Aldine Rapozo; and

WHEREAS, Officer Rapozo graduated from Hanford Joint Union High School, graduating in 1982, and then went on to attend California State University at Fresno, from which he graduated in 1987 with a Bachelor of Science degree in Criminology and Law Enforcement; and

WHEREAS, In 1986, while attending CSU Fresno, Officer Rapozo graduated from the Tulare/Kings County Police Academy; and

WHEREAS, In 1989, Officer Rapozo married the former Merrilly Johnson in Hanford, California; and

WHEREAS, Officer Rapozo began his career in law enforcement with the Hanford Police Department, and then moved on to the Kings County Sheriff's Department and the Bureau of Narcotic Enforcement of the California Department of Justice; and

WHEREAS, In 1992, Officer Rapozo went to work for the Visalia Police Department, where he was a member of the Basic Car Team, the SWAT team, the Field Training Unit, and the Patrol Planning Council; and

WHEREAS, Officer James J. Rapozo is survived by his wife, a son, Max Rapozo, a daughter, Megan Rapozo, and his mother, Aldine Rapozo, all of Visalia, California; a brother, Alfred Rapozo, Jr., of Clovis, California; and two sisters, Kathleen Pearce, of Salinas, California, and Patti Rapozo, of Boston, Massachussetts; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the portion of State Highway Route 198 that is between the intersection with State Highway Route 99 and State Highway Route 245 is hereby officially designated the Officer James Rapozo Memorial Freeway; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 119

Assembly Concurrent Resolution No. 86—Relative to Court Adoption and Permanency Month.

[Filed with Secretary of State September 20, 1999.]

WHEREAS, Each year there are more than 450,000 reports of child abuse and neglect and more than 45,000 court filings that include allegations regarding child abuse or neglect in California; and

WHEREAS, There are more than 105,000 children in California living apart from their families in out-of-home care; and

WHEREAS, Twenty-five percent of the children in foster care in California have been in the foster care system for five years or more; and

WHEREAS, Each year in California approximately 5,000 children are placed in adoptive homes and approximately 4,000 are adopted; and

WHEREAS, Los Angeles County has successfully held three "Adoption Saturdays" during which 780 adoptions were completed for the purpose of expediting the adoption process; and

WHEREAS, The Judicial Council has made improving the administration of justice for proceedings involving children and families a high priority; and

WHEREAS, The Assembly and the Senate are committed to working together to improve performance for children in the abuse and neglect system; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That November 1999 is hereby proclaimed to be "Court Adoption and Permanency Month," a period during which the courts and their constituent local communities will join together to engage in activities including Saturday adoptions, evening adoptions, and other activities to expedite permanent placement of children.

RESOLUTION CHAPTER 120

Assembly Concurrent Resolution No. 88—Relative to Rett Syndrome Awareness Month.

[Filed with Secretary of State September 20, 1999.]

WHEREAS, Rett Syndrome is a devastating condition that affects almost exclusively girls who have developed normally up to 6 to 18 months of age; and

WHEREAS, This condition causes a period of regression, which can be manifested by any number of problems including: loss of acquired speech, breathing dysfunctions, seizures, muscle rigidity or joint contractures, scoliosis, teeth grinding, growth retardation, decreased body fat and muscle mass, abnormal sleep patterns causing irritability or agitation, chewing or swallowing difficulties, poor circulation in lower extremities, and decreased mobility; and

WHEREAS, Apraxia (dyspraxia), which is the inability to program the body to perform motor movements, is the most fundamental and severely handicapping aspect of Rett Syndrome and interferes with every movement, including eye gaze and speech, making it difficult if not impossible to accurately access the child's intelligence; and

WHEREAS, Since there is no biological testing that can be used to diagnose Rett Syndrome, it is diagnosed by clinical observation over a period of months or years; and

WHEREAS, Rett Syndrome is most often misdiagnosed as autism or cerebral palsy causing a harmful delay in receiving the correct medical treatments and educational programs; and

WHEREAS, The majority of the medical profession has little knowledge of Rett Syndrome; and

WHEREAS, More often than not the professionals that are aware of this condition have extremely limited and outdated information leading them to believe that the diagnosed child has no potential for learning or physical growth, causing harmful delays in prescribing the correct medical treatments and therapies; and

WHEREAS, This same lack of understanding in the educational system causes a great deal of frustration for the parents who have to convince the educators that given the correct teaching methods and time allowed for the child to process incoming stimuli, the child diagnosed with Rett Syndrome is just as likely to increase her learning ability as any other child up to her individual potential; and

WHEREAS, Due to this lack of knowledge about Rett Syndrome in the medical profession and educational systems, the parents are forced to spend a great deal of time and effort researching treatments, therapies, and instructional methods that may work for their child's specific Rett Syndrome variables; and

WHEREAS, Increasing the awareness and understanding of this severely handicapping condition will help these children receive the correct and early interventions that will allow them to attain their potential; and

WHEREAS, Texas, Connecticut, and Pennsylvania are in the process of designating October as Rett Syndrome Awareness Month, and other states will be asked to follow our lead in educating the general public of this condition; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby designates October 1999 as Rett Syndrome Awareness Month in this state in order to increase public awareness of this condition and the availability of successful medical treatments and educational programs.

RESOLUTION CHAPTER 121

Assembly Concurrent Resolution No. 92—Relative to gambling prevalence survey.

[Filed with Secretary of State September 20, 1999.]

WHEREAS, According to a gambling industry-funded 1997 survey by the Harvard Medical School Division of Addictions, there were 15.4 million adult and adolescent problem and pathological gamblers in the United States at that time; and

WHEREAS, The National Opinion Research Center national survey of adult Americans last year found there are an estimated 20.5 million pathological, problem, or at risk gamblers in the nation; and

WHEREAS, In a study completed a few months ago, the National Research Council of the National Academy of Sciences described pathological gambling as follows:

"Pathological gamblers engage in destructive behaviors: they commit crimes, they run up large debts, they damage relationships with family and friends, and they kill themselves. With the increased availability of gambling and new gambling technologies, pathological gambling has the potential to become even more widespread"; and

WHEREAS, Only one limited California gambling prevalence survey (1990) has been previously undertaken which interviewed 2000 California adults, and that estimated there were about 500,000 problem and pathological gamblers, even before the substantial increase in marketing and gambling venues during the decade; and

WHEREAS, A scientific, objective survey will establish the dimensions of this problem in California so that the Governor, the Legislature, and the public can make informed decisions; and

WHEREAS, A prevalence survey would provide information about the number of problem and pathological gamblers and their characteristics in the general population, and that information would help ensure that services for problem gamblers are privately or publicly funded, developed, and maintained at appropriate and adequate levels; and

WHEREAS, A reliable estimate of problem and pathological gamblers can be developed if the survey uses a problem gambling screen based on the most recent psychiatric criteria for pathological gambling; and

WHEREAS, The survey should also include social and economic impact questions to understand consequences that affect the lives of gamblers, family members, friends and communities; and

WHEREAS, The data collected would help the Legislature and the Governor to educate the public, as well as treatment professionals, gambling regulators, and others, about the likely impacts of changing mixes of gambling on participation and on gambling rates; and

WHEREAS, There are at least a half dozen highly professional research firms capable of doing a valid survey that would be unimpeachable; and

WHEREAS, The selection of a qualified research firm to undertake a gambling prevalence survey could be greatly assisted if one experienced scientist were selected as a consultant to guide the development of a research proposal; now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature supports conducting a gambling prevalence survey to be undertaken this year that includes interviews, in the 6,000 to 7,000 range, of residents 18 years or older, and be of size and sample design to detect differences in subgroups in the population at greatest risk for gambling problems; and be it further

Resolved, That the Legislature intends that a sum in the $500,000 to $750,000 range, drawn from existing resources, be used to fund such a survey; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 122

Assembly Joint Resolution No. 31—Relative to the National Aeronautics and Space Administration.

[Filed with Secretary of State September 20, 1999.]

WHEREAS, The National Aeronautics and Space Administration (NASA) has dramatically advanced humankind's knowledge of our universe, the Earth, and technological progress over the past half-century of space exploration; and

WHEREAS, More than 7,250 people are employed at NASA's three centers in California—the Ames Research Center, the Dryden Flight Research Center, and the Jet Propulsion Laboratory (JPL) with its 5,200 Caltech employees and a payroll in excess of $300,000,000; and

WHEREAS, NASA contracts with these centers, including $350,000,000 with JPL alone, supports thousands of additional jobs throughout the state; and

WHEREAS, NASA and JPL in particular have pioneered breakthroughs in deep space communication, charged-coupled devices, global positioning satellite software, and digital image processing, which in turn JPL has spun off commercially to the direct benefit of the state's economic competitiveness in the communication, navigational, and medical industries; and

WHEREAS, NASA currently spends one-fourth of its entire annual budget in California; and

WHEREAS, California's public and independent universities successfully competed last year for more than $175,000,000 in NASA science and engineering grants and contracts; and

WHEREAS, NASA operates ambitious public education outreach programs throughout the state from its three centers located in California; and

WHEREAS, The President's proposed fiscal year 2000 budget for NASA of $13.6 billion was cut $1.325 billion by the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the United States House of Representatives; and

WHEREAS, NASA funding for the missions to Mars and the Space Infrared Telescope Facility (SIRTF), both of which are being managed in the 44th Assembly District, has been restored; and

WHEREAS, NASA's budget for fiscal year 2000 still faces an additional $925,000,000 in reductions, which would adversely affect the sustainability of NASA's robotic exploration of the Earth and our solar system; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby commends the actions of members of the United States House of Representatives from California to restore NASA's full programming for fiscal year 2000; and be it further

Resolved, That the Legislature of the State of California strongly encourages all members of the United States Congress to actively support NASA funding for fiscal year 2000 in an amount sufficient to fully support and sustain scheduled projects; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the director of NASA.

RESOLUTION CHAPTER 123

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 19 of Article IV thereof, relating to charitable raffles.

[Filed with Secretary of State September 21, 1999.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1999–2000 Regular Session commencing on the seventh day of December 1998, two-thirds of the membership of each house concurring, hereby proposes to the

people of the State of California that the Constitution of the State be amended as follows:

First—That Section 19 of Article IV is amended to read:

SEC. 19. (a) The Legislature has no power to authorize lotteries and shall prohibit the sale of lottery tickets in the State.

(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.

(c) Notwithstanding subdivision (a), the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes.

(d) Notwithstanding subdivision (a), there is authorized the establishment of a California State Lottery.

(e) The Legislature has no power to authorize, and shall prohibit, casinos of the type currently operating in Nevada and New Jersey.

(f) Notwithstanding subdivision (a), the Legislature may authorize private, nonprofit, eligible organizations, as defined by the Legislature, to conduct raffles as a funding mechanism to provide support for their own or another private, nonprofit, eligible organization's' beneficial and charitable works, provided that (1) at least 90 percent of the gross receipts from the raffle go directly to beneficial or charitable purposes in California, and (2) any person who receives compensation in connection with the operation of a raffle is an employee of the private nonprofit organization that is conducting the raffle. The Legislature, two-thirds of the membership of each house concurring, may amend the percentage of gross receipts required by this subdivision to be dedicated to beneficial or charitable purposes by means of a statute that is signed by the Governor.

Second—That the Legislature finds and declares that it is the public policy of the State to encourage beneficial or charitable works by private nonprofit organizations; that raffles represent a legitimate and reasonable fundraising mechanism to enable these organizations to perform such works or to support others in performing such works; and that the purpose of this measure is to increase funding of beneficial or charitable works by enabling private nonprofit organizations to conduct raffles subject to reasonable regulation by the Legislature.

RESOLUTION CHAPTER 124

Senate Concurrent Resolution No. 2—Relative to National Eye Care Month.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, The gift of eyesight is recognized as the most valuable of the senses; and

WHEREAS, Eye disease can occur at any age; and

WHEREAS, Many eye diseases do not cause symptoms until the disease has done damage; and

WHEREAS, Many eye problems can be prevented or corrected if properly diagnosed and treated in their early stages; and

WHEREAS, Eye injuries are a major cause of monocular blindness and visual impairment in the United States; and

WHEREAS, Ninety percent of all eye injuries can be prevented; and

WHEREAS, Most blindness is preventable if diagnosed and treated early by an ophthalmologist; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the month of January 1999 is hereby declared National Eye Care Month.

RESOLUTION CHAPTER 125

Senate Concurrent Resolution No. 14—Relative to Mexican independence.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, For centuries the people of Mexico suffered under the political and economic oppression of the government of Spain; and

WHEREAS, The resistance of the people to Spanish rule flourished during the late 18th century and culminated in plans to create an independent Mexico, free of foreign domination; and

WHEREAS, On the 16th of September, 1810, a popular uprising was launched when a leader of the freedom fighters, Don Miguel Hidalgo y Costilla, the priest of the town of Dolores, proclaimed to his congregation: "Long live independence! Death to bad government!"; and

WHEREAS, Don Miguel's proclamation marked the beginning of the Mexican people's long struggle for independence from the tyranny of a distant monarchy; and

WHEREAS, Nearly 11 years later, New Spain won its independence from Old Spain and proclaimed itself the nation of Mexico; and

WHEREAS, Forty years later, the Mexican people drove a new invader in the form of troops from France from their soil and established, once and for all, their independence from foreign domination; and

WHEREAS, The people of Mexico have, through their courage and tenacity, created a proud heritage of independence, often against overwhelming odds; and

WHEREAS, The nation of Mexico has emerged as an economically, as well as a politically powerful participant in world affairs; and

WHEREAS, Mexico and the United States, particularly the State of California, are now forming ever closer ties, both cultural and economic, that benefit both nations; and

WHEREAS, More than one in four Californians now trace their roots to Mexico, a number that is expected to grow to nearly 40 percent of the state's population in the next quarter century; and

WHEREAS, People of Mexican heritage have played a major role in the history of California for more than four centuries and now play an increasingly important role in all facets of the state's economic, cultural, and political life; and

WHEREAS, The nation of Mexico and its people have proven to be good neighbors to the United States and the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California hereby calls on all the people of California to join the people of Mexico and Californians of Mexican heritage in celebrating the 16th of September with the cry of Don Miguel Hidalgo y Costilla: "Long live independence! Death to bad government!"

RESOLUTION CHAPTER 126

Senate Concurrent Resolution No. 24—Relative to National Lymphoma Awareness Week.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, Lymphoma is one of the most rapidly increasing cancers in the United States; and

WHEREAS, More than 600,000 Americans are currently battling lymphoma; and

WHEREAS, Lymphoma is the fourth largest killer of men and the fifth largest killer of women in the 25-to-65-year-old age group in the United States; and

WHEREAS, On October 16, 1995, Katie Bulen of Paso Robles tragically lost her life at the age of eight years to this deadly disease; and

WHEREAS, Cindy Bulen, mother of Katie, is a volunteer Public Awareness Coordinator for the Lymphoma Research Foundation of America; and

WHEREAS, The Lymphoma Research Foundation of America was established in 1991 after its president and founder, Ellen Glesby Cohen, was diagnosed with incurable non-Hodgkin's lymphoma; and

WHEREAS, In just five years, the foundation has given close to $1 million to fund 32 research grants at cancer centers and universities across the country and has become the foremost lymphoma resource in the United States; and

WHEREAS, Ninety-two percent of money raised by the foundation goes directly to research and is used to support the foundation's programs, which include free support groups for patients and their families, a telephone helpline and buddy system, a quarterly newsletter, and an Internet web site containing the most up-to-date information on treatments, therapies, and research; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the second week of October shall hereafter be designated National Lymphoma Awareness Week, and that the important work of the Lymphoma Research Foundation of America toward finding a cure to this devastating disease be recognized.

RESOLUTION CHAPTER 127

Senate Concurrent Resolution No. 36—Relative to the CHP Officer Hugo Olazar Memorial Highway.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, Officer Hugo Olazar of the Department of the California Highway Patrol made the ultimate sacrifice while protecting and serving the people of California on September 2, 1989; and

WHEREAS, While Officer Olazar and his partner, Officer Javier Rocha, were investigating a solo vehicle traffic collision on the right shoulder of northbound Interstate 280 south of the San Jose Avenue overcrossing, their patrol car was hit by a drunk driver whose vehicle was traveling at a high rate of speed; and

WHEREAS, The impact caused the patrol car to buckle, jamming the doors shut; and

WHEREAS, The patrol car then burst into flames, trapping both officers inside; and

WHEREAS, Officer Rocha, who was able to escape the burning vehicle by shooting out a side window, tried to pull his unconscious partner out, but was driven away by intense flames; and

WHEREAS, Officer Rocha sustained second- and third-degree burns and Officer Olazar tragically died at the scene; and

WHEREAS, Officer Olazar was born in Cordova, Argentina, on April 8, 1954, became a uniformed officer for the City of Pacifica in 1979, and later became a uniformed officer of the Department of the California Highway Patrol in December of 1982; and

WHEREAS, Officer Olazar was originally assigned to the San Francisco area from the California Highway Patrol Academy. He later transferred to the Redwood City area and then returned to the San Francisco area; and

WHEREAS, Officer Olazar left behind his wife, Denise, daughter, Ashley, his parents, Jose and Carmen, and many other beloved family members; and

WHEREAS, Officer Olazar was known for his dedication to the citizens of the State of California and to the Department of the California Highway Patrol; and

WHEREAS, It is appropriate that the portion of northbound Interstate 280 from the San Jose/Sickles Avenue onramp to the San Jose Avenue overcrossing be dedicated to the memory of Officer Hugo Olazar who made the ultimate sacrifice in his service to the people of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby dedicates the portion of northbound Interstate 280 from the San Jose/Sickles Avenue onramp to the San Jose Avenue overcrossing to the memory of California Highway Patrol Officer Hugo Olazar; and be it further

Resolved, That the portion of northbound Interstate 280 shall be known as the CHP Officer Hugo Olazar Memorial Highway; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of erecting the appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation, and upon receiving donations from nonstate sources covering the cost, to erect those plaques and markers; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Department of Transportation and to the author for appropriate distribution.

RESOLUTION CHAPTER 128

Senate Concurrent Resolution No. 38—Relative to the Rick Charles Cromwell Memorial Freeway.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, City of Lodi Motorcycle Police Officer Rick Charles Cromwell died in the line of duty at the age of 35 years while

performing traffic enforcement on State Highway Route 12 in Lodi on December 9, 1998; and

WHEREAS, Officer Cromwell was involved in a traffic accident when his motorcycle collided with another vehicle; and

WHEREAS, Officer Cromwell sustained fatal injuries as a result of that collision; and

WHEREAS, Officer Cromwell was born in Lodi, attended local schools and graduated from the Lodi Academy in 1981, and earned a Bachelor of Science Degree in Computer Technology from DeVry School of Industry in Arizona; and

WHEREAS, Officer Cromwell, after completing training at the San Joaquin Delta Police Academy, was hired by the City of Lodi in August of 1988; and

WHEREAS, Officer Cromwell was a court-certified expert in the field of collision reconstruction who was frequently called upon to consult on all serious collisions in Lodi and for other police agencies; and

WHEREAS, Officer Cromwell was a critical member of the police department's Major Accident Investigation Team and was considered to have a special talent in that area; and

WHEREAS, Officer Cromwell was an expert motorcycle rider and a state-certified instructor who taught riding skills to other officers and was the lead officer in charge of the maintenance of the entire fleet of police motorcycles; and

WHEREAS, Officer Cromwell is survived by his wife, Cindy; his daughters, Ashleigh and Lindsey; his parents, Mary and Chuck Cromwell; his sister, Brenda Papais, and her son, Nathan; his grandmothers, Elda Cromwell and Elizabeth Little; and his in-laws, Emma and Al Berg; and

WHEREAS, Officer Cromwell was a respected member of the City of Lodi Police Department and was dedicated to the protection of the citizens of Lodi; and

WHEREAS, It is appropriate that the portion of State Highway Route 12 between Lower Sacramento Road and the Lodi City limits at State Highway Route 99 be dedicated to the memory of this officer who made the ultimate sacrifice in the service of the people of this state; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, That this portion of State Highway Route 12 between Lower Sacramento Road and the Lodi City limits at State Highway Route 99 be designated the "Officer Rick Charles Cromwell Memorial Freeway"; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing that special designation, and, upon receiving donations from nonstate sources sufficient to cover that cost, to erect those plaques and markers; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Department of Transportation and to the author for appropriate distribution.

RESOLUTION CHAPTER 129

Senate Concurrent Resolution No. 39—Relative to Memorial Day and Veterans Day.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, There are three million veterans in the State of California; and

WHEREAS, Those veterans have served our nation with honor and at great personal cost; and

WHEREAS, We owe the safety of this country to those who have defended it; and

WHEREAS, On Memorial Day we honor those who lost their lives fighting for our nation; and

WHEREAS, On Veterans Day, we honor those who have supported democracy by serving in the military; and

WHEREAS, The observance of Memorial Day and Veterans Day represents our faith that those who fight for freedom will win over those whose cause is unjust, our faith in our flag and our values, and our faith in democracy; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California encourages Californians to demonstrate their support for veterans on Memorial Day and Veterans Day by treating those days as special days of remembrance; and be it further

Resolved, That houses of worship and other institutions consider ringing bells on those days at noon, with Californians then observing a moment of silence, in recognition of a veteran on Memorial Day and Veterans Day; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor, the Lieutenant Governor, the Attorney General, the Controller, the Insurance Commissioner, the Secretary of State, the Superintendent of Public Instruction, the Treasurer, and the members of the State Board of Equalization.

RESOLUTION CHAPTER 130

Senate Concurrent Resolution No. 41—Relative to a sister state relationship with the Governorate of Cairo, Egypt.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, Egypt is an important Arab ally for the United States, being the first to support peace talks with Israel and continuing a policy of shared interest in peaceful resolutions to international disputes; and

WHEREAS, Cairo is both the largest city in Africa and the highest populated governorate in Egypt, and both the State of California and the Governorate of Cairo serve as major commercial, industrial, financial, educational, tourist, and entertainment centers of their respective countries; and

WHEREAS, In addition to being the commercial, industrial, and financial center, Cairo is also the manufacturing and communications center of Egypt. Due to major reform policies, Cairo's economy is rapidly growing with a 1998 gross domestic product estimated at approximately $81.4 billion. Cairo's thriving, emerging market would promote mutually beneficial and stable trade with a sister state; and

WHEREAS, A sister state relationship would facilitate the exchange of environmental knowledge, especially in the field of waste management, an area in which Cairo was praised for its activities by the 1994 United Nations Population Conference; and

WHEREAS, Much like California, Cairo is a prestigious center of higher learning, ranking second among the Egyptian governorates in education. Al-Azhar University, located in Cairo, is one of the world's major centers of Islamic studies; and

WHEREAS, Having a rich culture, Cairo's tourist attractions include traditional Islamic sites, the Egyptian Museum, which contains more than 1,700 pieces from the collection of the ancient pharaoh Tutankhamen, the statue of the Great Sphinx, and the Pyramids of Giza, which are the only surviving examples of the Seven Wonders. These attractions would enhance cultural exchanges between the two regions; and

WHEREAS, With a majority of the population working within the agricultural sector, Cairo is the leading producer of textiles, electronic products, automobiles, and dairy products in the nation, sharing many similar industries with California; and

WHEREAS, Both the State of California and the Governorate of Cairo share diverse geographies. Cairo has fertile farmland along the famous Nile River and desert in the southeast regions. Furthermore, with Mediterranean climates, the two regions have two main seasons: winter and summer and have periodic seismic activity; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature, on behalf of the people of the State of California, hereby extends an invitation to the people of the Governorate of Cairo, Egypt, to join with California in a sister state relationship in order to encourage and facilitate mutually beneficial, social, economic, educational, and cultural exchanges that

would lead to an indelible and lasting relationship between the residents of California and Cairo; and be it further

Resolved That the Secretary of the Senate transmit copies of this resolution to the Consul General of Egypt, to the Governorate of Cairo, Egypt, to the Governor of California, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 131

Senate Concurrent Resolution No. 43—Relative to prostate cancer.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, In 1999, prostate cancer is expected to kill an estimated 37,000 men in the United States, and 180,000 new cases will be diagnosed; and

WHEREAS, While prostate cancer is the most diagnosed nonskin cancer in the United States, comprising more than 15 percent of all nonskin cancer cases, prostate cancer research receives only 5 percent of federal cancer research dollars; and

WHEREAS, African-Americans have the highest incidence of prostate cancer in the world; and

WHEREAS, One in six men will be diagnosed to have prostate cancer during his lifetime; and

WHEREAS, Considering the devastating impact of the disease among men and their families, prostate cancer research remains woefully underfunded; and

WHEREAS, It is hoped that more resources devoted to clinical and translational research at the National Institutes of Health will be highly determinative of whether rapid advances can be attained in treatment, and ultimately a cure, for prostate cancer; and

WHEREAS, Greater awareness of the incidence of prostate cancer is necessary to accomplish those advances; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby proclaims the month of September 1999 as Prostate Cancer Awareness Month; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President of the United States, the Governor of the State of California, the Director of the United States Department of Health and Human Services, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 132

Senate Concurrent Resolution No. 46—Relative to Ovarian Cancer Awareness Month.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, The incidence of ovarian cancer is increasing over time with a 30-percent increase in the number of ovarian cancer cases and an 18-percent increase in the number of ovarian cancer deaths reported in the past decade (1985–95); and

WHEREAS, Ovarian cancer has been predicted to reach epidemic proportions as the population ages because advancing age is one of the known risk factors for the development of ovarian cancer; and

WHEREAS, The Pap smear is sensitive and specific to the early detection of cervical cancer but not to ovarian cancer, and there is no screening test currently used for the early detection of ovarian cancer; and

WHEREAS, The symptoms of ovarian cancer are vague and not well known by the public, the majority of ovarian cancer cases (70 percent) are detected at an advanced stage, and the survival rates for women with advanced ovarian cancer have shown minimal improvement over the last 15 to 25 years; and

WHEREAS, If diagnosed and treated at an early stage before the cancer spreads outside of the ovary, the treatment is potentially less costly, and the five-year survival rate is higher (92 percent); and

WHEREAS, There are factors that are known to reduce the risk for ovarian cancer and play an important role in the prevention of the disease; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby designates the month of September of every year as Ovarian Cancer Awareness Month throughout the State of California, and encourages and promotes the efforts of the people and the health care practitioners of the state to increase their awareness of this disease and to educate themselves about its early detection and prevention, the risk factors involved in its development, and the early warning symptoms and signs; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 133

Senate Concurrent Resolution No. 49—Relative to Breast Cancer Awareness Month and Breast Exam and Mammography Awareness Day.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, Breast cancer is an epidemic that will strike one out of eight American women in their lifetime; and

WHEREAS, Breast cancer is the most common form of cancer among women, and is second only to lung cancer as the leading cause of cancer deaths among women, both nationally and in California; and

WHEREAS, In the United States, approximately 43,000 women will die of breast cancer in 1999 and over 180,000 new cases will be diagnosed in 1999; and

WHEREAS, In the State of California, approximately 5,000 women will die of breast cancer in 1999 and nearly 20,000 new cases will be diagnosed in 1999; and

WHEREAS, More than 80 percent of women diagnosed with breast cancer have no known risk factors; and

WHEREAS, If detected early, breast cancer has a five-year survival rate of over 95 percent; and

WHEREAS, Only 55 percent of women 65 and older received a mammogram in the past two years; and

WHEREAS, Heightened public awareness and education about breast cancer are crucial to the national effort to eradicate this epidemic; and

WHEREAS, It is in the best interest of all women, men, and families to join together to promote greater awareness about a disease that affects all Californians, the need for early detection and adequate treatment options, and the urgency of finding a cure; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature, in order to heighten public awareness about breast cancer, including the need to redouble efforts to prevent and cure this disease, proclaims the month of October 1999 as Breast Cancer Awareness Month; and be it further

Resolved, That the Legislature, in order to recognize that, to date, breast exam and mammography are still the primary methods of breast cancer detection available to women, and that, therefore, all women should perform monthly breast self-exams, women over 50 years of age should have regularly scheduled mammograms every year, and women 40 to 49 years of age, inclusive, should consult about mammograms with their health care provider, proclaims October 15, 1999, as Breast Exam and Mammography Awareness Day; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor of the State of California and to the author for appropriate distribution.

RESOLUTION CHAPTER 134

Senate Concurrent Resolution No. 51—Relative to the Joint Committee on Preparing California for the 21st Century.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, California, as the rest of the United States and the rest of the entire world, has been experiencing the most remarkable rapid radical change in history, a period in which the only constant is change and the greatest inconstant is the ever-increasing rate of change; and

WHEREAS, The resulting breakdown of old forms and disintegration of community and disaffection of our people with government and its institutions has left many, if not most, of us disoriented, floundering, and desperately in need of discovering a way to regain our bearings and to re-envision and create new forms to enable us to come back together in community; and

WHEREAS, Governor Gray Davis has created a Commission on Essential Infrastructure for the 21st Century; and

WHEREAS, Assembly Speaker Antonio Villaraigosa has created a Commission on Local Governance for the 21st Century; and

WHEREAS, Every bit as critical as infrastructure and governance are the shared visions and values and the policies and programs they inform which will altogether operate upon that infrastructure and within that governance; and

WHEREAS, The Legislature is the body that consists of the most immediately elected representatives of all the people of California in their various communities; and

WHEREAS, The Legislature is charged with designing the policies and programs that help enable Californians individually to realize their potential and collectively to meet the challenges we face; and

WHEREAS, It is therefore appropriate for the Legislature to provide leadership in bringing all Californians together to recognize the profound changes and challenges that face us, and to take a long-term big picture look at how we can cope with these changes and challenges and discern the most promising strategies for dealing with them constructively; and

WHEREAS, In searching for our best path into a better future for all of us, we must especially take into account at least the following seven major revolutions of our times that individually, and even more convergently and cumulatively, profoundly affect our lives and our future:

(1) Technology—the furthest extension of our minds;

(2) Gender—moving toward equity;

(3) Race—as we become a no-majority state and people;

(4) End of the Cold War—with no monolithic enemy to bind us together;

(5) Advent of the global economy—eroding national boundaries;

(6) Movement into interactive communications and an information and knowledge society;

(7) Changing beliefs regarding our founding views of our own human nature and potential, freedom, growth, and self-esteem and responsibility; and

WHEREAS, In searching out and designing our new path, we must build upon at least the following three historic sea changes we're experiencing:

(1) Our shift toward a multicultural society;

(2) Our shift from a manufacturing economy to an information, knowledge, and services economy;

(3) Our shift to a culture of greater individuality, diversity, and freedom; and

WHEREAS, The Legislature ought to lead the people of California in a public dialogue regarding the most profound cross-cutting changes and challenges, including, but not limited to, race, diversity, technology, learning, families, health, communities, violence, aging, and environmental sustainability, facing us as we move into the 21st century; and

WHEREAS, It is incumbent upon the California Legislature to launch a smart, comprehensive, credible effort to create a high-profile, big-picture, broadly inclusive enterprise that will serve to bring all Californians together to more fully recognize and appreciate the challenges of our times, and to more smartly collaborate in designing an inspiring vision and a comprehensive, substantive, strategic, and programmatic agenda that will fully prepare us to meet our challenges in the 21st century; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Preparing California for the 21st Century is hereby established and authorized to actively engage the Legislature and the State of California and the people of California in a broad-scale, big-picture, public dialogue that will best prepare all of us to do the following:

(1) Meet our emerging and growing challenges as we move into the 21st century.

(2) Keep California the leading state, both economically and societally.

(3) Recognize and meet our greatest challenge: to realize the promise of our multicultural democracy, with gender equity, in the global economy, in the age of technology; and be it further

Resolved, That the Joint Committee on Preparing California for the 21st Century shall design its operation so that it does the following:

(1) Operates in the most prominent manner that maximizes the involvement of most of our people.

(2) Gains the highest visibility and credibility.

(3) Develops widespread confidence and buy-in by the people of California into its processes, deliberations, findings, and policy recommendations.

(4) Adopts an agenda that addresses the most compelling major challenges facing us and meets those criteria.

(5) Has the capacity to translate its recommendations into reality, both in legislation and other forms of implementation; and be it further

Resolved, That the Joint Committee on Preparing California for the 21st Century shall enlist as full-fledged active partners in this process the leaders of the other most influential institutions of our state, including the following:

(1) All key stakeholders in the well-being of California.

(2) Every major racial and ethnic community, especially as California becomes a no-majority state.

(3) California's premier universities and colleges, especially their research facilities.

(4) California's major media leaders.

(5) Representatives of California's divergent belief systems and ideologies.

(6) California's communities of faith.

(7) California's business and economic development enterprises.

(8) California's social and human development enterprises.

(9) California's major age cohorts, including both the most senior of our citizens and the most junior (students); and be it further

Resolved, That the Joint Committee on Preparing California for the 21st Century shall consist of nine members from each of the two houses of the Legislature, including the following:

(1) The President pro Tempore and Minority Leader of the Senate, or their designees.

(2) The Speaker and Minority Leader of the Assembly, or their designees.

(3) The Senate and Assembly chairs and vice-chairs of each standing policy committee that has the jurisdiction over the particular subject matter that the joint committee is exploring at any given time.

(4) Five other members from each house of the Legislature, hopefully diverse as to gender, race, geography, and political party; and be it further

Resolved, That the Joint Committee on Preparing California for the 21st Century and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time; and be it further

Resolved, That the Joint Committee on Preparing California for the 21st Century may contract, subject to the approval of the Senate Committee on Rules and the Assembly Committee on Rules, with

other agencies, public or private, as necessary to obtain services or studies that will assist the committee in carrying out its responsibilities; and be it further

Resolved, That, in the spirit of modeling the partnership and collaboration that will become ever more critical as we seek to meet our challenges and improve our future, the Senate Committee on Rules and the Speaker of the Assembly shall each name one cochair, preferably diverse as to gender, race, and geography, of the Joint Committee for Preparing California for the 21st Century; and be it further

Resolved, That the Senate Committee on Rules and the Assembly Committee on Rules shall each make available from the Senate Operating Fund and the Assembly Operation Fund an equal amount of money together sufficient as deemed necessary for the expenses of the Joint Committee on Preparing California for the 21st Century and its members, and that any expenditure of money shall be made in compliance with policies set forth by the Senate Committee on Rules and the Assembly Committee on Rules and subject to approval by the respective Rules committee; and be it further

Resolved, That the Joint Committee on Preparing California for the 21st Century shall, within 15 days of authorization, and consistent with the normal annual appropriations process for funding legislative committees, present its initial budget to the Senate Committee on Rules and to the Assembly Committee on Rules for their review, comment, and approval; and be it further

Resolved, That the Joint Committee on Preparing California for the 21st Century shall submit a report at the end of each calendar year to the Legislature on its activities and recommendations to date; and be it further

Resolved, That the Joint Committee on Preparing California for the 21st Century is authorized to act until November 30, 2004, at which time the committee's existence shall terminate.

RESOLUTION CHAPTER 135

Senate Joint Resolution No. 14—Relative to immunosuppressive drugs.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, Immunosuppressive drugs play a critical role in preventing organ rejection in transplant patients; and

WHEREAS, Currently, Medicare coverage for immunosuppressive drugs lasts for only 36 months posttransplant; and

WHEREAS, Lack of access to immunosuppressive drugs can often result in a return to dialysis, or the need for a second transplant, for kidney transplant patients, the need for a second transplant for heart, liver, or lung recipients, or even death; and

WHEREAS, The cost to Medicare for immunosuppressive drugs for a kidney transplant patient averages $11,000 per year. Health care costs for dialysis patients are an estimated $50,000 per patient per year, and the cost of a second kidney transplant is $100,000; and

WHEREAS, On March 16, 1999, Sen. No. 631, the "Immunosuppressive Drugs Coverage Act of 1999" was introduced in the United States Senate, and H.R. No. 1115, the "Immunosuppressive Drug Coverage Extension Act of 1999," was introduced in the United States House of Representatives, for the purpose of eliminating the three-year time limit on Medicare coverage for immunosuppressive drugs; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the Congress of the United States to enact Sen. No. 631 and H.R. No. 1115, in order that transplant recipients covered by Medicare will be able to receive immunosuppressive drugs for as long as is necessary for their continued health and well-being; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the Unites States.

RESOLUTION CHAPTER 136

Senate Joint Resolution No. 21—Relative to neurodevelopmental disorders.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, Neurodevelopmental disorders encompass a range of conditions affecting the brain, including, but not limited to, autism and related disorders, specific learning disabilities, attention deficit hyperactivity disorder, mental retardation, and cerebral palsy; and

WHEREAS, Neurodevelopmental disorders are estimated to affect more than 20 percent of children and adults in California, and the vast majority of California school children who receive special education services; and

WHEREAS, The costs of neurodevelopmental disorders in California for medical care, special education, support services, and lost wages for these children and their families are significant and are estimated to exceed $1 billion a year; and

WHEREAS, The causes of most neurodevelopmental disorders are unknown, which limits effective prevention; and

WHEREAS, Families, educators, and other professionals who treat individuals with these disorders in California have a tremendous need for information on research-based assessment, treatment, and support for individuals with neurodevelopmental disorders; and

WHEREAS, Specific learning disabilities and attention deficit hyperactivity disorder are the most prevalent neurodevelopmental disorders affecting an estimated 10 to 15 percent of children and adults and, without effective assessment and intervention, carry greater risks for academic failure, illiteracy, unemployment, welfare, teen pregnancy, substance abuse, and criminal behavior; and

WHEREAS, The number of clients with autism served by the developmental services system increased by 273 percent in the last 10 years and the number of students with autism served in schools throughout the United States increased by 179 percent in a five-year period with no signs of leveling off and no explanation yet found for the dramatic increases; and

WHEREAS, Research and best practice regarding effective assessment and intervention services for individuals with neurodevelopmental disorders is informed by basic and applied research; and

WHEREAS, California's universities have the demonstrated capability to respond to the need for research on neurodevelopmental disorders to guide assessment, treatment, and support; and

WHEREAS, The University of California has multiple statewide centers engaged in research and treatment of neurologic disorders, including one center dedicated to linking basic biomedical research with clinical neurodevelopmental disorders and engaging cognitive neuroscience with educational assessments and interventions for these disorders; and

WHEREAS, The federal government provides the majority of funding for university-based research; and

WHEREAS, The federal National Institutes of Health (NIH), through its numerous institutes and centers, provides critical funding for research on neurodevelopmental disorders nationwide; and

WHEREAS, For the 1999 fiscal year, the Congress provided the NIH with an increase of nearly 15 percent over the appropriation for the 1998 fiscal year to build on recent medical advances to treat illness and disability, thereby providing an additional $1.9 billion for NIH programs including research grant awards; and

WHEREAS, Neurobiology, which builds on new understanding of brain biology resulting from new methods to study the nervous system, has been identified as one of NIH's areas of research emphasis; and

WHEREAS, The President proposes a $320 million increase and Congress proposes a $600 million increase to the NIH in the 2000 fiscal

year, which would provide 2-percent and 4-percent increases, respectively, above the 1999 fiscal year NIH budget to continue biomedical research, including research on brain disorders and disease prevention; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide substantial additional funding to the National Institutes of Health to study the neurobiology of autism and related disorders, specific learning disabilities, attention deficit hyperactivity disorder, mental retardation, cerebral palsy, and other neurodevelopmental disorders, so that California and other states can advance research and best practices regarding assessment, intervention, and prevention of these disorders; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to the Majority Leader of the United States Senate, to the Chair of the House Committee on Appropriations, to each Senator and Representative from California in the Congress of the United States, and to the United States Secretary of Education.

RESOLUTION CHAPTER 137

Senate Joint Resolution No. 22—Relative to commemorative stamps.

[Filed with Secretary of State September 21, 1999.]

WHEREAS, Over 150 years ago, United States commemorative stamps began honoring the people, places, and events that have shaped our country's history; and

WHEREAS, Today, more than 22 million Americans, including children, collect and learn about our country through stamps, making it one of the most popular hobbies in the nation and the world; and

WHEREAS, As we stand on the threshold of a new century, it is important that we pause to reflect on our nation's history. Stamps honor statesmen and soldiers as they fought for freedom and democracy, recognize our scientific and technological achievements, pay tribute to our artistic legacy, and celebrate the strength of our diversity; and

WHEREAS, Starting October 1, National Stamp Collecting Month will transform more than 100,000 schools, libraries, and post offices into learning centers where our young people can honor the past and celebrate the future through stamps. The founders and participants of National Stamp Collecting Month include millions of adult and

youth collectors, thousands of teachers and schools, the American Philatelic Society, and the United States Postal Service; and

WHEREAS, The people, places, and events shaping America today will be United States commemorative stamps tomorrow. National Stamp Collecting Month helps empower our children and future generations to study our history and learn from it. As they learn the lessons of the past, these children will be better prepared to guide our nation into the future; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby urges Californians to observe the month of October 1999 as National Stamp Collecting Month; and be it further

Resolved, That the Legislature urges all federal, state, and local government officials, community leaders, educators, students, stamp collectors, and all other people of the United States to observe this month with appropriate programs, ceremonies, and activities; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for distribution.

RESOLUTION CHAPTER 138

Assembly Joint Resolution No. 25—Relative to Allied Hmong-Lao veterans.

[Filed with Secretary of State September 27, 1999.]

WHEREAS, Many Hmong-Lao units fought for and with the United States armed forces during the Vietnam War, and more than 35,000 of them were killed, along with countless numbers who were wounded while fighting with their American allies; and

WHEREAS, They were told by representatives of our government that the United States would not abandon them if the United States left Southeast Asia; and

WHEREAS, Many fled their own countries after the war to avoid persecution, imprisonment, or death for their loyalty to America and the armed forces of our nation; and

WHEREAS, Many of the Hmong-Lao soldiers and their families have been accepted into our country as legal immigrants; and

WHEREAS, While fighting for the United States, many of these veterans, as young soldiers, had little or no time for education in their homeland, and therefore had great difficulty learning American customs and the level of English needed to qualify for United States citizenship; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully

memorializes the President and the Congress of the United States to recognize the sacrifices and services rendered to our country by the Hmong-Lao veterans who served in the special guerrilla units that were allied with, and operating in support of, the military forces of the United States during the Vietnam War, by granting those veterans and their immediate families full United States citizenship; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 139

Assembly Joint Resolution No. 36—Relative to the Americans with Disabilities Act.

[Filed with Secretary of State September 27, 1999.]

WHEREAS, The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990; and

WHEREAS, The ADA, a comprehensive civil rights act for people with disabilities, guarantees equal opportunity and access for disabled Americans in public and private sector services and employment; and

WHEREAS, More than 54 million Americans and 6.6 million Californians have one or more physical or mental disabilities, and this number is increasingly growing; and

WHEREAS, Discrimination against individuals with disabilities still exists in critical areas of employment, housing, public accommodations, education, transportation, communication, recreation, health services, and access to public services; and

WHEREAS, Individuals with disabilities are a distinct minority who continually experience restrictions and limitations in their daily lives; and

WHEREAS, Governments, businesses, and communities must strive to become inclusive and free of physical and social barriers; and

WHEREAS, The recent United States Court of Appeals, Eight Circuit, decision in Alsbrook v. City of Maumelle (July 23, 1999) ruled that Title II of the Americans with Disabilities Act is unconstitutional and is not a proper exercise of Congress' power under the Fourteenth Amendment to the United States Constitution; and

WHEREAS, The rights of individuals as enumerated in the Americans with Disabilities Act and other civil rights legislation are fragile and must be watched over with great vigilance; and

WHEREAS, The federal government must continue to demonstrate leadership in the implementation and enforcement of the ADA at the federal and state level; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States to do all of the following:

(1) Stand firm in their resolve to uphold the current provisions of the Americans with Disabilities Act.

(2) Thwart any attempts to weaken the act by enacting new legislation that nullifies the effect of any court decision that weakens the ADA.

(3) Take appropriate measures to encourage both public and private entities to implement the provisions of the ADA.

(4) Establish whether the ADA has been applied in the manner in which it was intended, and whether any unintended consequences have resulted; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States and to all members of Congress of the United States.

RESOLUTION CHAPTER 140

Assembly Concurrent Resolution No. 69—Relative to Lao-Hmong New Year Celebration.

[Filed with Secretary of State September 27, 1999.]

WHEREAS, Following the Communist takeover in Southeast Asia in 1975, many people were dislocated from their native homeland; and

WHEREAS, The United States has welcomed over 152,000 Lao-Hmong refugees of whom more than 62,000 have made the Golden State their new home; and

WHEREAS, For the Lao-Hmong community, the New Year Celebration is traditionally the most important and only holiday away from the otherwise constant routine of work; and

WHEREAS, The Lao-Hmong New Year Celebration traditionally begins on the first day of the lunar month and stands as the spiritual and material marker between the old year and the new year; and

WHEREAS, November 25, 1999, represents the beginning of the Lao-Hmong annual lunar cycle; and

WHEREAS, It is important for all Californians to recognize the sincere efforts of our new Lao-Hmong American residents to integrate into our society, and to weave their most important and

elaborate holiday into the cultural fabric of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby proclaims November 25, 26, 27, and 28, 1999, as days for the Celebration of the Lao-Hmong New Year in the City of Sacramento, and December 26, 27, 28, 29, 30, and 31, 1999, and January 1 and 2, 2000, as days for that celebration in the City of Fresno; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for distribution.

RESOLUTION CHAPTER 141

Assembly Concurrent Resolution No. 90—Relative to the Archie Moore Memorial Freeway.

[Filed with Secretary of State September 27, 1999.]

WHEREAS, It was with the most profound sorrow and deep sense of loss that the word was received of the passing, at the age of 84, of Archie Moore, the legendary boxer whose outstanding career endured through four decades and a record 143 knockouts and who won the light-heavyweight championship when he was well into his 30's; and

WHEREAS, Mystery always surrounded Archie Moore, who claimed to have been born on December 13, 1916, in Collinsville, Illinois, while his mother and at least one boxing record book fixed his birth date as December 13, 1913, in Benoit, Mississippi; and

WHEREAS, Archie Moore passed away on December 9, 1998; and

WHEREAS, He was born Archibald Lee Wright and, after his parents separated, was raised by an uncle and aunt in St. Louis Missouri, whose surname he took; and

WHEREAS, Archie Moore had his first fight as a lightweight in January 1936, which he won by a knockout in two rounds; and

WHEREAS, Archie Moore continued to fight through the 1940's, 1950's, and 1960's, finishing with a record of 196-26-8 and one no-contest; and

WHEREAS, "Childe Arch" was nearly 39 years old when he was granted a title shot, and in this bout, he won the light heavyweight championship and went on to defend his title nine times; and

WHEREAS, After his final bout, he moved in and out of boxing as a trainer and served as a trainer at the 1976 Olympics in Montreal, and, three years later, was elected to the Boxing Hall of Fame; and

WHEREAS, He served in the Department of Housing and Urban Development during the Reagan administration, lecturing in prisons and in boys clubs; and

WHEREAS, Archie Moore also appeared in several motion pictures, including the 1960 film version of "The Adventures of Huckleberry Finn," in which he portrayed Jim, a runaway slave; and

WHEREAS, He lived in a home on E Street that he termed "Easy Street" in San Diego on the site where, in 1946, he operated a restaurant known as Archie Moore's Chicken Shack, and, after retiring in 1965, he instituted his "Any Boy Can" program, a mentoring program for at-risk youth that taught them how to box, and about competition, sportsmanship, self-reliance, self-discipline, confidence, and courage; and

WHEREAS, He was renowned by state and local leaders as the ultimate role model, a great fighter, great teacher, and great friend, a hero who treated people with a courtesy that said they were the stars, not him, and as an ambassador for his sport throughout the world; and

WHEREAS, The high esteem in which he was held by his loving family, his numerous friends, and other individuals fortunate enough to have known him stands as a testament for others who strive for the best in personal, professional, public, and community life; and

WHEREAS, His memory will live forever in the hearts and minds of those people who knew him; and

WHEREAS, Archie Moore leaves to cherish his memory, his wife, Joan; his three daughters, Rena Moore, J'Marie Moore, and Elizabeth Moore-Stump; his four sons, Archie Jr., Billy, Anthony, and D'Angelo; and his two grandchildren; and

WHEREAS, It is appropriate that the portion of Interstate Highway Route 15 between the Home Avenue exit and the Ocean View Boulevard exit in the City of San Diego be dedicated to the memory of Archie Moore; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the portion of Interstate Highway Route 15 between the Home Avenue exit and the Ocean View Boulevard exit be designated the "Archie Moore Memorial Freeway"; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing that special designation, and, upon receiving donations from nonstate sources sufficient to cover that cost, to erect those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Department of Transportation and to the author for appropriate distribution.

RESOLUTION CHAPTER 142

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 19 of Article IV thereof, relating to gambling.

[Filed with Secretary of State September 28, 1999.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1999–2000 Regular Session commencing on the seventh day of December 1998, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 19 to Article IV thereof to read:

SEC. 19. (a) The Legislature has no power to authorize lotteries, and shall prohibit the sale of lottery tickets in the State.

(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.

(c) Notwithstanding subdivision (a) the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes.

(d) Notwithstanding subdivision (a), there is authorized the establishment of a California State Lottery.

(e) The Legislature has no power to authorize, and shall prohibit casinos of the type currently operating in Nevada and New Jersey.

(f) Notwithstanding subdivisions (a) and (e), and any other provision of state law, the Governor is authorized to negotiate and conclude compacts, subject to ratification by the Legislature, for the operation of slot machines and for the conduct of lottery games and banking and percentage card games by federally recognized Indian tribes on Indian lands in California in accordance with federal law. Accordingly, slot machines, lottery games, and banking and percentage card games are hereby permitted to be conducted and operated on tribal lands subject to those compacts.

RESOLUTION CHAPTER 143

Senate Concurrent Resolution No. 45—Relative to the Interagency Task Force on the Economic Development of the California-Mexico Border.

[Filed with Secretary of State September 28, 1999.]

WHEREAS, On May 25, 1999, the President of the United States issued an Executive order establishing an Interagency Task Force on the Economic Development of the Southwest Border, reporting to

the Vice President and comprising various federal agencies for purposes of coordinating existing administration efforts to enhance economic development in the southwest border region; and

WHEREAS, Governor Gray Davis has established a public policy priority of increasing trade opportunities between California and Mexico; and

WHEREAS, A successful trade initiative will require an effective strategic implementation that must include infrastructure, economic development, education, workforce development, environment, and health; and

WHEREAS, The North American Free Trade Agreement offers new and emerging opportunities for trade and commerce between California and Mexico as well as other nations within the Americas; and

WHEREAS, According to the Baja California government, Maquiladora operations along the United States-Mexico border imported $10.7 billion in goods and services during the 1997–98 fiscal year, representing significant business opportunities for California companies; and

WHEREAS, As of June 1999, unemployment in the Imperial Valley region has reached as high as 32 percent, compared to a statewide unemployment rate of 5.4 percent; and

WHEREAS, The Imperial Valley as well as other regions across the state would be beneficially impacted through a sustained economic development initiative along the California-Mexico border; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California hereby requests the Governor to immediately establish an Interagency Task Force on the Economic Development of the California-Mexico Border; and be it further

Resolved, That the task force shall comprise the Lieutenant Governor, the President pro Tempore of the Senate, the Speaker of the Assembly, the Secretary of State, the Treasurer, the Attorney General, the Secretary of Food and Agriculture, the Secretary of Business, Transportation and Housing, the Secretary of Environmental Protection, the Secretary of the California Health and Human Services Agency, the Secretary of State and Consumer Services, the Secretary of Trade and Commerce, 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; and be it further

Resolved, That the purpose of the task force shall be to coordinate and promote the federal administration's efforts for sustainable development along the California-Mexico border, in concert with locally led efforts, in order to increase the living standards and overall economic profile of the California-Mexico border region so that it

may achieve, at a minimum, the national median standard of living; and be it further

Resolved, That task force efforts may include, but need not be limited to, all of the following:

(a) Analyzing the existing programs and policies of task force member agencies that relate to the California-Mexico border region to determine what changes, modifications, and innovations should be considered.

(b) Considering statistical and data analysis, research, and policy studies related to the California-Mexico border.

(c) Developing and recommending short-term and long-term options for promoting sustainable economic development.

(d) Consulting and coordinating border development activities among state, tribal, and local governments and community leaders, Members of the Legislature, the private sector, and other interested parties.

(e) Coordinating and collaborating on research and development activities of task force member agencies related to the California-Mexico border.

(f) Integrating the federal administration's initiatives and programs into an effective sustainable economic development strategy for the California-Mexico border.

(g) Focusing initial efforts for implementing a coordinated and expedited state response to local economic development needs by focusing on local and regional planning efforts; and be it further

Resolved, That the task force is requested to issue an interim report to the Governor and the Legislature by January 15, 2000. The task force is also requested to issue its first annual report to the Governor and the Legislature by July 15, 2000, a subsequent report by July 15, 2001, and a final report by July 15, 2002. Each report should describe the actions taken by, and progress of, each member agency of the task force in carrying out the duties of the task force. The task force shall terminate 30 days after submitting its final report unless a task force consensus recommends continuation of its activities; and be it further

Resolved, That the agencies represented on the task force are requested to work together and report their actions and progress in carrying out the duties of the task force to the Commission on the Californias one month before the reports are due to the Governor and the Legislature; and be it further

Resolved, That all efforts taken by agencies in accordance with this resolution shall, as appropriate, further partnerships and cooperation with organizations that represent the California-Mexico border and affected local governments; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor, the Lieutenant Governor, the Secretary of State, the Treasurer, the Attorney General, the Secretary of Food and Agriculture, the Secretary of Business, Transportation and Housing, the Secretary of Environmental Protection, the Secretary

of the California Health and Human Services Agency, the Secretary of State and Consumer Services, the Secretary of Trade and Commerce, 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.

RESOLUTION CHAPTER 144

Senate Concurrent Resolution No. 48—Relative to Youth Day.

[Filed with Secretary of State September 28, 1999.]

WHEREAS, The majority of the youth of California are working towards positive life goals; and

WHEREAS, The Members of the Senate and Assembly of the State of California believe that problems facing today's youth are actually opportunities to reach, expand, and improve the lives of tomorrow's adults; and

WHEREAS, The Members of the Senate and Assembly of the State of California believe that every child is a winner or has the potential to be a winner; and

WHEREAS, Many of the positive activities and accomplishments of California's youth often go unnoticed; and

WHEREAS, The counties in California have declared October as America's Celebration of Youth Month; and

WHEREAS, Recognizing that all youth are constantly at risk; and

WHEREAS, The youth of California today are the leaders of California's tomorrow; and

WHEREAS, Many of the youth of California reject the negative influences they are exposed to every day; and

WHEREAS, There are specific Father's and Mother's Days to honor their contributions; and

WHEREAS, The nonprofit United States Youth Athletic Network (USYAN), host of America's Celebration of Youth Campaign, has officially established October as America's Celebration of Youth Month; and

WHEREAS, USYAN's mission is to eliminate idle time of youth and help them become happier with themselves and better members of their families and communities through the development and implementation of new, innovative, proactive programs, and, at the same time, assist existing youth programs in their fight to survive and expand benefits to the youth they serve; and

WHEREAS, USYAN wishes to establish a specific youth day to honor and salute the positive accomplishments that youth make to their family, community, state, and nation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members thereof hereby join the counties and cities of California in declaring October as America's Celebration of Youth Month and proclaim that the fourth Sunday of October be declared annually as Youth Day in California.

RESOLUTION CHAPTER 145

Senate Joint Resolution No. 20—Relative to the Atlas mill radioactive tailings site.

[Filed with Secretary of State September 28, 1999.]

WHEREAS, The Atlas Corporation operated a uranium processing mill on the north bank of the Colorado River from 1962 to 1984, inclusive, and during this time the mill tailings were deposited in an unlined pond partially located in a flood plain on the north bank of the Colorado River, approximately three miles from Moab, Utah; and

WHEREAS, The Atlas mill tailings site consists of ten million five hundred thousand tons of radioactive mill wastes, making it the fifth largest uranium tailings pile in the United States, and the largest site located near a river; and

WHEREAS, This site lies about 750 feet from the Colorado River as it flows at normal levels, but occasionally, during spring runoff, the Colorado River floods the base of the tailing pile; and

WHEREAS, The Oak Ridge National Laboratory has studied the groundwater at the site, and has determined tailings contaminants have already leaked from the Atlas tailings pile, contaminating groundwater that discharges directly into the Colorado River; and

WHEREAS, Some of these plumes, containing contaminants such as ammonia, uranium, molybdenum, and nitrates, are mature and have been leaking into the river for years, and additional plumes of less mobile contaminants, such as selenium, are only recently reaching the river; and

WHEREAS, The volume of contaminated groundwater is the largest at any uranium tailings site near a river and includes concentrations of contaminants hundreds of times higher than the established background and drinking water standards; and

WHEREAS, According to the Oak Ridge National Laboratory study, the tailings pile itself contains 426 million gallons of intensely contaminated liquids, and if the tailings are capped in place, these liquids, which are currently leaking into groundwater at approximately 12,000 to 30,000 gallons per day will still continue, under current conditions, to seep into the groundwater and into the Colorado River at a rate of over 5,000 gallons per day for many years into the future; and

WHEREAS, The Department of Environmental Quality of the State of Utah has taken samplings from the Colorado River at locations downstream from the tailings pile and has determined that 13 pollutants, including ammonia, nitrates, and uranium are present in dramatically increased amounts directly downstream from the pile; and

WHEREAS, The Fish and Wildlife Service has stated in a biological opinion regarding the site that the pollution jeopardizes the endangered Colorado squawfish and razorback sucker, and also that capping the tailings in place will not stop the continued contamination, which will include infiltration of surface water through the cap and into the tailings pile; and

WHEREAS, All the water of the Colorado River, including water downstream from the site, is eventually appropriated for the use of 25 million Americans, including 16 million Southern California residents in 240 cities, and is also used extensively for the irrigation of California-grown food crops; and

WHEREAS, The Department of Energy has spent about $1,000,000,000 removing tailings from sites on the rivers of the southwest, including sites located at Rifle, Colorado; Grand Junction, Colorado; and Durango, Colorado, and similarly situated radioactive waste sites around the country have been remediated by removal of the waste to an environmentally safe location; and

WHEREAS, The Nuclear Regulatory Commission favors capping of the site, although its draft environmental impact study stated that relocating the tailings is preferable to capping in every respect except cost; and

WHEREAS, The cost of removing the tailings and effectively preventing further contamination of groundwater and of the Colorado River waters may be as much as $155,000,000, and the Title I Department of Energy program under the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. Sec. 7901 et seq.) has received federal appropriations for removing tailings from similar sites and the staff of the Department of Energy staff has developed expertise in conducting these removals; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress to take those actions necessary to remove those radioactive mill tailings from the Atlas mill tailings site to an environmentally preferred location, so as to protect the waters of the Colorado River, and the health of the people of California; and be it further

Resolved, That the Legislature of the State of California memorializes the President and the Congress of the United States to transfer the jurisdiction of the Atlas mill tailings site from the Nuclear Regulatory Commission to the Department of Energy, so that the Atlas site may be funded and managed under the Uranium Mill Tailings Radiation Control Act of 1978; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, and to the Governor of the State of California, to each Senator and Representative from California in the Congress of the United States, to each Representative serving on the House Committee on Resources, and to the Secretary of the Department of Energy.

RESOLUTION CHAPTER 146

Senate Joint Resolution No. 24—Relative to wildland fires.

[Filed with Secretary of State September 28, 1999.]

WHEREAS, The State of California is blessed with vast natural resources located on federal, state, and private lands that are annually at risk to catastrophic loss from wildland fires; and

WHEREAS, California's weather, topography, and wildland vegetation produce one of the most volatile wildland fire environments in the world; and

WHEREAS, The wildland fire risk in California is extreme every year and huge losses occur annually as evidenced by the horrific fires of August 1999; and

WHEREAS, The protection of natural resources in California is a coordinated effort between federal and state agencies; and

WHEREAS, The need for accurate intelligence on wildland fires is critical to the success of control efforts and limiting the loss of life, property, and irreplaceable natural resources and a significant element of that intelligence can only be gained by adapting infrared thermal imaging technology for use on wildland fires; and

WHEREAS, The Department of Forestry and Fire Protection, which is the major state wildland fire protection agency, has, on its own, adapted infrared thermal imaging technology for use on wildland and forest fires and is capable of making that critical intelligence available within a few minutes to emergency wildland fire incident commanders on private, state, and federal lands; and

WHEREAS, The Department of Defense had participated in the infrared thermal imaging project by providing an aircraft for the infrared camera aviation platform; and

WHEREAS, The Department of Defense was forced to withdraw the aircraft to support another mission, leaving no aircraft available to carry the infrared thermal imaging cameras and equipment; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to take the actions necessary to ensure that the infrared line scan thermal imaging

technology developed by the Department of Forestry and Fire Protection be deployed for the protection of federal and state natural resources in California by April 1, 2000; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Majority Leader of the United States Senate, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

1999–2000

FIRST EXTRAORDINARY SESSION

EXTRAORDINARY SESSION SPECIAL RULES OF EFFECTIVENESS

Except for a statute calling an election, a statute providing for a tax levy or an appropriation calling for the usual current expenses of the state, and an urgency statute, all of which take effect immediately following enactment, a statute adopted during an extraordinary session takes effect on the 91st day following the adjournment of the special session (see subdivision (c) of Section 8 of Article IV of the California Constitution). The effective date of a concurrent resolution is the date it is filed with the Secretary of State.

The 1999–2000 First Extraordinary Session convened on January 19, 1999, and adjourned *sine die* on March 26, 1999. The 91st day after adjournment is June 25, 1999.

EXECUTIVE DEPARTMENT

STATE OF CALIFORNIA

A PROCLAMATION
by the
Governor of the State of California

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now therefore,

I, GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by Section 3 (b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the 19th day of January, 1999, at a time appointed by each house of the Legislature of said day for the following purpose and to legislate upon the following subjects:

1. To consider and act upon legislation to improve the levels of reading achievement among students in the public schools.

2. To consider and act upon legislation to improve the quality of the teaching profession and the quality of school principals in the public schools.

3. To consider and act upon legislation to create an accountability system in the public schools.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 6th day of January 1999.

Gray Davis

Governor of California

ATTEST:

Bill Jones

Secretary of State

STATUTES OF CALIFORNIA

1999–2000

FIRST EXTRAORDINARY SESSION

1999 CHAPTERS

CHAPTER 1

An act to amend Sections 37252 and 48980 of, to add Chapter 8 (commencing with Section 60850) to Part 33 of, and to repeal Article 2.5 (commencing with Section 51215) of Chapter 2 of Part 28 of, the Education Code, relating to education accountability, and making an appropriation therefor.

[Approved by Governor March 29, 1999. Filed with Secretary of State March 29, 1999.]

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

SECTION 1. The Legislature finds and declares both of the following:

(a) Local proficiency standards established pursuant to Section 51215 of the Education Code are generally set below a high school level and are not consistent with state adopted academic content standards.

(b) In order to significantly improve pupil achievement in high school and to ensure that pupils who graduate from high school can demonstrate grade level competency in reading, writing, and mathematics, the state must set higher standards for high school graduation.

SEC. 2. Section 37252 of the Education Code is amended to read:

37252. (a) The governing board of each district maintaining any or all of grades 7 to 12, inclusive, shall offer summer school instructional programs, using the amount computed pursuant to Section 42239, for pupils enrolled in grades 7 to 12, inclusive, who do not demonstrate sufficient progress toward passing the exit examination required for high school graduation pursuant to Chapter 8 (commencing with Section 60850) of Part 33. Sufficient progress shall be determined on the basis of either of the following:

(1) The results of the assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 and the minimum levels of proficiency recommended by the State Board of Education pursuant to Section 60648.

(2) The pupils' grades and other indicators of academic achievement designated by the district.

(b) The summer school programs shall also be offered to pupils who were enrolled in grade 12 during the prior school year after the completion of grade 12.

(c) (1) For purposes of this section a pupil shall be considered to be enrolled in a grade immediately upon completion of the preceding grade.

(2) For purposes of this section a school district offering a year-round educational program may offer the summer school

instructional program authorized by this section during the intersessions of the year-round education program.

(3) For the purposes of this section, pupils who do not possess sufficient English language skills to be assessed as set forth in Sections 60850 and 60853, shall be considered pupils who do not demonstrate sufficient progress towards passing the exit examination required for high school graduation and shall receive supplemental instruction designed to assist the pupils succeed on the high school exit examination.

SEC. 3. Section 48980 of the Education Code is amended to read:

48980. (a) At the beginning of the first semester or quarter of the regular school term, the governing board of each school district shall notify the parent or guardian of its minor pupils regarding the right or responsibility of the parent or guardian under Sections 35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451, 49472, 51240, and 51550 and Chapter 2.3 (commencing with Section 32255) of Part 19.

(b) The notification also shall advise the parent or guardian of the availability of individualized instruction as prescribed by Section 48206.3, and of the program prescribed by Article 9 (commencing with Section 49510) of Chapter 9.

(c) The notification shall also advise the parents and guardians of all pupils attending a school within the district of the schedule of minimum days and pupil-free staff development days, and if any minimum or pupil-free staff development days are scheduled thereafter, the governing board shall notify parents and guardians of the affected pupils as early as possible, but not later than one month before the scheduled minimum or pupil-free day.

(d) The notification also may advise the parent or guardian of the importance of investing for future college or university education for their children and of considering appropriate investment options including, but not limited to, United States Savings Bonds.

(e) Commencing with the 2000–01 school year, and each school year thereafter, the notification shall advise the parent or guardian of the pupil that, commencing with the 2003–04 school year, and each school year thereafter, each pupil completing 12th grade will be required to successfully pass the high school exit examination administered pursuant to Chapter 8 (commencing with Section 60850) of Part 33. The notification shall include, at a minimum, the date of the examination, the requirements for passing the examination, and shall inform the parents and guardians regarding the consequences of not passing the examination and shall inform parents and guardians that passing the examination is a condition of graduation.

(f) Each school district that elects to provide a fingerprinting program pursuant to Article 10 (commencing with Section 32390) shall inform parents or guardians of the program as specified in Section 32390.

(g) Until July 1, 1998, the notification shall also advise the parent or guardian of the availability of the employment-based school attendance options pursuant to subdivision (f) of Section 48204.

(h) The notification shall also include a copy of the district's written policy on sexual harassment established pursuant to Section 212.6, as it relates to pupils.

(i) Commencing July 1, 1998, the notification shall include a copy of the written policy of the school district adopted pursuant to Section 51870.5 regarding access by pupils to Internet and online sites.

(j) The notification shall advise the parent or guardian of all current statutory attendance options and local attendance options available in the school district. That notification shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. That notification shall also include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification shall also include an explanation of the current statutory attendance options including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, subdivision (f) of Section 48204, and Article 1.5 (commencing with Section 48209) of Chapter 2 of Part 27. The State Department of Education shall produce this portion of the notification and shall distribute it to all school districts.

(k) It is the intent of the Legislature that the governing board of each school district annually review the enrollment options available to the pupils within their districts and that the school districts strive to make available enrollment options that meet the diverse needs, potential, and interests of California's pupils.

(*l*) The notification shall advise the parent or guardian that no pupil may have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.

SEC. 4. Article 2.5 (commencing with Section 51215) of Chapter 2 of Part 28 of the Education Code shall become inoperative on July 31, 1999, and as of January 1, 2000, is repealed.

SEC. 5. Chapter 8 (commencing with Section 60850) is added to Part 33 of the Education Code, to read:

CHAPTER 8. HIGH SCHOOL EXIT EXAMINATION

60850. (a) The Superintendent of Public Instruction, with the approval of the State Board of Education, shall develop a high school exit examination in language arts and mathematics in accordance with the statewide academically rigorous content standards adopted by the State Board of Education pursuant to Section 60605. To facilitate the development of the examination, the superintendent shall review any existing high school subject matter examinations that are linked to, or can be aligned with, the statewide academically rigorous content standards for language arts and mathematics adopted by the State Board of Education. By October 1, 2000, the State Board of Education shall adopt a high school exit examination that is aligned with statewide academically rigorous content standards.

(b) The Superintendent of Public Instruction, with the approval of the State Board of Education, shall establish a High School Exit Examination Standards Panel to assist in the design and composition of the exit examination and to ensure that the examination is aligned with statewide academically rigorous content standards. Members of the panel shall include, but are not limited to, teachers, administrators, school board members, parents, and the general public. Members of the panel shall serve without compensation for a term of two years and shall be representative of the state's ethnic and cultural diversity and gender balance. The Superintendent shall also make the best effort to ensure representation of the state's diversity relative to urban, suburban, and rural areas. The State Department of Education shall provide staff to the panel.

(c) The Superintendent of Public Instruction shall require that the examination be field tested before actual implementation to ensure that the examination is free from bias and that its content is valid and reliable.

(d) Before the State Board of Education adopts the exit examination, the Superintendent of Public Instruction shall submit the examination to the Statewide Pupil Assessment Review Panel established pursuant to Section 60606. The panel shall review all items or questions to ensure that the content of the examination complies with the requirements of Section 60614.

(e) The exit examination prescribed in subdivision (a) shall conform to the following standards or it shall not be required as a condition of graduation:

(1) The examination may not be administered to a pupil who did not receive adequate notice as provided for in paragraph (1) of subdivision (f) regarding the test.

(2) The examination, regardless of federal financial participation, shall comply with Title VI of the Civil Rights Act (42 U.S.C. Sec. 2000d et seq.), its implementing regulations (34 C.F.R. Part 100), and the Equal Educational Opportunities Act of 1974 (20 U.S.C. Sec. 1701).

(3) The examination shall have instructional and curricular validity.

(4) The examination shall be scored as a criterion referenced examination.

(f) For purposes of this section, the following terms have the following meanings:

(1) "Adequate notice" means that the pupil and his or her parent or guardian have received written notice, at the commencement of the pupil's 9th grade, and each year thereafter through the annual notification process established pursuant to Section 48980, or if a transfer pupil, at the time the pupil transfers. A pupil who has taken the exit examination in the 10th grade is deemed to have had "adequate notice" as defined in this paragraph.

(2) "Curricular validity" means that the examination tests for content found in the instructional textbooks. For the purposes of this section, any textbook or other instructional material adopted pursuant to this code and consistent with the state's adopted curriculum frameworks shall be deemed to satisfy this definition.

(3) "Instructional validity" means that the examination is consistent with what is expected to be taught. For the purposes of this section, instruction that is consistent with the state's adopted curriculum frameworks for the subjects tested shall be deemed to satisfy this definition.

(g) The examination shall be offered to individuals with exceptional needs, as defined in Section 56026, in accordance with paragraph (17) of subsection (a) of Section 1412 of Title 20 of the United States Code and Section 794 and following of Title 29 of the United States Code. Individuals with exceptional needs shall be administered the examination with appropriate accommodations, where necessary.

(h) Nothing in this chapter shall prohibit a school district from requiring pupils to pass additional exit examinations approved by the governing board of the school district as a condition for graduation.

60851. (a) Commencing with the 2003–04 school year and each school year thereafter, each pupil completing grade 12 shall successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Funding for the administration of the exit examination shall be provided for in the annual Budget Act. The Superintendent of Public Instruction shall apportion funds appropriated for this purpose to enable school districts to meet the requirements of subdivisions (a), (b), and (c). The State Board of Education shall establish the amount of funding to be apportioned per test administered, based on a review of the cost per test.

(b) A pupil may take the high school exit examination in grade 9 beginning in the 2000–01 school year. Each pupil shall take the high school exit examination in grade 10 beginning in the 2001–02 school year and may take the examination during each subsequent

administration, until each section of the examination has been passed.

(c) The exit examination shall be offered in each public school and state special school that provides instruction in grades 10, 11, or 12, on the dates designated by the Superintendent of Public Instruction. An exit examination may not be administered on any date other than those designated by the Superintendent of Public Instruction as examination days or makeup days.

(d) The results of the exit examination shall be provided to each pupil taking the examination within eight weeks of the examination administration and in time for the pupil to take any section of the examination not passed at the next administration. A pupil shall take again only those parts of the examination he or she has not previously passed and may not retake any portion of the exam that he or she has previously passed.

(e) Supplemental instruction shall be provided to any pupil who does not demonstrate sufficient progress toward passing the exit examination. To the extent that school districts have aligned their curriculum with the state academic content standards adopted by the State Board of Education, the curriculum for supplemental instruction shall reflect those standards and shall be designed to assist the pupils to succeed on the exit examination. Nothing in this chapter shall be construed to require the provision of supplemental services using resources that are not regularly available to a school or school district, including summer school instruction provided pursuant to Section 37252. In no event shall any action taken as a result of this subdivision cause or require reimbursement by the Commission on State Mandates. Sufficient progress shall be determined on the basis of either of the following:

(1) The results of the assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 and the minimum levels of proficiency recommended by the State Board of Education pursuant to Section 60648.

(2) The pupils' grades and other indicators of academic achievement designated by the district.

60852. Notwithstanding Section 60851, if a school district determines that a pupil does not possess sufficient English language skills to be assessed pursuant to Section 60850, the district may defer the requirement that the pupil pass the high school exit examination for a period of up to 24 calendar months of enrollment in the California public school system until the pupil has completed six months of instruction in reading, writing, and comprehension in the English language. Nothing in this section shall be construed to allow any pupil to receive a diploma of graduation from high school without passing the exit examination, in English, prescribed by Section 60850.

60853. (a) In order to prepare pupils to succeed on the exit examination, a school district shall use regularly available resources and any available supplemental remedial resources, including, but

not limited to, funds available for programs established by Chapter 320 of the Statutes of 1998, Chapter 811 of the Statutes of 1997, Chapter 743 of the Statutes of 1998, and funds available for other similar supplemental remedial programs.

(b) It is the intent of the Legislature that a school district consider restructuring its academic offerings reducing the electives available to any pupil who has not demonstrated the skills necessary to succeed on the exit examination, so that the pupil can be provided supplemental instruction during the regularly scheduled academic year.

(c) A school district should prepare pupils to succeed on the exit examination. In preparing pupils to succeed, school districts are encouraged to use existing resources to ensure that all pupils succeed. The state has created programs such as the Class Size Reduction Program, staff development programs, after school programs, and others, in addition to providing general purpose funding, in order to assist school districts in providing an education that will help all pupils succeed.

60855. (a) By January 15, 2000, the Superintendent of Public Instruction shall contract for a multiyear independent evaluation of the high school exit examination that is established pursuant to this chapter. The evaluation shall be based upon information gathered in field testing and annual administrations of the examination and shall include all of the following:

(1) Analysis of pupil performance, broken down by grade level, gender, race or ethnicity, and subject matter of the examination, including any trends that become apparent over time.

(2) Analysis of the exit examination's effects, if any, on college attendance, pupil retention, graduation, and dropout rates, including analysis of these effects on the population subgroups described in subdivision (b).

(3) Analysis of whether the exit examination is likely to have, or has, differential effects, whether beneficial or detrimental, on population subgroups described in subdivision (b).

(b) Evaluations conducted pursuant to this section shall separately consider test results for each of the following population subgroups, provided that information concerning individuals shall not be gathered or disclosed in the process of preparing this evaluation.

(1) English language learners and non-English language learners.

(2) Individuals with exceptional needs and individuals without exceptional needs.

(3) Pupils that qualify for free or reduced price meals and are enrolled in schools that qualify for assistance under Title 1 of the Improving America's Schools Act of 1994 (P.L. 103-382) and pupils that do not qualify for free or reduced price meals and are not enrolled in schools that quality for assistance under Title 1 of the Improving America's Schools Act of 1994 (P.L. 103-382) Act.

(4) Any group of pupils that has been determined by the independent evaluator to be differentially affected by the exit examination established pursuant to this chapter.

(c) Evaluation reports shall include recommendations to improve the quality, fairness, validity, and reliability of the examination. The independent evaluator may also make recommendations for revisions in design, administration, scoring, processing, or use of the examination.

(d) The independent evaluator shall report to the Governor, the Office of the Legislative Analyst, the Superintendent of Public Instruction, the State Board of Education, the Secretary for Education, and the chairs of the education policy committees in both houses of the Legislature, in accordance with the following schedule:

(1) Preliminary report on field testing by July 1, 2000.

(2) First annual report by February 1, 2002.

(3) Regular biennial reports by February 1 of even-numbered years following 2002.

60856. After adoption and the initial administrations of the high school exit examination the State Board of Education, in consultation with the Superintendent of Public Instruction, shall study the appropriateness of other criteria by which high school pupils who are regarded as highly proficient but unable to pass the high school exit examination may demonstrate their competency and receive a high school diploma. This criteria shall include, but is not limited to, an exemplary academic record as evidenced by transcripts and alternative tests of equal rigor in the academic areas covered by the high school exit examination. If the State Board of Education determines that other criteria are appropriate and do not undermine the intent of this chapter that all high school graduates demonstrate satisfactory academic proficiency, the board shall forward its recommendations to the Legislature for enactment.

SEC. 6. The sum of two million two hundred fifty thousand dollars ($2,250,000) is hereby appropriated to the Superintendent of Public Instruction in accordance with the following schedule:

(a) The sum of two million dollars ($2,000,000) is hereby appropriated from the Federal Trust Fund, from GOALS 2000 funds, for the purpose of developing a high school exit examination pursuant to Section 60850 of the Education Code.

(b) The sum of two hundred fifty thousand dollars ($250,000) is hereby appropriated from the General Fund to provide support services related to the high school exit examination established pursuant to Section 60850 of the Education Code.

SEC. 7. Sections 1 and 2 of the act adding this section shall become operative on January 1, 2000.

SEC. 8. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant

to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

CHAPTER 2

An act to amend Section 44277 of, to add Sections 42239.1 and 42239.2 to, to add Chapter 16 (commencing with Section 53025) to Part 28 of, to add Chapter 11 (commencing with Section 92850) and Chapter 12 (commencing with Section 92855) to Part 57 of, and to add Article 2 (commencing with Section 99220) to Chapter 5 of Part 65 of, the Education Code, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 29, 1999. Filed with Secretary of State March 29, 1999.]

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

SECTION 1. Section 42239.1 is added to the Education Code, to read:

42239.1. (a) For the 1999–2000 fiscal year and each fiscal year thereafter, each school district shall be entitled to reimbursement for pupil attendance in intensive reading programs offered pursuant to Article 1 (commencing with Section 53025) of Chapter 16 of Part 28 of the Education Code in an amount equal to 10 percent of the district's total enrollment in kindergarten and grades 1 to 4, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year determined pursuant to subdivision (c) of Section 42239 reduced by the deficit factor described in Section 42238.145. This amount shall be provided in addition to the amount provided pursuant to Section 42239.

(b) When expending funds received pursuant to this section a school district shall give first priority for the purpose specified in paragraph (1) of subdivision (c) of Section 53027.

SEC. 1.3. Section 42239.2 is added to the Education Code, to read:

42239.2. (a) Notwithstanding any other provision of law, the Superintendent of Public Instruction shall allocate a minimum of six thousand seven hundred sixty-six dollars ($6,766) for supplemental summer school programs established pursuant to Article 1 (commencing with Section 53025) of Chapter 16 of Part 28, from funds appropriated therefor in each school district for which the prior fiscal year enrollment was less than 500 units of average daily attendance and that offers at least 1,500 hours of supplemental summer school instruction. A school district for which the prior fiscal

year enrollment was less than 500 units of average daily attendance that offers less than 1,500 hours of supplemental summer school offerings shall receive a proportionate reduction in its allocation.

(b) Minimum allocations for supplemental summer school programs required pursuant to subdivision (a) shall be adjusted for inflation in the 2000–01 fiscal year, and each fiscal year thereafter, in accordance with Section 42238.1.

(c) For purposes of this section a charter school is a schoolsite and is not a school district.

SEC. 1.5. Section 44277 of the Education Code is amended to read:

44277. The Legislature recognizes that effective professional growth must continue to occur throughout the careers of all teachers, in order that teachers remain informed of changes in pedagogy, subject matter, and pupil needs. In enacting this section, it is the intent of the Legislature to establish professional growth requirements that give individual teachers a wide range of options to pursue as well as significant roles in determining the course of their professional growth.

(a) The minimum requirements for maintaining the validity of the clear multiple or single subject teaching credential pursuant to Section 44251 shall be both of the following:

(1) Successful service as a classroom teacher or successful service authorized by a services credential. The minimum length of service shall be equivalent to one-half of a school year.

(2) Completion of an individual program of professional growth as prescribed in this section and by the commission.

(b) An individual program of professional growth shall consist of a minimum of 150 clock hours of participation in activities that are aligned with the California Standards for the Teaching Profession that contribute to competence, performance, or effectiveness in the profession of education and the teacher's classroom assignments. Acceptable activities shall be defined by the commission to include, among other acceptable activities, the completion of courses offered by regionally accredited colleges and universities, including instructor-led interactive courses delivered through online technologies; participation in professional conferences, workshops, teacher center programs, staff development programs, or a California Reading Professional Development Program operated pursuant to Article 2 (commencing with Section 99220) of Chapter 5 of Part 65; service as a mentor teacher pursuant to Section 44496; participation in school curriculum development projects; participation in systematic programs of observation and analysis of teaching; service in a leadership role in a professional organization; and participation in educational research or innovation efforts. Employing agencies and employees' bargaining agents may negotiate to agree on the terms of programs of professional growth

within their jurisdictions, provided that the agreements shall be consistent with this section.

(c) An individual program of professional growth shall be developed and planned by the holder of a clear teaching credential.

(d) Effective January 1, 1991, an individual program of professional growth may include a basic course in cardiopulmonary resuscitation, which includes training in the subdiaphragmatic abdominal thrust (also known as the "Heimlich maneuver") and meets or exceeds the standards established by the American Heart Association or the American Red Cross for courses in that subject. A teacher's participation in this training option shall count towards the minimum 150 clock hours required to satisfy the professional growth requirements.

(e) Before a holder of a clear teaching credential commences or amends an individual program of professional growth, a school principal, a mentor teacher provided for in Section 44496, or other district designee shall certify to the credential holder that the planned program or amendment complies with this section and with regulations of the commission.

(f) A clear teaching credential shall be deemed to remain valid so long as the holder of the credential, at five-year intervals, submits to the commission verification by a school principal, a mentor teacher, or other district designee that the holder has satisfied the minimum requirements specified in subdivision (a). In the absence of adequate verification, the commission shall invalidate the credential. Verification by a school principal, a mentor teacher, or other district designee shall be independent of any evaluation of the performance of the holder of the clear teaching credential that is conducted for the purpose of determining the credential holder's employment status. The arbitrary refusal of a school principal, a mentor teacher, or other district designee to verify completion of an individual program of professional growth meeting the requirements of this section and commission regulations shall constitute grounds for an appeal as prescribed in Section 44278.

SEC. 2. Chapter 16 (commencing with Section 53025) is added to Part 28 of the Education Code, to read:

CHAPTER 16. READING PROGRAMS

Article 1. Elementary School Intensive Reading Program

53025. This article shall be known and may be cited as the Elementary School Intensive Reading Program.

53027. (a) A school district that maintains any of kindergarten or grades 1 to 4, inclusive, may operate a program that provides multiple, intensive reading opportunities for pupils in any one or combination of kindergarten and grades 1 to 4, inclusive, including appropriate support to address the needs of English language

learners. Funding for the program established pursuant to this article shall be provided pursuant to Section 42239.1.

(b) Pupils shall remain eligible for participation in the program established pursuant to this article for three calendar months after completing grade 4.

(c) The purposes of the program established pursuant to this article include, but are not limited to, both of the following:

(1) To provide pupils who are experiencing difficulty learning to read with increased instructional opportunities.

(2) To provide stimulating and enriching opportunities for all pupils to increase their reading skills and enhance their enjoyment of reading.

(d) (1) Instruction provided pursuant to the program established pursuant to this article shall be consistent with the standards for a comprehensive reading instruction program that is research-based, as described in subparagraphs (A) and (B) of paragraph (4) of subdivision (b) of Section 44259, and shall include all of the following components:

(A) The study of organized, systematic, explicit skills, including phonemic awareness, direct, systematic explicit phonics, and decoding skills.

(B) A strong literature, language and comprehension component with a balance of oral and written language.

(C) Ongoing diagnostic techniques that inform teaching and assessment.

(D) Early intervention techniques.

(2) Instruction provided pursuant to the program established pursuant to this article shall be consistent with state-adopted academic content standards and with the curriculum framework on English language arts adopted by the State Board of Education.

53029. (a) Except as provided in subdivision (b), intensive reading instruction provided pursuant to this article shall be offered four hours per day for six continuous weeks during the summer or when school is not regularly in session.

(b) Due to facilities constraints or for other educational reasons, a school district may offer intensive reading instruction before school, after school, on Saturdays, or during intersession, or in a combination of summer school, after school, Saturday, or intersession instruction. Services may be provided to pupils during the regular instructional day if the instruction is delivered by a certificated employee, provided that the employee is not the pupil's regular classroom teacher, and does not result in the pupil being removed from regular classroom instruction. Instruction provided pursuant to this section shall fulfill the requirements of subdivision (a) of Section 44830 and of Section 44831. Other service providers should have appropriate training in the teaching of reading.

(c) Notwithstanding Section 49550 or any other provision of law, a school district that operates a program pursuant to this article is not

required to provide a meal or snack to pupils participating in the program.

53031. The Superintendent of Public Instruction, with input from an advisory committee, shall evaluate the program established pursuant to this chapter on or before November 1, 2000. If funds are needed for this purpose, it is the intent of the Legislature that funds be appropriated for this purpose in the annual Budget Act.

Article 2. Governor's Reading Award Program

53050. This article shall be known, and may be cited as the Governor's Reading Award Program, to be administered by the state Secretary for Education on behalf of the Governor.

53053. A school district that maintains any of kindergarten or grades 1 to 8, inclusive, may apply to the state Secretary for Education for an award pursuant to this article for each school within the district that meets criteria developed pursuant to Section 53055.

53055. The state Secretary for Education, in cooperation with an advisory committee consisting of teachers, parents, and educators, shall develop criteria for the receipt of an award pursuant to this article. The criteria may include, but not necessarily be limited to, the completion by pupils at the applicant school of age-appropriate books and pages. The criteria shall be based on school quartiles of pupils eligible for free or reduced-cost meals through the school lunch program of the United States Department of Agriculture.

53057. (a) Grant awards made pursuant to this article shall not exceed five thousand dollars ($5,000) per school and shall be used to further the academic program of the school.

(b) It is the intent of the Legislature that at least 400 schools receive grant awards pursuant to this article in every fiscal year.

(c) The state Secretary for Education shall annually provide a list of schools that receive grant awards to the State Department of Education. Upon receipt of the list, the State Department of Education shall apportion funding to school districts for allocation to individual schools.

Article 3. Public Involvement Reading Campaign

53075. The state Secretary for Education shall contract for the development and establishment of a public involvement campaign to inform Californians that promoting reading in the public schools as a key to success in life is the responsibility of all Californians. The campaign shall address, but not necessarily be limited to, promoting family reading activities, encouraging private sector support for child literacy programs, and publicizing the importance of reading skills for academic success.

Elected officials and declared candidates for partisan public office may not appear in promotional materials for the reading campaign.

SEC. 3. (a) The Legislature finds and declares all of the following:

(1) The Commission on Teacher Credentialing, in its Statewide Teacher Recruitment Plan, estimated that California will need an additional 250,000 to 300,000 teachers over the next decade. The anticipated shortage of teachers is expected to be especially acute in urban areas.

(2) A decade ago, the University of California prepared over 10 percent of the teachers in California. That percentage has now declined to fewer than 5 percent of the teachers in the state.

(3) The California State University has as its primary mission to prepare the majority of teachers in the state and has, in recent years, sought to respond effectively to increased demand for teachers in the state's public schools. It is imperative that the University of California increase its role in preparing teachers to better complement the work of the California State University and to help meet the demand for highly capable and fully qualified teachers. It is the intent of the Legislature that the University of California have a goal of preparing a minimum of 2,200 teachers on or before July 1, 2003, which would approximately double the number of teachers prepared by the University of California in 1998–99.

(4) Teaching is a very challenging career that demands expertise in a wide variety of areas including, but not limited to, linguistics, developmental psychology, multiple academic subject matters, and pedagogy. As such, effective teacher preparation should include an interdisciplinary approach that draws on faculty expertise from across the campus.

(b) It is the intent of the Legislature, in enacting Section 4 of this act, to establish a highly competitive teacher scholarship program within the University of California that will make teaching a more attractive and visible option for the most talented university students to pursue.

SEC. 4. Chapter 11 (commencing with Section 92850) is added to Part 57 of the Education Code, to read:

CHAPTER 11. GOVERNOR'S TEACHER SCHOLARS PROGRAM

92850. The Regents of the University of California are requested to develop a Governor's Teacher Scholars Program, to operate, commencing July 1, 2000, at the Berkeley and Los Angeles campuses, and at additional University of California campuses, as deemed appropriate by the University, in accordance with all of the following:

(a) Prior to July 1, 2000, the university shall develop all of the following:

(1) A rigorous teacher preparation program that prepares teachers to work in schools with high percentages of low income or English language learners and that culminates in the award of a master's degree.

(2) Begin recruiting highly talented students who wish to become teachers.

(3) Conduct a fundraising effort to provide full scholarships to participants in the program.

(b) When the program is fully operational, a total of 400 students shall be selected to participate in the program. At least 100 of these students shall be enrolled at each of the Los Angeles and Berkeley campuses.

(c) Participants in the program shall receive full scholarships, funded through private donations and other sources, to cover the participants' cost of the program. These scholarships shall be limited to university fees charged to resident students and mandatory campus-based fees.

(d) Participants in the program shall be required to make a commitment to teach for at least four years in a California public elementary or secondary school eligible to be designated, within the meaning of subdivision (e) of Section 69613, for participants in the Assumption Program of Loans for Education.

(e) Participants who leave classroom teaching service before their four-year commitment is completed shall repay that portion of their scholarship assistance that is equal to the proportion of the four-year commitment that has not been completed.

92851. This chapter shall not apply to the University of California unless and until the Regents of the University of California act, by resolution, to make it applicable.

SEC. 5. (a) The Legislature finds and declares all of the following:

(1) Recent research on effective schools found that a strong principal is an essential component in school success.

(2) Evidence from school districts around California indicates that they are experiencing a growing shortage of available personnel to serve as principals, partially as a result of the demanding nature of the profession.

(3) Leading a schoolsite as a principal is a very challenging career that demands expertise in a wide variety of areas including, but not limited to, business management, legal issues, leadership skills, and curriculum and instruction. As such, effective administrator preparation should embody an interdisciplinary approach that draws on faculty expertise from across the campus.

(b) It is the intent of the Legislature, in enacting Section 6 of this act, to establish a highly competitive principal scholarship program within the University of California that will make a principalship a more attractive and visible option for the most talented individuals to pursue.

SEC. 6. Chapter 12 (commencing with Section 92855) is added to Part 57 of the Education Code, to read:

CHAPTER 12. GOVERNOR'S PRINCIPAL LEADERSHIP INSTITUTE

92855. The Regents of the University of California are requested to develop a Governor's Principal Leadership Institute, to operate, commencing July 1, 2000, at the Berkeley and Los Angeles campuses of the university, in accordance with all of the following:

(a) Prior to July 1, 2000, the university shall develop a rigorous two-year administrator preparation program that culminates in the award of at least a master's degree and which coursework shall apply to a doctoral degree, begin recruiting highly talented individuals who wish to become school principals, and conduct a fundraising effort to provide full scholarships to participants in the program.

(b) The university shall collaborate with existing principal professional development programs in establishing and administering the program.

(c) The program shall be interdisciplinary and shall draw upon the faculty expertise of a wide variety of professional schools, including, but not necessarily limited to, the schools of education, law, and business or management at the participating campuses.

(d) When the program is fully operational, a total of 400 students, composed of 200 students at each participating campus, shall be selected to participate in the program.

(e) Participants in the program shall receive full scholarships, funded through private donations and other sources, to cover the participants' cost of the program. These scholarships shall be limited to university fees charged to resident students and mandatory campus-based fees.

(f) Participants in the program shall be required to make a commitment to serve four years as a principal, vice-principal, or in another administrative role, at a public elementary or secondary school.

(g) Participants who leave administrative service before their four-year commitment is completed shall repay that portion of their scholarship that is equal to the proportion of the four-year commitment that has not been completed.

92856. This chapter shall not apply to the University of California unless and until the Regents of the University of California act, by resolution, to make it applicable.

SEC. 7. (a) The Legislature finds and declares all of the following:

(1) The California Subject Matter Projects provide a model for the effective delivery of discipline-specific professional development to teachers in kindergarten and grades 1 to 12, inclusive.

(2) The California Subject Matter Project model is based on intersegmental collaboration drawing on the academic resources and expertise of college and university faculty and leading teachers in kindergarten and grades 1 to 12, inclusive.

(3) The principal goal of the California Subject Matter Projects is to improve the academic achievement of students to meet or exceed expected levels of performance measured against state standards.

(4) The California Subject Matter Projects develop professional relationships among participants that create ongoing opportunities for teacher learning and research.

(5) The California Reading and Literature Project, with sites on two campuses of the University of California, nine campuses of the California State University, and one independent university campus, has achieved excellent results in pilot projects focused specifically on the instruction of reading in kindergarten and grades 1 to 3, inclusive, linking the experience of outstanding classroom teachers with the research and resources of the larger educational community and consistent with the purpose of Section 6 of this act.

(b) It is the intent of the Legislature that the University of California, in partnership with the California State University and the independent universities and colleges, expand the capacity of the California Subject Matter Projects to provide professional development to teachers in kindergarten and grades 1 to 12, inclusive, pursuant to Section 8 of this act.

SEC. 8. Article 2 (commencing with Section 99220) is added to Chapter 5 of Part 65 of the Education Code, to read:

Article 2. California Reading Professional Development Institutes

99220. The Regents of the University of California are requested to jointly develop with the Trustees of California State University and the independent colleges and universities, the California Reading Professional Development Institutes, to be administered by the university, in partnership with the California State University and with private, independent universities in California, in accordance with all of the following criteria:

(a) In June 1999, the University of California and its institutes' partners shall commence instruction for up to 6,000 participants who either provide direct instruction in reading to pupils in kindergarten or in grade 1, 2, or 3, or who supervise beginning teachers of reading.

(b) (1) The institutes shall provide instruction for school teams from each participating school. These school teams shall include both beginning and experienced teachers and the schoolsite administrator, with the majority of the team composed of beginning teachers.

(2) Criteria and priority for selection of participating school teams shall include, but not necessarily be limited to, all of the following:

(A) Schools whose pupils' reading scores are at or below the 40th percentile on the Star 9 reading achievement test.

(B) Schools with a high number of new, underprepared, and noncredentialed teachers.

(C) Schools with a full complement of team members as outlined above.

(D) School teams committed to participate in the Elementary School Intensive Reading Program established pursuant to Article 1 (commencing with Section 53025) of Chapter 16 of Part 28 for a minimum of three years.

(c) (1) The institutes shall provide instruction in the teaching of reading in a manner consistent with the standard for a comprehensive reading instruction program that is research-based, as described in subparagraphs (A) and (B) of paragraph (4) of subdivision (b) of Section 44259, and shall include all of the following components:

(A) The study of organized, systematic, explicit skills including phonemic awareness, direct, systematic explicit phonics, and decoding skills.

(B) A strong literature, language and comprehension component with a balance of oral and written language.

(C) Ongoing diagnostic techniques that inform teaching and assessment.

(D) Early intervention techniques.

(2) Instruction provided pursuant to the program established pursuant to this article shall be consistent with state-adopted academic content standards, and with the curriculum framework on English language arts adopted by the State Board of Education.

(d) Each participant in the institutes shall receive a stipend of one thousand dollars ($1,000).

(e) In order to provide maximum access, the institutes shall be offered on multiple university and college campuses widely distributed throughout the state. Instruction at the institutes shall consist of an intensive, sustained training period of no less than 40 hours during the summer or during an intersession break, and shall be supplemented, during the following school year, with no fewer than the equivalent of five additional days of instruction and schoolsite meetings, held on at least a monthly basis, to focus on the academic progress of that school's pupils in reading.

(f) It is the intent of the Legislature that a local education agency or postsecondary institution that offers an accredited program of professional preparation consider providing partial and proportional credit toward satisfaction of the reading course requirement to an enrolled candidate who satisfactorily completes a California Reading Development Institute program, if the program has been certified by the Commission on Teacher Credentialing as meeting reading preparation standards.

(g) "Beginning teachers," for purposes of this article, are teachers with three or fewer years of teaching experience.

99221. This article shall not apply to the University of California unless and until the Regents of the University of California act, by resolution, to make it applicable.

SEC. 9. (a) (1) The sum of eighty-three million dollars ($83,000,000) is hereby appropriated from the General Fund for the purposes of the act adding this section in accordance with the following schedule:

(A) The sum of seventy-five million dollars ($75,000,000) to the State School Fund for allocation to school districts by the Superintendent of Public Instruction for purposes of the Elementary School Intensive Reading Program established pursuant to Article 1 (commencing with Section 53025) of Chapter 16 of Part 28 of the Education Code.

(B) The sum of two million dollars ($2,000,000) to the Superintendent of Public Instruction for allocation to school districts for purposes of the Governor's Reading Award Program established pursuant to Article 2 (commencing with Section 53050) of Chapter 16 of Part 28 of the Education Code.

(C) The sum of six million dollars ($6,000,000) for transfer to the State School Fund for allocation by the Superintendent of Public Instruction to school districts to fund the stipends of participants in the California Reading Professional Development Institutes established pursuant to Article 2 (commencing with Section 99220) of Chapter 5 of Part 65 of the Education Code.

(2) For the purposes of making computations required by Section 8 of Article XVI of the California Constitution, the amounts appropriated in paragraph (1) of this subdivision of this section shall be deemed to be "General Fund revenues appropriated to school districts," as defined in subdivision (c) of Section 41202 of the Education Code for the 1999–2000 fiscal year and be included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 1999–2000 fiscal year.

(b) The sum of eleven million dollars ($11,000,000) is hereby appropriated, without regard to fiscal years, from the General Fund for allocation in accordance with the following schedule:

(1) Five hundred thousand dollars ($500,000) to the Regents of the University of California for the purposes of planning the academic program of, recruiting participants for, and scholarship fundraising for, the Governor's Teacher Scholars Program established pursuant to Section 92850 of the Education Code.

(2) Five hundred thousand dollars ($500,000) to the Regents of the University of California for the purposes of planning the academic program of, recruiting participants for, and scholarship fundraising for, the Governor's Principal Leadership Institute established pursuant to Section 92855 of the Education Code.

(3) Six million dollars ($6,000,000) to the University of California for the purpose of administering the California Reading Professional Development Institutes established under Article 2 (commencing with Section 99220) of Chapter 5 of Part 65 of the Education Code.

(4) Four million dollars ($4,000,000) to the state Secretary for Education for purposes of contracting for the development and establishment of a public involvement reading campaign pursuant to Article 3 (commencing with Section 53075) of Chapter 16 of Part 28 of the Education Code.

SEC. 10. Paragraphs (1) to (3), inclusive, of subdivision (b) of Section 9 of this act shall not become operative unless and until the Regents of the University of California adopt a resolution within the meaning of Sections 92851, 92856, and 99221 of the Education Code, as applicable.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to allow the University of California to establish the California Reading Professional Development Institutes and to provide instruction commencing in June 1999, to allow the university adequate time to develop the teacher and administrator preparation programs pursuant to this act prior to July 1, 2000, and to allow for the immediate establishment of reading development programs, it is necessary that this act take effect immediately.

CHAPTER 3

An act to add Chapter 6.1 (commencing with Section 52050) to Part 28 of the Education Code, relating to school performance, and making an appropriation therefor.

[Approved by Governor April 5, 1999. Filed with Secretary of State April 5, 1999.]

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

SECTION 1. Chapter 6.1 (commencing with Section 52050) is added to Part 28 of the Education Code, to read:

CHAPTER 6.1. PUBLIC SCHOOLS ACCOUNTABILITY ACT OF 1999

Article 1. Legislative Findings and Intent

52050. This chapter shall be known and may be cited as the Public Schools Accountability Act of 1999.

52050.5. The Legislature finds and declares all of the following:

(a) The purpose of the California public school system is to provide for the academic development of each pupil and prepare each pupil, to the extent of his or her ability, to become a lifelong

learner, equipped to live and succeed within the economic and societal complexities of the 21st century.

(b) It is in the interest of the people and the future of this state to ensure that each child in California receives a high quality education consistent with all statewide content and performance standards, as adopted by the State Board of Education, and with a meaningful assessment system and reporting program requirements.

(c) Recent assessments indicate that many pupils in California are not now, generally, progressing at a satisfactory rate to achieve a high quality education.

(d) To remedy this, the state is in need of an immediate and comprehensive accountability system to hold each of the state's public schools accountable for the academic progress and achievement of its pupils within the resources available to schools.

(e) Any promising and effective accountability system must be based upon a constructive and collaborative process that seeks to include stakeholders in the accountability process.

(f) Any promising and effective accountability system requires the active involvement of parents and guardians, pupils, educators, community leaders, school boards, and schoolsite teams.

(g) The statewide school accountability system must encourage the active participation of parents and guardians, pupils, educators, and the local community in improving pupil achievement.

(h) The statewide accountability system must be easily accessible and understandable to parents and others.

(i) The statewide accountability system must include rewards that recognize high achieving schools as well as interventions and, ultimately, sanctions for schools that are continuously low performing.

(j) It is also the intent of the Legislature that the comprehensive and effective school accountability system primarily focus on increasing academic achievement.

(k) To achieve better pupil performance, it is the intent of the Legislature that any school accountability system do all of the following:

(1) Encourage teacher preparation that allows teachers to develop the ability to inspire pupils to become lifelong learners.

(2) Encourage teacher preparation and consistent ongoing professional development that serves to develop competency in content and pedagogy and that allows teachers to effectively involve themselves in promoting school accountability.

(3) Encourage the involvement of the community and its stakeholders in the accountability system.

(4) Encourage local community involvement in providing support for education and identifying causes of pupil failure and designing programs for remediation.

(5) Approach accountability with an attitude of collaboration, encouragement, and correction.

(6) Utilize the state infrastructure to support schools, school districts, and county offices of education in their efforts to improve pupil achievement and progress.

(7) Encourage each local community to support and sustain high-quality educational programs and to build the capacity of educators and schools to succeed in educating every pupil.

(8) Encourage active involvement of parents and guardians in the development and implementation of school accountability systems.

Article 2. Public School Performance Accountability Program

52051. The Public School Performance Accountability Program is hereby established and shall consist of the following three component parts:

(a) The state Academic Performance Index, to be known as the API.

(b) The Immediate Intervention/Underperforming Schools Program.

(c) The Governor's High Achieving/Improving Schools Program.

52051.5. For purposes of this chapter, all references to schools shall include charter schools.

52052. (a) By July 1, 1999, the Superintendent of Public Instruction, with approval of the State Board of Education, shall develop an Academic Performance Index, to be used to measure performance of schools, especially the academic performance of pupils, and demonstrate comparable improvement in academic achievement by all numerically significant ethnic and socioeconomically disadvantaged subgroups within schools. A numerically significant ethnic or socioeconomically disadvantaged subgroup is a subgroup that constitutes at least 15 percent of a school's total pupil population and consists of at least 30 pupils. The index shall consist of a variety of indicators currently reported to the State Department of Education including, but not limited to, the results of the achievement test administered pursuant to Section 60640, attendance rates for pupils and certificated school personnel for elementary schools, middle schools, and secondary schools, and the graduation rates for pupils in secondary schools. The pupil data collected for the API that comes from the achievement test administered pursuant to Sections 60640 and 60644 and the high school exit examination, when fully implemented, shall be disaggregated by special education status, English language learners, socioeconomic status, gender and ethnic group. Only the test scores of pupils enrolled in a school district for one year or more may be included in the test results reported in the API. Results of the achievement test and other tests specified in subdivision (b) shall constitute at least 60 percent of the value of the index. Before including high school graduation rates and attendance rates in the index, the Superintendent of Public Instruction shall determine the

extent to which the data is currently reported to the state and the accuracy of the data. If the Superintendent of Public Instruction determines that accurate data for these indicators is not available, the Superintendent of Public Instruction shall report to the Governor and the Legislature by September 1, 1999, and recommend necessary action to implement an accurate reporting system.

(b) Pupil scores from the following tests, when available and when found to be valid and reliable for this purpose, shall be incorporated into the API:

(1) The assessment of the applied academic skills matrix test development pursuant to Section 60604.

(2) The nationally normed test as augmented pursuant to paragraph (1) of subdivision (f) of Section 60644.

(3) The high school exit examination.

(c) Based on the API, the Superintendent of Public Instruction shall develop, and the State Board of Education shall adopt, expected annual percentage growth targets for all schools based on the their API baseline score as measured in July 1999. Schools are expected to meet these growth targets through effective allocation of available resources. The minimum percentage growth target shall be 5 percent annually. However, the State Board of Education may set differential growth targets based on grade level of instruction and may set higher growth targets for the lowest performing schools because they have the greatest room for improvement.

(d) Upon adoption of state performance standards by the State Board of Education, the Superintendent of Public Instruction shall recommend, and the State Board of Education shall adopt, a statewide API performance target that includes consideration of performance standards and represents the proficiency level required to meet the state performance target. When fully developed, schools may either meet the state target or meet their growth targets to be eligible for the Governor's Performance Award Program as set forth in Section 52057.

(e) Beginning in June 2000, the API shall be used for both of the following:

(1) Measure the progress of schools selected for participation in the Immediate Intervention/Underperforming Schools Program pursuant to Section 52053.

(2) Rank all public schools in the state for the purpose of the High Achieving/Improving Schools Program pursuant to Section 52056.

(f) Only comprehensive high schools, middle schools, and elementary schools that have a population of 100 or more pupils may be included in the API ranking.

(g) By July 1, 2000, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall develop an alternative accountability system for schools with fewer than 100 pupils, and for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day

schools, and alternative schools, including continuation high schools and independent study schools.

52052.5. The Superintendent of Public Instruction shall establish a broadly representative and diverse advisory committee to advise the Superintendent of Public Instruction and the State Board of Education on all appropriate matters relative to the creation of the Academic Performance Index and the implementation of the Immediate Intervention/Underperforming Schools Program and the High Achieving/Improving Schools Program. Members of the advisory committee shall serve without compensation for terms not to exceed two years. The State Department of Education shall provide staff to the advisory panel.

Article 3. Immediate Intervention/Underperforming Schools Program

52053. (a) The Immediate Intervention/Underperforming Schools Program is hereby established. By August 15, 1999, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall invite schools that scored below the 50th percentile on the achievement tests administered pursuant to Section 60640 both in the spring of 1998 and in the spring of 1999 to participate in the Immediate Intervention/Underperforming Schools Program. A school invited to participate may take any action not otherwise prohibited under state or federal law and that would not require reimbursement by the Commission on State Mandates to improve pupil performance.

(b) The total number of schools participating in the program shall be 430. Unless subdivision (d) applies, schools that apply will be selected based on the order in which they apply within ranks of deciles, not to exceed 86 per decile, within the following grade level categories:

(1) No more than 301 elementary schools.

(2) No more than 78 middle schools.

(3) No more than 52 high schools.

(c) The 86 schools selected within each decile range pursuant to subdivision (b) shall proportionately represent elementary, middle, and high schools and shall provide statewide proportionate geographic representation of urban and rural schools.

(d) If fewer than the number of schools in any grade level category apply, schools that scored below the 50th percentile in those grade level categories that did not apply for the program shall randomly be selected by the Superintendent of Public Instruction, with the approval of the State Board of Education, to participate based on their proportional representation in the state until the number of schools in each grade level category set forth in subdivision (b) is achieved.

(e) If more than the requisite number of schools apply for any grade level category, the Superintendent of Public Instruction shall select an array of schools that reflect a broad range of academic performance of schools that scored below the 50th percentile, until the number of schools in each grade level category set forth in subdivision (b) is achieved.

(f) A school selected to participate on or before September 1, 1999, shall be awarded a planning grant from funds appropriated pursuant to paragraph (1) of subdivision (a) of Section 2 of the act adding this section in the amount of fifty thousand dollars ($50,000). A school selected to receive federal funds pursuant to paragraph (2) of subdivision (a) of Section 2 of the act adding this section shall be awarded an implementation grant in an amount of at least fifty thousand dollars ($50,000) pursuant to Public Law 105-78.

(g) Schools receiving funding under paragraph (2) of subdivision (a) of Section 2 of the act adding this section shall comply with Public Law 105-78.

(h) Schools selected for participation in the program shall be notified by the Superintendent of Public Instruction no later than September 1 of each year.

52053.5. (a) The Superintendent of Public Instruction shall develop, and the State Board of Education shall approve, the minimum qualifications for external evaluators that shall include, but may not be limited to, recent successful professional, managerial or governing board experience in improving school achievement, and the ability to assist the school to systematically align curriculum, instruction, and assessment. The external evaluators shall also have demonstrated experience in working with diverse populations. With the approval of the State Board of Education, the Superintendent of Public Instruction shall develop and disseminate an application process by which to establish a list of external evaluators that meet the minimum qualifications. The list of approved external evaluators may include private sector experts, institutions of higher education, county offices of education, and educational consortia.

(b) The Superintendent of Public Instruction shall develop, and the State Board of Education shall approve, the standards and criteria to be applied by external evaluators in carrying out their duties. The standards and criteria shall include, but are not limited to, the following areas:

(1) Governing board policies.
(2) Curriculum management.
(3) Fiscal management.
(4) Parental and community involvement.
(5) Personnel management.
(6) Facilities management.

52054. (a) By October 1 of the year that the school is selected to participate, the governing board of a school district having jurisdiction over a school selected for participation in the program

shall contract with an external evaluator from the list of external evaluators and shall appoint a broad-based schoolsite and community team, consisting of a majority of nonschoolsite personnel. In a school that has a limited-English-proficient pupil population that constitutes at least 40 percent of the total pupil population, an external evaluator shall have demonstrated experience in working with a limited-English-proficient pupil population. Not less than 20 percent of the members of the team shall be parents or legal guardians of pupils in the school.

(b) By November 15 of the year that the school is selected to participate, the selected external evaluator shall solicit input from the parents and legal guardians of the pupils of the school. At a minimum, the evaluator shall do all of the following:

(1) Inform the parents and legal guardians, in writing, that the school has been selected to participate in the Immediate Intervention/Underperforming Schools Program due to its below-average performance.

(2) Hold a public meeting at the school, in cooperation with the principal, to which all parents and legal guardians of pupils in the school receive a written invitation. The invitation to the meeting may be combined with the written notice required by paragraph (1).

(3) Solicit, at the public meeting, the recommendations and opinions of the participating parents and legal guardians of pupils in the school regarding actions that should be taken to improve the performance of the school. These opinions and recommendations shall be considered by the external evaluator and the community team in the development of the action plan pursuant to this section.

(4) Notify all parents and legal guardians of pupils in the school of their opportunity to provide written recommendations of actions that should be taken to improve the performance of the school which shall be considered by the external evaluator and the community team in the development of the action plan pursuant to this section. Notice required by this subdivision may be combined with the written notice required by paragraph (1).

(c) By December 15 of the year that the school is selected to participate, the selected external evaluator shall complete a review of the school that identifies weaknesses that contribute to the school's below average performance and makes recommendations for improvement.

(d) By March 15 of the year that follows the year the school is selected to participate, the external evaluator and the schoolsite and community team selected pursuant to subdivision (a) shall develop an action plan to improve the academic achievement of the pupils enrolled at the school. The action plan shall include percentage growth targets at least as high as the annual growth targets adopted by the State Board of Education pursuant to Section 52052. The action plan shall include an expenditure plan and shall be of a scope that does not require expenditure of funds in excess of those provided

pursuant to this article or otherwise available to the school. The action plan may not be of a scope that requires reimbursement by the Commission on State Mandates for its implementation.

(e) At a minimum, the action plan shall do all of the following:

(1) Review and include the school and district conditions identified in the school accountability report card pursuant to Section 33126.

(2) Identify the current barriers at the school and district toward improvements in pupil achievement.

(3) Identify schoolwide and districtwide strategies to remove these barriers.

(4) Review and include school and school district crime statistics, in accordance with Section 628.5 of the Penal Code.

(5) Examine and consider disaggregated data regarding pupil achievement and other indicators to consider whether all groups and types of pupils make adequate progress toward short-term growth targets and long-term performance goals. The disaggregated data to be included and considered by the plan shall, at a minimum, provide information regarding the achievement of English learners, economically disadvantaged pupils, and other groups of pupils, by race, ethnicity, and gender.

(6) Set short-term academic objectives pursuant to Section 52052 for a two-year period that will allow the school to make adequate progress toward the growth targets established for each participating school for pupil achievement as measured by all of the following to the extent that the data is available for the school:

(A) The achievement test administered pursuant to Section 60640.

(B) Graduation rates for grades 7 to 12, inclusive.

(C) Attendance rates for pupils and school personnel for elementary, middle, and secondary schools.

(D) Any other indicators approved by the State Board of Education.

(f) The school action plan shall focus on improving pupil academic performance, improving the involvement of parents and guardians, improving the effective and efficient allocation of resources and management of the school, and identifying and developing solutions that take into account the underlying causes for low performance by pupils.

(g) The team, in the development of the action plan, shall consult with the exclusive representatives of employee organizations, where they exist.

(h) Upon its completion, the action plan shall be submitted to the governing board of the school districts for its approval. After the plan is approved, but no later than April 15 of the year that follows the year the school is selected to participate, the plan shall be submitted to the Superintendent of Public Instruction with a request for funding in the form prescribed by the Superintendent of Public Instruction.

(i) Not later than May 15 of the year next following the year in which a school is selected for participation, the State Board of Education shall review and approve or disapprove the school's request for funding, based on the recommendation of the Superintendent of Public Instruction. In conjunction with its approval of a request for funding to implement a school's action plan, the State Board of Education may waive all or any part of any provision of this code, or any regulation adopted by the State Board of Education, controlling any of the programs listed in clause (i) of subparagraph (B) of paragraph (1) of subdivision (a) of Section 54761 and Section 64000 if the waiver does not result in a decrease in the instructional time otherwise required by law or regulation or an increase in state costs and is determined to be consistent with subdivision (a) of Section 46300.

52054.5. A school whose application is approved on or before June 15 of the year following the year in which a school is selected for funding shall receive a grant for implementing the program, in each fiscal year that it participates in the program, in an amount up to two hundred dollars ($200) per pupil enrolled in the school, with a minimum allocation of fifty thousand dollars ($50,000) per schoolsite. A school that applies after June 15 may receive a grant for implementing the program if funds are appropriated for this purpose in the Budget Act. As a condition of receiving this funding, a participating school or the school district having jurisdiction over that school shall match the amount of state funding from any new or existing sources of funding. To help meet this matching requirement, a participating school and the governing board of the school district having jurisdiction over that school shall receive maximum flexibility in the expenditure of any new or existing categorical funds not otherwise prohibited by state or federal law and shall redirect for the purposes of their academic improvement plan new or existing categorical or general purpose funds.

52055. The governing board of a school that fails to meet its annual short-term growth target within 12 months following receipt of funding pursuant to Section 52054.5 shall hold a public hearing at a regularly scheduled meeting to ensure that members of the school community are aware of the lack of progress. The governing board of the school district shall, upon consultation with the external evaluator and the schoolsite and community team selected pursuant to Section 52054, choose from a range of interventions for the school, including reassignment of school personnel to the extent authorized by law, negotiation of site-specific amendments to collective bargaining agreements, or other changes deemed appropriate, in order to continue implementing the action plan approved pursuant to Section 51054, and to make progress toward meeting the school's growth targets.

52055.5. (a) Following 24 months after receipt of funding pursuant to Section 52054.5, a school that meets or exceeds its growth

target each year shall receive a monetary or nonmonetary award, under the Governor's Performance Award Program, as set forth in Section 52057. Funds received from this program shall be used at the school's discretion.

(b) Following 24 months after receipt of funding pursuant to Section 52054.5, a school that has not met its performance goals, but demonstrates significant growth, as determined by the State Board of Education, shall continue to participate in the program for an additional year and to receive funding in the amount specified in Section 52054.5.

(c) A school that does not meet its performance goals within 24 months after receipt of funding pursuant to Section 52054.5 and has failed to show significant growth, as determined by the State Board of Education, shall be deemed a low-performing school. Notwithstanding any other provision of law, the Superintendent of Public Instruction shall assume all the legal rights, duties, and powers of the governing board with respect to that school. The Superintendent of Public Instruction, in consultation with the State Board of Education and the governing board of the school district, shall reassign the principal of that school subject to the findings in subdivision (e). In addition to reassigning the principal, the Superintendent of Public Instruction, in consultation with the State Board of Education, shall, notwithstanding any other provision of law, do at least one of the following:

(1) Revise attendance options for pupils to allow them to attend any public school in which space is available. If additional attendance options are made available, nothing in this option shall be construed to require either the sending or receiving school district to incur additional transportation costs.

(2) Allow parents to apply directly to the State Board of Education for the establishment of a charter school and allow parents to establish the charter school at the existing schoolsite.

(3) Under the supervision of the Superintendent of Public Instruction, assign the management of the school to a college, university, county office of education, or other appropriate educational institution. However, the Superintendent of Public Instruction may not assume the management of the school.

(4) Reassign other certificated employees of the school.

(5) Renegotiate a new collective bargaining agreement at the expiration of the existing collective bargaining agreement.

(6) Reorganize the school.

(7) Close the school.

(d) In addition to the actions listed in subdivision (c), the Superintendent of Public Instruction, in consultation with the State Board of Education, may take any other action considered necessary or desirable against the school district or the school district governing board, including appointment of a new superintendent or suspension

of the authority of the governing board with respect to the school or schools identified pursuant to subdivision (c).

(e) Before the Superintendent of Public Instruction may take any action against a principal pursuant to subdivision (c), the Superintendent of Public Instruction or a designee of the superintendent shall hold a public hearing on the matter in the school district and make both of the following findings:

(1) A finding that the principal had the authority to take specific enumerated actions that would have helped the school meet its performance goals.

(2) A finding that the principal failed to take specific enumerated actions pursuant to paragraph (1).

(f) An action taken pursuant to subdivision (c), (d), or (e) shall not increase local costs or require reimbursement by the Commission on State Mandates.

(g) An action taken pursuant to subdivision (c), (d), or (e) shall be accompanied by specific findings by the Superintendent of Public Instruction and the State Board of Education that the action is directly related to the identified causes for continued failure by a school to meet its performance goals.

Article 4. High Achieving/Improving Schools Program

52056. (a) The High Achieving/Improving Schools Program is hereby established. Commencing in June 2000, and every June thereafter, the Superintendent of Public Instruction, with approval of the State Board of Education, shall rank all public schools based on the Academic Performance Index established pursuant to Section 52052. The schools shall be ranked in decile categories by grade level of instruction provided and shall include three categories: elementary, middle, and high school. Commencing in June 2001, the rankings shall indicate the target annual growth rates of schools, the actual growth rates attained by the schools, and how growth rates compare schools that have similar characteristics. For purposes of this section, similar characteristics include, but are not limited to, the following characteristics, insofar as data is available from the State Department of Education's data: pupil mobility, pupil ethnicity, pupil socioeconomic status, percentage of teachers who are fully credentialed, percentage of teachers who hold emergency credentials, percentage of pupils who are English language learners, average class size per grade level, and whether the schools operate multitrack year-round educational programs. The Superintendent of Public Instruction shall annually publish these rankings on the Internet.

(b) Commencing in July 2000, and every July thereafter, all schools shall report their ranking, including a description of the components of the ranking, in their annual school accountability report card pursuant to Sections 33126 and 35256.

(c) Commencing in July 2000, and every July thereafter, the governing board of each school district shall discuss the results of the annual ranking at a regularly scheduled meeting.

52056.5. Commencing with the 2000–01 fiscal year, a school that fails to meet annual state growth targets established pursuant to Section 52052 may, as determined by the Superintendent of Public Instruction with the approval of the State Board of Education, be subject to the Immediate Intervention/Underperforming Schools Program pursuant to subdivisions (e) and (f) of Section 52053, and Sections 52053.5, 52054, 52054.5, 52055, and 52055.5.

52057. (a) The State Board of Education shall establish a Governor's Performance Award Program to provide monetary and nonmonetary awards to schools that meet or exceed API performance growth targets established pursuant to Section 52052, and demonstrate comparable improvement in academic achievement by all numerically significant ethnic and socioeconomically disadvantaged subgroups within schools.

(b) All schools, including schools participating in the Immediate Intervention/Underperforming Schools Program are eligible to participate in the Governor's Performance Award Program. The manner and form in which the monetary and nonmonetary awards are given shall be established by the Superintendent of Public Instruction and approved by the State Board of Education. The monetary awards shall be made available on either a per pupil or per school basis, not to exceed one hundred fifty dollars ($150) per pupil enrolled and subject to funds appropriated in the annual Budget Act. A school that continues to show improvement in successive years is eligible to receive annual bonuses.

(c) In addition to or in substitution of monetary awards, the Superintendent of Public Instruction may establish, upon approval by the State Board of Education, nonmonetary awards that may include, but are not limited to, classification as a distinguished school, listing on a published public school honor roll, and public commendations by the Governor and the Legislature.

(d) A school that is eligible to participate in the Governor's Performance Award Program may request the State Board of Education to waive, all or any part of any provision of this code, or any regulation adopted by the State Board of Education, controlling any of the programs listed in clause (i) of subparagraph (B) of paragraph (1) of subdivision (a) of Section 54761 and Section 64000, and the board may grant the request if the waiver does not result in a decrease in the instructional time otherwise required by law or regulation or an increase in state costs and is determined to be consistent with subdivision (a) of Section 46300.

(e) A school that demonstrates significant growth shall be granted maximum flexibility in its expenditure of any new or existing categorical funds not otherwise prohibited under state or federal law to enable the school to continue improvement in pupil performance.

52058. (a) By January 31, 2002, each school district with schools participating in the Immediate Intervention/Underperforming Schools Program established pursuant to Section 52053 shall submit to the Superintendent of Public Instruction an evaluation of the impact, costs, and benefits of the program as it relates to the school district and the schools under its jurisdiction that are participating in the program and whether or not the schools met their growth targets, with an analysis of the reasons why the schools have or have not met those growth targets. Costs to develop and submit the evaluation shall be funded with resources provided pursuant to Article 3 (commencing with Section 52053).

(b) By January 15, 2000, the Superintendent of Public Instruction shall develop, and the State Board of Education shall approve, the guidelines for a request for proposal for an independent evaluator as described in this subdivision. By September 1, 2000, the Superintendent of Public Instruction shall contract with an independent evaluator to prepare a comprehensive evaluation of the implementation, impact, costs, and benefits of the Immediate Intervention/Underperforming Schools Program and the High Achieving/Improving Schools Program. The preliminary results of the evaluation shall be disseminated to the Legislature, the Governor, and interested parties no later than March 31, 2002, with a final report no later than June 30, 2002. The final report shall include recommendations for necessary or desirable modifications to the programs established pursuant to this chapter.

(c) The evaluations shall consider all of the following:

(1) Pupil performance data, including, but not limited to, results of assessments used to determine whether or not schools have made significant progress towards meeting their growth targets.

(2) Program implementation data, including, but not limited to, a review of startup activities, community support, parental participation, staff development activities associated with implementation of the program, percentage of fully credentialed teachers, percentage of teachers who hold emergency credentials, percentage of teachers assigned outside their subject area of competence, the accreditation status of the school if appropriate, average class size per grade level, and the number of pupils in a multitrack year-round educational program.

(3) (A) Pupil performance data, and its impact on the API, for each of the following subgroups:

(i) English language learners.

(ii) Pupils with exceptional needs.

(iii) Pupils that qualify for free or reduced price meals and are enrolled in schools that receive funds under Chapter 1 of the federal Elementary and Secondary Education Act of 1965, as amended by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-290).

(B) Information concerning individual pupils may not be disclosed in the process of preparing pupil performance data pursuant to this subdivision.

(d) The Superintendent of Public Instruction shall recommend and the State Board of Education shall approve a schedule for biennial evaluations of the programs established pursuant to this chapter, subsequent to the evaluation required by this section. The biennial evaluations shall be submitted, with appropriate recommendations, by June 30 of every odd-numbered year, commencing with the year 2003.

SEC. 2. (a) The sum of one hundred ninety-three million two hundred thousand dollars ($193,200,000) is hereby appropriated according to the following schedule:

(1) Sixty-three million seven hundred four thousand dollars ($63,704,000) from the General Fund to the Superintendent of Public Instruction for allocation to school districts for purposes of providing funding for planning and grants for implementing the Immediate Intervention/Underperforming Schools Program as set forth in Article 3 (commencing with Section 52053) of Chapter 6.1 of Part 28 of the Education Code.

(2) Thirty-two million four hundred forty-six thousand dollars ($32,446,000) from the Federal Trust Fund to the Superintendent of Public Instruction for allocation to school districts for purposes of providing funding for planning and grants for implementing the Immediate Intervention/Underperforming Schools Program as set forth in Article 3 (commencing with Section 52053) of Chapter 6.1 of Part 28 of the Education Code.

(3) Ninety-six million one hundred fifty thousand dollars ($96,150,000) from the General Fund to the Superintendent of Public Instruction for allocation to school districts that meet or exceed performance growth targets established by the board pursuant to the High Achieving/Improving Schools Program as set forth in Article 4 (commencing with Section 52056) of Chapter 6.1 of Part 28 of the Education Code. Funds appropriated pursuant to this paragraph that have not been allocated by June 30, 2000, shall be available for allocation and expenditure for purposes of this paragraph in the 2001–02 fiscal year.

(4) Nine hundred thousand dollars ($900,000) from the General Fund to the Superintendent of Public Instruction to provide support services related to programs established by the Public Schools Accountability Act of 1999 pursuant to Chapter 6.1 (commencing with Section 52050) of Part 28 of the Education Code.

(b) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by paragraphs (1) and (3) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 1999–2000 fiscal year, and included within the "total allocations

to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 1999–2000 fiscal year.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

CHAPTER 4

An act to amend Sections 44662 and 44664 of, to add Section 44498 to, to add Article 4.5 (commencing with Section 44500) to Chapter 3 of Part 25 of, and to repeal Article 4 (commencing with Section 44490) of Chapter 3 of Part 25 of, the Education Code, relating to teachers, and making an appropriation therefor.

[Approved by Governor April 6, 1999. Filed with Secretary of State April 6, 1999.]

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

SECTION 1. It is the intent of the Legislature to establish a teacher peer assistance and review system as a critical feedback mechanism that allows exemplary teachers to assist veteran teachers in need of development in subject matter knowledge or teaching strategies, or both.

It is further the intent of the Legislature that a school district that operates a program pursuant to Article 4.5 (commencing with Section 44500) of Chapter 3 of Part 25 of the Education Code coordinate its employment policies and procedures for that program with its activities for professional staff development, the Beginning Teacher Support and Assessment Program, and the biennial evaluations of certificated employees required pursuant to Section 44664.

SEC. 2. Section 44498 is added to the Education Code, to read:

44498. (a) When a school district notifies the Superintendent of Public Instruction that it plans to implement a program pursuant to Article 4.5 (commencing with Section 44500), this article shall not apply to that school district.

(b) This article shall become inoperative on July 1, 2001, and, as of January 1, 2002, is repealed, unless a later enacted statute that is

enacted before January 1, 2002, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Article 4.5 (commencing with Section 44500) is added to Chapter 3 of Part 25 of the Education Code, to read:

Article 4.5. California Peer Assistance and Review Program for Teachers

44500. (a) There is hereby established the California Peer Assistance and Review Program for Teachers. The governing board of a school district and the exclusive representative of the certificated employees in the school district may develop and implement a program authorized by this article that meets local conditions and conforms with the principles set forth in subdivision (b).

(b) The following principles, at a minimum, shall be included in a locally developed program authorized by this article:

(1) A teacher participant shall be a permanent employee in a school district with 250 or greater units of average daily attendance or a permanent or probationary employee in a school district with fewer than 250 units of average daily attendance and volunteer to participate in the program or be referred for participation in the program as a result of an evaluation performed pursuant to subdivision (b) of Section 44664. In addition, teachers receiving assistance may be referred pursuant to a collectively bargained agreement.

(2) Performance goals for an individual teacher shall be in writing, clearly stated, aligned with pupil learning, and consistent with Section 44662.

(3) Assistance and review shall include multiple observations of a teacher during periods of classroom instruction.

(4) The program shall expect and strongly encourage a cooperative relationship between the consulting teacher and the principal with respect to the process of peer assistance and review.

(5) The school district shall provide sufficient staff development activities to assist a teacher to improve his or her teaching skills and knowledge.

(6) The program shall have a monitoring component with a written record.

(7) The final evaluation of a teacher's participation in the program shall be made available for placement in the personnel file of the teacher receiving assistance.

44501. A consulting teacher participating in a program operated pursuant to this article shall meet locally determined criteria and each of the following qualifications:

(a) The consulting teacher shall be a credentialed classroom teacher with permanent status or, in a school district with an average daily attendance of less than 250 pupils, a credentialed classroom teacher who has completed at least three consecutive school years as

an employee of the school district in a position requiring certification qualifications.

(b) The consulting teacher shall have substantial recent experience in classroom instruction.

(c) The consulting teacher shall have demonstrated exemplary teaching ability, as indicated by, among other things, effective communication skills, subject matter knowledge, and mastery of a range of teaching strategies necessary to meet the needs of pupils in different contexts.

44502. (a) The governance structure of a program designed pursuant to this article shall include a joint teacher administrator peer review panel that shall select consulting teachers, review peer review reports prepared by consulting teachers, and make recommendations to the governing board of a school district regarding participants in the program, including forwarding to the governing board the names of individuals who, after sustained assistance, are not able to demonstrate satisfactory improvement.

(b) The majority of the panel shall be composed of certificated classroom teachers chosen to serve on the panel by other certificated classroom teachers. The remainder of the panel shall be composed of school administrators chosen to serve on the panel by the school district.

(c) The panel's procedures for selecting consulting teachers, at a minimum, shall require the following:

(1) Consulting teachers shall be selected by the majority vote of the panel.

(2) The selection process shall include provisions for classroom observation of the candidates for consulting teacher by the panel.

(d) The panel shall also annually evaluate the impact of the district's peer assistance and review program in order to improve the program. This evaluation may include, but is not limited to, interviews or surveys of the program participants. The panel may submit recommendations for improvement of the program to the governing board of the school district and to the exclusive representative of the certificated employees in the school district, if the certificated employees in the district are represented by an exclusive representative.

44503. (a) The governing board of a school district that accepts state funds for purposes of this article agrees to negotiate the development and implementation of the program with the exclusive representative of the certificated employees in the school district, if the certificated employees in the district are represented by an exclusive representative. In a school district in which the certificated employees are not represented, the school district shall develop a Peer Assistance and Review Program for Teachers consistent with this article in order to be eligible to receive funding under this article.

(b) Functions performed pursuant to this article by certificated employees employed in a bargaining unit position shall not constitute

either management or supervisory functions as defined by subdivisions (g) and (m) of Section 3540.1 of the Government Code.

(c) Teachers who provide assistance and review shall have the same protection from liability and access to appropriate defense as other public school employees pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code.

(d) It is the intent of the Legislature that school districts be allowed to combine, by mutual agreement, their programs of peer assistance and review with those of other school districts.

(e) Not more than 5 percent of the funds received by a school district for the Peer Assistance and Review Program for Teachers may be expended for administrative expenses.

44504. (a) Except as provided in Section 44505, the California Peer Assistance and Review Program for Teachers shall become fully operational on July 1, 2001, on which date it shall completely replace the California Mentor Teacher Program established pursuant to Chapter 1302 of the Statutes of 1983 and set forth in Article 4 (commencing with Section 44490). This article is applicable to all school districts that elect to receive state funds for the California Peer Assistance and Review Program for Teachers. Commencing with the 2001–02 fiscal year, funding shall only be made available for purposes authorized by this article. A school district that elects to participate in the program established pursuant to this article shall certify to the Superintendent of Public Instruction that it has implemented a Peer Assistance and Review Program for Teachers pursuant to this article.

(b) A school district that does not elect to participate in the program authorized under this article by July 1, 2001, is not eligible for any apportionment, allocation, or other funding from an appropriation for the program authorized pursuant to this article or for any apportionments, allocations, or other funding from funding for local assistance appropriated pursuant to Budget Act Item 6110-231-0001, funding appropriated for the Administrator Training and Evaluation Program set forth in Article 3 (commencing with Section 44681) of Chapter 3.1 of Part 25, from an appropriation for the Instructional Time and Staff Development Reform Program as set forth in Article 7.5 (commencing with Section 44579) of Chapter 3, or from an appropriation for school development plans as set forth in Article 1 (commencing with Section 44670.1) of Chapter 3.1 and the Superintendent of Public Instruction shall not apportion, allocate, or otherwise provide any funds to the district pursuant to those programs.

(c) Commencing February 1, 2002, a school district that elects not to participate in the program authorized under this article shall report annually at a regularly scheduled meeting of the governing board of the school district on the rationale for not participating in the program.

44505. (a) Between July 1, 1999, and June 30, 2000, a school district may notify the Superintendent of Public Instruction that it

plans to implement, commencing July 1, 2000, a Peer Assistance and Review Program for Teachers pursuant to this article. Upon receipt of the notification by the school district, the Superintendent of Public Instruction shall apportion to the school district an amount equal to the number of mentor teachers that the state funded for the district in the 1999–2000 fiscal year pursuant to Article 4 (commencing with Section 44490) multiplied by two thousand eight hundred dollars ($2,800). The school district may use the funds apportioned pursuant to this section for activities necessary to implement the Peer Assistance and Review Program for Teachers.

(b) Between July 1, 2000, and May 31, 2001, a school district may notify the Superintendent of Public Instruction that it plans to implement, commencing July 1, 2001, a Peer Assistance and Review Program for Teachers pursuant to this article. On or before June 29, 2001, the Superintendent of Public Instruction shall apportion to every school district that provides this notification an amount equal to the number of mentor teachers that the state funded for the school district in the 1999–2000 school year pursuant to Article 4 (commencing with Section 44490) times a maximum of one thousand dollars ($1,000).

(c) The maximum amount of funds available for apportionment to school districts by the Superintendent of Public Instruction for allocation pursuant to subdivision (b) shall be the amount appropriated pursuant to subdivision (a) of Section 6 of the act adding this section, minus any funds apportioned by the Superintendent of Public Instruction to school districts pursuant to subdivision (a) as of June 30, 2000.

(d) A school district may use funds apportioned pursuant to this section for activities necessary to implement the Peer Assistance and Review Program for Teachers.

44506. (a) The state funding for this article subsequent to the 1999–2000 fiscal year is subject to an appropriation in the annual Budget Act. It is the intent of the Legislature that the funding for the program for the 2000–01 fiscal year be at least equal to the 1999–2000 fiscal year appropriation for Article 4 (commencing with Section 44490) plus the amount apportioned pursuant to Section 44505.

(b) If a school district elects to implement a Peer Assistance and Review Program for Teachers after June 30, 2000, but before July 1, 2001, it is the intent of the Legislature that the school district's state apportionment for fiscal year 2000–01 be at least equal to the dollar amount the district received in the 1999–2000 fiscal year for purposes of Article 4 (commencing with Section 44490).

(c) A school district that receives funds for purposes of this article may also expend those funds for any of the following purposes:

(1) The Marian Bergeson Beginning Teacher Support and Assessment System as set forth in Article 4.5 (commencing with Section 44279.1) of Chapter 2.

(2) The California Pre-Internship Teaching Program as set forth in Article 5.6 (commencing with Section 44305) of Chapter 2.

(3) A district intern program as set forth in Article 7.5 (commencing with Section 44325) of Chapter 2.

(4) Professional development or other educational activities previously provided pursuant to Article 4 (commencing with Section 44490) of Chapter 3.

(5) Any program that supports the training and development of new teachers.

44507. Subject to the availability of funding in the annual Budget Act, the Superintendent of Public Instruction shall contract with an independent evaluator on or before December 15, 2002, to prepare a comprehensive evaluation of the implementation, impact, cost, and benefit of the California Peer Assistance and Review Program for Teachers. The evaluation shall be delivered to the Legislature, the Governor, and interested parties on or before January 1, 2004.

44508. For purposes of this article, "school district" includes a county office of education.

SEC. 4. Section 44662 of the Education Code is amended to read:

44662. (a) The governing board of each school district shall establish standards of expected pupil achievement at each grade level in each area of study.

(b) The governing board of each school district shall evaluate and assess certificated employee performance as it reasonably relates to:

(1) The progress of pupils toward the standards established pursuant to subdivision (a) and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments.

(2) The instructional techniques and strategies used by the employee.

(3) The employee's adherence to curricular objectives.

(4) The establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities.

(c) The governing board of each school district shall establish and define job responsibilities for certificated noninstructional personnel, including, but not limited to, supervisory and administrative personnel, whose responsibilities cannot be evaluated appropriately under the provisions of subdivision (b) and shall evaluate and assess the performance of those noninstructional certificated employees as it reasonably relates to the fulfillment of those responsibilities.

(d) Results of an employee's participation in the Peer Assistance and Review Program for Teachers established by Article 4.5 (commencing with Section 44500) shall be made available as part of the evaluation conducted pursuant to this section.

(e) The evaluation and assessment of certificated employee performance pursuant to this section shall not include the use of publishers' norms established by standardized tests.

(f) Nothing in this section shall be construed as in any way limiting the authority of school district governing boards to develop and adopt additional evaluation and assessment guidelines or criteria.

SEC. 5. Section 44664 of the Education Code is amended to read:

44664. (a) Evaluation and assessment of the performance of each certificated employee shall be made on a continuing basis, at least once each school year for probationary personnel, and at least every other year for personnel with permanent status. The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. If an employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the governing board, the employing authority shall notify the employee in writing of that fact and describe the unsatisfactory performance. The employing authority shall thereafter confer with the employee making specific recommendations as to areas of improvement in the employee's performance and endeavor to assist the employee in his or her performance. When any permanent certificated employee has received an unsatisfactory evaluation, the employing authority shall annually evaluate the employee until the employee achieves a positive evaluation or is separated from the district.

(b) Any evaluation performed pursuant to this article which contains an unsatisfactory rating of an employee's performance in the area of teaching methods or instruction may include the requirement that the certificated employee shall, as determined necessary by the employing authority, participate in a program designed to improve appropriate areas of the employee's performance and to further pupil achievement and the instructional objectives of the employing authority. If a district participates in the Peer Assistance and Review Program for Teachers established pursuant to Article 4.5 (commencing with Section 44500), any certificated employee who receives an unsatisfactory rating on an evaluation performed pursuant to this section shall participate in the Peer Assistance and Review Program for Teachers.

(c) Hourly and temporary hourly certificated employees, other than those employed in adult education classes who are excluded by the provisions of Section 44660, and substitute teachers may be excluded from the provisions of this section at the discretion of the governing board.

SEC. 6. There is hereby appropriated for the 1999–2000 fiscal year the sum of one hundred twenty-five million eighty-two thousand dollars ($125,082,000) according to the following schedule:

(a) The sum of forty-one million eight hundred thousand dollars ($41,800,000) from the General Fund to the Superintendent of Public Instruction for the purposes of Section 44505 of the Education Code.

(b) The sum of eighty-three million two hundred thousand dollars ($83,200,000) from the General Fund to the Superintendent of Public

Instruction for the purposes of Article 4 (commencing with Section 44490) of Chapter 3 of Part 25 of the Education Code.

(c) The sum of eighty-two thousand dollars ($82,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to provide support services related to the program established pursuant to Section 44500 of the Education Code.

SEC. 7. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

CHAPTER 5

An act relating to teaching credentials.

[Approved by Governor April 12, 1999. Filed with Secretary of State April 12, 1999.]

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

SECTION 1. (a) It is the intent of the Legislature in enacting the act adding this section to evaluate the reliability and validity of the content of the California Basic Education Skills Test (CBEST) in order to ensure that teachers employed by California public schools are measured by a proper assessment of basic competency in areas of reading, writing, and mathematics, and that the passing score is set at an appropriate level.

(b) The Commission on Teacher Credentialing shall review the state basic skills proficiency test to evaluate the test's content validity, reliability, and passing scores. The Commission on Teacher Credentialing shall submit a written report pertaining to the review of the test, including any findings and recommendations, to the Legislature, the Governor, and the State Board of Education on or before January 1, 2001.

CONCURRENT RESOLUTIONS

1999–2000

FIRST EXTRAORDINARY SESSION

1999 RESOLUTION CHAPTERS

RESOLUTION CHAPTER 1

Senate Concurrent Resolution No. 2—Relative to final adjournment of the 1999–2000 First Extraordinary Session of the Legislature.

[Filed with Secretary of State March 30, 1999.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the 1999–2000 First Extraordinary Session of the Legislature shall adjourn sine die at midnight on March 26, 1999.

CALIFORNIA LEGISLATURE

1999–2000 REGULAR SESSION
1999–2000 FIRST EXTRAORDINARY SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions (Including Proposed Constitutional Amendments) Adopted in 1999

and

1999 Statutory Record

GREGORY SCHMIDT
Secretary of the Senate

E. DOTSON WILSON
Chief Clerk of the Assembly

Compiled by
BION M. GREGORY
Legislative Counsel

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PREFACE

Digests

The Summary Digest consists of a short summary of each law enacted, and of each constitutional amendment, concurrent or joint resolution adopted by the Legislature in 1999.

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

Cross Reference Tables

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

New General Laws

Lists new general laws passed in the year 1999 which do not specifically amend, add to, or repeal any existing code or general law.

Index

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

Statutory Record

This edition of the Summary Digest includes a statutory record for 1999. Superior numbers following the *Effect* refer to a special condition affecting that section.

Cumulative statutory records for 10-year periods, 1989–1998, 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 1999–2000 Regular Session convened on December 7, 1998, and the interim study recess commenced on September 10, 1999. Statutes enacted in 1999, other than those taking immediate effect, will become effective January 1, 2000. In absence of other considerations, the provisions of a statute become operative on the date it takes effect. Digests indicate statutes taking immediate effect.

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

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

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

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

Extraordinary Sessions

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

The 1999–2000 First Extraordinary Session convened on January 19, 1999, and adjourned *sine die* on March 26, 1999. Statutes enacted at an extraordinary session, other than those taking immediate effect, will become effective on the 91st day after adjournment. The 91st day after adjournment is June 25, 1999.

DIGESTS OF STATUTES ENACTED IN 1999

1999–2000 REGULAR SESSION

BILL CHAPTERS

Ch. 1 (SB 1) Sher. Beverage containers.

(1) The existing California Beverage Container Recycling and Litter Reduction Act requires a distributor of specified beverage containers to pay a redemption payment to the Department of Conservation, for each beverage container, as defined, sold or transferred, for deposit in the California Beverage Container Recycling Fund. The money in the fund is continuously appropriated to the department to pay refund values, processing payments, and for other purposes.

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 for each beverage container sold or transferred to a dealer. Prior to January 1, 1999, a processing fee was required to be imposed annually only if the scrap value for the material was less than the cost of recycling, and to be reduced, as specified, and, after January 1, 1999, a processing fee is required to be established pursuant to different criteria.

Under prior law, the department, until January 1, 1999, was permitted to expend $18,500,000 of the moneys in the fund for the payment of handling fees, and $5,000,000, until January 1, 1999, for payments for curbside programs.

The bill would reenact the prior method of calculating the processing fee and would extend those provisions until January 1, 2000. The bill would require the processing fee and processing payment calculation imposed by this bill to apply retroactively to beverage containers sold or redeemed on or after January 1, 1999.

This bill would extend the authorization to expend these funds for handling fees and curbside programs until January 1, 2000, thereby making an appropriation.

The bill would require the payments of handling fees to supermarket sites and payments to curbside programs to apply retroactively to containers redeemed or collected on or after January 1, 1999.

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

Ch. 2 (SB 49) Johnson. Elections: regular election dates.

Former law included among various established regular election dates the first Tuesday after the first Monday in June of each year. That date was deleted as a regular election date by legislation enacted in 1998 and operative January 1, 1999.

This bill instead would establish the first Tuesday after the first Monday in June of each odd-numbered year as a regular election date.

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

Ch. 3 (SB 138) O'Connell. State Highway Patrol: memorandum of understanding.

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

This bill would approve provisions that require the expenditure of funds of a memorandum of understanding entered into between the state employer and Unit 5—California Association of Highway Patrolmen, and would provide that the provisions of that memorandum of understanding that require the expenditure of funds shall become effective pursuant to the approval of the Legislature contained in the bill.

(2) The State Civil Service Act requires that a general reemployment list be maintained for each class of state civil service employees consisting of the names of all persons who have occupied positions with probationary or permanent status in the class and who have been legally laid off or demoted in lieu of layoff. The act requires that for state employees in State Bargaining Unit 5, 6, 8, or 16, a general reemployment list be maintained for each entry level class listing the names of all persons who have occupied positions with probationary or permanent status in the class and who have been legally laid off, demoted in lieu of layoff, or transferred in lieu of layoff.

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

This bill would require that for state employees in State Bargaining Unit 5 the general reemployment list be maintained for each class, rather than for each entry level class.

Under the State Civil Service Act, the State Personnel Board is required to establish for each class of state civil service employees the length of the probationary period. The act generally requires that a state civil service employee serve a probationary period of 6 months, unless the board establishes a longer period of not more than one year. Under the act, the probationary period that a state employee in State Bargaining Unit 6, 8, or 16 is required to serve upon appointment is not less than 6 months nor more than 2 years.

This bill would specify that the probationary period that a state employee in State Bargaining Unit 5 is to serve upon appointment is not less than 6 months nor more than 2 years.

(3) The Public Employees' Retirement Law prescribes retirement benefits for patrol members.

This bill would increase the service allowance limitation from 80% to 85% for members of State Bargaining Unit 5 who retire on and after January 1, 1999, and would establish a new retirement option consisting of a partial distribution of the present value of the actuarial amount of retirement allowances for those members. The bill would also provide increased basic death benefits for specified survivors of state members.

(4) Existing law, the State Employees' Dental Care Act, provides dental care plan coverage to public employees and annuitants meeting the eligibility requirements prescribed by the Board of Administration of the Public Employees' Retirement System. Existing law provides that notwithstanding particular provisions of the act, state employees in State Bargaining Unit 6 may receive a percentage of the employer's contribution payable for annuitants if the employees are credited with 10 years of state service.

This bill would also provide that state employees in State Bargaining Unit 5 may receive a percentage of the employer's contribution payable for annuitants if the employees are credited with 10 or more years of state service.

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

Ch. 4 (SB 412) Burton. State employees: memoranda of understanding.

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

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

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

Ch. 5 (SB 609) Burton. State employees: memoranda of understanding.

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

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

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

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

Ch. 6 (AB 22) Longville. Elections: regular election dates.

Former law included among various established regular election dates, the first Tuesday after the first Monday in June of each year. That date was deleted as a regular election date by legislation enacted in 1998 and operative January 1, 1999. Legislation enacted and effective February 4, 1999, restored the first Tuesday after the first Monday in June as a regular election date of each odd-numbered year.

This bill would make technical changes to those provisions.

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

Ch. 7 (AB 288) Wesson. County employee retirement: benefits.

The County Employees Retirement Law of 1937 prescribes the definition of "compensation" and "compensation earnable" for purposes of calculating retirement benefits for certain Los Angeles County employees.

This bill would authorize the board of supervisors to elect to exclude specified cafeteria or flexible benefit plan contributions from these definitions.

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

Ch. 8 (SB 93) Chesbro. Income and bank and corporation taxes: IRS restructuring and reform.

The Personal Income Tax Law and the Bank and Corporation Tax Law impose taxes on income and, among other things, provide for specified conformity to federal income tax laws. In this connection, the federal Internal Revenue Service Restructuring and Reform Act of 1998 provides for, among other things, changes to the way the Internal Revenue Service (IRS) is organized, additional taxpayer rights, including a shifting of the burden of proof, and changes to the rules as to how taxes are computed.

This bill would provide for specified conformity to that federal act with respect to early withdrawals of certain amounts converted from IRAs to Roth IRAs, the determination of the 5-year holding period with respect to the conversion of the Roth IRAs, certain ordering rules to determine amounts that are withdrawn in the case where a Roth IRA contains conversion amounts and other contributions, corrections of erroneous conversions and due dates pertaining to Roth IRAs, and clarification of the contribution limit to a Roth IRA.

This bill would apply these changes to taxable years beginning on or after January 1, 1998.

This bill would take effect immediately as a tax levy.

Ch. 9 (SB 1303) Solis. Unemployment compensation benefits: freezing weather.

Existing law provides that an individual is considered "unemployed" for the purpose of eligibility for unemployment compensation benefits if for any week of less than full-time work, the wages payable to the individual for that week, when reduced by $25 or 25% of the wages payable, whichever is greater, do not equal or exceed the individual's unemployment weekly benefit amount. Existing law provides for the calculation of unemployment benefits.

This bill would provide that an individual who has been laid off from work or who is unable to commence work as a direct result of the freezing weather conditions in December 1998, as specified, shall be considered "unemployed" for the purpose of eligibility for unemployment compensation benefits if for any week of less than full-time work, the wages payable to the individual for that week, when reduced by $200, do not equal or exceed the individual's unemployment weekly benefit amount. This bill would require the payment of unemployment compensation to an individual under these circumstances in a weekly amount equal to his or her weekly benefit amount less the amount of wages in excess of $200 payable for that week, with benefits subject to the regular one-week waiting period. This bill would be limited to residents of a county with an unemployment rate in excess of 13% that is covered by a specified order of the Federal Emergency Management Agency.

This bill would provide for repeal of these provisions on August 7, 1999.

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

Existing law provides that unemployment compensation benefits are paid from the Unemployment Fund, a continuously appropriated special fund. By expanding benefits payable from the fund, this bill would make an appropriation.

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

Ch. 10 (SB 104) Brulte. Postgovernment employment: restrictions.

Existing provisions of the Political Reform Act of 1974 prohibit a designated employee of a state administrative agency, among others, from representing any other person before any state administrative agency or officer or employee for which he or she worked for 12 months before leaving employment if the appearance or communication is for the purpose of influencing administrative action, as defined, among other things. The act exempts from these provisions an officer or employee of another state agency, board, or commission if the appearance or communication is for the purpose of influencing legislative or administrative action on behalf of the state agency, board, or commission.

This bill would expand the exemption to include an official holding an elective office of a local government agency if the appearance or communication is for the purpose of influencing legislative or administrative action on behalf of the local government 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 $^{2}/_{3}$ 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 $^{2}/_{3}$ vote.

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

Ch. 11 (SB 108) Ortiz. State employees: memoranda of understanding.

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

This bill would approve provisions that require the expenditure of funds of memoranda of understanding entered into between the state employer and the California State Employees Association and the California Association of Professional Scientists, and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

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

Ch. 12 (SB 1257) Burton. State employees: compensation.

(1) The Budget Act of 1998 appropriated $360,479,000 from the General Fund for expenditure to augment state employee compensation and $4,370,000 from unallocated special funds for expenditure to augment the state employer's health benefit costs.

This bill would appropriate $35,824,000, as scheduled, in augmentation of these Budget Act appropriations.

(2) Section 8 of Article XVI of the California Constitution requires that the moneys applied by the state for the support of school districts and community colleges shall not be less than a specified percentage of General Fund revenues.

This bill would declare that a specified amount appropriated by this bill is to be applied toward the minimum funding requirements for the 1998–99 fiscal year for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(3) This bill would declare that it is to take effect immediately as a statute providing an appropriation for the usual and current expenses of the state.

Ch. 13 (SB 1273) Burton. State employees: memoranda of understanding.

Existing law provides that if any provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those

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

provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions that require the expenditure of funds of memoranda of understanding entered into between the state employer and the Association of California State Attorneys and the Professional Engineers in California Government, and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

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

Ch. 14 (AB 839) Maldonado. State employees: memorandum of understanding.

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

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

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

Ch. 15 (SB 264) Schiff. Instructional materials.

(1) Existing law, known as the Schiff-Bustamante Standards-Based Instructional Materials Program, provides for the apportionment of funds to school districts for the purchase of instructional materials in the core curriculum that are aligned to content standards for pupils in kindergarten and grades 1 to 12, inclusive. Existing law requires that the instructional materials for pupils in kindergarten and grades 1 to 8, inclusive, be adopted by the State Board of Education using criteria developed subsequent to the adoption of content standards.

This bill would require that the instructional materials for pupils in kindergarten and grades 1 to 8, inclusive, be adopted by the State Board of Education using criteria aligned to the adopted content standards.

(2) The Schiff-Bustamante Standards-Based Instructional Materials Program provides for the apportionment of funds to school districts for the purchase of instructional material in the core curriculum, which is not limited to mathematics.

Existing law, the Budget Act of 1998, appropriates $250,000,000 for instructional materials in mathematics.

This bill would authorize, notwithstanding the provisions in the Budget Act of 1998 or any other provision of law, the $250,000,000 appropriated by the Budget Act of 1998 to be expended for the purposes of the Schiff-Bustamante Standards-Based Instructional Materials Program, thereby making an appropriation.

(3) The Schiff-Bustamante Standards-Based Instructional Materials Program requires the State Department of Education to apportion funds appropriated for purposes of the program on the basis of an equal amount per pupil enrolled in public elementary schools and high schools, excluding summer school, adult, and regional occupational program and center enrollment, during the preceding fiscal year. Existing law provides that this method of allocation, using enrollment instead of average daily attendance, shall not be construed as a precedent for future allocation methods for instructional materials or for any other education program.

Existing law, the Budget Act of 1998, provides that funds appropriated by that measure for instructional materials for mathematics shall instead be allocated on the basis of an equal amount per unit of average daily attendance, rather than on the basis of an equal amount per pupil.

This bill would require, notwithstanding the provisions in the Budget Act of 1998 or any other provision of law, that funding for instructional materials in mathematics be

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allocated to school districts and county offices of education on the basis of an equal amount per pupil enrolled in public elementary schools and high schools, excluding the enrollment of summer school, adult education programs, and regional occupation centers and programs, in the prior fiscal year, thereby making an appropriation.

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

Ch. 16 (SB 279) Dunn. Prisons.

Existing law provides that if a prisoner has a severe mental disorder that is not in remission or cannot be kept in remission without treatment and it was a factor in the commission of one of a list of specified crimes for which the prisoner was sentenced to prison, and the prisoner has been in treatment for the severe mental disorder for 90 days or more within the year prior to the prisoner's parole or release, the prisoner, as a condition of his or her parole, shall be treated by the State Department of Mental Health. The crimes to which this provision applies include arson of a structure, forest land, or property that causes great bodily injury and crimes in which the prisoner used force or violence, or caused serious bodily injury, as defined.

This bill would add to the list of crimes which may qualify such a person, for treatment by the State Department of Mental Health (1) the actual or attempted arson of a structure, forest land, or property where the act posed a substantial danger of physical harm to others, and (2) a crime in which the perpetrator expressly or impliedly threatened another with the use of force or violence likely to produce substantial physical harm in such a manner that a reasonable person would believe and expect that the force or violence would be used. These provisions would apply to any person committed for treatment by the State Department of Mental Health on or after July 1, 1986.

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

Ch. 17 (SB 307) Rainey. Redevelopment plans.

The existing Community Redevelopment Law imposes specified time limitations on redevelopment plans, prohibits an agency from paying indebtedness or receiving property taxes after 10 years from the termination of the plan, and authorizes the extension of those time limitations in certain instances if prescribed procedures are followed, including extending for up to 10 years a 20-year time limit on the establishment of specified loans, advances, and indebtedness based upon substantial evidence of blight that cannot be eliminated without additional debt. Existing law authorizes a legislative body to amend a redevelopment plan adopted prior to January 1, 1994, that has a shorter limitation than authorized by law to extend the limitation, not to exceed those specified time limitations, by adoption of an ordinance on or after January 1, 1999, but on or before December 31, 1999, without complying with those prescribed procedures.

This bill would, with respect to extending for up to 10 years a 20-year time limit on the establishment of specified loans, advances, and indebtedness based upon substantial evidence of blight that cannot be eliminated without additional debt, prohibit the use of the authority to extend a shorter limitation by adoption of an ordinance on or after January 1, 1999, but on or before December 31, 1999, without complying with those prescribed procedures.

The bill would specify that its provisions do not constitute a change in, but are declaratory of, existing law.

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

Ch. 18 (SB 100) Burton. Political parties: primaries: delegate returns.

Existing law provides that all properly registered voters may vote for their choice at any primary election for any candidate for each public office, regardless of political affiliation and without a declaration of political faith or allegiance. Existing law requires elections officials to send to the Secretary of State the election returns for all persons voted for at the presidential primary as delegates to national conventions.

Existing law requires each voter to be furnished an official primary ballot at a primary election. Existing law requires the official primary ballot to contain the names of all candidates for nonpartisan and partisan offices and measures to be voted for at the primary election.

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

This bill would impose a state-mandated local program by requiring elections officials to report the results at the presidential primary for candidates for President to whom delegates of a political party are pledged according to the number of votes each candidate received from all voters and separately according to the number of votes each candidate received from voters affiliated with each political party qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party. The bill would require the elections official to adopt procedures and tabulate the ballots separately.

Existing law requires the Secretary of State to compile the election returns for various public offices and measures and make those results immediately available to the public.

This bill would expressly require the Secretary of State to compile and make the election returns of the presidential primary reported by the elections officials available to any person or organization upon request.

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

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

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

Ch. 19 (SB 231) Committee on Local Government. Validations.

This bill would enact the First Validating Act of 1999, 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. 20 (SB 301) Committee on Rules. Secretary of Senate and Chief Clerk of Assembly: notarial duties.

Existing law provides for the appointment and commission of notaries public and authorizes specified public officers and officials to perform services performed by notaries public relating to the acknowledgment and proof of execution of instruments. Existing law also provides for the offices of Secretary of the Senate and the Chief Clerk of the Assembly and authorizes those officers to administer and certify oaths.

This bill would authorize the Secretary of the Senate and the Chief Clerk of the Assembly to perform the services of acknowledgment and proof of execution of instruments in accordance with the provisions of law governing the performance of notarial services by public officers.

Ch. 21 (SB 1240) Burton. Maternal and child health: food program: vendors.

Existing law authorizes the State Department of Health Services to conduct a statewide program, to be known as the Special Supplemental Food Program for Women, Infants, and Children, for providing nutritional food supplements to low-income pregnant women, low-income postpartum and lactating women, and low-income infants and children under 5 years of age, who have been determined to be at nutritional risk by a health professional, based on criteria established by the department.

Existing law requires the department, under any program established pursuant to these provisions, to authorize retail food vendors, by written agreement, to accept nutrition coupons, and requires the department to establish specified criteria to limit the number of retail food vendors with which the department enters into agreements. The specified criteria includes the prices the vendor charges for foods in relation to other stores in the area.

This bill would instead include among the specified criteria the prices the vendor charges for foods in relation to other peer groups, as defined. The bill would require the department to authorize retail food vendors, by written agreement, to also accept

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reimbursement, according to the system developed by the department, in addition to food coupons.

Existing law requires the department to ensure that, at a minimum, an authorized vendor take specified actions with respect to the programs.

This bill would include among these specified actions that a vendor accept up to the maximum allowable department reimbursement as payment in full for the maximum allowable quantity of food listed on the food instrument, and comply with department rules of vendor authorization, reimbursement, and monitoring that control program food costs, maximize participant access, and ensure program integrity.

The bill would also require the department to administer these provisions and to adopt minimum standards and regulations.

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

Ch. 22 (SB 24) Committee on Public Safety. Vehicles.

(1) Existing law makes it a crime to drive a vehicle while under the influence of alcohol, any drug, or a combination of alcohol and any drug. Existing law also makes it a crime to drive a vehicle with a blood-alcohol content equal to or greater than a specified percentage or to drive a vehicle when addicted to the use of any drug (DUI offenses). Under the provisions of Chapter 118 of the Statutes of 1998 (SB 1186), operative on July 1, 1999, these DUI provisions will be reorganized, without substantive change. Other chapters of the Statutes of 1998 made various changes to certain of the same DUI statutes affected by the reorganized provisions.

This bill would correct certain cross-references and would provide clarifying cross-references and renumbering to these reorganized provisions. The bill would also make technical and conforming changes to certain of the DUI provisions affected by other chapters of the Statutes of 1998. The bill would delete certain duplicative provisions. These technical and clarifying changes and the changes described in (4) would become operative on July 1, 1999, the operative date of the reorganized provisions.

(2) Existing provisions of the Insurance Code provide that a person is qualified to purchase a Good Driver Discount policy if the driver, among other things, during the previous 7 years has not been convicted of specified violations of the Vehicle Code and the Penal Code.

This bill would add to those violations specified former sections of the Vehicle Code.

(3) Existing law requires the Department of Motor Vehicles to notify the registered owner of each vehicle of the date that the registration renewal fee of the vehicle is due, as specified. Existing law also provides for the removal and impoundment of a vehicle with a vehicle registration expiration in excess of 6 months.

This bill would require the department when providing the registered owner with any final notice of delinquent registration to include a warning that failure to properly register the vehicle may result in the vehicle's removal and impoundment.

(4) Existing law authorizes peace officers and certain regularly employed and salaried employees engaged in traffic control matters of local agencies to remove vehicles under specified circumstances, including vehicles found in certain public places with a registration expiration date in excess of 6 months, before the date it is found. However, as to occupied vehicles with a registration expiration date in excess of 6 months, only a peace officer may remove the vehicle.

This bill would revise these provisions to also authorize the removal of a vehicle that is operated in certain places with a registration expiration date in excess of 6 months.

(5) Existing law authorizes the Department of Motor Vehicles to issue restricted drivers' licenses to persons following their convictions of DUI offenses if those persons comply with specified conditions including enrollment and participation in, and completion of licensed alcohol and other drug education and counseling services programs, or the installation and maintenance of ignition interlock devices, or both.

This bill would require the department to terminate the restrictions and to suspend or revoke, as specified, the person's privilege to operate a motor vehicle upon notification from the program that the person has failed to comply with the program's requirements. The bill would make conforming changes.

The bill would also require the department to suspend a person's driving privilege for one year if the person is subject to the above ignition interlock device restriction and is

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convicted of operating a vehicle without a functioning ignition interlock device. The bill would make conforming changes.

The bill would require each person who is subject to an ignition interlock device restriction to have serviced, at least every 60 days, the device, as specified. The bill would require the installer who services these devices to notify the court if the device indicates that the person has attempted to remove, bypass, or tamper with the device, or if the person fails 3 or more times to comply with any requirement for the maintenance or calibration of the device. Because, under existing law, a violation of these provisions is a crime, this bill would impose a state-mandated local program by creating a new crime.

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

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

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

Ch. 23 (SB 47) Sher. Hazardous substance account: extension.

(1) Under prior law, the Carpenter-Presley-Tanner Hazardous Substance Account Act, which was repealed on January 1, 1999, with certain exceptions, imposed liability for hazardous substance removal or remedial actions and required the Department of Toxic Substances Control to adopt, by regulation, criteria for the selection and for the priority ranking of hazardous substance release sites for removal or remedial action under the act. The act required the department or, if appropriate, a California regional water quality control board, to prepare or approve remedial action plans for each listed site and provided for an arbitration process for the apportionment of liability for removal or remedial actions. The act authorized the department to expend the funds in the Toxic Substances Control Account in the General Fund, upon appropriation by the Legislature, to pay for, among other things, removal and remedial actions related to the release of hazardous substances. However, certain provisions of the act, including the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984 and related provisions, will not be repealed until the date when the bonds issued and sold pursuant to the bond act have been paid and the General Fund reimbursed.

Among other things, the act annually appropriated $5,000,000 from the Hazardous Substance Clearing Account to pay the principal of, and interest on, bonds issued and sold pursuant to the bond act and continuously appropriated $1,000,000 from the Toxic Substances Control Account to the department as a reserve account for emergencies. The act also continuously appropriated certain funds deposited in a subaccount for removal and remedial actions at a specific site and funds in a subaccount established by the Controller for site operation and maintenance. The act authorized a person to apply to the State Board of Control for compensation of a loss caused by the release of a hazardous substance, and provided that any person who knowingly gives, or causes to be given, any false information as a part of a claim for compensation is guilty of a misdemeanor.

This bill would repeal, reenact, and revise the act, thereby extending the effect of the act indefinitely. This bill would revise the term "operation and maintenance" and would define the terms "response," "respond," "response action," and "site."

The bill would direct the department or California regional water quality board to require a responsible party who is required to comply with operation and maintenance requirements to demonstrate and maintain financial assurance, in a specified manner, except as specified. The bill would require the remedial action plan to evaluate each alternative remedial action considered and rejected by the department or a regional board and to include specified information regarding those alternatives. The bill would require the department to issue orders for removal or remedial actions to the largest manageable number of potentially responsible parties, after considering specified factors, and would exempt certain determinations made by the department, when issuing those orders, from judicial review. The bill would require that any response action taken or approved pursuant to the act be based upon, and be no less stringent than, specified federal regulations and state statutes, regulations, and policies, and would

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require a health or ecological risk assessment prepared in conjunction with such a response action to meet specified criteria and include specified assumptions.

The bill would require the department and the regional board to provide specified information to the affected community and to develop a public participation work plan, and would provide for the establishment of community advisory groups under specified conditions. The bill would authorize a community advisory group to request a technical assistance grant for a site. The department and the State Water Resources Control Board would be required to create 2 community service offices, by July 1, 2000, to perform specified duties.

The bill would require the Attorney General, at the request of the department, to recover, pursuant to state or federal law, any costs incurred by the department or regional board in carrying out the act. The bill would exempt certain owners of property from liability for groundwater releases, except as specified.

The bill would require the department to propose a final administrative or judicial expedited settlement with potentially responsible parties who have contributed a minimal amount of hazardous substances to a site.

The bill would establish the Orphan Share Reimbursement Trust Fund in the State Treasury and would authorize the administrator of the fund to expend the money in that fund, upon appropriation by the Legislature, for specified purposes, including the reimbursement of the orphan share of a site, as defined. The bill would provide that the provisions establishing the fund and the related provisions would not become operative until the operative date of a statute that becomes operative on or after January 1, 2000, creates a position in state government known as the Administrator of the Orphan Share Reimbursement Trust Fund to be appointed by the Governor and subject to confirmation by the Senate, and either appropriates funds to implement those provisions or establishes a revenue source for the fund, or both. The bill would provide for the suspension of the operation of those provisions under specified conditions.

The bill would make an appropriation by reenacting the continuous appropriations specified above. The bill, by reenacting the act, would also extend that misdemeanor provision, thereby imposing a state-mandated local program by creating a new crime.

The bill would provide that any action taken pursuant to the former act by the department, a California regional water quality control board, or any other state or local agency, would remain in effect on and after January 1, 1999, and be subject to the act, as reenacted by this bill. The bill would provide that it does not terminate, affect, or modify any proceeding, order, or agreement issued or entered into by the department, the regional board, by any other state or local agency pursuant to the former act or any rights or obligations arising out of a bond issue and that the reenacted act would apply retroactively, on and after January 1, 1999, to those proceedings, orders, agreements, or bonds.

The bill would require that funds expended by the department to pay the costs of carrying out actions to remove hazardous substances from sites of illegal drug laboratories during the period from January 1, 1999, until the effective date of the bill, to be paid from a specified appropriation made in the Budget Act of 1998, and would provide for the transfer of a specified amount of funds expended by the department from that appropriation.

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

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

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

Ch. 24 (SB 133) Kelley. Local capital investment incentives: qualified manufacturing facilities.

Existing law authorizes cities and counties to pay capital investment incentive amounts to a requesting proponent of a qualified manufacturing facility. A "qualified manufacturing facility" is defined for these purposes to include a facility that is operated by a business described in specified provisions of the Standard Industrial Classification Manual published by the United States Office of Management and Budget, 1987 edition.

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This bill additionally would include within this definition a facility operated by a business engaged in the recovery of minerals from geothermal resources.

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

Ch. 25 (SB 463) 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 $1,255,178.62 from various funds, as specified, to the Executive Officer of the State Board of Control to pay claims accepted by the State Board of Control in accordance with a schedule that identifies various funds and accounts from which the payments are to be made.

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

Ch. 26 (SB 1205) Escutia. Housing: governmental assistance.

Existing law prescribes requirements for an owner of a housing development to give notice to tenants of the proposed termination or prepayment of governmental assistance, and requires an owner to give specified entities an opportunity to purchase the development upon terms that represent a bona fide intention to sell.

This bill would provide that the owner is deemed in compliance with those notice requirements when the owner decides to sell or dispose of the property if, prior to July 1, 1999, the owner has accepted such a bona fide offer. The bill would revise certain conditions that must be met by a qualified purchaser and revise the definition of an assisted housing development for that purpose.

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

Ch. 27 (AB 266) Longville. County employee retirement: contributions.

The County Employees Retirement Law of 1937 provides that contributions shall not be deducted from the salary of members having credit for 30 years' service provided the member was a member on March 7, 1973.

The bill would provide that any member having credit for 30 years' continuous service in the retirement association of San Bernardino County would not have contributions deducted from the member's salary.

Ch. 28 (AB 270) Floyd. Horse racing.

(1) Under existing law, the California Horse Racing Board may authorize an association conducting a racing meeting to accept wagers on the results of out-of-state harness or quarter horse features or stakes races, and with the board's approval and the concurrence of the horsemen's organization contracting with the association, other designated harness or quarter horse races, if the authorization complies with specified provisions of federal law, the wagering is offered only within the inclosure and only within 36 hours of the running of the out-of-state feature race, the association conducts at least 7 live races and imports no more than 4 races on live racing days, and, on days when live races are not being conducted, the purse in the out-of-state race is $100,000 or more.

This bill would limit this provision to harness and quarter horse associations, and would provide that the board may authorize these associations to accept wagers on up to 6 out-of-state or out-of-country harness or quarter horse races on any given live racing day, and, subject to specified conditions, to import additional races if only one breed is being raced on a given live racing day, the purse amount from which, after the usual deductions, including the portion for the racing association, would be distributed equally in the form of purses for harness and quarter horse horsemen. This bill would also delete the requirement that races imported under this provision be feature races or stake races with a purse of $100,000 or more.

(2) Under existing law, all revenues distributed to the state as license fees from horse racing are required to be distributed in the Fair and Exposition Fund and are continuously appropriated to the Department of Food and Agriculture for various regulatory and general governmental purposes.

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By providing for the importation of additional out-of-state and out-of-country races, this bill would authorize additional wagering, and would increase the amount of continuously appropriated license fees, thereby making an appropriation.

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

Ch. 29 (AB 1261) Committee on Agriculture. California Sheep Commission.

Existing law establishes the California Sheep Commission and prescribes the powers and duties of the commission, which include regulating and promoting the sheep industry in California. Existing law requires the Secretary of Food and Agriculture, not later than April 1, 1999, or as soon thereafter as possible, to establish a list of producers eligible to vote on the implementation of those provisions.

Under existing law, if the provisions governing the commission are implemented, the commission would be required on January 1 of each year, or as soon thereafter as possible, to establish assessments on wool marketed by producers, as specified.

This bill would specify that these assessment provisions apply to wool that was removed from sheep after December 31, 1998.

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

Ch. 30 (SB 16) Burton. Public works: prevailing wages.

(1) Existing law requires the body awarding any contract for public work to include in the contract specifications a requirement requiring the payment of travel and subsistence payments to each workman needed to execute the work, as those payments are defined in the applicable collective bargaining agreements.

This bill would repeal this provision.

(2) Existing law requires, except for public works projects of $1,000 or less, that workers employed on public works be paid not less than the general prevailing rate of per diem wages for work of a similar character in the locality that the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed, as provided in specified provisions. Existing law requires the body awarding a contract for public work to obtain from the Director of Industrial Relations the general prevailing rate for holiday and overtime work in the locality in which the public work is to be performed. Existing law specifies that the holidays upon which the prevailing rate of per diem wages shall be paid need not be specified by the awarding body but shall be all holidays recognized in the collective bargaining agreement.

This bill would provide that the holidays upon which the prevailing rate of per diem wages shall be paid shall be all holidays recognized by the applicable collective bargaining agreement and that if the prevailing rate is not based on a collectively bargained rate, the holidays upon which the prevailing rate shall be paid shall be as provided by a specified provision of existing law.

This bill would specify the methodology that the Director of Industrial Relations is to use to determine the general prevailing rate of per diem wages in the locality in which the public work is to be performed, including the rate for holiday and overtime work.

(3) Existing law requires that the representative of any craft, classification, or type of worker needed to execute a public works contract entered into with the state to file with the Department of Industrial Relations fully executed copies of collective bargaining agreements for the particular craft, classification, or type of work involved for the purposes of determining the per diem wages.

This bill would require the representative to file with the department an executed statement of the collectively bargained wage rates for the particular craft, classification, or type of work involved. The bill would provide that employer payments for per diem wages are deemed to include apprenticeship or other training programs authorized by an existing provision of law so long as the cost of training is reasonably related to the amount of the contributions.

Ch. 31 (AB 234) Lowenthal. Criminal history information: access by public housing authority.

Existing law authorizes local law enforcement agencies to furnish state summary criminal history information for the purpose of screening prospective residents and

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prospective and current staff of a regional, county, city, or other local public housing authority, at the request of the chief executive officer of the authority or his or her designee, upon a showing by the authority that it operates housing at which children under the age of 18 years reside or operates housing for persons categorized as aged, blind, or disabled.

This bill would also provide that a public housing authority would be entitled to receive criminal summary history information upon a showing by the authority that the authority manages a Section 8 housing program.

Ch. 32 (AB 323) Baldwin. Counties: oversight committees.

Existing law prohibits a member of a county treasury oversight committee from securing employment with bond underwriters, bond counsel, security brokerages or dealers, or financial services firms during the period that the person is a member of the committee or for three years after leaving the committee.

This bill instead would prohibit a person who is a member of the committee from securing employment with, or being employed by, any of these employers with whom the county treasurer is doing business or for one year after leaving the committee.

Ch. 33 (AB 468) Baugh. Bail.

Existing law authorizes a local law enforcement agency to furnish to a licensed bail agent or bail bond licensee, upon request, an individual's known aliases and other specified information upon specified conditions, including the condition that the information be from the record of a person for whom a bench warrant has been issued.

This bill would amend the above condition by requiring in the alternative, that the information be from the record of a person for whom a bail forfeiture has been ordered.

Ch. 34 (AB 223) Wiggins. Property tax revenue shifts: exclusions: fire districts.

Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing property tax law also reduces the amounts of ad valorem property tax revenue that would otherwise be annually allocated to the county, cities, and special districts pursuant to these general allocation requirements by requiring, for purposes of determining property tax revenue allocations in each county for the 1992–93 fiscal year, that the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. It requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education. It also limits the initial reduction amount that may be so calculated and transferred with respect to a special district to no more than 40% of that district's property tax revenues or 10% of that district's total annual revenues. For purposes of applying these limits with respect to a special district, including a fire department, that provides fire protection or fire suppression services in a county that contracts with the state to protect state responsibility areas, existing law specifies that the district's total annual revenues do not include the total amount of all funds that are appropriated to that district pursuant to certain statutory provisions.

This bill would clarify the application of this exclusion to a special district in a county that contracts with the state for the protection of state responsibility areas and in a county that does not so contract, and would specify that this exclusion, as amended by a specified legislative act, should not be construed to affect the exclusion as it existed prior to those amendments.

Ch. 35 (AB 542) Reyes. Employment Development Department: federal funds: employment service program administrative costs.

(1) Existing law permits the state, upon appropriation by the Legislature, to requisition specified funds in the account of the state in the federal Unemployment Trust

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Fund for use to pay expenses incurred for the administration of unemployment compensation.

This bill would appropriate $1,867,000 from the Unemployment Fund from moneys requisitioned from the federal Unemployment Trust Fund for use, subject to the limitations of specified federal law, for administrative costs of the Employment Development Department employment service program. The appropriation would apply only to expenses obligated during the period commencing with the effective date of this act and ending June 30, 2000.

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

Ch. 36 (SB 98) Alarcon. Vehicles: fees: air pollution.

(1) The Lewis-Presley Air Quality Management Act requires the South Coast Air Quality Management District to establish a program to encourage participation in projects to increase the utilization of clean-burning fuels.

This bill would require the south coast district to establish an Office of Technology Advancement to administer the clean-burning fuels program and to establish an advisory group, as specified, to make recommendations regarding the program, technology advancement, and pollution reduction. The bill would also require the south coast district, on or before March 1 of each year, to prepare and submit to the Legislative Analyst and to specified committees of the Legislature, a report that contains specified information regarding the program. By imposing new duties on the south coast district, the bill would impose a state-mandated local program.

(2) Existing law, until August 1, 1999, authorizes the south coast district to impose a $1 fee on the renewal of registration of motor vehicles in the district, to fund the program.

This bill would extend that motor vehicle registration fee authority until January 1, 2005. The bill would make other conforming changes.

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

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

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

Ch. 37 (SB 55) O'Connell. State Department of Education.

Under existing law, there is in state government a State Department of Education and the department is responsible for various ongoing activities involving the public schools.

This bill would appropriate $3,240,000 from the General Fund to the State Department of Education as follows: (1) $3,000,000 in augmentation of the Budget Act of 1998 for executive management and special services and (2) $240,000 in augmentation of the Budget Act of 1998 for the purpose of supporting the adoption of instructional materials in the 1998–99 fiscal year.

This bill would also, notwithstanding any other provision of law, authorize the Director of Finance to make a loan from the General Fund to the State Department of Education in an amount not to exceed $2,500,000 for the purpose of assisting the department to meet cash needs resulting from the delay in receipt of reimbursements in the 1998–99 fiscal year and would provide that interest charges on the loan shall be waived.

This bill would declare that it is to go into immediate effect as an appropriation for the usual current expenses of the state.

Ch. 38 (AB 264) Mazzoni. Redevelopment: Hamilton Army Airfield.

The existing Community Redevelopment Law requires redevelopment agencies that receive tax-increment revenues and that have adopted redevelopment plans or amended redevelopment plans to include new territory, after January 1, 1994, to make specified payments to local taxing entities that are affected by activities of the redevelopment agencies. Existing law expresses the intent of the Legislature that these payments are necessary to alleviate the financial burden and detriment that affected taxing entities may incur as a result of the adoption of a redevelopment plan, that the payments will benefit redevelopment project areas, and that the payments are the

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exclusive payments that are required to be made by a redevelopment agency to affected taxing entities during the term of a redevelopment plan.

Existing law, until January 1, 2001, recognizes the City of Novato as the single local base reuse entity for purposes relating to reuse planning for the Hamilton Army Base, which is also known as the former Hamilton Air Force Base for purposes of existing law that authorizes a local agency, by ordinance, to allow graduated compliance of buildings on former military bases with building regulations or standards.

This bill would authorize the redevelopment agency of the City of Novato to pay to other specified agencies any amounts of money that in the redevelopment agency's determination are appropriate to alleviate any financial burden or detriment caused to those other agencies by the Hamilton Field Redevelopment Project.

Ch. 39 (AB 316) Machado. County retirement: benefits: cost-of-living adjustments.

The County Employees Retirement Law of 1937 prescribes alternative optional cost-of-living adjustments for retirement benefits.

This bill would authorize boards of supervisors to elect to provide an additional prefunded 1% increase in the present cost-of-living adjustment for each full 3% annual increase in the cost of living over the existing maximum cost-of-living adjustment factor. These increases would be used to offset any existing accumulated carryover cost-of-living adjustment balances.

Ch. 40 (AB 335) Mazzoni. State Teachers' Retirement System: class size.

Existing law, until July 1, 2002, exempts the compensation earned by a member of the State Teachers' Retirement System from specified postretirement compensation limitations if, among other requirements, the member is employed by a school district to provide direct classroom instruction in newly created grades kindergarten to 3 or temporarily fill a position in grades 4 to 12 that was vacated due to a teacher transferring to a classroom in grades kindergarten to 3 within the same district to meet the objectives of the Class Size Reduction Program.

This bill would revise the employment requirements applicable to the above described exemption to require that the member be employed by the school district to provide direct classroom instruction in classrooms created pursuant to specified provisions of existing law regarding class size reduction or to temporarily fill a position that was vacated due to a transfer pursuant to those provisions.

Existing law, until July 1, 2002, provides that, upon written request, a member who retired on or before July 1, 1996, and who, within a specified period of time, terminated his or her service retirement allowance and returned to employment that qualifies for the exemption described in existing law described above may cancel his or her reinstatement and return to retirement status as if the service retirement allowance had not been terminated.

This bill would delete this provision.

This bill would provide that the changes made by the bill would apply to the 1999–2000 school year and subsequent school years.

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

Ch. 41 (AB 432) Leach. Real estate brokers: advertisements.

Existing law requires licensed real estate brokers, in connection with any advertisement soliciting borrowers or potential investors, to disclose in those advertisements, among other things, the license information telephone number established by the Department of Real Estate.

This bill would repeal that particular disclosure requirement in connection with advertisements soliciting borrowers or potential investors.

Ch. 42 (AB 455) Ashburn. County employees' retirement.

The County Employees Retirement Law of 1937 limits the application of specified alternative retirement allowance calculations and provides that in Kern County these limitations are only applicable to persons who first became members of the retirement system on and after January 1, 1996.

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This bill would change that date to January 1, 1994.

Ch. 43 (AB 1132) Ackerman. Civil actions: noticed motions.

Existing law provides that all moving and supporting papers in a civil action are generally required to be served and filed at least 15 calendar days before the time appointed for the hearing, all papers opposing a motion are required to be filed with the court and served on each party at least five court days before the time appointed for the hearing, and all reply papers are to be filed with the court and served on the parties at least two court days before the hearing. Existing law provides, however, that if the notice is served by mail in this state, the required 15-day period of notice is increased by 5 days, and if the notice is served by mail out of state or outside of the United States, the required 15-day period of notice is extended by 10 and 20 days, respectively. Existing law also provides that if the notice is served by facsimile transmission or a method of overnight delivery, the 15-day period of notice is increased by 2 court days.

This bill would revise these provisions by requiring a party to serve and file all moving and supporting papers at least 21 calendar days before the hearing, would provide that all papers opposing a motion are to be filed and served at least 10 calendar days before the hearing, and would provide that all reply papers are to be filed and served at least 5 calendar days before the hearing, as specified. The bill would also revise the above described provisions regarding the extension of time for service of notice by mail, facsimile, or overnight delivery by providing that the specified days of extension are calendar days.

Ch. 44 (AB 1209) Committee on Health. Medi-Cal: disproportionate share hospitals.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services. The Medi-Cal program provides for a special methodology of reimbursement of disproportionate share hospitals, as defined, for the provision of inpatient hospital services. Under the Medi-Cal program, the department is required to make supplemental payments to certain disproportionate share hospitals, based on specified criteria. Payments are made from defined intergovernmental transfers that are paid into the Medi-Cal Inpatient Payment Adjustment Fund, as required, with this fund being continuously appropriated for specified purposes.

Existing law determines the methodology of reimbursement for disproportionate share hospitals for the 1999–2000 payment adjustment year, based on projections regarding the federal medical assistance percentage for federal financial participation purposes that will be applicable to Medi-Cal program expenditures with respect to the 2000 federal fiscal year.

This bill would revise some of the factors used to calculate the rate of reimbursement for disproportionate share hospitals described above and would make related changes. This bill would also require the State Department of Health Services to take all necessary steps to arrange for publication of any public notices that are required or appropriate under federal or state law, in order to ensure an effective date for the bill of no later than June 30, 1999, for federal medicaid purposes. The bill would provide that the costs of publishing any notice through a private vendor shall be recovered by the department from the Medi-Cal Inpatient Payment Adjustment Fund. By requiring moneys continuously appropriated from the Medi-Cal Inpatient Adjustment Fund to be allocated for this new purpose, the bill would make an appropriation.

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

Ch. 45 (SB 166) Baca. Property tax revenue transfers: County of San Bernardino and City of Chino Hills.

Existing law establishes various procedures for the negotiated exchange of property tax revenues between jurisdictions in a county in the event of a jurisdictional change.

This bill would, subject to certain requirements and limitations, authorize the County of San Bernardino and the City of Chino Hills to enter into a written agreement for the annual transfer from that county to that city of a specified percentage of certain additional ad valorem property tax revenues, attributable to certain classes of

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improvements to commercial or industrial properties that are identified in the agreement.

This bill would make legislative findings and declarations as to the necessity for a special statute.

Ch. 46 (SB 314) Kelley. Metropolitan water districts.

The Metropolitan Water District Act authorizes a metropolitan water district to provide, sell, and deliver water at wholesale for municipal and domestic uses and purposes, and surplus water not needed or required for domestic or municipal uses within the district for beneficial purposes.

This bill would provide that, for the purposes of the act, any water purchased at the uniform rate or rates established by a district for domestic or municipal uses and used for beneficial purposes within that district shall be deemed to be water for domestic and municipal uses and not surplus water.

Ch. 47 (SB 364) Perata. Transportation: State-Local Transportation Partnership Program.

Existing law requires the Department of Transportation, until July 1, 1999, to implement the State-Local Transportation Partnership Program pursuant to specified procedures that allow the state to contribute a share to fund certain local transportation projects.

This bill, notwithstanding the expiration of the program, would extend the authority to let construction contracts for certain projects under the program until June 30, 2000, and would require that funds appropriated for those projects be expended not later than June 30, 2003.

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

Ch. 48 (SB 447) Dunn. Discovery: inspection demands.

Existing law provides that any party may obtain discovery, as specified, by inspecting documents, tangible things, and land or other property that are in the possession, custody, or control of any other party to the action.

This bill would provide that any party may propound a supplemental demand for inspection to inspect any later acquired or discovered documents, tangible things, or land or other property that are in the possession, custody, or control of the party on whom the demand is made, under specified conditions, and would also provide that on motion, for good cause shown, the court may grant leave to a party to propound an additional number of supplemental demands for inspection, as specified.

Ch. 49 (SB 1165) Sher. Expedited judicial review.

Existing law provides for judicial review of decisions by a local public agency regarding the issuance, revocation, suspension, or denial of a business or other permit.

This bill would set forth an expedited procedure for judicial review of decisions by a local public agency regarding the issuance, revocation, suspension, or denial of a permit involving expressive conduct protected by the First Amendment to the United States Constitution, as specified.

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

Ch. 50 (SB 160) as amended, Peace. 1999–2000 Budget. [1]

This bill would make appropriations for support of state government for the 1999–2000 fiscal year.

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

Ch. 51 (AB 1113) Florez. School safety.

(1) Existing law establishes the School Violence Prevention Grant Program, a statewide grant program coordinated through county offices of education and school districts for school violence prevention programs.

This bill would establish the School Safety and Violence Prevention Act, a statewide program to be administered by the Superintendent of Public Instruction, who would allocate funds to school districts that maintain any of grades 8 to 12, inclusive, that certify

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the funds will be used as required by this act. Funds allocated pursuant to this program would be expended for purposes that include, but are not limited to, providing conflict resolution personnel, providing on-campus communication devices, establishing staff training programs, and establishing cooperative arrangements with law enforcement agencies.

(2) This bill would also establish the School Violence Prevention and Response Task Force consisting of the Superintendent of Public Instruction, the Attorney General, the Director of the Office of Criminal Justice Planning, the Secretary for Education, and 12 individuals representing educators, health care practitioners, and members of the law enforcement community, each with expertise in school-based crisis prevention and response. The bill would require the task force to perform various duties, including, among others, analyzing and evaluating current statutes and programs in the area of school-based crisis prevention and response, and making appropriate policy recommendations on how to enhance state and local programs and training to adequately prepare school districts and county offices of education to meet the challenges stemming from disruptive and violent acts, or both, on or near school campuses. The bill would require the task force to report its findings and recommendations to the Legislature and the Governor on or before April 10, 2000.

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

Ch. 52 (AB 1114) Steinberg. Certificated Staff Performance Incentive Act.

Existing law, the National Board for Professional Teaching Standards Certification Incentive Program, awards grants to school districts for the purpose of providing one-time $10,000 merit awards to teachers who are employed by school districts or charter schools, are assigned to teach in California public schools, and have attained certification from the National Board for Professional Teaching Standards. Existing law establishes the Public School Performance Accountability Program that consists in part of a state Academic Performance Index, known as the API.

This bill would establish the Certificated Staff Performance Incentive Act for the purpose of awarding one-time performance bonuses to certificated teachers and other certificated school employees in eligible underachieving schools where the academic performance of pupils significantly improves beyond a minimum percentage growth target. The bill would require the State Board of Education to establish criteria for determining the eligibility of schools to receive the awards and to determine the amount to be allocated to a school based on the number of teachers and other certificated staff eligible to receive an award, not to exceed $25,000 per full-time equivalent certificated staff.

The bill would provide the award program would only be implemented if funds are appropriated for these purposes in the annual Budget Act. The bill would require the Superintendent of Public Instruction to allocate funds to school districts and charter schools that have certified that they satisfy certain eligibility requirements, and to notify the exclusive representative of the teachers and other certificated staff in each district of the availability of the funds. The bill would require the governing board of the school district, upon receiving an allocation for the purpose of making awards, to negotiate individual teacher and other certificated staff salary award amounts with the exclusive representative of the teachers and other certificated staff. The bill would provide for the amount of awards in the event that an agreement is not reached between the governing board of the school district and the exclusive representative of the teachers and other certificated staff.

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

Ch. 53 (AB 1117) Calderon. Teacher salaries.

Under existing law, the governing board of each school district is generally required to establish the compensation paid to persons in public school service that require certification.

This bill would permit the governing board of a school district, the county superintendent of schools, or the county boards of education, in the 1999–2000 fiscal year, to increase the lowest salary on the salary schedule for a certificated employee that meets certain requirements by designating as the lowest salary on the salary schedule an

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amount not to exceed $32,000. This bill would set forth procedures for providing per-pupil incentives to local educational agencies for providing this increase.

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

Ch. 54 (AB 1535) Florez. Prison construction.

Existing law authorizes the construction of correctional facilities, as specified, and authorizes the necessary funding for specified construction to be obtained through lease-purchase financing methods.

This bill would authorize the Department of Corrections to construct and establish a maximum security prison, together with a Level I support services facility, in the vicinity of Delano to be known as the California State Prison-Kern County at Delano II, as specified. This bill would appropriate $24 million from the General Fund for site acquisition and other costs, and authorize $311.5 million for construction of the prison to be provided through lease-purchase arrangements, subject to certain findings being made, as specified. The bill would also make activation of the prison contingent upon provision by the department of 9,000 therapeutic drug treatment slots or similar modalities. The bill would also provide that up to $4 million will be available for local mitigation costs, as specified. This bill would also appropriate $15.5 million from the General Fund for additional parole officers. The bill would also provide that the Director of Finance, upon request by the Director of Corrections and upon legislative notification, may redirect certain funds appropriated in the Budget Act.

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

Ch. 55 (AB 616) Oller. Municipal utility districts: bid requirements.

The Municipal Utility District Act requires the purchase of supplies and materials by a municipal utility district to be let by contract to the lowest responsible bidder when the expenditure is in excess of $20,000, or, in any district with a population of 250,000 or more, in excess of $50,000, as prescribed, with annual adjustments to those dollar limits.

This bill, with respect to a district with a population below 250,000, would generally increase that $20,000 figure to $25,000. The bill , until January 1, 2003, with respect to all districts, would require the purchase of a vehicle to be by contract let to the lowest responsible bidder if the expenditure required exceeds $50,000.

Ch. 56 (AB 262) Runner. Local sales and use taxes: revenue sharing contracts.

The California Constitution authorizes the Legislature to allow counties, cities and counties, and cities to enter into contracts to apportion between them those revenues derived from any local sales and use tax that is collected for them by the state, provided that any contract for that purpose is approved by a majority of the voters voting on the issue in each subject jurisdiction. Existing statutory law implements this constitutional authority with respect to contracts for the sharing of revenues derived from local taxes imposed under the Bradley-Burns Uniform Local Sales and Use Tax Law. Notwithstanding that constitutional authority, the California Constitution also authorizes counties, cities and counties, and cities, with the approval of $^2/_3$ of the governing body of each affected jurisdiction but without the necessity of approval by the voters, to enter into contracts to apportion revenues derived from local taxes imposed under the same law.

This bill would establish this latter authorization in statutory form.

Ch. 57 (AB 1536) Robert Pacheco. Banks: extension of credit.

Existing state law provides that no bank shall acquire, hold, extend credit on the security of, or extend credit for the purpose of acquiring or carrying, any security of the bank or of any controlling person of the bank. An "extension of credit" for these purposes is defined in Regulation O of the Federal Reserve Board as in effect July 1, 1995.

This bill would, instead, refer to Regulation O, as amended from time to time.

Ch. 58 (SB 113) Kelley. Manufacturing Enhancement Areas: tax credits.

The Personal Income Tax Law and the Bank and Corporation Tax Law provide a credit against the taxes imposed by those laws to a qualified taxpayer for hiring a qualified disadvantaged individual for employment in a Manufacturing Enhancement Area.

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This bill would make specified clarifying changes to those provisions.

Ch. 59 (SB 223) Kelley. Infrastructure financing: Salton Sea Authority.

Existing law authorizes counties and cities to form infrastructure financing districts, in accordance with a prescribed procedure, to finance public capital facilities utilizing a method of tax increment financing.

This bill would authorize the Salton Sea Authority, a joint powers authority, to utilize this law to form an infrastructure financing district to fund the construction of, and purchasing electrical power for, projects for the reclamation and environmental restoration of the Salton Sea.

Ch. 60 (SB 328) Alpert. Real property: liability.

Existing law establishes specified, 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 establishes 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 are not subject to the one-form-of-action limitation in other provisions of existing law. Existing law also authorizes 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 these provisions of existing law 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.

This bill would delete the January 1, 2000, limitation.

Ch. 61 (SB 485) Rainey. California Industrial Development Financing Act.

(1) The California Industrial Development Financing Act provides cities and counties with the authority to pass ordinances, and redevelopment agencies with the authority to pass resolutions, establishing industrial development authorities that are empowered to issue industrial development revenue bonds under terms and conditions specified in the act.

This bill would provide a public agency with the power to transact any business or exercise any powers of an industrial development authority under the act without having to establish an authority and would provide that references in the act to authority and board shall mean public agency and governing body, respectively.

(2) The act provides that property acquired pursuant to certain of its provisions shall be suitable for, or shall evidence an obligation respecting, certain uses and activities.

This bill would add commercial uses in an enterprise zone or commercial activities in an empowerment zone and enterprise community to that list of authorized uses and activities.

Ch. 62 (SB 629) Kelley. County water authorities.

Existing law provides for the formation of county water authorities and grants specified powers to those entities, including the authority to provide, by resolution or ordinance, for all matters that are necessary for the proper administration of those authorities. Existing law authorizes the legislative body of a local public agency, by ordinance, to make any violation of an ordinance enacted by the agency subject to an administrative fine or penalty, as prescribed.

This bill would authorize the board of directors of an authority to adopt regulations regarding its facilities, property, and rights-of-way. The bill would authorize the board of directors, by ordinance, to make a violation of those regulations subject to an administrative fine, as specified. The bill would require the board of directors to set forth, by ordinance or resolution, the administrative procedures that govern the imposition, enforcement, collection, and administrative review by the authority of those administrative fines in accordance with specified provisions of law, except as otherwise specified.

Ch. 63 (SB 901) Knight. Local agencies: spheres of influence: City of Lancaster.

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Existing law declares the intent of the Legislature to expand temporarily the City of Lancaster's sphere of influence to include Edwards Air Force Base and adjacent territory, and to allow the city to expend specified funds outside the city limits but within its temporary sphere of influence to promote commercial space efforts, to retain and create commercial space jobs, and to develop commercial space infrastructure on and around the base. Existing law further specifies that the Legislature deems the City of Lancaster's sphere of influence to include designated territory, and prohibits the Los Angeles County Local Agency Formation Commission from disapproving the city's expenditures for improvements and services as specified. These provisions are repealed as of January 1, 2000.

This bill would extend the repeal date of these provisions to January 1, 2002. It would additionally revise the types of city expenditures that may not be disapproved by the commission.

Ch. 64 (AB 10) Correa. Bank and corporation taxes: minimum franchise tax.

The Bank and Corporation Tax Law generally imposes a franchise tax on corporations doing business within the limits of this state, including a minimum franchise tax on specified banks and corporations, except as provided, and provides, for income years beginning on or after January 1, 1999, for a minimum franchise tax of $500 for the 2nd taxable year for any corporation, except as specified, that has gross receipts, less returns and allowances reportable to this state, of less than $1,000,000 for the income year. The reduced tax applies to any corporation that is a qualified new corporation, as defined, incorporated on or after January 1, 1999.

This bill would provide that for income years beginning on or after January 1, 2000, every corporation, except as specified, that qualifies to do business in this state on or after January 1, 2000, shall not be subject to the minimum franchise tax for its first and second taxable years.

The Bank and Corporation Tax Law provides that a corporation that incorporates under the laws of this state or qualifies to transact interstate business in this state shall prepay a specified minimum franchise tax of $800, except as provided. That law also provides that, for income years commencing on or after January 1, 1999, the amount of the prepaid minimum franchise tax for a qualified new corporation, as defined, shall be $300, unless its gross receipts, as specified, or its tax liability, exceeds specified amounts.

This bill would provide that every corporation that incorporates under the laws of this state or qualifies to do business in this state on or after January 1, 2000, and before January 1, 2001, shall not be subject to the prepayment of that minimum franchise tax, except as provided. This bill would eliminate the prepayment of minimum franchise tax provisions on January 1, 2001, except as provided.

This bill would take effect immediately as a tax levy.

Ch. 65 (AB 1102) Jackson. Environmental protection.

(1) Existing law authorizes the Governor, with respect to the California Environmental Protection Agency, to appoint not more than 3 deputies to the Secretary for Environmental Protection.

This bill would provide that one of those deputies shall be a deputy secretary for law enforcement and counsel and another deputy shall be a deputy secretary for external affairs. The bill would prescribe the duties and responsibilities of those deputies.

(2) Existing law requires a business or entity to obtain various environmental permits prior to undertaking any project that may have an impact on the environment.

This bill would require the secretary to establish permit assistance centers throughout the state to provide businesses and other entities with assistance in complying with the laws and regulations implemented by the boards, departments, and offices within the agency. The bill would also require the secretary to establish an electronic on-line permit assistance center, known as the "California Government-On Line to Desktops" (CALGOLD) program, to be available through the Internet to provide a business or entity with assistance in complying with those laws and regulations.

The bill would also require the secretary to establish no more than 8 pilot projects for the purpose of evaluating whether and how the use of an environmental management system, as defined in the bill, increases, among other things, public health and

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environmental protection, over the protections provided through the issuance, enforcement, and monitoring of any permit, requirement, authorization, standard, certification, or other approval issued by a federal, state, regional, or local agency for those purposes. The bill would authorize the secretary to develop evaluation and monitoring parameters for the evaluation and to develop a model memorandum of understanding to be entered into by the secretary and any regulated entity that agrees to participate in a pilot project. Under the bill, the secretary would be required to submit quarterly reports to the Governor and the Legislature on the status of the pilot projects. The bill would provide for the repeal of the latter provisions on January 1, 2002.

Ch. 66 (AB 1103) Lempert. Government.

(1) Existing law establishes the Upper Newport Bay Ecological Reserve Maintenance and Preservation Fund in the State Treasury and appropriates $200,000 annually from the General Fund to the maintenance and preservation fund for expenditure by the Department of Fish and Game for purposes relating to the maintenance and preservation of the Upper Newport Bay Ecological Reserve.

This bill would provide that the money in that fund is continuously appropriated to the department for purposes related to the maintenance and preservation of the Upper Newport Bay Ecological Reserve.

(2) Existing law authorizes the Department of Boating and Waterways to make loans to cities, counties, and districts for the planning, acquisition, construction, improvement, maintenance, or operation of small craft harbors and facilities in connection with those harbors, and connecting waterways.

This bill would require the department, to the greatest extent possible, to adhere to customary commercial practices to ensure that those loans are adequately secured and that they are repaid consistent with the terms of the loan agreement. The bill would require the department to develop weighing and ranking criteria to qualify and prioritize these public loans. The bill would prohibit loans from being made from funds appropriated in the Budget Act of 1999 for this purpose until certain requirements have been reviewed and approved by the Department of Finance, as specified.

(3) Existing law authorizes the Department of Boating and Waterways to adopt regulations to implement provisions of law governing the making of loans directly to private recreational marina owners for the development, expansion, and improvement of boating facilities.

This bill would require, rather than authorize, the department to adopt regulations and would require that the regulations include the development of weighing and ranking criteria. The bill would prohibit loans from being made from funds appropriated in the Budget Act of 1999 for this purpose until the loan approval standards have been approved by the Department of Finance.

(4) Under existing law, all money in the Harbors and Watercraft Revolving Fund is required to be available, upon appropriation by the Legislature, for expenditure by the Department of Boating and Waterways and the Department of Parks and Recreation for specified purposes.

This bill would require the money also to be available, upon appropriation by the Legislature, to the State Water Resources Control Board for boating-related water quality regulatory activities.

(5) Existing law, the Carpenter-Presley-Tanner Hazardous Substance Account Act (California Superfund), imposes liability for hazardous substance removal or remedial actions and authorizes the use of funds in the Department of Toxic Substances Control Account in the General Fund, upon appropriation by the Legislature, to pay for, among other things, removal and remedial actions related to the release of hazardous substances. The act also continuously appropriates certain funds received from a settlement agreement that are deposited in a subaccount for removal and remedial actions at a specific site and funds in a subaccount established by the Controller for site operation and maintenance.

This bill would create the Stringfellow Insurance Proceeds Account in the State Treasury, to be administered by the Director of Toxic Substances Control, and would require the funds recovered in connection with the Stringfellow Superfund Site to be deposited in the account, including any interest earned upon the money deposited in the

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account. The bill would provide that the funds deposited in the account are available, upon appropriation by the Legislature, for expenditures related to the Stringfellow Superfund Site, pursuant to a specified agreement, and would provide for the expenditure of the recovered funds if the agreement is terminated. The bill would also provide for related matters.

(6) Existing law authorizes the State Air Resources Board to require air pollution control districts or air quality management districts to impose additional permit fees on nonvehicular sources within their jurisdiction, to be expended only for the purposes of recovering the costs of additional state programs related to nonvehicular sources. Under existing law, the state board is required to submit a report to the Legislature, on or before January 1 of each year, concerning those fees. These provisions will become inoperative on July 1, 1999, and will be repealed on January 1, 2000.

This bill, instead, would extend the operation of those provisions indefinitely. The bill would impose a state-mandated local program by continuing the authorization to require districts to impose those fees.

(7) Existing law authorizes the Director of Conservation to establish the California State Mining and Mineral Museum, by making a collection of typical geological and mineralogical specimens, and models, drawings, and descriptions of the mechanical appliances used in mining and metallurigical processes and geology.

This bill would transfer the museum, including all assets, exhibits, and materials from the Department of Conservation to the Department of Parks and Recreation for ownership and operation, as provided.

(8) Existing law, with respect to concession contracts entered into on or after October 1, 1994, authorizes the Director of Parks and Recreation, if the director determines that it is in the best interests of the state, to award contracts authorizing occupancy of any portion of the state park system for a period of more than 2 years, to the best responsible person or entity submitting a proposal, subject to specified conditions. Existing law, for purposes of those provisions, defines the phrase "best responsible person or entity submitting a proposal" to mean the person or entity submitting a proposal, as determined by specific standards established by the department, that will operate the concession in the best interests of the state and the public.

This bill would specify that the department's standards for "best responsible person or entity submitting a proposal" require that the person or entity submitting a proposal demonstrate a history of compliance with applicable federal and state labor laws, including laws relating to wages, hours, and working conditions, and the right of employees to organize and participate in collective bargaining.

The bill would provide that, notwithstanding the prescribed bidding process, the department may negotiate an agreement of up to 2 years duration to extend the hotel concession contract in existence on January 1, 1999, for the Columbia State Park.

(9) Prior Budget Acts have authorized the expenditure of funds for the operation and support of the Department of Parks and Recreation, and the California Conservation Corps.

This bill would prescribe procedures for the operation and funding of the department and the corps during the 1999–2000 fiscal year, as specified, and would prescribe related matters.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 67 (AB 1105) Jackson. State government.

(1) Existing law establishes the Department of Consumer Affairs to regulate and license the various professional and vocational occupations in the state. Existing law requires every board under the jurisdiction of the department to submit to the Director

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of Consumer Affairs, by December 31, 1999, its method for ensuring that every licensing examination administered by or pursuant to contract with the board is subject to periodic evaluation.

This bill instead would require that the submission be made by December 1, 1999, and by December 1 of each subsequent year. This bill would also require the department to compile information regarding these evaluations and submit it to the Legislature by September 30 of each year. It would make related changes in this regard.

This bill would also require the department to develop, in consultation with the boards, programs, bureaus, and divisions under its jurisdiction, and the Osteopathic Medical Board of California and the State Board of Chiropractic Examiners, a policy regarding examination development and validation, and occupational analysis. It would require the department to finalize and distribute this policy by September 30, 1999, to each of the boards, programs, bureaus, and divisions under its jurisdiction and the Osteopathic Medical Board of California and the State Board of Chiropractic Examiners, and to submit this policy in draft form to the Legislature for review at least 30 days prior to that date.

(2) The Performance and Results Act of 1993, among other things, requires the Department of Finance to develop a performance-based budgeting pilot project. Existing law also authorizes the Department of Consumer Affairs to accept gifts and donations without approval by the Director of Finance. Those provisions are to remain in effect only until the effective date of the Budget Act of 1999, or June 30, 1999, whichever occurs later.

This bill would specify that this is also the intent of the State Government Strategic Planning and Performance Review Act, would delete the authorization for the Department of Consumer Affairs to accept gifts and donations without approval of the Director of Finance, and would extend the effective date of these provisions until the effective date of the Budget Act of 2000, or June 30, 2000, whichever occurs later. The bill would also require the department to end its participation in the performance-based budgeting pilot project and to transition its budgeting and accounting systems during the 1999–2000 fiscal year to conform with systems prescribed by the Department of Finance, as specified.

(3) Existing law sets forth the licensing requirements for acupuncturists, including passage of a practical examination of the required skills.

This bill would revise that provision to require that in order to be issued a license to practice acupuncture an applicant must pass a written examination, as specified.

(4) Under existing law, the parties to certain civil actions in specified courts are required to submit to judicial arbitration, as specified, prior to trial.

This bill would impose a state-mandated local program by requiring 4 superior courts selected by the Judicial Council to participate, as a pilot program, in early mediation of civil cases, as specified. The bill would require the Judicial Council to report to the Legislature and to the Governor regarding the pilot program, as specified, on or before January 1, 2003. The pilot program would be repealed on January 1, 2004.

(5) Existing law grants to the California Science Center specified authority, including the authority to construct, operate, and lease a stadium, arena, pavilion, or other building that is to be used for the holding of athletic contests, exhibitions, and other public meetings.

This bill would authorize the California Science Center, with the approval of the Director of General Services, to enter into a long-term lease agreement with the Los Angeles Unified School District to convert the state armory and surrounding land in or near Exposition Park to a demonstration mathematics and science-based school, as prescribed.

(6) Existing law, operative until July 1, 1999, establishes in the Reserve for Economic Uncertainties a Disaster Response-Emergency Operations Account, which is continuously appropriated, to be used for response activities and recovery activities, as defined. Existing law limits authorizations under these provisions for acquisitions, relocations, and environmental mitigations for needs that are a direct consequence of the January 1997 floods or any flood-related emergency that is declared by the Governor on or before January 1, 1999.

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This bill would (a) extend the operative date of these provisions to July 1, 2002, thus resulting in an appropriation by continuing a continuously appropriated fund, (b) delete references to response activities and recovery activities and instead refer to activities that occur within 365 days after a declaration of emergency by the Governor and activities that occur after the 365th day after a declaration of emergency by the Governor, and (c) delete the flood-related limitation applicable to the use of these funds for acquisitions, relocations, and environmental mitigations.

(7) Existing law provides that state armories in specified cities and counties shall be made available to these counties or any city in these counties for the purpose of providing temporary shelter for homeless persons during specified periods of each year, as a temporary measure until March 15, 1999, to allow adequate time for government entities in these counties to develop other suitable homeless shelter arrangements.

This bill would delete the March 15, 1999 time restriction, thus extending the program established under these provisions indefinitely.

(8) Existing law establishes in the State Treasury, the Stephen P. Teale Data Center Revolving Fund (TDC Fund), a continuously appropriated fund, for the payment of expenses incurred by the Stephen P. Teale Data Center. Existing law specifies the funds that comprise the TDC Fund, including all moneys received into the State Treasury from any source whatever in payment of electronic data processing services or other services rendered by the data center.

This bill would authorize the Stephen P. Teale Data Center to establish rates and collect payments from state agencies for providing services to those agencies. The bill would require all money received by the data center pursuant to this provision be deposited in the Stephen P. Teale Data Center Revolving Fund and would provide that the methodology for computing costs and billing rates is subject to the approval of the Director of Finance. The bill would authorize the data center to require monthly payments in advance by client agencies, based on estimated billings, but would authorize a state agency to make payments pursuant to an alternative schedule agreed to by the applicable state agency and the data center.

(9) Existing law sets forth various deadlines for procedures in civil actions subject to trial court delay reduction rules, as specified.

This bill would make an exception to those deadlines for complex cases, to remain in effect only until January 1, 2004.

(10) Existing law sets forth the duties of the Judicial Council, as specified.

This bill would require the Judicial Council, on or before October 30, 2002, to submit a report to the Legislature and the Governor regarding the effectiveness of the Centers for Complex Litigation established pursuant to the Budget Act of 1999, as specified.

(11) Existing law establishes a motor vehicle (smog check) inspection and maintenance program, administered by the Department of Consumer Affairs, which requires inspection of motor vehicles biennially upon registration, and at other times as specified. Existing law exempts from the biennial inspection, any motor vehicle 4 or less model-years old.

This bill would authorize the department to expand that exemption to include any motor vehicle that is up to 6 or less model-years old.

(12) Under existing law, motor vehicles of 4 or less model-years old that are exempt from the biennial smog check inspection are subject to an annual smog abatement fee of $4.

This bill would provide that if the Department of Consumer Affairs exempts from the biennial inspection, motor vehicles that are 5 or 6 model-years old, the department may also subject those exempted vehicles to the $4 annual smog abatement fee. The bill would authorize the department to also subject specified other vehicles exempted from the biennial smog check requirement, to the $4 annual smog abatement fee.

(13) Existing law requires the Department of Consumer Affairs to offer a low-income repair assistance program to eligible individuals based on a maximum level of 175% of the federal poverty level, as provided. Existing law provides for the program to offer repair cost assistance to those eligible individuals upon payment of a specified copayment.

This bill would raise the low-income threshold level to 185% of the federal poverty level. The bill would also expand the repair assistance program to offer assistance to an

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owner of a motor vehicle that is directed to a test-only facility and fails the smog check inspection. The bill would require the department to impose a copayment on those individuals that is at least equivalent to the copayment imposed on low-income individuals under the program. The bill would authorize the department to increase its contribution toward the repair of a motor vehicle under the program, if the department determines that the expenditure is cost-effective.

(14) Existing law establishes the High Polluter Repair or Removal Account in the Vehicle Inspection and Repair Fund and provides that money in the account shall be available for, among other purposes, voluntary accelerated retirement of high-polluters.

This bill would authorize the Department of Consumer Affairs to specify the amount of money that shall be paid to an owner of a high-polluting motor vehicle who voluntarily retires the vehicle.

(15) The bill would declare the intent of the Legislature that, if the $300 smog impact fee imposed on motor vehicles previously registered in another state is ruled unconstitutional or unenforceable by an appellate court or the California Supreme Court, the repair assistance program described in (13) above and any voluntary vehicle retirement program implemented by the Department of Consumer Affairs not be supported through the General Fund.

(16) Under existing law, the Department of Housing and Community Development administers the Family Housing Demonstration Program, under which it may make loans from the continuously appropriated Family Housing Demonstration Account to sponsors for purposes of assisting the development of community housing and congregate housing developments. Existing law contains findings and declarations of the Legislature relating to the need for this program. Under this existing program, "congregate housing" is defined as a new or rehabilitated large multibedroom structure in which 2 to 10 households share specified household responsibilities.

This bill would change the name of the program to the Families Moving to Work Program and would substitute revised findings and declarations of the Legislature relating to the program and revise the definition of congregate housing to delete the restriction with respect to the maximum number of households that may share common facilities and responsibilities.

(17) Under the existing Family Housing Demonstration Program, the Department of Housing and Community Development is required to implement the program after adopting specified rules and regulations.

This bill would repeal this requirement.

(18) Under the existing Family Housing Demonstration Program, the housing component of a community housing development is required to include specified features and criteria, among which is that between 20% and 30% of the assisted units in the development must be occupied by elderly persons or households with the balance required to be available to families with children. The jobs and economic development component of a community housing development is required to include specified features and criteria, among which is that the sponsor is required to propose and implement a job placement and training program for residents to be implemented within 18 months of initial occupancy.

This bill would delete the percentage of assisted units that must be available to elderly persons in a community housing development. The bill also would require the sponsor of the community housing development to develop a job placement and training program for residents to be implemented upon initial occupancy. The bill would make other revisions to the jobs and economic development component.

(19) Under existing law, the Department of Housing and Community Development is required to base an award of funds from the Family Housing Demonstration Account on a ranking of applications occurring at least once every 3 months until there are insufficient funds available to commit according to that ranking and prescribes characteristics of projects that are required to be given priority.

This bill would delete the requirement that the ranking occur once every 3 months and would add to those projects to be given priority, projects that are reasonable in cost.

(20) Under existing law, the Department of Housing and Community Development is required to monitor the construction and operation of the community housing developments developed pursuant to the Family Housing Demonstration Program in

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order to ensure compliance with loan conditions, contract obligations, and the program and any regulations adopted pursuant to it.

This bill would authorize the department to enter into a contract with a local public agency to monitor the operation of community housing developments and congregate housing developments.

(21) Under the existing Family Housing Demonstration Program, regulatory agreements with respect to community housing developments are required to contain specified binding provisions.

This bill would clarify that certain of these provisions are applicable to congregate housing developments as well, and would add a requirement that the agreement contain provisions that would encourage an eligible household to occupy a unit that is constructed with funds under the program for no more than 5 years.

(22) Under existing law, the Department of Housing and Community Development was authorized until June 30, 1992, to adopt, amend, or repeal emergency regulations to implement the Family Housing Demonstration Program with respect to loans made with housing bond revenues.

This bill would repeal these provisions and instead exempt any rule, policy, or standard of general application developed by the department in implementing the program from specified provisions of the Administrative Procedure Act.

(23) Under existing law, the Department of Housing and Community Development is required to make awards from the Family Housing Demonstration Account in the Rental Housing Construction Fund for purposes of assisting the development of community housing developments.

This bill would delete that requirement and instead authorize the department to make those awards from that account, which the bill would rename the Families Moving to Work Account. The bill would delete a specified formula for the apportionment of money available for loans in the account between congregate housing and community housing developments.

(24) Existing law, until January 1, 2002, establishes a Homebuyer Down Payment Assistance Program and a Rental Assistance Program to provide assistance in the amount of the applicable school facility fee on affordable housing developments. Existing law appropriates $160,000,000 to the School Facilities Fee Assistance Fund which is continuously appropriated to the Department of General Services for the purposes of these programs, allocates 25% of that amount for those programs in each of 4 fiscal years commencing with 1998–99, and requires the department to contract with the California Housing Finance Agency for the administration of these programs and for allocation of these funds.

This bill instead would allocate a specified portion of $160,000,000 for those purposes in each fiscal year from 1998–99 to 2002–03, and would repeal the authority for those programs on January 1, 2003. The bill would require repayments, interest, and other moneys accruing to the fund to be returned to the fund and to be available for allocation by the California Housing Finance Agency to those housing assistance programs. The bill would also revise the criteria for granting assistance pursuant to those programs, as specified.

(25) Existing law prescribes the powers and duties of the Public Utilities Commission.

This bill would prohibit the commission from considering or requiring, in determining qualified bidders, or in awarding contracts, that any facilities be located within a particular area of the state, or within geographical proximity of any particular area of the state.

(26) Existing law providing for the administration of franchise and income tax laws requires each city that maintains, or has access to, a computerized system, as described, to annually furnish to the Franchise Tax Board specified information for businesses subject to tax in the preceding fiscal year.

This bill would repeal that requirement.

(27) The existing Performance and Results Act of 1993 requires the Department of Finance to develop a performance budgeting pilot project, in accordance with specified principles, involving 4 state departments, including the Department of General Services and the Department of Consumer Affairs. Existing law sets forth the conditions pursuant to which the Department of General Services, notwithstanding existing statutes and

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regulations, is required or authorized, among other things, to carry out specified functions relating to state personnel matters, to prepay vendors when it is cost-beneficial to the department, to accept gifts and donations of real property without approval by the Director of Finance, and to procure goods from the private sector even though the goods may be available through the Prison Industry Authority. These provisions of existing law remain in effect until the effective date of the Budget Act of 1999 or June 30, 1999, whichever occurs later.

This bill would reenact the provisions relating to the Department of General Services. This bill would specify that these provisions shall remain in effect only until the effective date of the Budget Act of 2000 or July 1, 2000, whichever occurs later.

(28) Existing law establishes the State Energy Resources Conservation and Development Commission in the Resources Agency, and specifies the powers and duties of the commission.

This bill would require the commission to conduct a public process to prepare a transition plan report and an operational plan report concerning the transfer of energy efficiency programs from the Public Utilities Commission to the State Energy Resources Conservation and Development Commission, and to submit these reports to the Legislature by January 1, 2000.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(30) The bill would declare that it is to take effect immediately as an urgency statute. However, certain provisions of the bill, referred to in (16) to (23) above, would become operative only if an appropriation is made for purposes of these provisions in the Budget Act of 1999 or in another statute enacted during the 1st calendar year of the 1999–2000 Regular Session and the bill would provide that these provisions shall be funded exclusively with funds appropriated thereby.

Ch. 68 (AB 1109) Committee on Budget. Budget Act of 1998: contingencies or emergencies.

The Budget Act of 1998 appropriated $5,000,000 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. The Budget Act of 1998 also appropriated $2,500,000 for loans to state agencies for contingencies and emergencies, upon terms to be prescribed by the Department of Finance, but which may not be made repayable from a future legislative appropriation.

This bill would appropriate $1,021,500,000, 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.

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. 69 (AB 1120) Havice. Personal income taxes: qualified small business stock.

The Personal Income Tax Law provides that gross income does not include 50% of any gain from the sale or exchange of qualified small business stock, as defined, held for more than 5 years, that was acquired at its original issuance on or after August 10, 1993, and before January 1, 1999.

This bill would delete the January 1, 1999, limitation, thereby extending the exclusion indefinitely.

This bill would take effect immediately as a tax levy.

Ch. 70 (SB 585) Chesbro. Clinical laboratories.

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

Existing law provides that clinical laboratory examinations classified as physician-performed microscopy under specified federal regulations governing clinical laboratories may be performed by licensed physicians and surgeons, as specified.

This bill would expand that category of persons who may perform those clinical laboratory examinations to include licensed nurse practitioners, licensed physician assistants, certified nurse midwives, and licensed dentists. The bill would also make technical changes.

Ch. 71 (AB 1116) Ducheny. English Language Acquisition Program.

Existing law requires, with certain exceptions, that children in California public schools to be taught English by being taught in English.

This bill would establish the English Language Acquisition Program for pupils enrolled in grades 4 to 8, inclusive. The bill would require local educational agencies, as defined, participating in the program to conduct assessments, provide an instructional program, provide supplemental instructional support, and coordinate available services and funding. The bill would require the Superintendent of Public Instruction to annually allocate to each participating local educational agency $100 for each pupil participating in the program and a one-time $100 allocation for pupils in kindergarten or grades 1 to 12, inclusive, who are reclassified to English-fluent status.

The bill would also request that the Regents of the University of California develop English Language Development Professional Institutes to instruct personnel from schools participating in the English Language Acquisition Program in English language instruction, and would require each participating team member to receive a $1,000 stipend.

This bill would, if funds for this purpose are appropriated in the annual Budget Act, require the California Research Bureau of the California State Library to convene a broadly diverse group to examine the available research on English language acquisition by English language learners.

Ch. 72 (AB 1118) Reyes. Postsecondary education: systemwide fees: Graduate Assumption Program of Loans for Education.

(1) Existing law provides for a public postsecondary educational system in this state, which consists of the University of California, the California State University, and the California Community Colleges.

Existing law requires systemwide fees charged to resident undergraduate students at the University of California and the California State University to be reduced for the 1998–99 fiscal year by 5% below the level charged during the 1997–98 fiscal year, and, for the 1999–2000 fiscal year, to be at the same level as for the 1998–99 fiscal year.

This bill would require systemwide education and registration fees charged to resident undergraduate students at the University of California and the California State University for the 1999-2000 fiscal year to be reduced by 5% below the level charged for those resident students for the 1998–99 fiscal year.

(2) Existing law establishes the Assumption Program of Loans for Education, under which an applicant enrolled in a participating institution of postsecondary education, or who agrees to participate in a qualifying teacher training program, is eligible to receive a loan assumption warrant upon completing a specified period of teaching in a public elementary or secondary school. Existing law provides that, for the 1998–99 school year, and each school year thereafter, the Student Aid Commission is required to issue warrants for the assumption of up to 4,500 loans under this program.

This bill would require the commission to issue warrants for the assumption of up to 5,500 loans each school year, commencing with the 1999–2000 school year. The bill would require, beginning with the 2000–01 school year, and each school year thereafter, the commission to issue up to 100 of those warrants for the assumption of student loans for applicants who agree to teach in school districts serving rural areas.

(3) Existing law establishes the Graduate Assumption Program of Loans for Education, under which an applicant enrolled in a participating institution of postsecondary education, and who agrees, upon graduation, to teach full-time at a California college or university, is eligible to receive a conditional warrant for loan

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assumption, to be redeemed pursuant to a prescribed procedure upon becoming employed as a full-time teacher at a California college or university.

The bill would make persons who render the equivalent of full-time service by teaching part-time at more than one California college or university eligible to participate in the program.

(4) Existing law establishes the fee charged per unit per semester charged to resident undergraduate students at the California Community Colleges at $13, except that for the 1998–99 and 1999–2000 academic years the fee per unit per semester is $12.

This bill would reduce this fee to $11 per unit per semester, effective with the fall term of the 1999–2000 academic year.

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

Ch. 73 (SB 838) Figueroa. Vocations: Pharmacy Law.

Existing law, the Pharmacy Law, requires all nonresident pharmacies to register with the Board of Pharmacy of the State of California.

This bill would specify that the board may register a nonresident pharmacy that is organized as a limited liability company in the state in which it is licensed.

Ch. 74 (AB 1121) Nakano. Vehicle license fee: offset.

The Vehicle License Fee Law establishes, in lieu of any ad valorem property tax upon vehicles, an annual license fee for any vehicle subject to registration in this state in the amount of 2% of the market value of that vehicle, as specified. Existing law permanently offsets the amount of the vehicle license fee for each subject vehicle by 25%, and, subject to specified contingencies with respect to fiscal year projections of General Fund revenues, provides for the implementation of similar, superseding offsets of 35%, 46.5%, 55%, and 67.5% to apply to specified future calendar years.

This bill would, for vehicle license fees with a final due date during the 2000 calendar year, require an offset percentage of 35%.

This bill would take effect immediately as a tax levy.

Ch. 75 (AB 1428) Kaloogian. Taxation: documentary transfer tax.

Existing law authorizes counties and cities and counties to impose a documentary transfer tax at a specified rate upon deeds, instruments, or other writings by which specified property is transferred. Existing law exempts from the imposition of that tax, for any realty held by a partnership, the transfer of an interest in a partnership under specified conditions.

This bill would additionally make that exemption applicable to an entity treated as a partnership for federal income tax purposes.

This bill would also preclude the imposition of that tax by reason of any transfer between an individual or individuals and a legal entity or between legal entities that results solely in a change in the method of holding title to the realty and in which proportional ownership interests in the realty, whether represented by stock, membership interest, partnership interest, cotenancy interest, or otherwise, directly or indirectly, remain the same immediately after the transfer.

Ch. 76 (SB 688) Burton. Vehicle license fees: offset: internationally registered vehicles.

The Vehicle License Fee Law establishes, in lieu of any ad valorem property tax upon vehicles, an annual license fee for any vehicle subject to registration in this state in the amount of 2% of the market value of that vehicle, as specified. For vehicle license fees with a final due date on or after January 1, 1999, existing law establishes a permanent offset in the amount of 25% and, subject to specified contingencies with respect to fiscal year projections of General Fund revenues, provides for the implementation of similar, superseding offsets of 35%, 46.5%, 55%, and 67.5% to be applied to specified future calendar years.

This bill would deem vehicle license fees, due in 1998 on or before December 31 of that year with respect to an internationally registered vehicle, to have had a final due date during the 1999 calendar year. This bill would state the intent of the Legislature with respect to that provision, and would require the Department of Motor Vehicles to apply

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the motor vehicle license fee offsets resulting from this bill to motor vehicle license fees that will become due and payable in 1999 with respect to internationally registered vehicles.

This bill would take effect immediately as a tax levy.

Ch. 77 (SB 705) as amended, Sher. Personal income taxes: bank and corporation taxes: research and development.

The Personal Income Tax Law and the Bank and Corporation Tax Law, by reference to a specified federal statute, allow a credit against taxes imposed by those laws for increasing research expenses, as defined. In general, the amount of the credit under both laws is equal to 11% of the excess of the qualified research expenses, as defined, for the taxable or income year over the base amount and, in addition, for purposes of the Bank and Corporation Tax Law, 24% of the basic research payments, as defined. The term "base amount" means the product of the average annual gross receipts of the taxpayer for each of the specified years preceding the taxable or income year and the fixed-base percentage, as defined, but in no event less than 50% of the qualified research expenses for the taxable or income year.

This bill would, under both laws, for each taxable or income year beginning on or after January 1, 1999, provide that the credit for increasing research expenses shall be equal to 12% of the qualified research expenses.

This bill would take effect immediately as a tax levy.

Ch. 78 (AB 1115) Strom-Martin. Education. [2]

(1) Existing law provides a deficit factor for the revenue limit of each county superintendent of schools.

This bill would provide that the revenue limit for the 1999–2000 fiscal year for each county superintendent of schools shall be reduced by a 8.628% deficit factor.

(2) Under existing law, on or before June 30, 1999, the State Department of Education is required to develop prekindergarten learning development guidelines. The development of these guidelines is required to be funded from funds appropriated for this purpose in the Budget Act of 1998. The guidelines are required to focus on preparing 4- and 5-year-old children for kindergarten. The guidelines are required to be articulated with the academic content and performance standards adopted by the State Board of Education for kindergarten and grades 1 to 12, inclusive.

This bill would require the State Department of Education in future expenditure plans for quality improvement activities to include funding for periodically updating and distributing the guidelines, and providing education, outreach, and training services to implement the guidelines. The bill would require child and development programs for migrant families, state preschool, and general child care and development programs to use the guidelines.

(3) Under existing law, the Department of Finance and the Department of General Services are required to approve or disapprove annual child care and development program contract funding terms and conditions and contract face sheets submitted by the State Department of Education not more than 30 working days from the date of submission, unless unresolved conflicts remain between the Department of Finance, the State Department of Education, and the Department of General Services.

This bill would require alternative payment child care systems, as defined, to be subject to rates established in the Regional Market Rate Survey of California Child Care Providers and would require the State Department of Education to contract to conduct and complete the annual Regional Market Rate Survey. The bill would require the Department of Finance to provide to the State Department of Education the State Median Income amount for a 4-person household in California based on the best available data, and would require the State Department of Education to adjust its fee schedule for child care providers to reflect this updated state median income.

(4) Existing law establishes the After School Learning and Safe Neighborhoods Partnerships Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating elementary, middle, and junior high schoolsites.

This bill would provide that the program is also established to serve pupils at charter schoolsites.

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(5) Under existing law, there is the California State Summer School for Mathematics and Science created to establish a multidisciplinary mathematics and science program to enable pupils with demonstrated academic excellence in mathematics and science to receive intensive training in these subjects. The summer school is governed by the State Board of Education and required to provide a training ground for pupils who wish to study advanced mathematics or science or to pursue careers that require a high degree of mathematics or scientific training. This program is repealed on January 1, 2004.

This bill would instead provide that the program is established to provide academic development to enable pupils with demonstrated academic excellence in mathematics and science to receive intensive educational enrichment in these subjects and an opportunity for pupils who wish to study advanced mathematics or science or to pursue careers that require a high degree of skills and knowledge mathematics or science. This bill would request that the Regents of the University of California to operate the summer school, and would make conforming changes to this program transferring its operation and governance from the State Board of Education to the Regents of the University of California. The bill would continue the summer school indefinitely. The bill would appropriate $1,000,000 to the University of California for purposes of the summer school that was appropriated from the General Fund to the State Board of Education.

(6) Under the Academic Improvement and Achievement Act, the Superintendent of Public Instruction is required to recommend, and the State Board of Education is required to adopt, criteria and regulations for the implementation of the act. This act defines ''qualifying school'' to mean a comprehensive high school that provides instruction in any of grades 9 to 12, inclusive, with a percentage of pupils who graduate from the school and are eligible for admission to the California State University or the University of California in the following year that is below the statewide average according to information from the California Postsecondary Education Commission. The act requires local educational agencies to be invited to apply to receive funds for qualifying schools, subject to an appropriation of funds for this purpose, and provides that funds allocated may not exceed $100 per pupil, nor shall be less than $20,000 at a qualifying school in any single fiscal year.

This bill would delete the requirement to adopt regulations. The bill would revise the definition of ''qualifying school'' to mean a comprehensive high school that provides instruction in any of grades 9 to 12, inclusive, with a percentage of pupils who graduate from the school and enroll in the California State University or the University of California in the following year that is below the statewide average according to information from the commission. The bill would delete the requirement that a minimum of $20,000 be allocated to a qualifying school.

(7) Under existing law, the Controller is required during each fiscal year commencing with the 1980–81 fiscal year, to transfer from Section A of the State School Fund such sums, in addition to the sums accruing from other sources, that provide in Section A of the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, as certified by the Superintendent of Public Instruction, of $180.

This bill would require the Controller, commencing with the 1999–2000 fiscal year, to also transfer additional amounts necessary to meet computed apportionments of general-purpose funding for charter schools. This provision would become inoperative on July 1, 2002, and would be repealed on January 1, 2003.

(8) Existing law, the California Public School Library Protection Act, requires the State Department of Education to issue to qualifying school districts grants for the purpose of improving school libraries. Existing law, the California Public School Library Act of 1998, provides for the transfer of certain funds appropriated in the annual Budget Act to the California Public School Library Protection Fund for apportionment to school districts for the support of a districtwide school library plan and for expenditure for library resources.

This bill would establish the California Classroom Library Materials Act of 1999, and would require the act to be administered by the Superintendent of Public Instruction. The bill would authorize any school district that maintains a kindergarten or any of grades 1 to 4, inclusive, to apply for this funding under the act, and would authorize

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charter schools to apply for funding on their own behalf or through their chartering entity. The bill would require, as a condition of receiving funding under the act, school districts to develop a districtwide kindergarten and grade 1 to grade 4, inclusive, classroom library plan and to receive certification of the plan from the governing board of the school district. The bill would impose certain requirements regarding the development of the plan, including a means of preventing loss, damage, or destruction of materials.

The bill would establish a fund in the State Treasury to be known as the Business Organizations and Opportunities for Kids Fund to be administered by the State Librarian in consultation with the Superintendent of Public Instruction. The bill would require moneys donated by private entities for the purchase of classroom reading materials to be deposited in this fund. The bill would provide that moneys in that fund are available for expenditure only upon an appropriation in the annual Budget Act or other act.

The bill would require funds apportioned for purposes of the act to be apportioned to schools in an equal amount per unit of average daily attendance reported in the second principal apportionment of the prior fiscal year for kindergarten or any of grades 1 to 4, inclusive, and would require schoolsites to expend the funds to purchase grade-level appropriate reading materials.

(9) Existing law, as amended by Chapter 1 of the 1999–2000 First Extraordinary Session to become operative January 1, 2000, requires the governing board of each school district maintaining any or all of grades 7 to 12, inclusive, to offer summer school instructional programs for pupils enrolled in those grades who do not demonstrate sufficient progress toward passing the exit examination required for high school graduation. Existing law also authorizes the governing board of any school district that offers certain summer school instructional programs to offer summer school programs for instruction in mathematics, science, and other core academic areas.

This bill would authorize school districts to provide this instruction during the summer, after school, Saturday, or during intersession, or in any combination of summer, after school, Saturday, or intersession instruction, but in addition to the regular schoolday and would apply these provisions to charter schools, thereby imposing a state-mandated local program.

(10) Existing law authorizes the governing board of each school district maintaining any or all of grades 2 to 6, inclusive, to offer programs of direct, systematic, and intensive supplemental instruction to pupils enrolled in grades 2 to 6, inclusive, with low mathematics, reading, or written expression scores to allow those pupils to achieve proficiency in standards adopted by the State Board of Education.

The bill would apply those provisions to charter schools.

(11) Existing law limits a school district's maximum entitlement for reimbursement for pupil attendance in core curriculum area summer school programs and vocational work experience summer school to be an amount equal to 7% of the district's total enrollment for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year.

This bill would revise the manner in which summer school attendance is calculated and apply these provisions to charter schools.

(12) Under existing law, the California Constitution requires a minimum level of funding for school districts and community college districts.

This bill would provide that if, as the result of an audit or review, as defined, a local education agency is required to repay as apportionment significant audit exception the total amount of disallowed apportionment claims be subtracted from the allocation that the local educational agency would otherwise receive pursuant to this constitutional provision.

This bill would provide for the establishment of a repayment plan for a district with disallowed apportionment claims by the Superintendent of Public Instruction and the Director of Finance.

(13) Under existing law, for the 1990–91 fiscal year and each fiscal year thereafter, allocations calculated to be applied by the state for the support of school districts and community colleges is required to be distributed in accordance with certain calculations. This provision does not apply to the fiscal years 1992–93 to 1998–99, inclusive.

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This bill would provide that this provision does not apply to fiscal year 1999–2000.

(14) Under existing law, the Superintendent of Public Instruction is required to compute an inflation adjustment in accordance with a formula for the 1986–87 fiscal year and each fiscal year thereafter.

This bill would revise the formula for the 1999–2000 fiscal year, and each fiscal year thereafter.

This bill would also provide that the revenue limit for each school district shall be reduced by an 6.996% deficit factor, for the 1999–2000 fiscal year.

(15) Under existing law, the county superintendent of instruction is required to compute an amount for each school district's summer school attendance in accordance with a specified formula.

This bill would require the county superintendent of instruction to compute an amount for each charter school's summer school attendance in the same manner, thereby imposing a state-mandated local program.

(16) Existing law requires that a person to be employed in a position not requiring certification qualifications, except a secondary school pupil employed in a temporary or part-time position by the governing board of the school district having jurisdiction over the school attended by the pupil, to be fingerprinted for purposes of a criminal history check by the Department of Justice.

This bill would require the Department of Justice to process all requests from a school district, an employer, or a human resources agency for criminal history information on a volunteer to be used in a school pursuant to the provisions that relate to persons employed by a school district that do not require certification qualifications.

(17) Existing law authorizes the Commission on Teacher Credentialing to set a fee for the issuance and renewal of teaching and service credentials that may not exceed $70 and to charge a single fee, not to exceed the charge for a single supplemental credential, for all supplemental credentials applied for at the same time.

This bill would authorize the commission to waive those fees for first-time teaching credential applicants subject to funds being appropriated expressly for this purpose in the annual Budget Act.

(18) Existing law sets forth a formula for computing the amount that a school district may be reimbursed for the costs of its voluntary program designed to remedy the harmful effects of racial segregation. Existing law provides that, commencing with the 1998–99 fiscal year and each fiscal year thereafter, the amount that the Sacramento City Unified School District may be reimbursed for the costs of its voluntary desegregation program shall not exceed the amount in excess of $^1/_5$ of the audited desegregation cost approved by the Controller and actually incurred in the 1990–91 fiscal year, reduced by the federal desegregation reimbursement of $3,096,989 received in the 1990–91 fiscal year, as adjusted for inflation and changes in enrollment, as specified.

This bill would provide that notwithstanding this provision, commencing with the 1998–99 fiscal year, the Sacramento City Unified School District's level of reimbursement shall be calculated based on actual reimbursements received for its 1998–99 voluntary desegregation audited claim.

(19) Under existing law, each fiscal year, the Superintendent of Public Instruction is required to provide each eligible school district, county office of education, and charter school applying for a grant under the Instructional Time and Staff Development Reform Program with a staff development allowance of $270 per day for up to 3 days, for each certificated classroom teacher and $140 per day for up to one day for each classified classroom instructional aide and certificated teaching assistant who participates in staff development instructional methods.

This bill would require that these amounts be adjusted annually commencing in the 1999–2000 fiscal year by a specified inflation adjustment and would include conflict resolution as curriculum that may be included in staff development.

(20) Under existing law, school districts are apportioned state funds for home-to-school transportation and special education transportation in accordance with specified formulas.

This bill would provide that a charter school is eligible for funding pursuant to, and shall comply with all requirements of, these provisions and that for purposes of these provisions.

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(21) Under existing law, the Superintendent of Public Instruction is required to apportion to each charter school for each fiscal year (1) from funds appropriated to Section A of the State School Fund for apportionment for that fiscal year, an amount for each unit of regular average daily attendance in the charter school that is equal to the current fiscal year base revenue limit for the school district to which the charter petition was submitted, (2) for each pupil enrolled in the charter school who is entitled to special education services, the state and federal funds for special education services for that pupil that would have been apportioned for that pupil to the school district to which the charter petition was submitted, and (3) funds for specified categorical education programs to the extent that any pupil enrolled in the charter school is eligible to participate.

This bill would delete this provision.

(22) Under existing law, the full apportionment received by the basic aid district, as defined, under certain circumstances, is required to be provided to a charter school, and with respect to any pupil of a charter school located within a basic aid school district who resides in a district other than a basic aid district, the Superintendent of Public Instruction, commencing with the 1998–99 fiscal year, is required to calculate for that school an apportionment of state funds that provides 70 percent of the district revenue limit calculated that would have been apportioned to the school district of residence for any average daily attendance credited.

This bill would repeal this provision.

(23) Under existing law, notwithstanding the provision discussed above, commencing with the 1999–2000 school year and only upon adoption of regulations, charter school operational funding is required to be equal to the total funding that would be available to a similar school district serving a similar pupil population. However, a charter school is not required to be funded as a necessary small school or a necessary small high school, nor receive revenue limit funding that exceeds the statewide average for a school district of a similar type.

This bill would repeal this provision.

(24) This bill would revise the method for funding charter schools. It would require the Superintendent of Public Instruction to annually compute a general-purpose entitlement, as defined, and a categorical block grant amount, as defined, for each charter school. The bill would provide that general-purpose entitlement funding may be used for any public school purposes determined by the governing body of the charter school.

(25) This bill would provide that a charter school may be deemed to be a local educational agency for purposes of special education funding and compliance with applicable federal law.

(26) Under the High-Risk First-Time Offenders Program, the Superintendent of Public Instruction is required to apportion to each county office of education or school district that operates a program, in addition to funds from all other sources and subject to the limitation specified in the Budget Act or other statute, $3,000 per year for each unit of average daily attendance reported at the annual apportionment for pupil attendance in a program.

This bill would authorize the Superintendent of Public Instruction to provide an apportionment for startup costs under specified conditions during the 1st year that a county office of education or a school district operates a High-Risk First-Time Offenders Program.

(27) Under the Transitioning High-Risk Youth Program, the Superintendent of Public Instruction is required to apportion to each county office of education or school district that operates a program, in addition to funds from all other sources and subject to the limitation specified in the Budget Act or other statute, $3,000 per year for each unit of average daily attendance reported at the annual apportionment for pupil attendance in a program.

This bill would authorize the Superintendent of Public Instruction to provide an apportionment for startup costs under specified conditions during the 1st year that a county office of education or a school district operates a Transitioning High-Risk Youth Program.

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(28) Under existing law, in addition to funds from all other sources, the Superintendent of Public Instruction is required to apportion to each school district that operates a community day school $4,000 per year, and for each county office of education that operates a community day school $3,000 per year, for each unit of average daily attendance reported at the annual apportionment for pupil attendance at community day schools.

This bill would require that this amount be adjusted annually commencing in the 1999–2000 fiscal year for inflation by a specified calculation.

(29) Under existing law, there is a County Office Fiscal Crisis and Management Assistance Team that consists of persons having extensive experience in school district budgeting, accounting, data processing, telecommunications, risk management, food services, pupil transportation, purchasing and warehousing, facilities maintenance and operation, and personnel administration, organization, and staffing.

This bill would establish the California School Information Service, administered by the County Office Fiscal Crisis and Management Assistance Team, which would be authorized to hire a program administrator. The California School Information Services program administrator would be required to submit to the State Board of Education a plan to administer, coordinate, and manage the development and implementation of an electronic statewide school information system to address current problems of information exchange.

(30) Under existing law, the State Department of Education is required, on behalf of the state, to participate in a specified federal child care food program, and may not terminate its participation in the program unless the Legislature authorizes the termination.

This bill would require the State Department of Education, to the extent permitted by federal law, to adopt regulations to establish eligibility requirements for participation in the child care food program and to impose penalties and sanctions for noncompliance by sponsoring organizations and would authorize the department to establish contracts effective for periods of 12 months or less for sponsoring organizations meeting the department's high-risk profile.

(31) Existing law provides that parents or guardians of pupils enrolled in public school have specified rights and should have specified opportunities with regard to the education of their children. Existing law requires, upon approval by the State Board of Education, the State Department of Education to make materials that describe a comprehensive partnership at schools that involves parents and guardians of pupils in the public schools of California on or before December 31, 1999, and requires these materials to include information about the possible roles of each parent or guardian, and of each teacher, principal, and other school personnel in fostering and participating in parent involvement activities and programs.

This bill would establish the Parental Involvement Grant Program and would require the Superintendent of Public Instruction to administer this program. The bill would authorize any school district or charter school that maintains a kindergarten or any of grades 1 to 12, inclusive, to apply on behalf of a school for funding under the program if the schoolsite council submits an application and a plan that contains certain elements, including, among others, a plan for a program that facilitates significant involvement of parents in their children's education. The bill would require the plan developed by the schoolsite council to be reviewed and approved by the governing board of the school district or in the case of a charter school, a specified local educational agency, and to be submitted to the State Department of Education together with the application for funding pursuant to this program. The bill would require the Superintendent of Public Instruction, in any fiscal year in which funds are appropriated for making parental involvement grants pursuant to this program, to administer the application process and to award one-time grants, on a competitive basis, in the amount of $25,000.

(32) Under existing law, a school district that elects to continue to operate a class size reduction program in grades 10 to 12, inclusive, is eligible to receive $135 per pupil certified pursuant to this chapter as it read on July 1, 1998, except that total funding shall not exceed the amount received by the school district for the program for grades 10 to 12, inclusive, in the 1997–98 fiscal year.

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This bill would increase that amount to $165 per pupil, adjusted annually commencing in the 2000–01 fiscal year by a specified inflation adjustment, except that total funding would not be permitted to exceed the amount received by the school district for the program for grades 10 to 12, inclusive, in the 1997–98 fiscal year.

(33) Under existing law, the Superintendent of Public Instruction is required to apportion to each applicant district an amount equal to $135 per unit of full-year equivalent enrollment for special education pupils enrolled in special education classes on a full-time basis and the number of pupils enrolled in necessary small schools that receive specified funding if the district certifies an average class size of 20 pupils and not more than 22 pupils in each participating class at each participating school.

This bill would instead provide for an apportionment of $165 per unit of full-year equivalent enrollment for these pupils if the district certifies an average class size of 20 pupils and not more than 22 pupils in each participating class at each participating school, adjusted annually commencing in the 2000–01 fiscal year for inflation.

(34) Under existing law, there is the Elementary School Intensive Reading Program, and the Governor's Reading Award Program. The Superintendent of Public Instruction, with input from an advisory committee, is required to evaluate these programs on or before November 1, 2000.

This bill would instead require the evaluation of these programs on or before November 1, 2001.

(35) Existing law provides for various programs to serve individuals with exceptional needs, as defined.

This bill would prohibit the Superintendent of Public Instruction from allocating state funds to offset the federal funds withheld.

(36) Under existing law, an individual with exceptional needs, who is eligible to receive special educational instruction, related services, or both, is required to receive educational instruction, services, or both, at no cost to his or her parents or, as appropriate, to him or her.

This bill would require the Superintendent of Public Instruction to send a notice to each member of the governing board of a local education agency within 30 days of the superintendent's receipt of notification by the federal government that a local educational agency is not in compliance with the Individual's with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, or when the Superintendent of Public Instruction determines that the local educational agency is not in compliance with any other special education provision, with a description of those services required by the statute with which the local educational agency is not in compliance. Upon receipt of the notification, the governing board would be required to address the issue of noncompliance at a regularly scheduled public hearing.

(37) Under existing law, for the 1998–99 fiscal year, the Superintendent of Public Instruction is required to make computations to determine the amount of funding for each special education local plan area, including computations to determine the inflation adjustment for the fiscal year in which the computation is made.

This bill would revise that inflation adjustment.

(38) Under existing law, in order to mitigate the effects of any declining enrollment, commencing in the 1998–99 fiscal year, and each fiscal year thereafter, the Superintendent of Public Instruction is required to calculate allocations to special education local plan areas based on the average daily attendance reported for the special education local plan area for the fiscal year in which the computation is made or the prior fiscal year, whichever is greater, adjusted for any loss or gain of average daily attendance reported for the special education local plan area due to a reorganization or transfer of territory in the special education local plan area.

This bill would revise that calculation.

(39) Under existing law, the State Board of Education is required to complete the adoption of the portion of pupil assessments that meets certain objectives and that yields valid, reliable estimates of school performance, school district performance, and statewide performance of pupils that, in grades 4, 5, 8, and 10, assess basic academic skills and incorporate the use of direct writing assessment and other assessments of applied academic skills, in the core curriculum areas of reading, writing, and mathematics by December 31, 1999, and the board is required to complete the adoption of that portion

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of pupil assessments for these pupils in the core curriculum areas of history/social science and science by December 31, 2000.

The bill would instead require the board to adopt performance standards not later than July 15, 2000, and require the board to complete the adoption of the pupil assessments in the core curriculum areas not later than November 15, 2000.

(40) Under the Standardized Testing and Reporting Program, known as the STAR Program, the Superintendent of Public Instruction is required to apportion funds, to enable school districts to administer to each of its pupils in grades 2 to 11, inclusive, the achievement test designated by the State Board of Education. The State Board of Education is required to establish the amount of funding to be apportioned, which is up to $8 per test administered to a pupil in grades 2 to 11, inclusive.

This bill would provide, instead of up to $8 per test, that an adjustment to the amount of funding apportioned per test may not be valid without the approval of the Director of Finance, would require that these requests be submitted in writing to the director and the chairpersons of the fiscal committees of the Legislature with accompanying material justifying the proposed adjustment, and would require the director to approve or disapprove the amount within 30 days of receipt of the request and notify the chairpersons of the fiscal committees of the Legislature.

(41) Under the STAR Program, to be eligible for consideration, a test publisher is required to meet certain conditions, including, but not limited to, to provide disaggregated scores, based on limited-English-proficient status and non-limited-English-proficient status, provide disaggregated scores by pupil gender, and to provide disaggregated scores based on whether pupils are economically disadvantaged or not.

This bill would require a test publisher to agree in writing to also provide disaggregated scores for pupils who have individualized education programs and are enrolled in special education, to the extent required by federal law. The bill would also require a school district to be reimbursed by the publisher for unexpected expenses incurred due to the late delivery of testing materials.

(42) Under existing law, the Superintendent of Public Instruction is required to review existing tests that assess the English language development of pupils whose primary language is a language other than English. These tests are required to include, but not be limited to, an assessment of achievement of these pupils in English reading, speaking, and written skills.

This bill would require the Superintendent of Public Instruction, not later than August 15, 1999, to release a request for proposals for the development of this test or series of tests. The bill would require the State Board of Education, not later than September 15, 1999, to select a contractor or contractors for the development of the test or series of tests, to be available for administration during the 2000–01 school year. The bill would also require the State Board of Education, not later than July 1, 1999, to approve standards for English language development for pupils whose primary language is other than English.

(43) Under existing law, the Board of Governors of the California Community Colleges are required to develop criteria and standards for the purposes of making the annual budget request for the California Community Colleges to the Governor and the Legislature, and for the purpose of allocating the state general apportionment revenues. Annual revenue adjustments are required to be made to reflect cost changes, using the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States as published by the United States Department of Commerce, and using the ratio for the 4th calendar quarter of the latest available year to the 4th calendar quarter of the prior year rounded up to the 100th.

This bill would instead require the board of governors to use the same factor as required for school districts.

(44) Under existing law, the California Community Colleges Economic Development Program becomes inoperative on June 30, 1999, and as of January 1, 2000, is repealed.

This bill would extend this program until January 1, 2001.

(45) Under existing law, the fee for filing a notice of appeal in a civil case appealed to a court of appeal is $250 and the fee for filing a petition for a writ within the original civil jurisdiction of a court of appeal is $250.

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This bill would increase these amounts to $265.

(46) Under existing law, the $50 of each fee collected in a civil case by the clerk of each court of appeal for filing a notice of appeal is required to be paid into the State Treasury for deposit in a special account in the General Fund known as the California State Law Library Special Account. Existing law provides that this provision is repealed on January 1, 2000.

This bill would increase the fee to $65 and would extend this provision until January 1, 2005, thereby imposing a state-mandated local program by extending the duties of the clerk of each court of appeals.

(47) Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing property tax law also reduces the amounts of ad valorem property tax revenue that would otherwise be annually allocated to the county, cities, and special districts pursuant to these general allocation requirements by requiring, for purposes of determining property tax revenue allocations in each county for the 1992–93 and 1993–94 fiscal years, that the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. It requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education.

This bill would require, for the 1999–2000 fiscal year and each fiscal year thereafter, that if, after making these prescribed allocations, a county auditor determines that there are still additional funds to be allocated, that those funds be allocated to the county, cities, and special districts in proportion to the amounts of ad valorem property tax revenue otherwise required to be shifted from those local agencies to the county's Educational Revenue Augmentation Fund for the relevant fiscal year. This bill would, for the 1999–2000 fiscal year, condition the operation of this allocation provision upon an appropriation, as provided, in the Budget Act of 1999. By imposing new duties in the allocation of ad valorem property tax revenues, this bill would impose a state-mandated local program. However, this bill would provide that no reimbursement is required by these provisions for a specified reason.

(48) Under existing law, there is in the Department of the Youth Authority a correctional education authority for the purpose of carrying out the education and training of wards committed to the youth authority.

This bill would provide that for purposes of receiving state funds pursuant to subdivision (b) of Article XVI of the California Constitution (Proposition 98), the correctional education authority is a state agency and is only entitled to state funding for direct instructional services provided to wards attending a course of study. The bill would prohibit the authority from receiving state funds unless the funds are specifically appropriated to the Youth Authority for direct instructional services, and would provide that the authority may not receive additional funds from the State Department of Education under any other program.

(49) Under existing law, $5,000,000 is appropriated from the General Fund to the Library of California Board to fund the startup phase of the Library of California for expenditure in the 1998–99 fiscal year.

This bill would authorize expenditure of these funds in the 1998–99 and 1999–2000 fiscal years, thereby making an appropriation.

(50) This bill would require, notwithstanding any other provision of law, that the state funds for revenue limits to school districts, county superintendents of schools, and charter school operational funding certified to the Controller in the 2000–01 fiscal year do not exceed certain amounts as determined by statute.

(51) This bill would provide that, notwithstanding any other provision of law, the cost-of-living adjustment for certain items of the Budget Act of 1999 is 1.41% and would provide that these funds are in lieu of the amounts that would otherwise be appropriated.

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(52) This bill would reappropriate $15,471,000 from the Proposition 98 Reversion Account to the Superintendent of Public Instruction for allocations in various amounts on a one-time basis to various school districts for specified purposes.

(53) This bill would appropriate $973,400 from the General Fund to the Superintendent of Public Instruction for allocation in various amounts to school districts on a one-time basis for specified purposes. These funds would be applied toward the minimum funding requirements for school districts and community colleges imposed by Section 8 of Article XVI of the California Constitution.

(54) This bill would appropriate $134,000,000 from the General Fund to the Superintendent of Public Instruction for allocation on a one-time basis to school districts and charter schools, and would require the Superintendent of Public Instruction to allocate these funds in specified amounts to school districts and charter schools on an enrollment basis for kindergarten and grades 1 to 8, inclusive, and grades 9 to 12, inclusive. These funds would be applied toward the minimum funding requirements for school districts and community colleges imposed by Section 8 of Article XVI of the California Constitution.

(55) This bill would appropriate $1,000,000 from the General Fund to the Superintendent of Public Instruction for allocation to the 5 Challenger Learner Centers, and would require that each center be allocated an equal amount.

(56) This bill would provide that the unencumbered balance as of June 30, 1999, in the 1997 Omnibus Education Trailer Bill or reimbursement of state-mandated local cost claims submitted by local education agencies is reappropriated to the Controller for the reimbursement of these claims for fiscal years 1995–96 to 1999–2000, inclusive.

(57) The bill would reappropriate $3,320,000 from the Proposition 98 Reversion Account to the Chancellor of the California Community Colleges for various purposes.

(58) This bill would appropriate $10,000,000 from the General Fund to the Controller for transfer to Section B of the State School Fund for the purpose of providing one-time grants to community college districts for the 1999–2000 fiscal year for the purpose of one-time expenditures on high priority projects for instructional equipment, library materials replacement, technology infrastructure, scheduled maintenance, and special repairs. The bill would require these funds to be allocated in an average amount per actual statewide full-time equivalent student enrollment reported for the 1998–99 fiscal year. These funds would be applied toward the minimum funding requirement for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution for the 1998–99 fiscal year.

(59) Existing law requires, and provides a mechanism for, reimbursement of certain school district costs associated with compliance with desegregation plans or orders and voluntary integration programs.

This bill would appropriate $2,000,000 from the General Fund to the State Controller to provide for the unfunded costs for Sacramento City Unified School District's 1998–99 voluntary integration program. The bill would require the funds appropriated by these provisions to be counted toward the state's minimum funding obligation pursuant to Section 8 of Article XVI of the California Constitution for the 1998–99 fiscal year.

(60) This bill would appropriate a total of $6,724,097 from the General Fund to the State Controller, for allocation to school districts for costs associated with school desegregation pursuant to a prescribed schedule for the 1994–95 and the 1995–96 fiscal years.

This bill would require the funds appropriated by these provisions to be counted towards the state's minimum funding obligation pursuant to Section 8 of Article XVI of the California Constitution for years prior to the 1998–99 fiscal year to the extent that obligations remain.

(61) This bill would appropriate $200,000 from the General Fund to the University of California for violence prevention studies.

(62) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that 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 the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 79 (AB 1662) Leonard. Booking fees: annual appropriation. [3]

Existing law authorizes a county to impose, among other fees with respect to criminal justice services, a booking fee upon other local agencies and colleges and universities for county costs incurred in processing or booking persons arrested by employees of those entities and brought to county facilities for booking or detention.

This bill would continuously appropriate up to $50,000,000 annually from the General Fund to the Controller commencing with the 1999–2000 fiscal year for allocation to cities for reimbursement for actual booking and processing costs paid to counties. This amount would be increased annually by 2% commencing with the 2000–01 fiscal year.

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

Ch. 80 (AB 1135) Ashburn. School employees: resignations.

Existing law prohibits the resignation of a school employee from taking effect after the close of the school year during which the governing board of a school district receives the resignation.

This bill would, notwithstanding the above, authorize an employee and the governing of a school district to agree that a resignation will be accepted at a mutually agreed upon date not later than 2 years beyond the close of the school year during which the resignation is received by the board.

Ch. 81 (AB 1482) Alquist. Stray animals: impounding requirements: operative date.

Under existing law, on and after July 1, 1999, any stray dog or cat impounded by a public pound or specified shelter will be required to be held for at least 4 or 6 business days, as specified, before being killed. Under existing law, on and after July 1, 1999, and until July 1, 2001, any animal relinquished to a public pound or specified shelter by its owner will be required to be held for at least 2 full business days, as specified, before being euthanized.

This bill would provide that, until July 1, 2000, a public agency that had a contract with another public or private entity to provide or receive animal shelter or animal pound holding services on January 1, 1999, by resolution, may comply with specified holding periods that were in effect on June 30, 1999, if specified conditions are met. This bill would also require public notice and findings of fact, as described, as to the basis for the resolution. Additionally, the bill would require a plan to be adopted within 60 days of the resolution to establish a schedule of implementation, as prescribed. The bill would also require flexible hours for any facility operating under a resolution.

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

Ch. 82 (SB 132) Brulte. Community college districts.

(1) Existing law provides that a proposal to form a new community college district from that portion of an existing community college district that has not less than 6,500 and not more than 7,000 full-time equivalent students and that contains an existing community college campus, which is located in a county other than the county in which the headquarters of the existing community college district is located, which is 50 or more miles from any other campus in the existing community college district, and which has not less than 1,200 and not more than 1,500 full-time equivalent students in the 1997–98 fiscal year, shall become final upon the approval of the board of governors, without the approval of the voters at an election, in accordance with a prescribed procedure.

This bill would authorize a community college district formed under these provisions to contract with another district for the performance of services. The bill would specify procedures for the disposition of funds authorized for, appropriated to, or apportioned to, a community college district formed under these provisions.

The bill would impose a state-mandated local program by requiring the existing community college district and a new community college district established under these

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provisions to enter into an agreement providing for specified matters relating to the formation of a new community college district.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 83 (SB 966) Committee on Judiciary. Maintenance of the codes.

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes.

This bill would restate existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 1999, and would not make any substantive change in the law.

Ch. 84 (AB 1661) Torlakson. Local government relief.

Existing law establishes the California Infrastructure and Economic Development Bank in the Trade and Commerce Agency with specified authority, including the authority to make loans to sponsors in connection with the financing of a project and the authority to engage the services of private consultants to render professional and technical assistance.

This bill would provide that nothing in these authorizations regarding the bank shall be construed to extend or limit the authority of the bank with respect to personal services contracts beyond provisions that are otherwise specified for state agencies using personal services contracts.

Existing law requires the bank to establish criteria, priorities, and guidelines for the selection of projects to receive assistance from the bank. Existing law also requires the legislative body of a sponsor to make certain findings, by resolution, prior to submitting a project to the bank for consideration.

This bill would add a requirement that a finding be made that the project is consistent with the criteria, priorities, and guidelines established by the bank.

The bill would also provide that from the funds appropriated in Item 2920-111-0001 of the Budget Act of 1999, $425,000,000 shall be available for financial assistance, including, but not limited to, leveraged revolving fund loans, to local government sponsors for public development facilities. The bill would further prohibit the bank from making any single loan in excess of 10% of the combined amount of this appropriation and an appropriation made to the bank in the Budget Act of 1998 unless approved by the board of directors of the bank and the Director of Finance provides notice to the Joint Legislative Budget Committee.

Existing law requires the bank, not later than November 1 of each year, to submit a report of specified activities to the Governor and the Joint Legislative Budget Committee.

This bill would require this report to be submitted on a quarterly basis during the 1999–2000 fiscal year and the 2000–01 fiscal year.

Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing property tax law also reduces the amounts of ad valorem property tax revenue that would otherwise be annually allocated to the county, cities, and special districts pursuant to these general allocation requirements by requiring, for purposes of determining property tax revenue allocations in each county for the 1992–93 and 1993–94 fiscal years, that the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance

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with certain formulas. It requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education.

This bill would, for the 2000–01 fiscal year and each fiscal year thereafter, modify these reduction and transfer provisions by limiting the total reduction and transfer amount for all the local agencies in each county to the corresponding total amount for the 1999–2000 fiscal year. This bill would require that the revenues not allocated to the county's Educational Revenue Augmentation Fund as a result of this limitation be instead allocated among the local agencies in the county, as provided. By imposing new duties in the annual allocation of ad valorem property tax revenues, this bill would impose a state-mandated local program.

This bill would also provide that the moneys appropriated pursuant to a specified line item in the Budget Act of 1999 be allocated (1) 1/2 to counties, and then among the local agencies in each county, in accordance with specified requirements and formulas applied to reduction and transfer amounts implemented for the 1998–99 fiscal year, and (2) 1/2 among the cities and the counties in accordance with the relative populations of the cities and unincorporated areas of counties. By providing for state revenues to be allocated in specified amounts to specified recipients, this bill would make an appropriation.

Existing property tax law requires a county auditor to annually calculate the property tax administrative cost shares attributable, as provided, to the local jurisdictions in the county and the county's Educational Revenue Augmentation Fund. Existing law also provides for a county's recovery of those cost shares, except for those cost shares calculated with respect to school entities or a county's Educational Revenue Augmentation Fund.

This bill would, for the 2000–01 fiscal year and each fiscal year thereafter, require the Legislature to subvene an amount sufficient to reimburse counties for the property tax administrative cost shares calculated for school entities as defined by a specified provision, and would establish procedures to be followed in allocating this amount from the General Fund among the counties in each subject fiscal year.

This bill would state the intent of the Legislature with respect to the impact upon certain legal claims and future measures of certain of the provisions of this bill. This bill would also provide that certain of its provisions shall not become operative unless an amendment to the California Constitution, meeting certain requirements, is approved by the statewide electorate during the 2000 calendar year.

This bill would also state the intent of the Legislature, and would require the Director of Finance to make certain adjustments, with respect to ensuring that the modifications required by this bill and earlier acts to property tax revenue allocations do not have a net fiscal impact on school districts or community college districts, or upon the state's obligation under the California Constitution to provide funding to those districts.

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

This bill would provide that 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. 85 (AB 1660) Shelley. State government.

(1) Existing law requires the Department of Insurance to develop and implement a coordinated approach to gather, review, and analyze the archives of affected insurance groups, and other archives and records, using onsite teams and an oversight committee, to provide for research and investigation into insurance policies, unpaid insurance claims, and related matters of victims of the Holocaust or of the Nazi-controlled German government or its allies, and the beneficiaries and heirs of those victims, and for losses arising from the activities of the Nazi-controlled German government or its allies for insurance policies issued before and during World War II by insurers who have affiliates or subsidiaries authorized to do business in California.

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This bill would rename the oversight committee the Holocaust Era Insurance Claims Oversight Committee (hereafter the oversight committee). The bill would provide for the appointment of 7 persons to the oversight committee, 4 by the Governor, and one each by the President pro Tempore of the Senate, the Speaker of the Assembly and the Commissioner of Insurance. The bill would add to the duties of the oversight committee with respect to specified activities regarding Holocaust era insurance claims in which the department is involved.

(2) Existing law limits expenditure of the funds in the Motor Vehicle Account in the State Transportation Fund to specific purposes relating to the administration and enforcement of laws regulating the use, operation, or registration of vehicles operated on the highways. Those funds may also be used for certain highway and mass transit guideway purposes.

This bill, until June 30, 2000, or until the day after execution of the transfers specified below, whichever date is first, would authorize money in the account that is derived from specified revenue resources to be used for any general governmental purpose, upon appropriation.

The bill would require the Controller to transfer prescribed sums from the State Highway Account to the General Fund and the Motor Vehicle Account upon the determination that certain conditions have occurred. The bill would also require the Controller to transfer a prescribed sum from the Motor Vehicle Account to the General Fund upon determining that certain other conditions have occurred.

(3) Under federal law, the Secretary of Commerce is required to take a decennial census of population, as defined as population and housing, and matters relating to population and housing, every 10 years.

This bill would establish the California Complete Count Committee for the purpose of developing and implementing a plan to maximize the number of persons of this state that participate in the 2000 federal decennial census of population. The committee would consist of 9 members, to be appointed as specified. The committee would be authorized to enter into contracts with individuals or entities as necessary for the development or implementation of the plan. The committee would be required to implement the plan no later than February 15, 2000, and to continue to implement the plan through September 1, 2000. The committee would cease to exist on December 31, 2000.

Ch. 86 (SB 711) Burton. Governmental functions.

(1) Legislation pending before the Governor would make various provisions for the prevention of school violence.

This bill would revise the designation of those provisions.

(2) Legislation pending before the Governor would make findings and declarations with regard to the federal decennial census and state the intent of the Legislature to increase participation in the 2000 federal decennial census.

This bill would prevent the operation of and would repeal these provisions.

(3) Legislation pending before the Governor would create the California Complete Count Committee relating to federal decennial census.

This bill would delete the authority to establish this committee.

(4) Legislation pending before the Governor would prohibit counties from receiving certain local assistance funds unless certain conditions are complied with.

This bill would correct erroneous cross-references in that provision.

(5) Existing federal law provides for the conduct of a decennial census of the population of every state.

This bill would request the Governor to appoint a task force to make recommendations on how to maximize the number of Californians counted in the 2000 census and to implement a census outreach program.

Ch. 87 (AB 532) Lempert. Human milk.

Existing law provides that the procurement, processing, distribution, or use of whole blood, plasma, blood products, and blood derivatives for specified purposes constitutes the rendition of a service, and not a sale of the whole blood, plasma, blood products, or blood derivatives for any purpose.

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This bill would apply similar provisions to the procurement, processing, distribution, or use of human milk for human consumption.

Ch. 88 (AB 1049) Aanestad. Health insurance: disability insurers.

Existing law provides for the regulation of disability insurers by the Insurance Commissioner.

This bill would require every disability insurer that covers hospital, medical, or surgical expenses and that reviews and approves the medical necessity or appropriateness of requests by providers prior to, or concurrently with, the provision of health care services to insureds, to prominently indicate on each insured's identification card whether a separate telephone number must be called to verify eligibility for benefits and coverage. This bill would also require the insurer to provide a specified notice to the insured in this regard.

Ch. 89 (SB 626) Chesbro. Lake County Flood Control and Water Conservation District.

(1) The Lake County Flood Control and Water Conservation District authorizes the board of supervisors of the Lake County Flood Control and Water Conservation District to establish zones within the district.

This bill would authorize the board of supervisors to modify and dissolve zones within the district in accordance with prescribed procedures.

(2) The act requires the board of the district to appoint a commission and authorizes the board to delegate any or all of its powers to the commission.

This bill would repeal that provision.

(3) The act authorizes the board of the district to levy ad valorem taxes or assessments upon real property in the district or in the zones of the district in accordance with prescribed provisions.

This bill would revise those provisions and would provide that the district may levy and collect special taxes and benefit assessments in the district or any zone of the district pursuant to specified provisions of law.

(4) The act authorizes the board to impose assessments, in accordance with specified provisions, to pay for the costs of operation and maintenance of certain works or improvements that have been constructed by the state or the federal government.

This bill would revise those provisions and would authorize the board to impose special taxes and benefit assessments to pay for those costs, as prescribed.

Ch. 90 (AB 1682) Honda. Human services.

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization.

Existing law provides until June 30, 1998, that the reimbursement of counties meeting certain conditions shall not be reduced for the state share of the nonfederal costs for the administration of the In-Home Supportive Services program.

This bill would extend the operative period of that provision until June 30, 2001.

Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium.

Existing law provides that when any increase in provider wages or benefits is negotiated or agreed to by a public authority or nonprofit consortium, the county shall use county-only funds to fund both the county's share and the state's share, including employment taxes, of any increase in IHSS costs, unless otherwise provided for by law.

This bill would delete this provision, and would, instead, provide that the annual costs for any public authority or nonprofit consortium shall be shared by the state and county according to provisions of existing law.

The bill would also authorize counties to designate funds to be used to increase provider wages and benefits for the provision of IHSS services through a nonprofit consortium or public authority or through a 3-year contract with various providers, and

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would provide for the reimbursement of any county that expends county funds in an amount at least equal to the reduction during the fiscal year in the county's share of cost that results from federal financial participation in services provided to medically needy aged, blind, and disabled persons, for the cost of the increase in wages and benefits that exceeds the reduction in the county share of cost.

This bill would require each county to act as, or establish, an employer for in-home supportive service personnel for purposes of provisions of statutory law regarding employer-employee relations and would require the department to establish a timetable for implementation of that requirement. This bill would also require each county that has not established a public authority for the provision of IHSS services to establish an advisory committee and would require the advisory committee in each county to provide recommendations on certain modes of service to be utilized in the county for in-home supportive services.

Because counties are responsible for administration of the IHSS program and participate in the funding of that program, this bill, by requiring counties to appoint an advisory committee, would result in a state-mandated local program.

Existing law provides that any county may contract on a nonexclusive basis with any qualified individual, organization, entity, or entities to provide or arrange for in-home supportive services, and specifies that the contracts may provide for a mode of service delivery under which the contractor is financially at risk for providing all in-home supportive services identified as necessary by the county to enrolled beneficiaries in the county.

This bill would repeal that provision.

Existing law establishes limits on the number of hours of services that may be provided to eligible recipients under the IHSS program.

This bill would revise those limitations.

Existing law provides for the establishment of the Sales Tax Account in the continuously appropriated Local Revenue Fund for the allocation of sales and use tax revenues to local government, includes the In-Home Supportive Services Registry Model Subaccount in the Sales Tax Account of that fund, and provides that money in the In-Home Supportive Services Registry Model Subaccount shall be available for allocation by the Controller for purposes of funding the provision of in-home supportive services through a county contract with a nonprofit consortium or a public authority created for that purpose.

This bill would eliminate the In-Home Supportive Services Registry Model Subaccount from the Sales Tax Account in the Local Revenue Fund, and would transfer any funds in the account to the General Fund.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 91 (SB 710) Burton. IHSS: budget trailer.

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization.

Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium.

Legislation pending before the Governor provides that when any increase in provider wages or benefits is negotiated or agreed to by a public authority or nonprofit

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consortium, the annual costs for any public authority or nonprofit consortium shall be shared by the state and county according to provisions of existing law.

This bill would provide instead that the county shall use county-only funds to fund both the county's share and the state's share, including employment taxes, of any increase in IHSS costs, except as otherwise provided in this bill.

Legislation pending before the Governor would provide for the reimbursement of any county that expends county funds in an amount at least equal to the reduction during the fiscal year in the county's share of cost that results from federal financial participation in services provided to medically needy aged, blind, and disabled persons, for the cost of the increase in wages and benefits that exceeds the reduction in the county share of cost.

This bill would delete that proposed statute.

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

Ch. 92 (AB 1104) Migden. Water quality: waste discharge requirements and penalties.

(1) Under existing law, the State Water Resources Control Board and the California regional water quality control boards are among the principal agencies with primary regulatory authority over water quality.

This bill, under specified circumstances, would authorize the state board, a regional board, or a publicly owned treatment works (POTW) to require a discharge or industrial discharger, as defined, subject to its jurisdiction to complete a prescribed pollution prevention plan. The bill would authorize a regional board to require a POTW to complete a pollution prevention plan with specified components, thereby imposing a state-mandated local program. The bill would require the state board or regional board to solicit comments from the public on a pollution prevention plan prepared pursuant to these provisions and to address the public comments when determining what schedule of actions to establish. The bill would authorize a POTW to require pollution prevention plans as part of the pretreatment requirements applicable to significant industrial users. The bill would require the state board or a regional board to prescribe effluent limitations as part of the waste discharge requirements of a POTW for specified substances.

(2) Existing law subjects any person who violates prescribed provisions of the Clean Water Act or the Porter-Cologne Water Quality Control Act to civil liability, as prescribed.

This bill would require liability to be assessed in connection with a violation of those provisions at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation. The bill would require a mandatory minimum penalty of $3,000 to be assessed under prescribed circumstances. The bill would provide that negligence on the part of the state or the United States is not a defense to liability for any discharge caused by the discharger's own negligence. The bill would require the State Water Resources Control Board to report annually to the Legislature regarding its enforcement activities, as specified.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 93 (SB 709) Committee on Budget and Fiscal Review. Waste discharge requirements and penalties.

(1) Under existing law, the State Water Resources Control Board and the California regional water quality control boards are among the principal agencies with primary regulatory authority over water quality.

This bill, under specified circumstances, would authorize the state board, a regional board, or a publicly owned treatment works (POTW) to require a discharger subject to its jurisdiction to complete and implement a prescribed pollution prevention plan. The

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bill would authorize the state board or a regional board to require a POTW to complete and implement a pollution prevention plan with specified components, thereby imposing a state-mandated local program. The bill would authorize the state board, a regional board, or a POTW to require a discharger to comply with the pollution protection plan after providing an opportunity for comment at a public proceeding with regard to that plan. The bill would require a regional board to prescribe effluent limitations as part of the waste discharge requirements of a POTW for specified substances. The bill would authorize a POTW with an approved pretreatment program to conduct specified inspections and assess prescribed penalties.

(2) Existing law subjects any person who violates prescribed provisions of the Clean Water Act or the Porter-Cologne Water Quality Control Act to civil liability, as prescribed.

This bill would require liability to be assessed in connection with a violation of those provisions at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation. The bill would require a mandatory minimum penalty of $3,000 to be assessed under prescribed circumstances. The bill would require the state board to report annually to the Legislature regarding its enforcement activities, as specified.

(3) The bill would specify that certain provisions of the bill prevail over provisions in Assembly Bill 1104.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 94 (AB 676) Brewer. Property taxation: Legislative Analyst: study.

Under existing law, the revenues from property taxes are apportioned to counties based on a specified formula.

This bill would require the Legislative Analyst to prepare a report to the Legislature presenting alternatives for restructuring the property tax allocation system in a manner consistent with specified goals.

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

Ch. 95 (SB 27) Burton. State finances.

(1) Existing law authorizes the Controller to discharge any state agency or employee from accountability for the collection of taxes, licenses, fees, or money if the debt is uncollectible or the amount of the debt does not justify the cost of its collection. Existing law also authorizes a state agency not to collect these moneys if the amount involved is $250 or less and the amount owed is uncollectible or does not justify the cost of collection. The Controller is authorized to adopt rules and regulations to permit state agencies to retain overpayments made to those agencies where a demand for refund is not made within 6 months after the refund becomes due.

This bill would grant this authority to the State Board of Control instead of the Controller.

(2) Under existing law, as set forth in the annual Budget Act, funds are appropriated for the support of various state government entities.

This bill would require, for each of the fiscal years 1999–2000 to 2008–09, inclusive, unless the loan is paid off earlier, that the Controller transfer to the General Fund, from a specified fund, an amount equal to 10% of an amount that was loaned in 1998 to fund certain contributions to the Public Employees Retirement System.

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

Ch. 96 (SB 198) Kelley. Lake Cuyamaca Recreation and Park District: lease agreements.

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

(1) The existing Lake Cuyamaca Recreation and Park District Act authorizes the Lake Cuyamaca Recreation and Park District Board, whenever the district board determines, by a $^{4}/_{5}$ vote of its entire membership, that it is necessary to enter into a long-term lease agreement for services or property from any person, firm, or corporation to provide adequate recreational facilities and services within the district, to enter into such a lease agreement for a term not exceeding 40 years if approved by not less than $^{2}/_{3}$ of the voters of the district voting at an election called for that purpose and prescribes procedures for the conduct of such an election. The act further requires the district board, whenever a long-term lease agreement is entered into pursuant to the act, to establish on the records of the district a Lease Agreement Redemption Fund from which all rental or other consideration for the lease shall be paid, and requires the supervising authority of the district to annually levy a special lease agreement tax to be deposited into the fund, as provided. The act prescribes procedures for the execution of lease agreements entered into by the district if the district dissolves by operation of law, as specified.

This bill would eliminate those provisions requiring voter approval for the district board to enter into a long-term lease agreement and prescribing procedures for a district election. The bill would also eliminate those provisions requiring the establishment of a Lease Agreement Redemption Fund and prescribing procedures for the execution of lease agreements entered into by the district if the district dissolves by operation of law.

(2) The existing Mello-Roos Community Facilities Act of 1982 authorizes the formation of community facilities districts, and the issuance of bonds and levying of special taxes thereunder, to finance designated public and utility facilities and services.

This bill would authorize the district to levy a special tax pursuant to that act.

(3) The bill would authorize the District Boards of the Valley-Wide Recreation and Park District and the Coachella Valley Recreation and Park District each to maintain a local checking account or savings account, or both a checking account and savings account, upon approval of the Board of Supervisors of Riverside County, and to transfer funds to those accounts for distribution and payment of ongoing operational expenses, salaries, and debt obligations from accounts that the board of supervisors may establish in the Riverside County Treasury for those districts for those purposes.

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

Ch. 97 (SB 290) Kelley. County water agencies: indebtedness.

(1) The County Water Authority Act authorizes the formation of county water authorities. The act authorizes a county water authority to incur a specified debt by contract and requires, among other things, any proposal to purchase, lease, or otherwise acquire rights, privileges, or services by contract, the compensation of which is payable over a period exceeding 20 years, to be approved by the voters of that authority.

This bill would, instead, require any proposal by a county water authority to purchase, lease, or otherwise acquire rights, privileges, or services by contract, the compensation of which is payable over a period that exceeds 40 years, to be approved by the voters of that authority. The bill would subject a proposal to lease, purchase, or otherwise acquire rights, privileges, or services by contract, the compensation of which is payable over a period that exceeds 20 years but is not more than 40 years, to referendum. By imposing additional duties on local public agencies, 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.

Ch. 98 (SB 469) Poochigian. Exempt assets: Roth IRAs.

Existing law provides that, among other assets, specified private retirement plans and individual retirement annuities or accounts are exempt from the enforcement of money judgments, subject to certain conditions and limitations. Existing law provides similar exemptions from the debtor's bankruptcy estate in cases under federal bankruptcy law.

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

This bill would specify that individual retirement accounts known as "Roth IRAs," established and qualified under specified provisions of the Internal Revenue Code of 1968, shall be subject to those exemptions.

Ch. 99 (SB 557) Peace. Highways: relinquishment: State Highway Routes 54 and 144.

(1) Existing law requires the California Transportation Commission to relinquish to any city or county any portion of any state highway within the city or county that has been deleted from the state highway system by legislative enactment. Those relinquishments become effective upon the first day of the next calendar or fiscal year, whichever first occurs after the effective date of the legislative enactment.

This bill would authorize the commission to relinquish to the City of El Cajon a specified portion of State Highway Route 54, upon terms and conditions the commission finds to be in the best interests of the state. The relinquishment would become effective immediately following the commission's approval of the terms and conditions of the relinquishment. The portion of State Highway Route 54 relinquished as specified would cease to be a state highway on the effective date of the relinquishment.

The bill would authorize the commission to relinquish State Highway Route 144, as described, to the City of Santa Barbara, upon a determination by the commission that it is in the best interests of the state to do so, and if the city has agreed to accept the relinquishment. The relinquishment would be made upon terms and conditions approved by the commission and would be effective on the day immediately following the commission's approval of those terms and conditions.

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

Ch. 100 (SB 594) Morrow. Vehicle registration: military spouse exemption.

Under existing law, any nonresident owner of a vehicle registered in a foreign state who is a member of the armed forces of the United States on active duty within this state, and any resident owner of a vehicle registered in a foreign state who is a member of the armed forces of the United States returning from active duty in a foreign state is allowed to operate the vehicle in this state without securing California registration if specified conditions are satisfied.

This bill would extend this exemption to a vehicle owned by the spouse of a member of the armed forces of the United States if the same specified conditions are satisfied.

Ch. 101 (SB 601) Karnette. Transportation: transit districts: purchase contracts: competitive negotiation.

Existing law authorizes certain transit districts, county transportation commissions, and other transportation entities to purchase specified electronic equipment and apparatus, and specialized rail transit equipment by competitive negotiation, as defined, pursuant to specified procedures and limited by certain conditions.

This bill would extend that authority to all transit agencies, as defined, and would expand the authority to include purchasing buses and passenger ferries.

Ch. 102 (SB 634) Kelley. Eminent domain.

Existing law specifies the time period within which various documents must be exchanged in eminent domain proceedings absent an agreement thereto. It also specifies the time period in which the plaintiff must file its final offer of compensation and in which the defendant must file its final demand for compensation.

This bill would revise these time periods, as specified.

Ch. 103 (SB 886) McPherson. Transportation: passenger rail service: Monterey County.

Existing law authorizes the Department of Transportation to enter into contracts with the National Railroad Passenger Corporation under specified provisions of federal law to provide commuter and intercity passenger rail services.

Existing law authorizes the Transportation Agency of Monterey County to contract for the operation of rail service in Monterey County and for connections with rail service in adjacent and neighboring counties and cities.

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

This bill would authorize the agency to be a party to any contract entered into, as specified, between the department and the National Railroad Passenger Corporation for passenger rail service along the San Francisco-San Jose-Monterey corridor.

Ch. 104 (SB 923) Johnston. Urban American River Parkway: in-line skating.

(1) Under existing law, the Urban American River Parkway Preservation Act, the Legislature adopted the American River Parkway Plan, which is composed of specified management plans adopted by the County of Sacramento and the City of Sacramento, so as to provide coordination with local agencies in the protection and management of the diverse and valuable natural land, water, native wildlife, and vegetation of the American River Parkway.

This bill would require the plan to be amended to permit in-line skating on the parkway on a trial basis until January 1, 2001, under any terms and conditions that may be established by the Board of Supervisors of the County of Sacramento and the City Council of the City of Sacramento. The bill would require the Sacramento County Department of Parks and Recreation to monitor the trial period for in-line skating in the parkway and to report its findings to the board of supervisors and the city council. The bill would, if the board of supervisors and the city council determine that the trial period is successful, authorize the addition of in-line skating to the list of permitted recreational uses for the parkway. By imposing new duties on local governments with respect to amending the management plans that serve as the basis of the American River Parkway Plan, 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. 105 (SB 1286) Mountjoy. Airports: funding: repayment.

Under the State Aeronautics Act, if an airport for which payments have been made from the Aeronautics Account ceases to be open to the general public for more than one year, the public entity to which those payments were made is required to pay to the state, for deposit in the account, an amount computed by the Department of Transportation, as prescribed. The act provides that the computation shall not include certain payments made by the department, if, upon the request of the public entity that owns and operates the airport, the department determines that the airport is not necessary to the system of public airports in this state.

This bill would require the department, when making this determination, to consider various specified factors concerning the airport. The bill would make other technical, nonsubstantive changes.

Ch. 106 (AB 289) Leonard. Vehicle registration.

Existing law generally requires every owner of a vehicle to maintain the registration card with the vehicle for which it is issued, except under certain circumstances.

This bill would make another exception by not requiring the card to be maintained with the vehicle when the vehicle is left unattended.

Ch. 107 (AB 411) Davis. Local planning: housing elements.

Existing law requires every city, county, and city and county to revise the housing element of its general plan as frequently as is appropriate, but not less than every 5 years, to reflect the results of the periodic review of the housing element. Existing law also provides that specified councils of governments shall complete the 3rd and 4th revisions of the housing elements of their general plans by specified dates.

This bill would extend the deadlines by which local governments within the regional jurisdiction of the San Diego Association of Governments are required to complete the 3rd revision of the housing elements of their general plans from June 30, 1999, to December 31, 1999.

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

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Ch. 108 (AB 566) Havice. After School Learning and Safe Neighborhoods Partnerships Program.

Existing law establishes the After School Learning and Safe Neighborhoods Partnerships Program to create incentives for establishing after school enrichment programs for pupils in kindergarten and grades 1 to 9, inclusive, at participating schoolsites. Existing law authorizes a local education agency or a city, county, or nonprofit organization in partnership with a local education agency or agencies to apply to establish a program, and requires the State Department of Education to select participants from among the applicants.

This bill would authorize programs established pursuant to these provisions to be conducted upon the grounds of a community park or recreational area if the park or recreational area is adjacent to the schoolsite.

Ch. 109 (AB 904) Alquist. Transportation: Santa Clara County Transit District: contracting.

Existing law requires the contracts of the Santa Clara County Transit District for the purchase of supplies, equipment, and materials for amounts greater than $25,000 to be let to the lowest responsible bidder, except for purchase contracts for certain electronic equipment and specialized rail transit equipment, which may be awarded by a specified competitive negotiation process.

This bill would authorize the district to let a design-and-build contract, as defined, for any project for a transit center or station, transit park-and-ride lot, bus and light rail maintenance facility, or administrative office building, or any combination of those, upon approval by the board of directors of the district, and as specified.

Ch. 110 (AB 1371) Granlund. Transactions and use tax: Town of Yucca Valley.

Existing law authorizes various local governmental entities, in accordance with certain limitations and approval requirements, to levy transactions and use taxes in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law.

This bill would additionally authorize the Town of Yucca Valley, subject to the approval of $^{2}/_{3}$ of the voters voting on the issue at an election, to levy a transactions and use tax pursuant to the Transactions and Use Tax Law at a rate of 0.25%, or a multiple thereof, not to exceed 1%, for purposes of funding transportation and park repair, replacement, construction, and reconstruction.

This bill would make legislative findings and declarations as to the necessity of a special statute.

Ch. 111 (SB 359) Knight. Peace officers: exemptions: reserve officers.

(1) Under existing law, specified reserve officers have the powers of a peace officer upon compliance with certain conditions that include, among other things, completion of the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training.

This bill would require that a reserve officer who has previously satisfied specified training requirements and has been serving as a level I or II reserve officer in one law enforcement agency be deemed to remain qualified as to Commission on Peace Officer Standards and Training requirements even though that reserve officer accepts a new appointment at the same level in another law enforcement agency.

(2) Existing law provides exemptions regarding the possession of short-barreled shotguns and short-barreled rifles to regular, salaried, full-time members of a police department, regular, salaried, full-time peace officer members of a police department, and regular, salaried, full-time peace officers who are employed by any of specified law enforcement agencies. These exemptions apply when the peace officer is on duty and the use of these weapons is authorized by the agency and is within the course and scope of his or her duties.

This bill would delete the "regular, salaried, full-time" designation from those provisions and apply the exemptions to any peace officer member of a police department or law enforcement agency, thereby including reserve officers within the exemptions. The bill also would include among the conditions where these exemptions apply the

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completion of a training course in the use of specified weapons certified by the Commission on Peace Officer Standards and Training.

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

Ch. 112 (SB 1163) Ortiz. Security officers.

Existing law establishes various categories of peace officers and other public officers, and specifies their duties and powers.

This bill would provide that a police security officer is a public officer, and not a peace officer, employed by the chief of police of a city whose primary duty is the security of locations or facilities as directed by the chief. These officers would have the authority to carry or possess a firearm, baton, and other safety equipment and weapons, as specified.

Existing law requires each sheriff's security officer to satisfactorily complete a specified course of training within 90 days of assuming his or her duties.

The bill, with respect to a sheriff's security officer completing a specified course of training, would require that the training be completed prior to the officer being assigned to perform his or her duties and would apply this provision to a police security officer.

Ch. 113 (AB 1469) Committee on Public Safety. Punishment: work furlough programs.

Existing law, repealed by its own terms as of January 1, 1999, did all of the following:

(1) Provided procedures that, among other things, authorize a board of supervisors that implements a work furlough program, electronic home detention program, or county parole program, as specified, to prescribe a program administrative fee and an application fee, that includes equipment and supervision costs, to be charged by the administrator based on the prisoner's ability to pay.

(2) Exempted privately operated home detention programs from specified maximum limits on the administrative fee prescribed by the board of supervisors to be paid by each home detention participant.

(3) Required, among other things, the administrator of a work furlough or home detention program, as specified, to ensure that these fee provisions are contained in any contract with a private agency or entity to provide specified program services.

(4) Prohibited the administrator of a program specified in (1) above from considering the prisoner's ability to pay for purposes of granting or denying participation in any of the programs and provided that this provision does not prohibit the administrator from verifying certain information relating to the prisoner's employment.

This bill would reenact these provisions.

Ch. 114 (SB 1248) Johannessen. Residential care facilities for the elderly: terminally ill residents: waiver.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services.

Existing law prohibits any person who requires 24-hour skilled nursing or intermediate care, or who is bedridden, other than for a temporary illness or for recovery from surgery, from being a resident at a residential care facility for the elderly.

Existing law authorizes the waiver of this prohibition to allow a resident who has been diagnosed as terminally ill to remain in the facility when certain requirements are met, including that the resident has resided in the facility for a period of at least 6 months prior to a physician's authorization for hospice services.

This bill would delete the requirement that the resident has resided in the facility for a period of at least 6 months prior to a physician's authorization for hospice services.

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

Ch. 115 (AB 177) Papan. Filing fee surcharge: children's waiting rooms.

Existing law sets forth the total filing fee for filing specified pleadings, motions, and papers in superior court, as specified.

This bill would state that it is the policy of the state that each court shall endeavor to provide a children's waiting room in each courthouse for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court; and would provide that to defray that expense, in any county

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having established a children's waiting room or that elects to establish such a service, the board of supervisors may, after giving notice and holding a public hearing on the proposal, impose a surcharge of not less than $2 and not more than $5 for the filing of specified pleadings, motions, and papers in superior court, which surcharge would be in addition to the total filing fee or any other authorized fee, but which shall be required to be paid by a party only once in any action. The bill would also provide for the disposition of such surcharges. These provisions would be repealed on January 1, 2010, unless that date is deleted or extended by later legislation. The bill would also set forth the intent of the Legislature with respect to the use of the surcharge for these children's waiting rooms.

Ch. 116 (AB 947) Lempert. County employees: retirement: benefits.

The County Employees Retirement Law of 1937 authorizes San Mateo County to provide optional safety status for specified probation officers.

This bill would authorize the board of supervisors to adopt the definition of final compensation utilizing the highest year salary.

Ch. 117 (AB 1289) Baugh. Personal income taxes: health insurance deduction.

The Personal Income Tax Law, by reference to specified federal statutes, for taxable years beginning on or after January 1, 1999, allows a deduction for 40% of the amount paid or incurred during the taxable year by a self-employed individual for insurance that constitutes medical care for the taxpayer and his or her spouse and dependents. Existing federal law incrementally increases that deduction to certain percentage rates. Under federal law, a 60% deduction is allowed for taxable years beginning in calendar year 1999 through 2001, a 70% deduction is allowed for taxable years beginning in calendar year 2002, and a 100% deduction is allowed for taxable years beginning in calendar year 2003 or thereafter.

This bill would conform the deduction allowed under the Personal Income Tax Law to the applicable federal percentage of the amount paid or incurred for taxable years beginning on or after January 1, 1999.

This bill would take effect immediately as a tax levy.

Ch. 118 (SB 357) Ortiz. Dissolution of marriage: attorneys' fees.

Existing law requires, upon the commencement of proceedings for dissolution or nullity of marriage or legal separation of the parties, that the summons contain a temporary restraining order restraining both parties from, among other things, transferring, encumbering, hypothecating, concealing, or otherwise disposing of any property, except as specified. This restraining order, however, does not preclude the use of community property for the payment of fees to retain an attorney in the proceeding.

This bill would provide that the restraining order also does not preclude the use of quasi-community property or a party's own separate property for the payment of fees and costs to retain an attorney in the proceeding ; but would require that any party who uses community or quasi-community property or the other party's separate property for that purpose shall account to the community or the other party for that use.

Ch. 119 (AB 594) Cardenas. Real property transfer disclosures: exception.

Existing law exempts transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust from specified residential real property transfer disclosure requirements.

This bill would provide that this exemption would not apply to a transfer if the trustee is a natural person who is sole trustee of a revocable trust and he or she is a former owner of the property or an occupant in possession of the property within the preceding year.

Ch. 120 (SB 674) Ortiz. Childhood sexual abuse: time of commencing action.

Existing law specifies the time in which an action for recovery of damages suffered as a result of childhood sexual abuse, as defined, must be commenced. Chapter 1032 of the Statutes of 1998, among other things, amended the law to delineate the actions based upon childhood sexual abuse to which these provisions are applicable.

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This bill would provide that those amendments shall apply to any action commenced on or after January 1, 1999, and to any action filed prior to January 1, 1999, and still pending on that date, including any action or causes of action which would have been barred by the laws in effect prior to January 1, 1999. However, this provision also declares that it is not intended to revive actions or causes of actions as to which there has been a final adjudication prior to January 1, 1999.

Ch. 121 (SB 1250) Escutia. Restitution.

Under existing law, a person convicted of a crime is required to make restitution to any victim in the amount of the economic losses suffered by a victim as a result of the criminal conduct. Existing law additionally authorizes the victim to enforce the restitution order as a civil money judgment and obtain access to the criminal defendant's financial records and information regarding his or her assets. Additionally, costs incurred under this existing procedure by the victim in attempting to collect under the restitution order are recoverable from the criminal defendant.

Existing law requires the defendant, in any case in which a restitution order may be entered, to prepare and file a disclosure identifying all assets owned or controlled by the defendant as of the date on which the defendant was arrested, as well as other information relating to the defendant's financial resources. This financial disclosure is available to the victim. Existing law also makes it a misdemeanor for any defendant to willfully state, on the required financial disclosure form, any material matter that he or she knows to be false, unless this conduct is punishable as perjury or another provision of law provides for a greater penalty.

Existing law additionally provides that these provisions shall become operative on January 1, 2000, unless an extension of specific provisions of former law is granted by the Judicial Council following an application by the majority of the judges of a court. The extension, with respect to the provisions of former law, may be for any period of time set by the Judicial Council, not exceeding January 1, 2002.

If this procedure is employed, these provisions of former law would require, in lieu of the specific procedures summarized above that would otherwise apply, that a restitution order be fully enforceable by a victim as if the restitution order were a civil judgment, and enforceable in the same manner as is provided for the enforcement of any other money judgment. The former provisions require a victim to have access to all resources available under the law to enforce the restitution order. Also under these former provisions, any portion of a restitution order that remains unsatisfied after a defendant is no longer on probation or parole is enforceable by the victim pursuant to these provisions, victims and the State Board of Control are required to notify the court whenever a restitution order is satisfied, and a restitution order or restitution fine that was imposed pursuant to a specified Penal Code provision by the municipal court or by the superior court in a county where there is no municipal court, may be enforced in the same manner as a money judgment in a limited civil case.

In addition under both former and existing law the court is required to impose a restitution fine and an order of restitution. The fine must be imposed unless no court finds compelling and extraordinary reasons for not doing so, and states those reasons on the record. In addition, the court is required to impose an order of restitution in every case in which the victim suffered economic loss. The amount of the order must be of an amount sufficient to fully reimburse the victim or victims for every determined economic loss incurred as the result of the defendant's criminal conduct, including specified types of expenses. For purposes of this provision, victim is defined to include the immediate surviving family of the actual victim and to include other specified entities.

This bill would specify that mental health therapy expenses are included in the specified expenses to be considered when determining the amount of economic loss for purposes of imposing an order of restitution.

Ch. 122 (AB 1311) Romero. Vehicles: driver's license violations program.

Existing law imposes specified sentencing and fine sanctions upon persons found guilty of violating provisions prohibiting the driving of vehicles without a license, as specified.

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This bill, until January 1, 2004, would authorize the district attorneys of certain counties, with the approval of the board of supervisors, to establish a pilot program for persons who plead guilty or no contest or are convicted of violations of specified provisions prohibiting driving without a valid driver's license. Under the program, and subject to the approval of the court, the district attorney would be allowed to enter into a written agreement with a person in a case involving a violation of the specified provisions in which the person would agree to the following, in lieu of the imposition of a county jail sentence: (1) a home detention program utilizing an electronic monitoring program, as specified, for not less than the minimum jail sentence, and not more than the maximum jail sentence, provided for a violation of the specified provisions, and (2) a class or classes relating to driving without a valid driver's license, as specified.

The bill would authorize the district attorney to recover fees for the program from participants or to provide for recovery of fees from participants by a private entity operating the program under contract, subject to a fee schedule and subject to fee modification or waiver based on the participant's financial position. The bill would prohibit a person from being denied participation in the program due to that person's inability to pay for the program.

The bill would require the district attorney of every county that elects to participate in the pilot program to prepare and submit a report to the Legislature concerning that county's participation in the program.

Ch. 123 (AB 671) Campbell. Private Investigator Act: exemption from licensure.

Exiting law requires a private investigator, as defined, engaged in business as a private investigator, to be licensed under the Private Investigator Act.

This bill would expressly exempt from licensure a person or business engaged in conducting objective observations of consumer purchases of products or services in the public environments of a business establishment by the use of a preestablished questionnaire as long as the person or business entity does not engage in any other activity that requires licensure as a private investigator. The bill would permit the questionnaire to include objective comments. The bill would require an employer to provide an employee with a copy of the questionnaire, following specified procedures, if the questionnaire is used as a basis, but not the sole basis, for possible disciplinary action against or discharge of an employee. The bill would require licensure if a questionnaire of the person or business is used as the sole basis for evaluating an employee's work performance.

Ch. 124 (AB 775) Calderon. Workers' compensation: medical care.

(1) Existing law requires an employer to provide health care to injured employees for injuries and diseases compensable under the law relating to workers' compensation. Existing law requires the Administrative Director of the Division of Workers' Compensation to biennially adopt and revise an official medical fee schedule.

This bill would require that a workers' compensation insurer, third-party administrator, or other entity that requires a treating physician to obtain either utilization review or prior authorization in order to diagnose or treat compensable injuries or diseases ensure the availability of those services from 9 a.m. to 5:30 p.m. Pacific coast time of each normal business day. The bill would define normal business day.

(2) Existing workers' compensation law requires an employer to make payment for medical services rendered by an employee's treating physician after receipt of certain required reports, and requires that payment for medical treatment provided or authorized by the treating physician be made by the employer within 60 days after receipt of each separate, itemized billing, together with any required reports.

This bill would refer to payment for medical treatment provided or authorized by the treating physician selected by the employee or designated by the employer. It would also provide that if the billing or a portion thereof is contested , denied, or considered incomplete, the physician shall be notified, in writing, that the billing is contested , denied, or considered incomplete, within 30 working days after receipt of the billing by the employer. The bill would require a notice that a bill is incomplete to state all the additional information required to make a decision.

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

Ch. 125 (AB 1341) Granlund. Land surveying.

Existing law, the Professional Land Surveyors' Act, defines the practice of land surveying for purposes of licensing and regulation, and exempts certain persons, including certain state and local public employees, as specified, from these licensing and regulatory provisions.

This bill would additionally exempt any state, county, city, or city and county public safety employee investigating any crime or infraction for the purpose of determining or prosecuting a crime or infraction. It would also provide that the exemption shall not permit a public safety employee to offer or perform land surveying for any purpose other than determining or prosecuting a crime or infraction.

Ch. 126 (AB 1576) Committee on Health. Children and family health programs.

(1) The California Children and Families First Act of 1998 establishes the California Children and Families First Program, funded by certain surtaxes imposed on the sale and distribution of cigarettes and tobacco products and deposited into the California Children and Families First Trust Fund Account, to be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law requires that funds in the account be distributed to those counties that elect to participate in the program by creating county commissions and meeting other criteria.

This bill would rename that program the California Children and Families Program. This bill would also define "relevant county" for purposes of the program.

(2) An initiative measure, the act provides that it may be amended only by a vote of $^{2}/_{3}$ of the membership of both houses of the Legislature and that all amendments to the act shall be to further the act and must be consistent with its purposes.

This bill, in conformance with those requirements, would declare that its provisions further the act and are consistent with its purposes.

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

Ch. 127 (AB 618) Margett. Horse racing: promotional payments.

Existing law generally prohibits a person licensed to conduct a racing meeting from paying any horse owner, or any agent, person, or organization representing horse owners, purses, or any other type of consideration, except as expressly provided in the Horse Racing Law. Existing law likewise prohibits any horse owner, or any agent, person, or organization representing horse owners, from receiving, soliciting, or obtaining these funds. Existing law also defines certain exceptions from these prohibitions, including payments by a fair in connection with promotional contests or sponsorship contributions.

This bill would add an exception to these prohibitions for a payment by a licensed harness racing association in the northern zone, or by any fair, in connection with promotional contests or sponsorship contributions.

Ch. 128 (AB 202) Knox. Firearms.

Existing law regulates the sale of firearms and prohibits the sale of certain specified firearms, but does not otherwise limit the number of firearms that a qualified person may purchase.

This bill would make it a misdemeanor or a felony for any dealer to deliver a pistol, revolver, or other firearm capable of being concealed upon the person following notice from the Department of Justice that, within the preceding 30-day period, the purchaser has made another application to purchase that concealable firearm. The bill also would provide that, except as specified, any person who makes an application to purchase more than one concealable firearm within any 30-day period is guilty of either an infraction or misdemeanor depending upon the number of violations committed by that person. By creating new crimes, this bill would impose a state-mandated local program.

This bill also would make conforming changes to other provisions of law.

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

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

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

Ch. 129 (SB 23) Perata. Firearms: assault weapons.

(1) Existing law makes it a misdemeanor for any person to manufacture, cause to be manufactured, import into this state, keep or offer for sale, give, lend, or possess specified weapons and explosives.

This bill would make it a misdemeanor or a felony, beginning January 1, 2000, for any person, except as provided, to manufacture, import into the state, keep or offer for sale, give, or lend any large-capacity magazine. A large-capacity magazine would be defined to mean any ammunition feeding device with the capacity to accept more than 10 rounds. By expanding the definition of, and increasing the penalty for, a crime, this bill imposes a state-mandated local program.

(2) Existing law requires imposition of a longer term of imprisonment on any person convicted of assault with a deadly weapon, and for enhanced terms of imprisonment for a person convicted of a felony, if that person was either armed with, or personally used, an assault weapon or machinegun, as defined, in the commission of, or attempted commission of that felony.

Existing law makes it a crime to engage in specified activities regarding assault weapons and regulates the lawful possession of those weapons. Existing law defines the term "assault weapon" by, among other things, designating a list of specified semiautomatic firearms.

This bill would further define the term "assault weapon" by providing descriptive definitions concerning the capacity and function of the weapon. These expanded definitions would specifically apply to the above-mentioned increased term and enhancement provisions and to related provisions. By expanding the definition of a crime, this bill would impose a state-mandated local program.

(3) Existing law makes it a crime, punishable either as a felony or a misdemeanor, for any person to possess any assault weapon, as defined. However, if a person charged with a first-time violation of that offense presents proof that he or she lawfully possessed the assault weapon within a specified period, and has since registered the weapon or relinquished it, the offense is punishable as an infraction, if the person has also complied with specified conditions. Existing law also provides a period of forgiveness to persons in possession of an assault weapon during a specified period under specified conditions. In addition, existing law exempts specified law enforcement agencies from the prohibition against possession, purchase, or sale of assault weapons.

This bill would make it an infraction, punishable by a fine up to $500, for a first-time violation of the above-mentioned offense, if the offender was found in possession of no more than 2 firearms in compliance with specified provisions and proves that he or she lawfully possessed the assault weapon prior to the date it was defined as an assault weapon under the proposed provision set forth in (2). This bill would also add an additional period of forgiveness for persons in possession of assault weapons, as defined, pursuant to the proposed provision set forth in (2), to extend to the one-year period after the weapon was defined as an assault weapon under that proposed provision. By defining a new crime, this bill would impose a state-mandated local program. The bill would also exempt certain additional off-duty and certain retired law enforcement personnel from the prohibition against possession, purchase, or sale of assault weapons.

(4) Existing law requires any person who lawfully possesses an assault weapon, as defined, prior to specified periods, to register that weapon with the Department of Justice, within a specified period of time.

This bill would require any person who lawfully possessed an assault weapon prior to the date it was defined as an assault weapon pursuant to the proposed provision mentioned in (2) above, to register the weapon within one year of the effective date of that provision.

(5) Existing law requires the Department of Justice to conduct a public education and notification program regarding the registration of assault weapons, the limited forgiveness period of the registration requirement and the consequences of nonregistration.

This bill would require that the public education and notification program include the new definition of assault weapons discussed in paragraph (2) above.

(6) The bill would state legislative intent.

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

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(8) This bill would incorporate additional changes in Section 12020 of the Penal Code proposed by SB 359, to be operative if SB 359 and this bill are both enacted and become effective on or before January 1, 2000, 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.

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

Ch. 130 (AB 459) Ackerman. Trust companies: investments.

Existing law authorizes a trust company to invest or reinvest in the securities or other interests of any fund for which the trust company or its affiliate is providing specified investment or management services. The trust company is required to provide written notice to certain persons at least 30 days prior to an initial investment.

This bill instead requires that notice to be provided within 30 days before or after the initial investment.

Ch. 131 (AB 1119) Committee on Budget. Claims against the state: appropriation.

Existing law requires the State Board of Control to report to the Legislature when there is no sufficient appropriation available for the payment of a claim against the state allowed by the board.

This bill would appropriate $1,603,769.45 from various funds, as specified, to the Executive Officer of the State Board of Control to pay claims accepted by the board in accordance with a schedule that identifies various funds and accounts from which the payments are to be made.

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

Ch. 132 (AB 1484) Maldonado. Heritage Ranch Community Services District.

Existing law authorizes the creation of community services districts for the performance of various specified public and utility services.

This bill would grant limited authority to the Heritage Ranch Community Services District to acquire, construct, improve, upgrade, maintain, or operate storage tanks and related facilities to provide petroleum to the district, its inhabitants, and visitors.

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

Ch. 133 (AB 1633) Floyd. School facilities: disabled veteran business enterprises.

Existing law, the Leroy F. Greene School Facilities Act of 1998, among other things, establishes the continuously appropriated 1998 State School Facilities Fund, appropriates money to school facilities funds from which the State Allocation Board may apportion to school districts for school facility purposes.

This bill would require any school district using funds allocated pursuant to the act for the construction or modernization of a school building, to have a participation goal of not less than 3% per year, of the overall dollar amount expended each year to the school district for disabled veteran business enterprises.

Ch. 134 (AB 60) Knox. Employment: overtime.

Existing law provides that 8 hours of labor constitute a day's work unless it is otherwise expressly stipulated by the parties to a contract.

This bill would delete the authority of parties to otherwise expressly stipulate the number of hours that constitute a day's work. The bill would provide that, except for an employee working pursuant to an alternative workweek schedule, as specified, hours worked in excess of 8 hours in one day, hours worked in excess of 40 hours in one workweek, and the first 8 hours worked on the 7th day of work in a given workweek are to be compensated at the rate of no less than 1 $^{1}/_{2}$ times the regular rate of pay of an employee. Under the bill, hours worked in excess of 12 hours in one day as well as hours worked in excess of 8 hours on any 7th day of a workweek are to be compensated at the rate of no less than twice the regular rate of pay of an employee. Employees working

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pursuant to an alternative workweek schedule under other specified provisions of this bill would be exempt from these requirements.

This bill would make an employer, or other person acting on behalf of an employer, subject to prescribed civil penalties for the violation of prescribed provisions of the Labor Code or provisions regulating hours and days of work of wage orders of the Industrial Welfare Commission. The bill would authorize the Labor Commissioner to issue citations for violations of prescribed provisions of the Labor Code regulating the payment of wages for overtime work and provisions regulating hours and days of work in wage orders of the commission and would prescribe a procedure by which the cited employer or other person may contest the proposed assessment of a civil penalty.

Under existing law, work performed in the necessary care of animals, crops, or agricultural lands is exempt from specified regulation under the above provisions, including the standard for compensation at an overtime rate for work in excess of 8 hours per day.

This bill instead would exempt persons employed in an agricultural occupation, as defined in the wage order of the Industrial Welfare Commission relating to agricultural occupations, with a prescribed exception, from specified regulation under the Labor Code.

Under an existing statute, any employer who intends to use a flexible scheduling technique, as permitted by wage order of the commission, is required to make full written disclosure to the affected employees concerning certain matters of the flexible schedule, as specified. Existing wage orders of the commission specify the rate of overtime compensation required to be paid to an employee for work in excess of 40 hours per week. Other existing provisions of those wage orders provide that no employer is in violation of those overtime provisions if the employees of the employer have adopted a voluntary written agreement that satisfies specified criteria.

This bill would repeal that statute and instead codify the authority of the employees of an employer to adopt an alternative workweek schedule that permits work by affected employees for no longer than 10 hours per day within a 40-hour workweek without the payment to the affected employees of an overtime rate of compensation when approved by at least $^{2}/_{3}$ of the affected employees in a work unit by secret ballot. The bill would provide that an employee working more than 8 hours, but not more than 12 hours, in a day pursuant to an alternative workweek schedule is required to be paid an overtime rate of compensation of no less than 1 $^{1}/_{2}$ times the regular rate of pay of the employee for work in excess of the regular hours established by that schedule and for work in a workweek in excess of 40 hours per week and an overtime rate of compensation of no less than double the regular rate of pay of the employee for any work in excess of 12 hours per day and work in excess of 8 hours on days worked beyond the regularly scheduled workweek under the agreement.

The bill would declare null and void certain alternative workweek schedules adopted pursuant to specified wage orders of the Industrial Welfare Commission.

Existing wage orders of the commission prohibit an employer from employing an employee for a work period of more than 5 hours per day without providing the employee with a meal period of not less than 30 minutes, with the exception that if the total work period per day of the employee is no more than 6 hours, the meal period may be waived by mutual consent of both the employer and employee.

This bill would codify that prohibition and also would further prohibit an employer from employing an employee for a work period of more than 10 hours per day without providing the employee with a second meal period of not less than 30 minutes, with a specified exception.

The bill would provide that, if an employer approves the written request of an employee to make up work time that is lost as a result of a personal obligation of the employee, the hours of that makeup work time, if performed in the same workweek in which the time was lost, may not be counted towards computing the total number of hours worked in a day for purposes of specified overtime requirements, except for hours in excess of 11 hours of work in one day or 40 hours in one workweek. The bill would require an employee to provide a signed written request for each occasion he or she makes that request. The bill would prohibit an employer from encouraging or otherwise soliciting an employee to make that request.

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Existing wage orders of the commission provide that no person employed in an administrative, executive, or professional capacity is required by those wage orders to be compensated for overtime work. Those existing wage orders define an employee as employed in an administrative, executive, or professional capacity if, among other things, the employee is engaged in work that is primarily intellectual, managerial, or creative, and which requires exercise of discretion and independent judgment and the employee receives compensation of not less than a specified amount per month.

This bill would authorize the Industrial Welfare Commission to establish exemptions, with specified limitations, from the requirement that premium pay be paid for overtime work for executive, administrative, and professional employees, provided that the employee is primarily engaged in the duties which meet the test of the exemption and the employee earns a monthly salary equivalent to no less than 2 times the state minimum wage for full-time employment. The bill would require the commission to conduct a review of the duties that meet the test of this exemption and authorize the commission to hold a public hearing, to be conducted no later than July 1, 2000, to adopt or modify regulations relating to duties that meet the test of the exemption without convening a wage board.

The bill would authorize the Industrial Welfare Commission to review, retain, or eliminate exemptions from the hours requirements that were contained in a valid wage order in effect in 1997 and would authorize the commission to establish additional exemptions therefrom for the health or welfare of employees in any occupation, trade, or industry until January 1, 2005.

Under existing law, employment in which the hours of work do not exceed 30 hours in a week or 6 hours in a day are exempt from the general provisions of the Labor Code relating to the hours and days that constitute a workday and a workweek, and related provisions.

This bill would clarify that the exemption applies to the requirements for a day's rest within a period of 7 days of labor and the prohibition against requiring an employee to work more than 6 days in 7.

Existing provisions of the Labor Code contain specific workday and workweek requirements relating to employees of ski establishments, employees of licensed hospitals, and stable employees engaged in the raising, feeding, or management of racehorses. Existing law also exempts employers engaged in specified commercial fishing enterprises from the minimum wage and maximum hour provisions of existing law.

This bill would repeal those provisions as of July 1, 2000.

This bill would require the Industrial Welfare Commission, prior to July 1, 2000, to conduct a review of wages, hours, and working conditions in the ski industry, commercial fishing industry, and health care industry, and for licensed pharmacists, outside salespersons, and stable employees in the horse racing industry. The bill would authorize the commission, based upon that review, to convene a public hearing to adopt or modify regulations at that hearing pertaining to those industries without convening wage boards. The bill would provide that the hearing be concluded by July 1, 2000.

The bill also would require the Industrial Welfare Commission, at a public hearing, to adopt wage, hours, and working conditions orders consistent with this measure without convening wage boards, which orders shall be final and conclusive for all purposes. Additionally, the commission would be authorized to adopt regulations consistent with this measure necessary to provide assurances of fairness regarding the conduct of employee workweek elections, employee disclosures, employee requests to the Labor Commissioner to review designations of work units, and processing of employee petitions as provided for in this measure or under any wage order of the commission.

Additionally, the bill would authorize the Industrial Welfare Commission to adopt or amend orders relating to break periods, meal periods, and days of rest.

Since violation of these provisions would, under existing law, constitute a misdemeanor, the bill would impose a state-mandated local program.

The bill also would make other technical and conforming changes and would declare null and void specified wage orders of the Industrial Welfare Commission relating to these provisions and temporarily reinstate specified prior orders of the commission.

This bill would further require the Industrial Welfare Commission to study the extent to which alternative workweek schedules are used in California with a cost-benefit

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analysis and to report the results of the study and recommendations to the Legislature by July 1, 2001.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory 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 584) Aroner. East Bay Regional Park District contracts: supplies, materials, and labor.

Existing law authorizes the general manager of a park or open-space district, with the approval of the board of directors of the district, to bind the district, without advertising and without written contract, for the payment for supplies, materials, or labor for new construction of any building, structure, or improvement in an amount not to exceed $25,000 or for any other purpose in an amount not to exceed $10,000.

This bill would, instead, authorize the general manager of a park or open-space district with the approval of the board of directors of the district, to bind the district in accordance with board policy, and without advertising, for the payment for those supplies, materials, or labor in the amounts specified above for new construction of any such building, structure, or improvement, or for any other purpose, and would, with regard to the East Bay Regional Park District increase the maximum amount for all of the above purposes to $25,000.

The bill would make legislative findings and declarations relating to the need for special legislation.

Ch. 136 (SB 11) Schiff. Sexually violent predators.

Under existing law, whenever the Director of Corrections determines that an individual who is in custody, and who is either serving a determinate prison sentence or whose parole has been revoked, may be a sexually violent predator, the director is required to refer the person for evaluation by the State Department of Mental Health. If the State Department of Mental Health determines that the person is a sexually violent predator, the Director of Mental Health is required to forward a request for a petition for commitment to be filed by the county in which the person was convicted of the offense for which the person was committed to the jurisdiction of the Department of Corrections.

This bill would provide that a petition may be filed if the individual was in custody pursuant to his or her determinate prison term, parole revocation term, or hold placed for an evaluation under specified provisions of law at the time the petition is filed, and shall not be dismissed on the basis of a later judicial or administrative determination that the custody was unlawful if the unlawful custody was the result of a good faith mistake of fact or law. This bill would provide that it applies to any petition filed on or after January 1, 1996. This bill would provide that this provision is declaratory of existing law.

This bill would require the Department of Justice, in cooperation with the Youth and Adult Correctional Agency and the State Department of Mental Health, to report certain information to the Legislature on or before January 1, 2002.

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

Ch. 137 (SB 84) Costa. Enterprise zones: expansion areas.

The Enterprise Zone Act provides for the designation of enterprise zones by the Trade and Commerce Agency, according to specified criteria, pursuant to which certain entities within each zone may receive regulatory, tax, and other incentives for economic and employment development and private investment. An enterprise zone located in a city or the unincorporated area of a county may be expanded into an adjacent city or cities if, among other things, the agency finds that specified conditions exist. Among those conditions is that land included within the proposed expansion area must be zoned for industrial or commercial use.

This bill would authorize the inclusion of nonindustrial or noncommercial land under certain conditions. It would, in the case of the Counties of Fresno and Kern, authorize

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the expansion of an enterprise zone located in a city or in the unincorporated area of the county into an adjacent unincorporated area of the county.

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

Ch. 138 (SB 309) Baca. Court security services: San Bernardino County.

(1) Existing law provides for the consolidation of services provided by the sheriff's office and the marshal's office with respect to the courts in San Bernardino County.

This bill would repeal those provisions and would instead authorize the Board of Supervisors of San Bernardino County to commence public hearings regarding the consolidation of court services in San Bernardino County no later than 30 days after the effective date of this bill, concurrent with an advisory election among the judges of the consolidated courts of the county. The bill would also provide that the board of supervisors may elect to abolish the marshal's office in San Bernardino County assigning the duties of court services to the office of the sheriff. If the board of supervisors elects to abolish the marshal's office the duties and staff of the marshal's office would be merged into the sheriff's department. The bill would provide that if the board determines to abolish the marshal's office and transfer the duties of the marshal's office to the sheriff's office, the abolishment of the office and the transfer of those duties must be completed within 30 days of that determination. The bill would also specify the method for the assignment of bailiffs and the employment of personnel of the marshal's office and the sheriff's office following any abolition and consolidation.

(2) Existing law requires, commencing on July 1, 1999, and thereafter, the trial courts of each county in which court security services are otherwise required by law to be provided by the sheriff's department to enter into an agreement with the sheriff's department that was providing court security services as of July 1, 1998, regarding the provision of court security services.

This bill would require, commencing on July 1, 1999, and thereafter, the trial courts of San Bernardino County in which court security was provided by the marshal's office as of July 1, 1998, to enter into an agreement regarding the provision of court security services with the successor sheriff's department if the marshal's office is abolished, thus establishing a state-mandated local program.

However, rather than the above changes, this bill would only make the changes to Section 77212.5 of the Government Code, as proposed by SB 1196, if SB 1196 is enacted and becomes effective prior to this bill.

(3) The bill would state that these provisions constitute necessary special legislation.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 139 (SB 407) Alpert. Medical waste: disposal.

Existing law requires a person generating or treating medical waste to ensure that the medical waste is treated by one of certain methods, thereby rendering it solid waste, as defined, prior to disposal. Existing law permits discharge of medical waste to a public sewage system if the medical waste is liquid or semiliquid and meets other specified conditions.

This bill would revise the conditions required for disposal of medical waste to a public sewage system, including an authorization to treat a medical waste that is a specified type of biohazardous waste by chemical disinfection if certain requirements are met.

Ch. 140 (SB 186) Costa. Low-speed vehicles.

(1) Under existing law, no person may drive, move, or leave standing upon a highway, or in an offstreet public parking facility any motor vehicle unless it is registered and the appropriate fees have been paid under the Vehicle Code, except as specified.

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This bill would add to those exceptions a low-speed vehicle, as defined.

(2) Under existing law, the Vehicle Code sets forth provisions governing manufacturers, transporters, dealers, and salespersons of vehicles.

This bill would revise these provisions to make it unlawful and a violation of the Vehicle Code for these persons to sell a low-speed vehicle without disclosing to the buyer the vehicle's maximum speed and the potential risks of driving a low-speed vehicle. Thus, the bill would create a new crime, thereby imposing a state-mandated local program.

(3) Existing law authorizes local authorities to permit golf carts to be used on highways adjacent to a golf course and in real estate developments, as specified.

This bill, for these purposes, would specify that a "golf cart" includes a low-speed vehicle.

(4) Existing law governs the operation of motor vehicles, but does not include provisions specifically governing the operation of low-speed vehicles.

This bill would specify that a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and that the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by the Vehicle Code or any other code, with the exception of those provisions which, by their very nature, can have no application. The bill would make other related changes. In addition, the bill would prohibit the operator of a low-speed vehicle from operating the vehicle on any roadway with a speed limit in excess of 35 miles per hour, except as provided. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

(5) Existing law requires (a) every vehicle that is subject to registration under the Vehicle Code to be equipped at all times with at least one reflector so maintained as to be plainly visible at night from all distances within 350 feet to 100 feet from the vehicle when directly in front of the lawful upper headlamp beams, and (b) every vehicle, other than a motorcycle, that is manufactured and first registered on or after January 1, 1965, under the Vehicle Code, to be equipped at all times, with at least 2 reflectors that are plainly visible at night from all distances specified in (a).

This bill would exempt low-speed vehicles from the provisions specified in (b) 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.

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

Ch. 141 (AB 1240) Ashburn. California Central Valley International Trade Center.

Existing law establishes various programs to promote economic and business development.

This bill would declare that it is the intent of the Legislature (1) that the California Central Valley International Trade Center in Tulare County coordinate and work cooperatively with other ongoing international trade efforts in the Central Valley, and (2) that funding for the center for specified purposes be appropriated in the annual Budget Act or in another measure. The bill would make related legislative findings and declarations.

Ch. 142 (AB 1322) Oller. Concealed weapons licenses.

Existing law authorizes the sheriff of a county or the chief or other head of a municipal police department of any city or city and county to issue a license to carry a concealed firearm upon proof of specified criteria, including that the person applying is either a resident of, or spends a substantial period of time in the applicant's principal place of employment or business within, the county or a city within the county when application is made to the sheriff, or the applicant is a resident of the city when application is made to a police chief. Under existing law, a license issued pursuant to these provisions is valid for any period of time not to exceed 2 years from the date of the license, except that if the licensee's place of employment or business was the basis for issuance of the license pursuant to these provisions, the license is valid for any period of time not to exceed 90 days. If the applicant is a judge, court commissioner, or magistrate, the license is valid

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for any period of time not to exceed 3 years. Existing law also authorizes the sheriff of a county or the chief or other head of a municipal police department of any city or city and county to issue a license to carry a concealed firearm to a person who has been deputized or appointed as a reserve peace officer upon proof of specified criteria. Under existing law, the license is valid for a period not to exceed 4 years from the date of the license but becomes invalid upon conclusion of the person's appointment, if not already expired or invalid under other provisions of law.

This bill would provide, in addition, that a license to carry a concealed firearm issued to a custodial officer who is an employee of the sheriff is valid for any period of time not to exceed 4 years from the date of the license but becomes invalid upon conclusion of the person's employment as a custodial officer, if not already expired or invalid under other provisions of existing law.

Ch. 143 (AB 1459) Wiggins. Agricultural products: processors licensing: fees.

Under existing law, pertaining to the processing of farm products, processors and cash buying processors, as those terms are defined, are required to be licensed and to pay to the Department of Food and Agriculture an annual license application fee in accordance with a specified schedule determined by the annual dollar volume of business based on farm product volumes. The department is required to reevaluate that fee structure in fiscal years 1998–99 and 1999–2000 and to submit a report to the Legislature within 60 days subsequent to June 30, 2000, which shall include, but not be limited to, a summary of the fees paid and services utilized by the various commodity groups covered.

This bill, instead, would require the report to include, but not be limited to, a summary of the fees paid by commodity and dollar volume, an analysis of whether the fee structure is appropriate to overall program revenues, and the volume of services utilized by the major commodity groups covered.

Ch. 144 (AB 1634) Committee on Revenue and Taxation. Taxation: unemployment insurance benefits: wages.

Existing unemployment insurance law requires each employer to file a report of wages paid to his or her workers and to furnish to each employee a written statement showing, among other things, the total amount of wages.

This bill would require the report and statement to include the total amount of wages subject to personal income tax, as provided.

Ch. 145 (AB 846) Ackerman. Uniform Principal and Income Act.

Existing law, the Revised Uniform Principal and Income Act, requires a trust to be administered, as specified, with due regard to the respective interests of defined income beneficiaries and defined remainder beneficiaries.

This bill would repeal these provisions and enact the Uniform Principal and Income Act.

Ch. 146 (AB 1107) Cedillo. Health Care.

Existing law establishes the California Registered Nurse Education Program, within the Minority Health Education Professions Foundation, under which persons from demographically underrepresented groups or persons who agree in writing prior to graduation to serve in an eligible county health facility or a health manpower shortage area, may apply for awards to assist students in completing nursing programs meeting specified standards.

Existing law creates the Registered Nurse Education Fund, to be used for the purposes of this program. This fund contains a $5 assessment, which is collected by the Board of Registered Nursing at the time of the biennial registered nursing licensure renewal.

Under existing law, provisions establishing the California Registered Nurse Education Program and the licensure renewal assessment collected for that purpose would be repealed on January 1, 2000.

This bill would extend the duration of these provisions until January 1, 2003.

Under existing law, the California Early Intervention Services Act, various state departments provide coordinated services to infants and toddlers with disabilities and their families.

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

Under existing law, the act will repeal on January 1, 2000.

This bill would indefinitely extend the duration of these provisions.

Existing law establishes various programs administered by the State Department of Health Services to assist minority populations and underserved areas.

This bill would establish the Office of Multicultural Health in the department in order to perform specified functions.

Existing law establishes the Breast Cancer Control Program, which provides early breast cancer detection services for uninsured and underinsured women.

This bill would, until July 1, 2000, establish the Breast Cancer Treatment Program, to be administered by an eligible private nonprofit organization contracting with the State Department of Health Services, for the purpose of providing breast cancer treatment services to uninsured and underinsured women with incomes at or below 200% of the federal poverty level, to the extent funds are available for that purpose.

Existing law requires the Rural Health Policy Council to develop and administer a competitive grants program for health delivery projects in rural areas. Existing law requires the Office of Statewide Health Planning and Development to administer funds appropriated for this purpose by the Budget Act of 1998. Under existing law, these provisions become inoperative on July 1, 1999, and are repealed on January 1, 2000.

This bill would instead require the office to administer funds appropriated for this purpose by any act. This bill would provide that upon appropriation, the funds may be expended in the fiscal year of the appropriation or the subsequent fiscal year. This bill would delete the dates upon which these provisions would become inoperative and be repealed.

Existing law requires the Maternal and Child Health branch of the State Department of Health Services to administer a comprehensive shelter-based services grant program to battered women's shelters.

Existing law requires the department, in implementing this program, to consult with an advisory council which would remain in existence until January 1, 1998.

This bill would extend the date of the existence of this advisory council to January 1, 2003.

Under existing law, persons are required to be immunized against specified communicable diseases prior to admission to daycare institutions or schools. Existing law requires immunization against hepatitis B for all students unconditionally entering or unconditionally advancing to the 7th grade level on or after July 1, 1999.

This bill would require the State Department of Health Services, in consultation with, the Trustees of the California State University, and the Regents of the University of California, to adopt and enforce regulations relating to the immunization of first-time enrollees at the institutions against the hepatitis B virus.

The bill would require, with prescribed exceptions, the Trustees of the California State University, and the Regents of the University of California, to the extent the regents act by resolution to make this bill applicable to the university, require that first-time enrollees who are 18 years of age or younger provide proof of full immunization against the hepatitis B virus, prior to enrollment.

Existing law creates the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health care services to children older than 12 months and less than 19 years of age who meet certain criteria, including having a gross household income equal to or less than 200% of the federal poverty level, and meeting the citizenship and immigration status requirements established by federal law. Existing law requires families with children participating in the program to pay specified family contribution amounts.

The bill would expand coverage to include families with an annual or monthly household income greater than 200% of the federal poverty level by use of an income disregard provision for income between 200 and 250%, inclusive, of the federal poverty level, and specified Medi-Cal income deductions for income over 250% of the federal poverty level. The bill would modify eligibility under the program to include children less than 12 months of age in a family. The bill would permit a minor to apply for coverage on behalf of his or her child, and on behalf of herself or himself if emancipated or not living with a natural or adoptive parent, legal guardian, or caretaker relative, foster parent, or stepparent. The bill would provide that a child who is a qualified alien, as

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defined in federal law and who is otherwise eligible for participation in the program, shall not be denied eligibility based on the child's date of entry into the United States. The bill would not require federal financial participation for qualified aliens in the 1999–2000 budget year, but would require that participation in subsequent fiscal years.

Existing law requires applicants for the Healthy Families Program who apply for the purchasing pool to pay the first month's family contribution to be eligible to participate in the program. Existing law requires subscribers and purchase credit members of the Healthy Families Program to pay monthly contributions. Existing law provides a 4th consecutive month of coverage with no family contribution required if an applicant pays 3 months of required family contributions in advance.

This bill would permit a family contribution sponsor to pay all of the annual required family contributions at the time of application, but would not permit a family contribution sponsor to receive the free months of coverage provided to applicants. The bill would require the Managed Risk Medical Insurance Board to determine who may be family contribution sponsors and to provide a mechanism for sponsorship.

Existing law permits initial treatment, as specified, up to 30 days prior to the effective date of coverage under the Healthy Families Program.

This bill would permit initial treatment up to 90 days prior to the effective date of coverage.

Existing law continuously appropriates money from the Healthy Families Fund for purposes of implementation of the Healthy Families Program.

This bill, by liberalizing various eligibility criteria for participation within this program and thereby covering a new pool of participants, would make the moneys in this continuously appropriated fund available for a new or expanded purpose, and would thereby result in an appropriation.

Existing law, the Robert W. Crown California Children's Services Act, provides for treatment services for physically defective or handicapped persons under the age of 21 years. Existing law limits eligibility to families with an adjusted gross income of $40,000 or less. Existing law requires a family to pay an annual enrollment fee for the California Children's Services program, except as specified. Existing law requires a county expenditure for services to handicapped children of the county, as specified.

This bill would permit children enrolled in the Healthy Families Program who have a California Children's Services program (CCS program) eligible medical condition, and whose families do not meet the financial eligibility requirements of the CCS program, to receive CCS program benefits. The bill would exempt these families from the annual enrollment fee. The bill would waive county expenditures for services to these children, and would make corresponding changes in the Healthy Families Program to require the state to pay the expenditures from designated state and federal funds.

Under existing provisions of the Healthy Families Program, operative until July 1, 2003, the State Department of Health Services, in conjunction with the Managed Risk Medical Insurance Board, the County Medical Services Program board, and the Rural Health Policy Council, may develop and administer up to 5 demonstration projects in rural areas that are likely to contain a significant level of uninsured children, including seasonal and migratory worker dependents, to fund rural collaborative health care networks to alleviate unique problems of access to health care in rural areas through grants to entities that meet the criteria and standards for eligibility established by the State Department of Health Services, in conjunction with the Managed Risk Medical Insurance Board and Rural Health Policy Council.

This bill would require that, subject to appropriation by the Legislature, these grant funds be used for purchasing equipment, making capital expenditures, and providing infrastructure.

The Personal Income Tax Law, by reference to specified federal statutes, for taxable years beginning on or after January 1, 1999, allows a deduction for 40% of the amount paid or incurred during the taxable year by a self-employed individual for insurance that constitutes medical care for the taxpayer and his or her spouse and dependents. Existing federal law incrementally increases that deduction to certain percentage rates. Under federal law, a 60% deduction is allowed for taxable years beginning in calendar year 1999 through 2001, a 70% deduction is allowed for taxable years beginning in calendar year

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2002, and a 100% deduction is allowed for taxable years beginning in calendar year 2003 or thereafter.

This bill would conform the deduction allowed under the Personal Income Tax Law to the applicable federal percentage of the amount paid or incurred for taxable years beginning on or after January 1, 1999.

Under existing law, the State Department of Developmental Services contracts with regional centers for the provision of services and supports to persons with developmental disabilities.

Existing law requires the department, when approving regional center contracts, to ensure that regional center staffing patterns demonstrate that direct service coordination is the highest priority.

Existing law also requires that these contracts have consumer-to-staff ratios that reflect an overall average of 62 consumers to each staff member.

Existing law also requires that a regional center assign a service coordinator, who shall be responsible for implementing, overseeing, and monitoring each client's individual program plans.

This bill would enact specified regional center service coordinator-to-consumer ratios. It would require, by December 15, 1999, the department to make recommendations to the Legislature regarding the core staffing formula used to allocate operations funding to regional centers, and would require each regional center to provide the department with service coordinator caseload data.

The bill would also require that the regional centers provide the consumer, or where appropriate, his or her parents, legal guardian or conservator or authorized representative, with written notification of any permanent change in the assigned service coordinator within 10 business days.

Under existing law, certain persons with developmental disabilities are placed in state developmental centers operated by the State Department of Developmental Services.

This bill would require the department to develop policies and procedures, by no later than 30 days following the effective date of the Budget Act of 1999, at each developmental center, for the notification of appropriate law enforcement agencies in the event of a forensic client walkaway or escape.

Existing law contains provisions governing rates for community care facilities serving persons with developmental disabilities.

This bill would require that, for the 1999–2000 fiscal year, the rate schedule for these facilities be increased July 1, 1999, based upon the amount appropriated in the Budget Act of 1999 for that purpose, and that effective January 1, 2000, any funds available from cost-of-living adjustments in the Supplemental Security Income State Supplementary Payment for the 1999–2000 fiscal year be used to further increase these rates.

Existing law requires the State Department of Mental Health to identify, from mental health block grant funds provided by the federal government, the maximum amount that federal law and regulation permit to be allocated to cities and counties according to a specified formula.

This bill would authorize the department, in consultation with the California Mental Health Directors Association, to utilize funding from the Substance Abuse and Mental Health Services Administration Block Grant, awarded to the department, above the funding level provided in federal fiscal year 1998, for the development of innovative mental health programs for identified target populations, upon appropriation by the Legislature.

Existing law contains provisions governing placement of persons with developmental disabilities.

This bill would provide that when an individual charged with a violent felony has been committed to the State Department of Developmental Services, due to a finding of incompetency to stand trial, for placement in a secure treatment facility, the department shall give priority to placing the individual at Porterville Developmental Center prior to placing him or her at any other developmental center which has been designated as a secure treatment facility.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which basic health care services are provided to qualified low-income persons.

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Under existing law, a child is eligible to receive Medi-Cal benefits if the child meets certain deprivation requirements.

This bill would revise those requirements, effective March 1, 2000.

Existing law requires the department, not later than July 1, 1998, to create and implement a simplified application package for children, pregnant women, and infants.

This bill would require the department, by July 1, 2000, to create and implement a simplified application package for children, families, and adults applying for Medi-Cal. It would also require the department, by July 1, 2000, to revise the quarterly reporting form for Medi-Cal beneficiaries to be as simple as possible to complete.

Under existing law, counties are responsible for the implementation of eligibility determinations under the Medi-Cal program.

By extending the eligibility for benefits under the Medi-Cal program and modifying the eligibility determination process, this bill would increase the responsibilities of the counties in the administration of the Medi-Cal program, and would result in a state-mandated local program.

Existing law requires the State Department of Health Services to exercise its option under federal law authorizing states to use income and resource methodologies that are less restrictive than the methodologies used under the state plan meeting certain eligibility standards for families with dependent children to expand eligibility under the Medi-Cal program, to the extent federal financial participation is available.

This bill would specify that the department shall exercise that option by exempting all resources, commencing August 1, 1999, if federal financial participation is available.

Under existing California law, any alien who is otherwise eligible for Medi-Cal services, but who does not meet specified requirements relating to residency status, is only eligible for care and services that are necessary for the treatment of an emergency medical condition and medical care directly related to the emergency and for medically necessary pregnancy-related services. However, the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 makes any alien who is not a qualified alien, as defined, ineligible for federal public benefits, including medical assistance under the federal medicaid program for assistance other than care and services necessary for the treatment of an emergency medical condition. Federal law also prohibits a state from providing defined state public benefits to certain aliens, unless state legislation is enacted subsequent to the effective date of the act, August 22, 1996.

This bill would provide that any alien who is otherwise eligible for Medi-Cal services, but who does not meet specified requirements relating to residency status, is eligible for medically necessary pregnancy-related services.

Under existing law, counties are responsible for determining eligibility for Medi-Cal benefits. By making certain aliens eligible for Medi-Cal benefits, this bill would increase county responsibilities in making eligibility determinations, and would result in a state-mandated local program.

Under existing state law, certain aliens ineligible for the full scope of Medi-Cal benefits are eligible to receive long-term care benefits.

This bill would provide that any alien who is otherwise eligible for Medi-Cal services, but who does not meet the requirements to receive the full scope of Medi-Cal benefits due to his or her alien status, shall be eligible for long-term care services.

Since the bill would affect the eligibility of persons for programs administered by local agencies and school districts, it would constitute a state-mandated local program.

Existing law, operative until July 1, 2000, provides for the State-Only Family Planning Program, in order to provide family planning comprehensive clinical services to eligible low-income persons.

This bill would indefinitely extend the duration of this program. The bill would also establish a program, within the Medi-Cal program, known as the Family Planning Access, Care, and Treatment (Family PACT) Waiver Program, to provide comprehensive clinical family planning services to any person whose family income is not in excess of 200% of the federal poverty level, to be operational only if a waiver is obtained from the federal government. It would repeal the provisions establishing this program on the first day of the month following 30 days after the date that a written notification is submitted to specified legislative committee chairpersons by the Department of Finance stating that the program is no longer cost-effective.

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The bill would also, if this waiver is received for this program, add certain services to those provided under the State-Only Family Planning Program.

The bill would also appropriate $5,000,000 to the State Department of Health Services for purposes of the Partnership for Responsible Parenting Program.

Under existing law, persons who are at least 21 years of age, but who have not attained the age of 65 years, and who are patients in an institution of mental diseases are eligible to receive outpatient services under the Medi-Cal program.

This bill would permit eligible persons to receive ancillary outpatient services regardless of whether federal financial participation is available.

Existing law requires the department to adopt regulations establishing payment rates for nursing facilities.

This bill would require the department, commencing August 1, 1999, to increase the Medi-Cal reimbursement for level A and level B nursing facilities to provide funds for salaries, wages, and benefits increases for direct care staff, as defined, and would require these facilities to provide these increases to their direct care staff.

Existing law also requires the department to adopt regulations setting forth the minimum number of equivalent nursing hours per patient day required in skilled nursing and intermediate care facilities.

The bill would require, commencing January 1, 2000, that the minimum number of actual nursing hours per patient required in skilled nursing facilities be 3.2 hours. It would also require that, commencing January 1, 2000, the minimum number of nursing hours per patient day in skilled nursing facilities be determined without regard to the doubling of nursing hours, as described.

Existing law provides that a party that incurs a forfeiture or a loss in the nature of a forfeiture by reason of failure to comply with an obligation may be relieved from the forfeiture by making full compensation to the other party, except in cases of grossly negligent, willful, or fraudulent breach of duty.

This bill would provide that this relief does not apply to Medi-Cal reimbursement or prior authorization.

Existing law permits the State Department of Health Services, in conjunction with the Managed Risk Medical Insurance Board, to conduct pilot outreach and education projects, through the allocation of grant funds or a competitive process, to entities with experience in serving uninsured children, Medi-Cal beneficiaries, or in providing services to low-income families.

This bill would, instead, require the department, in conjunction with the board, to award contracts to community-based organizations to help families learn about, and enroll in, the Medi-Cal program and the Healthy Families Program, and other health care programs for low-income children.

Existing law establishes the California Children's Services Program, in order to provide services to qualified children with disabilities.

Existing law prohibits, with specified exceptions, and until August 1, 2000, services covered under that program from being incorporated into specified contracts entered into under the Medi-Cal program.

This bill would extend this date until August 1, 2005.

Existing law establishes the continuously appropriated Medi-Cal Medical Education Supplemental Payment Fund for allocation to university teaching hospitals and major nonuniversity teaching hospitals and the continuously appropriated Large Teaching Emphasis Hospital and Children's Hospital Medi-Cal Medical Education Supplemental Payment Fund for allocation to large teaching emphasis hospitals and children's hospitals.

Existing law establishes that the funds are inoperative June 30, 1999, and repealed January 1, 2000.

This bill would extend those dates by a period of one year, and by extending the operative period of a continuously appropriated fund, this bill would make an appropriation.

Existing law provides that one of the services offered under the Medi-Cal program is dental services, subject to utilization controls.

This bill would provide that when entering into contracts with health care service plans that provide comprehensive dental benefits to Medi-Cal beneficiaries on an at-risk

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basis, the department may require that the health care service plans pay for the costs of the administrative and regulatory oversight required to monitor the contract compliance terms of the agreement with the department.

Existing law, until January 1, 2000, provides for the provision of drugs that are reimbursed through the Medi-Cal program without prior authorization when they are on an approved list of contract drugs.

This bill would extend until January 1, 2001, provisions for the use of a list of contract drugs for purposes of the Medi-Cal program.

Existing law, until January 1, 2000, authorizes the State Department of Health Services to enter into contracts with manufacturers of single-source and multiple-source drugs under the Medi-Cal program, and specifies procedures for the implementation of that authority.

This bill would extend that authority to January 1, 2001.

Under the Medi-Cal program, the State Department of Health Services is required, until January 1, 2000, to take all appropriate steps to ensure that transitional inpatient days are included in the payment adjustment program, as specified.

This bill would extend that requirement until January 1, 2001.

Existing law authorizes Medi-Cal reimbursement, until January 1, 2000, for transitional inpatient care, as defined, in general acute care hospitals and other specified health facilities.

This bill would extend that authorization until January 1, 2001.

Under existing law, the State Department of Health Services is required to evaluate and make recommendations regarding the effectiveness and safety of the transitional inpatient care program, by January 1, 1999.

This bill would instead require that evaluation be made by January 1, 2000.

Under the Medi-Cal program, the department is required to make supplemental payments to certain disproportionate share hospitals based on specified criteria. Payments are made from defined intergovernmental transfers that are paid into the Medi-Cal Inpatient Payment Adjustment Fund, as required, with this fund being continuously appropriated for specified purposes. Existing law authorizes moneys in the fund to be used for transfers to the Health Care Deposit Fund in the amount of $114,757,690 for the 1998–99 fiscal year and each fiscal year thereafter.

This bill would authorize, instead, transfers to the Health Care Deposit Fund in the amount of $84,757,690 for the 1999–2000 fiscal year and each fiscal year thereafter, and would require the department to implement this reduction in a specified manner. By changing the amount of moneys transferred for purposes of the Health Care Deposit Fund from the continuously appropriated Inpatient Payment Adjustment Fund, the bill would result in an appropriation.

Existing law provides that the board of supervisors of a county that contracted with the State Department of Health Services pursuant to a specified provision of law during the 1990–91 fiscal year and any county with a population under 300,000, as determined in accordance with the 1990 decennial census, by adopting a resolution to that effect, may elect to participate in the County Medical Services Program for state administration of health care services to eligible persons in the county.

Existing law provides for the State-Only Family Planning program, under which family planning services are provided to eligible individuals.

This bill would authorize the department, upon reliable evidence of fraud or willful misrepresentation by a provider under these programs, to collect any overpayment identified through an audit or examination from any provider or withhold payment for any goods or services owing to the provider.

The bill would also provide for disenrollment, in accordance with specified limitations, for providers and prohibit enrollment for applicants for provider status, found to have committed fraud or abuse.

Existing law provides that counties and the state shall share the risk for cost increases of the County Medical Services Program not funded through other sources according to specified parameters.

This bill would revise those risk-sharing requirements for the 1999–2000 fiscal year.

Existing law establishes the Community Challenge Grant Program, administered by the State Department of Health Services, in order to provide community challenge

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grants to reduce the number of teenage and unwed pregnancies. The provisions of this program are operative until July 1, 1999, and would be repealed on January 1, 2000.

Existing law also establishes the State-Only Family Planning Program, in the department, to provide comprehensive clinical family planning services to low-income men and women.

This bill would extend the duration of the Community Challenge Grant Program for one year, but would condition program implementation on receipt of federal financial participation pursuant to a federal waiver received under the State-Only Family Planning Services Program.

Existing law establishes various tobacco use prevention programs funded through moneys derived from the Cigarette and Tobacco Products Surtax Fund and administered by the State Department of Health Services and the State Department of Education.

This bill would make moneys appropriated for purposes of these programs by the Budget Act of 1999 available without regard to fiscal years until July 1, 2002.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 147 (AB 1111) Aroner. Social services.

Existing law authorizes the Director of General Services to acquire facilities currently leased and occupied by the Health and Welfare Data Center at 3301 S Street and at 1651 Alhambra Boulevard in Sacramento through the use of specified debt instruments that may be issued by the State Public Works Board.

This bill would repeal that authority of the director.

Existing law, the Drug Court Partnership Act of 1998, administered by the State Department of Alcohol and Drug Programs, provides for the award of grants to counties that develop and implement drug court programs that meet eligibility requirements. Existing law provides that the grants shall be to provide funding for 4 years, subject to appropriations in the Budget Act.

This bill would revise that provision to categorize grants awarded using funds appropriated in the Budget Act of 1998 and the Budget Act of 1999.

Under existing law, the State Department of Alcohol and Drug Programs is responsible for administering a Drug Court Partnership program for the purpose of demonstrating the effectiveness of drug courts.

This bill would establish the Comprehensive Drug Court Implementation Act of 1999 to be administered by the department to provide grants to counties in which the county alcohol and drug program administrator and the presiding judge in the county develop and submit a specified plan for local drug court systems, based on certain criteria.

The bill would state the intent of the Legislature that it be funded by an appropriation in the annual Budget Act and would provide that 5 percent of any amount appropriated is available to the department and the Judicial Council to administer the program.

Existing law permits the Department of Justice to charge a fee to cover the costs of services relating to the provision of criminal background information on operators, managers, and certain employees, of day care facilities.

This bill would, commencing January 1, 2000, prohibit that department and the State Department of Social Services from charging a fee for the processing of fingerprints, with certain exceptions, when funds for those purposes are appropriated for that purpose in the annual Budget Act.

Existing law establishes, until January 1, 2002, the Employment Training Fund, into which are deposited unemployment insurance contributions from employers, levied and collected at a specified rate, for the purpose of funding, subject to appropriation by the Legislature, employment training programs administered by the Employment Training

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Panel. Existing law authorizes the Legislature to appropriate from the fund $20,000,000 in the Budget Act of 1997 and $20,000,000 each year thereafter for training programs designed for workers who are current or recent recipients of benefits under the CalWORKs program pursuant to a specified provision of law.

This bill would repeal the authority of the Legislature to appropriate from the fund $20,000,000 each year after the Budget Act of 1997 for those purposes, and would instead authorize the Legislature to appropriate $5,000,000 in the Budget Act of 1999 for those purposes. This bill would also authorize the Legislature to appropriate from the fund $30,000,000 in the Budget Act of 1999 to fund the local assistance portion of welfare-to-work activities under the CalWORKs program, as specified.

Existing law, operative until August 7, 1999, provides that an eligible individual who has been laid off from work or who is unable to commence work as a direct result of the freezing weather conditions in December 1998, as specified, shall be considered "unemployed" for the purpose of eligibility for unemployment compensation benefits if for any week of less than full-time work, the wages payable to the individual for that week, when reduced by $200, do not equal or exceed the individual's unemployment weekly benefit amount, and the individual resides in a county that has an unemployment rate in excess of 13% and that is covered under the terms of Order 1267-DR of the federal Emergency Management Agency relative to the freezing weather of December, 1998.

This bill would revise that limitation to eliminate the requirement that the county of residence has an unemployment rate in excess of 13%.

Existing law provides that unemployment compensation benefits are paid from the Unemployment Fund, a continuously appropriated special fund. By expanding benefits payable from the fund, this bill would make an appropriation.

Existing law specifies methods by which the Multipurpose Senior Services Program may be expanded.

This bill would revise those methods.

Existing federal law establishes the Independent Living Program for foster youth to be administered by counties with federal and state funds.

This bill would require, on or before July 1, 2000, the State Department of Social Services, in consultation with county and state representatives, foster youth, and advocates, to develop statewide guidelines for the implementation of the federal Independent Living Program, and define the outcomes for the program and the characteristics of foster youth enrolled in the program for data collection purposes.

The bill would also require each county department of social services to include in its annual Independent Living Program report certain information relating to federal and state funds allocated for implementation of the program and other information relating to characteristics of foster youth. The imposition of these new requirements on counties would create a state-mandated local program.

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families. Each county is required to pay a share of the cost of both aid grant and administrative costs for the CalWORKs program.

Existing law establishes a schedule for the payment of cash assistance benefits under the CalWORKs program, including the payment of a nonrecurring special need payment of $30 a day for the costs of temporary shelter, and certain other homeless assistance benefits.

This bill would increase that special need payment to $40 per day. This bill would revise time limitations on receipt of certain homeless assistance benefits, and would authorize a county to require that a recipient of certain homeless assistance benefits who qualifies for benefits under specified circumstances a second time in a 24-month period shall participate in a homelessness avoidance case plan as a condition of eligibility for homeless assistance benefits.

Existing law, the Kinship Guardianship Assistance Payment (Kin-GAP) Program, operative on July 1, 1999, provides for financial assistance to children who, after being adjudged dependent children of the juvenile court, are placed in legal guardianship with a relative, at specified rates, and requires the State Department of Social Services to adopt emergency regulations to establish and administer, and apply for any necessary federal waivers to implement and any available federal funds for, the program. Existing

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law allocates the costs of the program, less available federal funds, equally between the state and the counties and continuously appropriates money from the General Fund for allocation to counties for the state's share of the costs.

This bill would delay the operative date of the Kin-GAP Program to January 1, 2000.

The bill would exclude income to the child from the Kin-GAP program from consideration of income to the kinship guardian for purposes of determining the kinship guardian's eligibility for other aid programs, unless required by federal law.

Existing law provides for the determination of eligibility for aid under the continuously appropriated CalWORKs program, on the basis of assistance units, and specifies that every assistance unit shall include an eligible child, the caretaker relative of an otherwise eligible child who is not otherwise receiving CalWORKs benefits because he or she is receiving benefits under the federal program for benefits for aged, blind, or disabled or foster care payments.

This bill would specify that for children receiving Kin-GAP payments, there shall be paid, under the CalWORKs program, an amount of aid equal to the rate specified for children under the Kin-GAP program.

This bill would include the caretaker of a child who is not receiving CalWORKs aid because the child is receiving Kin-GAP payments within the scope of those persons who are included in the CalWORKs assistance unit.

Existing law continuously appropriates money for the CalWORKs program, and, by revising standards of eligibility for aid under the CalWORKs program, this bill would increase the amount continuously appropriated for the program and would result in an appropriation.

The existing provisions of the Kin-GAP program limit the rate paid under that program to not more than 85% of the AFDC-FC rate.

This bill would revise that rate to equal the rate for children placed in a licensed or approved home under the AFDC-FC program. By revising the rate of payment under the Kin-GAP program, this bill would, to the extent it increases the amount continuously appropriated for the program, therefor result in an appropriation.

This bill would authorize the State Department of Social Services to exempt children in receipt of Kin-GAP benefits from any CalWORKs requirement so long as the exemption would not jeopardize federal financial participation in the payment.

The bill would impose reporting requirements on the department regarding Kin-GAP Program outcomes.

Because this bill would create new duties for county agencies in the administration of the Kin-GAP program, it would impose a state-mandated local program.

Existing law under the Aid to Families with Dependent Children–Foster Care (AFDC-FC) program provides a schedule of reimbursement rates for group homes and foster family agencies, and for payments on behalf of a child living with a parent who receives foster care benefits.

This bill would revise the schedule of reimbursement rates.

Because state funds are continuously appropriated to pay for a portion of county costs under the AFDC-FC program, the bill would constitute an appropriation.

Existing law provides for the State Supplementary Program for the Aged, Blind, and Disabled (SSP), which requires the State Department of Social Services to contract with the United States Secretary of Health and Human Services to make payments to SSP recipients to supplement supplemental security income (SSI) payments made available pursuant to the federal Social Security Act.

Existing law requires that, to the extent permitted by federal law, the state SSP payment schedules in effect on June 30, 1995, as adjusted, shall be decreased for certain counties by 4.9% in order to reflect regional variations in housing costs.

This bill would repeal that requirement.

Because state funds are continuously appropriated to pay for SSP grant costs, the bill would constitute an appropriation.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services.

Existing law provides that, except to the extent required by federal law, if, as of May 15, 1999, the projected costs for the 1998-99 fiscal year for outpatient drug abuse services,

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as described, exceed $45,000,000 in General Fund moneys, outpatient drug free services, as defined in state regulations, shall not be a Medi-Cal benefit as of July 1, 1999.

This bill would, instead, provide that if, as of May 15, 2000, the projected costs for outpatient drug abuse services exceed $45,000,000 for that fiscal year, outpatient drug free services shall not be a benefit as of July 1, 2000.

This bill would enact provisions relating to funding for perinatal and other Medi-Cal services.

Existing law requires the department, through September 1999, to make child support incentive payments to counties that meet specified requirements.

This bill would specify the manner in which funds appropriated for that purpose may be allocated.

Existing law specified the allocation of funds appropriated in the Budget Act for counties for the support of administrative activities undertaken by the counties to provide CalWORKs benefits.

This bill would, commencing with the 2000–01 fiscal year, revise the method of allocating those funds, would require the State Department of Social Services and the County Welfare Directors Association to develop the specific components of the budget methodology, and would require the Welfare Reform Steering Committee to review the efficacy of the proposed methodology and make recommendations for modifications to the methodology.

Existing law authorizes adult protective services to include investigations, needs assessment, the use of a multidisciplinary personnel team in order to obtain information and records necessary for adult protective services, a system in which reporting can occur on a 24-hour basis, emergency shelter, and adult respite care. Existing law also specifies the members of the multidisciplinary personnel team.

Existing law also requires the provision of enhanced adult protective services provisions that, commencing with the 1999–2000 fiscal year, to be implemented only to the extent funds for this enhancement are provided in the annual Budget Act, and requires adult protective services to include the above protective actions, and requires each county to establish an emergency response adult protective services program.

This bill would specify that the investigation of allegations of elder and dependent abuse under the enhanced adult protective services program and the case management of elder and dependent adult abuse cases shall be performed by county merit system civil service employees, and would authorize a county adult protective service agency to use contracted telephone answering service after normal working hours and on weekends and holidays.

Because this bill would create new duties for county agencies in the administration of the enhanced adult protective services program, it would impose a state-mandated local program.

Existing law requires the Office of the State Foster Care Ombudsperson to perform various functions and duties with respect to providing children who are placed in foster care with a means to resolve issues related to their care, placement, or services.

This bill would authorize the office to establish, in consultation with a committee of interested individuals, regional or local foster care ombudsperson offices for the purposes of expediting investigations and resolving complaints.

Existing law requires each county to provide child welfare services to children in foster care.

This bill would require the State Department of Social Services to establish a program of public health nursing in the child welfare services program.

Existing law, operative until July 1, 2000, requires the State Department of Social Services to establish a food assistance program for certain immigrants residing in this state.

Existing law, operative until July 1, 2000, requires the department to establish and supervise a county-administered program to provide cash assistance to aged, blind, and disabled legal immigrants who are noncitizens.

This bill would extend indefinitely, and revise eligibility and application requirements for, these programs.

Because each county is required to administer this program, the bill would constitute a state-mandated local program.

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This bill would include a battered immigrant spouse, child, or parent or child of a battered immigrant or a Cuban or Haitian immigrant within the scope of those persons who are eligible for state food assistance benefits.

Existing law provides a formula for the allocation of funding to independent living centers for individuals with disabilities.

This bill would revise and recast the method of calculating and allocating that funding.

Existing law provides for a State Independent Living Advisory Council.

This bill would rename the council to be the State Independent Living Council.

Existing law establishes the Habilitation Services Program administered by the Department of Rehabilitation, under which supported employment and other services are provided to persons with developmental disabilities. Under existing law, provisions relating to the submission and approval of proposals for funding of those services would be repealed on January 1, 2000.

This bill would extend those provisions for one year. This bill would also revise the rate setting provisions of the program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 148 (SB 708) Committee on Budget and Fiscal Review. Human services.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services.

Under legislation pending before the Governor, the department would be required, commencing August 1, 1999, to exercise a state option allowable under federal law governing the Medi-Cal program to exempt all resources from inclusion in determining Medi-Cal eligibility, if federal financial participation is available.

This bill would eliminate this requirement.

Legislation pending before the Governor provides that ancillary outpatient services shall be provided to any eligible individual aged 21 years or over, but who has not yet attained the age of 65 years, and who resides in an institution for mental diseases, regardless of the availability of federal financial participation.

This bill would repeal this provision on July 1, 2000.

Legislation pending before the Governor contains provisions relating to eligibility for long-term care services for certain aliens under the Medi-Cal program.

This bill would also repeal and reenact eligibility requirements for those services.

The bill would appropriate $600,000 from the General Fund, and $600,000 from the Federal Trust Fund to the State Department of Health Services for increased Medi-Cal fraud prevention activities.

Existing law, operative until July 1, 2000, requires each county to operate a county-administered program to provide cash assistance to aged, blind, and disabled legal immigrants who are noncitizens.

Legislation pending before the Governor would indefinitely extend this program and would revise eligibility requirements.

This bill would further revise eligibility requirements for this program.

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

Ch. 149 (SB 308) Escutia. Nurses.

Existing law authorizes the Board of Registered Nursing to establish fee schedules in connection with the issuance of licenses for registered nurses, not to exceed certain amounts. These provisions authorize a biennial fee to be paid upon the filing of an application for renewal of the license for registered nurses. Existing law authorizes a

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separate additional $5 assessment at the time of the biennial licensure renewal. This latter provision is repealed as of January 1, 2000.

This bill would delete the repeal of the provisions authorizing the imposition of the $5 separate assessment at the time of the biennial licensure renewal, thereby extending that authority indefinitely.

Existing law requires the Office of Statewide Health Planning and Development to establish the Minority Health Professions Education Foundation and prescribes the powers of the foundation, to include soliciting and receiving funds from various entities for the purpose of providing financial assistance in the form of scholarships or loans to students from various underrepresented minority groups, as defined.

Existing law establishes within the office a Minority Health Professions Education Fund, a continuously appropriated fund, to provide scholarships and loans to students from underrepresented minority groups who are accepted to or enrolled in schools of medicine, dentistry, nursing, or other health professions, and to fund the Geriatric Nurse Practitioner and Clinical Nurse Specialist Scholarship Program. Existing law authorizes the foundation to recommend to the director the disbursement of private sector moneys deposited in the fund.

This bill would rename the Minority Health Professions Education Foundation and the Minority Health Professions Education Fund as the Health Professions Education Foundation and the Health Professions Education Fund, respectively. The bill also would delete references to "underrepresented minority groups" and refer instead to "underrepresented groups," as defined, for these purposes.

Existing law establishes within the Minority Health Professions Education Foundation, the Registered Nurse Education Program which provides procedures under which persons either from demographically underrepresented groups or who agree in writing prior to graduation to serve in an eligible county health facility or a health manpower shortage area, as defined, may apply for awards under the program. Existing law requires the foundation to solicit the advice of representatives of certain organizations and entities in developing the program.

This bill would restrict participation in the program to persons who agree in writing prior to graduation to serve in an eligible county health facility or a health manpower shortage area. The bill would require the foundation to solicit the advice of representatives who reflect the demographic diversity of California in developing the program.

Under existing law, the Registered Nurse Education Program and the Geriatric Nurse Practitioner and Clinical Nurse Specialist Scholarship Program would be repealed on January 1, 2000.

This bill would delete those repeal dates, thereby extending those programs indefinitely.

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

Ch. 150 (SB 35) Baca. Court fees.

Existing law authorizes a surcharge on civil filing fees of up to $50, as specified by the board of supervisors, with respect to actions filed in the municipal or superior court in the City and County of San Francisco, to be used solely for courthouse construction and renovation, as specified, and authorizes a similar surcharge on certain civil filings in superior court in Riverside County to be used for specified courthouse construction purposes.

This bill would authorize a similar surcharge of no more than $35 on specified civil filing fees in the Superior Court of San Bernardino County to be used for courthouse construction, as specified.

Ch. 151 (SB 819) Sher. El Camino Hospital District.

Existing law, the Local Health Care District Law, provides for the formation of local health care districts, and authorizes a district to transfer, at fair market value, any part of its assets to one or more corporations to operate and maintain the assets, subject to certain requirements, including the approval of a majority of the voters of the district in certain circumstances. Existing law also authorizes the transfer of a district's assets, for

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the benefit of the communities served by the district, in the absence of adequate consideration, subject to certain requirements.

This bill would impose similar requirements on the transfer of assets by El Camino Hospital, a nonprofit public benefit corporation that owns and operates El Camino Hospital pursuant to a transfer of assets from the El Camino Hospital District under the above-described provisions. This bill would declare that, due to the unique circumstances applicable to El Camino Hospital, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

Ch. 152 (SB 196) Brulte. School finance.

(1) Existing law requires any amounts received by a county superintendent of schools for revenue limit purposes from the average daily attendance of pupils enrolled in community schools to be expended only for community school purposes. Existing law requires any county superintendent of schools operating county juvenile court schools, county group home and institutions schools, or community schools to maintain an account in their general fund, known as the juvenile court and community school account, and to deposit all funds derived from these programs in that account for expenditure for specified related purposes.

This bill would require that any amounts received by a county superintendent of schools for revenue limit purposes from the average daily attendance of pupils enrolled in community schools to be expended only for the same purposes as authorized for expenditure from the juvenile court and community school account.

(2) Existing law enacted in 1998 reappropriated $3,030,000 from the Proposition 98 Reversion Account to the Superintendent of Public Instruction.

This bill would increase this amount to $3,100,000 by appropriating $70,000 to the Pasadena Unified School District for support of the Pasadena Youth Center.

(3) Existing law appropriates $16,969,000, without regard to fiscal year, from the General Fund to the Superintendent of Public Instruction to implement the model budget and accounting systems. In order for a school district or county office of education to receive funds for this purpose, the school district or county office of education is required to request disbursement and the request is required to be received by the State Department of Education by June 30, 1999.

This bill would change the date that the request is required to be received by the State Department of Education to September 30, 1999.

(4) Existing law enacted in 1997 appropriates $2,000,000 from the General Fund to the State Department of Education, in augmentation of the appropriations made in the Budget Act of 1997, for allocation to school districts for home-to-school transportation. Existing law requires the Superintendent of Public Instruction, in allocating that amount, to give highest priority to districts that have both (1) a total cost per mile for the 1996–97 fiscal year for home-to-school transportation of between 100% and 115% of the statewide average cost and (2) either weather-related conditions, or terrain-related conditions, that vary substantially from those of other districts that the superintendent determines may be classified as high-impact, high-efficiency districts.

This bill would make an appropriation by requiring the Superintendent of Public Instruction to allocate funds from the appropriation for home-to-school transportation first to school districts that both (1) have a total cost per mile for the 1996–97 fiscal year for home-to-school transportation that exceeds the statewide average cost per mile, rather than a cost between 100% and 115% of the statewide average cost, and (2) weather-related or terrain-related conditions, without regard to whether the districts may be classified as high-impact, high-efficiency districts. Following this allocation, if funds remain, the bill would require the Superintendent of Public Instruction to augment funding allocated to school districts eligible for a supplemental apportionment for home-to-school transportation for reasons other than weather-related or terrain-related conditions. The bill would require that the appropriation be included in the amounts appropriated by the state in the 1997–98 fiscal year for the purpose of meeting the state's minimum funding obligation to school districts and community college districts under Section 8 of Article XVI of the California Constitution for that

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fiscal year. The bill would also delete language stating that this appropriation is in augmentation of appropriations made in the Budget Act of 1997.

(5) Existing law enacted in 1996 appropriates $4,000,000 to the Superintendent of Public Instruction for the purpose of establishing the Discovery Science Center in Orange County for the 1996–97 fiscal year. Existing law requires the center to be an 80,000 square foot, hands-on, interactive learning facility.

This bill would instead require the Discovery Science Center to be up to 80,000 square feet in area.

(6) To the extent that the funds appropriated by this bill are allocated to a school district or a community college district, those funds would 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.

(7) Existing law appropriates funds in the Budget Act of 1997 for adult education and remedial education services for participants in the Greater Avenues for Independence (GAIN) program.

This bill would reappropriate the unencumbered balance as of June 30, 1999, of the funds appropriated in the Budget Act of 1997 for those identified programs for allocation on a one-time basis for the purpose of providing school districts an opportunity to apply for additional authorized units of adult education average daily attendance to support the development of site information systems.

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

Ch. 153 (SB 544) Karnette. School district reorganization: Palos Verdes Peninsula and Los Angeles Unified School Districts.

Existing law requires each person subject to compulsory full-time education to attend the school in which the residency of either the parent or legal guardian is located, subject to specified exceptions.

Existing law, commencing with the 1999–2000 school year, makes the area of Eastview in Los Angeles County, which is currently part of the Los Angeles Unified School District, an optional attendance area by authorizing parents and legal guardians who reside in that area to make an election for each pupil when the pupil enters elementary school and middle school as to whether that pupil will attend schools in the Palos Verdes Peninsula Unified School District or the Los Angeles Unified School District.

The bill would clarify that those provisions are applicable to all pupils who reside in the area of Eastview in Los Angeles County regardless of whether the pupil previously attended a private school. It would revise the procedure for making an election as to which school district the pupil will attend.

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

Ch. 154 (SB 1068) Escutia. School districts: year-round schools: grant program.

Existing law establishes the Year-Round School Grant Program to provide financial assistance to school districts operating or implementing multitrack year-round educational programs.

This bill would require the State Department of Education to conduct a study of the grant program to develop an equitable method of phasing out the program over a multiyear period. The bill would require the department to complete the study and present its findings to the Legislature on or before July 1, 2000.

Ch. 155 (SB 97) Burton. Health facilities.

Existing law provides for the licensure of health facilities, as defined, by the State Department of Health Services. Under existing law, violation of those licensing provisions, or willful or repeated violation of the related rules or regulations, is a misdemeanor.

Existing law prohibits certain health facilities, known as long-term health care facilities, from discriminating or retaliating against a patient or employee of those long-term health care facilities because the patient or employee presents a grievance or complaint, or initiates or cooperates in an investigation or proceeding by a governmental entity, relating to the care, services, or conditions at those long-term health care facilities,

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except as provided. Existing law makes violation of this prohibition subject to a civil penalty of not more than $10,000.

Existing law provides that discriminatory treatment of an employee, as described, or discriminatory treatment of a patient, within specified time periods of that patient's or employee's presentation of a grievance or complaint, or initiation or participation in an investigation or proceeding, raises a rebuttable presumption that the discriminatory action was retaliatory. Existing law provides that willful violation of this provision is an infraction punishable by a fine of not more than $10,000. Existing law provides that a person who has been discriminated against under these provisions is entitled to specified remedies.

This bill would impose similar prohibitions on health facilities other than long-term health care facilities, except that violation would be subject to a civil penalty of not more than $25,000 and willful violation would be a misdemeanor punishable by a fine of not more than $20,000. By creating a new crime, this bill would impose a state-mandated local program.

The bill would prohibit its provisions from applying to an inmate of a state correctional facility or an inmate housed in a local detention facility.

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

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

Ch. 156 (AB 1412) Wildman. Public employees.

Under the Reporting of Improper Governmental Activities Act, a state employee is prohibited from using his or her authority or influence to intimidate, threaten, coerce, or command any person for the purpose of interfering with the right of that person to disclose an improper governmental activity to the State Auditor.

This bill would prohibit any state or local governmental employee from interfering with the right of any person to disclose an improper governmental activity to an investigating committee of the Legislature.

Ch. 157 (AB 1483) Granlund. Public employees: peace officers: employee organizations.

Existing law grants certain peace officers a right to be represented by a group composed entirely of other peace officers. This provision has been interpreted to apply only to those persons designated as peace officers under specified sections of the Penal Code at the time the provision was amended in 1971.

This bill would provide that, for the purposes of the above provision and for San Bernardino County only, no distinction shall be made between a position designated as a peace officer position at the time of the enactment of the 1971 amendments to this provision, and a welfare fraud investigator or inspector position designated as a peace officer position at any time after the enactment of the 1971 amendments to this provision.

Ch. 158 (SB 50) Johnson. Political Reform Act of 1974: campaign statements.

Under the existing Political Reform Act of 1974, specified elected officers, candidates, and committees are required to file campaign statements that cover campaign activity occurring during certain time periods of an election campaign.

This bill would require candidates for elective office being voted upon at a statewide direct primary election held in March of an even-numbered year and any other election held on the same day as that election, their controlled committees, certain general purpose committees primarily formed to support or oppose those candidates, and certain slate mailer organizations to file certain campaign statements on specified dates. The bill also would establish dates for filing primary election campaign statements for the March election period.

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

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

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

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 $^{2}/_{3}$ 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 $^{2}/_{3}$ vote.

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

Ch. 159 (SB 380) Haynes. Republican Party National Convention: selection of delegates.

Existing law provides procedures relating to the selection of delegates by the Republican Party to the party's national convention.

This bill would make those provisions applicable to the selection of delegates to the Republican Party National Convention to the extent that the constitution, bylaws, and rules of the Republican Party do not provide otherwise. The bill would require the California Republican Party to notify the Secretary of State of material changes in the constitution, bylaws, and rules of the Republican Party relating to selection of delegates to the Republican Party National Convention.

Under existing law, a new Republican county central committee is elected in each county at each statewide direct primary election. Under existing law, members of the county central committees are elected from supervisor districts or Assembly districts and continue to serve until the election and qualification of the members of the new county central committees.

This bill would require, commencing with the March 7, 2000, statewide direct primary election, except for the County of Orange, that members of Republican county central committees elected from odd-numbered Assembly districts be elected for terms ending on the 2nd statewide direct primary election following that election and that members from even-numbered Assembly districts be elected for terms ending on the first statewide direct primary election following that election. After the March 7, 2000, election, the bill would require that members of those Republican county central committees be elected at every 2nd statewide direct primary election to replace members whose terms are expiring. This bill would authorize a county central committee member to run at the next election in a renumbered district even though his or her term has not expired, when district boundaries are redrawn and renumbered in accordance with the decennial census.

This bill would provide that members of the Republican county central committees may serve after the expiration of their terms until the election and qualification of the new members replacing them on the committees.

Existing law requires a Republican county central committee to take specific actions at its first organizational meeting.

This bill would require, after each election, an organizational or reorganizational meeting to take place within 30 days after new county central committee members receive certificates of election.

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

Ch. 160 (SB 558) Baca. County employee retirement benefits.

The County Employees Retirement Law of 1937 provides that the development of heart trouble by specified safety members shall be presumed to arise out of and in the course of employment.

This bill would prescribe a similar presumption in the case of the development of cancer by a safety member, firefighter member, or member active in law enforcement, which presumption would extend beyond the termination of services, as specified.

Ch. 161 (SB 670) Rainey. County employees retirement: death benefits.

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The County Employees Retirement Law of 1937 contains alternative death benefits provisions that are operative in any county when adopted by a majority vote of the board of supervisors.

This bill would make those provisions operative by a majority vote of the board of retirement of any county.

Ch. 162 (SB 434) Johnston. Charter schools.

(1) Existing law, the Charter School Act of 1992, permits teachers and parents to petition the governing board of a school district to approve a charter school that would operate independently from the existing school district structure.

This bill would require a charter school to offer, at a minimum, a specified number of minutes of instruction for the appropriate age levels, to maintain written, contemporaneous records that document all pupil attendance and to make these records available for audit and inspection. The bill would require a charter school to certify that its pupils have participated in the state testing programs in the same manner as other pupils attending public schools as a condition of apportionment of state funding. The bill would also require a charter school that provides independent study to comply with statutory requirements and implementing regulations adopted thereunder that relate to independent study. The bill would require the State Board of Education to adopt regulations that apply these provisions to charter schools, including regulations that concern the qualifications of instructional personnel. The new requirements for charter schools described in this paragraph would impose a state-mandated local program.

(2) Existing law prohibits a local education agency from claiming state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the agency has provided any funds or other thing of value to the pupil or his or her parent or guardian that the agency does not provide to pupils who attend regular classes or to their parents or guardians.

This bill would make this prohibition applicable to charter schools and would prohibit a charter school from claiming state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the charter school has provided any funds or other thing of value to the pupil or his or her parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district or to his or her parent or guardian.

(3) Existing law requires community school and independent study average daily attendance to be claimed by school districts and county superintendents of schools only for pupils who are residents of the county in which the apportionment claim is reported or pupils who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.

This bill would apply this provision also to charter schools.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 163 (SB 911) Figueroa. Emergency care: automatic external defibrillator: acquisition and liability.

Existing law provides immunity from civil liability to any person who, in good faith and without compensation or the expectation of compensation, renders emergency care at the scene of an emergency. Existing law expressly provides immunity from civil liability to any person who completes a designated cardiopulmonary resuscitation (CPR) course and who, in good faith, renders emergency cardiopulmonary resuscitation at the scene of an emergency, without the expectation of receiving compensation for providing the emergency care.

This bill would provide immunity from civil liability to (1) any person who, in good faith and not for compensation renders emergency care or treatment by the use of an

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automated external defibrillator at the scene of an emergency, has completed a basic CPR and automated external defibrillator (AED) use course that complies with regulations adopted by the Emergency Medical Services (EMS) Authority and the standards of the American Heart Association or the American Red Cross for CPR and AED use, (2) a person or entity who provides CPR and AED training to a person who renders emergency care pursuant to (1), and (3) a physician who is involved with the placement of an AED and any person or entity responsible for the site where an AED is located if that physician, medical authority, person, or entity has complied with certain requirements. The bill would provide that its protections shall not apply in the case of personal injury or wrongful death that results from the gross negligence or willful or wanton misconduct of the person who renders emergency care or treatment by the use of an AED.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, authorizes the Emergency Services Authority to establish minimum standards for the training and use of automatic external defibrillators by individuals not otherwise licensed or certified for the use of the device.

This bill would require any person who acquires an automatic external defibrillator to comply with specified requirements in the bill.

Ch. 164 (AB 109) Knox. Employment: sick leave.

Existing law does not require an employer to permit an employee to use sick leave to attend to the illness of a child, parent, or spouse of the employee.

This bill would require an employer who provides sick leave, as defined, for employees to permit an employee to use in any calendar year accrued sick leave, in an amount not less than the amount earned during 6 months' employment, to attend to the illness of a child, parent, or spouse of the employee. The bill would apply to the state, political subdivisions of the state, and municipalities.

This bill would prohibit an employer from denying the use of sick leave or from discharging, threatening to discharge, demoting, suspending, or in any manner discriminating in the terms and conditions of employment against, an employee for using, or attempting to exercise the right to use, sick leave to attend to the illness of a child of the employee.

This bill would provide that any employee aggrieved by a violation of the bill is entitled to reinstatement and actual damages or one day's pay, whichever is greater, and to appropriate equitable relief, as specified. The bill would require the Labor Commissioner, upon receipt of an employee's complaint, to invoke administrative procedures or seek judicial remedies to recover wages, penalties, and other compensation on behalf of aggrieved employees. Alternatively, the bill would authorize an employee to bring a civil action for remedies provided in these provisions and would authorize an award of reasonable attorney's fees to an employee who prevails in the action. The bill would declare that its rights and remedies are nonexclusive.

Ch. 165 (AB 114) Florez. Disaster relief: freeze.

Existing law authorizes a county board of supervisors to provide by ordinance for the reassessment of property that is damaged or destroyed, without fault on the part of the assessee, by a major misfortune or calamity, upon the application of the assessee or upon the action of the county assessor with the board's approval. With respect to certain counties that have adopted reassessment ordinances and have been declared by the Governor to be in a state of disaster as a result of certain events, existing law provides for state allocations of the estimated amounts of the reductions in property tax revenues resulting in certain fiscal years from reassessments under those ordinances. Existing law also continuously appropriates, without regard to fiscal years, moneys in the Special Fund for Economic Uncertainties for purposes of funding these state allocations.

This bill would provide for similar state allocations with respect to property tax revenue reductions, resulting from a reassessment ordinance, incurred by a county that was declared by the Governor to be in a state of disaster as a result of a freeze occurring in California in the winter of 1998–99. By requiring moneys continuously appropriated from the Special Fund for Economic Uncertainties to be allocated for the new purpose

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of reimbursing these counties for these property tax revenue reductions, this bill would make an appropriation.

The Personal Income Tax Law and the Bank and Corporation Tax Law provide for the carryover to specified taxable or income years of specified losses sustained as a result of various disasters occurring in California in an area determined by the President of the United States to warrant specified federal assistance, or proclaimed by the Governor to be in a state of disaster.

This bill would extend these provisions to losses sustained as a result of a freeze or any other related casualty that occurred in California in the winter of 1998–99. This bill would also authorize a taxpayer to make an election to claim a deduction for those losses on the tax return for the preceding year.

This bill would contain legislative findings and declarations as to the statewide public purpose of this bill.

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

Ch. 166 (AB 332) Oller. Mammoth Community Water District.

The County Water District Law authorizes the creation of county water districts and grants to those districts specified powers, including the authority to acquire, store, use, and distribute water and to perform other acts necessary to obtain sufficient water in the district for present and future beneficial uses.

This bill would authorize the Mammoth Community Water District, which is subject to that district law, to acquire property and construct, maintain, operate, sell, and lease facilities, including wells, plants, and pipes for the distribution of heated water or steam that are necessary to develop, extract, and distribute geothermal water resources to provide space heating for facilities within the boundaries of the district. The bill would authorize the district to finance the acquisition of property and the construction of facilities for this purpose by utilizing financing methods that are available to the district under that district law to finance water facilities, and to exercise other authority, as prescribed.

Ch. 167 (AB 744) McClintock. Juvenile court records: sealing and destruction.

Existing law authorizes a minor, who has been the subject of a petition to adjudge him or her a ward of the court or has been cited to appear or taken before a probation or law enforcement officer, to petition the court for the sealing of his or her records, which petition may be filed 5 years after the jurisdiction of the juvenile court terminated; if no juvenile court petition was filed, 5 years after the minor was cited or taken before a probation or law enforcement officer; or after the minor reaches the age of 18 years. Under existing law, the petition to seal the records may be granted, after a hearing, if the court makes specified findings.

This bill would add new provisions regarding the sealing of juvenile court records that would be applicable in those cases where a minor is detained, arrested, or cited but no accusatory pleading or petition is filed, or in those cases where an accusatory pleading or petition is filed but is not sustained. The bill would, in those cases, require the law enforcement agency and probation officer to seal a minor's records, as specified, upon a determination by them, in specified circumstances, or by the court, following a specified hearing or motion, that the minor is factually innocent, as specified. The bill would also require, in certain cases, the issuance of a written declaration to the minor regarding his or her factual innocence, as specified, and would specify procedures and timeframes to be followed by law enforcement and other agencies with respect to the sealing and destruction of juvenile court records. Because this bill would impose new duties on court personnel and law enforcement and other local agencies, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that 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 the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The California Constitution requires that any statute that would cause relevant evidence to be excluded in any criminal proceeding or in any trial or hearing of a juvenile for a criminal offense must be approved by a $^{2}/_{3}$ vote of the Legislature.

Ch. 168 (SB 63) Solis. Preferential vehicle lanes: occupancy level: State Highway Route 10.

Existing law authorizes the Department of Transportation to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles, as specified.

This bill would require the department to establish those lanes on the San Bernardino Freeway, and to set the minimum occupancy level on those lanes at 2 persons, including the driver. The bill would require the department, on or before January 1, 2001, to complete and prepare an operational study concerning the use of the lanes and report to the Legislature.

The bill would provide that the provisions of the bill shall become inoperative on July 1, 2001, and as of January 1, 2002, are repealed, unless a later enacted statute deletes or extends those dates.

Ch. 169 (SB 155) Knight. Highways: Safety Enhancement-Double Fine Zones.

(1) Existing law, until January 1, 2000, requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to develop specified pilot projects to designate and identify certain highway segments as "Safety Enhancement-Double Fine Zones" and impose increased fines for traffic violations occurring within these zones. Existing law requires the department to report to the Legislature on January 1, 1998, on the results of these pilot projects and requires the department or local authorities, with respect to highways under their respective jurisdictions, to place and maintain certain warning signs in the designated zones.

This bill would extend the dates specified above to January 1, 2004, as to the specified pilot projects and to January 1, 2003, as to the date of the report, and would require the department to update the January 1, 1998, report, and to include in the report, in consultation with the Department of the California Highway Patrol, recommendations of specific criteria for designation of a highway as a Safety Enhancement-Double Fine Zone.

The bill would also require the department to develop pilot projects that would be administered, in part, by certain local authorities, for designated portions of State Highway Route 101, State Highway Route 138, and State Highway Route 152. The bill thereby would create a state-mandated local program by imposing additional duties upon those local authorities.

The bill would make conforming changes in other provisions of existing law.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 170 (SB 517) Johnson. Horse racing: charity days distributions.

Existing law requires each licensed racing association to designate a certain number of racing days to be conducted as charity days for the purpose of the distribution of the net proceeds therefrom to beneficiaries. Existing law also requires that distributing agents for, and beneficiaries of, these proceeds be exempt or entitled to exemption from state and federal income taxes, but allows a racing association, whose board of trustees or directors is precluded by its articles of incorporation, bylaws, or by contract from

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receiving compensation for services in the capacity of trustee or director, to act as its own distributing agent , upon approval of the California Horse Racing Board.

This bill would allow any racing association to act as its own distributing agent upon approval of the board, if it meets minimum allocation and distribution requirements, as specified.

Ch. 171 (SB 545) Dunn. Credit: notice.

Existing law requires charge card issuers to make specified disclosures in any charge card application form or preapproved written solicitation for a charge card mailed to a consumer who resides in this state, except as specified. One of these disclosures is any fee that may be assessed for an extension of credit by the charge card issuer to a charge cardholder where the extension of credit is not a credit sale and where the charge cardholder receives the extension of credit through the use of a preprinted check, draft, or similar credit device provided by the charge card issuer to obtain an extension of credit.

This bill would, as of July 1, 2000, require any preprinted check or draft provided by a charge card issuer as an extension of credit to a cardholder to have an affixed attachment notifying the cardholder that use of the check or draft constitutes a charge against the person's credit account, notifying the cardholder of the annual percentage rate and calculation of finance charges associated with the use of the check or draft, and notifying the cardholder whether the finance charges are triggered immediately upon use of the check or draft.

Ch. 172 (SB 803) Karnette. Highways: relinquishment: Routes 19 and 160.

Existing law requires the California Transportation Commission to relinquish to any city or county any portion of any state highway within the city or county that has been deleted from the state highway system by legislative enactment.

This bill would authorize the commission to relinquish to the City of Downey the portion of State Highway Route 19 located between Gardendale Street and Telegraph Boulevard within the city, upon terms and conditions the commission finds to be in the best interests of the state. The relinquishment would become effective immediately following the commission's approval of the terms and conditions of the relinquishment. The portion of State Highway Route 19 relinquished as specified would cease to be a state highway on the effective date of the relinquishment.

The bill also would authorize the commission, upon its determination that it is in the best interest of the state and upon terms and conditions approved by the commission, to relinquish any portion of State Highway Route 160 in Sacramento County from mile post 35.0 to mile post 47.0 to a city in which that segment is located, if the city has agreed to accept the relinquishment. The relinquishment would be effective on the day immediately following the date of the commission's approval of the terms and conditions of the relinquishment.

Ch. 173 (SB 855) Haynes. Recycled water.

(1) The Water Recycling Act of 1999 requires the rate for, and conditions of, recycled water service to be established by contract between a public agency retail water supplier and the customer, if there is no rate in effect for recycled water service within the service area of that supplier and prescribes certain other requirements relating to recycled water service rates established by a public agency retail water supplier on and after January 1, 1999.

This bill would allow a customer to request, in writing, a retail water supplier to enter into an agreement or adopt recycled water rates in order to provide recycled water service to the customer. The bill would require the public agency retail water supplier, by certified mail return receipt requested, to submit a written offer to the customer not later than 120 days from the date on which the retail water supplier receives the written request from the customer. The bill would require the rate and conditions for recycled water service to be established by contract between the retail water supplier and the customer, if no rate is in effect for recycled water service within the service area of a retail water supplier, not later than 120 days from the date of the customer's request for a contract, or, by resolution or ordinance by the retail water supplier, not later than 120

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days from the date of the customer's written request for an ordinance or resolution. By imposing duties on public agency retail water suppliers, 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. 174 (SB 431) Alarcon. 51st District Agricultural Association.

Existing law authorizes the 51st District Agricultural Association to sell approximately 7.2 acres of land, as described, the proceeds of which are required to be used only for the acquisition of land for use as a permanent fairground site, with limited exceptions.

This bill would revise this provision to also authorize the proceeds from the sale of this property to be used to lease and improve real property for a permanent fairground site.

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

Ch. 175 (AB 239) Kaloogian. Estates and trusts.

(1) Existing case law provides that a right to jury trial in a civil matter exists only where that right existed at common law; jury trials in probate proceedings were unknown to common law. Existing statutory law specifies that there is no right to a jury trial in proceedings under the Probate Code concerning the administration of a decedent's estate, except as otherwise expressly provided in the Probate Code.

This bill would revise existing statutory law to specify that there is no right to a jury trial in proceedings under the Probate Code, except as otherwise expressly provided in the Probate Code.

(2) Existing law requires a petition for court authorization of specified medical treatment for a ward or conservatee to include specified information. Existing law requires the court, upon the filing of the petition, to notify the attorney of record for the ward or conservatee or appoint the public defender or private counsel to consult with and represent the ward or conservatee. It also authorizes a hearing on the petition to be held pursuant to an order of the court prescribing the notice to be given.

This bill would specify additional information to be included in the petition, and would revise the notice requirements, as specified.

(3) Under existing law, a court may authorize or require a conservator to take a proposed action for specified purposes, including the exercise or surrender of the right of the conservatee to revoke a revocable trust under specified conditions.

This bill would include within these purposes, the exercise or surrender of the right of the conservatee to modify a revocable trust under specified conditions.

(4) Under existing law, a trust instrument may by amended in order to qualify a decedent's estate for the charitable estate tax deduction under federal law in any case in which all parties interested in the trust have submitted written agreement to the proposed changes or written disclaimer of interest.

This bill would delete the written agreement or disclaimer requirement.

Ch. 176 (AB 540) Machado. Malpractice actions: architects, engineers, or surveyors.

Existing law requires the attorney for the plaintiff or cross-complainant in any action arising out of the professional negligence of an architect, professional engineer, or land surveyor to file a certificate declaring either that the attorney has consulted and received an opinion from an architect, professional engineer, or land surveyor, licensed to practice in this state or in any other state, or that the attorney was unable to obtain that consultation for specified reasons.

This bill would require the certificate to be served in addition to being filed.

Ch. 177 (AB 552) Thompson. Outpatient settings: general anesthesia.

Existing law, until January 1, 2000, permits a physician and surgeon to administer general anesthesia in the office of a licensed dentist, for dental patients, whether or not the dentist has been certified to perform general anesthesia, if the licensed physician and

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surgeon holds a valid general anesthesia permit issued by the Board of Dental Examiners of California. It also requires payment of a fee for issuance of the permit, requires onsite inspection and evaluation, and requires automatic suspension of the permit for a physician and surgeon who has failed an onsite inspection and evaluation, except as prescribed.

Existing law, until January 1, 2000, requires the Medical Board of California to inform the Board of Dental Examiners of California whether the applicant is a licensed physician and surgeon and to verify and inform the Board of Dental Examiners of California whether the applicant has successfully completed a postgraduate residency training program in anesthesiology recognized by the American Council on Graduate Medicine.

Existing law declares that a violation by the dentist of related provisions constitutes unprofessional conduct and authorizes the Board of Dental Examiners of California to take prescribed actions.

Existing law, until January 1, 2000, provides that a violation of those provisions and of provisions relating to general anesthesia by a physician and surgeon may constitute unprofessional conduct under the Medical Practice Act, and is grounds for suspension or revocation of the general anesthesia permit issued by the Board of Dental Examiners of California. It also requires the Board of Dental Examiners of California to refer the matter to the Medical Board of California for its consideration as unprofessional conduct and for further action under the Medical Practice Act. It also provides that a suspension or revocation of a physician and surgeon's permit by the Board of Dental Examiners shall not constitute a disciplinary proceeding or action except to permit the initiation of an investigation or disciplinary action by the Medical Board of California.

The bill would extend the repeal date of the provisions that are repealed on January 1, 2000, until January 1, 2002. By extending the period increased moneys will be deposited in a continuously appropriated fund, this bill would make an appropriation.

Ch. 178 (AB 562) Cardenas. School facilities: funding priorities.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (Greene Act), authorizes the State Allocation Board to provide state per-pupil funding for school facilities. The Greene Act authorizes allocation of state funds, matched by local funds, for new construction and modernization, and authorizes application for funding in certain hardship cases. The Greene Act requires the board to establish and publish any procedures and policies in connection with the administration of the Greene Act.

Existing law requires the board to adopt regulations to develop a mechanism to rank approved applications for new construction funding to determine the priority of approved applications when state funds are insufficient.

This bill would , instead, require the board to adopt the priority regulations to rank approved applications if either (1) the total state funds necessary for funding all approved projects exceed the total state funds actually in the 1998 State School Facilities Fund for allocation for this purpose, or (2) the actual amount of the unallocated proceeds of state bonds available on or after July 1, 2000, for new construction is $300,000,000.

Ch. 179 (AB 861) Campbell. Seismic safety standards.

Existing law requires the Department of General Services to supervise the design and construction of certain school buildings to ensure that plans and specifications comply with specified structural safety standards and to ensure that the work of construction has been performed, in accordance with the approved plans and specifications, for the protection of life and property. Existing law also requires the Department of General Services to pass upon and approve or reject all plans for the construction, and in some cases, the alteration of any school building subject to those provisions, and to inspect the school buildings and the work of construction or alteration that in its judgment is necessary or proper for the enforcement of these requirements and the protection of the safety of students, instructors, and the public. These requirements are part of the body of law known as the Field Act.

Existing law also requires the governing board of each community college district, when a specified examination of the structural condition of any school building of the district has revealed that the building is unsafe for use, to have prepared an estimate of the cost necessary to make repairs to the building that are necessary, or, if necessary, to

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reconstruct or replace the building so that, when repaired or reconstructed, the building will meet structural safety standards established in accordance with law.

This bill would authorize a community college district to acquire for use any facility previously used by the United States military and closed by action of the federal Defense Base Closure and Replacement Commission if the governing board of the district finds that specified conditions of the Field Act have been met.

Ch. 180 (AB 1258) Strom-Martin. Public health: agricultural homestay establishments.

The California Uniform Retail Food Facilities Law regulates sanitary standards in retail food establishments.

This bill would expand the definition of "restricted food service transient occupancy establishment" to include an agricultural homestay establishment. Because local health agencies are partially responsible for enforcement of the law's provisions, the expansion of the law constitutes a state-mandated local program.

Because existing law makes a violation of any of its provisions a misdemeanor, by creating a new crime, this bill would constitute a state-mandated local program.

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

This bill would provide that, with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Ch. 181 (AB 1489) Maldonado. Length of vehicles: extensions.

Existing law limits the length of vehicles and combinations of vehicles coupled together. Under existing law, any extension or device used to increase the carrying capacity of a vehicle is generally included in measuring the length of a vehicle. However, extensions of not more than 18 inches in length on the last vehicle in a combination of vehicles transporting loads are not included in measuring the length when the vehicles are loaded.

This bill would not include, in measuring the length, an 18-inch extension on the front of the first trailer and the rear of the last vehicle when the vehicles are loaded and are on highways, other than those highways designated by the United States Department of Transportation as national network routes.

Ch. 182 (SB 333) Schiff. Santa Monica Mountains Conservancy Advisory Committee: membership.

Existing law creates the Santa Monica Mountains Conservancy Advisory Committee, consisting of 17 members, as prescribed, including 6 representatives of local governments, and specifies that 9 members of the advisory committee are required to constitute a quorum for the transaction of any business of the advisory committee.

This bill would increase to 12 the number of representatives of local governments on the advisory committee, thereby increasing the membership of the advisory committee to 23, and would require that the 6 additional members be appointed by various city councils. The bill would increase to 12 the number of members of the advisory committee that are required to constitute a quorum.

Ch. 183 (SB 363) Figueroa. Automotive insurance: coverage for damaged child safety restraint systems.

Existing law describes the coverage required to be provided by various policies of automobile insurance.

This bill would require every policy of automobile liability insurance, and every policy that provides automobile collision coverage, automobile physical damage coverage, or

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uninsured motorist property damage coverage to provide coverage for the replacement of a child passenger restraint system that was in use by a child during an accident for which the policy is liable.

Ch. 184 (SB 392) Chesbro. Property tax revenue allocations: redevelopment agency share: apportionment.

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities. Existing law also authorizes a redevelopment plan adopted pursuant to that law to provide for an allocation to the relevant redevelopment agency of a portion of those ad valorem property tax revenues derived with respect to a redevelopment project. Existing property tax law also establishes certain parameters with respect to the subtraction of a redevelopment agency's share of ad valorem property tax revenues from those revenues otherwise allocated to other local jurisdictions within a redevelopment project area.

This bill would clarify the process by which incremental property tax revenues to be allocated to a redevelopment agency are withdrawn from those revenue shares allocated to other local jurisdictions in a redevelopment project area. This bill would make legislative findings and declarations that these provisions are declaratory of existing law, and would deem to be correct any apportionment of property tax revenues made for any fiscal year prior to the effective date of the bill that is inconsistent with the clarifications made by this bill.

Ch. 185 (SB 394) McPherson. Aquatic nuisance species.

(1) Existing law contains provisions designed to prevent the introduction and spread of aquatic nuisance species, as defined, into any river, estuary, bay, or coastal area through the exchange of ballast water of vessels prior to entering those waters. Existing law requires the Department of Fish and Game to adopt a ballast water control report form consistent with the form developed by the United States Coast Guard. Existing law requires operators of all vessels that have the capacity to take on or discharge ballast water to complete and return the form as a condition of using the waters of this state. These provisions are to be repealed on January 1, 2000.

This bill would extend these provisions until January 1, 2004. Since a violation of these provisions is an infraction under existing law, the bill would impose a state-mandated local program by continuing in existence a crime that would otherwise be repealed.

(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 continue existing duties imposed on the department until January 1, 2004, the bill would make an appropriation.

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

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

Ch. 186 (SB 439) Poochigian. Insurance: fire and casualty broker-agents and life agents.

Existing law imposes certain continuing education requirements on persons licensed either as life agents or casualty broker-agents, but not as both.

This bill would make certain technical nonsubstantive changes in that provision.

Ch. 187 (SB 641) Lewis. Title insurance.

Existing law provides that a domestic title insurer is any title insurer organized under California law, and a foreign title insurer is any title insurer organized under the laws of any other jurisdiction.

Existing law requires every domestic title insurer, as to its title insurance department, to be subject to and to comply with all requirements of the insurance laws and the rules and regulations of the Insurance Commissioner. Existing law authorizes a domestic title insurer to invest its assets apportioned to its title insurance department, and the

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accumulations therefrom, in the manner in which the assets of title insurers are allowed by state law to be invested.

This bill would make those provisions governing a domestic title insurer's title insurance department also applicable to a foreign title insurer's title insurance department. It would also make other technical changes.

Ch. 188 (SB 770) McPherson. DeLaveaga Park Property: conveyances: recreational use.

Under existing law, the state owns or leases real property within the so-called DeLaveaga Park Property in the City of Santa Cruz, as described in Exhibit A attached to a decree issued May 27, 1898, by the Superior Court for the City and County of San Francisco, and is generally obligated to use that real property for a camp of instruction for the National Guard. The state is obligated to reconvey the real property, which it received from the City of Santa Cruz and the County of Santa Cruz in 1901, to the city when it is no longer necessary for use as a camp of instruction, subject only to the condition that the real property be used by the city in perpetuity for public recreational purposes. A portion of the state-owned property has been leased to the City of Santa Cruz pursuant to the June 29, 1967, Lease Exchange Agreement between the state and the city and is used by the city as part of the DeLaveaga Golf Course. The city also leased real property within the DeLaveaga Park Property to the state pursuant to that agreement.

This bill would express legislative intent with regard to the DeLaveaga Park Property and would require the real property within the DeLaveaga Park Property owned by the state to be used for a National Guard camp of instruction and, if that use is determined by the Adjutant General to be no longer necessary for that purpose, would require the Department of General Services to reconvey the real property to the city, to be used in perpetuity for public recreational purposes. The bill would direct the department to convey to the city its fee interest in that portion of the DeLaveaga Park Property currently leased to the city to be used as a municipally owned public golf course for as long as the city determines and, thereafter, used, in perpetuity, as a municipally owned public recreational area, if the city simultaneously conveys in fee to the state the portion that is currently leased to the state, to be used for public recreational purposes. The bill would require that the DeLaveaga Park Property revert to the possession, control, and ownership of the state if any of the conditions for the use of that real property are violated.

Ch. 189 (SB 1266) Knight. Selective Service Act: registration: high school.

Existing law authorizes school districts to appoint prescribed staff, including, but not limited to, police reserve officers, administrative advisors, and legal counsel.

This bill would provide that a governing board of a school district should, but is not required to, make every reasonable effort to appoint a selective services registrar for each high school, who may be a school employee or a school volunteer who is 18 years of age or older, to help pupils subject to the federal Military Selective Service Act enrolled in the high school register in accordance with that act.

Ch. 190 (SB 651) Burton. Registered pharmacists.

Existing law generally requires an employee to be paid an overtime rate of compensation for work in excess of 8 hours per day. Existing wage orders of the Industrial Welfare Commission exempt persons employed in an administrative, executive, or professional capacity from, among other things, that requirement.

This bill would provide that a person employed in the practice of pharmacy is not exempt from coverage under any provision of the wage orders of the commission, unless he or she individually meets the criteria established for exemption as executive or administrative employees. The bill also would provide that no person employed in the practice of pharmacy may be subject to any exemption from coverage under the orders of the commission established for professional employees.

Under the existing Pharmacy Law, the California State Board of Pharmacy is established to administer and enforce the regulations that govern the licensure and practice of registered pharmacists.

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This bill would prohibit the board from adopting or amending any rule or regulation that conflicts with the limitations on the commission added by the bill.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.

Existing provisions of law require the Director of Health Services to establish the rate of reimbursement for providers under the Medi-Cal program, and specifies that the rate of reimbursement for pharmacists shall be reduced by 50¢ per prescription, effective January 1, 1995.

This bill would require that the reimbursement of pharmacists for each prescription claim through the Medi-Cal program shall be increased by 25¢ on January 1, 2000, and by an additional 15¢ on July 1, 2002.

Ch. 191 (AB 1) Aanestad. School finance: necessary small schools: necessary small high schools.

Under existing law, a unified school district that is the only school district in a county, that received specified amounts of federal Forest Reserve funds and that has fewer than 4,501 units of average daily attendance, is eligible to receive apportionments for necessary small schools and necessary small high schools. The provision that establishes this eligibility becomes inoperative on July 1, 1999, and as of January 1, 2000, is repealed.

This bill would instead provide that the provision that establishes this eligibility becomes inoperative on July 1, 2002, and as of January 1, 2003, is repealed and would require a school district that receives apportionments pursuant to this provision to report to the State Department of Education and the Department of Finance by July 1, 2001, concerning the district's plan to address the district's need for additional funding when this section is repealed.

This bill would declare that its provisions would become effective immediately as an urgency statute.

Ch. 192 (AB 263) Gallegos. Hospital facilities: California Building Standards Commission: regulatory submissions.

The Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 establishes, under the jurisdiction of the Office of Statewide Health Planning and Development, a program of seismic safety building standards for certain hospitals built on and after March 7, 1973. The act requires the office to submit information regarding seismic standards and procedures to the California Building Standards Commission, and provides that these submissions shall be deemed as emergency regulations and adopted as such.

This bill would require that, until January 1, 2001, all regulatory submissions to the California Building Standards Commission made by the office pursuant to provisions relating to state responsibilities for seismic safety in hospitals and hospital owner responsibilities be deemed to be emergency regulations and adopted as such.

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

Ch. 193 (AB 268) Cedillo. Museum of Chinese American History: Italian Hall: funding.

The Budget Act of 1998 appropriates funds to the Department of Parks and Recreation for local assistance grants.

This bill would make state funding for the permanent site for the Museum of Chinese American History and for the restoration of the Italian Hall, both in Los Angeles, contingent upon funding in the Budget Act of 1999.

Ch. 194 (AB 699) Wiggins. Veterans' home: nonresident veterans: outpatient services.

Existing law provides for the establishment and operation of the Veterans' Home of California, Yountville, for aged and disabled veterans who are eligible for hospitalization or domiciliary care in a veterans' facility in accordance with the rules and regulations of the United States Department of Veterans Affairs, and who are bona fide residents of this state at the time of application. The home is under the management and control of the Department of Veterans Affairs.

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This bill would authorize the Department of Veterans Affairs to arrange by contract or any other form of agreement with the United States Department of Veterans Affairs for the purpose of (1) authorizing veterans, collateral dependents, or other beneficiaries authorized by the United States Department of Veterans Affairs, who are not residents of the Veterans' Home of California, Yountville, to receive outpatient medical services at that home, (2) establishing rates for reimbursement from the federal government to the State of California for outpatient services rendered by the Veterans' Home of California, Yountville, to those patients, and (3) allowing outpatient care and reimbursement, as prescribed, at the veterans' home located at Barstow, California, and any veterans' home constructed on or after January 1, 2000.

Ch. 195 (AB 1019) Strickland. Minors: volunteer construction services.

Under existing state law, minors are prohibited from being employed or permitted to work in certain occupations that are excluded from federal regulations promulgated under the Fair Labor Standards Act of 1938, as amended, that specify conditions for employment of minors.

This bill would require the Division of Labor Standards Enforcement to review existing state and federal restrictions on participation of minor volunteers in construction projects, as specified, and to report its findings to the Legislature by April 1, 2000.

Ch. 196 (AB 1140) Villaraigosa. Income taxes: returns: filing requirements.

Existing income tax laws require every individual taxable under the Personal Income Tax Law that has certain amounts of adjusted gross income, or gross income, to make a return to the Franchise Tax Board.

This bill would require the board to recompute those amounts to take into account the effect of the dependent credit and the senior exemption credit, as provided.

Ch. 197 (AB 1238) Committee on Agriculture. Eggs.

(1) Existing law requires the Secretary of Food and Agriculture to appoint a Shell Egg Advisory Committee consisting of 7 members, 6 of whom are selected by the secretary from egg handlers.

This bill would require the secretary to appoint 2 alternates who may serve in the absence of any of the egg handler representatives on the committee.

(2) Existing law makes it unlawful for an egg handler to sell, offer for sale, or expose for sale eggs that are packed or graded for human consumption unless certain requirements are met. Existing law makes it unlawful for an egg handler, as defined, to sell, offer for sale, or expose for sale eggs that are packed for human consumption unless each container intended for sale to the ultimate consumer is labeled with, among other information, a "sell-by date" and the identification number of the plant of origin, except as prescribed.

This bill would provide that these provisions do not apply to eggs that are packaged for export and that the "sell-by date" requirement does not apply to eggs that are packaged for interstate commerce.

The bill would require the Department of Food and Agriculture, in consultation with the Shell Egg Advisory Committee, to establish a plant identification numbering system and to assign identification numbers to all egg handling facilities. The bill would authorize an egg handling facility that is inspected by the United States Department of Agriculture, and to which a federal plant identification number has been assigned, to use that federal identification number, the identification number assigned by the Department of Food and Agriculture, or both, for the purposes of complying with that container labeling requirement.

(3) Existing law, commencing on January 1, 1998, and until January 1, 2000, requires, with certain exceptions, raw shell eggs to be stored and displayed at or below a specified ambient temperature. Existing law makes a violation of this requirement a misdemeanor.

This bill would delete the January 1, 2000, date, thereby continuing the provision indefinitely, and thereby imposing a state-mandated local program by continuing the above-described crime.

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

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

Ch. 198 (AB 1249) Committee on Agriculture. Produce dealers and agents of farm products processors: licensing.

(1) Existing law sets forth procedures governing the licensure by the Department of Food and Agriculture of produce dealers and agents of farm products processors. Under these provisions of existing law, if an application for a license indicates, or the department determines during the application review process, that the applicant had previously applied for a license and the application was denied within the last year, the department is required to cease further review of the application until one year has elapsed from the date of the notification of the denial or from the effective date of the decision and order of the department upholding a denial.

This bill, instead, under the above circumstances, would require the department to cease further review of the application until 30 days have elapsed from the date of the notification of the denial or from the effective date of the decision and order of the department upholding a denial.

(2) The above provisions of existing law specify that an applicant whose application is incomplete shall be given written notice that a failure to complete the application within 30 calendar days shall result in denial of the application.

This bill, instead, would require the written notice to specify that a failure to complete the application within 60 calendar days shall result in denial of the application.

(3) The above provisions of existing law specify that if any licensee does not apply for the renewal of a preexisting license on or before the date of expiration of the license, a penalty of $25 shall be added to the fee. Existing law also provides that that penalty is applicable only during the 30-day period immediately following the license expiration date and shall entitle the applicant to 30 days from the date of the penalty payment to complete the application. If the application is not completed within that time, the application is required to be deemed denied and all fees retained by the Secretary of Food and Agriculture.

This bill, instead, would specify that the $25 penalty shall be paid within 30 days immediately following the license expiration date and that payment of the penalty shall entitle the applicant to 60 days from the date of the penalty payment to complete the application. If the application is not completed within that time, the application shall be deemed denied and all fees retained by the department. In addition, the bill would specify that if the penalty is not paid within the 30-day period, any application for renewal of a preexisting license shall be treated as a new application.

Ch. 199 (AB 1582) Florez. Agriculture: grape crusher processors: grape concentrate: reporting.

The Clare Berryhill Grape Crush Report Act of 1976 requires every processor who crushes grapes in this state to furnish to the Secretary of Food and Agriculture reports on the total number of tons of grapes purchased by the processor in California during the preceding crush within each grape-pricing district and information concerning the final prices, as specified. A violation of these provisions is a crime.

This bill would revise those reporting requirements to also require the reporting of the total number of tons of grapes purchased and crushed that will be marketed as grape concentrate. The bill would prohibit any action, including civil and criminal penalties, to be taken against a person, as specified, based on the reporting of grape concentrate pursuant to these provisions. The bill also would restrict the release of information by the secretary in that regard, as specified. The bill would define "estimated equivalent tons" for purposes of the bill. The bill would also make nonsubstantive, technical changes in those provisions.

Ch. 200 (AB 1694) Committee on Revenue and Taxation. Ad valorem taxation: fire detection systems.

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

The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, "full cash value" is defined as the assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred. The California Constitution authorizes the Legislature to exclude from classification as "new construction" the construction or installation on or after November 7, 1984, of fire safety improvements that include a fire detection system. Existing statutory law implementing this exclusion defines a "fire detection system" to include any system or appliance intended to, among other things, activate an alarm or signal. It also specifies that a fire detection system includes any system that serves additional functions, but limits the exemption to that portion that is for fire detection purposes.

This bill would expand this exclusion to specify that a fire detection system includes, as provided, all equipment used to transmit fire alarm activations and related signals to a remote location.

Section 2229 of the Revenue and Taxation Code requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of any exemption or classification of property for purposes of ad valorem property taxation.

This bill would provide that, notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

This bill would take effect immediately as a tax levy.

Ch. 201 (SB 36) Baca. Veterans' preference: local agencies.

Under the State Civil Service Act, veterans of the armed forces who take an entrance examination for state employment are allowed extra points by virtue of their status as veterans.

This bill would require any city, county, or city and county, general law or chartered, when it has established a civil service system, to implement a veterans' preference system by January 1, 2002, or adopt a resolution identifying reasons that the local agency does not do so.

Ch. 202 (SB 219) Peace. Court proceedings.

Existing law establishes the priority of allowed unsecured claims for specified wages, salaries, or commissions to the extent of $2,000 for each individual and allowed unsecured claims for specified contributions to an employee benefit plan to the extent of the number of employees covered by the plan multiplied by $2,000 less a specified amount.

This bill would limit claims for wages, salaries, or commissions to specified claims, and would increase the $2,000 limit and multiple to $4,300.

Existing law provides that an assignee of any general assignment for the benefit of specified creditors may recover any transfer or property of the assignor that meets certain requirements. Existing law exempts from this recovery a transfer of a security interest in property acquired by the assignor to the extent that the security interest secures new value, as specified, and is perfected within 10 days after the security interest attaches.

This bill would revise this exemption to include the above-described security interest that is perfected within 20 days after the security interest attaches.

This bill would also exempt a transfer to the extent that it was a bona fide payment of a debt to a spouse, former spouse, or child of the debtor, as specified.

This bill would also substantially incorporate the changes to Section 1204 of the Code of Civil Procedure proposed by SB 914, contingent upon that bill's prior enactment.

Ch. 203 (SB 603) Speier. Remittances and interest.

Existing law authorizes the Franchise Tax Board to accept payment by credit card for taxes, interest, penalties, and fees, if specified conditions are met.

This bill would remove the present restrictions regarding payments by credit card, and instead would permit these payments to be made by credit cards at that time and under those conditions as the Franchise Tax Board may prescribe. This bill would also require the Franchise Tax Board and any other state agency accepting payment by credit card

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to notify each eligible payer of that fact, and to provide, as specified, for billing statements that allow for payment by credit card.

Under existing law, the Franchise Tax Board is authorized to abate interest on unpaid taxes that is attributable to errors or delays caused by an officer or employee of the Franchise Tax Board in the performance of a ministerial or managerial act.

This bill would also permit the abatement of interest accruing from a deficiency based on a final federal determination of tax for the same period that interest was abated on the related federal deficiency under specified provisions of the Internal Revenue Code.

Ch. 204 (SB 826) Sher. Air pollution: bay district: motor vehicle fee revenues.

(1) Existing law requires specified motor vehicle fee revenues generated in the Bay Area Air Quality Management District to be subvened to the bay district and used for specified purposes, including, until January 1, 2000, the implementation of bicycle facility improvement projects.

This bill would delete the January 1, 2000, date for using those revenues for bicycle facility improvement projects, thereby requiring the continued use of those funds for that purpose beyond that date. The bill also would include, within the purposes for which those revenues are required to be expended, the implementation of low-emission and zero-emission vehicle programs, demonstration projects in telecommuting, and the design and construction of physical improvements that support specified development projects, thereby creating a state-mandated local program by imposing new duties on the bay district.

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

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

Ch. 205 (SB 830) Karnette. Employees of reorganized school districts.

Existing law authorizes the reorganization of school districts and provides for the disposition of the assets and obligations of reorganized school districts. With regard to persons employed by reorganizing school districts in positions not requiring certification qualifications, existing law requires that the reorganization not affect the rights of these persons to retain the salary, leaves, and other benefits that they would have had if the reorganization had not occurred. Existing law also requires that, when a portion of the territory of any district becomes part of another district, employees regularly assigned to perform their duties in the territory affected become employees of the acquiring district, and further requires that an employee regularly assigned by the original district to any school in the district be an employee of the district in which the school is located.

This bill would, with respect to reorganizations commenced on or after January 1, 2000, authorize an employee in these instances, in a manner consistent with relevant provisions of existing law and with any applicable collective bargaining agreement, to elect to accept a vacant position, for which he or she qualifies, that the first district elects to fill ; to fill, by exercise of his or her rights of seniority, a position, for which he or she qualifies, in the first district; or to have his or her name entered on a reemployment list of the first district.

Ch. 206 (SB 946) Vasconcellos. Classroom environment: pilot project.

Existing law requires any driver's license issued to a person under 18 years of age to be issued pursuant to a specified provisional licensing program.

This bill would require the Department of Motor Vehicles to conduct a pilot project to compare the effectiveness of driver education programs conducted in a nonclassroom environment with those conducted in a classroom-based environment for persons under the age of 18 years, as specified. The bill, among other things, would specify that persons participating in this pilot project who meet the course requirements for a certificate of completion shall be deemed to have complied with the driver's education requirements for a provisional driver's license.

The bill would require the department to complete a study concerning the pilot project and to report to the Legislature not later than May 31, 2003, except as specified.

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The bill would repeal these provisions on January 1, 2004, unless a later enacted statute that is enacted on or before January 1, 2004, deletes or extends that date.

Ch. 207 (SB 954) Karnette. Public cemetery districts: public cemetery authorities: construction standards.

Existing law authorizes a public cemetery district to maintain a cemetery or cemeteries and to acquire, construct, improve, maintain, and repair a columbarium for the placement of cremated human remains.

Existing law permits a cemetery authority to operate a cemetery.

This bill would require that the construction or repair of columbariums comply with specified standards.

Ch. 208 (SB 1024) Johnson. Political Reform Act of 1974: online disclosure.

Existing provisions of the Political Reform Act of 1974 require specified candidates for public office and committees supporting or opposing candidates or ballot measures periodically to file reports with the Secretary of State and certain local officials setting forth information concerning contributions they received and expenditures they made during the specified reporting period. Existing provisions of the act also require lobbyists, lobbying firms, and lobbyist employers periodically to file specified reports and statements with the Secretary of State. Existing law also requires the Secretary of State to develop and implement a process whereby reports and statements, that are required under the act to be filed with the Secretary of State, including those by controlled committees of elected state officers that receive contributions, and any other committees, lobbyists, lobbying firms, and lobbyist employers, could be filed electronically and viewed by the public at no cost on an online disclosure system by way of the largest nonproprietary, cooperative public computer network.

This bill would require the Secretary of State to disclose online an index of the identification numbers of every person, entity, or committee obligated to make a disclosure pursuant to the provisions described above. This index would be required to be updated monthly except for the 6-week period preceding any statewide regular or special election, during which period the index would be required to be updated weekly.

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 $^{2}/_{3}$ 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 $^{2}/_{3}$ vote.

Ch. 209 (SB 1056) Johannessen. Vehicles: emission reduction devices.

Existing law establishes the High Polluter Repair or Removal Account in the Vehicle Inspection and Repair Fund and provides that all money in the account is available, upon appropriation, to the Department of Consumer Affairs and the State Air Resources Board to establish and implement a program for the repair or replacement of high polluting vehicles.

This bill would require the state board to review and assess the potential cost-effectiveness of specified emissions reduction devices that are intended for installation in light-duty motor vehicles and to consider the results of that assessment in determining whether an emission reduction device is a cost-effective means of emission reduction, as compared to vehicle retirement programs.

Ch. 210 (SB 1062) Poochigian. The California Water Plan.

Existing law requires the Department of Water Resources to update, every 5 years, The California Water Plan, which is the plan for the control, protection, conservation, development, and utilization of the water resources of the state.

This bill would require the department to establish a prescribed advisory committee to assist the department in the updating of the plan. The bill would require the department, in connection with the updating of the plan, to include in the plan a discussion of various strategies, including those strategies relating to the development of new water storage facilities, water conservation and recycling, desalination,

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conjunctive use, and water transfers, that may be pursued to meet the future water needs of the state, as prescribed. The bill would make related legislative findings and declarations.

Ch. 211 (SB 1089) Bowen. Post traumatic stress disorder education and training program.

Existing law generally regulates services for the care of children, including vesting the State Department of Social Services with various responsibilities relating to the placement and care of children in the state foster care system. Existing law requires the department to select and award a grant to a private nonprofit or public entity to establish and implement statewide coordinated training programs for county child protective service social workers that address critical issues affecting the well-being of children. Existing law specifies the subjects to be included in that training.

This bill would require the department to include post traumatic stress disorder in children among the subjects covered by the training programs.

Ch. 212 (SB 1092) O'Connell. Conditional sales contracts: motor vehicles.

Existing law requires specified conditional sale contracts for the sale of motor vehicles to contain specified disclosures. Existing law defines "cash price" for purposes of these provisions to mean the amount for which the seller would sell and transfer to the buyer unqualified title to the motor vehicle described in the contract, if the property were sold for cash, as specified, and includes, among other things, the cash price of accessories or services related to the sale.

This bill would revise the definition of "cash price" to also include payment of a prior credit or lease balance remaining on property being traded in. It would also revise the disclosure requirements with regard to property being traded in, as specified.

This bill would also repeal a provision of existing law that requires a conditional sale contract executed after June 30, 1994, to contain a notice pursuant to a repealed provision of law.

Ch. 213 (SB 1124) Vasconcellos. Brokerage contracts.

Existing law generally describes the requirements for entering into a valid contract.

This bill would provide that an application by a prospective customer to enter into a brokerage agreement with a broker-dealer, as defined, shall be deemed to be a valid contract if the application is transmitted by the customer to the broker-dealer electronically , is accompanied by the prospective customer's electronic or digital signature, and is accepted by the broker-dealer.

This bill would also require an application that is transmitted electronically to comply with all applicable federal and state securities laws and regulations relating to disclosures to prospective customers, as specified.

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

Ch. 214 (SB 1159) Sher. Electrical restructuring: electric service: changes.

(1) Existing law prohibits any change in the aggregator or supplier of electric power for any small commercial customer from being made until the change has been verified, as prescribed.

This bill would require specific procedures for a confirmation of change made via a telephone transaction, an Internet transaction, or a written transaction. The bill would require an aggregator or provider of electric power to keep a record of a confirmation for 2 years from the date of that confirmation, and to make those records available, upon request, to the customer and the Public Utilities Commission in the course of certain commission investigations. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program by creating a new crime.

The bill would authorize the commission to require third-party verification for all residential changes described above if certain findings are made.

(2) The California Constitution requires 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. 215 (SB 1230) Burton. Income taxes: designations: California Peace Officer Memorial Foundation.

Under existing income tax laws, taxpayers are allowed to contribute amounts in excess of their tax liability for the support of specified funds.

This bill would additionally allow taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the California Peace Officer Memorial Foundation Fund, which would be created by this bill. It would require money in that fund, upon appropriation by the Legislature, to be allocated to the California Peace Officer Foundation for the building and maintaining of a memorial to California peace officers as specified.

The bill would require the Franchise Tax Board to revise the form of tax returns to provide for the designation and would allow, upon appropriation by the Legislature, the Franchise Tax Board and the Controller to receive a portion of the funds designated to cover costs incurred in collecting and administering the funds.

The bill would provide that these provisions shall remain in effect only until January 1, 2006, unless a later enacted statute enacted before January 1, 2006, deletes that date. However, the bill would also provide that these provisions are deleted for taxable years beginning on or after January 1 of the calendar year in which the Franchise Tax Board estimates by September 1 that the contributions made on returns filed in that calendar year will be less than $250,000.

Ch. 216 (SB 1245) Hayden. Compensation: World War II slave and forced labor.

(1) Existing law authorizes actions to recover wages, but requires various actions to be brought within specified periods of time.

This bill would authorize any World War II slave labor victim or World War II forced labor victim, or heir of the victim, to bring an action in superior court to recover compensation , as defined, from any entity or successor in interest thereof, for whom the labor was performed, either directly or through a subsidiary or affiliate. It would provide that any action brought under these provisions shall not be dismissed for failure to comply with the applicable statute of limitation, provided the action is commenced on or before December 31, 2010.

(2) This bill would also set forth findings, intent, and a requirement that the Treasurer and the Public Employees' Retirement Fund and the State Teachers' Retirement Fund monitor investments in businesses that owe compensation to victims of slave labor.

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

Ch. 217 (AB 343) Campbell. Local agency finance: commercial paper: investments and borrowing.

(1) Existing law sets forth the various types of investments in which a local agency may invest the money belonging to or in custody of the agency, including its surplus money. Purchases of commercial paper for these purposes may not exceed 15% of the agency's surplus money which may be invested. An additional 15%, or a total of 30% of the agency's money or money in its custody, may be invested in commercial paper. The additional 15% may be so invested only if the dollar-weighted average maturity, as defined, of the entire amount does not exceed 31 days.

This bill instead would authorize counties to make purchases of commercial paper for these purposes that may not exceed 40% of the county's surplus money that may be invested, without the requirement that the dollar-weighted average maturity of the entire amount not exceed 31 days. It would additionally specify that no more than 10% of the county's surplus money that may be invested may be invested in the outstanding paper of any single issuing corporation.

(2) Existing law requires the legislative body of a local agency to discuss, consider, and deliberate each decision that involves borrowing in the amount of $100,000 or more as a separate item of business on the agenda of its meeting.

This bill would provide that for this purpose "borrowing" does not include bank overdrafts.

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Ch. 218 (AB 1486) Maldonado. Horse racing: racing dates.

Existing law generally provides that, with the exception of mixed breed and combined fair racing meetings, the maximum number of racing days that may be allocated to the California Exposition and State Fair or to a county or district agricultural association or citrus fruit fair shall be 14 days each year, concurrent with the period in which general fair activities are conducted, but that any fair racing association that conducted racing in the central or southern zones prior to January 1, 1980, shall be entitled to be allocated up to 3 weeks of racing. Existing law also provides that nothing in these provisions shall diminish the authority of the California Horse Racing Board to establish racing dates.

This bill would additionally require the board to take public testimony and make all determinations on the allocation of racing dates during a public hearing. It would also require all discussions of allocating racing dates by the board or its subcommittees to be conducted during a public hearing.

Ch. 219 (SB 263) Perata. Horse racing: imported races.

(1) Existing law provides that, during the calendar period of its racing meeting, a thoroughbred racing association or fair may distribute the audiovisual signal and accept wagers on out-of-state and out-of-country thoroughbred races without regard to the amount of purses and without the consent of the horsemen's organization, provided that the total number of races imported statewide in any given year does not exceed the total number of races imported in 1998. Existing law also provides that no more than 20 races may be imported on any given day when live thoroughbred racing is being conducted, except in the case of races commencing after specified times that are imported with the permission of specified associations or fairs that are then conducting live racing.

This bill would increase that 20 race limitation to no more than 23 imported races, but would except from that limitation races commencing after specified times that are imported with the permission of specified associations; races imported that are part of the race card of certain prominent races; races imported into the northern zone when there is no live racing being conducted in that zone; and races imported into the combined central and southern zones when there is no live racing being conducted in those combined zones.

(2) Under existing law, all revenues distributed to the state as license fees from horse racing are required to be deposited in the Fair and Exposition Fund and are continuously appropriated to the Department of Food and Agriculture for various regulatory and general governmental purposes.

This bill would authorize additional wagering, and would increase the amount of continuously appropriated license fees, thereby making an appropriation.

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

Ch. 220 (AB 302) Floyd. Public works: prevailing wages.

(1) Existing law defines the term "public works" for purposes of requirements regarding the payment of prevailing wages, the regulation of working hours, and the securing of workers' compensation for public works projects. Existing law further requires that, except as specified, not less than the general prevailing rate of per diem wages be paid to workers employed on public works and imposes misdemeanor penalties for a violation of this requirement.

Existing law provides that for the purposes of provisions of law relating to the payment of prevailing wages, "public works" means, among other things, the hauling of refuse from a public works site to an outside disposal location with respect to contracts involving any state agency, including the California State University and the University of California.

This bill would revise the definition of "public works" for these purposes to include the hauling of refuse from a public works site to an outside disposal location with respect to contracts involving any political subdivision of the state, thereby requiring the payment of prevailing wages in connection with all such contracts involving any local public entity.

Because the violation of prevailing wage requirements by local public entities when engaged in these public works projects would result in the imposition of misdemeanor penalties, this bill would impose a state-mandated local program.

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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. 221 (SB 143) Burton. Attorneys: discipline.

Existing law provides for disciplinary actions against attorneys.

Existing law imposes various duties on attorneys, including the duty to cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against the attorney. However, existing law provides that this requirement shall not be construed to deprive an attorney of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States or any other constitutional or statutory privileges.

This bill would also provide that this provision shall not be construed to require an attorney to cooperate with a request that requires the attorney to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the attorney's practice. It would also provide that any exercise by an attorney of any constitutional or statutory privilege shall not be used against the attorney in a regulatory or disciplinary proceeding against him or her.

Existing law provides that an attorney complained against shall be given reasonable notice and opportunity to exercise various defense rights.

This bill would require the notice and opportunity to also be fair and adequate, and would specify that the rights include the right to exercise any right guaranteed by the State Constitution or the United States Constitution, including the right against self-incrimination.

The bill would also require the State Bar to compile specified disciplinary statistics relating to who is prosecuted, and to issue a written report on or before June 30, 2001, to the Senate and Assembly Judiciary Committees. The bill would provide that procedures used in the disciplinary process shall ensure that resources of the State Bar are used fairly and equitably in the investigation and prosecution of complaints against all attorneys. It would also provide, as specified, that disciplinary proceedings shall not be brought in disproportionate numbers against attorneys practicing as solo practitioners or in small law firms, as defined, or partnerships, as compared to proceedings brought against attorneys practicing in large law firms. It would prohibit the report from being used as a defense or mitigating factor in any disciplinary proceeding against an attorney.

Existing law requires the Supreme Court to appoint to the State Bar Court a presiding judge, no fewer than 7 hearing judges, and any additional judges as may be authorized by the Legislature.

This bill instead would require, as of November 1, 2000, that the Supreme Court appoint the presiding judge to the State Bar Court and that 5 hearing judges also be appointed, 2 of whom would be appointed by the Supreme Court, one by the Governor, one by the Senate Committee on Rules, and one by the Speaker of the Assembly.

Existing law establishes a Review Department of the State Bar Court that consists of, among others, one Lay Judge and one Review Department Judge.

This bill instead would provide, as of November 1, 2000, for 2 Review Department Judges appointed by the Supreme Court. The bill also would revise the provision authorizing the Board of Governors of the State Bar to provide a rule regarding the review of decisions other than decisions issued by the Review Department of the State Bar Court.

The bill additionally would make technical conforming changes.

Ch. 222 (SB 26) Escutia. Employment: age discrimination.

Existing law makes it an unlawful employment practice for an employer to refuse to hire or employ, or to discharge, dismiss, reduce, suspend, or demote, any individual over the age of 40 on the ground of age, under specified circumstances. In Marks v. Loral Corp. (1997) 57 Cal.App.4th 30, the court held that existing law permits an employer to choose

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employees with lower salaries, even though this may result in choosing younger employees.

This bill would declare the Legislature's rejection of the opinion in Marks v. Loral Corp., supra, and state that the opinion does not affect existing law in any way, including, but not limited to, the law pertaining to disparate treatment. The bill would also declare the intent of the Legislature that, among other things, the use of salary as the basis for differentiating between employees when terminating employment may be found to constitute age discrimination if use of this criterion disproportionately affects older workers as a group.

Ch. 223 (AB 1598) Battin. Geothermal resources: regulation.

Under existing law, the operation of geothermal resources wells is subject to orders and other regulatory and enforcement actions taken by the State Oil and Gas Supervisor.

This bill would, notwithstanding specified provisions giving the supervisor specific regulatory and enforcement powers regarding geothermal resources, authorize the supervisor to make formal or emergency orders or undertake any other action that the supervisor determines to be necessary for the protection of life, health, property, or natural resources, if the supervisor determines that an emergency exists.

Ch. 224 (AB 787) Dickerson. Commercial vehicles: driver's license endorsements: exemption.

Existing law generally requires the driver of a commercial vehicle to obtain a driver's license endorsement issued by the Department of Motor Vehicles.

This bill would exempt a driver issued a restricted firefighter's license and driving a vehicle operated for the purpose of hauling compressed air tanks for breathing apparatus that do not exceed 2,500 pounds from that endorsement requirement.

Ch. 225 (AB 1414) Papan. Fair Political Practices Commission: administration.

Under the existing Political Reform Act of 1974, the Fair Political Practices Commission has primary responsibility for the impartial, effective administration and implementation of the act.

This bill would prohibit the commission from taking any action to implement the act that would abridge freedom of speech or deny due process of law or the equal protection of the laws.

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 $^{2}/_{3}$ 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 $^{2}/_{3}$ vote.

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

Ch. 226 (AB 761) Briggs. Medi-Cal: disproportionate share providers.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.

Under existing law, the State Department of Health Services is required to make supplemental payments to certain outpatient disproportionate share hospitals based on specified criteria.

Under existing law, each hospital contracting to provide services under the Medi-Cal program pursuant to a selective provider contract that meets the criteria contained in the state medicaid plan for disproportionate share hospital status is eligible to negotiate with the commission for distributions from the Emergency Services and Supplemental Payments Fund.

This bill would create the continuously appropriated Small and Rural Hospital Supplemental Payments Fund, from which distributions may also be made in accordance with provisions similar to those governing the Emergency Services and Supplemental Payment Fund.

Ch. 227 (AB 1161) Soto. Medi-Cal: nursing facilities.

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Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services. Services provided under the Medi-Cal program include skilled nursing and intermediate care facility services provided by nursing facilities.

Existing law requires the department and any nursing facility, at the time of either application for Medi-Cal benefits or of the assessment of the resources of a married couple when one spouse is institutionalized, prior to admitting any person, to provide a clear and simple statement, in writing, to the applicant or recipient, to his or her spouse, and to his or her responsible relative, explaining how Medi-Cal eligibility requirements affect their separate and community property.

This bill would no longer require this statement to be provided to a responsible relative, but would require it to be provided to the legal representative or agent, if any, of the applicant or recipient. It would also revise the statement to explain the resource and income requirements of the Medi-Cal program including, but not limited to, certain exempt resources, certain protections against spousal impoverishment, and certain circumstances under which an interest in a home may be transferred without affecting Medi-Cal eligibility.

Ch. 228 (AB 1697) Committee on Aging and Long-Term Care. Income taxes: designations: senior citizens.

Under the Personal Income Tax Law, taxpayers are allowed until January 1, 2000, to contribute amounts in excess of their tax liability for the support of the California Fund for Senior Citizens.

This bill would extend the operation of those contribution provisions until January 1, 2005.

Ch. 229 (AB 128) Granlund. Vehicles: schoolbus, youth bus, and paratransit vehicle driver certificates.

(1) Existing law requires applicants for an original certificate to drive a schoolbus, school pupil activity bus, youth bus, or general public paratransit vehicle to be fingerprinted by the Department of the California Highway Patrol, as specified, on a form provided or approved by the Department of Motor Vehicles for submission to the Department of Justice utilizing the Applicant Expedite Service.

Existing law also requires upon implementation of an electronic fingerprinting program with terminals located statewide and managed by the Department of Justice, that the Department of Justice provide that information to the Department of the California Highway Patrol.

This bill would allow these applicants to be fingerprinted by utilizing an electronic fingerprinting system. The bill would provide that the applicants may also be fingerprinted by a public law enforcement agency, a school district, or a county office of education utilizing an electronic fingerprinting system with terminals managed by the Department of Justice.

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

Ch. 230 (AB 159) Floyd. Vehicles: dealers: licenses.

(1) Existing law requires every person, except as specified, who applies for a vehicle dealer's license to take and successfully complete a written examination.

This bill would specify that this requirement applies to an applicant for a dealer's license for the purpose of transacting sales of used vehicles on a retail or wholesale basis only and would expressly exclude, in addition to persons who are currently excluded, an applicant for an automobile dismantler's license, an applicant for a motorcycle-only dealer's license or an employee of that dealer, and an applicant for a trailer-only dealer's license or an employee of that dealer.

(2) Under existing law, it is unlawful for a vehicle dealer, as defined, to, among other things, advertise the total price of a vehicle, including all costs to the purchaser at the time of sale, except for specified costs, including fees for a certification of compliance or noncompliance not exceeding $45.

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

This bill would recast these exclusions by excluding from the total advertised price of the vehicle, emission testing fees, not exceeding $50, and the actual fees changed for the certificates pursuant to statute. This bill would make conforming changes.

Ch. 231 (AB 182) Ackerman. Invasion of privacy: concealed cameras.

Existing law makes it a misdemeanor for anyone to look through a hole or opening or view, by means of any instrumentality, into the interior of a room, where the occupant has a reasonable expectation of privacy, with the intent to invade that privacy.

This bill would make it a misdemeanor to secretly videotape, film, photograph, or record by electronic means, another, identifiable person under or through his or her clothing, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to arouse, appeal to, or gratify the lust, passions, or sexual desires of that person and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy. 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. 232 (AB 183) Washington. Vehicles: registration fees.

Existing law, in addition to the other fees imposed for the registration of a vehicle, imposes, with certain exceptions, an additional fee of $1, and continuously appropriates the money to fund local programs relating to vehicle theft crimes. These provisions are to be repealed as of January 1, 2000.

This bill would require each participating county to submit a specified quarterly report to the Department of the California Highway Patrol which would be required to prepare an annual report for the Legislature and participating counties.

The bill would extend the repeal date to January 1, 2005, and would, thus, extend the fee and continuous appropriation to that date, thereby making an appropriation. The bill would make conforming changes.

Ch. 233 (AB 191) Dickerson. Personal property: unclaimed.

Under existing law, the board of supervisors of any county or the governing body of any city may, by ordinance, provide that any bicycle or toy, or both, in the possession of the county sheriff or city police department which have been unclaimed for at least 60 days may, instead of being sold at public auction, be turned over to the probation officer, welfare department, or to specified charitable or nonprofit organizations for use in any program or activity designed to prevent juvenile delinquency.

This bill would provide that this authorization would apply to all unclaimed personal property that has been unclaimed for at least 90 days with a value of no more than $500. It would require that prior to turning over the property the police or sheriff's department must notify the owner, if his or her identity is known or can be reasonably ascertained, by mail, telephone, or by means of a notice published in a newspaper of general circulation, that it possesses the property and where it may be claimed. Because this bill would increase the duties of local law enforcement, it would create a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 234 (AB 246) Cunneen. Instruction: sex education.

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

Existing law requires that all public elementary, junior high, and senior high school classes that teach sex education and discuss sexual intercourse shall emphasize that abstinence from sexual intercourse is the only protection that is 100% effective against unwanted teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome (AIDS) when transmitted sexually.

This bill would impose a state-mandated local program by requiring that factual information presented in the course materials and instruction be medically accurate, as defined, and free of racial, ethnic, and gender biases.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 235 (AB 713) Firebaugh. Motor vehicle lease contracts: translation.

Existing law requires any person engaged in a trade or business who negotiates primarily in the Spanish language orally, or in writing, in the course of entering into, among other things, a lease contract for a motor vehicle or a loan or extension of credit secured other than by real property, or unsecured, for use primarily for personal, family or household purposes, to deliver to the party of that contract or agreement and prior to the execution thereof, a Spanish language translation of the contract or agreement, as specified.

Existing law generally regulates lease contracts for motor vehicles, as specified, and prescribes the contents of those contracts. Existing law makes the knowing and willful violation of these regulations a misdemeanor.

This bill would require, as of January 1, 2001, any prospective assignee that provides a lessor under a lease contract for a motor vehicle with any preprinted form for use as a lease contract to also provide the lessor, upon the request of the lessor, with a Spanish language translation of the preprinted form. 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. 236 (AB 739) Pescetti. Elder abuse: reporting requirements.

Existing law provides for the reporting of actual or suspected physical or other abuse, as defined, of an elder or dependent adult by specified persons and entities and imposes various requirements on state and local agencies in processing, investigating, and reporting on these reports. Violation of those provisions is a misdemeanor.

Existing law also provides that a mandated reporter is not required to report a suspected instance of abuse of an elder or dependent adult in specified circumstances.

This bill would limit that exemption from mandatory reporting requirements to a physician and surgeon, a registered nurse, or a psychotherapist and would revise the circumstances in which the mandated reports is not required to report an instance of abuse.

Because this bill would expand the definition of a crime and would increase the reporting duties of local officials, it would impose a state-mandated local program.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

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With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Ch. 237 (AB 1011) Dickerson. Junction School District.

(1) Existing law, Section 44 of Chapter 204 of the Statutes of 1996 (hereafter Section 44), appropriated $387,000,000 from the General Fund to the Superintendent of Public Instruction for the purposes of providing funds to each regular school in the state for the 1996–97 fiscal year. Existing law requires the use of these funds to be proposed by each school's schoolsite council, schoolwide advisory group, or school support group and approved by the governing board of the school district prior to expenditure of the funds.

This bill would make an appropriation by providing, notwithstanding Section 44 or any other provision of law, that the Junction School District may be reimbursed for expenditures from funds appropriated pursuant to Section 44, regardless of whether the use of the funds was proposed or approved by the schoolsite council, schoolwide advisory group, or school support group prior to expenditure.

(2) This bill would declare that, due to the unique circumstances applicable to Junction School District, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

Ch. 238 (AB 509) Calderon. Insurance: automotive lubricant product warranties.

Existing law defines automobile insurance to include any warranty or guaranty that promises service, maintenance, parts replacement, repair, money, or any other indemnity in the event of loss or damage to a motor vehicle or any part thereof from any cause.

This bill would exclude from that definition an agreement promising repair or replacement of a motor vehicle or part thereof subsequent to a mechanical or electrical breakdown, where the repair or replacement is at either no cost or a reduced cost for the agreement holder, if the obligor is a manufacturer of motor vehicle lubricants, treatments, fluids, or additives, subject to certain specified conditions.

Ch. 239 (AB 706) Torlakson. Community warning systems: donor organizations: immunity.

Existing law provides that a nonprofit public benefit corporation that has donated in whole or in part a community warning system to a county of the ninth class, known as a donor organization, is immune from suit and claims of liability for any injury arising out of the design, development, installation, maintenance, operation, and use of a community warning program or community warning system. Immunity under these provisions does not apply to the management, operation, or maintenance of a community warning system by a donor organization after a donor organization donates a community warning system to a county of the ninth class, except that operation or maintenance of a stationary terminal for communications and operations in accordance with the direction of, or under contract with, a county of the ninth class does not constitute the management, operation, or maintenance of a community warning system.

This bill instead would provide that immunity under these provisions does not apply to the management, operation, or maintenance of a community warning system by a donor organization after a donor organization donates a community warning system to a county of the ninth class, but that immunity shall apply to (1) the installation by a donor organization of alert receiver equipment and initiation box equipment, or (2) the operation or maintenance, or both, by a donor organization of stationary terminal equipment and related initiation box equipment, and alert receiver equipment, or both (1) and (2), for communications and operations, provided that the installation, operation, or maintenance, or all of these, by the donor organization is undertaken without compensation, and in accordance with the direction of, or under contract with, a county of the ninth class, whether before or after the donation.

Ch. 240 (AB 1130) Ashburn. Fruits, nuts, and vegetables: standards.

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

Existing law requires the Secretary of Food and Agriculture to create an industry-funded standardization program for fruits, nuts, and vegetables. It is unlawful to violate provisions of this law.

This bill would extend the repeal date of these provisions for 5 years to January 1, 2005. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program by continuing the existence 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. 241 (AB 1379) Granlund. Funeral directors and embalmers.

Existing law requires the Funeral Directors and Embalmers Program to adopt regulations requiring continuing education for funeral directors and embalmers.

This bill would delete the requirement to adopt these continuing education regulations.

Existing provisions of the Funeral Directors and Embalmers Law require the holding in trust of money or securities furnished under a preneed funeral contract. None of the trust corpus may be used for payment of any commission or other expenses of trust administration.

This bill would authorize a trustee to pay taxes on the earnings of any such trust, as specified. Additionally, it would prohibit any of the trust corpus being used for the payment of taxes on the earnings of the trust.

Since a violation of the Funeral Directors and Embalmers Law with respect to preneed funeral arrangements is a crime punishable as a felony or a misdemeanor, this bill would expand the scope of an existing crime and would thereby impose a state-mandated local program.

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

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

Ch. 242 (AB 1617) Havice. Trade and Commerce Agency: international trade: report and plan.

Existing law sets forth the duties of the Trade and Commerce Agency in the development of foreign trade opportunities in the state, including the oversight of overseas trade offices through the California Office of Foreign Trade in the agency.

This bill would require the agency, with input from the academic, private, and public sectors, to review the state's international trade programs and prepare and submit to the Governor and the Legislature both a report of its findings and a plan for improving the coordination, cost effectiveness, and capability of the state's international trade programs to increase the state's international competitiveness. The bill would specify that the agency shall not expend any amount in excess of $50,000 for the one-time, additional costs that may result from the implementation of these provisions. The bill would require the report and plan to be submitted to the Governor and the Legislature within 90 days of the effective date of this bill.

Ch. 243 (AB 1622) Thomson. Surplus state property: lease: City of Vacaville.

Existing law authorizes the Director of General Services, with the consent of the Department of Corrections, to let to the City of Vacaville for a public purpose, for a period not to exceed 20 years, specified real property, and authorizes the renewal of the lease upon its expiration for an additional period not to exceed 20 years.

This bill would extend the period for which the lease would be authorized, and the period for which it may be renewed, to 40 years.

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

Ch. 244 (SB 313) Figueroa. Debit cards: cardholder liability.

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

Under existing law, a cardholder may be liable for the unauthorized use of a credit card under specified conditions, and, if liable, not in an amount that exceeds $50.

This bill would limit a defined debit cardholder's liability to $50 under specified circumstances.

Ch. 245 (SB 130) Hayden. Firearms: safety devices.

Existing law generally regulates the transfer and possession of firearms.

This bill would establish the Aroner-Scott-Hayden Firearms Safety Act of 1999 (the act).

This bill would require that, except as provided, effective January 1, 2002, all firearms sold or transferred in this state, or manufactured in this state, be accompanied by a firearms safety device approved by the Department of Justice.

This bill would require the Attorney General, not later than January 1, 2000, to begin development of minimum safety standards for firearms safety devices that are designed to reduce the risk of unintentional injury by firearms. The bill would also provide that the Attorney General report to the Legislature regarding the standards by January 1, 2001, and that the standards be effective January 1, 2002.

The bill would require the Department of Justice, effective January 1, 2001, to certify laboratories to test child safety devices, and would authorize the Department of Justice to charge the laboratories a fee not exceeding the costs of certification. The bill would also require the department to notify the manufacturer or dealer of the department's determination regarding whether the firearms safety device may be sold in this state. The bill would further require the department, not later than July 1, 2001, to compile, publish, and maintain a roster listing all safety devices that have been tested as described above, have been determined by the department to meet the standards for child safety devices, and that may be sold in this state.

This bill would require any packaging or other descriptive material that accompanies a firearm sold or transferred or manufactured in this state, to bear a label with a specified warning. The bill would also require the warning label be affixed to the firearm if the firearm is sold, transferred or delivered in this state without accompanying packaging.

This bill would authorize the Attorney General to recall any gun safe or firearms safety device sold in this state after January 1, 2002, that does not conform to specified provisions of the act.

This bill would require each lead law enforcement agency investigating an incident to report specified information to the State Department of Health Services in connection with unintentional or self-inflicted gunshot wounds sustained by children after the effective date of the act.

This bill would provide that any violation of specified provisions of the act would be punishable by a fine of $1,000. A second violation of those provisions would be punishable by a fine of $1,000 and would render a licensed manufacturer, or a licensed California dealer ineligible to manufacture or sell firearms for 30 days in this state. A third violation of those provisions would render a licensed manufacturer, or a licensed California dealer permanently ineligible to manufacture, or sell firearms in this state.

By creating a new crime, this bill would impose a state-mandated local program.

This bill would declare that the act does not relieve any person from liability to any other person as may be imposed pursuant to common law, statutory law, or local ordinance.

This bill would declare that the act does not apply to the commerce of certain firearms, as specified.

The bill would authorize the Department of Justice to require a firearm dealer to charge a firearm purchaser or transferee a fee not to exceed $1 for each firearm transaction for the purpose of supporting various department program costs, 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. 246 (AB 106) Scott. Firearms: safety devices.

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

Existing law generally regulates the transfer and possession of firearms.

This bill would establish the Aroner-Scott-Hayden Firearms Safety Act of 1999 (the act).

This bill would require that, except as provided, effective January 1, 2002, all firearms sold or transferred in this state, or manufactured in this state, be accompanied by a firearms safety device approved by the Department of Justice.

This bill would require the Attorney General, not later than January 1, 2000, to begin development of minimum safety standards for firearms safety devices that are designed to reduce the risk of unintentional injury by firearms. The bill would also provide that the Attorney General report to the Legislature regarding the standards by January 1, 2001, and that the standards be effective January 1, 2002.

The bill would require the Department of Justice, effective January 1, 2001, to certify laboratories to test child safety devices, and would authorize the Department of Justice to charge the laboratories a fee not exceeding the costs of certification. The bill would also require the department to notify the manufacturer or dealer of the department's determination regarding whether the firearms safety device may be sold in this state. The bill would further require the department, not later than July 1, 2001, to compile, publish, and maintain a roster listing all safety devices that have been tested as described above, have been determined by the department to meet the standards for child safety devices, and that may be sold in this state.

This bill would require any packaging or other descriptive material that accompanies a firearm sold or transferred or manufactured in this state, to bear a label with a specified warning. The bill would also require the warning label be affixed to the firearm if the firearm is sold, transferred or delivered in this state without accompanying packaging.

This bill would authorize the Attorney General to recall any gun safe or firearms safety device sold in this state after January 1, 2002, that does not conform to specified provisions of the act, as specified.

This bill would require each lead law enforcement agency investigating an incident to report specified information to the State Department of Health Services in connection with unintentional gunshot wounds sustained by children after the effective date of the act.

This bill would provide that any violation of specified provisions of the act would be punishable by a fine of $1,000. A second violation of those provisions would be punishable by a fine of $1,000 and would render a licensed manufacturer, or a licensed California dealer ineligible to manufacture or sell firearms for 30 days in this state. A third violation of those provisions would render a licensed manufacturer, or a licensed California dealer permanently ineligible to manufacture, or sell firearms in this state.

By creating a new crime, this bill would impose a state-mandated local program.

This bill would declare that the act does not relieve any person from liability to any other person as may be imposed pursuant to common law, statutory law, or local ordinance.

This bill would declare that the act does not apply to the commerce of certain firearms, as specified.

The bill would authorize the Department of Justice to require a firearm dealer to charge a firearm purchaser or transferee as specified, a fee not to exceed one dollar for each firearm transaction. The fee would be for the purpose of supporting various department program costs related to the act, as specified. The fees would be deposited into a special account created by this bill, to be available upon appropriation for purposes of the program.

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

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

Ch. 247 (AB 295) Corbett. Firearms: gun show promoters.

Existing law provides, with specified exceptions, that it is an offense to bring or possess, among other things, a firearm within any state or local public building.

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This bill would, in addition, provide an exception for guns brought to gun shows, as specified. By changing the definition of a crime, this bill would impose a state-mandated local program.

Existing law prohibits a person from promoting or otherwise organizing a gun show or event, as defined, unless that person possesses a valid certificate of eligibility. Existing law requires specified information regarding participants who will sell or transfer firearms at a gun show to be provided to local law enforcement within specified time limits. A violation of these provisions is a misdemeanor, and renders a person ineligible for a certificate of eligibility for a period of one year, as specified.

This bill would define a licensed gun show promoter as a person who has obtained a certificate of eligibility, and would require a licensed gun show promoter to pay an annual fee of $85 to the Department of Justice. This bill would require additional information regarding participants who will sell or transfer firearms at a gun show to be provided to the Department of Justice and local law enforcement within other specified time limits. This bill would also provide that failure by a firearms dealer to provide specified information needed by the promoter, or failure by the promoter to supply certain information, as specified, would result in the dealer being prohibited from participating in the gun show or prohibit the gun show from commencing, respectively.

Existing law generally regulates the transfer or sale of firearms at gun shows.

This bill would, (1) require contracts between gun show producers and gun show vendors, (2) impose certain requirements upon vendors in connection with the sale and display of firearms and ammunition at a gun show, as specified, (3) prohibit, except for gun show vendors, peace officers and security personnel, any person at a gun show from simultaneously possessing ammunition and a firearm, (4) require the posting of specified notices in regard to enforcement of firearms sales, (5) require each vendor to provide specified information regarding persons working in the vendor's display area to be kept by the show producer, (6) require all firearms brought onto the premises to be checked and tagged, as specified, (7) provide that no minor shall be admitted to, or be permitted to remain at, a gun show or event unless the minor is accompanied by the minor's parent, grandparent, or legal guardian at all times while at the gun show or event, and (8) provide that a violation of these provisions shall be an infraction or misdemeanor, as specified, thereby creating a new crime and 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. 248 (SB 15) Polanco. Firearms.

Existing law makes it a misdemeanor or felony to manufacture or cause to be manufactured, import into the state, keep for sale, offer or expose for sale, give, lend, or possess specified weapons, but not including an unsafe handgun.

This bill, commencing January 1, 2001, would make it a misdemeanor to manufacture or cause to be manufactured, import into the state for sale, keep for sale, offer or expose for sale, give, or lend any unsafe handgun, except as specified. By creating new crimes, this bill would impose a state-mandated local program.

This bill additionally would require every person licensed to manufacture firearms pursuant to federal law who manufactures firearms in this state and every person who imports into the state for sale, keeps for sale, or offers or exposes for sale any firearm to certify under penalty of perjury that every model, kind, class, style, or type of pistol, revolver, or other firearm capable of being concealed upon the person that he or she manufactures or imports, keeps, or exposes for sale is not a prohibited unsafe handgun. By expanding the crime of perjury, this bill would impose a state-mandated local program.

The bill also would require any pistol, revolver, or other firearm capable of being concealed upon the person manufactured in this state, imported into the state for sale, kept for sale, or offered or exposed for sale, to be tested by an independent laboratory certified by the Department of Justice to determine whether that pistol, revolver, or other firearm capable of being concealed upon the person meets or exceeds specified

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standards defining unsafe handguns. The bill would require the Department of Justice to certify laboratories for this purpose on or before January 1, 2001.

The bill also would require the Department of Justice, on and after January 1, 2001, to compile, publish, and thereafter maintain a roster listing all of the pistols, revolvers, and other firearms capable of being concealed upon the person that are not unsafe handguns by the manufacturer, model number, and model name. The bill would specify that its provisions do not apply to the sale, loan, or transfer of any pistol, revolver, or other firearm capable of being concealed upon the person listed as a curio or relic. The bill would authorize the department to charge every person in this state who is licensed as a manufacturer of firearms pursuant to federal law, and any person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, or offers or exposes for sale any pistol, revolver, or other firearm capable of being concealed upon the person in this state, an annual fee not exceeding the costs of preparing, publishing, and maintaining the roster and the costs of research and development, report analysis, firearms storage, and other program infrastructure costs necessary to implement the bill.

The bill would state the intent of the Legislature that the Department of Justice pursue an internal loan from special fund revenues available to the department to cover startup costs for the unsafe handgun program established pursuant to the bill. The bill would require the department to repay any loan with the proceeds of fees collected under that program within 6 months.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory 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 189) Ackerman. Bank and corporation taxes: limited liability companies.

The Bank and Corporation Tax Law provides that in the case of a limited liability company the term "tax" includes a specified tax and fee.

This bill would delete an erroneous reference to a limited liability company classified as a partnership.

Ch. 250 (AB 197) Ackerman. Limited partnerships and limited liability companies: conversion.

Existing provisions of the California Revised Limited Partnership Act govern limited partnerships. Limited liability companies are regulated pursuant to the Beverly-Killea Limited Liability Company Act.

This bill would specify a comprehensive scheme for the conversion of limited partnerships and limited liability companies into an other business entity (defined to include a corporation, business trust, and real estate investment trust), or a foreign limited partnership or a foreign limited liability company, as applicable, subject to certain conditions. The bill would also specify certain service of process requirements with respect to the merger or conversion of partnerships to other business entities and the surviving domestic or foreign business entities.

Ch. 251 (AB 213) Romero. California State University: trustees.

Existing law establishes the California State University and provides for the administration of the university by the Trustees of the California State University. Existing law provides for the membership of the Trustees of the California State University to include 5 specified ex officio members, 16 appointive members appointed by the Governor and subject to confirmation by the Senate, a student member appointed by the Governor, and a faculty member appointed by the Governor. Existing law requires that the Governor appoint the student member for a 2-year term from a list of not more than 5 persons furnished by student representatives of each of the universities and colleges of the California State University.

This bill would increase the number of student members of the Trustees of the California State University to 2. The bill would require that the term of one of these

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student members commence in an even-numbered year and that the term of the other student member commence in an odd-numbered year. The bill would require that the student members be appointed from lists furnished by the governing board of any statewide student organization that represents the students of the California State University and the student body organizations of the campuses of the California State University. The bill would authorize a student member who graduates from his or her college or university on or after January 1 of the 2nd year of his or her term of office to serve the remainder of the term. The bill would provide that during the first year of a student member's term, a student member shall be a member of the board, authorized to fully participate in discussion and debate at all meetings of the board and its committees, but not authorized to vote. The bill would provide that if a student member resigns from office or a vacancy is otherwise created in that office during the second year of a student member's term, the remaining student member shall immediately assume the office created by the vacancy and all of the participation privileges of the second-year student member, including the right to vote, for the remainder of that term.

Ch. 252 (AB 352) Migden. Professional licensing.

Existing law establishes the Board of Behavioral Sciences in the Department of Consumer Affairs for the purpose of licensing and regulating clinical social workers.

Existing law requires other state boards that are responsible for licensing and regulating various occupations and professions to create and maintain a central file containing the names of all persons who hold a license, certificate, or similar authority from that board. That file includes, among other things, written reports containing disciplinary information, as specified.

This bill would make those provisions applicable to the Board of Behavioral Sciences.

Ch. 253 (AB 410) Lempert. Escrow agents.

Existing law, the Escrow Law, provides for the licensure and regulation of escrow agents. Every person licensed pursuant to that law is required to participate as a member of the Escrow Agents' Fidelity Corporation (Fidelity Corporation).

This bill would limit that membership requirement to those persons engaged in the business of receiving escrows in certain types of transactions. It would limit Fidelity Corporation coverage to loss of trust obligations with respect to those transactions and would require escrow agents to provide indemnity coverage with respect to other transactions, as specified. The bill would require the deposit of escrow funds into certain types of accounts and financial institutions, as specified. The bill would require that under certain circumstances an escrow agent maintain separate escrow trust accounts.

Existing law provides that a willful violation of the Escrow Law is a crime punishable as either a felony or misdemeanor.

By establishing new requirements for escrow agents, the violation of which would be a crime, this bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 254 (AB 451) Maddox. Counterfeiting: computer systems.

(1) Existing law provides that every person who makes, or knowingly has in his or her possession, any apparatus made use of in counterfeiting current coins or bills is punishable by imprisonment in the state prison for 2, 3, or 4 years; and that apparatus must be destroyed.

This bill, to be known and cited as the "Officer Don Burt Act of 1999," would provide that if the counterfeiting apparatus used to violate the above provision is a computer, computer system, or computer network, the apparatus or machine shall be subject to forfeiture, as specified, except as provided. The bill would make conforming changes to the forfeiture provision. By revising the penalties for an existing crime, this bill would impose a state-mandated local program.

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(2) Existing law provides that any computer, computer system, computer network, or any software or data, owned by the defendant, that is used during the commission of specified offenses shall be subject to forfeiture, as specified.

This bill would add to the list of offenses for which a computer, computer system, computer network, or any software or data used in the commission of the offense would be subject to forfeiture. This bill would clarify a provision setting forth an exemption for any person who accesses his or her employer's computer system, computer network, computer program, or data when acting within the scope of his or her lawful employment and would provide an exemption, in addition, for any person who accesses his or her employer's computer system, computer network, computer program, or data when acting outside of his or her lawful employment if there is no injury or if the value of supplies or computer services used does not exceed $100. By increasing the penalties for existing crimes, this bill would impose a state-mandated local program.

This bill would also provide that forfeiture would not apply to property used solely in the commission of an infraction. The bill would provide that forfeiture would not apply to the property of a minor's parent or guardian where the property was located in the family's primary residence during the commission of the crime, and the parent or guardian has made full restitution, as specified. The bill would authorize a court to exercise its discretion to deny forfeiture where the court finds the defendant or juvenile, as specified, is not likely to use the property otherwise subject to forfeiture for future illegal acts.

(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. 255 (AB 478) Cox. Insurance: surplus line brokers: certificates.

(1) Existing law requires certificates evidencing the placement of insurance with an eligible nonadmitted insurer to be in the name of the issuing surplus line broker and to contain specified provisions and disclosures. Existing law requires a certificate of insurance or verification of insurance provided as evidence of insurance in lieu of an actual policy of insurance to contain specified statements relating to the fact the certificate or verification is not an insurance policy, and does not amend, extend, or alter the coverage afforded by the policies listed in the certificate or verification.

This bill would define a "surplus line broker certificate" and would exempt surplus line broker certificates from the provision of law that requires a certificate of insurance or verification of insurance to contain specified statements relating to the fact that the certificate or verification is not an insurance policy, and does not amend, extend, or alter the coverage afforded by the policies listed in the certificate or verification.

(2) Existing law prohibits a surplus line broker from placing any coverage with a nonadmitted insurer unless the nonadmitted insurer meets specified requirements, including providing the Insurance Commissioner with specified documents.

This bill would require in that regard that every nonadmitted insurer provide a list of all California surplus line brokers authorized by the insurer to issue policies on its behalf in California, and any additions to or deletions from that list.

Ch. 256 (AB 617) Campbell. Telephone corporations: customer right of privacy.

Under existing law, the disclosure of any information by an interexchange telephone corporation, a local exchange telephone corporation, or a radiotelephone utility, in good faith compliance with the terms of a state or federal court warrant or order or administrative subpoena issued at the request of a law official or other federal, state, or local governmental agency for law enforcement purposes, is a complete defense against specified civil actions relating to the right of privacy. Existing law defines the term "radiotelephone utility" for that purpose to mean any public utility licensed by the Federal Communications Commission pursuant to specified federal regulations and certificated by the Public Utilities Commission to provide one-way or two-way or one-way and two-way radiotelephone services in this state.

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This bill would replace "radiotelephone utility" with "a provider of commercial mobile radio service " and would define "commercial mobile radio service", for purposes of these provisions.

Ch. 257 (AB 693) Machado. Structural pest control: solicitation by unlicensed persons.

(1) Existing law provides that it is unlawful for any unlicensed individual or unregistered business entity to engage or offer to engage in the practice of structural pest control, as defined. Existing law also provides, however, that the practice of structural pest control does not include price quotations given by unlicensed employees on behalf of a registered company in response to a request for that information. Existing law also provides that any violation of the law governing structural pest control is a crime and subject to specified criminal penalties.

This bill would authorize an unlicensed person to solicit pest control work on behalf of a structural pest control company, provided that the company is registered and the unlicensed individual does not perform or offer to perform any act for which an operator, field representative, or applicator license is required. This bill would define solicitation in this context to mean the introduction of consumers to a registered company and its services, the distribution of advertising literature, and the setting of appointments on behalf of a licensed operator or field representative.

This bill would additionally provide that it is unlawful for an unlicensed individual soliciting pest control work on behalf of a registered pest control company to perform or offer to perform any act for which an operator, field representative, or applicator license is required, and for sole proprietorships to engage in the practice of structural pest control unless registered in accordance with specified provisions of law. This bill would also provide that it is unlawful for an unlicensed individual to offer opinions or make recommendations concerning the need for structural pest control work. The bill would specify the applicability of certain penalties.

Because this bill would expand the activities or practices that are unlawful under the provisions of law governing structural pest control, it would expand the definition of a crime and thereby would impose a state-mandated local program.

This bill would also make technical, nonsubstantive changes.

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

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

Ch. 258 (AB 755) Corbett. Public works contracts: County of Alameda.

The Local Agency Public Construction Act establishes procedures for bidding and awarding of contracts by counties. Certain counties, including the County of Alameda, may follow alternative procedures for projects that do not exceed $50,000,000.

This bill would provide that, notwithstanding the $50,000,000 limitation, the County of Alameda is authorized to award a contract in excess of $50,000,000 for the design and construction of the Alameda County Juvenile Justice Complex.

Ch. 259 (AB 799) Keeley. County peace officers: retirement: Monterey County.

The Public Employees' Retirement Law prohibits any contract or contract amendment between the Public Employees' Retirement System and any contracting agency from providing different retirement benefits for any subgroup within specified local membership classifications, including county peace officers. County peace officers are defined to include, among others, the sheriff, specified officers or employees of the sheriff's office, and specified employees in the district attorney's office of a contracting agency.

This bill would authorize the County of Monterey to provide pension and other benefits , as specified, to certain sworn personnel in the sheriff's and district attorney's offices, according to specified formulas, which benefits would be different from the benefits provided to other county peace officers. The bill would provide for the repeal of these provisions on January 1, 2002.

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Ch. 260 (AB 845) Maddox. Insurance Commissioner: cease and desist orders.

Existing law specifies the powers and duties of the Insurance Commissioner with respect to regulation and licensing of the business of insurance. Under various provisions, the commissioner is authorized to issue a cease and desist order against persons engaged in certain unlawful activities.

This bill would provide that the commissioner has the authority to issue a cease and desist order against any person acting as, or holding himself, herself, or itself out as, an insurance agent or broker without being so licensed, and against any person holding out that person as transacting, or transacting, the business of insurance without having been issued a certificate of authority. The commissioner would be authorized to issue the cease and desist order without holding a hearing prior to issuance of the order, and to impose a civil penalty of up to $5,000 for each day the order is violated. The bill would permit a person against whom a cease and desist order is issued to request the commissioner for a hearing on the order, and to have a review of the hearing proceedings and the order, both pursuant to the Administrative Procedure Act.

Ch. 261 (AB 951) Wiggins. Bay pilots.

(1) Existing law provides for retirement benefits for pilots for the Bays of San Francisco, San Pablo, and Suisun and specified inland waters and for the purposes of that law distinguishes between service as a pilot and service as an inland pilot. To determine an inland pilot's full years of service for retirement benefit purposes, any periods of service that an inland pilot has performed as a pilot is required to be added to any service time performed as an inland pilot after January 1, 1993.

This bill would permit any periods of service that an inland pilot has performed as a pilot to be added to service time performed as an inland pilot after January 1, 1987. The bill would make related changes.

(2) Existing law establishes a program for licensing of pilots for the Bays of San Francisco, San Pablo, and Suisun, administered by the Board of Pilot Commissioners. Existing law specifies the rates for pilotage for vessels entering or leaving those bays through the Golden Gate, including $7.35 per draft foot of the vessel's deepest draft and fractions of a foot pro rata and an additional charge of 64.88 mills per high gross registered ton, adjusted by the board, as prescribed.

This bill would increase the rate to $8.11 per draft foot and the additional charge to 73.01 mills per high gross registered ton. The bill would provide for a decrease in the mill rate once the number of licensed pilots is reduced to 60 and an increase in the mill rate for any subsequent increase in the number of pilots. The bill also would provide for an incremental rate of additional mills per high gross registered ton as is necessary and authorized by the board to recover the pilots' costs of obtaining new pilot boats.

Existing law also imposes a board operation surcharge of 7.5% of pilotage fees, to be deposited in the Board of Pilot Commissioners' Special Fund and used to support the board, and imposes an additional charge for pension benefits payable to a fiduciary agent, as specified. The fund is continuously appropriated for the payment of the compensation and expenses of the board, its officers and employees, and the pilot training programs.

This bill would increase rates imposed pursuant to these provisions, incrementally, on January 1, 2000, January 1, 2001, and January 1, 2002, as specified.

(3) Existing law requires the board to adopt a schedule of pilotage rates for those operations that are not provided for in (1).

This bill would increase these rates, incrementally, on January 1, 2000, January 1, 2001, and January 1, 2002, as specified.

(4) Because the bill would increase the amount of money deposited in a continuously appropriated fund, the bill would make an appropriation.

Ch. 262 (AB 1018) Cox. Freeway service authority: Sacramento Area Council of Governments: bikeways: callboxes.

(1) Existing law authorizes the establishment of a service authority for freeway emergencies in counties, as specified. The Sacramento Area Council of Governments may function as the service authority in the Counties of Sacramento, Yolo, Yuba, Sutter, and San Joaquin upon the adoption of specified resolutions by the counties and cities, and

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to act as the service authority for any county that is not already a member of the council if the resolution is adopted by that county and the cities within that county.

This bill would revise those provisions to instead authorize the council to act outside the 5-county area in another county that is not within another multicounty service authority.

(2) The California Bicycle Transportation Act provides for the establishment of bikeways, as defined, and provides for funding from the Bicycle Transportation Account and the Bikeway Account in the State Transportation Fund.

This bill would authorize the Sacramento Area Council of Governments, as a service authority, to purchase, operate, and maintain callboxes on class 1 bikeways.

Ch. 263 (AB 1051) Kaloogian. Estates: claims.

(1) Existing law governs the disposition of community and quasi-community property.

This bill would establish a presumption that the transfer of community and quasi-community property to a revocable trust is an agreement that those assets retain their character in aggregate for purposes of any division provided by the trust.

(2) Existing law provides for the administration of decedents' estates and the administration of claims against an estate.

This bill would eliminate the requirement that a creditor of an estate establish that his or her attorney had no actual knowledge of the administration of the estate in order to establish liability upon the part of the personal representative for failure to notify the creditor of the administration of the estate; revise the requirements for notifying a creditor of the allowance or rejection of his or her claim; and make technical changes.

(3) Existing law requires a creditor who files a claim during the administration of a decedent's estate to file before the expiration of the later of either 4 months after the date letters of administration are first issued or 60 days after the date notice of administration is given to the creditor, if notice is at least 60 days prior to the expiration of a specified one-year statute of limitations.

This bill would delete the requirement that the notice be at least 60 days prior to the expiration of the one-year statute of limitations.

Ch. 264 (AB 1404) Dutra. 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. Under existing law, the agency is authorized to issue revenue bonds in an amount not exceeding $6,750,000,000 outstanding at any time, exclusive of indebtedness incurred to refund or renew bonds previously issued by the agency, the proceeds of which are used to finance housing developments and other residential structures.

The bill would make an appropriation by increasing by $2,200,000,000 the authorization of bonds to be issued by the agency, which under existing provisions of law are required to be deposited in the continuously appropriated California Housing Finance Fund.

Ch. 265 (SB 103) Johannessen. Dog bites: penalties.

Existing law provides, except as specified, that when any person owns or has custody or control of a dog trained to fight, attack, or kill, and, if as a result of that person's failure to exercise ordinary care, the dog bites a human being on 2 separate occasions, or on one occasion causing substantial physical injury, that person is guilty of a misdemeanor.

This bill would provide that the offense is punishable as a felony or misdemeanor. This bill would impose a state-mandated local program by increasing local prosecution costs.

This bill would also provide that the above-described provisions of law do not apply to a veterinarian, an on-duty animal control officer, or peace officer assigned to a canine unit.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. 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. 266 (SB 232) Committee on Local Government. Validations

This bill would enact the Second Validating Act of 1999, 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. 267 (SB 233) Committee on Local Government. Validations.

This bill would enact the Third Validating Act of 1999, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Ch. 268 (SB 287) Baca. Law enforcement officers: arrest of foreign nationals.

Existing law requires every law enforcement agency in California to fully cooperate with the United States Immigration and Naturalization Service regarding any person who is arrested if he or she is suspected of being present in the United States in violation of federal immigration laws.

This bill would require California law enforcement agencies to ensure that policy or procedure and training manuals incorporate language based on the provisions of the 1963 Vienna Convention on Consular Relations Treaty. The bill also would require every peace officer, upon the arrest and booking or detaining of a foreign national for more than 2 hours, to advise the foreign national that he or she has a right to communicate with an official from the consulate of his or her country, except as specified. The bill additionally would require the peace officer or a pertinent official of his or her agency or department to follow prescribed procedures in notifying and accommodating the consular officers at the consulate of the arrestee. Because this bill would implement a federal act, 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. 269 (SB 614) Morrow. Highways: permanent road division: formation.

(1) Article XIII D of the California Constitution, which was added pursuant to the approval by the electorate of Proposition 218 at the November 5, 1996, general election, generally requires that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of a written notice and the holding of a public hearing. The Proposition 218 Omnibus Implementation Act prescribes specific procedures and parameters for local jurisdictions in complying with Article XIII D of the California Constitution.

Existing law authorizes the board of supervisors of a county, by resolution, to form a permanent road division. Existing law prescribes procedures for protesting the proposal and for a hearing thereon, and specifies conditions under which an election is required.

This bill would authorize a board of supervisors to form a permanent road division without reference to a specific road project, as specified, and to create zones within the division for specific permanent road projects, with differing special taxes or parcel charges. The bill would require the board of supervisors to comply with specified notice, hearing, and protest requirements.

(2) Existing provisions of the Government Code set forth provisions governing the boundaries of cities, counties, and other agencies.

This bill would exempt from these boundary requirements any zones within permanent road divisions where the zones are formed for a specific permanent road project.

Ch. 270 (AB 224) Knox. Workers' compensation: peace officers: disability.

(1) Under existing law, certain peace officers and other specified public employees are entitled to leave of absence without loss of salary in lieu of temporary disability or maintenance allowance payments while disabled by injury or illness arising out of and in the course of their duties.

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This bill would extend that provision to specified peace officers employed on a regular, full-time basis by a county of the first class.

(2) This bill would make legislative findings and declarations as to the necessity for a special statute.

Ch. 271 (AB 814) Committee on Public Employees, Retirement and Social Security. County employees' retirement: service credit for uncompensated leave.

Under the County Employees Retirement Law of 1937, a member who returns to active service after an uncompensated leave of absence due to illness may receive service credit for the period of the absence, up to 12 months, if specified conditions are met.

This bill would allow a member, who wishes to apply for a nonservice-connected disability retirement allowance, to receive service credit for the period of an uncompensated leave of absence due to illness, up to 12 months, if specified conditions are met. The bill's provisions would be applicable only if adopted by the county board of supervisors.

Ch. 272 (AB 1528) Strom-Martin. State employee benefits.

Existing law authorizes the appointing power of a state agency to expend not more than $75 for a certificate, plaque, or memento to be presented to an employee or a retired employee who has completed 25 or more years of state service.

This bill would raise that amount to $90 and, beginning January 1, 2005, and every 5 years thereafter, would authorize the Director of Personnel Administration to adjust this limit to reflect the average rate of inflation.

(1) Existing law provides that nonrepresented state employees are eligible for industrial disability leave benefits for up to 52 weeks within a 2-year period.

This bill would clarify the application of that eligibility period to enhanced industrial disability leave benefit provisions.

(2) The Public Employees' Medical and Hospital Care Act, provides health benefits plan coverage to public employees and annuitants meeting the eligibility requirements prescribed by the Board of Administration of the Public Employees' Retirement System. The act defines the term "employee" for these purposes. The act also provides a special definition of "eligible employee" as it applies to state employees in State Bargaining Unit 8 or 16.

This bill would delete state employees in State Bargaining Unit 8 from the application of the special definition of "eligible employee" for purposes of the act.

(3) The State Employees' Dental Care Act, provides dental care plan coverage to public employees and annuitants meeting the eligibility requirements prescribed by the Board of Administration of the Public Employees' Retirement System. Existing law provides that notwithstanding particular provisions of the act, state employees in State Bargaining Unit 6, 8, or 16 may receive a percentage of the employer's contribution payable for annuitants if the employees are credited with 10 years of state service.

This bill would delete a provision making the application of that limitation retroactive to specified employees in State Bargaining Unit 16.

(4) The bill would incorporate additional changes to Section 22754 of the Government Code, made by this bill and AB 211 to take effect if both bills are enacted and this bill is enacted last.

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

Ch. 273 (SB 1301) Kelley. Smog check: remote sensing equipment.

Existing law establishes a motor vehicle inspection and maintenance (smog check) program, administered by the Department of Consumer Affairs, that requires inspection of vehicles biennially upon renewal of registration and at certain other times, as specified. Existing law authorizes the department to conduct a pilot program to except from the biennial smog check requirement those vehicles that may be jointly determined by the department and the State Air Resources Board to warrant exception, as provided.

This bill would require the department, on or before June 30, 2000, as part of the pilot program, to evaluate standards for the operation of remote sensing equipment, evaluate the need to certify individuals who operate that equipment, and evaluate the need to

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license entities that provide remote sensing services under the direction of the department.

Ch. 274 (SB 943) Dunn. Property taxation.

Existing property tax law provides for the levy of an annual ad valorem tax on personal property, with certain exceptions, based upon the full value of that property. Existing property tax law, until January 1, 2000, permits local agencies, excluding school districts, to rebate property tax revenue received from economic revitalization manufacturing property, as defined, for a period of 5 fiscal years from the date the property was placed in service, commencing with the 1994–95 fiscal year. Economic revitalization manufacturing property is defined as tangible personal property meeting certain requirements.

The Personal Income Tax Law and the Bank and Corporation Tax Law allow to qualified taxpayers a manufacturing investment credit against taxes imposed by those laws in an amount equal to 6% of the amount paid or incurred during the taxable or income year for qualified property that is placed in service in this state and, in general, includes specified types of tangible personal property used in connection with manufacturing activities.

This bill would revise the definition of economic revitalization manufacturing property to also require that it is property described as "qualified property" for purposes of the manufacturing investment tax credit under the Personal Income and Bank and Corporation Tax Laws. This bill would extend the repeal date until January 1, 2003.

This bill would require the Legislative Analyst to report to the Legislature, on or before January 1, 2002, with respect to these property tax rebate provisions.

Ch. 275 (AB 65) Ducheny. Indian Child Welfare Act.

Existing federal law, contained in the Indian Child Welfare Act, specifies that an Indian tribe shall have exclusive jurisdiction, except in specified cases, over any custody proceeding involving an Indian child, as defined, and specifies procedures and rights applicable to state court proceedings involving an Indian child.

This bill would direct the courts to strive to promote the stability and security of Indian tribes and families and to comply with the Indian Child Welfare Act in all Indian child custody proceedings, as specified, and would require that the federal act be applied in those proceedings if the tribe determines that an unmarried person, who is under the age of 18 years, is a member of the tribe or is eligible for membership and is a biological child of a member of a tribe. The bill would also require state and local authorities to transfer child custody proceedings to the tribe within a specified period in cases where an Indian child has been removed from parental custody by those authorities and the tribe has exclusive jurisdiction, as specified.

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

Ch. 276 (AB 116) Mazzoni. Basic instructional materials: commercial brand name, product, corporate or company logo.

(1) Existing law requires all instructional materials adopted by any governing board for use in schools to be accurate, objective, and current, and suited to the needs and comprehension of pupils.

This bill would also require instructional materials to use proper grammar and spelling, except as specified.

(2) Under existing law, the State Board of Education is required to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for school district governing boards. Existing law requires the state board, in reviewing and adopting or recommending for adoption basic instructional materials, to ensure that, in its judgment, the basic instructional materials are consistent with the criteria and the standards of quality prescribed in the state board's adopted curriculum framework, comply with certain statutory requirements and the state board's guidelines for social content, are factually accurate and incorporate principles of instruction reflective of current and confirmed research, adequately cover the subject area for the grade level or levels for which they are submitted, and meet certain other criteria.

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This bill would add to these criteria, a determination by the state board that these basic instructional materials, do not contain materials, including illustrations, that provide unnecessary exposure to a commercial brand name, product, or corporate or company logo. This bill would further provide that basic instructional materials, including illustrations, that contain a commercial brand name, product, or corporate or company logo may not be used unless the board makes a specific finding, including among others, that the use of the commercial brand name, product, or corporate or company logo is appropriate. The bill would require the State Board of Education to give publishers the opportunity to modify instructional materials that do not comply with these provisions. The bill would provide that nothing in those provisions shall be construed to prohibit the publishers of instructional materials from including whatever corporate name or logo on the instructional materials that is necessary to provide basic information about the publishers, to protect its copyright, or to identify 3rd party sources of content. The bill would also permit the State Board of Education to adopt regulations that provide for other exceptions to those provisions. The bill would require the Superintendent of Public Instruction to develop, and the State Board of Education to adopt, guidelines to implement those provisions.

This bill would also prohibit the governing board of a school district from adopting basic instructional materials, and other instructional materials required to be legally and socially compliant, including illustrations, that provide any exposure to a commercial brand name, product, or corporate or company logo that is inconsistent with guidelines or frameworks adopted by the state board and would provide that the governing board may not adopt basic instructional materials, and other instructional materials required to be legally and socially compliant, including illustrations, that contain a commercial brand name, product, or corporate or company logo unless the governing board makes a specific finding that the use of the commercial brand name, product, or corporate or company logo in the instructional materials is appropriate.

Ch. 277 (AB 134) Thomson. Transportation: bicycles.

(1) Existing law requires lights shown by official traffic control signals to apply to drivers of vehicles and pedestrians.

This bill, until January 1, 2005, would apply color-lighted bicycle symbols, as specified in the bill, shown by official traffic control signals, to the above provisions. The bill would authorize those bicycle signals to be used only at locations that meet specified standards adopted by the Department of Transportation. The bill also, until January 1, 2005, would include operators of bicycles within the scope of the provisions. Because this bill would expand the scope of an existing crime, the bill would impose a state-mandated local program.

(2) Existing law allows cities and counties to adopt ordinances or resolutions governing the licensing and registration of bicycles. Existing law sets forth a fee schedule for license and registration certificates.

This bill would double the amounts on the fee schedule for license and registration certificates.

(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. 278 (AB 168) Ackerman. Transportation: funding: Orange County.

Existing law apportions funds to each county from the Highway Users Tax Account in the State Transportation Fund for county road projects.

However, with regard to Orange County, $1,916,667 is apportioned during each calendar month commencing with July 1, 1997, and ending June 30, 2013, to the Orange County Transportation Authority instead of the county, with the remaining apportionments paid to the county.

This bill would authorize the authority to participate in a funding exchange program whereby the authority would exchange with the Department of Transportation funds apportioned and paid to the authority as specified above for certain state funds

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appropriated to the department. The bill would impose certain conditions upon the exchange of funds.

The bill would provide that its provisions shall become inoperative on June 30, 2003, and would be repealed on January 1, 2004, unless a later enacted statute deletes or extends those inoperative and repeal dates.

Ch. 279 (AB 292) Davis. Teachers.

Under existing law, there is the California Beginning Teacher Support and Assessment System, administered jointly by the Commission on Teacher Credentialing and the Superintendent of Public Instruction. Existing law requires the commission and the superintendent to approve the most cost-effective programs of support and assessment and to ensure that programs meet the Standards of Quality and Effectiveness for Beginning Teacher Support and Assessment and support beginning teachers in meeting the competencies described in the California Standards for the Teaching Profession.

Under existing law, participation in the California Beginning Teacher Support and Assessment System is voluntary for teachers, school districts, and county offices of education, and participation by certificated employees may not be made a condition of employment.

This bill would express the intent of the Legislature to encourage the governing boards of school districts to review and consider the performance based teacher assessment methodology of the National Board for Professional Teaching Standards as a model for local district evaluation standards and procedures.

Existing law, commonly known as the Stull Act, requires the governing board of a school district to establish standards of expected pupil achievement at each grade level in each area of study and to establish and define job responsibilities for certificated noninstructional employees. Existing law requires that the governing board of a school district evaluate and assess certificated employee performance as it reasonably relates to, among other things, instruction techniques, adherence to curricular objectives, and pupil progress. Existing law requires a school district to develop and adopt guidelines for the purpose of this evaluation and assessment.

This bill would authorize the governing board of a school district to include in the guidelines, with the agreement of the exclusive representative of the certificated employees of the district, standards from the National Board for Professional Teaching Standards or the California Standards for the Teaching Profession if the standards to be included are consistent with the Stull Act.

Ch. 280 (AB 396) Havice. Highways: outdoor advertising.

The Outdoor Advertising Act regulates the placement of advertising displays adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal-aid highways. The act, except as specified, prohibits any advertising display from being placed or maintained on property adjacent to a section of a freeway that has been landscaped if the advertising display is designed to be viewed primarily by persons traveling on the main-traveled way of the landscaped freeway.

This bill would additionally exempt from that prohibition a nonconforming display erected by certain described cities, if the display meets prescribed conditions.

The bill would make legislative findings and declarations.

Ch. 281 (AB 457) Scott. School employees: sex offense: definition.

(1) Existing law requires the Commission on Teacher Credentialing to deny any application for the issuance of a credential made by an applicant who has been convicted of a violent or serious felony, as defined.

This bill would also require the commission to deny any application for the issuance of a credential made by an applicant that has been convicted of one of the offenses that would require revocation of a credential.

(2) Existing law defines "sex offense" for purposes of various provisions relating to the employment of school employees including, among others, provisions that prohibit school districts from employing or retaining in employment persons in public school service who have been convicted of, or who have been convicted following a plea of nolo

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contendere to charges of, a sex offense and require a school district and county office of education to immediately place upon compulsory leave of absence an employee who is charged with a sex offense. Among the offenses constituting a sex offense are the sexual exploitation of a child and the employment or use of a minor to perform prohibited sexual acts.

This bill would add to the offenses constituting a sex offense other offenses relating to the depiction of a minor personally engaging in or personally simulating sexual conduct, as defined. By adding these offenses to those offenses defined as a sex offense, the bill would prohibit a school district from employing or retaining in employment persons in public school service who have been convicted of, or who have been convicted following a plea of nolo contendere to charges of, an offense added by this bill to those defined as a sex offense and require a school district and county office of education to immediately place upon compulsory leave of absence an employee who is charged with an offense added by this bill to those defined as a sex offense, thereby imposing a state-mandated local program.

(3) Existing law authorizes a county or city and county board of education, except where that service is provided by a school district authorized to register certification documents, to issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed.

This bill would prohibit a county or city and county board of education from issuing a temporary certificate to an applicant whose teaching credential is revoked or suspended.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 282 (AB 467) Torlakson. Traffic violator school operator: requirements.

Under existing law, in order to qualify as a traffic violator school operator, a person is required to meet specified criteria in order to be issued a traffic violator school operator's license issued by the Department of Motor Vehicles, including having worked for an established California traffic violator school as an instructor for a period of not less than 500 hours of actual inclass instruction.

This bill would alternatively allow for the work requirement, to be achieved by working for an established commercial driver training and education program operated by a bona fide labor organization.

Ch. 283 (AB 712) Firebaugh. California State University: disciplinary actions against employees.

Existing law establishes the California State University and authorizes the operation of its various campuses under the administration of the Trustees of the California State University. Existing law sets forth a procedure for employee discipline that contemplates, under specified conditions, the dismissal, demotion, suspension, or reassignment of an employee. Under that procedure, an employee may answer a notice of reassignment, or may appeal a dismissal, suspension, or demotion, within 20 days.

This bill would extend the period allowed for an answer or appeal to 30 days.

Ch. 284 (AB 808) Strom-Martin. Spousal support.

Existing law requires the court to consider the age and health of the parties, among other circumstances, in ordering spousal support.

This bill would require the court when considering the age and health of the parties to include in that consideration emotional distress resulting from domestic violence

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perpetrated against the supported party by the supporting party where the court finds documented evidence of a history of domestic violence, as specified.

Ch. 285 (AB 968) Ducheny. California State University: Program for Education and Research in Biotechnology.

Existing law establishes the California State University and authorizes the operation of its various campuses under the administration of the Trustees of the California State University.

This bill would express legislative findings and declarations regarding the California State University Program for Education and Research in Biotechnology. The bill would express legislative intent to provide additional state funding, if state revenues allow, to the program at a level that will maintain and enhance its role in the preparation of the work force in this industry.

Ch. 286 (AB 1137) Strom-Martin. Week of the School Administrator.

Existing law authorizes the governing board of a school district to employ an individual in an administrative position if that individual meets certain criteria including, among other things, that he or she holds a valid teaching credential.

This bill would designate the first full week of March of each year as "Week of the Administrator" and would encourage schools, school districts, and county superintendents of schools to observe the week with public recognition of the contribution that school administrators make to successful pupil achievement.

Ch. 287 (AB 1668) Knox. Certificated school employees: salary payment.

Existing law authorizes each salary payment for a certificated school employee for any calendar month to be made on the last working day of the month and prohibits it from being paid earlier than the last working day of the month and later than the 5th day of the succeeding calendar month except for salary payments of teachers employed for less than full time in classes for adults, in a day or evening high school, or in a special day or evening class maintained in connection with an elementary school who are required to be paid on or before the 10th day of the succeeding calendar month for services performed during the preceding calendar month. Existing law authorizes each salary payment for a certificated employee to be made on the last working day of the payroll period and prohibits it from being paid earlier than the last working day of the payroll period and later than the 8th working day of the following payroll period if the school district provides for the payment of the salary once each 2 weeks, twice a month, or once each 4 weeks.

Existing law requires a school district to pay a certificated employee for performing teaching or other services in addition to his or her regular teaching duties or at a summer school maintained by the district for those services either in one lump sum or at an hourly, daily, biweekly, quadriweekly, or monthly rate of pay. If the pay is in one lump sum, existing law requires the district to pay the employee within 10 days after the termination of the services. If the pay is at an hourly, daily, biweekly, quadriweekly, or monthly rate, existing law requires the district to pay the employee within 10 days after the end of each calendar month or pay period during which the services are performed.

This bill would require, if the above-described salary payments are not made timely, the amount of the salary payment due to be increased by an amount of interest determined by a specified method in the Revenue and Taxation Code with respect to the unpaid amount for each day of delay.

This bill would also provide that a certificated employee of a school district who qualifies for a salary increase is required to be paid the increased salary not later than 3 regular pay periods or 3 months, whichever is longer, after the employee files proper documentation where required for the increase. The bill would require that all amounts due the employee resulting from the salary increase and not paid to the employee at the time that the employee actually received the increase be paid within 20 business days of the date that the employee actually received the salary increase.

Ch. 288 (SB 791) Perata. Wine safety fund.

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Existing law requires each licensed winegrower or wine blender and each importer of wine to pay to the Department of Alcoholic Beverage Control prescribed annual fees, to be repealed as of January 1, 2000, to be deposited in the Wine Safety Fund for the purposes of better enabling the State Department of Health Services to carry out and supervise a testing program to ensure that levels of lead in wine sold in this state remain within applicable tolerances.

This bill would specify that the costs of the testing program that the fees are required to cover shall include the reimbursement for the wholesale cost of any wine tested.

The bill would express the intent of the Legislature to appropriate the moneys in the Wine Safety Fund in equal amounts of $55,300 over 5 years to the State Department of Health Services for purposes of the testing program.

Ch. 289 (SB 963) Monteith. Sales and use taxes: exemptions: drugs or medicines.

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. That law provides various exemptions from that tax, including an exemption for drugs or medicines, the primary purpose of which is the prevention or control of disease, that are administered to animal life the products of which ordinarily constitute food for human consumption.

This bill would additionally exempt as drugs or medicines oxygen that is administered to animal life the products of which ordinarily constitute food for human consumption.

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 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, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

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

Ch. 290 (SB 979) McPherson. Outdoor wood-burning ovens.

Existing law, the California Uniform Retail Food Facilities Law, establishes sanitation standards for retail food facilities and requires the State Department of Health Services and primarily local agencies to enforce its provisions. Existing law makes violation of these provisions a crime.

Existing law, with certain exceptions, requires each food establishment to be fully enclosed, with one of these exceptions being for open-air barbecue facilities that meet specified requirements.

This bill would also exempt from the enclosure requirement outdoor wood-burning ovens that meet food preparation and safety requirements applicable to open-air barbecue facilities.

By increasing the enforcement duties of local health agencies, 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. 291 (SB 1014) Poochigian. Property tax exemption: newly planted trees and vines.

The California Constitution exempts 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. Existing statutory law implementing these exemptions specifies that any fruit- or nut-bearing tree or any

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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, is to be considered a new planting in orchard or vineyard form.

This bill would modify this statutory provision to also apply to any fruit-or nut-bearing tree that was similarly damaged during the December 1998 freeze.

Section 2229 of the Revenue and Taxation Code requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of any exemption or classification of property for purposes of ad valorem property taxation.

This bill would provide that, notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

This bill would take effect immediately as a tax levy.

Ch. 292 (SB 1055) Bowen. Solid waste: tires.

The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. The California Tire Recycling Act, which is a part of the waste management act, requires every person who purchases a new tire from a retail seller of new tires to pay a disposal charge of 25¢ per tire to the seller.

This bill would require that the board or its contractors be permitted reasonable access to property on which waste tires are unlawfully stored to perform cleanup, abatement, or remedial work, as prescribed, if an order setting liability has been obtained by the board, or by its designee, against the property owner, and the board finds there is a significant threat to public health or the environment.

The bill would also require the board, in conjunction with the annual State Budget submitted to the Legislature, to submit to the appropriate policy and fiscal committees of the Legislature, a report that describes the expenditures proposed to be made for that fiscal year by the board for grants, loans, and contracts under the tire recycling program.

Ch. 293 (SB 1093) Johnston. Department of General Services: Stephen P. Teale Data Center.

Existing law generally authorizes the Director of General Services to hire, lease, lease-purchase, or lease with the option to purchase any real or personal property for the use of any state agency, if the director deems the hiring or leasing is in the best interest of the state. Existing law prohibits the director from entering into a lease-purchase agreement that involves office space, unless specifically authorized to do so by the Legislature.

This bill would authorize the director to exercise the option to purchase 137,275 of net usable square feet of data center , office space , and appurtenances set forth in the lease for 3101 Gold Camp Drive in Rancho Cordova, California, for a price not to exceed $47,000,000 for use by the Stephen P. Teale Data Center. The State Public Works Board would be authorized to issue revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the acquisition of the facilities by exercise of the option to purchase. The bill would specify that funds derived from the interim and permanent financing or refinancing of these facilities are continuously appropriated for the purposes of this bill.

Ch. 294 (SB 1122) Alarcon. Seismic safety: schools: earthquake hazards.

Existing law sets forth the duties of the Office of Emergency Services in planning and coordinating disaster mitigation and response efforts in the state.

This bill would require the office, in cooperation with the State Department of Education, the Department of General Services, and the Seismic Safety Commission, to develop an educational pamphlet for use by grades K-14 personnel to identify and mitigate the risks posed by nonstructural earthquake hazards. It would further require the office to print and distribute the pamphlet to the governing board of each school district and community college district in the state, along with a copy of the current edition of the office's school emergency response publication.

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This bill also would require the office to make these publications available to private elementary or secondary schools, upon request, and on the Internet, as soon as feasible.

The bill would appropriate $75,000 from the General Fund to the office for the purposes of the bill.

Ch. 295 (SB 1260) Hayden. Los Angeles Unified School District.

(1) Existing law authorizes the governing board of a school district to subpoena witnesses to appear before it in certain circumstances, including circumstances relating to the expulsion of pupils and to ascertain damage due to an emergency. Existing law provides that a person who testifies falsely under oath is guilty of perjury.

This bill would authorize the Los Angeles Unified School District's Director of the Internal Audit and Special Investigations Unit to, until January 1, 2001, subpoena witnesses, administer oaths or affirmations, take testimony, and compel the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence deemed material and relevant to any inquiry or investigation undertaken by the director in the performance of his or her duties. The bill would require, if the director determines that there is reasonable cause to believe that an employee or outside agency has engaged in any illegal activity, to report the nature and details of that activity on a timely basis to the local district attorney or the Attorney General. By expanding the class of people subject to the crime of perjury, this bill would impose a state-mandated local program. The bill would require the director to submit an interim report to the Legislature by July 1, 2000, and a final report by December 1, 2000, as to the use and effectiveness of the subpoena power in the successful completion of his or her duty. The bill would declare that, due to the unique circumstances applicable to the Internal Audit and Special Investigations Unit, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution.

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

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

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

Ch. 296 (AB 1323) Floyd. Public employees' retirement: calculation of benefits.

Under the Public Employees' Retirement Law, the retirement allowance of a state member who retires or dies on or after July 1, 1991, is based on the member's highest annual compensation during his or her last 12 months of employment. With respect to members who retired or died prior to that date, the allowance is based on the highest average annual compensation during their last 36 months of employment.

This bill would provide that the retirement allowances for specified former legislative employees who retired in January, February, or March 1991 shall be recalculated based on any such employee's highest average annual compensation during any 12-month consecutive period of employment.

Ch. 297 (SB 813) Murray. Fair Political Practices Commission: decisions.

Existing law authorizes the Fair Political Practices Commission (commission), whenever it determines that there is probable cause for believing the Political Reform Act of 1974 has been violated, to hold a hearing to determine if the violation has occurred, and authorizes the commission to take specified actions upon a determination based on the hearing that a violation has occurred. Existing law establishes the Administrative Procedures Act, and requires that hearings of state agencies required to be held under that act be conducted by administrative law judges. Existing law makes the Administrative Procedures Act applicable to enumerated state agencies, including, among others, the commission.

This bill would require that, whenever the commission rejects the decision of an administrative law judge, it state the reasons in writing for rejecting the decision.

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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 $^{2}/_{3}$ 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 $^{2}/_{3}$ vote.

Ch. 298 (AB 381) Cardoza. Serious felonies: plea bargaining.

Existing law, amended by initiative statute, prohibits plea bargaining in any case in which the indictment or information charges any serious felony, as defined. The initiative statute provides that any amendment of its provisions by the Legislature shall require a $^{2}/_{3}$ vote of the membership of each house.

This bill would add the offense of false imprisonment to the definition of a "serious felony" for purposes of the prohibition.

Because it would amend an initiative statute, the bill would require a$^{2}/_{3}$ vote.

By including the crime of false imprisonment in the definition of a "serious felony," the bill would increase the costs of prosecuting that crime and thereby impose a state-mandated local program.

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

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

Ch. 299 (AB 613) Wildman. Employment: JESF and TIPP programs.

Existing law establishes the Joint Enforcement Strike Force on the Underground Economy (JESF) and requires the strike force to perform certain duties, including, among other duties, facilitating the development and sharing of information by the participating agencies necessary to combat the underground economy, developing methods to pool, focus, and target the enforcement resources of the participating agencies in order to deter tax evasion and maximize recoveries from blatant tax evaders and violators of cash-pay reporting laws, and reducing enforcement costs wherever possible by eliminating duplicative audits and investigations.

Under existing law, the Division of Labor Standards Enforcement operates a program known as the Targeted Industries Partnership Program (TIPP) that focuses on the garment and agricultural industries and works to ensure the enforcement in those industries of state and federal laws pertaining to labor and to health and safety in the workplace.

This bill would require the Department of Industrial Relations to include the janitorial and building maintenance industry within the TIPP commencing in the 1999–2000 fiscal year, and within the JESF commencing in the 2000–01 fiscal year.

Ch. 300 (AB 847) Campbell. School impact fees: exemption: disabled persons.

Existing law generally authorizes the governing board of a school district to levy a fee, charge, dedication, or other requirement upon construction undertaken within the boundaries of the district for the purpose of funding the construction or reconstruction of school facilities. Existing law subjects to this authority residential construction, other than new residential construction, if the resulting increase in assessable space exceeds 500 square feet.

This bill would establish an exemption from this application of authority for new construction that qualifies for a specified exclusion from property tax reappraisal for construction, or an installation or modification, that makes a dwelling more accessible to a severely and permanently disabled person.

Ch. 301 (AB 1336) Washington. Peace officers: housing authority police departments: training.

(1) Existing law requires the Commission on Peace Officer Standards and Training to adopt rules establishing minimum standards relating to physical, mental, and moral fitness that shall govern the recruitment of any of specified groups of peace officers. The

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commission is also required to adopt rules establishing minimum standards for training specified groups of peace officers.

This bill would additionally include housing authority police departments of the City of Los Angeles and the City of Oakland among these groups of peace officers.

(2) Existing law 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 receive funding under any of certain specified provisions regulating the allocation of funds from the Peace Officers' Training Fund for training expenses, as those provisions read on December 31, 1989.

This bill would provide notwithstanding this limitation, that the housing authority police departments of the City of Los Angeles and the City of Oakland, shall be entitled to receive the above funding. Because this bill would make additional entities eligible to receive state funds payable from the Peace Officers' Training Fund, which is a continuously appropriated fund, it would make an appropriation.

Ch. 302 (AB 1395) Correa. Public works: prevailing wages.

Existing law requires that, except for public works projects of $1,000 or less, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work, as provided in specific provisions, be paid to all workers employed on public works. Under existing law, the Division of Labor Standards Enforcement of the Department of Industrial Relations is authorized to conduct investigations to determine if the prevailing wage provisions have been violated.

This bill would require the Division of Labor Standards Enforcement, during an investigation, to keep confidential the name of any employee who reports a violation and any other information that may identify the employee.

Ch. 303 (AB 1540) Vincent. Animals: willful abandonment.

Existing law makes it a misdemeanor to willfully abandon any domestic dog or cat.

This bill instead would apply this prohibition to any animal. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The bill would make this provision inapplicable to the release or rehabilitation and release of native California wildlife pursuant to statute or regulations of the California Department of Fish and Game.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory 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 (SB 142) Baca. Schools: facilities.

Existing law, the Field Act, requires approval of plans relating to the structural safety of school buildings and for owned and leased relocatable buildings to be used for school purposes. Existing law authorizes the State Allocation Board to grant, and provides for extensions of, certain waivers for noncompliant buildings.

This bill would, notwithstanding any provision of law to the contrary, extend until January 1, 2001, any waiver granted by the State Allocation Board to a school district for occupancy of a nonconforming existing private building acquired for conversion for use as a school building that had not expired prior to January 1, 2000, if work to make the building a conforming structure commenced prior to January 1, 2000, but had not been completed by that date.

Ch. 305 (SB 258) Ortiz. Firefighters: employment by cities and counties.

(1) Existing law authorizes a fire protection district or the fire department of a county or city, including a charter city, to appoint as a member or officer any person who was serving as a civilian federal firefighter of any United States military installation within the state, who was terminated as a consequence of the closure of the military installation.

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This bill would limit this provision to the appointment of permanent career civilian federal firefighters terminated as a consequence of the closure, downsizing, or realignment of a federal military installation.

(2) Existing law authorizes the California Firefighter Joint Apprenticeship Program to prepare and circulate a list of civilian federal firefighters eligible for appointment.

This bill would authorize that program to administer, prepare, and circulate a list of permanent career civilian federal firefighters eligible for appointment.

Ch. 306 (SB 319) Burton. Joint Enforcement Strike Force on the Underground Economy: citations.

(1) Existing law authorizes the Labor Commissioner until January 1, 2000, to designate, authorize, and train an employee of any agency participating in the Joint Enforcement Strike Force on the Underground Economy to issue citations and to issue and serve a penalty assessment order, pursuant to specified provisions.

This bill would extend that authority to January 1, 2006.

(2) Existing law, until January 1, 2000, authorizes the activities of the Joint Enforcement Strike Force on the Underground Economy.

This bill would extend that authority to January 1, 2006.

Ch. 307 (SB 522) C. Wright. State employee benefits.

The Legislators' Retirement Law and the Public Employees' Retirement Law authorize members to participate in supplemental contributions programs.

This bill would delete those provisions and would establish a separate supplemental contributions program for eligible employees. The bill would create the Supplemental Contributions Program Fund and would continuously appropriate all moneys in that fund to the Board of Administration of the Public Employees' Retirement System to carry out the purposes of the program.

Ch. 308 (SB 805) McPherson. Migrant farm labor centers.

Existing law authorizes the Department of Housing and Community Development to contract with local public and private nonprofit agencies to provide housing services, including shelter, education, sanitation, and day care services for migratory agricultural workers, through the development, construction, reconstruction, rehabilitation, or operation of a migrant farm labor center. Existing law also authorizes the operation of a migrant farm labor center for an extended period beyond 180 days if specified conditions are met.

This bill would revise those specified conditions and would require the department to approve the operation of a center for an extended period and would appropriate $60,000 from the General Fund to the department for the Office of Migrant Services to fund, during the 1999–2000 fiscal year, the extended occupancy periods authorized by the bill.

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

Ch. 309 (SB 1022) Johnston. Automobile insurance: good driver discount: representative of insurer.

(1) Existing law requires agents or representatives representing insurers under common ownership, management, or control to provide good driver coverage, which is required to be sold to eligible persons pursuant to certain provisions enacted by Proposition 103, at the lowest rates applicable within the common ownership, management, or control group.

This bill would define the term "representative" for purposes of this provision of law. Because this bill would clarify the persons required to provide good driver coverage required under Proposition 103, it would amend Proposition 103, and thus, would require a $^{2}/_{3}$ vote for enactment.

(2) Existing law, Proposition 103, specifies that a notice of cancellation of a policy of automobile insurance may be based, among other reasons, on a substantial increase in the hazard insured against. Existing provisions of law relative to automobile insurance that are separate from, and not enacted in furtherance of, Proposition 103, specify that a notice of cancellation of a policy of automobile insurance is effective only if it is based

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on one or more specified reasons, but do not specify as a reason a substantial increase in the hazard insured against.

This bill would add to these separate provisions of law that a substantial increase in the hazard insured against is a reason for a notice of cancellation.

Ch. 310 (SB 1073) Committee on Public Employment and Retirement. State employees.

(1) The State Civil Service Act requires that a subpoena for attendance at a hearing under the act or a subpoena duces tecum for production of documents be issued by the state agency or presiding officer at the request of a party.

This bill instead would require the State Personnel Board or its authorized representative to issue the subpoena or subpoena duces tecum.

(2) Under the act, all orders and decisions of the board are binding on appointing powers.

This bill would specify that board orders and decisions are also binding on all parties to a proceeding before it. The bill would also revise the procedure available to the board for responding to noncompliance with a board order.

(3) Under the act, any person receiving state public assistance under the Aid to Families with Dependent Children program is required to receive priority for a seasonal class position that does not require an examination.

This bill instead would refer to persons receiving assistance under the CalWORKs program and would include entry level nontesting class positions in its provisions for priority consideration.

(4) Under the Public Employees' Retirement Law, the head of an agency may make an application for disability retirement for an employee, but may not separate that employee from state service unless the Board of Administration of the Public Employees' Retirement System determines that the employee should be retired.

This bill would require an appointing power, if it concludes from a medical examination that an employee is unable to perform the work of his or her present position or any other positions in the agency and the employee is eligible and does not waive the right to retire for disability, to file an application for disability retirement on the employee's behalf. Upon filing the application, the appointing power would be authorized to remove the employee from the job and place the employee on involuntary leave status while the application is pending.

(5) The act requires state agencies to establish an upward mobility program.

This bill would revise these requirements, including classes of eligible employees and available programs.

Ch. 311 (SB 1185) Johnston. Genetic characteristics: definition.

(1) Existing law prohibits discrimination in employment based on an individual's medical condition, which is defined to include genetic characteristics. Existing law also prohibits discrimination in the enrollment of health care service plans, self-insured employee welfare benefit plans, and life and disability income insurance plans on the basis of an individual's genetic characteristics, and defines "genetic characteristics" for these purposes.

This bill would recast and rephrase the definition of "genetic characteristics" for these purposes.

(2) Existing law imposes prohibitions on the disclosure of the results of a test for a genetic characteristic contained in an applicant or enrollee's medical records by a health care service plan.

This bill would specify that "genetic characteristic," as used in these prohibitions, has the same meaning as that set forth in the provisions governing discrimination in the enrollment of health care service plans.

Ch. 312 (SB 1208) Committee on Elections and Reapportionment. Elections procedures.

(1) Existing law authorizes a pupil to be excused from school for specified reasons and allowed to complete assignments and tests missed as specified.

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This bill would also authorize a pupil to be excused for the purpose of serving as a member of a precinct board for an election.

(2) Existing law requires the Secretary of State to notify candidates on the presidential primary ballot that they may withdraw their name no later than the 64th day prior to the presidential primary. The Secretary of State is also required to perform various other duties relating to notification of elections officials and candidates at least 59 or 64 days before the presidential primary.

This bill would instead authorize the withdrawal of a candidate's name from a presidential primary ballot, and require that the Secretary of State perform these duties, at least 68 days before a presidential primary.

(3) Existing law specifies the form of the certificate of the Secretary of State showing candidates nominated or selected at the primary election.

This bill would require this certificate also to designate the justices of the Supreme Court or the courts of appeal to appear on the general election ballot, as specified.

(4) Existing law requires that the name of each candidate for a Peace and Freedom Party county central committee appear on the ballot if the candidate has filed specified nomination papers or qualified to have his or her name printed on the direct primary ballot as a candidate for a partisan public office.

This bill would provide that if an elections official finds that the number of candidates nominated for a Peace and Freedom Party central committee does not exceed the number to be elected, the names of the candidates would not be printed on the ballot and the county board of supervisors would be required to declare the nominees elected.

(5) Existing law provides a procedure for holding elections to fill a vacancy on a governing board of a special district.

This bill would revise these election procedures.

(6) Existing provisions of the Elections Code and the Political Reform Act of 1974 require the state ballot pamphlet to contain specified information on each state ballot measure, including an analysis by the Legislative Analyst.

This bill would also require the state ballot pamphlet to contain a summary statement prepared by the Legislative Analyst that provides a concise summary of the general meaning and the effect of "yes" and "no" votes for each state measure.

(7) The bill would also make changes in elections procedures on the counting of hyphenated words, specify the type size on county and city initiative petitions, and make nonsubstantive changes in provisions relating to election procedures. By changing the duties of local government officers and employees with respect to election procedures, the bill would impose a state-mandated local program.

(8) Existing law requires the Secretary of State, at specified times in the election cycle, to conduct a drawing of letters of the alphabet to produce a randomized alphabet for the purpose of determining the order of candidates in all elections.

This bill would omit references in this provision to a June primary election.

(9) Existing law requires each county elections official to prepare separate sample ballots for members of each political party.

This bill would allow the county elections official to prepare a combined sample ballot in order to facilitate the timely production and distribution of sample ballots.

(10) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $^{2}/_{3}$ 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 $^{2}/_{3}$ vote.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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Ch. 313 (SB 1296) Polanco. Property and liability insurance: automobile insurance.

Existing law requires an insurer to provide the reasons for nonrenwal of an automobile insurance policy and a residential property or individual liability policy. Existing law prohibits an insurer from nonrenewal of an automobile insurance policy or a residential property or individual liability policy for specified reasons.

This bill would prohibit an insurer on and after January 1, 2000, from refusing to renew one of those kinds of policies solely on the grounds that a claim is pending under the policy. This prohibition, as it relates to residential property or individual liability policies, would not apply to claims made under coverage for loss or damage caused by an earthquake.

Existing law requires a policy of automobile liability insurance to contain certain provisions. Existing law also authorizes an insurer and a named insured to agree that the coverage under an automobile liability policy does not apply nor accrue to the benefit of any insured or any 3rd-party claimant while a motor vehicle is being used or operated by a natural person or persons designated by name, subject to limited exceptions.

This bill would provide that an agreement between an insurer and a named insured to exclude coverage under a policy of automobile liability insurance while a motor vehicle is being used or operated by a natural person or persons designated by name applies to all coverage provided by the policy and is sufficient to delete uninsured motorist coverage for damages caused by an uninsured motor vehicle when that designated person or persons is operating the insured vehicle.

Ch. 314 (SB 1297) Schiff. Reciprocal insurers: unlawful rebates.

Existing law governing the business of insurance authorizes persons to exchange reciprocal or interinsurance contracts with one another providing insurance, other than life, title, mortgage, mortgage guaranty, or insolvency insurance, among themselves against insurable losses. Existing law makes it unlawful for any reciprocal or interinsurance exchange, its attorney, agent, or broker, to give or offer to a subscriber an allowance, gift, setoff, or payment as an inducement to secure an exchange of indemnities, except in certain cases of savings or credits to be returned to a subscriber pursuant to a power of attorney or reciprocal or interinsurance contract.

This bill would repeal those provisions making it unlawful to give or offer inducements to secure an exchange of indemnities.

Ch. 315 (AB 160) Alquist. Personal income taxes: contributions: Alzheimer's disease.

The Personal Income Tax Law allows taxpayers, until January 1, 2000, to contribute amounts in excess of their tax liability for the support of the California Alzheimer's Disease and Related Research Fund. Existing law provides that if these provisions are continued indefinitely they, nevertheless, would be repealed in any calendar year in which the Franchise Tax Board estimates that the minimum contribution amount will be less than a prescribed amount as annually adjusted.

This bill would extend the operation of those contribution provisions to January 1, 2005. This bill would also, for taxable years beginning in 2000, repeal those contribution provisions in any calendar year in which the Franchise Tax Board estimates that the minimum contribution amount will be less than the prescribed amount as annually adjusted.

Ch. 316 (AB 342) Cox. Automobile dismantlers: definition.

Existing law makes it a crime for any person to act as an automobile dismantler without meeting specified license or permit requirements. By definition, the owner of any premises or property used in conjunction with any agricultural, farming, mining, ranching, or motor vehicle repair business is exempted from the definition of automobile dismantler.

This bill would limit that exemption from the definition of automobile dismantler to the owners or operators of the businesses listed above, as modified, if the businesses do not sell parts, except for use in dismantler or specified businesses that engage in reducing

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the vehicles to their component materials. By limiting the exemption, the bill would expand the scope of an existing crime, thereby imposing a state-mandated local program.

This bill would also make conforming changes.

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

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

Ch. 317 (AB 1465) Machado. Multiple employer welfare arrangements: filing requirements.

Existing law governing the business of insurance provides for the certification by the Insurance Commissioner of self-funded or partially self-funded multiple employer welfare arrangements. In general, multiple employer welfare arrangements permit employer members of trade associations to create trust funds for the purpose of offering and providing health care benefits to their employees. Existing law requires each of these arrangements to file with the commissioner an audited financial statement and an actuarial opinion, within 4 months and 15 days after the end of each fiscal year. Existing law provides for the repeal of these provisions dealing with multiple employer welfare arrangements on January 1, 2001.

This bill would instead require that the filing of an audited financial statement and an actuarial opinion be made no later than May 15th of each calendar year or 4 months and 15 days after the end of each fiscal year not on a calendar year basis. This bill would also extend from January 1, 2001, to January 1, 2004, the general repealer of these provisions dealing with multiple employer welfare arrangements, and would require the Department of Insurance, in consultation with the Department of Corporations, to conduct an evaluation of multiple employer welfare arrangements and report to the Legislature and the Governor by January 1, 2002.

Ch. 318 (AB 341) Cox. Professions and vocations: background checks.

Existing law regulating private patrol operators requires any employee who performs the function of a security guard who is not currently registered with the Bureau of Security and Investigative Services to submit an application, 2 classifiable fingerprint forms, and the appropriate registration fee. Existing law provides that the fee for processing fingerprints for all registrations and licenses is that amount charged the bureau by the Department of Justice.

This bill would specify that the 2 existing fingerprint cards be submitted to the Department of Justice with one classifiable fingerprint card to be forwarded to the Federal Bureau of Investigation. The bill would exempt from certain of these requirements currently employed full-time peace officers and certain reserve officers, as specified. It additionally would provide for submission of fingerprints to the FBI for purposes of a background check with respect to repossessors, locksmiths, private investigators, alarm company licensees, and employees thereof. It would authorize the regulatory entity to impose a fee for the processing of fingerprint cards submitted by applicants, and the fees would be deposited into various regulatory funds or accounts therein, some of which are continuously appropriated. The bill would therefore make an appropriation.

The bill would incorporate additional changes to Section 7506.5 of the Business and Professions Code proposed by SB 378 to become operative only if both bills amend that section and are enacted and become effective on or before January 1, 2000, and this bill is enacted after SB 378.

Ch. 319 (AB 969) Papan. Debt collectors.

Existing law prohibits certain actions by debt collectors in connection with the collection of consumer debts.

This bill would also require debt collectors to comply with specified provisions of federal law in connection with the collection of consumer debts, except as specified.

Ch. 320 (AB 1413) Shelley. Highways: outdoor advertising.

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The Outdoor Advertising Act regulates the placement of advertising adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal aid highways including prohibiting the placement of advertising displays adjacent to, or within specified distances of, those highways without a permit, as prescribed.

This bill would exempt from that prohibition advertising displays located in the City and County of San Francisco on street furniture, as defined, if the advertising display meets specified conditions, and would require the city and county to provide indemnity to the state against any liability with regard to the placement of the advertising display, as specified. The bill would include a related statement of legislative intent.

The bill would require that its provisions become inoperative not later than 60 days from the date the Director of Transportation receives notice from the federal Secretary of Transportation that future operation of those provisions will result in a reduction of the state's share of federal highway funds pursuant to a specified provision of federal law. The bill would require the director, upon receipt of the specified notice, to notify in writing the Secretary of State and the City and County of San Francisco of that receipt. The provisions of the bill would be repealed on January 1 immediately following the date that the Secretary of State receives the specified notice from the director.

Ch. 321 (AB 1578) Cunneen. Park and open-space districts.

Existing law authorizes the East Bay Regional Park District to exchange up to a maximum of 40 acres of district-owned real property in any calendar year for other real property, and requires that any real property so acquired by the district be adjacent to other real property owned by the district.

This bill would make those provisions also applicable to the Midpeninsula Regional Open Space District.

Existing law authorizes a park or open-space district to contribute money, in those amounts as the board of directors of the district may by resolution find to be proper, to the California State Park Commission or to any municipality, county, or other public corporation within or outside of the district for specified purposes relating to park management, whenever in the judgment of the board of directors the acquisition or improvement is so located and planned as to be of benefit to the district.

This bill would authorize a district to provide grant funds to a private or nonprofit entity for those purposes relating to park acquisitions and improvements and would correct an obsolete reference in those provisions.

Ch. 322 (SB 282) Kelley. Utility service rates: rural areas.

Existing law requires the Public Utilities Commission to submit to the Governor an annual report containing a complete account of its transactions and proceedings for the preceding fiscal year. Existing law requires the Public Utilities Commission to develop, publish, and annually update an annual work plan access guide that describes the scheduled ratemaking proceedings and other decisions that may be considered by the commission during the calendar year, as prescribed. Existing law establishes the State Energy Resources Conservation and Development Commission, with powers and responsibilities as prescribed.

The bill would require the Public Utilities Commission to include in the annual work plan access guide a statement that specifies activities that the Public Utilities Commission proposes to reduce the costs of, and rates for, energy, including electricity, and for improving the competitive opportunities for state agriculture and other rural energy consumers. The bill would require the Public Utilities Commission to include in the annual report submitted to the Governor a statement that specifies the activities and achievements of the Public Utilities Commission in reducing the costs of, and rates for, energy, including electricity, for state agriculture and other rural energy consumers.

The bill would require the State Energy Resources Conservation and Development Commission to study the causes of high rates for electrical service to agriculture and to compare agricultural electric rates with certain other rates, as prescribed. The bill would authorize the State Energy Resources Conservation and Development Commission to recommend strategies for reduction of service costs, and identify factors affecting agricultural rates, as prescribed. The bill would require the State Energy Resources

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Conservation and Development Commission, on or before September 1, 2000, to prepare and submit to the Legislature a report that details its findings and conclusions pursuant to these provisions.

The bill would make related legislative findings and declarations.

Ch. 323 (SB 351) Figueroa. Mobilehome parks: fees.

Existing law prohibits a homeowner from being charged a fee for other than rent, utilities, and incidental reasonable charges for services actually rendered. Existing law prohibits a homeowner from being charged a fee for services actually rendered that are not listed in the rental agreement unless he or she has been given at least 60 days' written notice thereof.

Existing law requires the mobilehome park management to meet with homeowners, their representatives, or both concerning any proposed change to the mobilehome park rules and to give 10 days' advance written notice of the meeting to each homeowner. Once this requirement has been satisfied, the change may be adopted as specified above.

This bill would prohibit any amendment to the rules or regulations that would create a new fee that has not been agreed upon by the homeowners and management in the rental agreement or lease. The bill would include a statement of legislative intent.

Ch. 324 (SB 382) Haynes. Housing: older persons.

The Unruh Civil Rights Act prohibits business establishments from discriminating on the basis of sex, color, race, religion, ancestry, national origin, or disability, or in the sale or rental of housing, based on age, except as specified. The act defines a "qualified permanent resident" for purposes of exempting certain senior citizen housing.

This bill would revise those provisions relating to housing discrimination to delete a requirement that a qualified permanent resident of a senior citizen housing development have, or be expecting, an ownership interest. The bill would include specified dependent children as qualified permanent residents in provisions that apply to counties other than the County of Riverside to conform to provisions that only apply in that county. The bill would extend until January 1, 2001, an exemption for accommodations constructed before February 8, 1982.

Ch. 325 (SB 459) Johnson. Franchise Investment Law: sale of franchises: exemption.

Existing law, the Franchise Investment Law, provides that it is unlawful for any person to offer or sell in this state any franchise unless the offer has been registered or exempted. Existing law makes certain exemptions from certain provisions of the act.

This bill would exempt from the registration requirement of the act any offer or sale of a franchise if the franchise involves the adding of a new product or service line to the existing business of a prospective franchisee, subject to certain specified requirements.

Ch. 326 (SB 476) Chesbro. Mobilehomes: liquified petroleum gas sales.

Existing law prohibits the management of a mobilehome park from charging a fee for other than rent, utilities, and incidental reasonable charges for services actually rendered. Existing law also requires management to post in a conspicuous place the prevailing residential utilities rate schedule as published by the serving utility if management provides both master meter and submeter service of utilities to a homeowner. Existing law provides that in the absence of a rental agreement to the contrary, the park management may elect to bill a homeowner separately for utility service fees and charges assessed by the utility for services provided to or for spaces in the park. These utility fees and charges are not deemed to be included in the rent for the space.

This bill would prohibit the management of a mobilehome park from charging the mobilehome owners and tenants within a park more than 110% of the actual price paid by the management of the park for liquified petroleum gas if the management of the park does not permit the purchase of liquified petroleum gas for use in the mobilehome park from any other source other than the mobilehome park management. The management of a mobilehome park would also be required to post the actual price paid by management for liquified petroleum gas sold by it.

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Ch. 327 (SB 531) Baca. Public Utilities Commission: complaints.

The Public Utilities Act requires the Public Utilities Commission, on and after July 1, 1999, to publish specified information on its Internet site, including, but not limited to, decisions and resolutions, general orders, the Rules of Practice and Procedure of the commission, rulings in proceedings, and a docket card for each proceeding listing documents in the case.

This bill would require the commission, on or after July 1, 2001, to establish procedures to permit the submission of informal complaints through electronic means, as defined, in accordance with prescribed provisions. The bill would require the commission, on or before January 1, 2002, to provide on its Internet web site the means by which consumers may submit informal complaints through electronic means. The bill would provide that its provisions may not be implemented, and no information technology-related preparatory work may be undertaken prior to July 1, 2001, without the concurrence of the commission and the authorization of the Department of Information Technology. The bill would make related legislative findings and declarations and a statement of legislative intent.

Ch. 328 (SB 665) Sher. Underground storage tanks.

(1) Existing law generally regulates the storage of hazardous substances in underground storage tanks and requires underground storage tanks that are used to store hazardous substances and are installed after January 1, 1984, to meet certain requirements concerning secondary containment. Existing law defines the terms "hazardous substance" and "person" for purposes of these provisions.

This bill would make technical revisions to those definitions.

(2) Under the existing Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, owners and operators of petroleum underground storage tanks are required to establish and maintain evidence of financial responsibility for taking corrective action and compensating 3rd parties for bodily injury and property damage arising from operating an underground storage tank. Existing law requires every owner of an underground storage tank to pay a storage fee for each gallon of petroleum placed in the tank. The fees are required to be deposited in the Underground Storage Tank Cleanup Fund. The money in the fund may be expended by the State Water Resources Control Board, upon appropriation by the Legislature, for various purposes, including payment of a California regional water quality control board's or local agency's corrective action costs, and the payment of claims to aid owners and operators of petroleum underground storage tanks who take corrective action to clean up unauthorized releases from those tanks. Existing law provides that the fund may sue and be sued in its own name.

This bill would make a statement of legislative intent regarding the construction of the act. The bill would revise the definition of the terms "claim," "site," and "tank" for purposes of the act and would define the term "adjudicative proceeding" for purposes of the act. The bill would delete the authorization for the fund to sue and be sued in its own name.

(3) Existing law requires the board to pay a claim for regulatory technical assistance to a property owner or operator who meets specified requirements and who is otherwise eligible for reimbursement.

This bill would revise that requirement by limiting the amount of such a claim to $3,000 per occurrence to an eligible owner or operator and would provide that technical assistance only includes assistance in the preparation and submission of a claim, as specified.

(4) Existing law requires the board to determine an applicant's eligibility for a claim for corrective action costs and to notify the applicant of this determination within 60 days of the receipt of the claim application, and if a claimant requests a review of that determination, the board is required to render a decision within 30 days. The board is required to issue all decisions on a claim for corrective action costs and third-party costs within 90 days after submission.

This bill would revise the procedures for making determinations on claims for corrective action costs and third-party compensation costs, and would specify procedures for filing a petition for review, with regard to an unpaid claim. The bill would specify the standard for judicial review of a final decision by the board, and would

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provide for related matters. The bill would specify procedures for the review of a work plan for corrective action and the preapproval of corrective action costs, based upon specified factors.

(5) Existing law specifies the conditions under which a corrective action site may be closed, specifies a uniform closure letter, and authorizes the board to require closure of a tank case under the jurisdiction of a regional board or local agency that is implementing the local oversight program. Existing law authorizes the board to suspend corrective action or investigation work at a site that is not an emergency site, except for specified activities.

This bill would authorize the board to recommend closure of a tank case that is under the jurisdiction of a local agency that is not implementing the local oversight program, would specify procedures for the review of the board's decision to require closure, and would revise the contents of the uniform closure letter. This bill would impose a state-mandated local program by imposing new duties upon the local agencies that implement the act.

The bill would instead prohibit the board from suspending specified activities at a site, would revise the definition of emergency site for purposes of such a suspension, and would require the board to adopt regulations with regard to specifying the conditions for an emergency site. The bill would prohibit the board from suspending a corrective action or investigation until the effective date of those regulations.

The bill would prohibit the board from reimbursing a claimant for any eligible cost for which the claimant has been, or will be, compensated by another party, except as specified, and would make a statement of legislative intent that this prohibition is declaratory of existing law.

(6) Existing law requires the board to develop a system for storing and retrieving data regarding petroleum discharge from underground storage tanks. The board is required to remove a site from the data base when no residual contamination remains.

This bill would instead require the board to designate a site included in the data system as having no residual contamination if the board makes a specified determination. The bill would also define the term "residual contamination" for purposes of the designation of a site in that data base.

(7) The bill would correct obsolete references and delete obsolete provisions.

(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. 329 (SB 1274) Costa. Animal rendering.

(1) Existing law specifies that no "agricultural processing activity, operation, facility, or appurtenances thereof," as defined, that are conducted or maintained for commercial purposes, as specified, shall be or become a nuisance, private or public, due to any changed condition in or about the locality after it has been in continuous operation for more than 3 years if it was not a nuisance at the time it began.

This bill would add to that definition of "agricultural processing activity, operation, facility, or appurtenances thereof" rendering plants and collection centers required to be licensed under the provisions of the bill, as specified.

(2) Existing provisions of the Food and Agricultural Code regulate horsemeat and pet food and set forth definitions for this purpose, including "rendering," which is defined to mean "the conversion of packinghouse waste, dead animal carcasses, and kitchen grease into industrial fats and oils inedible for human consumption and other products inedible for human consumption."

This bill would redefine the term "rendering" to mean "the recycling, processing, and conversion of animal and fish byproducts and carcasses from the meat, poultry, and seafood industries, as well as used kitchen grease into fats, oils, and proteins that are used primarily as feed in the animal, poultry, and pet food industries."

(3) Existing law requires every person engaged in the business of rendering to obtain a license from the Secretary of Food and Agriculture for each rendering plant and

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collection center operated. Existing law also sets forth criminal penalties for violating these and other related provisions, as specified, regulating horsemeat and pet food.

This bill instead would require every person engaged in the business of rendering to obtain a license from the Department of Food and Agriculture for each rendering plant, and every person engaged in the business of operating a collection center to obtain a license from the department for each collection center operated. The bill would make other related changes. Because the bill would expand the scope of existing crimes, by requiring persons engaged in the business of operating collection centers to be licensed by the department and to come within the provisions of law regulating horsemeat and pet food, the bill would create a state-mandated local program.

(4) Existing law authorizes the Secretary of Food and Agriculture, in lieu of any civil action and in lieu of seeking prosecution, to levy a civil penalty against a person who violates certain of these provisions, or any regulation adopted, in an amount not to exceed $1,000.

Existing law also specifies that before a civil penalty is levied, the person charged with the violation shall receive notice of the nature of the violation and shall be granted an opportunity to be heard, which shall include the right to review evidence and the right to present evidence on his or her own behalf.

This bill would change this latter provision to delete the provision that the person charged shall be granted the opportunity to be heard, and would provide, instead, that before a civil penalty is levied, the person charged with the violation shall receive notice of the nature of the violation and shall be granted the opportunity to review the department's evidence and to present written argument and evidence to the department as to why the civil penalty should not be imposed or should be reduced. The bill would specify that these provisions do not require the department to conduct either a formal or informal hearing, and that instead the department may dispose of the matter upon review of the documentation presented.

(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. 330 (AB 71) Cunneen. High-occupancy vehicle lanes: low-emission vehicles.

(1) Existing law authorizes the Department of Transportation, with respect to highways under its jurisdiction, to authorize or permit the exclusive or preferential use of highway lanes for high-occupancy vehicles.

This bill would require the Department of Transportation whenever it authorizes or permits exclusive or preferential use of highway lanes or highway access ramps for high-occupancy vehicles, to also extend the use of those lanes or ramps to vehicles that have been issued distinctive decals, labels, or other identifiers because the vehicles meet (1) California's ultra low-emission vehicle (ULEV) standards beginning July 1, 2000, and through December 31, 2003, or (2) California's super ultra-low emission vehicle (SULEV) standards on and after January 1, 2004, and through December 31, 2007, for exhaust emissions, as specified, and (3) the federal inherently low-emission vehicle (ILEV) evaporative standard, as defined in federal regulations, regardless of vehicle occupancy or ownership.

In addition, for the purpose of implementing these provisions, the bill would require the Department of Motor Vehicles to make available for issuance distinctive decals, labels, or other identifiers for vehicles described above that clearly distinguishes them from other vehicles. The Department of the California Highway Patrol would be required to specify the placement and design of the decals, labels, or other identifiers. The bill would require the Department of Motor Vehicles to include a summary of the provisions relating to the distinctive decals, labels, or other identifiers on each motor vehicle registration renewal notice or on a separate insert, as specified.

(2) The bill would prohibit any person from operating or owning a vehicle that displays a decal, label, or other identifier if that identifier was not issued to that vehicle.

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Because a violation of this prohibition would be a crime, the bill would impose a state-mandated local program.

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

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

(4) The bill would provide that its provisions shall remain in effect only until January 1, 2008, and as of that date are repealed, unless a later enacted statute deletes or extends that date.

Ch. 331 (AB 89) Cedillo. Arrest: public officers.

Existing law authorizes certain persons who are not peace officers to exercise powers of arrest if they have completed a specified training course.

This bill would extend that authority to persons regularly employed as investigators by the Department of Transportation for the City of Los Angeles, as specified. This bill would specify that these persons are not peace officers for purposes of imposing an enhanced punishment for the crime of assault and battery committed against peace officers.

Ch. 332 (AB 588) Cardenas. Pupil expulsion.

Existing law requires the governing board of each school district to establish rules and regulations governing procedures for the expulsion of pupils. Existing law requires those procedures to include, but not necessarily be limited to, entitling the pupil to a hearing, within 30 schooldays after the date the principal or superintendent of schools determines that the pupil has committed any of certain enumerated acts, to determine whether the pupil should be expelled. Existing law requires written notice of the hearing to be forwarded to the pupil at least 10 calendar days prior to the date of the hearing, and requires this notice, among other things, to include notice of the opportunity for the pupil or the pupil's parent or guardian to appear in person or employ and be represented by counsel.

This bill would clarify, for purposes of those provisions, that counsel refers to legal counsel and would define legal counsel as an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California. The bill would also provide, for purposes of those provisions, notice of the opportunity for the pupil or the pupil's parent or guardian to appear in person or to be represented by a nonattorney adviser, and would define a nonattorney adviser as an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the pupil or pupil's parent or guardian to provide assistance at the hearing. The bill would also clarify that nothing in those provisions is intended to require a pupil or the pupil's parent or guardian to be represented by legal counsel or by a nonattorney adviser at the hearing.

By requiring school districts to provide notice of the right to be represented by a nonattorney adviser, 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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 333 (AB 637) Migden. Youth Authority.

Existing law, the Youth Authority Act, governs the commitment of juvenile offenders to the Department of the Youth Authority. The act states that the purpose of those provisions is to protect society from the consequences of criminal activity and, to that end, training and treatment shall be substituted for retributive punishment.

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This bill would revise that statement to provide that community restoration, victim restoration, and offender training and treatment shall be substituted for retributive punishment.

Ch. 334 (AB 704) Honda. Ad valorem taxation: taxpayer reporting.

The California Constitution authorizes the Legislature to provide for taxation of tangible personal property and to exempt or classify personal property for differential taxation. Statutory law requires each person owning taxable personal property with an aggregate cost of $100,000 or more to file a signed property statement with the county assessor. The statement must be filed each year between the lien date and 5 p.m. on the last Friday in May, or between the lien date and any earlier time chosen by the assessor.

This bill would instead provide that the statement must be filed annually between the lien date and 5 p.m. on April 1. This bill would provide a penalty for statements not filed by May 7 which deadline would be extended when weekends, holidays, or office closures occur. Because this change in the filing deadline would require administrative changes by county assessors, it would impose a state-mandated local program.

This bill would permit a property statement to be amended and would require certain information to be provided by the assessor, thereby also imposing a state-mandated local program.

The bill would make 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.

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

Ch. 335 (AB 972) Ducheny. Court consolidation: San Diego County Marshal's Office.

Existing law provides for the appointment of a marshal for San Diego County and sets forth the powers and duties of that office. Existing law also authorizes the consolidation of court-related services in San Diego County.

This bill would repeal the above provisions and, instead, provide that the marshal's office in San Diego County shall be abolished on or after January 1, 2000, and all personnel of the abolished office shall merge into a bureau maintained as a separate organizational unit within the sheriff's department upon the adoption of a resolution by the board of supervisors, as specified. The bill would also declare that it constitutes necessary special legislation regarding San Diego County. By imposing additional duties on the sheriff's department, 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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 336 (AB 1079) Robert Pacheco. Immigration consultants.

(1) Under provisions of law repealed effective January 1, 1998, an immigration consultant was required to notify the Secretary of State's office within 30 days of any change of name, address, telephone number, or agent for service of process.

This bill would reinstate this requirement.

(2) Existing law requires anyone engaging in the business or acting in the capacity of an immigration consultant to post a bond with the Secretary of State of $25,000. Existing law repeals this provision on January 1, 2000, unless a statute is enacted that deletes or extends that date.

This bill would delete the January 1, 2000 repeal date, and would increase the bond requirement to $50,000.

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(3) Existing law provides for a civil penalty to be imposed on anyone violating the provisions regulating immigration consultants, and for a criminal penalty for violating any of these provisions with exceptions for certain required disclosures or prohibited translations.

This bill would eliminate these exceptions to criminal sanction, thereby creating new crimes and imposing a state-mandated local program.

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

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

Ch. 337 (AB 1279) Scott. Postsecondary education: study of doctoral education.

Existing law establishes the various segments of the higher education system in the state. These segments include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges, and various private and independent colleges and universities. Existing law establishes the California Postsecondary Education Commission as an entity responsible for coordinating public, independent, and private postsecondary education in California and providing independent policy analysis and recommendations to the Legislature and the Governor on postsecondary education issues.

This bill would require the California Postsecondary Education Commission to conduct a study to determine the current capacity for applied joint doctorates in the state, as specified. The bill would require the commission to complete and transmit copies of the study to the Governor and to the appropriate education policy and fiscal committees of the Legislature on or before June 30, 2000.

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

Ch. 338 (AB 1586) Florez. Public safety officers: Procedural Bill of Rights.

The Public Safety Officers Procedural Bill of Rights Act provides that no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency without providing the public safety officer with an opportunity for administrative appeal.

This bill would prohibit a public safety officer from being required by his or her employing public safety department or any other public agency, as a condition of employment, to consent to the use of his or her photograph or identity as a public safety officer on the Internet for any purpose if the officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to that officer or his or her family. The bill would permit the officer to notify the department or agency to cease or desist from that disclosure and to seek an injunction and a civil penalty for unauthorized use after receipt of the notice to cease and desist.

Ch. 339 (AB 1692) Committee on Consumer Protection, Governmental Efficiency and Economic Development. Administrative adjudication: decisions.

Under existing law relating to administrative adjudication, a contested case that is brought by an agency may either be heard before the agency itself or by an administrative law judge who prepares a proposed decision that may be adopted by the agency as the decision in the case. If the proposed decision is not adopted in whole or in part by the agency, it may decide the case itself.

This bill would revise the procedural requirements that are applicable if a contested case is originally heard before the agency itself and revise the procedure and requirements applicable if a contested case is originally heard by an administrative law judge.

Ch. 340 (SB 56) Solis. Employment: time off to appear in court.

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Existing law authorizes a person who believes that he or she has been discharged or discriminated against in violation of any provision of the Labor Code under the jurisdiction of the Labor Commissioner to file a claim with the Division of Labor Standards Enforcement within 30 days of the violation. Existing law prohibits the discharge or other discrimination against an employee for taking time off from work to serve as a juror or witness, providing the employee gives reasonable notice to the employer of the anticipated absence. Additionally, existing law provides that an employee who has been discharged or discriminated against in violation of these provisions is entitled to reinstatement and reimbursement of lost wages and benefits. The failure of an employer to rehire or restore an eligible employee constitutes a misdemeanor.

This bill would revise and expand the prohibition to prohibit retaliation as well as discrimination and specify that the prohibition would be applicable to an employee, including, but not limited to, an employee who is a victim of crime. The bill also would prohibit employers from discharging, discriminating, or retaliating against employees who are victims of domestic violence and who take time off to appear in court to obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of a domestic violence victim or his or her child, if the employee gives the employer reasonable notice, as specified. The bill would authorize an employee who is a victim of domestic violence to file a claim with the division within one year of the violation for a violation of the bill. By revising and expanding the scope of a 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. 341 (SB 105) Burton. State retirement systems: Northern Ireland.

The California Constitution provides that the Legislature may by statute prohibit retirement board investments where it is in the public interest to do so and providing that the prohibition satisfies specified fiduciary standards.

This bill would require the Teachers' Retirement Board and the Board of Administration of the Public Employees' Retirement System, respectively, to annually investigate and report to the Legislature on the extent to which United States and international corporations operating in Northern Ireland, in which their system assets are invested, adhere, in compliance with the law applicable in Northern Ireland, to the principles of nondiscrimination in employment and freedom of workplace opportunity.

This bill would require those retirement boards to compile a list of domestic and international corporations that do business in Northern Ireland, and in whose stocks or obligations it has invested, and determine whether each corporation on the list has, during the preceding year, taken substantial action, in compliance with the law applicable in Northern Ireland, designed to lead toward the achievement of specified goals.

This bill would also require those retirement boards, whenever feasible and consistent with their fiduciary responsibility, to support shareholder resolutions designed to encourage domestic and international corporations in which it has invested to pursue, in compliance with the law applicable in Northern Ireland, a policy of affirmative action in Northern Ireland.

Ch. 342 (SB 144) Schiff. State Bar: membership fees.

Existing law establishes the State Bar. The Board of Governors of the State Bar has broad responsibilities for the State Bar's operation and function, including, among other things, administration of the State Bar, admission to the practice of law, and disciplinary authority over its members.

This bill would revise various provisions relating to the State Bar.

(1) Existing rules and regulations of the State Bar provide for the creation of, and specify the functions and activities of, the Conference of Delegates, which represents

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locally based general bar associations. Existing rules and regulations of the State Bar also provide for advisory organizations of the State Bar known as sections.

This bill would provide that the Conference of Delegates of the State Bar and State Bar sections shall not be funded with mandatory fees after January 1, 2000, but would authorize the State Bar to provide the Conference of Delegates and State Bar sections with administrative and support services, subject to full reimbursement, as specified.

(2) Existing law imposes various duties on attorneys. Among other things, it requires attorneys to cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against the attorney.

This bill would provide that this requirement shall not be construed to require an attorney to cooperate with a request that requires the attorney to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the attorney's practice, as specified.

Existing law provides that a person complained against in a disciplinary action of the State Bar shall be given a reasonable notice and have a reasonable opportunity to exercise various rights, including the right to defend, to receive exculpatory evidence, to be represented by counsel, and to examine and cross-examine witnesses.

This bill would also provide that the notice and rights shall be fair and adequate, as well as reasonable, and would also specify that the person has a right to exercise any right guaranteed by the California or United States Constitution, including the right against self-incrimination.

(3) Existing law requires the State Bar to request the California Supreme Court to adopt a rule authorizing a mandatory continuing legal education program. Existing law establishes minimum hours of participation, and exempts various persons from the requirement.

This bill would reduce the required hours, would eliminate the exemption for retired judges, would encourage the use of low-cost programs, would set forth findings, and would make related changes.

(4) Existing law, until January 1, 1998, required the Board of Governors of the State Bar to establish annual membership fees for active members based on the amount of time the member has been practicing law, as specified. Existing law also provides for additional fees.

This bill would provide for an annual fee not exceeding $318. This provision would be repealed on January 1, 2001.

The bill would also require the invoice for the annual fee to provide each member the option of deducting $5 from the annual fee if the member elects not to support lobbying and related activities, and would prohibit the Board of Governors of the State Bar from expending a sum exceeding the number of members paying the $5 fee, multiplied by $5.

The bill would require the Board of Governors of the State Bar to adopt a rule to permit members whose income from the practice of law is less than a specified amount to presumptively qualify for a waiver of a portion of the annual membership fees based on hardship.

Existing law requires the Board of Governors of the State Bar to prepare an annual financial statement for the State Bar, which is required to be certified under oath by the President and the Treasurer of the State Bar to the Chief Justice of the Supreme Court.

This bill would require the Board of Governors of the State Bar to contract with a nationally recognized independent public accounting firm to conduct an audit of the State Bar's financial statement for each fiscal year beginning after December 31, 1998. It would require the financial statement to be certified under oath by the Treasurer of the State Bar, and a copy of the audit and the financial statement to be submitted within 120 days of the close of the fiscal year to the Board of Governors of the State Bar, the Chief Justice of the Supreme Court, and the Assembly and Senate Committees on Judiciary. It would also require the Board of Governors of the State Bar to contract with the Bureau of State Audits to conduct a performance audit of the State Bar's operations from July 1, 2000, through December 31, 2000, inclusive, and would require a copy of the performance audit to be submitted by May 1, 2001, to the Board of Governors of the State Bar, the Chief Justice of the Supreme Court, and the Assembly and Senate Committees on Judiciary. It would require that the Board of Governors contract with the Bureau of

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State Audits every 2 years thereafter to conduct a performance audit of the State Bar's operations for the respective fiscal year, commencing with January 1, 2002, to December 31, 2002, inclusive, and would require a copy of the performance audit to be submitted within 120 days of the close of the fiscal year for which the audit was performed to the Board of Governors of the State Bar, the Chief Justice of the Supreme Court, and the Assembly and Senate Committees on Judiciary. It would authorize the Bureau of State Audits to contract with a 3rd party to conduct these performance audits.

The bill would prohibit the State Bar from awarding a contract for goods, services, or both, for an aggregate amount in excess of $50,000, except pursuant to specified provisions of the Public Contract Code. The bill would make related changes. It would also provide that its provisions shall become operative only if SB 143 of the 1999–2000 Regular Session is enacted.

Ch. 343 (SB 185) Peace. Billing practices: individual marital status.

Existing law governing businesses and professions prescribes various special business regulations.

This bill would add special business regulations making it unlawful for any business to use words expressly referencing an individual's marital status as part of the individual's mailing address on a billing statement, related correspondence, enclosing envelope, or any solicitation for new business. It would exempt from this prohibition the use of the prefixes "Mr.," "Mrs.," "Ms.," or "Miss." It would prescribe certain civil penalties for any violation of these provisions.

Ch. 344 (SB 210) Committee on Judiciary. Courts: unification.

The California Constitution provides for the establishment of superior and municipal courts, as specified, in each county. SCA 4 of the 1995–96 Regular Session, as approved by the voters on June 2, 1998, provides for the abolition of municipal courts within a county, and for the establishment of a unified superior court for that county, upon a majority vote of superior court judges and a majority vote of municipal court judges within the county; provides for the qualification and election of the judges; and revises the number of jurors required in certain civil actions. Existing law makes various statutory changes to implement and conform to the unification of trial courts pursuant to the constitutional amendment.

The bill would make further conforming, technical, and implementing changes to effectuate the constitutional amendment.

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

Ch. 345 (SB 248) Lewis. Industrial loan companies.

Existing law permits an industrial loan company to make loans, and to acquire or discount obligations having a term in excess of 7 years secured solely or primarily by real property, as specified, provided that all of the loans and obligations in excess of 7 years do not exceed in the aggregate 70% of its total assets.

This bill would delete that authority.

Existing law prohibits an industrial loan company from receiving deposits.

This bill would specify that the prohibition pertains only to demand deposits, as defined.

Existing law authorizes an industrial loan company to make loans to, or to purchase any obligation from, persons who do not reside or have a place of business in this state not to exceed 20%, in the aggregate, of a company's total assets. Upon application and approval of the Commissioner of Financial Institutions, the company may increase its loans to, or purchases of obligations from, those persons to not exceed 40%, in the aggregate, of the company's total assets.

This bill would increase those percentage levels to 25% and 50%, respectively. It would also, with respect to certain application requirements, require additional information, as specified.

A willful violation of the Industrial Loan Law is a crime. In expanding the provisions of that law with respect to certain application requirements, the bill would enlarge the scope of that crime and impose a state-mandated local program.

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

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

Ch. 346 (SB 518) Schiff. Dependent children.

Under existing law, absent a writ or order of a reviewing court providing otherwise, a judgment or court order allowing, or eliminating restrictions against, removal of a minor from the state are stayed by operation of law for 30 days from the entry of the judgment or order.

This bill would shorten that period to 7 days with respect to a judgment or order of the juvenile court in a dependency hearing, and would make related, technical changes.

Existing law sets forth the purposes of provisions relating to dependent children.

This bill would additionally state that those provisions ensuring the confidentiality of proceedings and records are intended to protect the privacy rights of the child.

Ch. 347 (SB 579) Dunn. Finance lenders.

The California Finance Lenders Law provides for licensing and regulation by the Commissioner of Corporations of persons engaged in the business of making consumer or commercial loans. Under these provisions, a licensed lender generally may not take a deed of trust, mortgage, or lien upon real property as security for a consumer loan if the principal amount of the loan is less than $5,000.

This bill would provide that a licensed lender may not take a deed of trust, mortgage, or lien upon real property as security for a consumer loan except if the loan is for a bona fide principal amount of $5,000 or more. This bill would define "bona fide principal amount" for the purpose of determining whether a consumer or commercial loan amount exceeds a regulatory ceiling, as specified.

This bill would make other related changes.

Ch. 348 (SB 685) Monteith. Taxation: administration.

The Katz-Harris Taxpayers' Bill of Rights Act provides for a Taxpayers' Right Advocate and requires the Franchise Tax Board to mail various notices to taxpayers.

This bill would require the Franchise Tax Board to provide a taxpayer with written notice, as provided, of a state tax lien under either the Personal Income Tax Law or Bank and Corporation Tax Law, and require the Taxpayers' Rights Advocate to establish procedures for administrative review as described in that notice. This bill would also prohibit the Franchise Tax Board from levying upon any property or property right unless that board has provided the relevant taxpayer with written notice of certain administrative review rights, and would require the Taxpayers' Rights Advocate to establish procedures for this administrative review. This bill would further provide that if the Franchise Tax Board holds in abeyance the collection of a liability imposed under the Personal Income Tax Law or related administrative provisions, that is final and otherwise due and payable, for a period in excess of 6 months from the date the hold is first placed on the account, the board shall mail to the taxpayer a final notice of tax due prior to issuing a levy or filing a notice of state tax lien to collect the amount due.

Ch. 349 (SB 689) Johnston. Conflicts of interest.

(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 body or board of which they are members. An officer is not deemed to be interested in a contract entered into by a body or board of which the officer is a member if the member has only a remote interest in the contract and other requirements are met. A remote interest is required to be publicly disclosed and thereafter the public body may authorize, approve, or ratify the contract in question, but the officer is disqualified from voting.

This bill would define as an additional remote interest that of a person receiving salary, per diem, or reimbursement for expenses from a government entity.

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(2) Existing law further provides that an officer or employee shall not be deemed to be interested in a contract if his or her interest is any of specified interests, including 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 the interest is noted in its official record.

This bill would revise that interest to be that of a person receiving salary, per diem, or reimbursement for expenses from a government entity unless the contract directly involves the department of the government entity that employs the officer or employee.

Ch. 350 (SB 786) Schiff. Punishment.

Existing law provides that every person convicted in any other state, government, country, or jurisdiction of an offense that is punishable in this state by imprisonment in state prison is punishable as if the prior conviction had occurred in this state when convicted of a subsequent crime in this state. Existing law specifies that the application of this provision includes, but is not limited to, all statutes that provide for enhancements for prior convictions and prior prison terms.

This bill additionally would include in this application a term of imprisonment based upon a prior conviction or prior prison term and further require that an offense specified as a prior felony conviction by reference to a specific code section include any prior felony conviction under any predecessor statute of that specified offense that includes all of the elements of that specified offense. This bill also would specify that application of the latter provision includes, but is not limited to, all statutes that provide for an enhancement or a term of imprisonment based upon a prior conviction or a prior prison term.

This bill would make a conforming change.

The bill also would provide that it is intended to be declaratory of existing law as established by the holding set forth in People v. Butler (1998) 68 Cal. App. 4th 421.

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

Ch. 351 (SB 829) Figueroa. Gambling establishments: provisional licenses.

(1) Existing law provides that every person who is required by statute or regulation to hold a state gambling license shall obtain the license prior to engaging in the activity or occupying the position with respect to which the license is required.

This bill would provide that, except as otherwise provided by statute or regulation, every person who is required by statute or regulation to hold a state gambling license shall obtain the license prior to engaging in the activity or occupying the position with respect to which the license is required.

(2) Existing law requires applicants for state gambling licenses, approvals, and permits to make various disclosures, and provides that the division shall furnish applicants with supplemental forms for the purpose of providing information on the applicant's personal history, habits, character, criminal record, financial affairs, and other matter.

This bill would require applicants to additionally submit 2 sets of fingerprints on forms supplied by the division, and would authorize the division to submit one fingerprint card to the United States Federal Bureau of Investigation.

(3) Existing law generally provides that the California Gambling Control Commission, in consultation and cooperation with the Division of Gambling Control, is vested with the authority to approve or deny gambling licenses on specified grounds. Existing law also provides, however, that persons who had held or applied for a valid registration issued pursuant to the law in effect prior to the effective date of the act shall be deemed to hold a provisional license, as defined, until summoned by the division to apply for a gambling license under the act. Existing law also provides that if the division does not so summon a person holding a provisional license prior to December 31, 1998, it shall, upon the request of the holder of the provisional license, and upon the payment of specified fees, extend the provisional license until December 31, 1999.

This bill would authorize the division to extend a provisional license, if, prior to the expiration of that license, the holder requests an extension, all applicable fees are paid,

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and the provisional licensee's gambling establishment is located in a jurisdiction with a gambling ordinance that complies with the Gambling Control Act.

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

Ch. 352 (SB 933) Poochigian. Property taxation: new construction.

The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, "full cash value" is defined as the assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred.

Existing statutory provisions implementing this constitutional authority define "newly constructed" and "new construction" for those purposes.

This bill would provide that the terms "newly constructed" and "new construction" do not include the improvement, upgrade, or replacement of an underground storage tank that is required to be improved, upgraded, or replaced to comply with federal, state, and local regulations on underground storage tanks. This bill would also provide that the reconstruction of an underground storage tank for these same compliance purposes is to be considered normal maintenance or repair if, after that reconstruction, the tank is substantially equivalent to the prior structure in size, utility, and function.

The bill would take effect immediately as a tax levy.

Ch. 353 (SB 1161) Committee on Judiciary. Offers to compromise.

Under existing law, any party may serve an offer in writing, not less than 10 days prior to the commencement of trial or arbitration, upon any other party to the action to allow judgment to be taken or an award to be entered in accordance with the terms and conditions stated at that time. Existing law provides that if the offer is rejected and the offering party obtains a more favorable result at trial or arbitration, the court or arbitrator, in its discretion, may require the other party to pay the offering party's costs of the services of expert witnesses, as specified, actually incurred and reasonably necessary in preparation for trial or arbitration of the case.

This bill would additionally authorize the court or arbitrator, in its discretion, to require the party rejecting the offer to pay the offering party's costs of services of expert witnesses, as specified, actually incurred and reasonably necessary during trial or arbitration of the case, as specified.

Ch. 354 (SB 1171) Johnson. Public accommodations.

Existing law regulates the operations of a hotel, inn, boardinghouse, or lodginghouse, as specified. Existing law also prohibits unfair competition, as specified.

This bill would authorize an innkeeper to evict a guest who stays beyond the contractual period, as specified. This bill would also authorize a hotel, as defined, to prohibit the distribution of handbills on the premises, as specified, and would make a prohibited distribution of handbills on the premises punishable by a civil penalty as unfair competition under existing law.

Existing law makes it a misdemeanor for a person, and every agent or officer of any corporation, carrying on business as an innkeeper to refuse, without just cause, to receive and entertain any guest.

This bill would make certain exceptions with respect to guests who are minors, as specified.

Ch. 355 (SB 1288) Murray. Motor vehicle inspection and maintenance program.

(1) Existing law establishes a motor vehicle inspection and maintenance (smog check) program that, among other things, requires all motor vehicles, except for certain exempt vehicles, that are registered in designated areas of the state to biennially obtain a certificate of compliance or noncompliance with motor vehicle emission standards. Existing law provides that a certificate of compliance or noncompliance shall be valid for 90 days, except that if the certificate is issued to a licensed automobile dealer, the certificate shall be valid for 180 days.

This bill, until January 1, 2002, instead, would provide that a certificate issued to a licensed motor vehicle dealer shall be valid for a 2-year period, or until the vehicle is sold

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and registered to a retail buyer, whichever occurs first. The bill would specify that a licensed motor vehicle dealer is responsible for having a smog check inspection performed on, and a certificate of compliance or noncompliance issued for, every motor vehicle offered for retail sale. Because other provisions of law would make a violation of this requirement 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. 356 (AB 880) Dutra. Emergency services: communications.

Under the California Emergency Services Act, the Office of Emergency Services, under its director, is required to coordinate the emergency activities of all state agencies in connection with a state of emergency.

This bill would require the office to procure mobile communication translators to enable mutual-aid emergency response agencies to communicate effectively while operating on incompatible frequencies. The office would be required to implement these provisions to the extent that funds are appropriated for that purpose.

Ch. 357 (AB 1399) Wayne. State civil service: demonstration projects.

Existing law authorizes the State Personnel Board, directly or through agreement or contract with one or more agencies and other public and private organizations, to conduct and evaluate demonstration projects to determine whether a specified change in personnel management policies or procedures would result in improved state personnel management. Existing law prohibits supervisory employees from being included in a demonstration project unless there has been an opportunity for the employees and employee organizations to meet and confer with the employer.

This bill would instead prohibit supervisory employees from being included in a demonstration project unless there are written agreements with respect to the project between the affected state agency and all verified supervisory employee organizations that represent supervisory employees covered by the project.

Ch. 358 (SB 77) Murray. Workers' compensation: death benefits: statute of limitations.

Existing law specifies the time period within which various proceedings may be commenced under provisions of law relating to workers' compensation. In general, a proceeding to collect death benefits is required to be commenced within one year from the date of death or, in some cases, from the last furnishing of benefits. However, no proceedings may be commenced more than 240 weeks from the date of injury.

This bill would enact the Cliff Ojala Death Benefits Act, which would require that a proceeding to collect those benefits for the death of a health care worker, public safety employee, or certain correctional peace officers from an HIV-related disease be commenced within one year from the date of death, provided that certain events have occurred.

The bill would make legislative findings and declarations.

Ch. 359 (SB 286) C. Wright. Residential care facilities for the elderly.

Existing law provides for the licensure of residential care facilities for the elderly by the State Department of Social Services. Existing law requires the department to secure a criminal record on the applicant and specified persons, including certain volunteers or any staff person or employee who has frequent and routine contact with the clients, before issuing a license to any person or persons to operate or manage a residential care facility for the elderly.

This bill would apply the criminal record clearance requirements to a staff person, volunteer, or employee whether or not they have frequent and routine contact with the clients. The bill would exempt from the criminal record clearance requirement, under specified circumstances, certain friends and family members, volunteers, 3rd-party contractors and other business professionals, licensed or certified medical professionals,

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and other specified individuals. The bill would also extend application of the criminal record clearance requirements to certain officers of the governing body of the applicant and other persons with a financial interest in the applicant.

Ch. 360 (SB 742) Brulte. Secretary of State: Local Government Records Program.

Existing law authorizes the governing body of a county or city, with the consent of the Secretary of State, to transfer to the Secretary of State for inclusion in the State Archives official items that it deems have historic interest or value and that are in the custody of any officer or county or city.

This bill would require the Secretary of State to establish the Local Government Records Program, to be administered by the State Archives, for the purpose of establishing guidelines for local government records retention and providing archival support to local agencies in this state. The bill would require the Secretary of State to establish, publish, update, and maintain on a permanent basis guidelines for local government records retention. The bill would provide that the program is primarily responsible for the performance of specified functions.

This bill would appropriate $40,000 to the Secretary of State's office to carry out this program.

Ch. 361 (AB 563) Honda. Sales and use taxes: exemptions: animal shelter or nonprofit animal welfare organization: transfer of animal.

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. That law provides various exemptions from that tax.

This bill would enact the Pet Adoption Sales and Use Tax Relief Act of 1999, which would exclude from the terms "sale" and "purchase," and thereby exempt from state and local sales and use taxes, any animal when transferred by a city, county, city and county, or other local government animal shelter or nonprofit animal welfare organization, as specified, to an individual for use as a pet.

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 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, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

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

Ch. 362 (SB 497) Rainey. Redevelopment law: major violations: actions.

The Community Redevelopment Law requires a redevelopment agency to file with the Controller and present to its legislative body an annual report within 6 months of the end of the agency's fiscal year containing an independent financial audit that includes an opinion of the agency's compliance with laws, regulations, and administrative requirements governing the activities of the agency, and subjects officers of the agency to specified monetary forfeitures for failure to comply. The Controller is required to compile and annually publish reports of the financial transactions of each community redevelopment agency. Existing law provides for the filing of a writ of mandate to compel the performance of a duty by a public entity.

This bill would require the agency to inform the legislative body of any major violations, as defined, of the Community Redevelopment Law based on the independent financial audit, and would require the Controller to compile, on or before April 1 of each year, a list of the agencies that appear to have major violations. The bill would also require the Controller to determine, on or before June 1 of each year, whether the agency has corrected the major violation. If the Controller determines that agencies have not corrected major violations, the bill would require the Controller to send a list of those

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agencies and their major violations to the Attorney General for action pursuant to the bill. The bill would require the Attorney General to determine whether to file an action to compel compliance with these provisions. The bill would require the court to conduct specified hearings and if it finds good cause to believe there is any uncorrected major violation, to order the agency to comply within a specified period and to prohibit, by order, specified actions by the agency until the court determines that the violation is corrected, at which time the court may dissolve the order.

Ch. 363 (AB 154) Cunneen. Criminal law.

Existing law provides for a motion to disqualify a district attorney from performing an authorized duty, and provides that the motion may not be granted unless the evidence shows that a conflict of interest exists that would render it unlikely that the defendant would receive a fair trial.

The bill would revise procedural requirements applicable to the motion. It would require the notice to be made at least 10 court days before the motion is heard. It also would require the motion to set forth grounds for disqualification, and be supported by affidavits. The bill would authorize the district attorney or Attorney General to file affidavits in opposition, and would require the court to review those affidavits and determine whether or not an evidentiary hearing is necessary. It would also provide that if the motion is brought at or before the preliminary hearing, it may not be renewed in the trial court on the basis of facts that were raised or could have been raised at the time of the original motion.

Ch. 364 (AB 376) Floyd. Weights and measures: device repair: service agencies.

(1) Existing law provides a comprehensive scheme for the regulation of device repairmen, defined as persons who engage in the business of installing, adjusting, servicing, or repairing commercial weighing or measuring devices, as defined. Existing law makes it unlawful to engage in that business unless registered with the Director of Food and Agriculture, as specified.

This bill would revise and recast those regulatory provisions and, among other things, provide for the registration of service agencies, defined to mean any person that repairs a commercial device, designed to be used for determining weight or measure. The bill would set forth certain registration requirements for service agencies, provide for a written examination for the licensing of service agents on and after January 1, 2001, establish a 7-member advisory committee, and prescribe the grounds and procedures for the denial, suspension, or revocation of a service agency's registration. The bill would require prescribed fees to accompany an application for service agency registration and would require those fees to be deposited in the Department of Food and Agriculture Fund, a continuously appropriated fund, thereby making an appropriation. Because, under existing law, a violation of these requirements would be a crime, the bill would impose a state-mandated local program by creating new crimes.

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

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

Ch. 365 (SB 342) McPherson. Bipartisan Commission on the Political Reform Act.

The existing Political Reform Act of 1974, an initiative measure, prescribes various limitations and reporting requirements respecting, among other things, political campaign contributions. Existing law provides for the Bipartisan Commission on the Political Reform Act of 1974 with a prescribed membership. The commission is required to investigate and assess the effect of the Political Reform Act of 1974 on core political speech protected by the First Amendment to the United States Constitution, and on candidates for public office, campaign committees, the voters, state and local officials, and public employees, including the act's effect upon communications to and from public officials. The commission is required to review any ballot measures affecting the Political Reform Act of 1974 and to assess the impact of independent expenditure committees. The commission is required to report to the Legislature, by October 1, 1999,

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its findings and any recommendations to further the goals of the act. Commission members are entitled to receive $100 per diem compensation for attendance at meetings. These provisions relating to the commission are repealed on January 1, 2000, unless extended by statute.

This bill would extend that repeal date to January 1, 2001, and would extend the date on or before which the commission is required to report its findings to the Legislature to June 30, 2000.

Under existing law, no more than 3 members of the commission may be attorneys at law who devote more than 10% of their professional practice time to legislative, political campaign, or other politically related activities.

This bill would limit that restriction to members of the commission who are appointed by elected officials.

Ch. 366 (AB 184) Davis. Employment: hazardous materials safety data filing.

Under existing provisions of the Hazardous Substances Information and Training Act, the Director of Industrial Relations is required to prepare and amend, as prescribed, a list of hazardous substances and make that list available to manufacturers, employers, and the public. Existing law requires the manufacturer of any hazardous substance on that list to provide a specified material safety data sheet (MSDS) to direct purchasers of the hazardous substance. Under existing law, the manufacturer is responsible for preparing the MSDS. Existing law also requires the preparer of an MSDS to provide the Department of Industrial Relations with a copy of the MSDS on each hazardous substance it manufactures.

This bill would authorize the preparer to transmit the MSDS to the department in either paper or electronic form and would establish the responsibility for the protection of trade secret information contained in a MSDS that is filed electronically.

The bill would require the department to implement a system, for the period of January 1, 2002 to January 1, 2003, inclusive, enabling electronic MSDS filings and require the department to evaluate the effectiveness of the electronic filing format on relevant parties. The bill would prohibit implementation of its provisions before July 1, 2001, unless otherwise authorized pursuant to a specified executive order.

Ch. 367 (AB 207) Thomson. Invasion of privacy: recording communications: harassment.

Under existing law, nothing in provisions prohibiting the wiretapping of, eavesdropping on, or recording of confidential communications between cordless, cellular, or landline telephones, as specified, prohibits one party to a confidential communication from recording the communication for the purpose of obtaining evidence reasonably believed to relate to the commission by another party to the communication of the crime of extortion or other specified crimes.

This bill would provide, in addition, that notwithstanding those provisions, and in accordance with federal law, upon the request of a victim of domestic violence who is seeking a domestic violence restraining order, a judge issuing the order may include a provision in the order that permits the victim to record any prohibited communication made to him or her by the perpetrator. The bill would require the Judicial Council to amend its domestic violence prevention application and order forms in accordance with the provisions of the bill.

Ch. 368 (AB 669) Vincent. Election procedures.

Existing law provides that a voter using an absentee ballot may, prior to the close of the polls on election day, vote the ballot at the offices of the elections official and requires the voter to vote the ballot in the presence of any officer of the elections official or in a voting booth, as specified.

This bill would authorize elections officials to provide electronic voting devices for this purpose provided that sufficient devices are provided to include all ballot types in the election.

Ch. 369 (AB 1106) Committee on Human Services. Developmental services: regional center alternatives for service delivery.

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

Existing law requires services to be provided to persons with developmental disabilities through the State Department of Developmental Services, and through regional centers with whom the department contracts to provide, or arrange for the provision of, services.

Under existing law, regional centers may explore and implement described regional center service delivery alternatives under certain conditions. Existing law provides for the repeal of these provisions relating to alternative service delivery on January 1, 2000.

This bill would delete that repeal date, thereby extending the authorization for use of service delivery alternatives by regional centers.

Ch. 370 (AB 1170) Frusetta. Fairs.

(1) Existing law generally provides that all revenues distributed to the state as license fees from horse racing are to be deposited into the Fair and Exposition Fund and are continuously appropriated to the Department of Food and Agriculture for various regulatory and general governmental purposes. Existing law also provides that any unallocated balance in the fund is appropriated without regard to fiscal years for allocation by the Secretary of Food and Agriculture for capital outlay to California fairs, for fair projects involving public health and safety, major and deferred maintenance, for fair projects required due to any emergency, physical changes to the fair site, or need to protect the fair property or installation, and for the acquisition or improvement of any property or facility that will serve to enhance the operation of the fair.

This bill would provide that a portion of the money subject to allocation by the secretary under these provisions may be allocated to California fairs for general operational support. By authorizing the expenditure of continuously appropriated funds for a new or expanded purpose, this bill would make an appropriation.

(2) Existing law provides that it is the intent of the Legislature that the moneys to be allocated by the secretary be used primarily for those fairs whose sources of revenue may be limited.

This bill would make this intent language applicable only to the portion of the moneys allocated for general operational support.

(3) Existing law provides that the 22nd District Agricultural Association may expend up to $500,000 annually for the operation of a fair from the money received by the district from a lease of district property for horse racing purposes. Existing law also provides that any money received by the district in excess of this amount may either be expended in furtherance of a specified master plan, accumulated for that purpose, or transferred to the General Fund upon executive order of the Director of Food and Agriculture.

This bill would provide that the district may expend up to $750,000 annually for the operation of a fair, and that any funds thereby received in excess of this amount may be allocated as provided for in existing law.

Ch. 371 (SB 1247) Escutia. CalWORKs: electronic benefits transfer.

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families.

Existing law permits a county to elect to deliver CalWORKs benefits through the use of an electronic benefits transfer system.

This bill would require that when CalWORKs benefits are delivered pursuant to electronic benefits transfers, benefits shall be staggered over a period of 3 calendar days, unless a county requests a waiver from the department and the waiver is approved, or except in cases of hardship.

Existing law requires counties to provide multiple electronic benefits transfer cards to adult members of a household or assistance unit under certain circumstances.

This bill would instead require counties to provide one card to each adult member of a household or assistance unit.

Since the bill would impose requirements on each county, the bill would create a state-mandated local program.

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

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 372 (SB 1304) Committee on Environmental Quality. Environmental laboratories.

Existing law authorizes the certification and regulation of environmental laboratories by the State Department of Health Services. Existing law also requires the department to adopt regulations governing the administration of these provisions, including, among other things, regulations regarding application criteria for acceptance and approval of 3rd-party laboratory accreditation organizations.

This bill would revise these provisions to require laboratories to obtain a certificate pursuant to statutory requirements, and would further authorize those laboratories to apply for accreditation under the National Environmental Laboratory Accreditation Program (NELAP). This bill would revise references to 3rd-party laboratory accrediting organizations to instead refer to approved 3rd-party laboratory accrediting organizations (ATPLAO's). This bill would define additional terms relating to certification and accreditation of environmental laboratories and ATPLAO's. This bill would require that NELAP accreditation by another jurisdiction be recognized for out-of-state laboratories with regard to certain program activities.

This bill would require the department, when NELAP standards are adopted by the National Environmental Laboratory Accreditation Conference (NELAC), to adopt or amend the regulations relating to environmental laboratories as necessary to enable California environmental laboratories to participate in the National Environmental Laboratory Accreditation Program.

Existing law provides that a certificate issued by the department expires 24 months from the date of issuance unless renewed.

This bill would provide that the period of accreditation of a NELAP accredited laboratory shall be 12 months, and would require notification of the accrediting authority of changes in location or laboratory director.

This bill would revise the standards for the acceptance and approval of approved 3rd-party laboratory accrediting organizations (ATPLAO's), and would revise the authority of the department to adopt regulations regarding, among other things, NELAP accreditation, and accreditation of ATPLAO's. This bill would clarify and revise the required time periods for certain notifications relating to sale of a laboratory, change of location, or change of the director, and regarding forfeiture of certificates.

This bill would revise the grounds for denial and the procedures for denial, suspension, or revocation of laboratory certificates or NELAP accreditation. This bill would require laboratories that apply for NELAP accreditation to pay, at the time of application, and annually thereafter, a base fee and fees for each field of testing for which the laboratory seeks accreditation, and would authorize the adjustment of those fees in accordance with specified provisions of existing law.

Existing law authorizes the department and its duly authorized representatives to enter and inspect certified laboratories, and provides that it is a misdemeanor for any person to prevent, interfere with, or attempt to impede in any way, such an inspection.

This bill would also authorize the denial or revocation of a certification, or NELAP reaccreditation for refusing entry for an announced or unannounced inspection or refusal of permission to inspect records during normal business hours.

Existing law requires certified laboratories to analyze performance evaluation samples when applying for certification or renewal of certification.

This bill would require the immediate revocation of the certification or NELAP accreditation of a laboratory that submits proficiency testing samples generated by another laboratory as its own. This bill would require NELAP accredited laboratories to analyze proficiency testing samples not less than twice a year.

Existing law authorizes the imposition of criminal penalties for certain offenses relating to certified laboratories.

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This bill would make those penalties applicable to NELAP accredited laboratories, 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. 373 (AB 74) Strom-Martin. Transportation: State Rail Plan.

Existing law requires the Department of Transportation to prepare a 10-year rail passenger program biennially for submission to the Legislature, the Governor, the Public Utilities Commission, and the California Transportation Commission. The plan is required to include prescribed elements.

This bill, instead, would require the department to submit a State Rail Plan consisting of a passenger rail element and a freight rail element and would prescribe the items required to be included in each element.

Ch. 374 (AB 117) Mazzoni. School district governing boards: contracts.

Under existing law, the governing board of a school district may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which school districts are established.

This bill would prohibit the governing board of a school district from entering into a contract that grants exclusive advertising rights, or grants the right to the exclusive sale of carbonated beverages, throughout the district to a person, business, or corporation unless the governing board of the school district has adopted a policy after a public hearing to ensure that the district has internal controls in place regarding the expenditure of public funds. The bill would also prohibit the governing board from entering a contract that prohibits a school district employee from disparaging the goods or services of the party contracting with the board. The bill would prohibit the governing board of a school district from entering into a contract, or from permitting a school within the school district from entering into a contract, for an electronic product or service that requires the dissemination of advertising to pupils unless the governing board of the school district enters into the contract at a noticed public hearing, provides written notice to parents or guardians of pupils regarding that the advertising will be used in the classroom, permits a parent to request that the pupil not be exposed to the program containing the advertising, and makes certain findings that the electronic product or service is or would be an integral component of the education of pupils and that the school district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to pupils.

This bill would allow a school district to sell advertising products, or services on a nonexclusive basis.

Ch. 375 (AB 261) Lempert. Pharmacists.

Existing law authorizes a pharmacist to perform certain procedures or functions as part of the care provided by a health care facility, a licensed home health agency, a licensed clinic, as specified, or a provider under contract with a health care service plan, in accordance with policies, procedures, or protocols of that facility, home health agency, licensed clinic, or health care service plan. Those policies, procedures, or protocols must meet specified standards.

This bill would additionally authorize a pharmacist to perform those procedures or functions in accordance with the policies, procedures, or protocols of a physician. The bill would also revise the standards for those policies, procedures, and protocols to require that, at a minimum, they require that the medical records of the patient be available to both the patient's prescriber and the pharmacist and that the procedures to be performed by the pharmacist relate to a condition for which the patient has first been seen by a physician. The bill would also make a conforming change.

Ch. 376 (AB 327) Gallegos. Vehicles: license plates: lien sales.

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Existing law provides procedures for the sale of a vehicle at a lien sale and makes that sale void unless the lienholder complies with those procedures and other provisions relating to liens.

This bill would require, following the sale of a vehicle at a lien sale, the lienholder to remove and destroy the vehicle's license plates and, within 5 days of that sale, submit a completed notice of "Release of Liability" form to the Department of Motor Vehicles, which the department would be required to retain that form for 2 years.

Ch. 377 (AB 339) Runner. Rim of the Valley Trail Corridor: boundary revisions.

Existing law required the Santa Monica Mountains Conservancy to prepare a coordinated trail development plan and recreational access program for the Rim of the Valley Trail Corridor, as specified, and to submit the plan and program to specified committees of the Legislature not later than June 30, 1990, and authorized the conservancy to make minor boundary changes in the Rim of the Valley Trail Corridor in the form of maps and descriptions to be included in the plan and to be submitted to the Secretary of State not later than July 31, 1990.

This bill would provide that, if the conservancy determines, based on relevant scientific information and land use planning studies, that a revision of the boundaries of the Rim of the Valley Trail Corridor in the vicinity of Placerita Canyon State Park east of State Route 14 is necessary, the executive director of the conservancy would be required to prepare and file with the Secretary of State, the Assembly Committee on Natural Resources, and the Senate Committee on Natural Resources and Wildlife, a revised map showing the changes in the boundaries of the Rim of the Valley Trail Corridor. The bill would specify that nothing in those provisions shall be interpreted to affect any portion of Elsmere Canyon, or to have an effect on the decisions whether or not to permit Elsmere Canyon as a solid waste facility, as specified.

Existing law provides that the State Coastal Conservancy has the prime responsibility for carrying out projects identified in certified local coastal programs for jurisdictions within the coastal zone portion of the Santa Monica Mountains Zone.

This bill would provide that notwithstanding those provisions, the provisions added by the bill would not affect the jurisdiction of the coastal conservancy.

Ch. 378 (AB 405) Knox. Highways: construction: contracts.

Existing law authorizes the Department of Transportation to make and enter into, in the manner provided by law, any contracts required for the performance of its duties.

This bill would authorize the department to conduct a pilot project to let design-sequencing contracts, as defined, for the design and construction of no more than 6 transportation projects, to be selected by the Director of Transportation. The bill would require the department to prepare a yearly status report on its contracting methods, procedures, costs, and delivery schedules and, upon completion of all design-sequencing contracts, to establish a peer review committee for preparation of a report for submittal to the Legislature that describes and evaluates the pilot project. The bill would require the design-sequencing contracts to be awarded in accordance with specified procedures.

The bill would specify that its provisions shall become inoperative on July 1, 2004, and as of January 1, 2005, would be repealed.

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

Ch. 379 (AB 422) Steinberg. Instructional materials: disabled students.

Under existing law, a publisher or manufacturer of instructional materials offered for adoption or sale in California is required to comply with specified requirements, including providing to the state, at no cost, the right to transcribe, reproduce, and distribute the material in braille, large print, recordings, or other accessible media for use by pupils with visual disabilities. This right includes computer diskette versions of instructional materials if made available to any other state, and those corrections and revisions as may be necessary.

This bill would require every individual, firm, partnership or corporation publishing or manufacturing printed instructional materials, as defined, for students attending the University of California, the California State University, or a California Community College to provide to the university, college, or particular campus of the university or

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college, for use by students at no additional cost and in a timely manner, any printed instructional material in unencrypted electronic form upon the receipt of a written request, provided that the university or college complies with certain conditions.

This bill would require that the computer files or electronic versions of printed instructional material maintain their structural integrity, as defined, be compatible with commonly used braille translation and speech synthesis software, and include corrections and revisions as may be necessary.

This bill would authorize the Chancellor of the California Community Colleges, the Chancellor of the California State University, and the President of the University of California to each establish one or more centers within their respective segments to process requests for electronic versions of instructional materials, as prescribed.

This bill would also require an individual, firm, partnership or corporation that publishes or manufactures nonprinted instructional materials for students attending the University of California, the California State University, or a California Community College to provide computer files or other electronic versions of the nonprinted instructional materials for use by students, subject to the same conditions for printed instructional materials, when technology is available to convert these nonprinted instructional materials to a format that maintains the structural integrity of the nonprinted instructional material that is compatible with braille translation and speech synthesis software.

This bill would provide that willful failure to comply with these requirements would be subject to sanctions under the law relating to full and equal access of disabled persons to public accommodations.

Ch. 380 (AB 423) Dutra. Fire protection: roofing materials.

(1) Existing law requires every new structure, and every existing structure when 50% or more of the roof area is reroofed within a one-year period, to have a fire retardant roof covering that is at least class A, B, or C, as specified. The State Building Standards Commission was required to incorporate these requirements by publishing them on January 1, 1995, as an amendment to the California Building Standards Code.

This bill instead would require the entire roof covering of every existing structure where more than 50% of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, to be a fire retardant roof covering that is at least class A, B, or C, as specified. It would require the commission to incorporate these requirements by publishing them as an amendment to the California Building Standards Code.

(2) Existing regulations of the Insurance Commissioner relating to adjustment and settlement of certain losses based on replacement cost require that when a loss requires replacement of items and the replaced items do not match in quality, color, or size, the insurer shall replace all items in the damaged area so as to conform to a reasonably uniform appearance.

This bill would require the commissioner to accept the use of fire retardant wood roofing that meets the requirements described in (1) above as meeting that replacement requirement.

Ch. 381 (AB 471) Scott. Teacher credentialing.

Existing law requires the governing board of a school district to employ for positions requiring certification qualifications only persons who possess the qualifications for those positions. Existing law authorizes the Commission on Teacher Credentialing to waive provisions governing the preparation or licensing of educators for certain purposes, including to provide a credential candidate additional time to complete a credential requirement, to allow a school district or school to implement an education reform or restructuring plan, and when deemed appropriate by the commission. Existing law authorizes the commission to issue or renew emergency teaching or specialist permits if certain conditions are met and requires the holder of an emergency permit, among other things, to participate in ongoing training, coursework, or seminars designed to prepare the individual to become a fully credentialed teacher or other educator in the subject area in which he or she is assigned to teach or serve.

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This bill would require the commission to report annually to the Legislature and the Governor on the number of classroom teachers who received credentials, internships, and emergency permits in the previous fiscal year and to make this report available to school districts and county offices of education to assist them in the recruitment of credentialed teachers. The bill would also require the commission to include in the report the total number of teacher credentials recommended by all accredited teacher preparation programs authorized by the commission and that number broken down by the type of institution making the recommendation.

This bill would authorize the commission to approve a school district request for the assignment of an individual pursuant to the commission's waiver and emergency permit authority if the district has made reasonable efforts to recruit a fully prepared teacher, as defined, for the assignment with first priority given to candidates who will complete initial preparation requirements within a matter of months and second priority to a candidate who is enrolled in an approved internship program in the region of the school district. If a suitable individual who meets either of those 2 priorities is not available to the school district, the bill would then authorize a school district, as a last resort, to request approval for the assignment of a person who does not meet that criteria.

Ch. 382 (AB 501) Nakano. Criminal procedure: career criminal prosecutions.

Existing law authorizes the court to grant a continuance of a criminal trial only for good cause, and convenience of the parties does not in itself constitute good cause. Existing law also requires the superior court, when scheduling a trial date at an arraignment in cases of specified offenses, to make reasonable efforts to avoid setting that trial on the same day that another trial is set involving the same prosecuting attorney.

In addition, under existing law, a prosecutor assigned a criminal case that is prosecuted under the Career Criminal Prosecution Program is required to make all reasonable efforts to reduce the time between the arrest for and disposition of the charge, perform all court appearances on that particular case, and is prohibited from negotiating a plea agreement with the defendant except in limited circumstances.

This bill would require the superior court when scheduling a trial date at an arraignment in a case prosecuted pursuant to the Career Criminal Prosecution Program, to make reasonable efforts to avoid setting the trial on the same day that another trial is set involving the same prosecuting attorney. This bill would also expand the grounds for good cause for a continuance of a trial to include a case prosecuted pursuant to the Career Criminal Prosecution Program where the prosecuting attorney assigned to the case has a hearing in that court or another court on a different case. Under these conditions, the bill would authorize the court to grant only one continuance per case, not to exceed 10 days.

This bill would incorporate additional changes in Section 1050 of the Penal Code proposed by SB 69, to be operative if SB 69 and this bill are both enacted and become effective on or before January 1, 2000, and both bills are enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 383 (AB 526) Zettel. Hearsay exceptions: elder and dependent adults.

Existing law, the hearsay rule, generally excludes from evidence a statement that was made other than by a witness while testifying at a hearing if that statement is offered to prove the truth of the matter stated.

This bill would create an exception to the hearsay rule for certain statements of specified elder and dependent adults who are victims of abuse, as specified.

Ch. 384 (AB 535) Reyes. Telecommunications: services.

Existing law requires telephone corporations to provide specified customer and subscriber services.

This bill would require a local exchange service provider that offers and charges for pay per use features that do not require an access code to be dialed to activate the service to provide a new residential subscriber, including an existing residential customer ordering an additional line, during the verbal service order process, with information about those features. The bill would require the representatives of a provider to offer that subscriber blocking options for these features. The bill would require a local exchange

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service provider that offers these features to advise an existing residential subscriber who inquires about the features, or who seeks a bill adjustment for the inadvertent or unauthorized use of those per use custom calling features, that the features can be blocked, and to inquire as to whether the subscriber would like to block any or all of the features. The bill would require a local exchange service provider that offers these features to provide a prescribed notice to all existing residential subscribers not later than May 1, 2000, describing all features provided on a per use basis, the charge for each activation, any additional charges, and detailed information about the ability to block these features. The bill would provide that a local exchange service subscriber that has not blocked per use features is entitled to a one-time bill adjustment, as specified.

Ch. 385 (AB 577) Honda. Credit unions.

Existing law, the California Credit Union Law, provides for the regulation of credit unions by the Commissioner of Financial Institutions. Existing law provides that a credit union organized and duly qualified as a credit union in another state may become a credit union organized and operating under the laws of this state if in compliance with certain specified requirements.

This bill would specifically state that a credit union doing business in this state is not prohibited from expanding or doing business in other states, countries, or foreign jurisdictions.

The bill would require the Commissioner of Financial Institutions to submit to the appropriate policy committees in each house of the Legislature on or before January 30, 2000, recommendations for a comprehensive statutory framework to permit foreign credit unions to operate in this state and to provide for the regulation and supervision of foreign credit unions operating in this state.

Ch. 386 (AB 685) Thomson. Accessibility standards: blind and visually impaired.

Existing law imposes various requirements relating to access to buildings by persons with disabilities, including provisions in the California Building Standards Code, and makes the issuance of a building permit subject to compliance with those standards.

The bill would require that all detectable warning products and directional surfaces installed after January 1, 2001, be approved by an independent entity selected by the Department of General Services, Division of the State Architect, in consultation with the Department of Housing and Community Development when the products and surfaces may be mandated for use in residential housing, and that the Division of the State Architect impose fees to recover administrative and code development costs, as necessary, to develop standards and administer the registration and approval program. The fees would be paid by manufacturers of detectable warning products and directional surfaces.

Ch. 387 (AB 762) Briggs. Property tax deferral: temporary reimbursement.

Existing law authorizes a county board of supervisors to provide by ordinance for the reassessment of property that is damaged or destroyed, without fault on the part of the assessee, by a major misfortune or calamity, upon the application of the assessee or upon the action of the county assessor with the board's approval. In a county that has adopted a reassessment ordinance and has been proclaimed by the Governor to be in a state of emergency, existing law authorizes an owner of substantially damaged property, reassessed pursuant to the county's ordinance, to apply to the county assessor for the deferral of (a) the next property tax installment due on the regular tax roll after the relevant disaster, and (b) unpaid, nondelinquent current year taxes on the supplemental property tax roll. Existing law provides, in accordance with specified procedures, for the state's reimbursement of a county for amounts of tax deferred with respect to damaged properties under this authority, and for a county's return to the state of reimbursed amounts after that county's collection of the deferred taxes. Existing law also continuously appropriates, without regard to fiscal years, moneys in the Special Fund for Economic Uncertainties for purposes of funding these state reimbursements. Existing law additionally authorizes a county to adopt an ordinance providing for a second deferral of a previously deferred regular property tax installment with respect to a

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substantially damaged property, and for the first deferment of the next following regular property tax installment with respect to the same property. Existing law prohibits the application of existing reimbursement and return provisions to tax amounts that are deferred by a county pursuant to this additional authority.

This bill would, as provided, apply current state reimbursement and county return provisions to amounts of property tax on the regular property tax roll with respect to damaged property that is the subject of additional assessor deferrals pursuant to ordinance. By requiring moneys continuously appropriated from the Special Fund for Economic Uncertainties to be allocated for the new purpose of reimbursing counties for these additional tax deferrals, this bill would make an appropriation. This bill would also make nonsubstantive, clarifying changes.

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

Ch. 388 (AB 802) Dutra. Insurance policies: disclosure of finance charges.

Existing law requires any person engaged in business as an insurance agent or broker and who participates in the arrangement of a premium financing agreement and accepts compensation for arranging, directing, or performing services in connection with the premium financing agreement, to disclose to the insured, in a manner and form established by the Insurance Commissioner, the amount of that compensation, as specified.

This bill would require the amount of any periodic finance charge imposed for the coverage purchased and the annual percentage rate associated with those charges to be disclosed in the policy itself, or if arranged pursuant to a separate premium financing agreement in the premium financing agreement itself, and in the premium finance billings, with certain exceptions.

Ch. 389 (AB 810) Thomson. School finance: school attendance alternatives.

Existing law requires, as a condition for the receipt of school apportionments from the state school fund, that the governing board of a school district adopt rules and regulations establishing a policy of open enrollment within the district for residents of the district. Existing law requires a selection policy for a school that receives requests for admission in excess of the capacity of the school to ensure that selection of pupils to enroll in the school is made through a random, unbiased process but permits the policy to provide priority for attendance to siblings of children already in attendance in that school.

This bill would permit the policy also to provide priority to children whose parent or legal guardian is assigned to that school as his or her primary place of employment.

Ch. 390 (AB 939) Brewer. School facilities deferred maintenance.

Existing law establishes the State School Deferred Maintenance Fund which is continuously appropriated for the purposes for which it is established. Existing law requires the State Allocation Board to apportion, from the State School Deferred Maintenance Fund, a specified amount of funds to school districts on a 50% matching basis, to the extent funds are available.

This bill would require a governing board of a school district to discuss proposals and plans for expenditure of funds for the deferred maintenance of school district facilities at a regularly scheduled public hearing, and would require the board to report to the Legislature by March 1, in any year that the school district does not set aside prescribed funds for facility deferred maintenance, with copies to the Superintendent of Public Instruction, the State Board of Education, the Department of Finance, the State Allocation Board, and the public. By establishing these additional requirements, this bill would impose a state-mandated local program.

This bill would make a technical, nonsubstantive conforming change related to the reorganization of related provisions pursuant to Chapter 227 of the Statutes of 1996.

This bill would make technical changes to conform with AB 148 to be operative only if (1) AB 148 contains certain provisions, and (2) AB 148 is enacted and becomes effective on or before January 1, 2000.

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

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 391 (AB 942) Dutra. State Housing Law: enforcement.

(1) The State Housing Law authorizes a city or county enforcement agency to issue an order or notice to repair a building to the owner if the building is maintained in a manner that violates any provisions of this act, the building standards published in the State Building Standards Code, or any other rule or regulation promulgated pursuant to the act, and the violations are so extensive and of a nature that the health and safety of the residents or the public is substantially endangered.

This bill would require that a copy of the order or notice be provided either (a) by both posting a copy of the order or notice in a conspicuous place on the property and by first-class mail to each affected residential unit or (b) by posting the copy in a conspicuous place on the property and in a prominent place on each affected residential unit. The bill would also require that the order or notice contain specified information. By increasing the duties of local enforcement officials, the bill would impose a state-mandated local program.

(2) Existing law also requires that tenants in a residential building be provided notice of any violation of the provisions specified in (1) above that affects the health and safety of the occupants and renders the building untenantable, as well as be provided notice of an order of the code enforcement agency issued after inspection declaring a dwelling substandard, an enforcement agency's decision to repair or demolish, or the issuance of a building or demolition permit following the abatement order of an enforcement agency. This notice may be provided either by first-class mail to each affected unit or by posting a copy of the notice in a prominent place on the affected residential unit.

This bill instead would require this notice to be provided by posting a copy of the notice in a conspicuous place on the property.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 392 (AB 1062) Margett. Special education.

Existing law prohibits a diploma, certificate, or other document, except transcripts and letters of recommendation, from being conferred on a pupil as evidence of completion of a prescribed course of study or training, or of satisfactory attendance, unless the pupil has met the standards of proficiency in basic skills prescribed by the governing board of the high school district, or equivalent thereof. Existing related regulations require the award of a diploma to an individual with exceptional needs who meets public agency requirements for completion of a prescribed course of study and adopted proficiency standards.

This bill would authorize the award of a certificate or document of educational achievement to an individual with exceptional needs who meets certain criteria. The bill would also require that an individual with exceptional needs who meets the criteria for a certificate or document of educational achievement is eligible to participate in any graduation ceremony and any school activity related to graduation in which a pupil of similar age without disabilities would be eligible to participate.

The bill would require the Advisory Commission on Special Education, on or before July 1, 2000, to report to the State Board of Education, the Superintendent, the Legislature, and the Governor on the practice of awarding certificates or documents of educational achievement and diplomas to individuals with exceptional needs.

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Ch. 393 (AB 1234) Shelley. State bodies: open meetings: notice: violations.

(1) The Bagley-Keene Open Meeting Act requires, among other things, that notice of regular meetings of a state body be given to any person who requests that notice in writing.

This bill would require notice of a regular meeting of a state body also to be made available on the Internet, and would require the written notice to include the address of the Internet site where required notices are made available.

(2) Under the act, notice for special meetings of a state body is required to be provided to persons requesting that notice, and to be provided to the general public by placing it on appropriate electronic bulletin boards or other appropriate mechanisms, whenever the state body has the electronic capability necessary to do so. A state body holding a special meeting is required to make a specified finding in regard to the need for the special meeting.

This bill would delete the provisions regarding the placing of notice of a special meeting on electronic bulletin boards, and instead would require notice of the special meeting, and the finding in regard to the need for the special meeting, to be made available on the Internet. It would require the written notice to specify the address of the Internet site where required notices are made available.

(3) In the case of an emergency meeting by a state body, the act requires the presiding officer of the state body, or a designee thereof, to provide notice of the emergency meeting by telephone, if telephone services are functioning, to newspapers of general circulation and radio or television stations that have requested notice of meetings, one hour prior to the emergency meeting. The minutes of an emergency meeting and other specified information are required to be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

This bill would also require notice of the emergency meeting to be made available on the Internet as soon as is practicable after the decision to call the emergency meeting has been made, and would require the minutes of the meeting to be made available on the Internet for a minimum of 10 days.

(4) This bill would provide that the provisions described in (1) to (3), inclusive, shall not be implemented until July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to a specified executive order.

(5) The act authorizes the Attorney General, the district attorney, or any interested party to commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of the act, or to determine the applicability of the act to actions or threatened future actions by members of a state body.

This bill instead would authorize these actions for the purpose of stopping or preventing violations or threatened violations of the act, or determining the applicability of the act to past actions or threatened future actions by members of a state body.

The act also authorizes any interested person to commence such an action for the purpose of obtaining a judicial determination that an action taken by a state body in violation of certain provisions of the act is null and void. An action seeking such a judicial determination is required to be filed within 30 days of the date the action was taken.

This bill would change that filing period to 90 days.

This bill would declare the intent of the Legislature in making these changes to the act to supersede the decision of the California Supreme Court in Regents of the University of California v. Superior Court (Molloy) (1999) 20 Cal.4th 509.

Ch. 394 (AB 1546) Granlund. Local agency firefighters.

Existing law requires that whenever a fire protection district or a city fire department is dissolved or its territory is decreased in size by consolidation, merger, incorporation, annexation or other reasons and the fire agency taking over the duties of that district or department decides to hire more firefighters, the fire agency shall give first choice for those positions to firefighters at comparable ranks of the dissolved or decreased agency.

This bill would instead apply this requirement to special districts and joint powers agencies that provide fire protection as well as city fire departments.

Ch. 395 (SB 120) Ortiz. Hazardous substances.

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

Existing law authorizes the Department of Toxic Substances Control to expend the money in the Toxic Substances Control Account in the General Fund, upon appropriation by the Legislature, to pay for, among other things, removal and remedial actions related to the release of hazardous substances and the oversight of removal and remedial actions. Existing law authorizes the Attorney General to recover from the liable person, as defined, the costs incurred and payable from the account for removal or remedial actions to a hazardous substance release. Existing law requires a liable party who establishes, by a preponderance of evidence, that only a portion of those costs are attributable to that party's actions, to only pay for that portion of those costs.

This bill would prohibit the department from making any determination that a response action at the Western Pacific Avenue site in Sacramento is complete, until after the City of Sacramento has completed its land use planning process and all response actions necessary to conform to the approved land use plan are complete. The bill would exempt from this prohibition, any portion of the site acquired by the Sacramento Regional Transit District, in accordance with specified environmental documents.

Ch. 396 (SB 139) Johnson. Accidental death: concealment.

(1) Under existing law, every person who, having knowledge of the actual commission of a crime and under specified circumstances compounds or conceals that crime, is guilty of a crime punishable as follows:

(a) By imprisonment in the state prison, or in a county jail not exceeding one year, where the crime was punishable by death or imprisonment in the state prison for life.

(b) By imprisonment in the state prison, or in a county jail not exceeding 6 months, where the crime was punishable by imprisonment in the state prison for any other term than for life.

(c) By imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding $1,000, where the crime was a misdemeanor.

This bill would provide that every person who, having knowledge of an accidental death, actively conceals or attempts to conceal that death, shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not less than $1,000 nor more than $10,000, or by both that fine and imprisonment. Because this bill would create a new crime, it would impose a state-mandated local program.

The bill also would define the phrase "to actively conceal an accidental death."

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory 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 (SB 176) Knight. School attendance.

(1) Existing law authorizes the governing board of any school district to admit pupils residing in another school district to attend any school in that district. Existing law authorizes school districts of residence to limit the number of pupils newly transferring out each year based upon the district's average daily attendance. Existing law credits the school district of choice, as to pupils admitted to the school district under this authority, with a corresponding increase in average daily attendance for state apportionment purposes. Existing law prohibits the school district of residence from adopting policies that block or discourage pupils from applying for a transfer and permits the parent or guardian of a pupil who is prohibited from transferring to appeal the decision to the county board of education. Existing law provides that the governing board of a school district may, but is not required to, accept interdistrict transfers, and requires a governing board that elects to accept transfers to adopt a resolution to ensure that pupils admitted under the policy are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based upon his or her academic or athletic performance. Existing law provides that either the pupil's school district of residence, upon notification of the pupil's acceptance to the school district of choice, or the school district of choice may prohibit the transfer of a pupil under this article or limit the number of pupils so transferred if the governing board of the district determines that the transfer would negatively impact the court-ordered

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desegregation plan of the district or the voluntary desegregation plan of the district that meets certain criteria or the racial and ethnic balance of the district.

Under existing law, those provisions become inoperative on July 1, 2000, and are repealed as of January 1, 2001.

This bill would instead provide that these provisions become inoperative on July 1, 2003, and are repealed as of January 1, 2004. By extending the appeal duties of the county board of education under these provisions, this bill would impose a state-mandated local program.

This bill would require, on or before July 1, 2002, the Superintendent of Public Instruction to report to the Governor and the Legislature on the effectiveness of these provisions and to make recommendations regarding their continuation or modification.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 398 (SB 493) Figueroa. Taxpayer contributions: Birth Defects Research Fund.

Provisions relating to the administration of personal income taxes allow individual taxpayers to contribute amounts in excess of their tax liability for the support of specified funds.

This bill would additionally allow taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the Birth Defects Research Fund, which would be created by this bill. However, the bill would provide that a voluntary contribution designation for this fund shall not be added on the tax return until another voluntary contribution designation is removed, or until taxable years beginning on or after January 1, 2002, whichever occurs first.

This bill would provide that all money contributed to the fund pursuant to these provisions would be subject to appropriation by the Legislature, as specified.

This bill would also provide that these voluntary contribution provisions are repealed on January 1 of the fifth taxable year following the taxable year the fund first appears on the tax return. The provisions are repealed for taxable years beginning on or after January 1 of the calendar year in which the Franchise Tax Board estimates by September 1 that the contributions made on returns filed in that calendar year will be less than $250,000, and an adjusted amount for subsequent taxable years.

Ch. 399 (SB 1226) Johannessen. Dependent children: status review hearings.

(1) Existing law requires that reunification services be provided to the parent or guardian of a child who is removed from his or her custody on the basis of abuse or neglect. These services need not be provided under certain circumstances, including where the court has ordered a permanent plan of adoption, guardianship, or long-term foster care for any sibling or half-sibling of the child for specified reasons.

This bill would instead provide that those services need not be provided where the court ordered termination of reunification services for the sibling or half-sibling of the child for specified reasons.

(2) Existing law provides that at the status review hearing held 6 months after the initial dispositional hearing regarding a dependent child, the court is required to order the return of the child to the physical custody of his or her parent or guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. Existing law provides that the social worker has the burden of establishing that detriment, and that the failure of the parent or guardian to participate regularly in court-ordered treatment programs shall be prima facie evidence that return would be detrimental.

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This bill would provide that the failure of the parent or guardian to participate regularly and make substantive progress in court-ordered treatment programs would constitute prima facie evidence that return of the child to the physical custody of his or her parent or guardian would be detrimental to the child, as specified.

This bill would incorporate additional changes in Sections 361.5 and 366.21 of the Welfare and Institutions Code proposed by both AB 645 and AB 740, to be operative if this bill and one or more of the other bills are enacted and become effective January 1, 2000, and this bill is enacted last.

Ch. 400 (SB 1309) Baca. Teacher credentialing: emergency permits.

Existing law requires the Commission on Teacher Credentialing to establish standards for the issuance and renewal of teacher credentials and authorizes the commission to waive provisions governing the preparation or licensing of educators for certain purposes, including to provide a credential candidate additional time to complete a credential requirement, to allow a school district or school to implement an education reform or restructuring plan, and when deemed appropriate by the commission. Existing law authorizes the commission to issue or renew emergency teaching or specialist permits if certain conditions are met and requires the holder of an emergency permit, among other things, to participate in ongoing training, coursework, or seminars designed to prepare the individual to become a fully credentialed teacher or other educator in the subject area in which he or she is assigned to teach or serve.

This bill would require the commission to regularly notify local education agencies of the various provisions in current law that allow the assignment of personnel when a fully qualified teacher is not available and a substitute has served for the maximum days permitted by law.

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

Ch. 401 (AB 241) Cunneen. Hazardous waste codes.

(1) Existing law required the Department of Toxic Substances Control to revise, on or before December 31, 1998, the hazardous waste code identification system established in specified regulations so as to meet certain requirements, including requiring hazardous wastes regulated under the federal Resources Conservation and Recovery Act of 1976 (RCRA) to be identified by the RCRA hazardous waste code section, requiring hazardous wastes that are identified pursuant to the RCRA hazardous waste identification criteria, but that are not regulated under RCRA, to be identified by the RCRA code, and requiring non-RCRA hazardous waste to be identified by an identification code system consistent with the RCRA hazardous waste code system.

This bill would delete the requirement that the revised code identification system require hazardous wastes that are identified pursuant to the RCRA hazardous waste identification criteria, but that are not regulated under RCRA, to be identified by a RCRA code, and would instead prohibit the revised code system from requiring non-RCRA hazardous wastes to be identified by a RCRA hazardous waste code. The bill would also delete obsolete provisions regarding the procedures for the revision of those regulations.

(2) Existing law requires the department to allow for a reasonable transition period, not to exceed one year, for the public to comply with the revised hazardous waste code system. Existing law also requires the department to adopt a specified regulatory procedure for the amendment of specified permits, registrations, licenses, and certifications.

This bill would instead require the department to determine an operative date for the regulations establishing the revised system, which would be required to be set at a date no later than 3 years after the date the regulations are adopted and would allow the department to extend the operative date for up to an additional 2 years. The bill would require the regulatory procedure to apply to facilities on the operative date of the revised hazardous waste code system.

Ch. 402 (AB 734) Romero. Community colleges: finance.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes

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the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law requires the Chancellor of the California Community Colleges to calculate the revenue level of each community college district in accordance with a prescribed procedure.

This bill would require the Board of Governors of the California Community Colleges to report to the Legislature and the Governor on prescribed issues relating to community college financing, and to attempt to provide this report on or before January 15, 2000.

Ch. 403 (AB 791) Thomson. Healing arts: pain management.

Existing law regulates the practice of medicine, and sets forth curriculum requirements for all applicants for a physician's and surgeon's license.

This bill would add pain management and end-of-life care to the curriculum requirements for persons entering medical school on or after June 1, 2000.

Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. Under existing law, violation of these provisions is a misdemeanor.

This bill would require every health facility licensed pursuant to these provisions, as a condition of licensure, to include pain as an item to be assessed at the same time as vital signs are taken. By changing the definition of a 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. 404 (SB 637) Baca. Veterans .

(1) Existing law provides for the making of appointments to state civil service positions and specifies preferences for the appointment of disabled veterans' outreach program representatives in the following order: (a) a disabled veteran of the Vietnam era, (b) any other disabled veteran, and (c) any veteran.

This bill would revise that order of preference to (a) any disabled veteran and (b) any veteran. In addition, the bill would specify that for these purposes, "disabled veteran" and "veteran" have the same meaning as those terms are defined in a specified provision of federal law relating to the employment and training of veterans.

(2) Existing law establishes various educational benefits for dependents of veterans who were killed during military service or totally disabled, as specified.

Existing law entitles a veteran's dependent, who attained eligibility for benefits while under 21 years of age, to receive certain educational benefits until he or she attains the age of 27 years or until the training is no longer needed, whichever occurs first. Existing law excludes dependent widows from this limitation. Existing law, which is to be repealed on January 1, 2000, also excludes a veteran's spouse from this limitation.

This bill would delete the January 1, 2000, repeal date regarding a veteran's spouse, thereby excluding for an indefinite period a veteran's spouse from the above limitation for educational benefits.

Ch. 405 (AB 187) Hertzberg. Grant Information Act of 1999.

The Citizen Complaint Act of 1997 requires state agencies to make available on their Internet websites, on or before July 1, 1998, or within 6 months of the establishment of such a site, whichever is later, a plain-language form through which individuals can register complaints or comments relating to the performance of that agency. Existing law requires the Internet website to provide instructions on filing the complaint electronically, or the manner in which to download, complete, and mail the complaint to the state agency, or both.

This bill would establish the Grant Information Act of 1999 to authorize state agencies to make available on the Internet a listing of all grants administered by that agency, which would include specified information and provide instructions on filing grant applications electronically, or on the manner in which to download, complete, and mail

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grant applications to the state agency, or both. This bill would authorize each state agency to make available on the Internet any printed grant application form used by the agency to award grants that are administered by that agency. This bill would not be implemented until July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to a specified executive order.

Ch. 406 (AB 253) Thomson. Licensing.

Under existing law, all applicants for licensure as a marriage and family therapist who are pursuing a master's or doctor's degree are required to complete certain coursework as part of their graduate studies, with specified exceptions.

This bill would require an applicant, after January 1, 2001, to complete coursework in psychological testing and psychopharmacology, as specified. The bill would also provide that these provisions in no way expand or restrict the scope of licensure of a marriage and family therapist.

Ch. 407 (AB 653) Hertzberg. Residential mortgage lending.

Existing law defines a real estate broker to include persons who solicit borrowers or lenders for or negotiate loans or collect payments or perform services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity.

This bill would exclude from that definition persons employed by a real estate broker who, on behalf of the broker, assist the broker in meeting the broker's obligations to its customers in residential mortgage loan transactions, where the lender is an institutional lender, provided the employee does not participate in any negotiations between the principals. It would require a broker to exercise reasonable supervision and control over the activities of these unlicensed employees.

The California Residential Mortgage Lending Act regulates the making of residential mortgage loans by specified entities. Among other things, a residential mortgage lender licensed under the act may provide brokerage services to a borrower, as specified. A licensee is restricted to a percentage level of brokerage services.

This bill would delete that restriction.

Existing provisions of the act relative to authorizing brokerage services for borrowers, including a requirement that the Secretary of the Business, Transportation and Housing Agency conduct a study on or before December 31, 1999, on particular matters relating to those services, are to become inoperative June 30, 2001.

This bill would change the termination date of these brokerage services provisions to June 30, 2005, thus extending their operation and thereby maintaining the specific provisions requiring the preparation of the study. It would require preparation of an additional report on or before December 31, 2002, as specified.

Ch. 408 (AB 811) Keeley. Electrical restructuring.

The Public Utilities Act requires the Public Utilities Commission to recover uneconomic costs associated with electrical deregulation, including transition costs, as defined, to be allocated as prescribed. The act requires that individual customers not experience rate increases as a result of the allocation of transition costs.

This bill would require the commission to implement a methodology whereby the Power Exchange energy credit for a customer with a meter, installed on or after June 30, 2000, that is capable of recording hourly data is required to be calculated based on the actual hourly data for that customer. For customers with meters, as prescribed, installed before June 30, 2000, the bill would require the energy credit, on a one-time basis before June 30, 2000, to be based on either the actual hourly data for the customer or the average load profile for that customer class, as prescribed. This bill would require recovery of any costs of implementing the methodology of energy credit payment to be recoverable through rates for that customer class. The bill would provide that the methodology shall not result in any shifts in cost between customer classes and shall be consistent with a specified provision of existing law.

Ch. 409 (AB 925) Hertzberg. Conservatorships: statewide registry.

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Existing law sets forth a comprehensive body of law relating to conservatorship, whereby a conservator may be appointed for a person who is unable to properly provide for his or her personal needs for physical health, food, clothing, or shelter, or who is substantially unable to manage his or her own financial resources or resist fraud or undue influence, as provided. Existing law sets forth a comprehensive body of law relating to guardianship of the person or estate of a minor.

This bill would require the Department of Justice to maintain a Statewide Registry, to make all information in the registry available to the court for any purpose, and to make certain information available to the public on request. The bill would require all persons who wish to serve as a conservator or guardian or who are currently serving as a conservator or guardian to register or re-register with the Statewide Registry, except as provided. It would also require these conservators and guardians to file a signed declaration containing specified information. A person who asserts, pursuant to this provision, the truth of any material information which he or she knows to be false would be guilty of a misdemeanor punishable as specified. By creating a new crime, the bill would impose a state-mandated local program. The bill would authorize the Department of Justice to charge a reasonable fee to persons registering and re-registering with the Statewide Registry for the cost of that registration, and would require it to issue a certificate of registration. The bill would prohibit a court from appointing a person as a conservator or guardian unless that person is registered with the Statewide Registry, except as provided. The bill would provide liability for a civil penalty for specified fraudulent acts of a conservator or guardian. The bill would authorize trustees to register with the Statewide Registry. The bill would require a court clerk to forward a copy of any complaint filed with that court to the registry. By increasing the duties of local officials, 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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Ch. 410 (AB 1108) Committee on Human Services. Adult residential care facility: hospice care.

Existing law provides for the licensure and regulation of community care facilities, including residential facilities, by the State Department of Social Services.

Existing law defines a residential facility as a family home, group care facility, or similar facility determined by the director, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

This bill would authorize a residential facility that provides care to adults to obtain a waiver from the department to allow a resident who has been diagnosed as terminally ill by his or her physician or surgeon to remain in the facility when certain conditions exist.

Ch. 411 (AB 1433) Granlund. Certified nurse assistants.

Existing law provides for the certification of nurse assistants.

Existing law requires a health care practitioner to disclose his or her name and practitioner's license status in a specified manner. Under existing law, it is unlawful for any person to use the title "nurse" in reference to himself or herself and in any capacity with certain exceptions. Existing law provides that these provisions do not prohibit a certified nurse's aide from using his or her title.

This bill would instead provide that the above-described provisions do not prohibit a certified nurse assistant from using his or her title.

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The bill would require the State Department of Social Services, State Department of Mental Health, and the State Department of Health Services to develop and implement policies to ensure that health care practitioners in licensed facilities are in compliance with the above described provisions, as specified, and would require those departments to verify compliance through periodic inspections of the facilities.

Ch. 412 (AB 1454) Committee on Insurance. Hazard insurance.

Existing law prohibits a lender from requiring a borrower, as a condition of receiving or maintaining a loan secured by real property, to provide hazard insurance coverage against risks to the improvements, as defined, on that real property in an amount exceeding the replacement value of the improvements on the property.

This bill would require the lender, as of July 1, 2000, to disclose this fact to the borrower in writing, as soon as practicable, but before execution of any note or security document.

Ch. 413 (AB 1456) Scott. Credit insurance: rates.

Existing law governing insurance provides for the regulation of credit life insurance and credit disability insurance. Existing law requires the Insurance Commissioner to adopt regulations by January 1, 1994, specifying prima facie rates based upon presumptive loss ratios for each class of credit life, credit disability, joint life, and joint disability insurance, as specified.

This bill would extend from January 1, 1994, to January 1, 2001, the time requirement for the commissioner to adopt these rules, would change the rate requirements, as specified, and would expand the scope of the rules to also include credit unemployment, credit property, joint credit unemployment, and joint credit property insurance. This bill would require the commissioner to annually make available to the public actual annual loss ratios under these provisions. It would also make several related changes.

Ch. 414 (AB 1499) Lowenthal. Elder and dependent abuse reporting: training.

Existing law requires mandated reporters to report instances of abuse of elder or dependent adults.

This bill would specify that long-term health care facilities or communitycare facilities that provide care to adults shall provide training to their staff in recognizing and reporting elder and dependent adult abuse.

Ch. 415 (SB 60) Hayden. Metropolitan Water District of Southern California.

(1) The Metropolitan Water District Act authorizes the formation of metropolitan water districts and specifies the powers and purposes of a district.

This bill would require the Metropolitan Water District of Southern California to place increased emphasis on sustainable, environmentally sound, and cost-effective water conservation, recycling, and groundwater storage and replenishment measures, as prescribed, and, commencing February 1, 2001, to prepare and submit to the Legislature a prescribed annual report relating to water conservation. The bill would make related legislative findings and declarations.

The bill would require the district, in cooperation with specified entities, to participate in considering programs of groundwater recharge and replenishment, watershed management, habitat restoration, and environmentally compatible community development utilizing the resource potential of the Los Angeles River, the San Gabriel River, or other southern California rivers, including stormwater runoff from these rivers.

The bill would prohibit the district, and its member public agencies, from expending any public money for contracting with any private entity or person to undertake research or investigations with regard to the personal backgrounds or the statements of economic interest of, or the campaign contributions made to, elected officials who vote on public policies affecting the district, or advocacy groups or interested parties who may have matters pending before the board of the district or its member public agencies.

The bill would require the district to establish and operate an Office of Ethics and to adopt rules relating to internal disclosure, lobbying, conflicts of interest, contracts, campaign contributions, and ethics for application to its board members, officers, and employees, as prescribed. The rules would be required to address certain matters and would be required, for any association of individuals or entities that includes board

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members, officers, or employees of the district, or of a member public agency, which association is known by a name other than the Metropolitan Water District of Southern California or the name of a member public agency of the district, to prohibit any association structure or identification that is likely to mislead the public as to the association's true identity, its source of funding, or its purpose. The bill would require the office to adopt those rules for approval by the board of directors, to educate the board, staff, and contractors concerning those rules, and to investigate complaints concerning the violation of those rules. The bill would require the office to propose, and the board to adopt, a schedule of penalties for violations of those rules by board members, officers, staff, or contractors. The bill would prescribe related matters.

By imposing additional duties on the district, the bill would impose a state-mandated local program.

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

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

Ch. 416 (SB 134) Kelley. State government.

(1) Existing law provides that any person who maliciously or for commercial purposes uses or allows to be used any reproduction or facsimile of the Great Seal of the State in any manner whatsoever is guilty of a misdemeanor.

This bill would authorize the Golden Museum Store located in Sacramento and the Capitol Bookstore and Gift Shop located in the rotunda of the restored State Capitol Building, to use the Great Seal of the State for commercial purposes.

(2) Existing law requires the Secretary of State to administer, protect, develop, and interpret the Secretary of State and State Archives Building Complex for the use, education, and enjoyment of the public and authorizes the Secretary of State to enter into an operating agreement with a private, nonprofit, tax-exempt organization, currently known as the California Archives Foundation, as a public-private partnership, for the purpose of developing, administering, interpreting, and managing the State Archives Museum and related public services and for the purpose of acquiring and managing the funding for these programs and services.

Existing law also requires the Board of Trustees of the California Archives Foundation to submit an audit report to the Secretary of State annually, with copies to the Director of Finance and the Chairs of the Joint Legislative Audit Committee and the Joint Legislative Budget Committee, and requires an annual foundation business plan, and any proposed formal amendments to the plan, to be submitted to the Director of Finance and the Chair of the Joint Legislative Budget Committee by specified dates.

This bill would revise and recast these provisions to replace the California Archives Foundation with the Golden State Museum Public Benefit Corporation and would authorize the Secretary of State to designate any Assistant Secretary of State to serve on the board of trustees of the corporation. The bill would also require the corporation to operate the Golden State Museum under an operating agreement with the Secretary of State, delete the provisions relating to the public-private partnership of the California Archives Foundation and the State Archives, and authorize the corporation to support the programs and operations of the State Archives.

The bill would also make technical and conforming changes to these provisions.

Ch. 417 (SB 208) Polanco. Child abuse: dependency proceedings.

Under existing law, where a court in a dependency hearing finds that an injury, injuries, or detrimental condition sustained by a minor is of a nature as would ordinarily not be sustained except as the result of the unreasonable or neglectful acts or omissions of either parent, the guardian, or other person who has the care or custody of the minor, that evidence constitutes a presumption that the minor may be declared a dependent child of the court, as specified. Existing law, known as the Child Abuse and Neglect Reporting Act, requires a county probation department or welfare department, among others, to report by telephone and in writing to the district attorney, and others, every known or suspected instance of child abuse, as defined, subject to specified exceptions.

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This bill would provide that, where a court in a dependency hearing finds that either a parent, a guardian, or any other person who resides with, or has care or custody of a minor who is the subject of the dependency petition, has been previously convicted of sexual abuse, as defined, in this or another state; has been found in a prior dependency hearing, as specified, to have committed an act of sexual abuse; or is required, as a result of a felony conviction, to register as a sex offender, that finding shall be prima facie evidence that the subject minor is a dependent child and is at substantial risk of abuse or neglect. The bill would provide that the prima facie evidence constitutes a presumption affecting the burden of producing evidence.

The bill would also provide that, where the dependency court believes that a child has suffered criminal abuse or neglect, the court may direct a representative of the child protective agency to take specified actions pursuant to the Child Abuse and Neglect Reporting Act.

The bill would make related legislative findings.

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

Ch. 418 (SB 490) Kelley. Veterinary medicine: records.

(1) Existing law regulates the practice of veterinary medicine. Among other provisions, a veterinarian is required to keep a written record of all animals receiving veterinary services and to provide a summary of those records to the owners of the animals receiving services upon request. Any person who violates, or who aids or abets in violating, provisions governing veterinary medicine is guilty of a misdemeanor.

This bill would prohibit a veterinarian from disclosing information concerning an animal receiving veterinary care, the client responsible for that animal, or the veterinary care provided to an animal except under specified circumstances. By creating a new crime, the bill would impose a state-mandated local program.

(2) Existing law specifies certain licensing and vaccination requirements for dogs in rabies areas.

This bill would provide that all information obtained from a dog owner by compliance with the provisions relating to rabies control is confidential to the dog owner and proprietary to the veterinarian, and may not be released except as specified.

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

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

Ch. 419 (SB 526) Kelley. Coachella Valley Mountain Conservancy.

(1) Existing law establishes the Coachella Valley Mountains Conservancy to acquire and hold, in perpetual open space, mountainous lands surrounding the Coachella Valley, as provided. Existing law provides for the conservancy to be administered by a governing board of 20 voting members, as specified, and authorizes the board to adopt regulations governing the public's use of the conservancy lands. Existing law provides that a violation of those regulations is a misdemeanor.

This bill would provide for the conservancy to additionally acquire and hold, in perpetual open space, natural community conservation lands, defined as all lands within the territory of the conservancy, the preservation of which is necessary to implement a natural community conservation plan, as provided. The bill would increase the number of voting members on the governing board to 21 by making the Regional Director for the Pacific West Region of the National Park Service an additional member of the board. By expanding the territory of the conservancy and thereby expanding the governing board's authority to create new crimes, the bill would impose a state-mandated local program.

The bill would authorize the conservancy to award grants to cities, counties, resource conservation districts, or nonprofit organizations, as provided, in order to further the conservancy's purposes.

(2) Under existing law, the acquisition of real property or interests in real property by the conservancy is subject to the Property Acquisition Law, except as specified.

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The bill would require the conservancy, in addition to complying with that law, to consult with an advisory committee prior to the acquisition of property or the taking of other actions in furtherance of the Coachella Valley natural community conservation plan, habitat conservation plan, or similar program, 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. 420 (SB 636) Sher. Hazardous waste: management: incineration.

(1) Existing law requires the Department of Toxic Substances Control to develop and adopt, by regulation, criteria and guidelines for the identification of hazardous wastes.

This bill would provide that in any case where the department proposes to make a determination that a waste meets one or more of those criteria and guidelines, but that it is not necessary to manage the waste as a hazardous waste for a specified reason, the department shall issue a public notice of that proposed determination, as specified.

(2) Existing law authorizes the department to plan and construct a model incineration facility for the disposal of hazardous waste if the department makes specified findings and the Legislature, in a subsequent act, appropriates or otherwise makes available the funds necessary to plan and construct the model incineration facility.

This bill would repeal that authorization to plan and construct a model incineration facility.

Ch. 421 (SB 681) Speier. Vehicles: accidents: clearing highway.

(1) Existing law requires the driver of any vehicle involved in an accident resulting in damage to any property, including vehicles, to immediately stop the vehicle at the scene of the accident.

This bill would recast that provision to instead allow a driver involved in an accident resulting only in damage to any property to move the vehicle, if possible, off the main lanes of the highway to a safe location within the immediate vicinity of the accident unless that action would create a traffic hazard or cause injury to any person. The bill would specify that moving the vehicle in accordance with this provision does not affect the question of fault.

(2) Existing law authorizes, under certain circumstances, the governmental agency responsible for the maintenance of a street or highway on which certain material has been deposited to remove the material and collect, by civil action, if necessary, the actual cost of the removal operation in addition to any other damages authorized by law from the person made responsible for depositing the material. Existing law authorizes a member of the Department of the California Highway Patrol to direct a responsible party to remove the certain aggregate material from a highway when that material has escaped or been released from a vehicle.

Existing law provides that a public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his or her employment if the act or omission would, apart from this provision, have given rise to a cause of action against that employee.

This bill would provide that the government agency, the department, or the employees or officers of those agencies, may not be held liable for any damage to material, to cargo, or to personal property caused by a negligent act or omission of the employee or officer when the employee or officer is acting within the scope and purpose of the provisions specified above authorizing removal of materials from the highway. The bill would specify that nothing in this provision affects the establishment of liability for gross negligence or willful misconduct purposes, and that these provisions apply to the negligent performance of a ministerial act and does not affect liability under any provision of law.

Ch. 422 (SB 750) Johnston. Delta Protection Act.

The existing Delta Protection Act establishes the Delta Protection Commission and requires the commission, among other things, to review and maintain a comprehensive

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long-term resource management plan for land uses within the primary zone of the delta, as defined. For purposes of the act, the term "local government" is defined to mean the Counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo, and the Cities of Sacramento, Stockton, Tracy, Antioch, Pittsburg, Isleton, Lathrop, Brentwood, Rio Vista, and West Sacramento.

This bill would revise that definition of "local government" to also include the City of Oakley and any other cities that may be incorporated in the future in the primary zone.

Ch. 423 (SB 930) Hughes. Credit cards.

Existing law prohibits issuance of a credit card except in response to an oral or written request or application, or as a renewal of, or in substitution for, an accepted credit card. Existing law requires a cardholder to be liable for the unauthorized use of a credit card only if specified conditions are met, including the condition that the unauthorized use occurs before the card issuer has been notified that an unauthorized use of the credit card has occurred or may occur as the result of loss, theft, or otherwise.

This bill would require a credit card issuer that mails an offer or solicitation to receive a credit card and, in response, receives a completed application for a credit card that lists an address that is different from the address on the offer or solicitation or receives a change of address request and a request for an additional card, as specified, to verify the change of address as specified. The bill would provide that the consumer to whom the offer or solicitation is made would not be liable for the unauthorized use of the credit card if the credit card issuer does not verify the change of address prior to the issuance of the credit card, except as specified. The bill would provide for these provisions to become operative on July 1, 2000.

This bill would also, after certain dates, prohibit a person who accepts credit cards for the transaction of business from printing more than the last 5 digits of the credit card account number or the expiration date upon any receipt provided to the cardholder, subject to an exception.

Ch. 424 (SB 1090) Schiff. Trusts: charitable corporations: private professional trustees.

(1) Existing law provides that a nonprofit charitable corporation may be appointed as a guardian or conservator of a person or estate.

This bill would specify that a nonprofit charitable corporation may also be appointed as a trustee of a trust.

(2) Existing law prohibits the court from appointing a private professional conservator or private professional guardian unless specified information is filed with the county clerk under penalty of perjury.

This bill would prohibit the court from appointing a private professional trustee, as defined, unless specified information is filed with the county clerk under penalty of perjury. By extending the class of persons required to file statements under penalty of perjury, 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 by this act for a specified reason.

Ch. 425 (SB 1099) Knight. California Defense Retention and Conversion Act of 1999.

Existing law provides for various activities in regard to defense conversion and military base retention and reuse efforts in the state.

This bill would enact, until January 1, 2007, the California Defense Retention and Conversion Act of 1999, to establish the California Defense Retention and Conversion Council in the Trade and Commerce Agency. The bill would set forth the membership and duties of the council in regard to defense retention and conversion and military base reuse activities in the state, including specified activities developed by the former California Defense Conversion Council. This bill would require the council to prepare a study considering strategies for the long-term protection of lands adjacent to military

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bases and to submit to the Governor and the Legislature a report on the study with any recommendations. It would require the Trade and Commerce Agency to establish a Defense Retention Grant Program, with input and assistance from the council.

Ch. 426 (AB 243) Wildman. Bail fugitive recovery persons.

Existing law regulating the issuance of bail bonds requires any person advertising or engaging in the business of executing, delivering, or furnishing bail bonds to hold a bail agent's license, a bail permittee's license, or a bail solicitor's license, as specified, issued by the Insurance Commissioner.

This bill would provide for the regulation of bail fugitive recovery persons, defined as a person given written authorization by a bail or depositor of bail and contracted to investigate, surveil, locate, and arrest a bail fugitive and any person employed to assist the bail or depositor of bail to investigate, surveil, locate, and arrest a bail fugitive. This bill would require that bail fugitive recovery persons be at least 18 years of age and complete 2 power of arrest courses, as specified. This bill would require that a person authorized to apprehend a bail fugitive notify local law enforcement of their intent to apprehend a bail fugitive no more than 6 hours prior to attempting to apprehend a bail fugitive, except as specified. This bill would prohibit a person authorized to apprehend a bail fugitive from forcibly entering a premises for that purpose, except pursuant to certain existing provisions of law governing arrest by a private person. The bill would require any person authorized to apprehend a bail fugitive to carry a certification of completion of required courses and training programs.

Because this bill states that any person who is not in compliance with, or who violates, these provisions is guilty of a misdemeanor punishable, as specified, this bill would create a new crime, thereby imposing a state-mandated local program.

The bill would make related changes. It would also declare that it shall remain in effect only until January 1, 2005, unless a later enacted statute deletes or extends that date.

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

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

Ch. 427 (SB 157) Johnston. High Technology Theft Apprehension and Prosecution Program: effective date.

Existing law establishes the High Technology Theft Apprehension and Prosecution Program, which generally provides funds for programs that enhance the capacity of local law enforcement and prosecutors to deter, investigate, and prosecute high technology related crimes. Existing law also provides that the program is effective until January 1, 2000.

This bill would extend the effective date of the program to January 1, 2003, and provide that as of that date the program is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

Ch. 428 (SB 820) Sher. Electronic transactions.

Existing law contains provisions regulating contracts and requires certain contracts to be in writing and signed. Existing law contains certain special provisions applicable to electronic transactions, such as provisions relating to electronic funds transfer, but does not generally set forth the effect of transactions entered into electronically.

This bill would enact the Uniform Electronic Transactions Act. It would generally apply to electronic transactions, except that it would not apply to the creation and execution of wills and testamentary trusts, and would not apply to certain other transactions.

The bill would provide that a record or signature may not be denied legal effect or enforceability solely because it is in electronic form. The bill would provide that a contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation. It would provide that if a law requires a record to be in writing, or if a law requires a signature, an electronic record satisfies the law. The bill would enact related provisions. The bill would authorize the provision of written

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information by electronic record. The bill would set forth provisions governing changes and errors, the effect of electronic signatures, and admissibility in evidence.

Ch. 429 (AB 186) Hertzberg. Local elections: districts.

Existing law requires county boards of supervisors and the city councils of general law and charter cities that elect members by or from districts following each decennial federal census, and using that census as a basis, to adjust the boundaries of the supervisorial and council districts so that the districts shall be as nearly equal in population as may be. In establishing the boundaries of the districts, the county board of supervisors or the city council of a general law city is expressly authorized by existing law to give consideration to the topography, geography, and cohesiveness, contiguity, integrity, and compactness of territory, and community of interests of the districts.

This bill would provide that in establishing the boundaries of a district of a charter city, the city council may give consideration to topography, geography, and cohesiveness, contiguity, integrity, and compactness of territory, and community of interests of the districts. The bill would require the county board of supervisors or the city council of a general law city or the governing body of a charter city to hold at least one public hearing on any proposal to adjust those boundaries prior to a public hearing at which the board or council votes to approve or defeat the proposal. By creating additional duties on those local agencies in establishing the boundaries of those districts and in holding public hearings, 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 the Legislature finds there is no mandate contained in the bill that 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. 430 (AB 893) Alquist. Long-term care facilities: consumer information.

Existing law regulates the operation of skilled nursing facilities, under the direction of the State Department of Health Services. Existing law requires the State Department of Health Services to maintain a consumer information service including certain information regarding long-term care facilities and their communities.

This bill would require the department to provide the information on the Internet, and to include certain information in the department's long-term health care facility profiles. It would appropriate $100,000 from the General Fund to the department to enable the department to implement these provisions on or before July 1, 2002.

Ch. 431 (AB 1616) Havice. Office of Economic Research: duties: tax strategies and international trade.

Existing law generally sets forth the duties of the Office of Economic Research in the Trade and Commerce Agency in gathering, analyzing, and providing information on the economy of the state.

Existing law requires the Secretary of Trade and Commerce to report annually to the Governor and the Legislature on various aspects of the Trade and Commerce Agency and its programs.

This bill would additionally require the office (1) to monitor, on an ongoing basis, the incentives offered by other states to attract or retain businesses and to provide that information, as specified, and (2) to respond to inquiries by persons in industry, business, commerce, or other governmental units concerning international trade information in the state.

Ch. 432 (SB 437) Rainey. State Teachers' Retirement System: benefits.

The State Teachers' Retirement Law formerly provided that eligibility for certain benefits was affected by the remarriage of a surviving spouse.

This bill would authorize surviving spouses of deceased members who previously lost entitlement to benefits due to remarriage to resume benefit payments on or after January 1, 2000.

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Ch. 433 (SB 658) Karnette. Political Reform Act of 1974: campaign statements: electronic filing.

The existing Political Reform Act of 1974 (the act) provides that a city general purpose committee is required to file campaign statements in connection with a statewide direct primary held in March of an even-numbered year, and any other election held on that same day as that election, unless it has made contributions or independent expenditures totaling $500 or more during the period July 1 through September 30.

This bill instead would require one of those committees to file those campaign statements in connection with those elections, unless it has not made contributions or independent expenditures totaling $500 or more during the period July 1 through September 30.

Existing provisions of the act require specified candidates for public office and committees supporting or opposing candidates or ballot measures to periodically file reports with the Secretary of State and certain local officials setting forth information concerning contributions they received and expenditures they made during the specified reporting period. Existing provisions of the act also require lobbyists, lobbying firms, and lobbyist employers to periodically file specified reports and statements with the Secretary of State.

Existing law requires the Secretary of State, in consultation with the Fair Political Practices Commission, to develop an online filing process for the purposes of filing statements and reports with the Secretary of State pursuant to the act, to develop a system that provides for the online transfer of data, as specified, to make all data filed online available, as specified, and to report to the Legislature on the implementation of the online filing and disclosure requirements. Under existing law, once all state-mandated development, procurement, and oversight requirements are met, the Secretary of State must make public its availability to accept reports and filings online. Existing law requires the Secretary of State to implement an online disclosure program in connection with the June 2000 ballot and specified lobbying activities.

This bill would, in addition, require the Secretary of State to develop a prescribed electronic filing process for those purposes, to make public the availability of that electronic filing process, and to determine and publicly disclose when the electronic disclosure system is operating effectively. The bill would specifically require the information to be disclosed on the Internet.

This bill would require the filing process and disclosure of information to be done both online and electronically. The bill would authorize an appropriation made to the Secretary of State for the purposes of developing the existing online disclosure system to also be expended for the purposes of developing the electronic disclosure system, and would thereby make an appropriation.

Existing law requires the Secretary of State to commence online disclosure with the first preelection statement filed for the period ending March 17, 2000. Existing law specifies the entities subject to those provisions as any candidate, committee, or other persons who are required, as specified, to file statements, reports, or other documents in connection with a state elective office or state measure appearing on the June 2000 ballot, and general purpose committees, as specified, receiving contributions to support or oppose candidates for any elective state office or state measure appearing on the June 2000 ballot.

This bill would instead require the Secretary of State to commence online and electronic disclosure with the first preelection statement filed in connection with the 2000 statewide direct primary election.

Existing law requires, beginning on July 1, 2000, and for all applicable reporting periods thereafter, that specified persons file online with the Secretary of State.

This bill would also specify that the entities subject to provisions pertaining to online and electronic filings include appellate court and Supreme Court candidates and officeholders.

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 $^{2}/_{3}$ 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 $^{2}/_{3}$ vote.

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

This bill would impose a state-mandated local program by imposing those criminal penalties on certain persons who violate provisions of the bill.

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

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

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

Ch. 434 (SB 737) Committee on Insurance. Small employer health insurance: enrollment of dependents.

Existing law provides for licensing and regulation of health care service plans by the Commissioner of Corporations, and provides for licensing and regulation of disability insurers by the Insurance Commissioner. Existing law requires health care service plans and disability insurers to comply with certain provisions governing health care coverage for eligible employees and dependents of small employers, which are defined to be employers that have between 2 and 50 employees. Under these provisions, eligible employees who decline enrollment at the time of the initial enrollment period, but who subsequently request enrollment in the health benefit plan (defined as "late enrollees"), may generally be excluded from coverage for a period not to exceed 12 months from the date of the application for coverage, as specified.

This bill would provide that an individual is not a "late enrollee" for these purposes if the individual is an eligible employee who previously declined coverage under an employer health benefit plan and who has subsequently acquired an eligible dependent through marriage, birth, adoption, or placement for adoption, and who enrolls for coverage on his or her behalf and on behalf of his or her dependent within 30 days following the date of marriage, birth, adoption, or placement for adoption. This bill would require that the effective date of coverage in that instance be the first day of the month following the date of receipt of the completed request for enrollment in the case of marriage, or the date of birth, or the date of adoption or placement for adoption, whichever applies. This bill would require an employer to provide notification of these special enrollment rights to an employee at or before the time the employee is offered an opportunity to enroll in plan coverage.

This bill would also provide that an individual is not a "late enrollee" for these purposes if the individual is an eligible employee who previously declined coverage for himself or herself or his or her dependents under an employer health benefit plan because the dependents were covered by other health coverage. This bill would provide a special open enrollment opportunity for the eligible employee in this case if his or her dependents have lost or will lose coverage under that other health coverage. This bill would require that the effective date of coverage in that instance be the first day of the month following the date of receipt of the request for enrollment. This bill would require an employer to provide notification of these special enrollment rights to an employee at or before the time the employee is offered an opportunity to enroll in plan coverage.

Existing law provides that a willful violation of the provisions governing health care service plans is a crime. Because a violation of the bill's requirements with respect to a health care service plan would be a crime, this bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 435 (AB 560) Oller. Wildlife: mountain lions.

Proposition 117, an initiative measure approved by the voters at the June 5, 1990, primary election, enacted the California Wildlife Protection Act of 1990. Among other things, the act made the mountain lion a specially protected mammal. The act prohibits

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the Legislature from changing the special protection of that mammal except by a $^{4}/_{5}$ vote of the membership of both houses of the Legislature and then only consistent with, and in furtherance of, the purposes of the act.

The act authorizes the Department of Fish and Game to remove or take any mountain lion, or authorize an appropriate local agency with public safety responsibility to remove or take any mountain lion, that is perceived to be an imminent threat to public health or safety.

This bill would, instead, authorize the department to remove or take, or authorize an appropriate local agency with public safety responsibility to remove or take, any mountain lion that is perceived to be an imminent threat to public health or safety or that is perceived by the department to be an imminent threat to the survival of any threatened, endangered, candidate, or fully protected sheep species. The bill would state the legislative finding and declaration that this change is consistent with, and furthers the purposes of, the California Wildlife Protection Act of 1990.

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

Ch. 436 (AB 124) Ackerman. Speech-Language Pathology and Audiology Board.

Existing law provides that a supervising speech-language pathologist employed or contracted for by a public school may hold either a valid and current license issued by the board, or a valid, current, and professional clear clinical or rehabilitative services credential in language, speech, and hearing issued by the Commission on Teacher Credentialing.

The bill would additionally provide that a supervising speech-language pathologist employed or contracted for by a public school may instead hold a credential authorizing service in language, speech, and hearing issued by the Commission on Teacher Credentialing if it is not issued on an emergency permit or waiver requirement basis.

Existing law provides that the practice of an applicant who is obtaining his or her required professional experience be unrestricted, as specified, provided the applicant's required professional experience application has been approved by the board.

The bill would require that an applicant who is obtaining his or her required professional experience must have been issued a temporary license, as specified.

Existing law provides for the provisions enacting the Speech-Language Pathology and Audiology Board, under the jurisdiction of the Medical Board of California, to become inoperative on July 1, 1999, and for repeal of these provisions as of January 1, 2000. Existing law also provides for provisions of the Business and Professions Code to continuously appropriate the moneys in the Speech-Language Pathology and Audiology Board Fund.

This bill would extend the inoperative date to July 1, 2002, and the repeal date to January 1, 2003, thus making an appropriation by extending the duration of the continuous appropriation.

Existing law provides that the Speech-Language Pathology and Audiology Board shall not renew any license or registration on or after January 1, 2001, unless the applicant certifies to the board that he or she has completed in the preceding 2 years not less than the minimum number of professional development hours, as specified, and requires the professional development services to be obtained from institutions of higher learning, nonprofit educational or professional associations, or other entities approved by the board.

The bill would provide that the above specified professional development requirements are applicable on and after January 1, 2002, and would additionally provide that on and after January 1, 2001 and until January 1, 2002, the board shall not renew any license or registration unless the applicant certifies to the board that he or she has completed after April 12, 1999, and prior to his or her renewal date in 2001, not less than the minimum number of professional development hours. The bill would provide that continuing professional development service may be obtained from accredited institutions of higher learning, organizations approved as providers by specified entities, or providers approved by the board. It would exempt institutions of higher learning and providers approved by the specified entities from fees that the board may otherwise charge continuing education providers.

The bill would additionally authorize the board to issue a temporary license for a period to be determined by the board to an applicant who is obtaining his or her required

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professional experience, and would further require the board to deem a person who holds a valid certificate of clinical competence in speech-language pathology or audiology issued by the National Council on Professional Standards in speech-language pathology and audiology to have met the educational requirements set forth for speech-language pathologists or audiologists, as specified.

Ch. 437 (AB 198) Ackerman. Legal entities: organization and operation.

Existing provisions of law provide for the merger of 2 or more corporations.

This bill would authorize corporations, including nonprofit corporations and cooperative corporations to merge directly with any other business entity defined to mean a domestic or foreign limited liability company, limited partnership, general partnership, business trust, real estate investment trust, unincorporated association, other than a nonprofit association, or a domestic reciprocal insurer organized after 1974 to provide medical malpractice insurance. The bill would revise and recast other provisions, would enact related provisions with respect to merger authority that are applicable to partnerships, limited partnerships, and limited liability companies, and would make various technical and other related changes.

This bill would incorporate additional changes to Sections 15679.1 and 17600 of the Corporations Code proposed by AB 197, to be operative only if this bill and AB 197 are both enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 438 (AB 221) Wildman. Lasers: obstructing a peace officer.

Existing law provides that every person who, except in self-defense, knowingly draws or exhibits a laser scope, as defined, that projects a colored target on a person in a threatening manner against that person with specific intent to cause a reasonable person apprehension or fear of bodily harm is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 30 days.

This bill would revise this provision to apply to the situation where a person aims or points a laser scope at another person instead of knowingly draws or exhibits a laser scope that projects a colored target on a person. The bill would delete the element of apprehension. The bill also would include a laser pointer in this provision and further provide that any person who aims or points a laser scope or laser pointer at a peace officer with the specific intent to cause the officer apprehension or fear of bodily harm and who knows or reasonably should know the person at whom he or she is aiming or pointing is a peace officer, is guilty of a misdemeanor punishable by imprisonment in a county jail for a term not exceeding 6 months. The bill additionally would provide that any person who commits a second or subsequent violation of either offense is guilty of a misdemeanor punishable by imprisonment in a county jail for a term not to exceed one year. 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. 439 (AB 514) Thomson. Solid waste: biomass conversion.

The existing California Integrated Waste Management Act of 1989 regulates the handling and management of solid waste. The act is administered by the California Integrated Waste Management Board, and requires the board to implement various programs related to the management of solid waste. The act requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan that includes a prescribed implementation schedule showing how the city, county, or regional agency will divert materials from solid waste disposal through source reduction, recycling, and composting activities. The act defines biomass conversion as meaning the controlled combustion of specified materials, when separated from other solid waste and used for producing electricity or heat, but excludes, from that definition, among other things, the controlled combustion of pulp or paper materials.

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This bill would revise the definition of biomass conversion to instead include the controlled combustion of nonrecyclable pulp or nonrecyclable paper materials, as defined, and exclude the controlled combustion of recyclable pulp or recyclable paper materials.

Ch. 440 (AB 545) Robert Pacheco. Hearing aid dispensers.

Existing law establishes, within the jurisdiction of the Division of Licensing of the Medical Board of California, the Hearing Aid Dispensers Examining Committee, that is charged with administering the laws relating to the practice of fitting and selling hearing aids. The law authorizing the committee became inoperative July 1, 1999, and is repealed January 1, 2000. Existing law requires 4 members of the committee to be public members, one of whom must be a licensed audiologist, and 3 members to be engaged in fitting or selling hearing aids.

This bill would (1) transfer the powers and duties of the committee to the Director of Consumer Affairs and (2) establish the Hearing Aid Dispensers Advisory Commission, within the jurisdiction of the Department of Consumer Affairs, which commission would consist of 3 licensed hearing aid dispensers and 4 members of the public, as specified, and would perform those duties delegated to it or authorized by the director, as specified.

Ch. 441 (AB 583) Papan. Internet escrow agents.

Existing law, the Escrow Law, provides that it is unlawful for any person to engage in business as an escrow agent within this state unless by means of a corporation licensed to do so.

This bill would make provisions of the Escrow Law applicable to an Internet escrow agent, defined as any person engaged in the business of receiving escrows for deposit or delivery over the Internet, as specified.

This bill would make related changes. Among other things, the bill would define "within the state" for purposes of determining the application of the Escrow Law to a transaction to include specified activities.

With respect to rules and regulations adopted by the Commissioner of Corporations under the Escrow Law, the bill would authorize the commissioner to waive requirements, as specified.

The bill would make conforming changes.

Since a willful violation of the Escrow Law is subject to a fine and misdemeanor or felony imprisonment, this bill would expand the scope of that crime and impose a state-mandated local program.

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

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

Ch. 442 (AB 634) Wildman. Local agencies: redevelopment: use of funds and delegation.

(1) The Community Redevelopment Law requires a redevelopment agency to present annually an audit report to its legislative body, and requires the agency to expend or encumber excess surplus, as defined, in its Low and Moderate Income Housing Fund.

This bill would require a redevelopment agency to submit to its legislative body any audit undertaken by another governmental agency; would revise the information required to be included in the annual report, including requiring the report to include a calculation of the excess surplus in the fund; and would revise the definition of excess surplus to exclude the unspent portion of the proceeds of bonds or indebtedness and related income. The bill would require the legislative body to review those reports and take appropriate action, thereby creating a state-mandated local program.

The bill would require the Department of Housing and Community Development to develop and periodically revise the methodology to be used in the calculation of excess surplus, as specified.

By imposing these new requirements on local agencies, the bill would create a state-mandated local program.

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The bill would provide that when a decision, determination, or other action by the agency or legislative body is required by the Community Redevelopment Law, neither the agency nor the legislative body shall delegate the obligation to decide, determine, or act to another entity unless a provision in this law specifically provides for that delegation.

The bill would make other clarifying and nonsubstantive technical changes.

(2) Existing law requires the county auditor, upon request of a redevelopment agency, to provide a statement each fiscal year concerning the allocation of taxes to the redevelopment agency and other agencies.

This bill would require that statement to specify the gross amount of tax-increment revenue allocated to the redevelopment agency and any payments to other taxing agencies, thereby imposing a state-mandated local program.

(3) This bill would incorporate additional changes in Section 33080.2 of the Health and Safety Code proposed by SB 497, to be operative if SB 497 and this bill are both enacted and become effective on or before January 1, 2000, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 443 (AB 790) Honda. Sales and use tax.

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. The sales taxes due under these provisions are generally the obligation of the seller of the personal property. The seller must file a return with the State Board of Equalization and pay all taxes due.

This bill would require the board to make publicly available each quarter a list of the 12 largest tax delinquencies in excess of $1,000,000. The quarterly list would contain specified identifying information about the delinquencies. The board would be required to remove certain delinquencies that meet specified criteria within 5 business days, including among others those where payment arrangements have been made or a bankruptcy proceeding has been initiated.

This bill would repeal these provisions on January 1, 2005.

Ch. 444 (AB 794) Corbett. Subpoenas: personal records.

(1) Existing law provides for a subpoena duces tecum for the production of various kinds of defined personal records pertaining to a consumer, maintained by a witness, as defined. Existing law also provides for the procedure to subpoena employment records. These provisions also require that the date specified on a subpoena duces tecum for the production of personal records or employment records be not less than 15 days from the date the subpoena is issued.

This bill would revise and expand the definition of "personal records" and "employment records" to include electronic data and expand the definition of "witness" to include various health care professionals and postsecondary schools, as specified.

The bill would delete the requirement that the date specified on the subpoena duces tecum for the production of personal records or employment records be not less than 15 days from the date the subpoena is issued. The bill would also provide that when a subpoena duces tecum commands the production of business records for copying, specific information identifiable only to the deponent's records system shall not be required. The bill would make other changes with respect to the production of business and employment records for inspection or copying.

(2) Existing law requires any party who subpoenas medical records in a workers' compensation proceeding to send a copy of the subpoena to all parties of record in the proceeding, as specified.

This bill would make that provision applicable to any records.

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

Ch. 445 (AB 840) Kuehl. Child custody.

Existing law provides that custody should be granted according to the best interest of the child in a specified order of preference in which preference is first given to granting custody to both parents jointly or to either parent.

This bill would provide that there is a presumption, rebuttable as specified, that an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence, as defined, against the other party seeking custody of the child or against the child or the child's siblings within the previous 5 years is detrimental to the best interest of the child. The bill would provide that the presumption does not apply in cases in which both parents are perpetrators of domestic violence.

Ch. 446 (AB 1013) Scott. State employees.

(1) Existing law contains various provisions relating to civil service and employer-employee relations between the state and its employees, and contains comparable provisions that apply to state employees in State Bargaining Unit 5, 6, 8, 16, or 19.

This bill, among other things, would repeal certain of those provisions relating to minor discipline, layoffs, reinstatements, probationary periods, salary ranges and adjustments, holidays, transfers, application of the Administrative Procedure Act in the adoption of regulations, and demonstration projects as those provisions apply to State Bargaining Units 16 and 19, and would repeal certain of those provisions relating to broadbanding as those provisions apply to State Bargaining Unit 16.

This bill would create in the State Treasury the State Employee Scholarship Fund, a continuously appropriated fund, to establish a program for career advancement to assist eligible state employees to participate in educational programs. The fund would be administered by the Department of Personnel Administration. The bill would provide that moneys in the fund shall be allocated from the amount negotiated in memoranda of understanding between the state and recognized employee organizations, and appropriated by the Legislature for the 2000–01 fiscal year. The fund would cease to exist on June 30, 2001, unless the existence of the fund is extended by statute and that statute is enacted and becomes effective prior to that date.

(2) Existing provisions governing the Public Employees' Retirement System authorize certain state safety members to irrevocably elect to remain subject to the miscellaneous or industrial service benefit and contribution rate, as specified. The Public Employees' Retirement Fund is continuously appropriated for the payments required to be made to members of the system.

This bill would specify that a member who made that election may elect to be subject to the state safety formula on or after January 1, 2000, as specified. Because the bill would enlarge the class of persons eligible for that formula, it would make an appropriation.

(3) Existing provisions governing the Public Employees' Retirement System prohibits state employees, as specified, from receiving any portion of the employer's contribution with respect to health care benefits unless they are credited with 10 years of state service at retirement.

This bill would revise the state employees to whom those provisions apply, and enact a similar restriction with respect to dental benefits, as specified.

(4) Existing law, the Public Employees' Medical and Hospital Care Act, provides health benefits plan coverage to public employees and annuitants meeting the eligibility requirements prescribed by the Board of Administration of the Public Employees' Retirement System. Existing law revises the definition of "eligible employee" for the purposes of the act as it applies to state employees in State Bargaining Units 8 and 16, and revises the definition of "eligible family member" for the purposes of the act as it applies to state employees in State Bargaining Units 8, 16, and 19.

This bill would repeal these revised definitions of "eligible employee" and "eligible family member."

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

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

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

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

(6) This bill would appropriate $200,000 from the General Fund for transfer to the State Employee Scholarship Fund to provide for the establishment and administration of the state employee scholarship program.

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

Ch. 447 (AB 1251) Committee on Agriculture. Animal diseases.

(1) Existing law requires the Secretary of Food and Agriculture, whenever he or she discovers any case of contagious or infectious disease that affects any animals in the state, to quarantine the diseased animals and, when necessary, other animals upon the same land or premises.

This bill, instead, would require the State Veterinarian, subject to the state administrative adjudication provisions of the Government Code, to impose a quarantine upon a population of domestic animals or food products from animals, as specified.

(2) Existing law makes it unlawful for any person to import any swine into the state, except for immediate slaughter, unless the person procures a health certificate prior to shipment or movement of the swine. Existing law, by regulation, requires an import permit for the importation of swine, as prescribed. Existing law authorizes the Secretary of Food and Agriculture to adopt regulations to control or eradicate prescribed swine diseases by taking specified action and makes any person that willfully and knowingly violates those regulations guilty of a misdemeanor.

This bill would instead make it unlawful for any person to import any swine into this state except for immediate slaughter unless the person procures a health certificate and an import permit from the Department of Food and Agriculture prior to the shipment or movement of the swine. The bill also would make it unlawful for any person to import any swine into this state for immediate slaughter unless the person procures an import permit from the department prior to the shipment or movement of the swine. Because, under existing law, a violation of these provisions would be a crime, the bill would impose a state-mandated local program. The bill would require any person requesting an import permit to identify the premises, as defined, of the swine prior to the shipment of the swine into the state.

The bill would authorize the department to impose an administrative penalty not to exceed $100 per individual animal for each violation of specified regulations relating to the control of prescribed swine diseases. In addition, the bill would provide that a willful and knowing violation of these regulations is a crime, punishable as an infraction by a fine of not more than $100 per animal for each violation, a misdemeanor, or a felony. The bill would authorize the department, after notice and hearing, to revoke a prescribed license granted by the department to a person conducting business as a packer, stockyard, dealer, agent, or any individual that receives, transports, or deals with the marketing of swine or swine products that violates specified provisions of law relating to the regulation of swine and would declare that a previous violation of those provisions is sufficient cause for the revocation of that license.

(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. 448 (AB 1290) Davis. Warranties: motor vehicle manufacturers.

Under the existing Tanner Consumer Protection Act, it is presumed that a reasonable number of attempts have been made to conform a new motor vehicle to the applicable express warranties if within one year from delivery to the buyer or 12,000 miles on the odometer of the vehicle, whichever occurs first, either (1) the same nonconformity, as defined, has been subject to repair 4 or more times by the manufacturer or its agents and the buyer has at least once provided a specified notice to the manufacturer or (2) the vehicle is out of service by reason of repair of nonconformities by the manufacturer or its agents for a prescribed period.

This bill would extend the applicability of the presumption to when either (1) or (2) occurs within 18 months from delivery to the buyer or 18,000 miles on the odometer, whichever occurs first.

Ch. 449 (AB 1471) Havice. Vehicles: air bags: inflatable restraint systems: prohibitions.

Existing law does not prohibit the installation or reinstallation, or the distribution or the sale of any previously deployed air bag that is part of an inflatable restraint system.

This bill would prohibit any person from engaging in these activities if the person knows that the air bag was previously deployed, and would make a violation of this prohibition a misdemeanor, thereby imposing a state-mandated local program by creating a new crime.

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

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

Ch. 450 (AB 1477) Committee on Agriculture. Agriculture: nursery stock.

(1) Existing law requires nursery stock sellers to be licensed by the Department of Food and Agriculture. Existing law requires the Secretary of Food and Agriculture to establish the minimum license fee in an amount not to exceed $100 and authorizes the secretary to fix the minimum license fee at an amount that is less than $100.

This bill, instead, and until July 1, 2005, would require the secretary to establish the minimum license fee at an amount not to exceed $180, and would authorize the secretary to fix the minimum license fee at an amount that is less than $180.

(2) Existing law requires, as an additional license fee, an acreage fee in an amount to be established by the secretary for land used in the production, storage, or sale of nursery stock in excess of one acre, which the secretary determines is necessary to carry out these provisions of, or any portion of, the Food and Agricultural Code. Existing law also specifies that the total acreage fee shall not be less than $25 nor more than $500, for each licensee.

The bill would raise this maximum total acreage fee, which the secretary establishes, from $500 to $900 for land used in the production, storage, or sale of all nursery stock in excess of one acre. In addition, the bill would exempt from this acreage fee prescribed licensees.

Ch. 451 (AB 1487) Maldonado. State implementation plan: district revisions.

Existing law, the federal Clean Air Act, requires the state to adopt and submit to the United States Environmental Protection Agency, a state implementation plan designed to attain and maintain national ambient air quality standards. Under existing law, the State Air Resources Board is designated as the state agency responsible for the preparation of the state implementation plan. Existing law also requires each air pollution control district or air quality management district that has been designated a nonattainment area for state ambient air quality standards to prepare and submit to the state board a plan for attaining and maintaining those standards.

This bill would require the state board to publish on a quarterly basis, or on a more frequent basis if necessary, a list of each district's rules or rule amendments that are submitted during that quarter to the United States Environmental Protection Agency as revisions to the state implementation plan.

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

Ch. 452 (AB 1512) Briggs. Produce: mislabeling.

Existing provisions of the Food and Agricultural Code, which make it unlawful for any person to mislabel any fruit, nut, or vegetable, as specified, including any container of any fresh or dried fruit, nut, or vegetable, also specify that those provisions do not require the obliteration of old markings or labels on (1) used containers that are not closed if the markings or labels are clearly inapplicable to the contents, or (2) on unlidded containers in which the produce is not packed, unless there is deception as to the contents, quality, or area of production.

This bill instead would revise these latter provisions to specify that the mislabeling provisions require the obliteration of incorrect or unauthorized labels or markings prior to commercial reuse of containers and does not require the obliteration of old markings or labels by a grower employing a used container solely to transport, and not for display or sale, that grower's own agricultural products to or from, or both to and from, a certified farmers' market.

Ch. 453 (AB 1687) Committee on Banking and Finance. Nonprofit and consumer cooperative corporations.

Existing law provides for the formation and regulation of various types of nonprofit corporations, including nonprofit public benefit corporations, nonprofit mutual benefit corporations, and nonprofit religious corporations. Existing law also provides for the formation and regulation of certain corporations for specific purposes, including consumer cooperative corporations.

This bill would revise various provisions relating to these corporations. It would, under certain conditions:

(1) Provide that any reduction of the number of classes of directors does not remove any director prior to expiration of the director's term of office.

(2) Provide that the damages recoverable from a director for approving an illegal distribution of property shall be the fair market value of that property, and provide that the damages recoverable for any illegal distribution shall also include interest and reasonably incurred costs of appraisal or other valuation.

(3) Deny retroactive effectiveness to the merger of a California corporation into a foreign corporation.

(4) Permit the resignation of agents for service of process when the agents disclaim appointment and permit the resignation of officers and directors improperly appointed.

(5) Require the corporations to inform members, upon request, of actions taken by other members at meetings.

(6) Modify filing requirements otherwise applicable on the dissolution of a corporation if an election to dissolve is made by vote of all the members or by the board of a corporation that does not have members.

(7) Require the Secretary of State to refuse to file articles for a corporation containing references in its name to the industrial loan business unless the corporation is authorized to be engaged in that business.

(8) Require an agreement of merger, if memberships in a corporation are to be canceled without consideration as a result of the merger, to contain a provision to that effect.

The bill would make other related changes.

Ch. 454 (SB 72) Murray. Lawyers: financial services.

Existing law regulating the practice of law establishes that properly adopted rules of professional conduct are binding upon all members of the State Bar. These rules provide that lawyers may enter into business transactions with their clients or acquire pecuniary interests adverse to their clients if certain prerequisites, including the client's informed written consent, are met.

This bill would authorize a lawyer, while acting as a fiduciary, to sell financial products to any client who is an elder or dependent adult with whom he or she has or has had an attorney-client relationship within the preceding 3 years, if the transaction is fair and reasonable to the client and the lawyer provides that client with a written disclosure that includes certain information about the financial product and the terms of the proposed sale, as specified.

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This bill would provide that an injured client may sue for civil damages and other civil remedies. It would also provide for an additional award if certain specified conditions are met. This bill would provide that a violation of these provisions would be cause for discipline by the State Bar.

Ch. 455 (SB 331) C. Wright. Sales and use taxes: artwork.

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property.

This bill would require the State Board of Equalization, on or before January 15, 2000, to report to the Legislature on the sales or use tax reported on certain returns or assessed in certain audits attributable to transactions of graphic artists, cartoonists, illustrators, commercial photographers, and advertising agencies.

Ch. 456 (SB 378) Kelley. Collateral recovery.

Existing law, the Collateral Recovery Act, licenses and regulates persons engaged in the business of repossessing personal property. A violation of that act, including certain specific provisions thereof, is a misdemeanor.

This bill would authorize, within existing resources, the Commissioner of Financial Institutions, the Commissioner of Corporations, and the Director of the Department of Motor Vehicles to each designate employees to investigate and report on violations of the act by the licensees of their respective departments.

Existing law provides that repossession agency licenses are subject to cyclical renewal and expire one year following the date of issuance or assigned renewal date.

This bill would, instead, provide for expiration of an original repossession agency license one year following the date of issuance, unless renewed. A renewal would expire in 2 years, as specified.

Existing law requires employees of licensees to be registered under the act.

This bill would additionally require those persons contracting with licensees to be registered. The bill would make related and conforming changes.

Existing law provides that the renewal fee for a repossession agency license may not exceed $475 annually.

This bill would provide, instead, that the renewal fee may not exceed $715 biennially.

Existing law requires applicants for repossessor qualification certification to meet and substantiate certain specified experience requirements.

This bill would require an applicant to certify as to the completion of those requirements, a violation of which is an existing crime. In expanding the scope of an existing crime, the bill would impose a state-mandated local program.

Existing law authorizes a city, county, or city and county, or state agency to impose a charge equal to its administrative costs for the removal, impound, storage, or release of properly impounded vehicles. That charge may be collected at the time of vehicle release.

This bill would, instead, limit the collection of that charge from only the registered owner or his or her agent.

Existing law, for purposes of regulation under the Vehicle Code, defines a "tow truck" and provides that persons licensed as a repossession agency may utilize a tow truck when repossessing vehicles.

This bill would exclude a repossessor's tow vehicle from the definition of "tow truck." It would also define a "repossessor's tow vehicle" as one used exclusively in the course of the repossession business.

Existing law requires that there be conspicuously displayed on both the right and left side of a tow truck or an automobile dismantler's tow vehicle used to tow or carry vehicles, a sign showing, among other things, the name of the company or the owner or operator of the tow truck or automobile dismantler's tow vehicle.

This bill would also make that requirement applicable to a repossessor's tow vehicle. It would also make related changes and state legislative intent.

The bill would incorporate additional changes to Section 7506.5 of the Business and Professions Code proposed by AB 341 to become operative only if both bills amend that section and are enacted and become effective on or before January 1, 2000, and this bill is enacted after AB 341.

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

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

Ch. 457 (SB 401) Karnette. State employees.

(1) Existing law requires the State Personnel Board, except with respect to state employees in State Bargaining Unit 16 or 19, to develop objective criteria for determining the application to state civil service positions of the state safety membership category of the Public Employees' Retirement System (PERS), to determine, upon the request of the Department of Personnel Administration or an employee organization, which classes of positions meet the criteria, and to report thereon to the Legislature with the related signed memorandum of understanding. Existing law requires the department, with respect to state employees in State Bargaining Unit 16 or 19, to determine which classes or position meet the elements of the criteria for state safety category of membership in the PERS.

This bill would require the department, with respect to state bargaining units that have agreed to these provisions in a memorandum of understanding between the state employer and the recognized employee organization, to determine which classes or positions meet the elements of the criteria for the state safety category of members in PERS.

(2) Existing law authorizes the Department of Personnel Administration to provide for annual leave benefits with respect to each officer and employee excluded from the definition of state employee for the purposes of the Ralph C. Dills Act, which regulates state employer-employee relations. The California Code of Regulations authorizes employees who are excluded from the definition of state employee for the purposes of that act to make an irrevocable election, in lieu of earning sick leave and vacation benefits, to participate in the annual leave program and requires newly appointed employees to this class as of November 1, 1995, to be placed in the annual leave program.

This bill would make a conforming change to provisions of existing law regarding annual leave to provide that the provisions are applicable to employees who are excluded from the definition of state employee for the purposes of the act.

(3) Existing law provides that participation in the annual leave program by employees in any state bargaining unit for which a memorandum of understanding has been agreed to by the state employer and a recognized employee organization and has been approved by the Legislature is subject to conditions set forth in a specified provision of existing law.

This bill would repeal that provision of existing law and instead authorize these state employees to participate in the annual leave program subject to the appropriate memorandum of understanding.

(4) Under existing law, the Department of Personnel Administration succeeds to, and is vested with, the duties, purposes, responsibilities, and jurisdiction exercised by the State Personnel Board with respect to the administration of the Personnel Classification Plan. Existing law prohibits a person from being assigned to perform the duties of any class other than that to which his or her position is allocated, except for the temporary assignment or loan of employees within an agency or between agencies for not to exceed 2 years or between jurisdictions for not to exceed 4 years for specified purposes.

This bill would make a technical change by correcting a cross-reference to conform to existing law.

(5) Existing law provides that a state officer or employee who is entitled to temporary disability indemnity under existing provisions of law governing workers' compensation as a result of an industrial accident occurring during a period of employment for which he or she is not earning sick leave credit shall have sick leave credit of one day for each completed month of service during the time he or she is not earning sick leave credit.

This bill would provide that these state officers or employees who are entitled to temporary disability indemnity or vocational rehabilitation maintenance allowance shall earn sick leave and vacation leave or annual leave as though the employee was working. The bill would authorize a state officer or employee who is receiving temporary disability of vocational rehabilitation maintenance allowance to supplement the payments with

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any form of leave credits provided the supplementation does not exceed the employee's full pay less mandatory withholdings.

(6) Existing law, the Public Employees' Retirement Law, establishes the Public Employees' Retirement System, and sets forth the provisions for its administration and the delivery of benefits to its members. The state's employer contributions to the Public Employees' Retirement Fund are continuously appropriated from the General Fund and other funds in the State Treasury. Existing law includes employees in State Bargaining Unit 16 or 19 whose classifications or positions are found to meet specified state safety criteria within the classifications of state safety officers, if the Department of Personnel Administration has agreed to their inclusion.

This bill would include state employees in state bargaining units that have agreed in a memorandum of understanding between the state employer and the recognized employee organization that the classifications or positions of these state employees are found to meet specified state safety criteria within the classifications of state safety officers, if the Department of Personnel Administration has agreed to their inclusion. To the extent that the bill would enlarge the class of persons eligible for state safety membership, it would make an appropriation by increasing the state's contribution to the Public Employees' Retirement Fund.

(7) The Public Employees' Retirement Law authorizes the surviving spouse or eligible children of certain state members who die prior to retirement with 20 years or more of state service to receive a specified monthly allowance in lieu of the basic death benefit, as defined.

This bill would revise the amount of that monthly allowance, as specified, and would provide that survivors who are receiving the current allowance shall receive the revised allowance on and after January 1, 2000.

(8) Existing law, the Public Employees' Medical and Hospital Care Act, provides health benefits plan coverage to public employees and annuitants meeting the eligibility requirements prescribed by the Board of Administration of the Public Employees' Retirement System. Existing law revises the definition of "eligible employee" for the purposes of the act as it applies to state employees in State Bargaining Units 8 and 16, and revises the definition of "family member" for the purposes of the act as it applies to state employees in State Bargaining Unit 5.

This bill would repeal the revised definitions of "eligible employees" and "family member."

(9) Under the Public Employees' Medical and Hospital Care Act and the State Employees' Dental Care Act, an annuitant, as defined, may enroll or continue his or her enrollment in an approved health benefits plan and dental care plan without discrimination as to premium rates or benefits coverage. However, a family member receiving the survivor's monthly allowance described above may elect to be covered or continue to be covered by those plans only upon payment of the total premium cost plus 2%.

This bill would repeal those provisions regarding the payment of premiums by those family members and instead would include those family members within the definition of an "annuitant" for purposes of plan coverage under those acts.

(10) Existing law governing preretirement death benefits under the Public Employees' Retirement System provides that notwithstanding the requirement that a state member attain the minimum age for voluntary service retirement in his or her last employment preceding death, upon the death of a state member on or after January 1, 1993, who is credited with 20 years or more of state service, the surviving spouse, or eligible children if there is no eligible spouse, may receive a monthly allowance in lieu of the basic death benefit, as specified.

This bill would revise the applicable conditions and amounts payable under this provision.

(11) Existing law, with specified exceptions, provides that all contracts entered into by any state agency for the hiring or purchase of a variety of goods and services, including equipment, supplies, textbooks, and repair or maintenance, are void unless approved by the Department of General Services. Contracts entered into by the Department of Personnel Administration for employee benefits, occupational health and safety, training

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services, or a combination thereof, for state employees in State Bargaining Unit 8 or 16 are exempt from this approval requirement.

This bill would apply the exemption to contracts entered into by the Department of Personnel Administration for employee benefits, occupational health and safety, training services, or a combination thereof, for state employees in state bargaining units that have agreed to this provision in a memorandum of understanding.

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

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

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

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

Ch. 458 (SB 804) Perata. Transportation: rail feeder bus service.

Existing law authorizes the Department of Transportation to contract with common carriers, as defined, or with any other entity to provide feeder services to or from rail passenger terminals or intercity bus transportation.

The bill would require the department or its successor in interest to encourage the National Railroad Passenger Corporation (Amtrak) and motor carriers of passengers, as defined, to undertake specific actions and would authorize the department or its successor in interest to provide funding to Amtrak for the purpose of entering into a contract with a motor carrier of passengers for the intercity transportation of passengers over regular routes, if, among other things, the motor carrier is not a public recipient of governmental assistance, as defined in federal law, except as specified, and the service is provided only for trips where passengers have had prior movement by rail or will have subsequent movement by rail.

The bill also would authorize the department to provide funding to Amtrak for the purpose of entering into a contract with a motor carrier of passengers to transport Amtrak passengers on buses operated on a route, if the buses are operated by the motor carrier as part of a regularly scheduled, daily bus service that has been operating consecutively without an Amtrak contract for 12 months immediately prior to contracting with Amtrak.

Ch. 459 (SB 809) O'Connell. Licensing.

Under existing law, the Board of Behavioral Sciences provides for the licensure and regulation of marriage, family, and child counselors, as well as clinical social workers, including the denial, revocation, or suspension of a license due to unprofessional conduct. Under existing law, the Respiratory Care Board of California provides for the licensure and regulation of respiratory care practitioners, and specifies causes for the denial, revocation, or suspension of a license on specified grounds. Under existing law, the Board of Psychology provides for the licensure and regulation of psychologists, including the denial, revocation, or suspension of a license on specified grounds.

This bill would require an accusation brought against such a licensee, pursuant to a specific provision of the Government Code, to be filed within 3 years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within 7 years from the date the alleged act or omission that is the basis for disciplinary

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action occurred, whichever occurs first subject to certain tolling provisions. The bill would state that it applies to all accusations filed on or after January 1, 2000.

These requirements, however, would not apply if the accusation filed against a licensee, as specified, alleges the procurement of a license by fraud or misrepresentation.

Ch. 460 (SB 1200) Poochigian. Disabled access to public accommodations.

(1) The Planning and Zoning Law provides that when a provision under that law requires notice of a public hearing, the notice shall be given in a specified manner and may be given in any other manner that the local agency deems necessary or desirable.

This bill, in addition, would provide that whenever a hearing is held regarding a permit for a drive-through facility or the modification of an existing drive-through facility permit, the local agency shall incorporate, where necessary, notice procedures to the blind, aged, and disabled communities in order to facilitate their participation in any hearing on, or appeal of the denial of, a drive-through facility permit. By increasing the duties of local agencies, the bill would impose a state-mandated local program.

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

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

Ch. 461 (AB 18) Villaraigosa. Bond: parks, water, and coastal protection act.

(1) Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities.

This bill would enact the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act) which, if adopted, would authorize, for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $2,100,000,000.

(2) The bill would require the Secretary of State to submit the bond act to the voters at the March 7, 2000, statewide general election.

(3) The bill would require that, to the extent permitted by federal law, if the Camp Pendleton Marine Base in the County of San Diego ceases to be used as a federal facility, it be converted to an open-space area of greenbelt administered by the Department of Parks and Recreation.

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

Ch. 462 (AB 178) Torlakson. Development: financial assistance: relocation.

Existing law permits a redevelopment agency, under specified circumstances, to pay all or part of the costs of land, or the installation and construction of any structure or other improvement that is publicly owned within or without a project area. Existing law prohibits a redevelopment agency from providing any form of direct assistance to an automobile dealership on a parcel not previously developed for urban use, or a development on a parcel of 5 acres or more not previously developed for urban use that would generate sales and use taxes, except as specified.

This bill, until January 1, 2005, would further prohibit a redevelopment agency, and would prohibit a city or county, from providing any form of financial assistance to an automobile dealership or big box retailer, or a business entity that sells or leases land to an automobile dealership or big box retailer, that is relocating from the territorial jurisdiction of one community, or city or county, to the territorial jurisdiction of another community, or city or county, but within the same market area, unless the receiving community, or city or county, offers the other community, or city or county, a contract that apportions sales tax generated by the dealership or retailer between the 2 communities, or cities or counties, as specified, and the agency, or city or county, holds a public hearing and adopts a resolution making specified findings relating to whether or not a contract has been approved.

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This bill would require the California Research Bureau to report to the Governor and the Legislature on or before January 1, 2004, regarding the implementation of its provisions.

Ch. 463 (AB 41) Wesson. Income and bank and corporation taxes: deficiency protest.

Existing law provides for the administration of income and bank and corporation taxes. That law provides that a claim for refund shall be filed within specified timeframes if any tax has been paid or overpaid, as specified.

This bill would provide that a payment of taxes by making a deposit in the nature of a cash bond to stop the running of interest, as specified, shall not be considered a payment for purposes of a claim for refund or an action until specified events occur, as provided.

Ch. 464 (AB 417) Floyd. Property tax revenue shifts: exclusions: fire districts.

Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing property tax law also reduces the amounts of ad valorem property tax revenue that would otherwise be annually allocated to the county, cities, and special districts pursuant to these general allocation requirements by requiring, for purposes of determining property tax revenue allocations in each county for the 1992–93 fiscal year, that the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. It requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education. It also limits the initial reduction amount that may be so calculated and transferred with respect to a special district to no more than 40% of that district's property tax revenues or 10% of that district's total annual revenues. For purposes of applying these limits with respect to a special district, including a fire department, that provides fire protection or fire suppression services in a county that contracts with the state to protect state responsibility areas, existing law specifies that the district's total annual revenues do not include the total amount of all funds that are appropriated to that district pursuant to certain statutory provisions.

This bill would clarify that this exclusion applies to a special district, regardless of whether the county contracts with the state for the protection of state responsibility areas, and would specify that this exclusion, as amended by a specified legislative act, should not be construed to affect the exclusion as it existed prior to those amendments.

Ch. 465 (AB 819) Committee on Public Employees, Retirement and Social Security. State Teachers' Retirement System: benefits.

The State Teachers' Retirement Law provides supplemental benefits for members whose allowances are subject to limitations imposed by Section 415 of the Internal Revenue Code.

This bill would delete those provisions and would establish a replacement benefit program. The bill would create the Teachers' Replacement Benefits Program Fund in the State Treasury, and would continuously appropriate moneys in the fund without regard to fiscal years to pay benefits and administrative expenses.

Ch. 466 (AB 1148) Dickerson. Timber harvesting: payments.

Under existing law, all funds received by the state from the federal government, the expenditure of which is administered through or under the direction of any state agency, is required to be deposited in the Federal Trust Fund.

This bill would require that any federal funds received by the state as a result of federally administered timber harvesting be deposited in the fund and, when due to counties, be allocated by the Controller under specified criteria regarding payment time, electronic transfer, interest on retained funds, and notification of anticipated payments.

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The provision that would require the state to pay interest on retained funds to eligible counties would constitute an appropriation.

Ch. 467 (AB 1364) Migden. Recycling Market Development Loan Program.

The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. Under existing law, a local governing body is authorized, either by ordinance or resolution, upon the recommendation of the appropriate land use planning agency, to propose eligible parcels of property within its jurisdiction as a recycling market development zone. Existing law creates the Recycling Market Development Revolving Loan Subaccount in the Integrated Waste Management Account and continuously appropriates the funds deposited in the subaccount to the board for the purpose of providing loans for purposes of the Recycling Market Development Revolving Loan Program. Existing law authorizes the board to make low-interest loans to local governing bodies and private business entities within a recycling market development zone from money in the subaccount for specified purposes, and authorizes the board, upon appropriation by the Legislature in the annual Budget Act, to expend money in the subaccount for the administration of the recycling loan program. Existing law prohibits the term of any loan from exceeding 10 years, and prohibits the board from financing more than $^1/_2$ of the cost of a project, or financing more than $1,000,000 for loans to the project, whichever is less. Existing law establishes specified requirements for those loans. Existing law authorizes the board to participate on a pilot basis in the Capital Access Loan Program and authorizes the board to participate in other state and federal lending programs that leverage funds based upon the ongoing success of the pilot program.

Existing law makes the provisions regarding the proposal for market development zones, the creation of the subaccount, and expenditures therefrom, inoperative on July 1, 2006, and repeals those provisions as of January 1, 2007.

This bill would reorganize and recast those provisions and in doing so, would delete the repeal of the provision authorizing a local government body to propose recycling market development zones and the provision specifying that the board's participation in the Capital Access Loan Program be on a pilot basis. The bill would authorize the board to operate both inside and outside the recycling market development zones for purposes of participating in the Capital Access Loan Program or in any other program that leverages subaccount funds.

This bill would instead prohibit the term of a loan from exceeding 10 years when collateralized by assets other than real estate, or not more than 15 years when partially or wholly collateralized by real estate. The bill would prohibit the board from financing more than $^3/_4$ of the cost of each project, or from financing more than $2,000,000 for each project, whichever is less.

The bill would authorize the board to expend the money in the subaccount to make loans to local governing bodies, private businesses, and nonprofit entities within recycling market development zones, or in areas outside zones where specified partnerships exist with other public entities.

Ch. 468 (AB 1506) Florez. State finance.

(1) Existing law specifies the types of securities that are eligible for the investment of surplus state funds, including commercial paper of prime quality that meets certain criteria and negotiable certificates of deposit.

This bill would add alternative criteria that commercial paper of prime quality and negotiable certificates of deposit may meet to be eligible as an investment security for surplus state funds.

(2) The State General Obligation Bond Law requires, with respect to bids on the public sale of state general obligation bonds pursuant to public announcement by the Treasurer, that each bid be in writing and signed by the bidder and sealed, and accompanied by the deposit of a certified check or cashier's check for $^1/_2$ of 1% of the par value of the bonds offered for sale.

This bill instead would require each bid to be submitted to the Treasurer in the form and by the means specified by the Treasurer by public announcement. The bill would

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require the Treasurer to require a deposit, as specified, of $^1/_2$ of 1% of the principal amount of the bonds offered for sale, and to specify the form of the deposit, which may be a cashier's check, a surety bond, or a wire transfer of funds, or a combination thereof. It would also make various conforming changes.

(3) This bill would incorporate additional changes in Section 16754.3 of the Government Code proposed by SB 997, to be operative if SB 997 and this bill are both enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 469 (AB 1655) Hertzberg. Occupational safety and health standards: variances: assessments.

Existing law authorizes employers to apply to the Occupational Health and Safety Standards Board (the board) for a permanent variance from an occupational safety and health standard, order, special order, or portion thereof, upon a showing of an alternate program, method, practice, means, device, or process that will provide equal or superior safety to employees. Existing law requires the board to issue those variances, after opportunity for an investigation, if it determines on the record, after an investigation where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that certain conditions relating to the safety and health of employees are met.

This bill would require the Occupational Safety and Health Standards Board, on or before April 1, 2000, to report to the Legislature on the nature and the extent of investigations conducted pursuant to those provisions.

Existing law authorizes the levy and collection of assessments from employers to fund the Cal-OSHA targeted inspection and consultation programs. This authorization will be repealed on January 1, 2000, unless extended by statute.

This bill would delete the January 1, 2000, repeal date for the above authorization for employer assessments.

Ch. 470 (AB 1688) Papan. Securities.

Existing law regulates the ownership and sale of, and investment in, securities registered on a national security exchange, as provided by federal law.

The bill would incorporate and make applicable to securities listed on the National Market System of the NASDAQ Stock Market various provisions of state law relating to the following: the purchase of dissenting shares in connection with a corporate reorganization; the suspension of over-the-counter trading by agents and broker-dealers; a conflict of interest code for pilots involving the ownership of tugboats; the composition of reserves required to be maintained by entities executing or assuming continuing care contracts; the submission of disclosure statements by hazardous waste control applicants; authorized excess funds investments for domestic life insurers; and authorized investments by certain governmental retirement systems in common and preferred stock, as specified.

Ch. 471 (SB 164) Johnston. Reparation payments: state income tax exclusion and Medi-Cal and state student financial aid eligibility.

(1) Under existing law, and to the extent required by federal law, certain reparation payments made by the federal government to redress injustices done to United States citizens and resident aliens of Japanese ancestry interned during World War II are not considered income or resources for the purposes of determining eligibility for Medi-Cal and public assistance benefits or the amount of those benefits.

This bill would, to the extent that federal financial participation is available, prohibit reparation payments made by the Canadian government to persons of Japanese ancestry interned in Canada during World War II from being considered as income or resources for purposes of determining eligibility to receive Medi-Cal benefits or the amount of these benefits. It would, to the extent that federal financial participation is available, where reparation payments have been converted to another form, prohibit amounts of otherwise excess nonexempt resources equal to the amount of these reparation payments received by the individual or inherited by the spouse of the individual, or both, from being considered as resources in determining eligibility for Medi-Cal. It would also, to the extent that federal financial participation is available, exempt reparation payments

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and amounts of resources equal to the amount of reparation payments, received by the deceased Medi-Cal beneficiary or inherited by the deceased spouse of that beneficiary, or both, from estate recovery by the State Department of Health Services.

Since eligibility for Medi-Cal benefits is determined by county welfare departments, this bill would impose a state-mandated local program on counties implementing its provisions.

(2) Under existing law, specified resources are exempt from consideration in determining an applicant's financial need for state student assistance.

This bill would also require that, to the extent that federal financial analysis methodology incorporates this exemption, income received as reparation payments from the federal government on or after October 1, 1990, or as reparation payments from the Canadian government, shall not be considered in determining an applicant's financial need for state student assistance.

(3) The existing Personal Income Tax Law provides for various exclusions from gross income.

This bill would also exclude from gross income reparation payments made by the Canadian government to persons of Japanese ancestry interned in Canada during World War II.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 472 (SB 249) Johannessen. Veterans: farm and home purchases: life or disability insurance.

Under existing law, the Veterans' Farm and Home Purchase Act of 1974, if the Department of Veterans Affairs enters into a master agreement with one or more insurance companies to provide life or disability insurance coverage for the purchasers of farms and homes from the department, the agreement is required to provide that the life insurance will be offered to purchasers who are disabled solely as a result of their qualifying military service and to nondisabled purchasers on an equal basis. Existing law also specifies that no purchaser shall be denied coverage solely because that purchaser has a qualifying military service-connected disability at the time of the application. Existing law also requires the life or disability insurance to be a form of group life or group disability insurance.

This bill would require the Secretary of Veterans Affairs to conduct a study of the life and disability insurance coverage that is being provided for the purchasers of farms and homes under the act to determine what other life and disability insurance is available that would provide equal or better coverage and a more equitable or lower cost to the purchasers. The bill would require that copies of the study, which study would be required to be conducted using existing resources of the department, be submitted to the Senate Committee on Veterans Affairs and the Assembly Committee on Veterans Affairs on or before January 1, 2000.

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

Ch. 473 (SB 574) Dunn. Mobilehome Park Purchase Fund.

Existing law authorizes the Department of Housing and Community Development to make loans from the Mobilehome Park Purchase Fund to mobilehome park residents or resident organizations to finance conversion of the parks to resident ownership. The Mobilehome Park Purchase Fund is continuously appropriated to the department for the purpose of providing these loans and for related administrative costs.

This bill would authorize those loans to also be made to qualified nonprofit housing sponsors and local public entities for the conversion of parks to ownership by those nonprofit sponsors or local public entities. The bill would require a local public entity

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purchasing a mobilehome park under these provisions to transfer the park to a nonprofit housing sponsor or resident organization that has converted, or plans to convert, the park to resident ownership within 3 years, subject to specified conditions. The bill would authorize those funds to be used to relocate a mobilehome park under specified conditions but would prohibit the use of those funds to relieve a park owner of any responsibility for covering the costs of mitigating the impacts of a park closure, as specified, or to facilitate the purchase of a park by a qualified nonprofit corporation or local public entity from a public entity that had acquired the park prior to the loan commitment under these provisions.

This bill would extend indefinitely provisions formerly applicable only to mobilehome park acquisitions from June 1 to August 1, 1993, that limit certain conditions that the department may place on the disbursement of funds for the acquisition by a local government of a mobilehome park for conversion to resident ownership.

This bill would make an appropriation by authorizing the expenditure of money in the Mobilehome Park Purchase Fund for a new purpose.

Ch. 474 (SB 583) Baca. Public Employees' Retirement System.

The Public Employees' Retirement Law requires the assets and liabilities arising out of contracts with school employers to be merged.

This bill would authorize the creation of separate risk pools for local and school miscellaneous, local safety, and school safety members, as specified, and would authorize the assets and liabilities of contracting agencies and school districts participating in the same risk pool to be combined for purposes of setting employer contribution rates.

The Public Employees' Retirement Law provides that a person receiving service credit in another publicly funded retirement system may not be a member of the Public Employees' Retirement System as to that service and prohibits a person from receiving service credit for the same service in 2 publicly funded retirement systems. That law also provides, however, that participation in a deferred compensation plan or money purchase pension plan and trust, as specified, shall not be deemed membership in another publicly funded retirement system or preclude concurrent participation and service credit in the PERS plan and those specified other plans.

This bill would additionally provide that participation in a supplemental defined benefit plan maintained by the employer that meets specified criteria shall not be deemed membership in another publicly funded retirement system or preclude concurrent participation and service credit in the PERS defined benefit plan and that plan if specified conditions exist.

Existing law provides that if a member's combined benefits under the PERS plan and another benefit plan maintained by the employer exceed limits specified in federal law, the benefits payable under the PERS plan shall be reduced.

This bill would instead provide that if a member's combined benefits under the PERS plan and other defined benefit plans maintained by the employer exceed federal limits, the benefits payable under the other defined benefit plan shall be reduced.

Ch. 475 (SB 654) Schiff. DNA and forensic identification.

(1) Existing law, part of the DNA and Forensic Identification Data Base and Data Bank Act of 1998, requires any person who is convicted of, or pleads guilty or no contest to, any specified crime, or is found not guilty by reason of insanity of any of the specified crimes, to provide 2 specimens of blood, a saliva sample, right thumbprints, and a full palm print impression of each hand for law enforcement identification analysis. The act also requires any person who is required to register as a sex offender because of the commission, or attempt to commit, any specified felony offense, or who is convicted of murder or felony assault and battery, and who is committed to a term of imprisonment in the state prison, a county jail, or any institution under the jurisdiction of the Department of the Youth Authority, granted probation, or released from a state hospital for which he or she was committed as a mentally disordered sex offender, to provide samples.

This bill would revise the latter provision by deleting references to any person who is convicted of murder or felony assault and battery, by requiring samples from any person who is or was committed to a state hospital as a mentally disordered sex offender, and

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by clarifying the type of required samples. With respect to the former provision, the bill would delete exceptions provided for lewd and lascivious conduct and various forms of disorderly conduct, and revise the reference to murder. This bill would also require the prosecuting attorney, at sentencing or disposition, to verify in writing that the samples described above are required by law, and that they have been taken, or are scheduled to be taken before the release of the defendant. The bill also would require the abstract of judgment issued by the court to indicate that the court has ordered the person to comply with the requirements of this provision and that the person shall be included in the state's DNA and Forensic Identification Data Base and Data Bank program and be subject to the DNA and Forensic Identification Data Base and Data Bank Act of 1998. By increasing the duties of local law enforcement entities, the bill would impose a state-mandated local program.

(2) Existing law authorizes a biological sample obtained from a suspect in a criminal investigation for the commission of any crime to be analyzed for forensic identification profiles, including DNA profiles, by the DNA Laboratory of the Department of Justice, which is accredited by the ASCLD/LAB, or any crime laboratory designated by the Department of Justice that is accredited by the ASCLD/LAB. Existing law also provides that nothing in the section precludes laboratories meeting Technical Working Group on DNA Analysis Methods (TWGDAM) guidelines.

This bill would provide that the accreditation specified in this provision may also be furnished by any certifying body approved by the ASCLD/LAB and likewise that the requirement that all laboratories contributing DNA profiles for inclusion in California's DNA Data Bank be accredited by the ASCLD/LAB include as an alternative any certifying body approved by the ASCLD/LAB. This bill would provide, in addition, that nothing in the provisions summarized in this paragraph precludes laboratories from meeting Scientific Working Group on DNA Analysis guidelines.

(3) Existing law provides that DNA and other forensic identification information shall be released only to law enforcement agencies at the request of the agency, except as specified. Under existing law, this information shall be available to defense counsel upon court order. Existing law also prohibits any of these provisions from precluding a court from ordering appropriate discovery.

This bill would specify that the latter provision applies to criminal defense counsel and that the court order be made pursuant to a specified provision of law. The bill would specify that the court is to order discovery pursuant to a certain provision of law.

(4) Existing law authorizes the population data base and data bank of the DNA Laboratory of the Department of Justice to be made available to and searched by the FBI and any other agency participating in the FBI's CODIS System.

This bill would authorize any other agency participating in any other national law enforcement data bank system to access the population data base and data bank of the DNA Laboratory of the Department of Justice.

(5) Existing law requires any local public DNA laboratory that collects DNA typing information to comply with and be subject to all of the rules, regulations, and restrictions of the DNA and Forensic Identification Data Base and Data Bank Act of 1998, and to follow the policies of the DNA Laboratory of the Department of Justice.

This bill instead would require any local public DNA laboratory that produces DNA profiles of known reference samples for inclusion within the permanent files of the state's DNA Data Bank program to comply with and be subject to all of the rules, regulations, and restrictions of the DNA and Forensic Identification Data Base and Data Bank Act of 1998 and to follow the policies of the DNA Laboratory of the Department of Justice.

(6) This bill would make additional conforming changes.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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Ch. 476 (SB 965) Leslie. School volunteers.

Existing law authorizes an employer to request from the Department of Justice records of all convictions or any arrest pending adjudication involving certain offenses of a person who applies for a volunteer position in which he or she would have supervisory or disciplinary power over a minor.

Existing law authorizes the Department of Justice to provide subsequent arrest notification service to certain agencies authorized to receive state summary criminal history information to assist in fulfilling employment, licensing, or certification duties upon the arrest of any person whose fingerprints are maintained on file at the Department of Justice as the result of an application for licensing, employment, or certification.

This bill would authorize a school district, county office of education, and private school to request that the Department of Justice provide subsequent arrest notification service. The bill would require the Department of Justice to comply with these requests.

Ch. 477 (SB 1195) Hayden. South Coast Air Quality Management District: particulate matter: reporting: air quality management plan.

(1) Existing law, the Lewis-Presley Air Quality Management Act, requires the South Coast Air Quality Management District to make specified forecasts, reports, and notifications regarding pollutant levels, as prescribed.

This bill would additionally require the south coast district, commencing July 1, 2001, to include in those forecasts, reports, and notifications prescribed information regarding levels of particulate matter 2.5 microns or smaller (PM2.5) that exceed a certain concentration, thereby imposing a state-mandated local program.

(2) The act requires the south coast district to adopt a plan to achieve state and federal ambient air quality standards, as specified.

This bill would require the south coast district, within one year from the date that a new federal ambient air standard for PM2.5 is adopted, to make a preliminary assessment of the nature of PM2.5 in the South Coast Air Basin, and to revise its air quality management plan to include a discussion of how the south coast district's current strategy and ozone plan will assist the South Coast Air Basin to make progress in achieving compliance with the 24-hour federal ambient air standard. The bill would require the south coast district board, on or before December 31, 2001, and every 3 years thereafter, in conjunction with a public health organization or agency, to prepare a report on the health impacts of particulate matter air pollution, thereby imposing a state-mandated local program.

(3) This bill would incorporate additional changes to Section 40451 of the Health and Safety Code, proposed by SB 25, to be operative only if SB 25 and this bill are both chaptered on or before January 1, 2000, and this bill is chaptered last.

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

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

Ch. 478 (AB 196) Kuehl. Child support enforcement.

Existing law designates the State Department of Social Services as the single organizational unit to administer the state plan for securing child and spousal support and determining paternity and sets forth the department's duties and functions for this purpose.

This bill would recast those provisions. The bill would establish a Department of Child Support Services to administer all services and perform all functions necessary to establish, collect, and distribute child support. The bill would designate the Department of Child Support Services as the single organizational unit to administer the state plan for securing child and spousal support, medical support, and determining paternity.

Existing law requires each county to maintain a single organizational unit within the office of the district attorney to be responsible for establishing, modifying, and enforcing child support obligations and specifies various duties and the authority of the district attorney for these purposes.

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This bill, instead, would require each county to establish a county department of child support services referred to as the local child support agency, to which the Department of Child Support Services has delegated or with which the department has contracted, to secure child and spousal support, medical support, and determine paternity in a county pursuant to these provisions. Because this bill would impose new duties upon counties, it would impose a state-mandated local program.

Existing law provides for the collection of child support obligations by the Franchise Tax Board.

This bill would require the Franchise Tax Board to implement augmented child support collection activities, and would revise child support collection procedures.

Existing law requires each employer to file with the Director of Employment Development a report of contributions and report of wages paid to his or her workers as prescribed.

This bill would require, effective July 1, 2000, any service-recipient, as defined, who makes or is required to file designated tax returns with the federal Internal Revenue Service to provide to the Employment Development Department certain information.

Existing law provides for the funding of various means of providing incentives for county child support collection efforts and limiting the use of excess incentive funds paid to counties.

This bill would repeal those provisions.

This bill would also make conforming changes and delete obsolete provisions of law.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 479 (AB 150) Aroner. California Child Support Automation System.

Existing law requires the California Health and Human Services Agency and the State Department of Social Services to develop a linked statewide automated consortium-based data-processing and information retrieval system for the purpose of child support enforcement, provides for the implementation of specified data systems, and provides for the participation of eligible county consortiums.

Existing law also requires that California's child support automation system meets federal automation requirements and subjects the state to the payment of penalties for any failure to meet these requirements by specified dates pursuant to federal law.

This bill would require the state agency designated as the single state agency responsible for operating the child support enforcement program, through the Franchise Tax Board as its agent, to be responsible for procuring, developing, implementing, and maintaining the operation of the California Child Support Automation System in all California counties.

The bill would also specify the procedures by which each county would pay the nonfederal share of the administrative expenses of the program and would allocate to each county, except Los Angeles County, a proportionate reduction in the payment of these costs based on the payment of any federal penalty for the failure of the child support automation system to meet federal automation requirements. It would provide that money from the General Fund would be used to supplant the reduction to state funding as a result of the federal penalty, up to 100% of the reduction, subject to conditions specified by the department and the Department of Finance, and subject to the appropriation of funds in the annual Budget Act. By requiring counties to participate in the program, the bill would result in a state-mandated local program.

This bill would appropriate $95,500,000 from the General Fund to the State Department of Social Services for the state payment of penalties, otherwise allocated to each county, being held in abeyance pursuant to the bill. It would also appropriate $6.6 million from the General Fund to the Franchise Tax Board for purposes of implementing and administering this bill.

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The bill would provide for the reallocation of funds appropriated in the 1999 Budget Act for purposes of this act, and, by providing for the reallocation of those funds, this bill would result in an appropriation.

The bill would provide for the reversion of certain unexpended and unencumbered child support incentive funds to the General Fund.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 480 (SB 542) Burton. Child support enforcement.

Existing law provides for the implementation and administration of procedures for securing child and spousal support and determining paternity and sets forth the duties and functions of specified state and local entities for this purpose.

This bill would recast those provisions and would make conforming changes to reflect those recast provisions.

Ch. 481 (SB 252) Kelley. Highway tolls: transit service: demonstration program.

Existing law authorizes the San Diego Association of Governments (SANDAG), in cooperation with the Department of Transportation, to conduct a demonstration program pursuant to which single-occupant vehicles are allowed to use the high-occupancy vehicle (HOV) lane on a specified portion of Interstate Highway Route 15 (I-15) for a fee. Existing law requires the level of service in these HOV lanes to be Service B, as adopted by the Transportation Research Board, or the level of service of an HOV lane without single-occupant vehicles. The authorization for this demonstration program will be repealed on January 1, 2000.

This bill would change the level of service in these HOV lanes from Service B, as adopted by the Transportation Research Board, or the level of service of an HOV lane without single-occupant vehicles, to Service C or D, as specified. In addition, the bill would extend the repeal date for this demonstration program to January 1, 2002.

Existing law requires SANDAG, upon completion of the demonstration program, to submit a report to the Legislature on its findings, conclusions, and recommendations concerning the program.

This bill would require the report to be submitted on or before January 1, 2000.

The bill also would make technical, nonsubstantive changes.

Ch. 482 (AB 1218) Keeley. Vehicles: right-of-way: yielding: transit buses.

(1) Existing law requires a driver to yield the right-of-way to an approaching authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting red light.

This bill would, in the Santa Cruz Metropolitan Transit District, the Orange County Transportation Authority, the Alameda-Contra Costa Transit District, and the Santa Clara County Transit District, require the driver of a vehicle to yield the right-of-way to a transit bus if (a) the bus has entirely exited an active traffic lane to board or deboard passengers at a designated bus stop, and is attempting to reenter the lane from which it exited, (b) directional signals on the bus are flashing to indicate that the bus is preparing to merge with traffic, and (c) the bus is equipped with a yield right-of-way sign, as specified, on the left rear of the bus. This bill would require that the Commissioner of the California Highway Patrol report on the effectiveness of the right-of-way with recommendations, as prescribed, on or before December 31, 2002. The bill also would require an education program in the affected areas and would establish a base fine of $35 for a violation, as specified.

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The provisions of the bill would be applicable to a district only if the governing board of the district approves a resolution requesting that those provisions be made applicable to it.

Because a failure to yield as required would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

The requirements of the bill would terminate on January 1, 2003.

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

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

Ch. 483 (AB 76) Keeley. Marine resources.

(1) Existing law provides that each member of the Fish and Game Commission shall receive $100 for each day of actual service performed in carrying out his or her official duties pursuant to law and limits the amount of this compensation for any one commissioner to $500 for any one calendar month. These expenses are paid out of the continuously appropriated Fish and Game Preservation Fund.

This bill would require the commission, based on its strategic planning process, to submit recommendations to the Legislature, on or before July 1, 2000, regarding the time commitment required for service on the commission, compensation of the commissioners, and other matters the commission deems appropriate.

(2) Existing law requires the commission to form a marine resources committee, which is required to report to the commission on its activities and make recommendations on all marine resource matters considered by the commission.

This bill would require the members of the committee to be members of the commission.

(3) Existing law, which is to be repealed on January 1, 2000, delineates the general regulatory powers of the commission, including, among other things, the authority to establish, extend, shorten, or abolish open seasons and closed seasons, establish, change, or abolish bag limits and possession limits, and establish and change areas of territorial limits for their taking. That law also authorizes any regulation adopted pursuant to those provisions to supersede any section of the Fish and Game Code under specified circumstances.

This bill would extend those provisions to January 1, 2003. Since a violation of a regulation adopted by the commission is a misdemeanor under existing law, the bill would impose a state-mandated local program by continuing in existence, until January 1, 2003, crimes that otherwise would be repealed.

(4) Existing law authorizes the commission, or any person appointed by the commission to conduct a hearing, to cause the deposition of witnesses, as prescribed, and to compel the attendance of witnesses and the production of documents and papers. Existing law requires all meetings of a state body to be open and public, with specified exceptions, but specifies that nothing in that law prohibits a state body from holding a closed session to deliberate on a decision to be reached in a proceeding required to be conducted pursuant to specified provisions of existing law governing administrative adjudication or similar provisions of law.

This bill would specify that any deliberation conducted by the commission, or by any person appointed by the commission to conduct hearings, is deemed to be a proceeding required to be conducted pursuant to the law governing administrative adjudication or similar provision of law.

(5) Existing law generally governs the establishment of fishery management plans, except for fishery management plans governing the white seabass fishery. Other existing law governs fishery management plans specifically for the white seabass fishery.

This bill would repeal the law specifically governing the white seabass fishery, and would incorporate provisions pertaining to that fishery into the law governing fishery management plans generally. The bill would make conforming changes.

(6) Existing law makes it unlawful to take abalone for commercial purposes in specified fish and game districts, and imposes a moratorium on the taking, possessing, or landing of abalone for commercial or recreational purposes in ocean waters of the state

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south of a line drawn due west magnetic from the center of the mouth of San Francisco Bay, including all islands offshore the mainland of California.

The bill would allow a registered aquaculturist to collect abalone for broodstock, notwithstanding those provisions, in accordance with specified requirements.

(7) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the Department of Fish and Game to carry out the Fish and Game Code and to the commission for the payment of the compensation and expenses of the commissioners and employees of the commission. Because this bill would continue, until January 1, 2003, existing duties imposed on the commission that otherwise would be repealed, the bill would make an appropriation.

The bill would authorize regulations that the commission adopts to implement a fishery management plan or plan amendment for that fishery to make inoperative, in regard to that fishery, any fishery management statute that applies to that fishery, including, but not limited to, statutes that govern allowable catch, restricted access programs, and time, area, and methods of taking.

The bill would authorize the commission, on and after January 1, 2000, to adopt regulations as it determines necessary to regulate all emerging fisheries, all fisheries for nearshore fish stocks, and all fisheries for white seabass, as specified.

(8) Existing law defines "restricted access," with regard to a marine fishery, as a fishery in which the number of persons who may participate, or the number of vessels that may be used in taking a specified species of fish is limited by statute or regulation.

This bill would include within that definition a fishery in which the catch allocated to each fishery participant is limited by statute or regulation.

(9) Existing law requires the Director of Fish and Game to report annually to the commission on the status of sport and commercial marine fisheries managed by the state, as specified.

This bill would require each restricted access program to be reviewed at least every 5 years for consistency with the policies of the commission on restricted access fisheries.

(10) Existing law requires the commission to adopt a fishery management plan for the nearshore fishery on or before January 1, 2002, if funds are appropriated for that purpose in the annual Budget Act or pursuant to any other law.

This bill would require that plan to be consistent with the Nearshore Fisheries Management Act.

(11) Existing law requires any person taking, possessing aboard a boat, or landing any species of nearshore fish stock for commercial purposes to possess a valid nearshore fishing permit issued to that person that has not been suspended or revoked, and requires that, when using a boat to take nearshore fish stocks, at least one person aboard the boat shall have a valid nearshore fishery permit. Existing law provides that nearshore fishing permits are revocable and specifies that the fee for a nearshore fishing permit is $125.

This bill would instead require any person taking, possessing aboard a boat, or landing any species of nearshore fish stock for commercial purposes to possess a valid nearshore fishery permit issued to that person that has not been suspended or revoked, but would instead allow those actions when using a boat to take nearshore fish stocks, if at least one person aboard the boat has a valid nearshore fishery permit.

(12) Existing law provides that, when a fishery is closed or restricted due to specified reasons, the policy of the department and the commission is to assist and foster the development of alternative fisheries or alternative fishing gear, consistent with specified policies regarding the closure or restriction of commercial fishing.

This bill would instead require those policies to be consistent with all of the provisions governing fishery management plans, sport fishing, and commercial fishing.

(13) Existing law does not prohibit the taking of basking sharks for commercial purposes.

This bill would authorize the commission to adopt regulations to manage basking sharks, and would prohibit the taking of a basking shark commercially unless the commission adopts regulations for that activity and the taking is in accordance with those regulations. Because a violation of this prohibition would be a crime, pursuant to other provisions of law, the bill would impose a state-mandated local program by creating a new crime.

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(14) Existing law prohibits the use of gill nets or trammel nets for commercial purposes, except under a revocable, nontransferable permit issued by the department, and prohibits the department from issuing new gill net or trammel net permits under that provision, except to those persons who applied prior to January 1, 1986, to take the examination for a gill and trammel net permit.

This bill would delete that exception for the issuance of new permits to those persons who apply prior to January 1, 1986.

(15) Existing law prohibits the use of gill nets and trammel nets, from December 15 to May 15, inclusive, within two nautical miles of Point Loma in San Diego County or San Mateo Point in Orange County or within one nautical mile of Point La Jolla in San Diego County, Dana Point in Orange County, or Point Fermin, Point Vicente, Palos Verdes Point, or Point Dume in Los Angeles. Existing law allows set gill nets to be used south of the Coronado-San Diego Bridge to take mullet (Mugil cephalus) only under a specified permit.

This bill would repeal those provisions.

(16) Existing law allows bait nets to be used to take fish for bait in specified districts.

This bill would authorize the commission, upon the recommendation of the department, to adopt regulations governing the use of bait nets.

(17) The bill would make other technical, clarifying, and conforming changes.

(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.

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

Ch. 484 (AB 384) Jackson. Sales and use taxes: prepayments.

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. That law provides that, under specified circumstances, the State Board of Equalization may require any person whose sales and use tax liability exceeds a specified amount to prepay that tax liability. Existing law provides for a prepayment amount and due date for the first, third, and fourth calendar quarters different than for the second calendar quarter.

This bill would revise the prepayment requirements for the 2nd calendar quarter. The bill would make related changes.

Ch. 485 (AB 404) Kuehl. Estate taxes: satisfaction.

Existing law requires the Controller to examine and settle the accounts of all persons indebted to the State of California and to direct and superintend the collection of all money due the state.

This bill would direct the Department of General Services to accept a deed on behalf of the Controller's office in lieu of foreclosure for the 160 acres of specified real property located in the County of Los Angeles and in lieu of the estate taxes and interest due as a result of the default in payments for the purchase of the property by the Mountains Recreation and Conservation Authority on March 26, 1996.

The bill would also authorize the Department of Parks and Recreation to exchange or sell the real property, as specified.

Ch. 486 (AB 517) Maldonado. Escrow companies: Fidelity Corporation: request for hearing.

Existing law provides for the licensing of escrow agents by the Department of Corporations, and requires licensees to participate as members of the Escrow Agents' Fidelity Corporation, a nonprofit corporation established to pay members for loss of trust obligations, as specified.

Existing law provides that a member or successor in interest aggrieved by any action or decision of the Escrow Agents' Fidelity Corporation may appeal to the Commissioner of Corporations within 30 days from the action or decision by filing a written request for a hearing.

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This bill would revise various of those procedures and requirements and provide instead for the filing of a written request for a hearing with the commissioner, as specified.

Ch. 487 (AB 528) Papan. Revenue bonds: joint powers authorities.

Under existing law, any agency, commission, or board provided by a joint exercise of powers agreement may issue revenue bonds to pay the cost and expenses of acquiring or constructing a project as defined, or conducting a program for any of various enumerated purposes.

This bill would specify that the issuance of specified joint powers authority revenue bonds of designated joint powers authorities for designated transportation and water facilities and the use of bond proceeds to finance these projects are valid.

Ch. 488 (AB 538) Wayne. Public beaches: bacteriological standards.

Existing law sets forth duties and responsibilities of the State Water Resources Control Board.

This bill, in addition, would require the state board, on or before September 30, 2000, in conjunction with the State Department of Health Services and a panel of experts established by the state board, to develop source investigation protocols for use in conducting source investigations of storm drains that produce exceedences of specified bacteriological standards.

The bill also would require the state board, on or before March 31, 2001, in conjunction with the State Department of Health Services, to report to the Legislature on the methods by which it intends to conduct sources investigations of storm drains that produce exceedences of bacteriological standards established, as specified.

Ch. 489 (AB 771) Briggs. Vehicles: driver's licenses: identification cards: photographs and physical characteristics.

Under existing law, a driver's license or identification card is required to bear a fullface engraved picture or photograph of the licensee or applicant and other information concerning the licensee or applicant, including information pertaining to the licensee's or applicant's physical characteristics. The Department of Motor Vehicles is authorized to sell information from its records, with specified exceptions.

This bill would prohibit the department from distributing or selling, unless requested by the licensee or applicant, the licensee's or applicant's picture or photograph or any information pertaining to the licensee's or applicant's physical characteristics to any private individual, other than the licensee or applicant, or to any firm, copartnership, association, or corporation, except as specified.

Ch. 490 (AB 831) Leach. Limited liability companies: formation.

Existing provisions of the Beverly-Killea Limited Liability Company Act authorize the creation of, and govern the activities of, limited liability companies. Existing law generally provides that the members of a limited liability company are personally liable under a judgment of a court or for any debt, obligation, or liability of the company under the same or similar circumstances and to the same extent as a shareholder of a corporation, except with respect to the failure to hold meetings or to observe certain formalities at meetings under specified conditions. Existing law also generally requires limited liability companies to have 2 or more members.

This bill would permit limited liability companies to have one member, and would provide that the members of a limited liability company are subject to the common law of alter ego liability.

Ch. 491 (AB 848) Kuehl. Coastal development permits: temporary, nonrecurring movie, television and commercial production sets.

The existing California Coastal Act of 1976 requires any person wishing to perform or undertake any development in the coastal zone, as defined, to obtain a coastal development permit, except as provided. The act requires the California Coastal Commission to hear appeals brought with respect to actions taken on a coastal development permit application, as prescribed.

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This bill would authorize the governing body of a local government with a certified local coastal program to elect to delegate the commission as the appropriate authority to process and issue a coastal development permit for a temporary, nonrecurring location set for a motion picture, television, or commercial production project in the coastal zone. The bill would authorize the governing body of a local government to designate the commission as the processing and permitting authority on a project-by-project basis and to designate the local coastal administrator or other designee as the decisionmaking authority to decide projects that will be transmitted to the commission for processing and permitting. The bill would specify related matters regarding the processing of these coastal development permit applications by the commission.

Ch. 492 (AB 855) Cardenas. Child care and development programs.

(1) Existing law establishes the Child Care and Development Services Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund in the State Treasury which are continuously appropriated funds, to be used for the purpose of guaranteeing and providing loans for the purchase, development, construction, expansion, or improvement of licensed child care and development facilities. Under existing law, facilities eligible for loan guaranty programs include, among others, full-day and part-day child care and development facilities and family day care homes serving more than 6 children.

This bill would instead provide that facilities eligible for loan guaranty programs include licensed full-day and part-day child care and development facilities and family day care homes.

(2) Existing law sets forth the purposes for which loans and loan guarantees for improvements may be used.

This bill would also authorize loans and loan guarantees for improvements to be used for the expansion or preservation of existing child care operations and would require the Department of Housing and Community Development to determine whether the improvements are necessary.

(3) Existing law provides priority for loan guarantees and direct loans to facilities that serve households with incomes not exceeding 75% of the local median income.

This bill would define a "lower income" family for the purposes of providing program priorities as a family with an adjusted monthly income that is at or below 75% of the state median income.

(4) Existing law places certain restrictions on loan guarantees and direct loans to family child care homes serving more than 6 children and requires a family child care home provider to provide evidence from the community care licensing division that the repairs, renovations, or additions are required to maintain the license or obtain a license for more than 6 children.

This bill would delete these provisions.

(5) Existing law requires the Department of Housing and Community Development to adopt regulations for serving family day care homes efficiently including making loans available from the Child Care and Development Facilities Direct Loan Fund to local microenterprise loan funds and other lenders who may relend the funds to eligible family day care home providers.

This bill would provide that a loan to a family day care home provider shall not be subject to a 50% investment restriction.

(6) Under existing law, the interest rate of a loan may vary based on the ability of the borrower to repay the loan, but is required to be reasonable and designed to obtain prompt and full repayment of the loan by the borrower.

This bill would instead require the interest rate for a direct loan to be set at the time of application, fixed for the term of the loan, and set at a rate equivalent to the Surplus Money Investment Fund rate in effect on December 31 of the preceding calendar year.

Ch. 493 (AB 873) Committee on Human Services. Rehabilitative services: assistive technology.

Existing law requires independent living centers to perform various functions and duties with respect to providing assistance to individuals with disabilities, including providing services and referrals regarding transportation, job development, equipment

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maintenance and evaluation, training in independent living skills, mobility assistance, and communication assistance.

This bill would include assistive technology among the services and referrals required to be provided by independent living centers. The bill would also require assistive technology activities to involve collaboration with the Department of Rehabilitation and the nonprofit contractor selected to implement the federal law relating to assistive technology, which would be required to serve as the framework for offering assistance to individuals with disabilities.

Ch. 494 (AB 963) Gallegos. Automotive products: coolants and antifreeze.

(1) Existing law requires the Department of Food and Agriculture to establish specifications for engine coolants and antifreeze, and prediluted engine coolants and prediluted antifreeze that promote the public safety in the operation of motor vehicles. Existing law prohibits the department from prescribing specifications that are less restrictive than the minimum specifications recommended by the American Society for Testing and Materials.

This bill also would require the department, on or before January 2002, to establish specifications for recycled engine coolants and antifreeze and recycled prediluted engine coolants and antifreeze that promote the public safety in the operation of motor vehicles if the American Society for Testing and Materials adopts standards for recycled engine coolants and antifreeze. Because, under existing law, a violation of those standards and specifications would be a misdemeanor, the bill would impose a state-mandated local program.

For the above purposes, the bill would revise the definition of "prediluted engine coolant" or "prediluted antifreeze." The bill also would require the department to adopt testing procedures and to specify a virgin reference coolant that it finds is recognized as standard in the industry.

(2) Existing law, until January 1, 2000, or 150 days from the date of the adoption of prescribed standards by the American Society for Testing and Materials, whichever occurs first, authorizes the Department of Food and Agriculture to grant a variance from the chloride standard adopted for recycled engine coolants and antifreeze if certain requirements are met.

This bill, instead, would extend those provisions to January 1, 2003.

(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. 495 (AB 982) Ducheny. Water quality: total maximum daily loads.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with regulatory authority over water quality. Under the federal Clean Water Act, each state is required to identify those waters for which prescribed effluent limitations are not stringent enough to implement applicable water quality standards and to establish, with regard to those waters, total maximum daily loads, subject to the approval of the United States Environmental Protection Agency, for certain pollutants at a level necessary to implement those water quality standards.

This bill would require the state board to convene an advisory group or groups to assist in the evaluation of program structure and effectiveness as it relates to the implementation of the requirements of a specified provision of the federal Clean Water Act and applicable federal regulations. The bill also would require the state board to report, on or before November 30, 2000, and annually thereafter until November 20, 2002, to the Legislature on the structure and effectiveness of its water quality program as it relates to that provision of the federal Clean Water Act. The bill, in addition, would require the state board, on or before November 30, 2000, to assess and report to the Legislature on the state board's and the regional board's current surface water quality monitoring programs, as specified.

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Ch. 496 (AB 992) Wayne. Solid waste disposal sites: cleanup.

(1) The existing California Integrated Waste Management Act of 1989 required the California Integrated Waste Management Board, on January 1, 1994, to initiate a program for the cleanup of solid waste disposal sites and for cleanup of solid waste at codisposal sites where no responsible party is available to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment. Existing law provides that all expenses incurred by the board in carrying out the program shall be paid from the Solid Waste Cleanup Trust Fund. Existing law provides that the board may not expend more than $300,000 annually for administration of the program and may not expend more than $5,000,000 from the trust fund in any fiscal year.

This bill would eliminate those monetary limitations, but would instead prohibit the board from expending more than 5% of the amount appropriated for the program to administer the program, unless a different amount is otherwise appropriated to administer the program in the annual Budget Act.

(2) Existing law authorizes the board, in administering the program, to expend funds for specified purposes, including providing loans to responsible parties who make a specified demonstration regarding loan repayment, and providing matching grants to local governments. The board is also authorized to provide grants to certified local enforcement agencies to abate illegal disposal sites.

This bill would instead authorize the board to expend funds to provide loans to private parties that make that demonstration and to provide matching grants to public entities. The bill would additionally authorize the board to provide grants to all public entities, rather than only certified local enforcement agencies, for the abatement of illegal disposal sites.

The bill would make other nonsubstantive changes.

Ch. 497 (AB 1047) Firebaugh. AIDS: drug treatments.

Existing law requires the State Department of Health Services to establish a program to provide drug treatments to persons infected with HIV. Existing law requires the department to develop, maintain, and update a list of drugs to be provided under the program. Existing law requires the department to establish uniform standards of financial eligibility for the drugs under the program.

This bill would require the program to make available to any eligible person any antiviral drug that is approved by the federal Food and Drug Administration for treatment of HIV or AIDS, prescribed by the beneficiary's medical care provider, and approved by the AIDS Drug Assistance Program Medical Advisory Committee of the Office of AIDS, subject to certain determinations and analysis by the department. The bill would require any antiviral drug approved for addition to the formulary of the program to be available to patients covered by the program within 30 days of the office being notified by the drug's manufacturer of the approval.

This bill would also require the Office of AIDS within the department to report certain information regarding the program's administration to the Legislature by October 1, 2000.

Ch. 498 (AB 1081) Calderon. Insurance: surplus lines.

Existing law generally requires an insurer to be admitted in order to transact business in California, but permits insurance to be transacted through nonadmitted insurers in various instances, including through a surplus line broker.

Existing law provides that before any nonadmitted foreign or alien insurer may file any pleading in any action, suit, or proceeding instituted against it, the insurer shall either procure a certificate of authority to transact insurance or file a bond in the action. However, this requirement does not apply when the insurance is exempt from requirements regulating insurance by nonadmitted insurers, or when the insurer has lawfully transacted surplus line insurance, as specified, and the insurer has appointed an agent for the service of process. In that case, the court is permitted to require the insurer to file a bond unless it makes a showing that it has sufficient assets.

Existing law also provides, until January 1, 2000, that the restrictions as to filing suits by nonadmitted foreign or alien insurers do not apply to the above-mentioned categories of insurance and, in addition, those restrictions do not apply to insurance procured by

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the insured from a nonadmitted insurer and insurance determined to be eligible for placement with a nonadmitted insurer and to be exempt by the Insurance Commissioner, as specified, or if the contract is governed by and is in compliance with the laws of the state in which the contract was issued. Existing law also provides, until January 1, 2000, that an insurer need not file a bond if at the time the insurer files any pleading in any action, suit, or proceeding instituted against it, the insurer is an eligible surplus line insurer, as specified, or with respect to a dispute arising out of certain contracts of reinsurance, the reinsurer has complied with specified requirements.

This bill would delete the January 1, 2000, repeal date applicable to these provisions.

Ch. 499 (AB 1092) Lowenthal. Alcoholic beverages: licenses.

Under existing law, the Department of Alcoholic Beverage Control is authorized to place reasonable restrictions upon retail licensees or any licensee in the exercise of retail privileges in various situations.

This bill would also permit the department to place reasonable restrictions on these licensees if the department adopts conditions requested by a local governing body.

Ch. 500 (AB 1151) Leach. Vessels.

Existing law requires the operator of any vessel involved in an accident who knows or has reason to know that the accident resulted in the injury, death, or disappearance of any person to fulfill specified duties relating to furnishing information, reporting the accident to law enforcement, and rendering assistance. Existing law provides that a person who violates these requirements shall be punished by imprisonment in the state prison or in a county jail for not more than one year, or by a fine of not more than $10,000, or by both that imprisonment and fine.

This bill would specify that if a fine is imposed for a violation of any of those requirements, the fine shall be not less than $1,000.

Ch. 501 (AB 1164) Aanestad. Gasoline vapor recovery control systems.

Existing law requires the State Air Resources Board to identify equipment defects in systems for the control of gasoline vapors resulting from motor vehicle fueling operations, as specified.

This bill would require the executive officer of the state board to identify and list those defects. The bill would also require the executive officer to review that list at a public workshop on or before January 1, 2001, and at least once every 3 years thereafter, to determine whether the list requires updating, as provided. The bill would authorize the executive officer to initiate a public review of the list upon a written request that demonstrates the need for the review, as specified.

Ch. 502 (AB 1210) Strom-Martin. Marine resources: commercial fishing: Bodega Marine Life Refuge.

(1) Under existing law, commercial fishermen are subject to specified landing receipt requirements under specified circumstances.

This bill would impose landing receipt requirements on certain commercial fishermen, as specified, including maintaining an accurate tally sheet of sales and recording the total of daily sales at the completion of sales for that day on a landing receipt as an alternative to making a landing receipt for each individual sale.

(2) Existing law requires a weighmaster, as defined, to obtain a license from the Department of Food and Agriculture prior to performing the duties of a weighmaster, and to comply with other specified requirements regarding weights and measures.

This bill would specify that certain commercial fishermen shall not be considered weighmasters for purposes of those requirements.

(3) Existing law requires any person in possession of a salmon with a missing adipose fin, upon request by an authorized agent or employee of the Department of Fish and Game, to immediately relinquish the head of the salmon to the state for recovery of any coded-wire tag.

This bill would make it unlawful to intentionally conceal, cull, or release into the waters, a salmon with a missing adipose fin that is otherwise legal to possess, thereby imposing a state-mandated local program by creating a new crime. The bill would

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require a commercial fisherman selling his or her own catch to the ultimate consumer, upon request by an authorized agent or employee of the department, to immediately make available all fish in his or her possession for inspection and sampling.

(4) Under existing law, a herring permit may be issued to 2 individuals if the individuals are married or are partners in a partnership, and meet specified requirements. Existing law provides that a herring permit may be transferred to one of the partners to be held thereafter in that partner's name only if that partner has not less than 10 experience points as computed pursuant to a specified formula and there has been a death or retirement of the other partner, or other specified circumstances exist.

This bill would provide that in the event of the death of one of the partners, where the partnership existed for longer than 6 months but less than 3 years and the surviving partner does not meet the minimum experience points to qualify for a transfer, the permit may be transferred on an interim basis for a period of not more than 10 years to the surviving partner if an application is submitted to the department within 1 year of the deceased partner's death and the surviving partner participates in the fishery for the purpose of achieving the minimum number of points to be eligible for the permit transfer.

(5) Existing law provides for marine life refuges, established for marine resources protection and scientific study.

This bill would authorize the Director of Fish and Game to appoint the Director of the Bodega Marine Life Refuge. The bill would specify the authority of the marine life refuge director. The bill would make it unlawful to enter the marine life refuge for specified purposes without authorization, or to anchor or moor a vessel in the refuge without authorization, with a specified exception, 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.

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

Ch. 503 (AB 1229) Committee on Agriculture. Agricultural land conservation: districts.

(1) Existing law, the Agricultural Land Stewardship Program Act of 1995, establishes a program for grants from the Department of Conservation to local governments and nonprofit organizations, subject to prescribed requirements and in accordance with prescribed procedures, for the acquisition of agricultural conservation easements, as defined, and for incidental costs, as specified. The act specifies that an "agricultural conservation easement" or "easement" means an interest in land, less than fee simple, that represents the right to prevent the development or improvements of the land, as specified, for any purpose other than agricultural production, and requires that an agricultural conservation easement be granted by the owner of a fee simple interest in land to a local government or nonprofit organization, for the program. The act defines an "applicant" to mean a city, county, or nonprofit organization that applies for a grant to acquire an agricultural easement.

This bill would rename the program to the California Farmland Conservancy Program, and require that an easement also be granted by the owner of a fee simple interest in land to a resource conservation district, or to a regional park or open-space district or regional park or open-space authority that has the conservation of farmland among its stated purposes, as prescribed by statute, or as expressed in the district's or authority's locally adopted policies, for the program. The bill would revise the definition of "applicant," as specified, and would add a definition of "resources conservation district" for purposes of the act. The bill would provide that, with a specified exception, an easement may, at the request of the landowner, establish provisions that are more restrictive than those provided in the act. The bill would prescribe various requirements for the termination and repurchase of an easement, and the distribution of moneys received in connection with the termination of an easement.

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The bill would authorize the department to accept donations of funds if the department is the designated beneficiary of the donation and it agrees to use the funds for program purposes in a county specified by the donor, and to establish a payment system for the purchase of agricultural conservation easements that is mutually satisfactory to the department and the seller of the easement, if full payment is secured. The bill would prescribe various other related matters.

(2) Existing law creates the Agricultural Land Stewardship Program Fund, and authorizes the deposit of money into the fund from gifts, donations, proceeds from the sale of general obligation bonds, funds appropriated therefor by the Legislature, federal grants or loans, or other sources, and makes those moneys available, upon appropriation by the Legislature, for the implementation of the program.

This bill would rename that fund to the California Farmland Conservancy Fund, and would instead provide that moneys in the fund may be expended, upon appropriation by the Legislature in the annual Budget Act, for the purposes of the program, but would require that moneys deposited into the fund from federal grants, and gifts and donations that are designated and required by the doner to be used exclusively for the purposes of the program, be continuously appropriated to the department for expenditure for the purposes of the program, thereby making an appropriation.

Ch. 504 (AB 1291) Corbett. Seismic improvements.

(1) The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, "full cash value" is defined as the assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred. The California Constitution authorizes the Legislature to exclude from "new construction" requiring reappraisal the construction or installation in existing buildings of certain seismic retrofitting improvements or improvements utilizing earthquake hazard mitigation technologies. Statutory law implementing this authority excludes only those projects completed on or after January 1, 1991, and before July 1, 2000. These statutory provisions are repealed by their own terms as of July 1, 2000.

This bill would revise the definition of "seismic retrofitting improvements" and would eliminate the repeal of the exclusion as of July 1, 2000.

By requiring local officials to administer this reappraisal exclusion on an ongoing basis, this bill would impose a state-mandated local program.

(2) Under existing law, the Seismic Safety Commission is authorized to use up to 1% of the proceeds of bonds issued and sold pursuant to the Earthquake Safety and Public Buildings Bond Act of 1990 for specific research and development purposes.

This bill would appropriate $145,000 from the Earthquake Safety and Public Buildings Rehabilitation Fund of 1990 to the commission for programs pursuant to 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(4) Section 2229 of the Revenue and Taxation Code requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of any exemption or classification of property for purposes of ad valorem property taxation.

This bill would provide that, notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

Ch. 505 (AB 1357) Wesson. Parks and recreation: Kenneth Hahn State Recreation Area: study.

Existing law establishes parks and recreation areas in the state.

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

This bill would require the Secretary of the Resources Agency, in conjunction with the Director of Parks and Recreation, not later than November 1, 2000, to conduct a study of the feasibility and desirability of expanding the Kenneth Hahn State Recreation Area to include all, or a substantial portion, of the Baldwin Hills area of the County of Los Angeles in order to provide for the creation of a major urban park to serve the entire Los Angeles area. The bill would require that the study be incorporated into any master plan that is prepared for the expansion of the Kenneth Hahn State Recreation Area.

Ch. 506 (AB 1403) Soto. South Coast Air Quality Management District.

(1) Existing law requires notice of the time and place of any public hearing scheduled by the South Coast Air Quality Management District Board to adopt, amend, or repeal any rule or regulation relating to an air quality objective, to be mailed to every person who filed a written request for notice and to any person that the south coast district believes to be interested in the proposed rule or regulation.

This bill would require the south coast district board to convene a task force to review, and assist in updating, the district's data base, on or before July 1, 2000, to ensure that specified small businesses located within the district are included on the district's mailing list. The bill would require the district, on and after July 1, 2000, to mail notices to each affected small business and local or regional authority within the district of any public workshop scheduled by the south coast district to consider the adoption, amendment, or repeal of any district rule or regulation that may affect that small business or local or regional authority.

This bill would require the south coast district board to establish a small business advisory group to provide guidance to the district board in implementing the bill. The bill would provide that, to the extent that the requirements of the bill duplicate or overlap with the requirements of other specified laws, the district may combine or consolidate its activities in order to promote efficiency and nonduplication of effort.

By imposing new duties on the south coast district, the bill would impose a state-mandated local program.

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

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

Ch. 507 (AB 1435) Briggs. Agriculture: navel and Valencia oranges.

Existing law provides for a Navel and Valencia Orange Advisory Committee in the Department of Food and Agriculture for the purpose of, among other things, overseeing the implementation of an inspection program pertaining to standards for orange maturity and freeze damage as provided by statute or regulation. Existing law requires producers of navel and Valencia oranges that are grown in this state and prepared for fresh market in certain counties of the state to pay an assessment based upon the number of cartons shipped. The assessment is for the purpose of conducting an inspection program in certain counties in the state.

This bill, in addition, would authorize an assessment of these producers not to exceed 2 mills per carton to fund a program within the department to provide the industry with a state crop estimating service and an acreage survey.

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

Ch. 508 (AB 1676) Committee on the Judiciary. Stipulated reversals of judgment.

Existing law authorizes an appellate court to reverse a trial court judgment upon the stipulation of the parties, as specified.

This bill would prohibit an appellate court from reversing or vacating a duly entered judgment upon an agreement or stipulation of the parties unless the court finds that there is no reasonable possibility that the interests of nonparties or the public will be adversely affected by the reversal, and that the reasons of the parties for requesting reversal outweigh the erosion of public trust that may result from the nullification of a judgment and the risk that the availability of stipulated reversal will reduce the incentive for pretrial settlement.

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Ch. 509 (SB 33) Peace. Public Utilities Commission: president: advisers.

Existing law requires the members of the Public Utilities Commission to elect one of their number president of the commission and requires the president to preside at all meetings and sessions of the commission. Existing law authorizes the commission to appoint an attorney and an executive director to the commission, as specified, and requires the attorney and executive director to perform duties that the commission may require. Under existing law, the executive director is responsible for the commission's executive and administrative duties, including, but not limited to, directing the operations and affairs of the commission. Existing law authorizes the Governor to appoint one adviser for each member of the commission upon the request of the commission member and prohibits the total number of advisers exempt from civil service from exceeding 5.

This bill would require the Governor to designate the president of the commission from among its members. The bill would require the president to direct the executive director, the attorney, and other staff of the commission, except for the staff of the division which represents the interests of public utility customers and subscribers in commission proceedings, in the performance of their duties, in accordance with commission policies and guidelines. This bill would specify that the attorney and executive director may be directed in their duties by a vote of the commission, as prescribed. The bill would require the president to preside at all meetings and sessions of the commission. The bill, until January 1, 2003, would authorize the Governor to appoint up to 2 advisers for each member of the commission upon the request of the commission member and would prohibit the total number of advisers exempt from civil service from exceeding 10. The bill would require the commission to seek funding for staffing in accordance with that appointment provision through the annual Budget Act.

Ch. 510 (SB 96) Peace. Electrical restructuring: Independent System Operator: Power Exchange.

(1) The existing restructuring of the electrical services industry provides for the authorization of direct transactions between electricity suppliers and end use customers and for the creation of an Independent System Operator and a Power Exchange. An Electricity Oversight Board is also created to, among other things, oversee the Independent System Operator and the Power Exchange, and to determine the composition and terms of service and to appoint the members of the governing boards of the Independent System Operator and the Power Exchange. The Electricity Oversight Board is the appeal board for majority decisions of the Independent System Operator governing board.

This bill would revise specified provisions relating to the Independent System Operator and the Power Exchange, and to the duties of the Electricity Oversight Board. The bill would require the Independent System Operator and the Power Exchange to each be administered by a governing board appointed by the Electricity Oversight Board until an agreement with a participating state is in effect. The bill would authorize the Electricity Oversight Board to decline to confirm the appointments of specified members of the governing boards of the Independent System Operator and the Power Exchange, and would specify that the board has the exclusive right to approve procedures and qualifications for those governing board members, all of whom would be required to be electricity consumers, as specified. The bill would make the Electricity Oversight Board the appeal authority for majority decisions of the governing board of the Independent System Operator only with respect to prescribed matters, that would be subject to California's exclusive jurisdiction. The bill would impose prescribed requirements regarding the bylaws of the Independent System Operator and the Power Exchange.

(2) Existing law governing electrical restructuring states the intent of the Legislature that California enter into a compact with western region states, and that the compact should require the publicly and investor-owned utilities located in those states that sell energy to California retail customers to adhere to enforceable standards and protocols to protect the reliability of the interconnected regional transmission and distribution systems.

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This bill would repeal that intent provision, and, instead, state the intent of the Legislature to provide for the evolution of the Independent System Operator and the Power Exchange into regional organizations to promote the development of regional electricity transmission markets in the western states and to improve the access of consumers served by the Independent System Operator and the Power Exchange to those markets. The bill would state that the preferred means by which that voluntary evolution should occur is through the adoption of a regional compact or other comparable agreement, as described.

Ch. 511 (SB 152) Johannessen. Deputy Secretary of Veterans Homes.

Existing law provides for the establishment and operation of the California veterans home at various sites for aged and disabled veterans who meet certain eligibility criteria. Existing law requires each California veterans home to be under the management and control of the Department of Veterans Affairs and, subject to the policies adopted by the Board of Veterans Affairs and the direction of the Secretary of Veterans Affairs, to be administered by an administrator.

This bill would require the Governor to appoint, in addition to the secretary, a Deputy Secretary of Veterans Homes to serve at the pleasure of the secretary, to be responsible for the administration of all sites of the California veterans homes, for the purpose of overseeing and monitoring all aspects of medical care that is being provided to men and women veterans who are residents at any California veterans home.

Ch. 512 (SB 187) Hughes. Home improvement contracts.

Existing provisions of the Unruh Act prohibit a retail installment contract from containing specified provisions.

This bill would prohibit a provision in a retail installment contract for a home improvement, as defined, under which the seller takes a security interest, other than a mechanics' lien, in the buyer's principal residence where the buyer is 65 years of age or older. A violation of the prohibition would be a misdemeanor, thereby imposing a state-mandated local program.

Existing law prohibits a home improvement goods or services contract of $5,000 or less from providing for a security interest in real property, except for a mechanic's lien or other interest that arises by operation of law, and provides that any lien in violation of that prohibition is void and unenforceable. Existing law also prohibits a person or entity making a loan secured by a mortgage on real property from paying a contractor the proceeds of a loan that provides funding for goods or services pursuant to a home improvement goods or services contract of more than $5,000, except by specified methods.

This bill would provide that a violation of these provisions would make the person or entity liable for actual damages, that an intentional violation would make the person or entity liable for 3 times the contract price for the home improvement, and that the person or entity would be liable to a senior citizen or disabled person, as defined, for an additional award up to $5,000.

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

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

Ch. 513 (SB 317) Leslie. Financial institutions: consumers: Year 2000 Problem.

Existing law provides for the regulation of various financial institutions by the Department of Financial Institutions, including, but not limited to, banks, savings and loan associations, credit unions, and industrial loan companies.

This bill would enact the "California Consumers Y2K Financial Protection Act." The bill would require financial institutions regulated by the Department of Financial Institutions that have a Year 2000 Problem, not to impose any fee, charge, or penalty on a consumer as a result of the financial institution's Year 2000 Problem, and to reimburse a consumer for any fee, charge, or penalty imposed by 3rd parties as a result of the problem, as specified. This bill would require the department to enforce the provisions

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of the bill. This bill would not apply to those transactions that occur prior to the disruption of financial or data transfer operations by a Year 2000 Problem. The bill's provisions would be repealed as of January 1, 2002.

Ch. 514 (SB 367) Dunn. Court filings: electronic transmission.

Existing law authorizes the Judicial Council to adopt rules permitting the filing of papers by facsimile transmission.

This bill would authorize a trial court to adopt local rules of court permitting electronic filing and service of documents, as specified. The bill would further require the Judicial Council, by January 1, 2003, to adopt uniform rules of court for these purposes, as specified, which conform to the same conditions.

Existing law authorized a court to accept credit card payments upon approval of the board of supervisors.

This bill would make that authorization subject, instead, to the approval of the Judicial Council, would make the approval of credit card fees imposed by courts subject to Judicial Council approval. The bill would also authorize the Judicial Council to enter into specified agreements with credit card companies.

The bill would also make a statement of legislative intent.

Ch. 515 (SB 481) Baca. Commerce: Inland Empire Distribution Center.

Existing law requires the Trade and Commerce Agency to be the principal state agency responsible for, among other things, coordinating federal, state, and local relationships in economic development.

This bill would require the agency, in consultation with the Ports of Long Beach and Los Angeles, the Southern California Association of Governments, the San Bernardino Associated Governments, the Federal Maritime Administration, and representatives from the railroad industry, the private sector, colleges and universities, and other interested parties, as specified, to study the efficiency and economic benefits of establishing an Inland Empire Distribution Center, as compared to the distribution system that is currently in existence in the Inland Empire, and quantify any efficiencies and economic benefits that would result from establishing that new distribution center.

The bill would require the agency to prepare and submit to the Legislature, not later than July 1, 2001, a report detailing the findings made under the study.

The bill would authorize the agency to promulgate a request for proposals for completion of the study and report by one or more entities that are experts in the area and submit the resulting report in satisfaction of the specified reporting requirement. The bill would require the request for proposals to require any entity awarded the grant to provide funds to match, on a dollar-for-dollar basis, the amount provided under the grant.

The bill would repeal the above provisions on January 1, 2002.

Ch. 516 (SB 482) Baca. Petroleum underground storage tanks: loans.

Existing law requires the Trade and Commerce Agency to conduct a program to make loans to persons to upgrade, replace, or remove petroleum underground storage tanks to meet applicable local, state, or federal standards and to take corrective actions. Existing law provides that these provisions shall become inoperative on December 22, 1999, and are repealed as of January 1, 2000.

This bill would extend the operation of these provisions to January 1, 2002, when they would be repealed.

Ch. 517 (SB 534) Dunn. Mobilehomes and manufactured homes.

Existing law makes provisions for the disclosure of specified information upon the transfer of residential real property applicable to the resale of a manufactured home or mobilehome, which are classified as personal property, on or after January 1, 2000.

This bill would revise and recast these disclosure requirements. Among other things, the bill would provide for a transfer disclosure form to be used for specified manufactured homes and mobilehomes, and would make related changes. It would also make technical changes in those provisions.

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This bill would also incorporate changes made by AB 594 to Section 1102.2 of the Civil Code if both bills become operative and this bill becomes operative last.

Ch. 518 (SB 555) Karnette. Arson: registration.

Existing law defines the crime of aggravated arson, and specifies costs to be included in calculating property damage for purposes of those provisions. The provisions relating to calculating property damage cease to have effect on January 1, 1999.

This bill would extend the operation of the above-described provisions to January 1, 2005, as specified. By extending the operative effect of an existing crime, this bill would create a state-mandated local program.

Existing law requires a convicted arsonist, as specified, to register with certain local officials where he or she resides and makes it a misdemeanor to fail to register.

This bill would, in addition, subject persons convicted of aggravated arson to the provisions described above. By expanding the scope of an existing crime, this bill would impose a state-mandated local program. The bill would also recast the provisions of law specifying the conditions requiring registration, and specify the length of time persons are subject to the registration requirements.

Existing law provides a procedure whereby a defendant may be relieved from the penalties and disabilities resulting from the offense for which the person was convicted, as specified.

This bill would provide that, for a person required to register pursuant to the provisions of law described above due to a misdemeanor conviction, if the person is granted relief pursuant to the procedure described above, the person would also be relieved of the requirement to register.

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

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

Ch. 519 (SB 653) Karnette. Alameda Corridor Industrial Reclamation Act of 1999.

Existing law sets forth the duties of the Trade and Commerce Agency in overseeing economic and community development efforts in the state.

This bill would enact until January 1, 2002, the Alameda Corridor Industrial Reclamation Act of 1999 to establish a program with the same geographic boundaries as the Alameda Corridor Transportation Authority's Job Training and Development Program, and to authorize the Community Development Commission of Los Angeles County to implement the program, at its option. The program would develop and implement a plan to foster re-industrialization of the Alameda Corridor region.

This bill would appropriate $135,000 from the General Fund to the Trade and Commerce Agency for allocation to the commission for the purposes of the bill, upon the provision of a 100% local match.

Ch. 520 (SB 700) O'Connell. Mobilehome parks: inspections.

(1) Existing law provides that manufactured homes, mobilehomes, commercial coaches, and floating homes sold or used within the state are subject to annual registration and the payment of fees to the Department of Housing and Community Development unless they are installed on a foundation system as either a fixture or an improvement to real property.

This bill would make technical, nonsubstantive changes to these provisions.

(2) The Mobilehome Parks Act requires certain local enforcement agencies to enter and inspect all mobilehome parks once every 8 years, as specified, and to submit a report to the Department of Housing and Community Development on the status of the mobilehome park inspection program prior to March 1, 1999. The department is required to submit a similar report on the inspection program to the Senate Committee on Local Government, the Senate Select Committee on Mobile and Manufactured Homes, and the Assembly Committee on Housing and Community Development by May 1, 1999. Existing law provides that these provisions shall remain in effect only until January 1, 2000.

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This bill instead would require the local enforcement agencies to enter and inspect all mobilehome parks once every 7 years, and to submit status reports to the department by specified dates, thereby imposing a state-mandated local program. The bill would prescribe additional inspection criteria and procedures for serious health and safety violations. The bill would require the department to submit specified reports to legislative committees.

The bill would extend the period during which these provisions are effective to January 1, 2007.

(3) The act sets specified fees relating to annual operating permits with regard to incidental camping areas of mobilehome parks. These fees are paid to the department and deposited in the Mobilehome Parks Revolving Fund, which is a continuously appropriated fund. A provision of the act, operative until January 1, 2000, sets an annual fee of $4 per lot and requires the revenues derived from this fee to be used exclusively for the inspection of mobilehome parks and mobilehomes to determine compliance with the act.

This bill would extend the operation of the provision requiring payment of the annual fee of $4 per lot until January 1, 2007. Because the bill would, by extending the period during which payment of this fee would be required, cause additional fees to be paid into the continuously appropriated Mobilehome Parks Revolving Fund, the bill would make an appropriation.

(4) The bill would require the Department of Housing and Community Development to convene a task force on the mobilehome park inspection program prior to January 1, 2000. However, the provisions of the bill, other than those governing the task force, would not become operative until January 1, 2000.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 521 (SB 981) Polanco. Public construction projects.

(1) Existing law prohibits agency officials, in the case of a public building or construction contract, from obtaining a surety bond or insurance contract that may be obtained by a bidder, contractor, or subcontractor on the project. Certain agencies and projects are exempt from this prohibition and existing law permits a public agency to utilize owner-controlled or wrap-up insurance programs if specified conditions are met. Existing law also exempts a school district from this prohibition for a construction or renovation project and authorizes the district to use owner-controlled or wrap-up insurance if the district determines that the prospective bidders meet minimum occupational safety and health qualifications and the use of this insurance will maximize the expenditure of public funds in conjunction with the exercise of appropriate risk management.

This bill would repeal the existing prohibition regarding a public agency obtaining a surety bond or insurance contract in connection with a public building or construction contract, reenact a prohibition against a state or local governmental agency requiring the bidder to obtain a surety bond or insurance in connection with the project from a particular surety or insurance company, agent, or broker, and authorize the use of owner-controlled or wrap-up insurance on a project for which the total cost exceeds $50,000,000 if the agency meets certain conditions and certifies that it has made certain determinations.

(2) Under the Local Agency Public Construction Act, school districts must comply with specified procedures in bidding and awarding contracts.

This bill would provide that a contract for the addition of air-conditioning to 150 schools in the Los Angeles Unified School District shall be deemed to have complied with the procedures required by the act.

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

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

Ch. 522 (SB 997) Brulte. State general obligation bonds.

(1) Under the State General Obligation Bond Law, the finance committee for a bond issuance is required to adopt a resolution that includes, among other things, the rate of interest that the bonds to be issued shall bear.

This bill would authorize the finance committee to specify that the bonds may pay a variable interest rate, as prescribed in the resolution, as long as no more than 20% of the aggregate principal amount of all outstanding bonds bear a variable interest rate. The bill would make other conforming changes to provisions that relate to general obligation bonds.

(2) Under the State General Obligation Bond Law, all of the provisions of that law, with specified exceptions, are applicable to the issuance of refunding bonds. Existing law provides that state general obligation bonds are to be sold by the Treasurer either by sealed bids to the bidder whose bid will result in the lowest interest costs or by negotiated sale upon the Treasurer making certain findings.

This bill would authorize the sale of refunding bonds by negotiated sale if the Treasurer determines that it is in the best interest of the state to do so.

(3) This bill would incorporate additional changes in Section 16754.3 of the Government Code proposed by AB 1506, to be operative only if AB 1506 and this bill are both chaptered and become effective January 1, 2000, and this bill is chaptered last.

Ch. 523 (SB 1178) Figueroa. Petroleum franchises: franchise dealers fair practices.

Existing law prohibits a petroleum franchisor from requiring a franchisee to purchase only those tires, batteries, and other automotive accessories sold by the franchisor.

This bill would include motor oil within that prohibition.

Existing law provides that a violation of the franchise dealers fair practices provisions by a franchisor's executive, representative, or agent is subject to a civil penalty of up to $50,000.

This bill would increase that penalty amount to an amount of up to $100,000.

Existing law prohibits a franchisor from withholding consent to sale, transfer, or assignment of the franchise unless the franchisor demonstrates any of certain criteria.

This bill would require the franchisor to demonstrate that criteria in writing to the franchisee within 45 days of receiving the application, or required paperwork, from the buyer. It specifies as certain additional criteria a prohibition on withholding consent to a sale, transfer, or assignment of the franchise for the purpose of diminishing the market value of the franchise, or a sale, transfer, or assignment to another person because that other person is of foreign origin or is non-English speaking as long as the prospective franchisee is able to adequately communicate with the franchisor and the appropriate federal, state, and local governmental agencies concerning matters of management, operations, environmental compliance, and public safety.

Ch. 524 (SB 520) Johnson. Metropolitan Water District of Southern California.

(1) The Metropolitan Water District Act provides for the formation of metropolitan water districts and grants specified powers to those districts.

This bill, until January 1, 2005, would require the Metropolitan Water District of Southern California, on or before February 1, 2000, and each February 1 thereafter, to submit to the Legislature a report that includes a description of the complaints and other communications submitted to the district from member public agencies that allege unethical, unauthorized, or illegal activities by the district against any member public agency or the public in the previous calendar year. The bill would require the district to include in the report a description of the actions taken by the district in response to the complaints and litigation. By imposing reporting duties on the district, the bill would impose a state-mandated local program.

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

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

Ch. 525 (AB 78) Gallegos. Health care coverage: Department of Managed Health Care.

Existing law provides for the implementation of programs for the provision of managed health care by the Department of Corporations.

This bill would transfer responsibility for the implementation of those programs to the Department of Managed Care in the Business, Transportation, and Housing Agency, established pursuant to the bill, and would make conforming changes.

The bill would also establish in the Department of Managed Care an Advisory Committee on Managed Care to assist and advise the Director of the Department of Managed Care on various issues.

The bill would also establish in the department an Office of Patient Advocate, in order to provide educational material to plan enrollees and to render advice and assistance to enrollees.

Ch. 526 (SB 19) Figueroa. Medical records: confidentiality.

Existing law, known as the Confidentiality of Medical Information Act, prohibits the disclosure of medical information, as defined, by providers of health care, as defined, including certain health care service plans, except in specified circumstances. Unauthorized disclosure that results in economic loss or personal injury to a patient is a misdemeanor. Existing law provides for licensure and regulation of health care service plans by the Commissioner of Corporations.

This bill would revise the definition of providers of health care, and make the prohibitions on disclosure of medical information applicable also to all health care service plans, and contractors, as defined. The bill would expressly prohibit (1) negligent disposal or destruction of medical information and (2) the intentional sharing, sale, or use of medical information for any purpose not necessary to provide health care services to the patient, except as otherwise authorized. The bill would permit disclosure of medical information for purposes of encoding or encrypting data, governmental reporting and chronic disease management programs, as specified.

The bill would provide that violation of the act would be grounds for suspension of revocation of a health care service plan's license and would create a right of action to recover damages, as specified, for any individual whose confidential information or records are negligently released and would additionally provide for specified administrative and civil penalties. The bill would also prohibit a provider of health care or a health care service plan and its contractors from requiring a patient, as a condition to receiving health care services, to sign an authorization, release, or consent, or waiver permitting the disclosure of any medical information subject to confidentiality protections provided by law. The bill would authorize a health care service plan or disability insurer to require disclosure of the medical information as a condition of the medical underwriting process.

The bill would require every health care service plan to have policies and procedures in place to protect the security of medical information, as specified. The bill would additionally require every health care service plan, on and after July 1, 2001, to provide enrollees, upon request, with a written statement describing how the plan maintains the confidentiality of medical information, as specified.

Existing provisions of the Insurance Information and Privacy Protection Act regulate certain practices by insurers and, for that purpose, include health care service plans, within the definition of insurance.

This bill would delete this provision, and would make related changes.

By changing the definition of a crime, the bill would impose a state-mandated local program.

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

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

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Ch. 527 (AB 416) Machado. Personal information: disclosure.

Existing law prohibits the disclosure of medical information by providers of health care, as defined, without the patient's prior authorization, except in specified circumstances. However, existing law permits the disclosure of specified personally identifiable information by those providers unless the patient specifically requests in writing to the contrary. A violation of these provisions that results in economic loss or personal injury to a patient is punishable as a misdemeanor. In addition, a patient whose medical information is used or disclosed in violation of these provisions is subject to civil penalties.

This bill would prohibit health care providers from releasing specified medical information created regarding an individual as a result of that person's participation in outpatient treatment with a psychotherapist, as defined, unless the person or entity requesting the information submits a written request, signed by the requester as specified. Since a violation of this provision that results in economic loss or personal injury to a patient would be punishable as a crime, the bill would impose a state-mandated local program. The bill would include a statement of findings and declarations.

This bill would also make further changes to the above provision relating to confidentiality of medical information concerning outpatient psychotherapy consistent with, and contingent upon, the enactment of SB 19.

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

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

Ch. 528 (AB 892) Alquist. Health care service plans: hospice care.

(1) Existing law requires each health care service plan to provide basic health care services, as specified.

This bill would include, on or after January 1, 2002, as a basic health care service, hospice care that at a minimum shall be equivalent to that provided pursuant to the federal Medicare program, as specified. The bill would require the Commissioner of Corporations to adopt regulations for hospice care, as specified. The bill would require an annual report by the commissioner each January 15th, commencing in the year 2002, of changes in federal regulations that require a change in state regulations for hospice care.

(2) Existing law makes a violation of any provision of the Knox-Keene Health Care Service Plan Act of 1975 a crime. This bill, by increasing the requirements for basic health care services, would change the scope of that crime, 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. 529 (SB 260) Speier. Health care coverage: risk-bearing organizations: financial solvency.

Existing law regulates health care coverage in a variety of contexts, including (a) the Knox-Keene Health Care Service Plan Act of 1975, under which health care service plans are regulated by the Commissioner of Corporations, (b) the Medi-Cal Act, administered by the State Department of Health Services under which qualified low-income persons are provided with health care services, (c) the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, which arranges for the provision of health care services, including dental and vision care, to eligible children.

Legislation is pending that would transfer the functions and duties of the Department of Corporations and the Commissioner of Corporations, with respect to the regulation of health care service plans, to the Department of Managed Care and the Director of the Department of Managed Care.

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This bill would establish the Financial Solvency Standards Board, within the Department of Managed Care, composed of 8 members, one of whom is the Director of the Department of Managed Care and 7 of whom are appointed by the director. It would require the board to take specified actions with regard to financial solvency and standards affecting the delivery of health care services.

The bill, until January 1, 2002, would prohibit a license with waivers or limited license, on or after January 1, 2000, from being issued to any person for provision of, or the arranging, payment, or reimbursement for the provision of, health care services to enrollees of another plan under certain risk-assuming contracts. It would also prohibit any licensed health care service plan, on and after January 1, 2000, from contracting with any person, with certain exceptions, for the assumption of financial risk with respect to certain health care services and any other form of global capitation.

This bill would require every contract between a health care service plan and a risk-bearing organization, as defined, that is issued, amended, renewed, or delivered in this state on or after July 1, 2000, from including certain provisions concerning the risk-bearing organization's administrative and financial capacity, which would be effective as of January 1, 2001. The bill would require the Director of the Department of Managed Care to adopt regulations on or before June 30, 2000, with respect to, among other things, a process for reviewing or grading risk-bearing organizations based on specified criteria, and would require the director to investigate and take enforcement action against a health care service plan that fails to comply with these prescribed requirements. It would also prohibit a contract between a risk-bearing organization and a health care service plan that is issued, amended, delivered, or renewed in this state on or after July 1, 2000, from including any provision that requires a provider to accept rates or methods of payment specified in contracts with health care service plan affiliates or nonaffiliates unless the provision has been first negotiated and agreed to between the health care service plan and the risk-bearing organization.

Since a violation of the provisions relating to health care service plans is a crime, this bill, by creating new crimes, would impose a state-mandated local program.

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

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

Ch. 530 (AB 215) Soto. Health care coverage.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Commissioner of Corporations and makes the willful violation of these provisions subject to criminal sanction.

The bill, until January 1, 2002, would prohibit a license with waivers or limited license, on or after January 1, 2000, from being issued to any person for provision of, or the arranging, payment, or reimbursement for the provision of, health care services to enrollees of another plan under certain risk-assuming contracts. It would also prohibit any licensed health care service plan, on and after January 1, 2000, from contracting with any person, with certain exceptions, for the assumption of financial risk with respect to certain health care services and any other form of global capitation.

Since a willful violation of the provisions applicable to health care service plans is a 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. 531 (AB 12) Davis. Health care coverage: second opinions.

Under existing law, the Knox-Keene Health Care Service Plan Act of 1975, health care service plans are regulated by the Commissioner of Corporations. Existing law provides

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that disability insurers are regulated by the Insurance Commissioner. Willful violation of the law regulating health care service plans is a crime.

Existing law requires health care service plans and certain disability insurers to file a written policy describing the manner in which the plans or insurers determine if a 2nd medical opinion is medically necessary and appropriate.

This bill would require a health care service plan and certain disability insurers to provide or authorize a 2nd opinion by an appropriately qualified health care professional if requested by an enrollee or an insured, or a participating or contracting health professional who is treating an enrollee or insured. The bill would also specify reasons for a 2nd opinion to be provided or authorized if, among other things, any one of 5 specified conditions occurs. The bill would also specify the mechanism for obtaining a 2nd opinion and the eligible providers for rendering a 2nd opinion.

This bill would also require an authorization or denial to be provided in an expeditious manner and would prescribe the conditions under which a second opinion must be rendered within 72 hours, would require that the plan or insurer file timelines for responding to requests for 2nd opinions, as described, by July 1, 2000, with the appropriate state agency, and would require that the timelines be made available to the public upon request. This bill would not apply to health care service plan contracts that provide benefits to enrollees through preferred provider contracting arrangements and that do not limit 2nd medical opinions, to disability insurers that do not limit 2nd medical opinions, or to certain other specialized types of health insurance.

By changing the definition of a crime regarding health care service plans, 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. 532 (AB 39) Hertzberg. Health care coverage: contraceptive drugs.

(1) Existing law provides for the licensure and regulation of health care service plans administered by the Commissioner of Corporations. Under existing law, a willful violation of any of these provisions is punishable as either a felony or a misdemeanor.

Existing law requires that health care service plans provide coverage for certain benefits and services.

This bill would require every group health care service plan contract, and every individual health care service plan contract, amended, renewed, or delivered on or after January 1, 2000, except for a specialized health care service plan contract, to provide coverage, under terms and conditions applicable to other benefits, for a variety of federal Food and Drug Administration approved prescription contraceptive methods. This bill would authorize certain religious employers, as defined, to request a health care service plan contract without coverage for those contraceptive methods in certain circumstances.

By changing the definition of the crime applicable to health care service plans, 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.

Ch. 533 (AB 55) Migden. Health care coverage: independent medical review.

Under existing law, the Knox-Keene Health Care Service Plan Act of 1975, health care service plans are regulated by the Department of Corporations. Existing law provides for the regulation of insurance, administered by the Commissioner of Insurance.

Existing law requires every health care service plan to establish and maintain a grievance system approved by the department under which enrollees and subscribers may submit their grievances to the plan. Under existing law, after participating for at

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least 60 days in, or completing, the plan's grievance process, an enrollee or subscriber may submit the grievance or complaint to the department for review.

Existing law requires every health care service plan and disability insurer to establish a reasonable external, independent review process to examine coverage decisions regarding experimental or investigational therapies for individual enrollees or insureds who have a terminal condition and meet certain specified criteria.

This bill would require every health care service plan contract that is issued, amended, renewed, or delivered in this state on or after January 1, 2000, to provide an enrollee, effective January 1, 2001, with the opportunity to seek an independent medical review whenever health care services have been denied, modified, or delayed by the plan or by one of its contracting providers if the decision was based on a finding that the proposed services are not medically necessary. The bill would establish, commencing January 1, 2000, an independent medical review system whereby requests for reviews shall be conducted by an independent medical review organization, as specified. Under this bill, an enrollee would not pay any application or processing fee. The bill would require that the costs of the independent medical review process be paid by an assessment on health care service plans. The bill would enact other related provisions.

The bill would also provide for a similar independent medical review system to be established in the Department of Insurance for review of similar decisions by disability insurers.

Under existing law, a willful violation of the provisions governing health care service plans is a crime. By changing the definition of the crime applicable to these plans, 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. 534 (AB 88) Thomson. Health care coverage: mental illness.

Under existing law, a disability insurer or health care service plan may not discriminate based on race, color, religion, national origin, ancestry, marital status, or sexual orientation. A disability insurer or health care service plan is also prohibited from refusing to insure a person or from charging a different premium or rate because of that person's blindness.

This bill would require a health care service plan contract or disability insurance policy issued, amended, or renewed on or after July 1, 2000, to provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses, as defined, of a person of any age, and of serious emotional disturbances of a child, under the same terms and conditions applied to other medical conditions. This bill would allow a health care service plan or disability insurer to provide the required mental health coverage through a separate specialized health care service plan or mental health plan subject to certain conditions, as specified. The bill would exempt from the provision relating to a health care service plan contract, a contract between the State Department of Health Services and a health care service plan for enrolled Medi-Cal beneficiaries. The bill would exempt certain insurance policies from these provisions.

Because a willful violation of the provisions relating to health care service plans is a 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. 535 (AB 285) Corbett. Health care coverage: medical advice services.

Under existing law, the Knox-Keene Health Care Service Plan Act of 1975, health care service plans are regulated by the Department of Corporations. Under existing law, the willful violation of these provisions is a crime. Existing law also provides for the regulation of insurers by the Department of Insurance.

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This bill would require every health care service plan, and every disability insurer that provides coverage for hospital, medical, and surgical expenses, that provides, operates, or contracts for telephone medical advice services to require that the staff employed to provide the services hold a valid license, registration, or certification, in any of specified health professions. The bill would require that a physician and surgeon be available to the telephone medical advice service on an on-call basis at all times the service is advertised to be available.

The bill would prohibit a health care service plan and certain disability insurers from operating, or contracting with an in-state or out-of-state telephone medical advice service to operate, a telephone medical advice service unless the service is registered as provided under the bill and if certain other conditions are met.

Existing law provides for the licensure, certification, or regulation of physicians and surgeons and other health care professionals by various boards under the jurisdiction of the Department of Consumer Affairs.

This bill would provide for the registration of telephone medical advice services with the department and would authorize the Director of Consumer Affairs to set fees for this purpose. The bill would prohibit, on and after January 1, 2000, an in-state or out-of-state business entity from providing telephone medical advice services to a patient at a California address unless the person is registered with the department.

The bill would also impose various related duties upon health care service plans and disability insurers, as well as the state agencies charged with their regulation.

Because this bill would change the requirements of health care service plans, this bill would change the definition of a 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. 536 (SB 21) Figueroa. Health care service plans: duty of care.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Commissioner of Corporations. Willful violation of those provisions is a crime.

This bill would require that a health care service plan or managed care entity, for services rendered on or after January 1, 2001, have a duty of ordinary care to provide medically appropriate health care service to its subscribers and enrollees where the health care service is a benefit provided under the plan.

The bill would make a health care service plan or managed care entity liable for any and all harm legally caused by the failure to exercise ordinary care in the arranging for the provision of, or denial of, health care services in specified circumstances.

The bill would set forth prohibitions regarding health care service plans or managed care entities seeking indemnity from the requirements of this provision and would make any provisions to the contrary in a contract with providers void and unenforceable. The bill would make any waiver of certain provisions in the bill contrary to public policy, unenforceable, and void.

This bill would also require that a person may not maintain a cause of action against a health care service plan unless he or she has exhausted the procedures provided by any applicable independent medical review system or independent review system, with certain exceptions. This provision would only become operative if SB 189 and AB 55 are enacted on or before January 1, 2000.

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

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

Ch. 537 (SB 5) Rainey. Health care benefits: breast cancer services.

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Existing law provides for the licensure and regulation of health care service plans administered by the Commissioner of Corporations. Existing law provides for the licensure and regulation of disability insurers that cover hospital, medical, or surgical expenses by the Insurance Commissioner. Existing law provides that a willful violation of the law regulating health care service plans is punishable as either a felony or a misdemeanor.

Under existing law, every health care service plan contract and every group policy of disability insurance or self-insured employee welfare benefit plan that provides for the surgical procedure known as a mastectomy, that is issued, amended, delivered, or renewed in this state on or after July 1, 1980, is required to include coverage for prosthetic devices or reconstructive surgery, subject to specified conditions.

This bill would, instead, require health care service plan contracts, except specialized health care plan contracts, and certain policies of disability insurance providing coverage for hospital, medical, or surgical expenses, that are issued, amended, delivered, or renewed on or after January 1, 2000, to provide coverage for screening for, diagnosis of, and treatment for, breast cancer. The bill would prohibit the denial of enrollment or coverage solely due to a family history of breast cancer, or because of one or more diagnostic procedures for breast disease where breast cancer has not developed or been diagnosed. The bill would require coverage of screening and diagnosis of breast cancer consistent with generally accepted medical and scientific evidence upon the referral of an enrollee's or insured's participating physician.

Existing law provides that every individual or group health care service plan contract, individual or group policy of disability insurance, and self-insured employee welfare benefit plan that is issued, amended, or renewed after January 1, 1991, and that includes coverage for mastectomy and prosthetic devices and reconstructive surgery incident to mastectomy, shall be deemed to provide coverage for mammography for screening or diagnosis purposes upon referral by a participating nurse practitioner, participating certified nurse midwife, or participating physician.

This bill would, instead, provide that a health care service plan contract, except a specialized health care service plan contract, that is issued, amended, delivered, or renewed on or after January 1, 2000, shall be deemed to provide coverage for mammography for screening or diagnostic purposes upon referral by a participating nurse practitioner, participating certified nurse midwife, or participating physician, providing care to the patient and operating within the scope of practice provided under existing law. This bill would enact similar provisions applicable to every individual or group policy of disability insurance and self-insured employee welfare benefit plan.

Because a willful violation of the bill's provisions applicable to health care service plans would be a crime, this bill would impose a state-mandated local program by imposing a new crime.

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

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

Ch. 538 (SB 41) Speier. Disability insurance: contraceptive coverage.

Existing law governing disability insurance imposes certain requirements relating to coverage for certain benefits and services.

This bill would require certain individual and group policies of disability insurance that are issued, amended, delivered, or renewed on or after January 1, 2000, to provide coverage, under the same terms and conditions applicable to other benefits, for a variety of federal Food and Drug Administration approved prescription contraceptive methods, subject to exemption for religious employers, as specified.

Ch. 539 (SB 59) Perata. Health care coverage.

(1) Existing law provides for the regulation of health care service plans by the Department of Corporations and for the regulation of disability insurers by the Department of Insurance. Existing law requires a health care service plan to disclose the process used by the plan to authorize or deny health care services, to the Commissioner

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of Corporations, health care providers under contract with the plan, and enrollees, as specified, and establishes the criteria used by plans to determine whether to authorize or deny health care services. Existing law requires a health care service plan and a disability insurer to include within its disclosure form and evidence or certificate of coverage a statement describing how participation may affect the choice of physicians. Existing law provides that a willful violation of provisions regulating health care service plans is a crime.

This bill would instead require a health care service plan to disclose the process the plan, its contracting provider groups, or any entity with which the plan contracts for services, uses to authorize, modify, or deny health care services, to health care providers, enrollees, or to any other person or organization upon request, and would revise the criteria or guidelines used by plans, or any entities with which plans contract for utilization review or utilization management functions, to determine whether to authorize, modify, or deny health care services.

This bill would enact additional provisions applicable to a health care service plan and any entity with which it contracts for services, that prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based on medical necessity, requests by providers prior to, retrospectively, or concurrent with, the provision of health care services to enrollees or other specified entities. It would require that those decisions be made within specified timeframes. These provisions would not apply to certain decisions made for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of religion. The bill would also enact similar provisions applicable to a disability insurer that prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based on medical necessity, requests by providers prior to, retrospectively, or concurrent with, the provision of health care services to insureds, or other specified entities. It would require that those decisions be made within specified timeframes. Because a violation of the bill's requirements with respect to health care service plans would be a crime, this bill would create a state-mandated local program by creating a new crime.

This bill would also make legislative findings and declarations in this regard.

(2) Existing law provides for the Medi-Cal program to provide health coverage for low-income persons.

This bill would require the State Department of Health Services to develop a simple form to be used by Medi-Cal managed care plans in order to notify an enrollee of a denial, termination, delay, or modification in benefits, as specified.

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

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

Ch. 540 (SB 64) Solis. Health insurance: management and treatment of diabetes.

(1) Existing law provides for the licensure and regulation of health care service plans administered by the Commissioner of Corporations. Under existing law, a willful violation of any of these provisions is punishable as either a felony or a misdemeanor. Existing law provides for the regulation of policies of disability insurance administered by the Insurance Commissioner.

Existing law requires that health care service plans and disability insurers provide coverage for certain benefits and services. Existing law also requires that disability insurers offer coverage for diabetic day care self-management education programs.

This bill would require all policies and plans, except as specified, issued, amended, delivered, or renewed on and after January 1, 2000, that cover hospital, medical, or surgical expenses, to provide coverage for specified equipment and supplies for the management and treatment of diabetes as medically necessary. This bill would also require those policies and plans that cover prescription drugs to also include specified prescription medications for the treatment of diabetes if the items are determined to be medically necessary. It would also require all policies and plans to provide self-management training, education, and medical nutrition therapy in this regard.

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

Since a willful violation of the bill's coverage-related requirements with respect to health care service plans 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. 541 (SB 148) Alpert. Health care coverage: phenylketonuria (PKU).

Existing law provides for the licensure and regulation of health care service plans administered by the Commissioner of Corporations. Willful violation of those provisions is a crime. Existing law also provides for the regulation of disability insurance by the Insurance Commissioner.

This bill would require, on and after July 1, 2000, every health care service plan contract, except a specialized health care service plan contract, and specified policies of disability insurance, issued, amended, delivered, or renewed in this state that provide coverage for hospital, medical, or surgical expenses, to provide coverage for the testing and treatment of phenylketonuria (PKU) under the terms and conditions of the plan or policy, as the case may be, as provided under the bill.

Since a violation of the provisions regulating health care service plans would be a crime, this bill would impose a state-mandated local program by expanding the scope of a crime.

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

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

Ch. 542 (SB 189) Schiff. Health care coverage: grievances: independent medical review.

(1) Under existing law, the Knox-Keene Health Care Service Plan Act of 1975, health care service plans are regulated by the Department of Corporations. Existing law separately provides for the regulation of insurance, including disability insurance, administered by the Commissioner of Insurance.

Existing law requires every health care service plan and disability insurer to establish a reasonable external, independent review process to examine coverage decisions regarding experimental or investigational therapies for individual enrollees or insureds who have a terminal condition and meet certain specified criteria.

This bill would revise this criteria to instead require that the enrollee or insured have a life-threatening or seriously debilitating condition.

(2) Existing law requires that the external, independent review of a health care service plan or disability insurer under these provisions meet certain criteria, including that the health care service plan or disability insurer contract with one or more impartial, independent, accredited entities which in turn are required to select an independent panel.

Existing law provides that the enrollee shall not be required to pay for the external, independent review and requires that the costs of the review be borne by the health care service plan or disability insurer.

This bill would require the Department of Corporations to contract with one or more impartial, independent, accredited entities for purposes of the external, independent review process, rather than the plan or insurer. The bill would require the plan or insurer to reimburse the department for costs associated with the contract.

(3) Existing law requires every health care service plan to establish and maintain a grievance system approved by the department under which enrollees and subscribers may submit their grievances to the plan. Under existing law, after participating for at least 60 days in, or completing, the plan's grievance process, an enrollee or subscriber may submit the grievance or complaint to the department for review.

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This bill would require health care service plans to provide subscribers and enrollees with written responses to grievances, and would provide that a grievance may be submitted to the department by an enrollee or subscriber after participating in the plan's grievance process for 30 days. The bill would require the department to respond to each grievance in writing within 30 days.

(4) This bill would also include provisions which shall only become operative if AB 55 of the 1999–2000 Regular Session is enacted on or before December 31, 2000, and establishes a specified independent medical review system.

(5) Under existing law, a willful violation of the provisions governing health care service plans is a crime. By changing the definition of the crime applicable to these plans, 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. 543 (SB 205) Perata. Health coverage: cancer screening tests.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans administered by the Commissioner of Corporations. Under existing law, willful violation of any of these provisions is punishable as either a felony or a misdemeanor. Existing law also provides for the regulation of policies of disability insurance administered by the Insurance Commissioner.

Existing law requires health care service plans and disability insurers to provide coverage for certain benefits and services.

This bill would require that every health care service plan contract, except for a specialized health care service plan, and disability insurance policies or contracts, with specified exceptions, that cover hospital, medical, or surgical expenses, that are issued, amended, delivered, or renewed on or after July 1, 2000, be deemed to provide coverage for all generally medically accepted cancer screening tests, subject to all terms and conditions that would otherwise apply.

Since a willful violation of the provisions applicable to health care service plans is a 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. 544 (SB 349) Figueroa. Emergency services and care.

Existing law provides for the regulation of health facilities, including general acute care hospitals and acute psychiatric hospitals. For purposes of these provisions, existing law defines emergency services and care as medical screening, examination, and evaluation by a physician, or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine if an emergency medical condition or active labor exists and, if it does, the care, treatment, or surgery by a physician necessary to relieve or eliminate the emergency medical condition, within the capability of the facility.

This bill would define emergency services and care to include additional screening, examination, and evaluation by a physician, or other personnel to the extent permitted by applicable law and within the scope of their licensure and clinical privileges, to determine if a psychiatric emergency medical condition exists as provided under the bill. The bill would provide that this definition of emergency services and care shall not apply to services provided under managed care contracts with the Medi-Cal program to the extent those services are excluded from coverage under the contract.

This bill would state that these provisions defining emergency services and care are a clarification of the definition of emergency services and care and a clarification of an existing responsibility and not the addition of a new responsibility. This bill would also

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provide that those provisions defining emergency services and care do not affect the scope of licensure or clinical privileges for clinical psychologists or other medical personnel.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans administered by the Commissioner of Corporations. Willful violation of any of these provisions is a crime.

Existing law requires a health care service plan to reimburse providers for emergency services and care provided to its enrollees until the care results in stabilization of the enrollee, except under certain conditions, and requires the health care service plan to assume responsibility for the care of the patient if there is a disagreement between the plan and the provider regarding the need for necessary medical care. For purposes of this provision, emergency services and care is as defined under the provisions governing health facilities.

This bill, as discussed above, would change the definition of emergency care and services. Since the willful violation of the provisions governing a health care service plan is a crime, 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. 545 (SB 559) Brulte. Health care providers: preferred rates.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Corporations. Under existing law, a willful violation of health care service plan requirements is a crime. Existing law also provides for the regulation of insurers by the Department of Insurance.

This bill, effective July 1, 2000, with respect to contracts providing for the payment of preferred reimbursement rates by payors for health care services rendered by health care providers, would impose certain disclosure and related requirements on contracting agents, as defined, who sell, lease, assign, transfer, or convey a list of contracting providers and their contracted preferred reimbursement rates to other payors or contracting agents. This bill would impose certain requirements on payors who seek to pay a preferred reimbursement rate, and would provide that the failure to comply with these requirements renders the payor liable to pay the nonpreferred rate, as specified. This bill would define "payor" for these purposes to generally include a health care service plan, a specialized health care service plan, a disability or liability insurer, a workers' compensation insurer, an employer, or any other 3rd party that is responsible to pay for health care services provided to beneficiaries by health care providers. This bill would enact other related provisions.

Because a willful violation of the bill's requirements with respect to health care service plans would be a crime, this bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 546 (AB 283) Longville. Highways: property acquisition: county cooperation.

Existing law authorizes a county board of supervisors, by resolution passed by a $^{4}/_{5}$ vote, to proceed to acquire any real property or interest that has been determined both to promote the interests of the county and to be necessary for state highway purposes, and is recommended by the Department of Transportation. Existing law authorizes the acquisition to be by eminent domain and provides that the specified resolution is the only preliminary procedure required prior to the commencement of condemnation proceedings.

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This bill would, following the adoption of the resolution and based on that resolution, authorize the department to condemn the same property or interest that is described in both the resolution and the department's recommendation.

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

Ch. 547 (AB 390) Scott. Adoption assistance.

Existing law provides for the payment, by the State Department of Social Services and counties, of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the resources of the family to meet those needs.

Existing law specifies what county shall be responsible for determining a child's eligibility under the Adoption Assistance Program and for providing financial aid.

This bill would revise the responsibility of counties with respect to children relinquished for adoption prior to a determination of eligibility to make the county in which the relinquishing parent resides responsible for the eligibility determination and for providing financial aid.

This bill would revise the adoptive program eligibility standards and would revise the basis for determining the negotiated amount of the adoption assistance cash benefits. The bill would also revise references to renewal of the adoption assistance agreement to refer instead to a reassessment of the child's needs.

Existing law requires the department to determine when an adoption assistance overpayment has been made to an adoptive family when a child has not received services for which the adoption assistance benefits were authorized and to recover overpayment of adoption assistance benefits.

This bill would recast that requirement to specify that the adoption overpayments would result if the adoptive parents are no longer legally responsible for the support of the child, the child is no longer receiving support from the adoptive parents, or the adoptive family has committed fraud.

By increasing the responsibilities of counties, this bill would result in a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 548 (AB 1052) Jackson. Child Care Initiative Project.

Existing law establishes the California Child Care Initiative Project to expand the role and functions of resource and referral agencies to aid communities in increasing their capability in the number of child care spaces available and the quality of child care services offered. Existing law requires the Superintendent of Public Instruction to allocate all state funds appropriated for the California Child Care Initiative Project for the purpose of making grants to selected child care resource and referral agencies. Under existing law, the provisions establishing the project become inoperative on June 30, 2000, and, as of January 1, 2001, are repealed.

This bill would delete the repeal provision.

Ch. 549 (AB 1215) Thomson. Emergency medical services.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, requires the state Emergency Medical Services Authority to adopt, after approval of the commission, minimum standards for the training and scope of practice of an emergency medical technician-paramedic (EMT-P). Existing law requires that each application for licensure or licensure renewal of an EMT-P include the applicant's social security number to establish the applicant's identity and criminal convictions, if any.

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

This bill would require each application for licensure or licensure renewal to include one fingerprint card from all applicants and an additional fingerprint card from applicants who have not continuously resided in the state for the previous 7 years or when the authority has credible evidence that the applicant has a criminal history outside of California. The bill would require these latter fingerprints to be submitted to the Department of Justice to be forwarded to the Federal Bureau of Investigation. The bill would authorize the authority to charge a fee for services related to these fingerprinting and criminal record checks.

Under the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, each county may designate an emergency medical services agency (local EMS agency) for the establishment and administration of an emergency medical services program in the county, administered by the medical director. Existing law sets forth several grounds under which the medical director, in accordance with regulations adopted by the authority, may deny, suspend, or revoke a certificate, or for which the medical director may place a certificate holder on probation.

This bill would revise this provision to authorize the medical director to deny, suspend, or revoke a certificate, or place a certificate holder on probation, in accordance with specified regulations.

The Administrative Procedure Act contains provisions governing the conduct of administrative adjudication and rulemaking proceedings of state agencies.

This bill would require the authority to ensure that the local EMS agency's disciplinary policies and procedures are at least as effective in protecting the due process rights of any EMT-I or EMT-II certificate holder as those in the Administrative Procedure Act and would require that proceedings of the authority against any EMT-P license or licenseholder be in accordance with the Administrative Procedure Act. Because this bill would increase the duties of the local EMS authority with regard to disciplinary policies and procedures, this bill would impose a state-mandated local program.

Existing law sets forth certain actions that subject an EMT-P to administrative sanctions.

This bill would add unprofessional conduct as provided under the bill to the list of actions that would subject an EMT-P to administrative sanctions.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 550 (SB 275) Committee on Local Government. 1999 Local Agency Omnibus Act.

(1) Existing law provides that in order to be considered a legally qualified candidate for certain county and judicial offices, a person is required to file specified documents.

This bill would add to those offices requiring the filing of those documents the offices of county treasurer, county tax collector, and county treasurer-tax collector.

(2) Existing law authorizes a county board of supervisors to enact an ordinance adopting continuing education requirements for the office of county treasurer, county tax collector, or county treasurer-tax collector within the discipline of treasury management or public finance or both.

This bill would also permit the continuing education requirements to be within the disciplines of public administration, governmental accounting, or directly related subjects.

(3) Existing law requires the county treasurer to file with the county board of supervisors a monthly report of funds received and disbursed.

This bill would authorize a county auditor to file those reports if the county treasurer and county auditor have a written agreement.

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

(4) Existing law requires the county auditor and the city treasurer to file a written report on or before September 1 each year with the Supplemental Law Enforcement Oversight Committee and the local governing body detailing and summarizing allocations from the county's or city's Supplemental Law Enforcement Services Fund, as applicable for the entire preceding year. Existing law requires local officials to hold a public hearing in September in each year that the Legislature appropriates money to the fund for the purpose of considering requests for money from the fund.

This bill instead would require the report to be filed on or before the date of the duly noticed public hearing.

(5) Existing law authorizes the legislative body of a city to impose appropriate and reasonable control of the use or appearance of neighboring private property within public view of places, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value.

This bill would make corrective, technical changes in that provision.

(6) Under existing law, when the executive officer of a local agency formation commission determines that it is not feasible to hold a meeting of the special district selection committee for the purpose of selecting the special district representatives to the commission or for filling a vacancy, the executive officer may conduct the selection process by delivering the necessary papers, or sending them by certified mail, to each independent special district.

This bill would additionally authorize this selection process to be conducted by electronic mail.

(7) Existing law requires the executive officer of a local agency formation commission to mail a copy of the commission's resolution of its determinations concerning a proposed change of organization or reorganization to the chief petitioners, if any, each affected local agency whose boundaries would be changed, and the conducting authority.

This bill would authorize the executive officer to transmit the resolutions by electronic mail.

(8) Under existing law, when a local agency formation commission is requested to amend or reconsider a resolution making determinations, the deadline for filing certain actions is tolled during the time it takes the commission to act on the request.

This bill would toll the time for filing any action during the time it takes the commission to act on the request.

(9) Existing law specifies the proceedings necessary to form a community services district.

This bill would correct a technical error in that provision.

(10) Existing law requires that on or before October 1, the planning agency of each city or county shall annually report to its legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of its general plan and progress in its implementation.

This bill would correct an obsolete cross-reference in that provision.

(11) Existing law authorizes cities and counties to adopt zoning ordinances including content neutral zoning ordinances, regulating the time, place, and manner of operation of sexually oriented businesses, subject to specified conditions.

This bill would make a technical nonsubstantive change to those provisions.

(12) Under existing law, the failure of a development project applicant to submit complete or adequate information under the Permit Streamlining Act may be grounds for disapproving the project.

This bill would correct an obsolete cross-reference in that provision.

(13) Existing law permits cities and counties to establish fees for processing tentative, final, and parcel subdivision maps and related procedures.

This bill would correct obsolete cross-references in that provision.

(14) Under existing law, the legislative body of a city or county is required to provide specified notice of a pending approval or disapproval of a final subdivision map by the official to whom that authority has been delegated.

This bill instead would require that the notice be given by the clerk of the legislative body.

(15) Existing law specifies the time period for which rights exist that are conferred by a vesting tentative map.

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

This bill would correct obsolete cross references to that provision in other provisions of the Subdivision Map Act.

(16) Under existing law, in any year that the net county benefit for Ventura County between the property taxes allocated to cities by the county and the state money received by the county under the Trial Court Funding Program is less than $5,262,500, the county receives a special subvention from vehicle license fee revenues.

This bill instead would establish a subvention of vehicle license fee revenues to Ventura County equal to 60% of the property tax revenue allocated to no and low property tax cities.

(17) Existing law provides for the establishment of the Ventura Regional Sanitation District, and further provides that the board of directors shall be the governing board of the district. Existing law also provides for an independent special district committee, composed of the presiding officers of specified independent special districts.

This bill would redesignate the independent special district committee as the special district committee, and would revise the membership requirements for that committee.

(18) Existing law requires the State Fire Marshal to adopt regulations and standards on or before September 1, 1999, to control the quality and installation of burglar bars and safety release mechanisms and prohibits, on and after October 1, 1999, the installation, marketing, distribution, offer for sale, or sale of those items if they have not been approved by a testing laboratory recognized by the State Fire Marshal.

This bill would specify that the burglar bars and safety release mechanisms are for emergency escape/rescue windows or doors, require that the regulations be adopted on or before January 1, 2000, and provide that the prohibition against unapproved items shall commence on July 1, 2000.

(19) The Fire Protection District Law requires fire districts to adopt budgets conforming to specified state regulations.

This bill would correct an obsolete reference to those regulations.

(20) Existing law authorizes the cancellation of property taxes and special taxes imposed to pay for bonds in certain situations where the property was acquired by a city through foreclosure.

This bill would also permit these procedures for tax cancellation to be applied to property acquired through foreclosure by counties, cities and counties, special districts, school districts, and joint powers agencies.

(21) Existing law generally requires those agencies affected by a proposed jurisdictional change to negotiate, in accordance with specified procedures, an exchange of property tax revenues to reflect the changes in service area obligations that will result from the jurisdictional change. The process of negotiation, mediation, and arbitration concludes no more than 150 days after the initiation of proceedings for the jurisdictional change before the local agency formation commission.

This bill instead would require negotiation, mediation, and arbitration to be concluded no more than 150 days after the auditor provides specified property tax information to the local agencies.

(22) This bill would declare that it is to take effect immediately as an urgency statute but would also provide that all but specified provisions of the bill shall become operative on January 1, 2000.

Ch. 551 (SB 516) Haynes. Needy families: job training.

Existing law implements federal welfare-to-work grant program provisions provided pursuant to the federal Balanced Budget Act of 1997 (P.L. 105-33). Existing law requires the Employment Development Department to distribute 85% of these federal grant funds to private industry councils or alternate local administrative entities designated by the Governor, as specified, and to distribute the remaining 15% of these federal funds, at the direction of the Governor, to state and local projects that will assist in moving eligible program participants into unsubsidized employment.

Existing law requires that those remaining 15% of federal funds be distributed to employers, private nonprofit organizations, and for-profit and public entities, and that proposals submitted for state and local projects include, at a minimum, comments by the local private industry council or alternate local administrative entity, and the county welfare department, for a stated purpose.

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

This bill would delete the references to "at a minimum" in the requirement that proposals submitted for state and local projects include comments by the local private industry council or alternate local administrative entity, and the county welfare department, and would provide for an exception to that requirement if one of those entities is an applicant for grants under those provisions.

This bill would require the Employment Development Department and the State Department of Social Services, for purposes of fully implementing this program and the CalWORKs program, to initiate, by July 1, 2000, the adoption of regulations interpreting a specified provision of federal law regarding state options in connection with the provision of welfare services by charitable, religious, or private organizations.

Ch. 552 (SB 543) Bowen. Children: psychotropic medication: foster care.

Existing law requires that the case plan of a child when he or she is placed in foster care, to the extent available and accessible, include the health and education records of the child, as specified. Existing law requires that at the time a child is placed in foster care the child's health and education records be reviewed and updated and supplied to the foster parent or foster care provider with whom the child is placed.

This bill would revise these provisions by requiring the case plan for each child and specified court reports and assessments to include a health and education summary, as specified, for each child. The bill would require the child protection agency to provide the caretaker with a current summary, as specified. The bill would also require the child's caretaker to maintain information regarding the minor's health and education, and would require the child protection agency or its designee to inquire of the caretaker whether there is any new information to be added to the child's summary. The bill would also require the court, at the initial hearing, to direct each parent to provide the child protective agency complete health and education information, including specified information regarding the child's parents. To the extent that these requirements would increase the duties of local public employees, this bill would impose a state-mandated local program.

This bill would also provide that if a child is adjudged a dependent child of the juvenile court and the child is taken from the physical custody of the parent, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that child, except that juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the child and has the capacity to authorize psychotropic medications. The bill would also authorize a court to permit the administration of psychotropic medication to the child only as specified, and would require the Judicial Council to adopt rules of court and develop appropriate forms for these purposes on or before July 1, 2000. It would also provide, however, that these provisions do not supersede local court rules regarding a minor's right to participate in mental health decisions.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 553 (AB 279) Wayne. Workers' compensation: failure to pay compensation.

Existing law governing workers' compensation requires every employer except the state to secure the payment of compensation in one or more of several specified ways, including the procurement of workers' compensation insurance.

Existing law makes it a misdemeanor, punishable by imprisonment in the county jail not to exceed 6 months, or by a fine of $1,000, or both for an employer to fail to secure the payment of compensation when the employer knew, or because of his or her knowledge or experience should be reasonably expected to have known, of the obligation to secure the payment of compensation.

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

This bill would instead make the willful failure to secure the payment of compensation a misdemeanor, punishable by either a fine of up to $10,000 or imprisonment in the county jail not to exceed one year, or both. By changing the definition of, and increasing the punishment for, a 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. 554 (AB 633) Steinberg. Labor: garment manufacturing.

Existing law requires every person engaged in the business of garment manufacturing, as defined, to register with the Labor Commissioner and to pay an initial registration fee of $150 and an annual renewal fee of $100. Existing law imposes certain other requirements on garment manufacturers, and provides for administration and enforcement of the garment manufacturing provisions by the Labor Commissioner.

This bill would substantially revise the existing law on state regulation of garment manufacturing. The bill would revise the definition of garment manufacturing to authorize the Department of Industrial Relations to adopt regulations to include additional operations and practices in the apparel industry that are consistent with the garment manufacturing registration provisions. The bill would also authorize the department to adopt and amend regulations to clarify and refine that statutory definition. The bill would add a new definition of "contractor" and revise the definition of "person." The bill would revise the existing law for setting the registration and renewal fees for persons in garment manufacturing to require the fees to be set in the aggregate to recover costs of administration of the law and to be based on an applicant's annual volume, but to be not less than $250 nor more than $1,000, in the case of a contractor, or $2,500, in the case of other registrants.

Existing law requires the commissioner to deposit $25 of each registrant's annual registration fee into a separate account and requires that the funds in the separate account be disbursed only to persons damaged by a registrant where damages exceed the limits of a registrant's bond.

This bill would increase the amount of each registrant's annual registration fee deposited into the separate account to $75, thereby making an appropriation. The bill would revise these provisions to authorize the commissioner to disburse the funds to persons damaged by failure of a garment manufacturer, jobber, contractor, or subcontractor to pay wages or benefits. The bill would provide that a person engaged in garment manufacturing who contracts with an unregistered or unbonded person for garment manufacturing shall be deemed an employer of the contractor's employees and shall be jointly liable with the contractor for the payment of wages to the contractor's employees, and would specify the process by which this liability may be enforced.

Nothing in existing law makes garment manufacturers liable for guaranteeing payment of wages to employees of their contractors.

This bill would impose that liability to the extent of requirements for payment of the minimum wage and overtime compensation. The bill would prescribe a claims procedure by which an aggrieved employee may enforce a claim for unpaid wages against the contractor and the garment manufacturer contracting with the contractor. The bill would require the Labor Commissioner to investigate these claims, hold meet-and-confer conferences and hearings, and issue decisions and awards, as specified. The bill would also authorize the Labor Commissioner to enforce this guarantee in the same manner as proceeding against the employer, with or without a complaint being filed, subject to the procedures specified in the bill. The bill would authorize the Labor Commissioner to revoke the registration of any garment manufacturer that fails to pay a wage award issued pursuant to the bill. The bill would make the successor of a garment manufacturer primarily engaged in sewing or assembly of garments for other persons, and that owes wages, also liable for payment of those wages under specified circumstances, but this provision would not apply to the wage guarantee obligation established by the bill. The bill would make conforming related changes.

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Existing law authorizes the Division of Labor Standards Enforcement of the Department of Industrial Relations to confiscate any garment or wearing apparel assembled or partially assembled by a person who has not complied with the garment manufacturing registration requirements and requires the division to notify the manufacturer and contractor of the removal and the location of the confiscated goods.

This bill would, with a specified exception, authorize the division to confiscate the means of production, including equipment and property, from unregistered garment manufacturers if the garment manufacturer is a contractor that has been subject to a previous confiscation within the prior 5 years. The bill would require the proceeds of sales of the equipment or property to be deposited into a Back Wages and Taxes Account, which the bill would create in the General Fund, and would authorize the Labor Commissioner, upon appropriation, to use moneys in the account to pay back wages owed to garment workers and taxes.

Existing law does not make the successor, to an employer primarily engaged in sewing or assembly of garments for other persons engaged in the business of garment manufacturing, liable for unpaid wages owed to the predecessor's employees.

This bill would impose that liability under prescribed conditions.

Ch. 555 (SB 400) Ortiz. Public Employees' Retirement System: benefits.

(1) Under the Public Employees' Retirement Law, retirement allowances for school members are calculated, in part, based on the highest average compensation earnable during a consecutive 3-year period.

This bill would instead base that calculation on the highest average compensation earnable during a consecutive 12-month period.

(2) The Public Employees' Retirement Law defines "state peace officer/firefighter" in terms of employees employed by specified state departments in specified job classifications and provides higher retirement benefit formulas and higher employer and employee contribution rates for state peace officer/firefighter members than for state miscellaneous members.

This bill would add the Sergeants-at-Arms of each house of the State Legislature, excluding the Chief Sergeant-at-Arms, within the state peace officer/firefighter membership category.

(3) The Public Employees' Retirement Law establishes retirement formulas, known as the Second Tier and the modified First Tier, that are applicable to specified members of the system.

This bill would provide that state miscellaneous and state industrial members hired or returning to state service, as specified, on or after January 1, 2000, shall be subject to First Tier benefits unless they elect to be subject to Second Tier benefits; authorize members subject to Second Tier benefits to elect to become subject to First Tier benefits and contribution rates, thereby making an appropriation; and provide that members subject to modified First Tier benefits shall become subject to First Tier benefits, as specified. The bill would also establish the means for members subject to Second Tier benefits, who are employed by the state on or after January 1, 2000, to elect to have their former Second Tier service converted to First Tier service.

(4) The Public Employees' Retirement Law prescribes a 2% at age 60 retirement formula for state miscellaneous, university, state industrial and school members.

This bill would make that formula inapplicable to those members employed by the state on or after January 1, 2000, except as specified, and would instead prescribe a 2% at age 55 retirement formula, as specified. The bill would also provide a 1 to 6%, inclusive, retirement allowance increase for certain retired state and school members, as specified, and make related technical changes.

(5) The Public Employees' Retirement Law prescribes a 2% at age 50 retirement formula for members of the California Highway Patrol and specified local safety members, a 2.5% at age 55 retirement formula for state peace officer/firefighter members and specified local safety members, and a 2% at age 55 retirement formula for state safety members and specified local safety members, all subject to maximum benefit limitations based on specified percentages of final compensation.

This bill would make those formulas inapplicable to those state members who are employed by the state on or after January 1, 2000, and would instead prescribe a 3% at

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age 50 retirement formula for members of the California Highway Patrol and a 3% at age 55 for state peace officer/firefighter members and certain local safety members, as specified; provide an enhanced retirement formula for state safety members, as specified; and make related technical changes. The bill would also modify the maximum benefit limitations, as specified.

(6) The Public Employees' Retirement Law, as amended by Chapter 3 of the Statutes of 1999, provides preretirement death benefits for the surviving spouse or children, or both, as specified, of state members and specified school members not covered by the federal Social Security Act and provides that a surviving spouse becomes eligible for certain of these benefits when he or she attains the age of 62 years and meets other specified criteria.

This bill would decrease the surviving spouse's eligibility age to 60 years, would modify the method for funding these benefits, and would repeal these benefits on January 1, 2010.

(7) The bill would provide that the operation and application of certain of its provisions would be subject to specified conditions and limitations.

(8) This bill would incorporate additional changes to Sections 20391, 20677, 21337, 21362, 21363, 21369, 21572, 21573, and 21581 of the Government Code proposed by AB 99, AB 232, AB 813, SB 234, SB 339, SB 800, and SB 401, as applicable, to take effect if this bill and those bills, as specified, are enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 556 (AB 555) Reyes. Farm labor vehicles.

(1) Under existing law, all vehicles used by a farm labor contractor, as defined, for the transportation of individuals in his or her operation as a farm contractor, and not owned by that contractor, are required to be registered with the Labor Commissioner.

This bill would expand the scope of this registration requirement to include all farm labor vehicles used for the described purposes. The bill would require the Labor Commissioner, commencing on April 1, 2000, to quarterly provide the Commissioner of the California Highway Patrol with a listing of all registered vehicles. The bill would delete a requirement in existing law that a farm labor contractor using a vehicle not owned by that contractor do so only on a fixed fee basis and not upon a rental based upon a percentage of that contractor's earnings.

(2) Existing law requires the Department of the California Highway Patrol to adopt regulations designed to promote the safe operation of farm labor vehicles, as described, including, vehicular design, equipment, passenger safety, and seating. Existing law also prohibits any person from driving any farm labor vehicle, as described, unless there is displayed therein a specified certificate issued by the department stating, among other things, that the vehicle complies with applicable regulations relating to construction, design, and equipment.

This bill would impose upon the owner of the farm labor vehicle and a farm labor contractor, under described circumstances, the responsibility of these inspection requirements. The bill would prohibit the operation of a farm labor vehicle by the owner or the farm labor contractor, under described circumstances, without the issuance of the certificate.

The bill would prohibit any person from operating a farm labor vehicle on a highway unless both headlamps required under existing law are lighted, regardless of the time of day.

Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The bill would require the department, in cooperation with county and local farm bureaus, to provide a program to educate growers and farmers and farm labor vehicle owners and drivers regarding farm labor vehicle certification requirements, including certification requirements for farm labor vehicle drivers.

(3) Existing law makes it a misdemeanor for any person to operate a farm labor vehicle in violation of specified provisions of law punishable by a $500 nonsuspendable fine if the violation was willfully committed.

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

This bill would increase the described fine for willful violations to $1,000 and would additionally impose a $500 nonsuspendable fine for each passenger in the vehicle not to exceed a total fine of $5,000 for each violation.

The bill would expand the definition of the specified crime to include an owner or farm labor contractor who knowingly allows the operation of a farm labor vehicle when the person should have known of the violation, and thereby 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.

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

Ch. 557 (AB 1165) Florez. Farm labor vehicles: safety belts.

(1) Existing law requires the registration card for a vehicle to contain, on its face, the date issued, the name and residence address or business address of the owner and of the legal owner, if any, and certain vehicle identification information.

This bill, additionally, would require the vehicle registration card of every farm labor vehicle, as defined, to contain the words, "Farm Labor Vehicle," in conjunction with the vehicle identification information.

The bill would prohibit the department from issuing or renewing the registration of a farm labor vehicle unless the owner of the vehicle has provided the department with verification, as specified, that the farm labor vehicle inspection described below has been performed.

(2) Existing law prohibits any person from operating a motor vehicle, as defined, on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt.

This bill would expand the definition of "motor vehicle," for purposes of the safety belt provision, to include a farm labor vehicle, and would thereby impose a state-mandated local program by expanding the definition of a crime.

(3) Existing law requires the Department of the California Highway Patrol to adopt regulations designed to promote the safe operation of farm labor vehicles relating to vehicular design, equipment, passenger safety, and seating. The department is required to inspect every farm labor vehicle at least once annually to ascertain whether its construction, design, and equipment comply with all provisions of law.

This bill would require the department to develop, by regulations, specifications for a specified display sticker to be displayed on every farm labor vehicle, and would require those regulations to require every owner or operator of a farm labor vehicle to request the scheduling of the specified inspection, for a farm labor vehicle that has a current inspection certificate, not later than 4 weeks prior to the expiration date of the certificate, and for initial inspections, not later than 3 business days prior to the requested inspection date. The bill would prohibit the owner or operator of a farm labor vehicle from operating that vehicle without the proper certification requirements.

The bill would require that, on or before May 1, 2000, every farm labor vehicle issued an inspection certificate, as specified, between October 1, 1998, and October 1, 1999, be equipped at each passenger position with a seat belt assembly conforming to specified federal regulations.

The bill would prohibit the department, on or after October 1, 1999, from issuing an initial inspection certificate, as specified, to any vehicle that is not equipped with the required seatbelt assembly at each passenger position.

The bill would require the owner of a farm labor vehicle to maintain all required seatbelt assemblies and seatbelt assembly anchorages in good working order for the use of passengers.

The bill would prohibit any person from operating a farm labor vehicle on a highway unless that person and all passengers are properly restrained by a seatbelt assembly that conforms to these provisions.

The bill would require the department to adopt regulations to implement these provisions.

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

Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The bill would require the department to develop an "800" telephone number system to facilitate public reporting of violations of specified provisions relating to farm labor vehicles, and to publicize the number, as specified.

(4) The bill also would require the department to prepare and submit to the Legislature on specified dates reports that evaluate the implementation of this bill and the effectiveness of its provisions in improving the safety of farm labor vehicles.

(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 appropriate $1,750,000 from the Motor Vehicle Account in the State Transportation Fund to the Department of the California Highway Patrol for the purpose of increasing the number of special California Highway Patrol officers charged with enforcing laws prohibiting illegal transportation of agricultural workers, including enforcement of the requirement that farm labor vehicles be equipped with safety belts.

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

Ch. 558 (SB 1011) Polanco. Unemployment compensation benefits: extension: freezing weather.

Existing law provides unemployment compensation benefits for qualified eligible unemployed individuals of 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, 2000, for an additional 26 times an individual's weekly benefit amount for any qualified eligible unemployed individual who has been laid off from work, is unable to commence work, or is otherwise unemployed as a direct result of freezing weather conditions which occurred in this state in December 1998 when an individual has exhausted or is otherwise ineligible for other state or federal unemployment compensation benefits, as specified. It would provide that in the event an individual becomes eligible for federal-state extended unemployment compensation benefits prior to August 8, 1999, 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 8, 1999. 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 1999 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.

Ch. 559 (SB 798) Burton. Highways: relinquishment: Route 101.

(1) Existing law requires the California Transportation Commission to relinquish to any city or county any portion of any state highway within the city or county that has been deleted from the state highway system by legislative enactment.

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

This bill would relinquish to the City and County of San Francisco (city) a specified portion of State Highway Route 101 and would specify that the Department of Transportation retains jurisdiction over another specific portion of Route 101.

The bill would require the city to utilize any proceeds from the disposition or use of excess right-of-way for the purpose of designing, constructing, developing, and maintaining the Octavia Street Project, as defined, until the city's share of the costs of that project are paid in full or funded from other sources. The bill would impose specific duties on the city and the department with regard to implementing the Central Freeway Replacement Project, as defined.

Because the bill would require the city to undertake certain duties with respect to the Central Freeway Replacement Project, the bill would impose a state-mandated local program.

The bill would require the department to follow certain procedures if an alternative to the Octavia Street Project is adopted by the voters in the general municipal election of November 1999.

The bill would set forth certain related 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 a specified reason.

Ch. 560 (SB 227) Alpert. Water quality: nonpoint source pollution.

The Porter-Cologne Water Quality Act governs the coordination and control of water quality in the state, and includes provisions relating to nonpoint source pollution. The California Coastal Act of 1976 imposes certain restrictions on development in the coastal zone of the state. The California Coastal Commission, pursuant to the coastal act, has specified duties with regard to the federally approved California Coastal Management Program.

This bill would require the State Water Resources Control Board, on or before February 1, 2001, and in consultation with the regional boards, the California Coastal Commission, and other appropriate state agencies and advisory groups, as necessary, to prepare a detailed program for the purposes of implementing the state's nonpoint source management plan, as specified. The bill would require the state board, on or before August 1 of each year, and in consultation with the commission and other appropriate agencies, to submit to the Legislature and make available to the public, copies of prescribed state and regional board reports that contain information related to nonpoint source pollution and that the state or regional boards were required to prepare in the previous fiscal year and a summary of the information set forth in those reports, as specified.

Ch. 561 (AB 59) Cedillo. Elder or dependent adults: abuse: protective orders.

(1) Existing law sets forth procedures under which a person who has suffered harassment or an employer whose employee has suffered unlawful violence or a credible threat of violence from an individual may seek a temporary restraining order and an injunction and under which protective orders to prevent domestic violence may be ordered. Under existing law, any intentional and knowing violation of these orders is a misdemeanor.

This bill would make any intentional or knowing violation of the protective orders authorized by this bill as described in (2) a misdemeanor. Because the bill would create a new crime, it would impose a state-mandated local program.

(2) Existing law authorizes 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 set forth procedures under which an elder or dependent adult in immediate and present danger of abuse may seek protective orders.

(3) Existing law, contained in the Domestic Violence Prevention Act, authorizes a judicial officer to issue an ex parte emergency protective order when a law enforcement

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officer asserts reasonable grounds to believe that an immediate and present danger exists for domestic violence or abduction of a child. The act also authorizes the court to issue a protective order, as defined, either ex parte or after a hearing, to restrain any person to prevent a recurrence of domestic violence.

This bill would revise the grounds for the issuance of an ex parte emergency protective order to include circumstances in which an elder or dependent adult in an immediate and present danger of abuse and would limit those grounds with respect to financial abuse to circumstances in which law enforcement asserts reasonable grounds to believe that physical or emotional harm would otherwise result to the petitioner.

Existing law authorizes an emergency protective order to include certain specific orders.

This bill would revise the scope of the orders that may be included in an emergency protective order respecting elder and dependent adults.

(4) Existing law requires the Department of Justice to maintain a Domestic Violence Protective Order Registry, as specified.

This bill would include the issuance of a protective order issued for the protection of an elder or dependent adult who has suffered abuse within the scope of those orders for which the Department of Justice is required to be notified immediately.

By expanding the duties of the law enforcement personnel in reporting the orders to the Department of Justice, this bill would result 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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would incorporate additional changes in Section 6380 of the Family Code, proposed by AB 825, to be operative only if AB 825 and this bill are both chaptered and become effective January 1, 2000, and this bill is chaptered last.

This bill would incorporate additional changes in Section 273.6 of the Penal Code, proposed by SB 218, to be operative only if SB 218 and this bill are both chaptered and become effective January 1, 2000, and this bill is chaptered last.

Ch. 562 (AB 72) Florez. State Highway Route 46: emergency improvements.

Existing law requires the Department of Transportation to improve and maintain the state highways.

This bill would require the Director of Transportation, on or before January 15, 2000, to submit a report to the Legislature identifying emergency improvements involving either negligible or no expansion of highway capacity, that may be constructed prior to specified scheduled improvements, with the intent to prevent or mitigate an emergency situation on a specified portion of State Highway Route 46.

The bill would provide that an emergency improvement identified pursuant to the bill may not result in the delay of, or have an adverse impact on, projects that are scheduled in the state transportation improvement program or a regional transportation improvement program outside the jurisdiction of the Kern County Regional Transportation Agency or in the State Highway Operations Pavement Protection Program. The provisions of the bill would be repealed on June 1, 2001.

Ch. 563 (AB 140) Hertzberg. Prevention of terrorism.

Existing law proscribes various acts of terrorism.

This bill would enact the Hertzberg-Alarcon California Prevention of Terrorism Act to make it a crime for any person, with specified exceptions, to possess, develop, manufacture, produce, transfer, acquire, or retain any weapon of mass destruction, as defined. The bill would also penalize the use of a weapon of mass destruction against a

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person, an animal, the food or water supply, crops, or public natural resources; and the knowing threat to use, with specified intent, or attempt to develop or use, a weapon of mass destruction. With specified exceptions, the bill would furthermore make it a crime to possess restricted biological agents, as defined. The bill would require a peace officer who encounters any of the restricted biological agents to immediately notify and consult with a local public health officer to ensure proper consideration of any public health risk. By creating new crimes and expanding the duties of local peace officers and public health officers, this bill would impose a state-mandated local program.

The bill would also make it a crime, punishable as either a felony or a misdemeanor, for any person to knowingly threaten to use a weapon of mass destruction, as specified, and resulting in an isolation, quarantine, or decontamination effort. 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Ch. 564 (AB 157) Reyes. Crime prevention.

Existing law authorizes the County of Tulare to develop within a specified period the Rural Crime Prevention Demonstration Project to be administered by the county district attorney's office pursuant to a joint powers agreement with the county sheriff's office for a 3-year period. The parties to the agreement are required to establish a rural crime task force that is required to develop crime control techniques, encourage timely reporting of crimes, and evaluate the results of these activities. The staff for the project is selected by the sheriff and the district attorney as specified. The provisions authorizing the project are repealed as of January 1, 2000.

This bill would instead declare that the County of Tulare has developed the above-named project and that the parties to the agreement have formed a task force. The bill would authorize the Counties of Tulare, Fresno, Kern, Kings, Madera, Merced, San Joaquin, and Stanislaus to develop the Rural Crime Prevention Program, modeled on the above-described Rural Crime Prevention Demonstration Project, as specified. The bill would provide that it is the intent of the Legislature that the $3,541,000 appropriated in the Budget Act of 1999 for the purposes of this program be allocated among the counties, as specified. The bill would further provide that the Legislative Analyst shall, by December 31, 2000, prepare and submit to the Legislature a detailed cost-benefit analysis of the entire program, and that $100,000 shall be appropriated for this purpose. The bill would further provide that the title shall become inoperative on June 30, 2000, and that provisions authorizing the program shall be repealed as of January 1, 2001.

Ch. 565 (AB 180) Havice. International trade: public-private trade development organizations.

Existing law provides that the Trade and Commerce Agency shall be the principal state agency to, among other things, respond to inquiries and provide statistics on the economy, visitor attractions, and international trade.

This bill would, to the extent funds are made available for this purpose, require the agency to work to develop a statewide alliance of public-private trade development organizations, if determined to be feasible by the agency. The organizations would be authorized to undertake specified tasks in the development of trade opportunities in the state, under the leadership of the agency. The bill would authorize the agency to adopt regulations concerning implementation of these provisions. The bill would also require the Secretary of Trade and Commerce to report to the Governor and the Legislature on the implementation of these provisions no later than December 31, 2001.

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Ch. 566 (AB 208) Knox. Murder: punishment.

(1) Existing law provides that the penalty for a defendant who is found guilty of murder in the first degree is death, imprisonment in the state prison for life without the possibility of parole, or imprisonment in the state prison for a term of 25 years to life. If one or more special circumstances is found to be true, a defendant who is found guilty of murder in the first degree shall be punished by death or imprisonment in the state prison for life without the possibility of parole.

Existing law also provides that the penalty for first degree murder is imprisonment in the state prison for life without the possibility of parole if (1) the victim is the operator or driver of a public transportation vehicle used for the transportation of persons for hire or a station or ticket agent for the entity providing this transportation, (2) the victim was intentionally killed while engaged in the performance of his or her duties, (3) the defendant knew or reasonably should have known that the victim was a person so engaged, and (4) a special circumstance to this effect has been charged and found to be true.

This bill would provide that the penalty for a defendant who is found guilty of murder in the first degree is imprisonment in the state prison for life without the possibility of parole if the victim was intentionally killed because of the victim's disability, gender, or sexual orientation or because of the defendant's perception of the victim's disability, gender, or sexual orientation, and this allegation has been charged and found to be true. The bill would prohibit the court from striking that allegation, except in the interest of justice, and would require the court to state its reasons in writing for doing so. By defining an additional circumstance that would be punishable by life imprisonment without the possibility of parole, this bill would impose a state-mandated local program.

(2) Existing law, with regard to so-called hate crimes, prescribes various punishments for criminal acts committed "because of" a person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. Existing law, as interpreted by the California Supreme Court, further provides that the phrase "because of," as used in hate crime statutes, means the bias motivation must have been a cause in fact of the offense, and that when multiple concurrent causes exist, the bias motivation must have been a substantial factor in bringing about the offense.

This bill would define "because of" for purposes of the provision described in (1) to conform with the decisions of the California Supreme Court and would provide that the definition is declaratory of existing case law.

(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. 567 (AB 236) Honda. Property tax revenue allocations: Counties of Santa Barbara and Santa Clara.

Existing property tax law provides for the annual allocation of property tax revenues in each county in accordance with property tax revenue apportionment factors that are determined for each recipient jurisdiction in accordance with a specified formula.

This bill would, except as otherwise specified, deem to be correct those property tax revenue apportionment factors that were applied in allocating property tax revenues in the County of Santa Clara for the Santa Clara County Central Fire Protection District for each fiscal year from the 1988–89 fiscal year through the 1996–97 fiscal year. The bill would also deem correct those property tax apportionment factors that were applied in allocating property tax revenues for specified fire protection districts in the County of Santa Barbara for the 1993–94 fiscal year through and including the 1996–97 fiscal year. This bill would, however, require property tax revenue apportionment factors applied in allocating property tax revenue in the Counties of Santa Barbara and Santa Clara for the 1997–98 fiscal year, and each fiscal year thereafter, to be determined on the basis of property tax revenue apportionment factors for prior fiscal years that have been corrected or adjusted as would be required if those prior apportionment factors had not been deemed correct by this bill.

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Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing property tax law also reduces the amounts of ad valorem property tax revenue that would otherwise be annually allocated to the county, cities, and special districts pursuant to these general allocation requirements by requiring, for purposes of determining property tax revenue allocations in each county for the 1992–93 and 1993–94 fiscal years, that the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. It requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education.

This bill would deem to be correct those transfers to the Educational Revenue Augmentation Fund of the County of Santa Clara made by specified fire districts in that county for each fiscal year through the 1996–97 fiscal year. This bill would, however, require property tax apportionment factors applied in allocating property tax revenue to these districts for the 1997–98 fiscal year, and each fiscal year thereafter, to be determined on the basis of apportionment factors for prior fiscal years that have been corrected or adjusted as would be required if those prior apportionment factors had not been deemed correct by this bill.

This bill would make legislative findings and declarations as to the necessity for special statutes.

Ch. 568 (AB 301) R. Wright. Public Utilities Commission: rules: petition.

Under existing law, the Public Utilities Commission adopts Rules of Practice and Procedure, and the commission is required to submit amendments, revisions, or modifications by the commission of those rules to the Office of Administrative Law for review, as prescribed.

This bill would require the commission to permit interested persons to petition the commission to adopt, amend, or repeal a regulation, as specified, including a requirement that the commission amend the rules, on or before July 1, 2001, to provide more specific procedures for handling a petition. The bill would appropriate $136,345 from the Public Utilities Commission Reimbursement Account to the commission to reimburse the commission for those costs incurred in implementing the above provisions. The bill would make a statement of legislative intent relating to the construction of the terms "interested persons" and "regulation," as used in those provisions, and to the petitions described above.

Ch. 569 (AB 313) Zettel. Crimes enhancements.

(1) Existing law provides for a one-year sentence enhancement if certain crimes are committed against a person 65 years of age or older, or against a person who is blind, a paraplegic, or a quadriplegic, or a person who is under the age of 14 years.

This bill would also provide for that enhancement if the crime is committed against a person who is deaf or developmentally disabled. It would revise the list of crimes that are subject to that enhancement, among other things, to include penetration of the genital or anal opening of another by force of violence.

(2) Existing law provides that any person who has a prior conviction of any of the above-mentioned offenses who commits one of those crimes against a person who is 65 years of age or older, or against a person who is blind, deaf, developmentally disabled, a paraplegic, or a quadriplegic, or against a person who is under the age of 14 years shall receive a 2-year enhancement.

This bill would provide for the 2-year enhancement if the person is convicted of one of those crimes and has a previous conviction of one of those crimes against a person 65 years of age or older, or against a person who is blind, deaf, developmentally disabled, a paraplegic, or a quadriplegic, or against a person who is under the age of 14 years.

The bill would set forth a statement of intent.

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(3) By imposing new enhancements on existing crimes, 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. 570 (AB 476) Ackerman. Bail: procedure.

(1) Existing law requires that if a verdict is rendered against a defendant who is out on bail, he or she may be remanded to the proper officer to await the judgment of the court.

This bill would require that if a verdict is rendered against a defendant who is free on bail, the defendant be remanded to the proper officer to await the judgment of the court unless the court, upon consideration of specified criteria, concludes that the evidence supports the court's decision to allow the defendant to remain out on bail. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(2) Under existing law, the court is authorized to grant a motion to vacate a forfeiture of bail only if the motion is made within a 180-day period and is heard within 30 days of the expiration of that 180-day period. Existing law also authorizes a surety or depositor of bail to file a motion, based upon good cause, to extend the 180-day period of time, not exceeding 180 days from its order.

This bill would provide instead, that a motion to vacate a forfeiture of bail that is filed within the 180-day period, may be heard within 30 days of the expiration of that 180-day period. The court would be authorized to extend the 30-day period upon a showing of good cause and to require that the moving party provide 10 days prior notice to the applicable prosecuting agency as a condition to granting the motion.

(3) Existing law bars a court or magistrate from accepting any person or corporation as a surety on bail if any summary judgment against that person or corporation remains unpaid after the expiration of 20 days following service of notice of the entry of the summary judgment, unless an action or proceeding is initiated to determine the validity of the order of forfeiture or summary judgment.

This bill would increase the time period in the provision summarized above to 30 days.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 571 (AB 491) Scott. Firearms.

(1) Existing law requires the Attorney General to maintain a registry of specified information concerning pistols, revolvers, and other firearms capable of being concealed on the person and to include in the registry specified data provided to the Department of Justice on the Dealers' Record of Sale.

This bill would require the Attorney General, at the written request of any person listed in the registry as the owner of a firearm through a Dealers' Record of Sale prior to 1979, to store and keep that record electronically and to provide the person written notice of its compliance with the request.

This bill would also incorporate additional changes in Section 11106 of the Penal Code proposed by SB 29, to be operative only if that bill and this bill are enacted and become effective on or before January 1, 2000, and this bill is enacted last.

(2) Existing law generally provides that it is a misdemeanor for any person to carry a concealed firearm. Under specified circumstances, carrying a concealed firearm is punishable as a felony. One of these circumstances includes a person who is not in lawful possession of the firearm. "Lawful possession" is defined to mean a person who owns the firearm or has permission of the owner or a person with apparent authority.

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This bill would punish as a misdemeanor or a felony, carrying a concealed firearm if both the pistol, revolver, or other firearm capable of being concealed upon the person and the unexpended ammunition capable of being discharged from that firearm are in the immediate possession of the person or are readily accessible, or the firearm is loaded, as defined by law, where the person in possession is not the registered owner of the firearm, as specified. This bill would allow a peace officer to arrest a person for violating this provision if the officer had probable cause to believe the person was not the registered owner of the firearm and the other elements of this offense exist. The bill would also redefine the term "lawful possession" to mean one who lawfully owns or has permission of the lawful owner. In addition, the bill would require the district attorney of each county to submit an annual report to the Attorney General consisting of profiles of persons charged with felonies or misdemeanors under this concealable firearm provision. Under the bill, the Attorney General would be required to submit an annual report to the Legislature compiling all of the reports submitted by the district attorneys. By increasing the punishment for a crime and increasing the duties of local officials, this bill would impose a state-mandated local program.

(3) Existing law 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, as specified, is guilty of a misdemeanor except in specified circumstances where this offense is punishable as a felony.

This bill would punish as a misdemeanor or a felony, possession of a loaded pistol, revolver, or other firearm capable of being concealed upon the person where the person in possession is not the registered owner of the firearm, as specified. The bill would allow a peace officer to arrest a person for violating this provision if the officer had probable cause to believe the person was not the registered owner of the firearms and the other elements of this offense exist. The bill would also incorporate in this provision the changes described in (2) above regarding the definition of "lawful possession" and the requirement imposed upon the district attorney.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Ch. 572 (AB 872) Alquist. Transportation: regional and local project funds: allocation and transfer.

Existing law authorizes a local agency to enter into an agreement with the appropriate transportation planning agency, the California Transportation Commission, and the Department of Transportation to use its own funds to develop, purchase right-of-way, and construct a project within its jurisdiction if the project is included in the adopted state transportation improvement program and funded from specified sources. The department is required to reimburse the local agency for the amount expended pursuant to the agreement from funds allocated by the commission for the project in the year it was scheduled in the state transportation improvement program, as specified.

This bill would authorize a regional or local entity to expend its own funds for any component of a transportation project within its jurisdiction that is included in the current fiscal year's state transportation improvement program and for which the commission has not made an allocation. The amount expended would be authorized to be reimbursed by the state, subject to annual appropriation by the Legislature, if (1) the commission makes an allocation for, and the department executes a fund transfer agreement for, the project during the same fiscal year as when the regional or local expenditure was made; (2) expenditures made by the regional or local entity are eligible for reimbursement in accordance with state and federal laws and procedures; and (3)

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the regional or local entity complies with all legal requirements for the project, as specified.

The bill would require the department and a local or regional entity to execute an agreement to transfer funds for a project within 90 days from the date on which the commission approves an allocation for the project, if no deficiencies that require clarification by a local or regional entity are identified in the preaward audit for the project and the project is included in an adopted state transportation improvement program.

The bill would require the department, on July 1, 2000, and annually thereafter, to compile information and report to the Legislature on the number of projects for which an agreement to transfer funds was executed and on all projects for which an agreement was not executed within the period provided and the reasons therefor, and a description of any actions taken by the department during the prior fiscal year to streamline, expedite, and simplify the department's process for executing the specified agreements to transfer funds.

The bill would require the department to implement systems that allow rapid access to funds made available under executed agreements to transfer funds. The bill would require the Controller to develop a system that provides access to those funds by electronic transfer of funds, as specified.

Ch. 573 (AB 926) Cedillo. Job training: at-risk youth.

Existing law appropriates, in augmentation of the Budget Act of 1998, $1,250,000, to the Employment Development Department to support certain at-risk youth employment demonstration projects conducted by private, nonprofit entities in specified job training service delivery areas.

This bill would, in addition, require that those funds be expended pursuant to certain guidelines and requirements regarding, among other things, the procurement by funding recipients of private matching funds, the demonstration of significant employer involvement in the relevant projects, the awarding of projects through a competitive bid process, and the satisfaction of specified criteria in the provision of relevant services. This bill would also require that a specified amount of these funds be allocated to the job training service delivery area of the City and the County of Sacramento. By changing the requirements for expenditure of an existing appropriation, the bill would make an appropriation.

This bill would also require the department to submit a report to the Legislature and the Governor, on or before January 1, 2003, detailing certain information with respect to projects funded under these provisions, and would require the department's annual report to the Legislature on the effectiveness of specified job preparation and training programs to also detail the effectiveness of the at-risk youth demonstration projects funded under these provisions.

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

Ch. 574 (AB 1110) Committee on Budget. Claims against the state: appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Existing statute establishes procedures for making that reimbursement and authorizes the Legislature to suspend a mandated program by not funding it in the State Budget for any fiscal year.

Existing law also requires the Controller, in the event that there are insufficient revenues to fund all of the state-mandated claims approved by the Controller, to report immediately this deficiency to the Legislature for additional appropriation, and requires that any additional appropriation include an amount necessary to reimburse any interest due to eligible claimants.

This bill would appropriate $149,041,136 from the General Fund and the State Transportation Fund to the Controller. From the General Fund, $106,089,000 would be allocated for the payment of claims by local agencies and school districts for reimbursement of state-mandated local costs, $5,000,000 would be allocated to provide reimbursement to local agencies of costs incurred for the period of July 1, 1998, through August 20, 1998, for those state-mandated local programs that were not suspended

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pursuant to statute for this time period, and $37,385,136 would be allocated to pay for other specified prior year deficiencies, including interest. From the State Highway Account in the State Transportation Fund, $567,000 would be allocated for reimbursement of other state-mandated local costs.

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

Ch. 575 (AB 1163) Steinberg. California Unity Center: appropriation.

The Budget Act of 1998 appropriates funds for the support of state government and contains an appropriation to the California Arts Council for local assistance to be allocated to various museums in this state.

This bill would appropriate $500,000 to the California Arts Council for local assistance to be allocated to the City of Sacramento, on a matching basis, for the purposes of assisting the city in the planning and development of a California Unity Center in Sacramento.

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

Ch. 576 (AB 1193) Leonard. Sex offender registration.

(1) Existing law requires certain persons, including any person convicted of any specified sexual offense, for the rest of his or her life while residing or located within California, to register with the chief of police or the sheriff, as specified, and with the chief of police of a campus of the University of California, the California State University, or community college if the person is residing or located upon the campus or in any of its facilities, within 5 working days of coming into, or changing his or her residence or location within, any city, county, or city and county, or campus. Any person required to register as a sex offender pursuant to this provision is also required to update his or her registration information at least annually. The failure to register or update the registration is a crime.

This bill, commencing November 25, 2000, would make these provisions applicable to out-of-state residents who are employed in California or enrolled in an educational institution on a full-time or part-time basis. The bill also would require any person who is required to register as a sex offender who has more than one residence address or location at which he or she regularly resides or is located, to register in each of the jurisdictions in which he or she regularly resides or is located, and when all of the addresses or locations are within the same jurisdiction, to provide the registering authority with all of the addresses or locations where he or she regularly resides or is located. By expanding the scope of an existing crime and increasing the registration duties of local law enforcement officials, this bill would impose a state-mandated local program.

(2) Under existing law, the registration information required to be provided pursuant to the above provisions in (1) includes copies of adequate proof of residence. If the person required to register does not have any proof of residence, he or she shall be allowed to register, but is required to furnish proof of residence within 30 days. The failure to furnish proof of residence within the 30-day period is a misdemeanor punishable by imprisonment in a county jail for not exceeding 6 months, or by a fine not exceeding $1,000, or both that imprisonment and fine.

This bill would provide that the failure to furnish proof of residence within the 30-day period is a misdemeanor punishable by imprisonment in a county jail for not exceeding 6 months. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

(3) Existing law authorizes a person required to register as a sex offender pursuant to the provisions in (1) to petition for a certificate of rehabilitation and pardon, and relieves that person, except for specified persons, of any further duty to register as a sex offender upon obtaining a certificate of rehabilitation, unless the person is in custody, on parole, or on probation. Existing law requires the persons excepted from operation of this provision to obtain a full pardon before they may be relieved of the duty to register as a sex offender.

Under existing law, the period of rehabilitation constitutes a period of 5 years plus an additional period of time which, in general, is 2 additional years for offenses that do not carry a life sentence.

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This bill would provide that, except as specified, the period of rehabilitation is 5 years plus 5 additional years in the case of a person convicted of an offense for which sex offender registration is required.

This bill would make technical changes to these provisions that conform to other provisions of law and delete obsolete cross-references to other provisions of law.

This bill would incorporate additional changes in Section 290 of the Penal Code proposed by SB 341, SB 1275, and AB 1340, to be operative if this bill and one or more of the other bills are enacted and become effective on or before January 1, 2000, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Ch. 577 (AB 1274) Frusetta. Political Reform Act of 1974: civil action.

Under the existing Political Reform Act of 1974 a person who violates the reporting requirements specified in the act or makes or receives a contribution, gift, or expenditure in violation of specified provisions of the act is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction. Under these provisions of the act, before filing a civil action, a person must first file with the civil prosecutor a written request for the civil prosecutor to commence the action. The civil prosecutor then is required to respond within 40 days after receipt of the request, indicating whether he or she intends to file a civil action. If the civil prosecutor files suit within 40 days thereafter, no other action may be brought unless the action brought by the civil prosecutor is dismissed without prejudice as specified.

This bill would instead provide that if the civil prosecutor indicates that he or she intends to file a civil action and files suit within 120 days from receipt of the written request to commence the action, no other action may be brought unless the action brought by the civil prosecutor is dismissed without prejudice. If the civil prosecutor indicates within 120 days from receipt of the written request to commence the action that he or she will not file a civil action, the person requesting the action may proceed to file the civil action. The bill also would toll the statute of limitations applicable for commencing a civil action under these provisions, as specified, but only for a civil action brought by the person who requested the civil prosecutor to commence the action.

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 $^{2}/_{3}$ 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 $^{2}/_{3}$ vote.

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

Ch. 578 (AB 1587) Scott. Firearms.

(1) Existing law provides that no person who has been taken into custody or admitted to a designated facility because that person is a danger to himself, herself, or others shall own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of 5 years after the person is released from the facility unless, upon petition to the superior court, the person is found by a preponderance of the evidence likely to use firearms in a safe and lawful manner.

This bill instead would provide that the person may request a hearing from the court and provide that the People of the State of California shall bear the burden of showing by a preponderance of the evidence that the person would not be likely to use firearms in a safe and lawful manner. If the court at the hearing finds that the people have not

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met their burden, or the district attorney declines or fails to go forward at the hearing, the court would be required to order that the person not be subject to the 5-year prohibition on the ownership, control, receipt, possession, or purchase of firearms.

(2) Existing law provides that no person who has been certified for intensive treatment related to mental disorder or impairment by chronic alcoholism may own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of 5 years unless upon petition to the superior court the person is found by a preponderance of the evidence likely to use firearms in a safe and lawful manner, as described above.

This bill would permit the person to petition the superior court of his or her county of residence that he or she may own, possess, control, receive, or purchase a firearm and would prescribe the procedures for a hearing on the petition.

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

Ch. 579 (SB 6) Rainey. Reports of missing persons.

Existing law imposes certain requirements on local police and sheriff's departments relating to reports of missing persons, and requires that if the missing person is under 12 years of age, or there is evidence that the missing person is at risk, the local department must broadcast a bulletin, in its jurisdiction, without delay. Existing law also provides that after July 1, 1995, these requirements are only operative if the governing body of the local agency adopts a resolution expressly making these requirements operative.

This bill would require instead that a bulletin be broadcast without delay if the missing person is under 16 years of age. It would also delete the provision of existing law concerning the adoption of a resolution, provide instead that the above requirements would not be operative if the governing body of the local agency adopts a resolution expressly making those requirements inoperative.

Ch. 580 (SB 69) Murray. Criminal procedure: continuances.

Existing law specifies the procedures by which a motion to continue any hearing in a criminal proceeding, including the trial, may be made. Continuances may be granted only upon a showing of good cause, which includes, but is not limited to, cases involving murder, allegations of sexual assault, child abuse, or domestic violence where the prosecuting attorney assigned to the case has another criminal proceeding in progress in that or another court.

This bill would add cases involving allegations of stalking, as defined, to those cases in which a continuance may be granted in a criminal proceeding. The bill would only authorize one continuance in a stalking case and would require that any continuance granted under the above provision be for the shortest time possible, not to exceed 10 court days.

This bill would incorporate additional changes in Section 1050 of the Penal Code proposed by AB 501, to be operative if AB 501 and this bill are both enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 581 (SB 110) Peace. Energy conservation: power facility and site certification.

(1) Existing law, the Warren-Alquist State Energy Resources Conservation and Development Act, requires the State Energy Resources Conservation and Development Commission to certify sufficient sites and related facilities that are required to provide a supply of electric power sufficient to accommodate projected demand for power statewide. The act requires the commission to prepare and distribute a specified draft electricity report setting forth its findings and conclusions regarding the electric utilities' forecasts, and requires that the 5- and 12-year forecasts or assessments established by the commission serve as the basis for planning and certification of electric transmission or thermal powerplant facilities.

This bill would eliminate the requirement that those 5- and 12-year forecasts established by the commission serve as the basis for the planning and certification of electric transmission and thermal powerplant facilities.

(2) The existing act requires the commission, every 2 years, to transmit to the Governor and the Legislature a comprehensive report designed to identify emerging

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trends related to energy supply, demand, and conservation and public health and safety factors, and to provide the basis for state policy and actions in relation thereto, including specified information.

This bill would make various changes with regard to the information and analyses to be contained in that report, as specified.

This bill would also require a report with recommendations and a work plan to be submitted, as prescribed, on or before March 31, 2000, concerning data collection in the restructured electricity market. The bill also would require the commission to file a report every 2 years commencing July 1, 2001, concerning the environmental performance of the electric generation facilities, as prescribed.

The act requires that an application for certification of a power facility submitted to the commission pursuant to the act contain specified information that the commission may require by regulation. The act also requires that the commission prepare a written decision after a public hearing on an application for certification, which contains specified information.

This bill would make various changes with respect to the information required to be provided in an application for certification, and to be contained in the commission's written decision concerning the application, as prescribed.

(3) The existing act prohibits the commission from certifying any facility contained in the application for certification, unless it makes specified findings relating to conformity of the proposed facility with an integrated assessment of need for the new facility.

This bill would eliminate that prohibition.

(4) The existing act authorizes the commission to exempt from those certification requirements thermal powerplants with a generating capacity of up to 100 megawatts and modifications to existing generating facilities that do not add capacity in excess of 100 megawatts, if the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modification, and that generating capacity will not be added that is substantially in excess of the integrated assessment of need for new resource additions, as determined.

This bill would eliminate, for purposes of that exemption, the requirement that the commission find that generating capacity will not be added that is substantially in excess of the integrated assessment of need for new resource additions, as determined.

The act would require the Secretary of the Resources Agency, by January 1, 2001, to review the facility certification program to determine whether that program meets specified criteria for state regulatory programs under the California Environmental Quality Act, and if the secretary determines the regulatory program meets those criteria, the bill would require the secretary to continue the certification of the program. The bill would also, under those circumstances, require the commission to amend the regulatory program from time to time, as necessary to permit the secretary to continue to certify the program.

The bill would also make various related conforming changes and legislative findings and declarations.

(5) Existing law requires the commission not to certify a facility that does not meet applicable standards unless the commission determines the facility is required for public necessity.

This bill would require the commission to consider specific factors in making this determination.

(6) Existing law establishes an application and certification process for siting and licensing thermal electric powerplants.

This bill would require that the commission prepare a report to the Governor and the Legislature on or before March 31, 2000, identifying improvements in this process and making recommendations, as prescribed. The commission immediately may implement any administrative recommendations.

Ch. 582 (SB 621) Sher. Forest resources: timber harvesting plans.

(1) Existing law, the Z'berg-Nejedly Forest Practice Act of 1973, specifies that rules and regulations adopted or revised pursuant to the act shall become effective on the next

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January 1 that is not less than 30 days from the date of approval of those rules or regulations by the Office of Administrative Law, except as provided.

This bill would, until January 1, 2001, instead provide that those rules and regulations shall become effective on either the next January 1 or July 1 that is not less than 30 days from the date of approval of those rules or regulations by the office.

(2) The act prohibits a person from conducting timber operations on timberland unless a timber harvesting plan has been prepared by a registered professional forester and has been submitted to the Department of Forestry and Fire Protection and approved by the director or by the state board.

This bill would impose additional civil penalties for violations of the act, as prescribed, and would require the consideration of all relevant circumstances pertaining to a violation when determining the amount of that penalty, and corrective action, if any, required to be taken by the violator.

The bill would authorize any party who is aggrieved by a final order issued by the board pertaining to a violation to obtain a review of the order in the superior court in the county in which the violation occurred by filing a petition for a writ of mandate in the court within a specified time period. By imposing new duties on local governments with respect to the review of the imposition of a civil penalty by the superior court, the bill would impose a state-mandated local program.

(3) The bill would provide that the violation of any rule or regulation adopted by the board pursuant to the act prescribing any procedural requirement that does not result in, or cause, any environmental damage, and is not a violation of specified provisions regulating forest practices, is an infraction punishable by the imposition of specified fines, as provided. The bill would require the board to designate those rules and regulations that prescribe procedural requirements of which a violation does not result in, or cause, environmental damage.

(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. 583 (AB 531) Soto. Service stations.

(1) Existing law requires every service station in this state to provide, during operating hours, water, compressed air, and a gauge for measuring air pressure, to the public for use in servicing any passenger or commercial vehicle, as defined. Existing law provides that the failure of an owner or manager of a service station to have adequate water and air facilities for use by the public for 5 consecutive working days constitutes a rebuttable presumption that the owner or manager has intentionally violated these provisions. An intentional violation of these provisions is an infraction punishable by a fine not to exceed $50 per day.

This bill would require that these air and water services be made available at no cost to customers who purchase motor vehicle fuel, as defined. The bill would require service stations to place and maintain a specified sign regarding these services.

The bill would create a specified enforcement system by which consumers may report complaints via a toll-free customer complaint telephone number to the Division of Measurement Standards. The bill would provide that upon inspection, or upon notice of a complaint, employees of the division would be empowered to investigate complaints and issue citations, punishable by a fine of $250 per valid complaint, unless the citation is challenged in court. The issuance of a citation would be precluded if the air and water equipment is in good working order upon initial inspection, or if the air and water equipment is repaired to the satisfaction of the inspecting entity within 10 working days of that initial inspection. The bill would also exempt from the issuance of a citation air and water equipment that is the target of repeated vandalism, as specified.

This bill would state legislative findings and declarations with regard to free access to air and water services, would require the division to submit a specified report to the Legislature by March 1, 2001. By creating a new crime punishable as an infraction, this bill would impose a state-mandated local program.

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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. 584 (AB 606) Jackson. Victims of crimes: payments.

(1) Existing law provides for the indemnification of victims of specified types of crimes for specified types of expenses. Among these expenses are outpatient psychiatric, psychological, or other mental health counseling related expenses which became necessary as a direct result of the crime. These counseling services may only be reimbursed if provided by specified individuals. Indemnification is made under these provisions from the Restitution Fund, which is continuously appropriated to the State Board of Control for these purposes.

This bill would, until January 1, 2004, require the board to conduct a pilot program to provide reimbursement for grief, mourning, and bereavement services provided by a person certified as a child life specialist, and to report to the Legislature by January 31, 2003, on this pilot program.

This bill would additionally authorize a cash payment or reimbursement to an adult victim of domestic violence for specified expenses incurred in relocating, not to exceed $2,000. In the case of a victim of a crime that occurred in the victim's residence, it would authorize a cash payment not to exceed $1,000 for the expense of installing or increasing residential security, and in the case of a victim who is permanently disabled as a direct result of the crime, a cash payment not to exceed $5,000 for the expense of renovating or retrofitting his or her residence or vehicle, subject to specified conditions. The bill would authorize the board to delegate to local victim witness centers the authority to grant and disburse specified emergency awards.

By providing for new uses for a continuously appropriated fund, this bill would make an appropriation.

(2) Existing law requires a court to require a criminal defendant to pay restitution, which is to be made to the Restitution Fund to the extent that the victim of the crime has received assistance from the State Board of Control.

This bill would require a court to order a criminal defendant to pay restitution to be deposited in the Restitution Fund for mental health counseling expenses and other types of expenses for which the bill would provide payments to the victim of a crime. It would additionally incorporate changes to these provisions made by Chapter 121 of the Statutes of 1999.

Ch. 585 (AB 850) Torlakson. Amusement rides: safety.

Under existing law, amusement rides, as defined, are required to be operated under a permit issued by the Division of Occupational Safety and Health of the Department of Industrial Relations. The existing statutory definition of "amusement ride," for purposes of these provisions, excludes the operation of amusement devices of a permanent nature.

This bill would establish the Permanent Amusement Ride Safety Inspection Program (the program). This bill would define "permanent amusement ride" for the purposes of the program to mean mechanical devices, aquatic devices, or a combination of devices, of a permanent nature that carry or convey passengers, as specified. The bill would exclude slides, playground equipment, and other equipment from that definition.

This bill would exclude certain parks and entities from the program, including, among others, playgrounds operated by a school or local government, museums, skating rinks, live animal shows, and permanent amusement rides operated at a private event, as specified. This bill would define "qualified safety inspector" for the purposes of the program to mean a person approved by the division as (1) a qualified safety inspector for permanent amusement rides who holds a valid license as a professional engineer issued by this state or equivalent license issued by another state or (2) a person who has demonstrated to the division that he or she has a minimum of 5 years of experience in the amusement ride field, as specified, takes continuing education courses, and has completed at least 80 hours of education from a school approved by the division for

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amusement ride safety. The bill would require a qualified safety inspector to be certified by the division and to be recertified every 2 years after the initial certification.

This bill would require each owner of a permanent amusement ride to submit a certificate of compliance on an annual basis to the division that includes, among other things, a written declaration, executed by a qualified safety inspector, stating that within the preceding 12-month period, the permanent amusement ride was inspected by the inspector and that the permanent amusement ride is in material conformance with the program and any rules adopted by the division.

This bill would prohibit any person from operating a permanent amusement ride that has been inspected by a qualified safety inspector or a division inspector and found to be unsafe, until all necessary repairs and modifications, or both, have been completed.

This bill would provide that the qualified safety inspector making the written declaration may be an in-house, full-time safety inspector employed by the owner of the permanent amusement ride, an employee or agent of the insurance underwriter or insurance broker of the amusement ride, an employee or agent of the manufacturer of the ride, or an independent consultant or contractor.

This bill would provide that a person may operate a permanent amusement ride only if at the time of that operation a minimum level of insurance insures the owner or operator against liability arising out of use of the ride, a bond is posted in that amount, or the owner is self-insured in a manner established by the division.

This bill would require that the owner of a permanent amusement ride provide specified training to its employees on the safe operation and maintenance of amusement rides.

This bill would require persons who operate permanent amusement rides to report immediately by telephone to the division each known accident that results in the death of, or serious injury to, any person that results from the failure, malfunction, or operation of the permanent amusement ride, as specified. The bill would authorize a division inspector to inspect any amusement ride after the report of an accident to the division.

This bill would authorize the division to inspect the records for a permanent amusement ride or the ride, or both.

The bill would authorize the division to order cessation of operation of a permanent amusement ride that is determined after inspection to be hazardous or unsafe and would prohibit operation of the ride until these conditions are corrected to the satisfaction of the division.

This bill would authorize the division to fix and collect all fees necessary to cover the cost of administration of the program by charging fees to each person or entity receiving the division's services, as specified. The bill would also provide that if the division determines that any owner or operator of a permanent amusement ride has willfully or intentionally violated this part or any rule or regulation promulgated under this part and that violation results in a death or serious injury, the division shall impose on that owner or operator a civil penalty of not less than $25,000 and not more than $70,000.

This bill would authorize the division to adopt rules and regulations necessary for the administration of the program and to employ qualified safety inspectors.

This bill would provide that these provisions relating to annual division inspections do not apply to any permanent amusement ride or rides that are located within a county or other political subdivision of the state that, as of April 1, 1998, has adopted the provisions of the 1994 Uniform Building Code providing for the routine inspection of permanent amusement rides by the county or other political subdivision of the state, provided those inspections meet or exceed specified standards and that the county or political subdivision does not suspend, revoke, or otherwise vacate its provisions.

Ch. 586 (SB 926) Speier. Personal information: supermarkets.

Existing law regulates various consumer marketing practices, as specified.

This bill would enact the Supermarket Club Card Disclosure Act of 1999. The act would prohibit a club card issuer from requiring an applicant for a supermarket club card to provide a driver's license or social security account number as a condition of obtaining the card. The act would also prohibit a club card issuer from selling or sharing personal identification information regarding cardholders, except as specified. The bill would also set forth various applicable definitions, and make any violation punishable as "unfair

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competition" pursuant to specified provisions of the Business and Professions Code. The bill would provide that its provisions are to become operative on July 1, 2000.

Ch. 587 (AB 537) Kuehl. Discrimination.

(1) Existing law provides that it is the policy of the State of California to afford all persons in public schools and postsecondary institutions, regardless of their sex, ethnic group identification, race, national origin, religion, or mental or physical disability, equal rights and opportunities in the educational institutions of the state.

Existing law makes it a crime for a person, whether or not acting under color of law, to willfully injure, intimidate, interfere with, oppress, or threaten any other person, by force or threat of force, in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because he or she perceives that the other person has one or more of those characteristics.

This bill would also provide that it is the policy of the state to afford all persons in public school and postsecondary institutions equal rights and opportunities in the educational institutions of the state, regardless of any basis referred to in the aforementioned paragraph.

(2) Existing law prohibits a person from being subjected to discrimination on the basis of sex, ethnic group identification, race, national origin, religion, color, or mental or physical disability in any program or activity conducted by any educational institution or postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.

This bill would also prohibit a person from being subjected to discrimination on the basis of any basis referred to in paragraph (1) in any program or activity conducted by any educational institution or postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.

(3) This bill would state that it does not require the inclusion of any curriculum, textbook, presentation, or other material in any program or activity conducted by an educational institution or a postsecondary educational institution and would prohibit this bill from being deemed to be violated by the omission of any curriculum, textbook, presentation, or other material in any program or activity conducted by an educational institution or a postsecondary educational institution.

To the extent that this bill would impose new duties on school districts and community college districts, it would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 588 (AB 26) Migden. Domestic partners.

(1) Existing law sets forth the requirements of a valid marriage, and specifies the rights and obligations of spouses during marriage.

This bill would provide that a domestic partnership shall be established between 2 adults of the same sex or, if both persons are over the age of 62 and meet specified eligibility criteria, opposite sexes, who have a common residence and meet other specified criteria and would provide for the registration of domestic partnerships with the Secretary of State. The bill would also specify procedures for the termination of domestic partnerships. The bill would prohibit a person who has filed a Declaration of Domestic Partnership from filing a new declaration until at least 6 months has elapsed from the date that a Notice of Termination of Domestic Partnership was filed with the Secretary of State in connection with the termination of the most recent domestic

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partnership, except where the previous domestic partnership ended because one of the partners died or married.

The bill would require the Secretary of State to prepare forms for the registration and termination of domestic partnerships, distribute these forms to each county clerk, and require the Secretary of State to establish, by regulation, and charge fees for processing these forms. The bill would require these forms to be available to the public at the office of the Secretary of State and each county clerk. A Declaration of Domestic Partnership would be required to be accompanied by a specified declaration of veracity. Violation of this requirement would be a misdemeanor. By creating a new crime and by increasing the duties of the county clerk, the bill would impose a state-mandated local program.

The bill would also preempt, on and after July 1, 2000, any local ordinance or law that provides for the creation of a domestic partnership, as specified, except that a local jurisdiction may retain or adopt policies or laws that offer rights to domestic partners within the jurisdiction and impose duties that are in addition to the rights and duties established by state law, as specified.

(2) Existing law does not specify requirements concerning patient visitation in all health facilities.

This bill would require a health facility to allow a patient's domestic partner and other specified persons to visit a patient, except under specified conditions.

(3) 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 their family members.

This bill would authorize the state and local employers to offer health care coverage and other benefits to domestic partners, as defined, who have submitted certificates of eligibility or Declarations of Domestic Partnership to the board.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, with regard to certain mandates, no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Ch. 589 (SB 1148) Burton. Housing discrimination: restrictive covenants.

(1) Existing law prohibits discrimination in housing through restrictive covenants based on race, color, religion, sex, familial status, marital status, disability, national origin, or ancestry. The Davis-Stirling Common Interest Development Act regulates common interest developments and defines the declarations and other governing documents that govern the operation of common interest developments and the associations that manage common interest developments.

This bill would provide that no declaration or other governing document shall include a restrictive covenant in violation of these provisions, and would require the board of directors of an association that manages a common interest development, without approval of the owners, to amend any declaration or other governing document that includes a restrictive covenant prohibited by these provisions. The bill would also authorize specified persons to bring a civil action for injunctive relief to enforce this prohibition against including restrictive covenants, if after written notice an association fails to delete the restrictive covenant within 30 days.

The bill would also provide, operative January 1, 2001, that the existence of a restrictive covenant constitutes prohibited discrimination, regardless of whether the covenant is accompanied by a statement that it is repealed or void.

The bill would require a county recorder, title insurance company, escrow company, real estate broker, real estate agent, or association that provides a declaration, governing documents, or deed with respect to a common interest development to any person, to

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place a cover page over the document or a stamp on the first page of the document containing a specified statement with respect to prohibited restrictive covenants. By increasing the duties of county recorders, the bill would impose a state-mandated local program.

The bill would require the county recorder to remove any blatant racial restrictive covenant contained in any recorded document, upon application, as specified. The bill would make it a misdemeanor to file a document for the express purpose of adding a racially restrictive covenant, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(3) This bill would incorporate additional changes in Section 12955 of the Government Code proposed by SB 1098 and AB 1670, to be operative if this bill and one or both of the other bills are enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 590 (SB 1098) Burton. Residential real property: rent control: tenant rights: discrimination.

(1) The Costa-Hawkins Rental Housing Act authorizes an owner of residential real property to establish the initial and all subsequent rental rates for a dwelling or a unit if any one of specified facts is true and the initial rental rate for a dwelling or unit where a residential rent control ordinance applies, except where, among other conditions, the previous tenancy has been terminated pursuant to notice by the owner or upon a change in the terms of the tenancy.

This bill would specify that termination or nonrenewal of a specified rent limitation contract with a governmental agency constitutes a change in the terms of the tenancy for that purpose, and would require 90 days' written notice to the tenant of the termination.

The bill would revise provisions making inapplicable the owner's authority to establish the rental rate when a citation has been issued for code violations, and for a 3-year period when an owner terminates or fails to renew a contract or recorded agreement with a governmental agency that provides for a rent limitation, except as specified.

The bill would provide that a person entering real property during certain hours or circumstances, when invited by the occupant, to provide tenants' rights information or to participate in a specified association, shall not be civilly or criminally liable for trespass.

(2) The Fair Employment and Housing Act prohibits housing discrimination on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability.

This bill would, until January 1, 2005, prohibit discrimination under that act on the basis of a person's source of income, the failure to account for the aggregate income of coresidents, or the failure to exclude a government rent subsidy from that portion of the rent to be paid by the tenant in assessing his or her eligibility for rental housing.

(3) This bill would incorporate additional changes in Section 12955 of the Government Code proposed by SB 1148 and AB 1670, to be operative if this bill and one or both of the other bills are enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 591 (AB 1670) Committee on Judiciary. California Civil Rights Amendments of 1999.

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Existing law prohibits business establishments from discriminating against, boycotting or blacklisting, or refusing to buy from, sell to, or trade with any person because of the race, creed, religion, color, national origin, sex, or disability of any person or the person's partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers.

This bill would additionally prohibit these forms of discrimination (1) because of a perception that any of those persons have one or more of the above characteristics or (2) because the person is associated with a person who has, or is perceived to have, any of those characteristics.

Existing law prohibits denial of benefits under, or discrimination against any person in, any program or activity funded or financially assisted by the state on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability. Existing law specifies a hearing procedure for determining violations and requires curtailing state funding for any contractor, grantee, or local agency found to be in violation.

This bill would make these provisions and regulations adopted thereunder enforceable by a civil action for equitable relief.

Existing provisions of the California Fair Employment and Housing Act declare as a civil right the opportunity to seek, obtain, and hold employment without discrimination on specified bases.

This bill would declare as a civil right the opportunity to seek, obtain, and hold housing without discrimination on specified bases or any arbitrary basis prohibited by the Unruh Civil Rights Act. The bill would also revise the definition of discrimination for the purposes of these provisions to include harassment in connection with housing accommodations.

Existing provisions of the California Fair Employment and Housing Act make it an unlawful employment practice for employers, including employer agents, among others, to harass an employee or applicant because of specified bases. Under existing law, harassment of an employee or applicant by other than an employer agent or supervisor is unlawful only if the employer, or its agents or supervisors, knows or should have known of the harassment and fails to take immediate and appropriate corrective action.

This bill would add a definition of "supervisor" to the act and expand the act's provisions on harassment to make them applicable to harassment of persons providing services pursuant to a contract, as defined. The bill would provide that the definition of "supervisor" that it would add is declaratory of existing law.

Nothing in the California Fair Employment and Housing Act makes it an unlawful employment practice to require testing for a genetic characteristic.

This bill would make it an unlawful employment practice for an employer or other entity to require testing for a genetic characteristic. This bill would also make it an unlawful employment practice to make, in connection with prospective employment, any inquiry as to, or a request for information regarding, the physical fitness or physical or mental condition of an applicant, except as specified.

Existing provisions of the California Fair Employment and Housing Act prohibit discrimination based on specified bases.

This bill would provide that those bases include a perception that the person has any of those characteristics or is associated with a person who has, or is perceived to have, any of those characteristics.

Nothing in the California Fair Employment and Housing Act makes it an unlawful employment practice to refuse to provide a reasonable accommodation for a pregnant female employee during the pregnancy.

This bill would make it an unlawful employment practice for an employer to refuse to provide a reasonable accommodation requested by an employee, with the advice of her health care provider, for conditions related to pregnancy, childbirth, or related medical conditions.

In any civil action brought under the California Fair Employment and Housing Act the court, with certain exceptions, is authorized to award the prevailing party reasonable attorney's fees and costs.

This bill would additionally authorize the court to award the prevailing party his or her expert witness fees.

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

Under existing law, the respondent named in an administrative accusation under the California Fair Employment and Housing Act brought for damages for emotional injuries or for an administrative fine may elect to transfer the proceedings to a court. Existing law authorizes the court in those actions to grant specified relief.

This bill would additionally authorize the relief granted by the court to include a requirement that the employer conduct prescribed training.

Existing provisions of the California Fair Employment and Housing Act limit the total amount of damages that may be awarded by the Fair Employment and Housing Commission for nonpecuniary loss and administrative fines to $50,000 per aggrieved person per respondent.

This bill would increase this limitation to $150,000.

This bill would additionally make technical and conforming changes to provisions of the California Fair Employment and Housing Act.

This bill would specify that the changes it would make in types of discrimination prohibited by the Unruh Civil Rights Act, and in certain of the definitional provisions of the California Fair Employment and Housing Act, are declaratory of existing law.

This bill would incorporate the changes in Section 12926 of the Government Code proposed by Senate Bill 1185, if that bill is enacted and this bill is enacted last.

This bill would incorporate the changes in Section 12955 of the Government Code proposed by Senate Bill 1098, Senate Bill 1148, or both, if either or both of those bills are enacted and this bill is enacted last.

Ch. 592 (AB 1001) Villaraigosa. Fair employment and housing.

(1) Under the California Fair Employment and Housing Act, it is unlawful to engage in specified discriminatory employment practices, including hiring, promotion, and termination on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age. The act also makes it unlawful to engage in specified discriminatory practices in housing accommodations on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability.

This bill would amend the act to include sexual orientation, as defined, within the unlawful bases for discrimination in employment and housing accommodations.

(2) Under existing law codified in the Labor Code, discrimination or different treatment in any aspect of employment or opportunity for employment, as specified, and with certain exceptions, based on actual or perceived sexual orientation, is prohibited.

This bill would repeal the provision of the Labor Code that expresses that prohibition.

(3) This bill would incorporate additional changes in Sections 12921, 12926, 12930, 12940, and 12955 of the Government Code to be operative if this bill and one or more of the other bills are enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 593 (SB 733) Poochigian. California State University: Kenneth L. Maddy Institute.

Existing law establishes the California State University under the administration of the Trustees of the California State University. Existing law authorizes the operation of the various campuses of the university, including California State University, Fresno.

This bill would establish the Kenneth L. Maddy Institute as a part of the public administration program of the College of Social Sciences at California State University, Fresno. The institute would provide training for leadership in government, and would prepare students and elected officials for public service, as specified. The bill would appropriate $1,100,000 from the General Fund to the Trustees of the California State University for allocation as an endowment for the institute.

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

Ch. 594 (AB 1041) Strickland. Ronald Reagan Presidential Library: special interest license plates.

Existing law requires the Department of Motor Vehicles to issue special interest license plates, as specified, to any person, to be displayed in lieu of regular license plates.

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

This bill would add a Ronald Reagan Presidential Library special interest license plate to the special interest license plate program. The bill would require the additional funds collected by the issuance of those special interest license plates to be deposited into the Ronald Reagan Presidential Library Account, created by the bill, in the General Fund to be used by the Ronald Reagan Presidential Foundation, upon appropriation, to fund the Ronald Reagan Presidential Library.

Ch. 595 (AB 539) Papan. Workers' compensation: cancer: firefighters and peace officers.

Existing workers' compensation law provides that in the case of active firefighting members of certain state and local fire departments and in the case of certain peace officers, a compensable injury includes cancer that develops or manifests itself during the period while the firefighter or peace officer demonstrates that he or she was exposed, while in the service of the public agency, to a known carcinogen, as defined, and that the carcinogen is reasonably linked to the disabling cancer. Existing law establishes a presumption that the cancer in these cases is presumed to arise out of and in the course of employment, unless controverted by other evidence.

This bill would delete the requirement for the affected firefighter or peace officer to demonstrate that the carcinogen is reasonably linked to the disabling cancer. The bill instead would provide that the presumption may only be controverted by evidence that the primary site of the cancer has been established and that the carcinogen to which the member has demonstrated exposure is not reasonably linked to the disabling cancer. This bill would also define cancer to include leukemia for these purposes. These changes would apply to claims for benefits filed or pending on or after January 1, 1997.

Ch. 596 (AB 1564) Strom-Martin. Economic development: rural assistance: community development block grants.

(1) Existing law provides for various programs for the development of economic opportunities in rural areas of the state.

This bill would establish the California Rural Policy Task Force within the Office of Planning and Research in the Governor's office, to be composed of specified state officers, or their representatives. It would require the task force to oversee the mobilization and effective delivery of the state's resources to rural California, and to establish committees and hold hearings for these purposes. It would further require the task force to report annually to the Governor and the Legislature on its efforts in implementing these provisions, and to report to the Legislature by July 1, 2000, on the delivery of community development block grant funds.

The bill would require each state agency and department represented on the task force to develop by July 1, 2000, a plan that identifies programs and resources that can be targeted for rural areas in respect to the activities of that agency or department.

The bill would establish the Rural California Technical Assistance Program in the Trade and Commerce Agency. It would require the program, through 2 regional contracts for $50,000 each with public or private nonprofit organizations, to provide technical assistance to local governments and tribal governments in accessing resources from a broad range of funding sources, and in the preparation of applications and other documents, as may be required, and would set forth the duties of the contractors under the program. The bill would appropriate $125,000 from the General Fund to the agency for this purpose.

The bill would repeal the above provisions on January 1, 2003, unless a later enacted statute extends that date.

(2) Under existing law, the Department of Housing and Community Development allocates federal community development block grant funds to cities and counties, as prescribed.

This bill would authorize jurisdictions to submit multiyear proposals.

(3) Existing law required the Director of Planning and Research to adopt by December 31, 1994, a rural economic growth strategy, as specified.

This bill would repeal these provisions.

Ch. 597 (AB 1464) Florez. Rural development.

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

(1) Existing law provides for various rural development programs in the state.

This bill would set forth the authority and duties of the Rural Development Council , within the Trade and Commerce Agency, the purpose of advocating and recommending programs that foster community sustainability and community and economic development initiatives in rural, nonurban, and nonmetropolitan areas of California. The council would consist of members with up to 27 votes. Twenty of these members would be appointed by the Governor, the Speaker of the Assembly, and the Senate Committee on Rules, the state director of the United States Department of Agriculture, Rural Development would also be urged to sit as a member, and various state and federal government representatives would be authorized to serve on the council. Two Members of the Assembly and 2 Senators would serve in an advisory capacity . The council would have specified powers and duties.

The bill would create the Rural Development Fund within the State Treasury to promote and assist in rural development efforts across the state.

(2) Existing law required the Director of Planning and Research, in consultation with the Governor's Interagency Council on Growth Management and an advisory committee composed of rural landowners and citizens, to adopt a rural economic growth strategy, on or before December 31, 1994, to encourage a healthy, self-sustaining rural economy and society, among other things.

This bill would repeal these provisions.

(3) This bill would appropriate $15,000 from the General Fund to the Trade and Commerce Agency for specified 1999–2000 fiscal year reimbursement costs for the council.

Ch. 598 (AB 61) Cardoza. Rural Development Export Act of 1999.

Existing law establishes the California Office of Export Development within the California State World Trade Commission, and sets forth the duties of the office in strengthening the state's activities in marketing its agricultural, manufacturing, and service industries overseas.

Existing law also establishes the California Export Finance Office within the California State World Trade Commission, and sets forth the duties of the office in expanding employment and income opportunities for Californians through increased exposure of California goods, services, and agricultural commodities, by providing actual and potential California exporters with information and technical assistance on export opportunities and exporting techniques, and financial assistance in support of export transactions.

This bill would enact the Rural Development Export Act of 1999. It would require the California Office of Export Development to develop a program to be known as the Rural Export Strategy, to include specified outreach activities. It would require that the strategy be developed in collaboration with, and use available resources of, relevant agencies, organizations, and businesses that serve or are located within rural California, or both, and include a cost-effective mechanism to educate the staff in California's overseas trade offices about products and services available from the state's rural communities.

This bill would require the Rural Export Strategy to include provisions describing how the California Export Finance Office can be more accessible and more utilized by rural businesses. It would also require the strategy to be submitted to the California State World Trade Commission.

This bill would appropriate the sum of $50,000 from the General Fund to the Office of Export Development for the purposes of the bill.

Ch. 599 (SB 1269) Alpert. Toxic chemicals: private enforcement actions.

The existing Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) prohibits any person, in the course of doing business, from knowingly and intentionally exposing any individual to a chemical known to the state to cause cancer or reproductive toxicity without giving a specified warning, or from discharging or releasing such a chemical into any source of drinking water, except as specified.

The act imposes civil penalties upon persons who violate those prohibitions, and provides for the enforcement of those prohibitions by the Attorney General, a district

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attorney, or specified city attorneys or prosecutors, and by any person in the public interest, if that private action is commenced more than 60 days after the person has given notice of the violation that is the subject of the action to the Attorney General, the district attorney, any city attorney in whose jurisdiction the violation is alleged to have occurred, and to the alleged violator, and the violation is not being prosecuted, as specified.

This bill would require any person bringing an action in the public interest to notify the Attorney General that such an action has been filed, and would require such a person, after the action is either subject to a settlement or a judgment, to submit to the Attorney General a reporting form that includes the results of that settlement or judgment and the final disposition of the case. The bill would also require a person bringing an action in the public interest to submit to the Attorney General a report that includes information on any corrective action being taken as a part of the settlement or resolution of the case. The bill would require the Attorney General to develop a reporting form, for purposes of these requirements, that specifies the information to be reported, including the date the action was filed, the nature of the relief sought, the amount of the settlement or civil penalty assessed, and any other information the Attorney General deems appropriate.

The bill would require the Attorney General to maintain a record of that information and to make this information available to the public.

The bill, in conformance with the requirements of Proposition 65, would make a legislative finding and declaration that the bill would further the purposes of the act.

Ch. 600 (SB 515) Chesbro. Waste management.

(1) The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. The act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. Existing law also requires each city, county, and city and county to adopt a nondisposal facility element consistent with the implementation of the source reduction and recycling element. Existing law requires the nondisposal facility element, and any amendments to the element, to be appended to the source reduction and recycling element when that element is included in the integrated waste management plan.

This bill would authorize, rather than require, the nondisposal facility element to be appended to the source reduction and recycling element.

Existing law defines terms for purposes of the act and requires the board to adopt regulations that define "rural area" in a manner that establishes criteria and conditions applicable only to counties and cities located in those areas of the state that are rural in character, including those counties and cities that are located in agricultural or mountainous areas of the state and geographically distant from markets for recyclable materials.

This bill would delete the requirement that the board adopt regulations that define "rural area." The bill, instead, would define "rural area," in statute for purposes of the act, to mean those counties and cities located in agricultural or mountainous areas of the state and located outside the Department of Finance's Primary Metropolitan Statistical Areas. The bill would revise the definition of "rural city" for purposes of the act.

(2) Existing law requires that recycled materials and inert waste removed from the waste stream, and not disposed of in a solid waste landfill, not be included for the purpose of assessing specified fees.

This bill would specify, until January 1, 2002, the meaning of inert waste for the purposes of this provision.

This bill would declare that this definition does not affect specified provisions relating to the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, relating to specified diversion requirements, and relating to the authority of the Integrated Waste Management Board to permit, adopt standards, or otherwise regulate specified aspects of solid waste management.

Ch. 601 (SB 274) Johannessen. Hazardous materials: Shasta Cascade Hazardous Materials Response Team.

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Existing law provides for the regulation of hazardous waste under the hazardous waste control laws by the Department of Toxic Substances Control and specified local agencies.

This bill would appropriate $140,000 from the Toxic Substances Control Account to the Department of Toxic Substances Control for allocation to the County of Shasta for the purchase of emergency response equipment for the Shasta Cascade Hazardous Materials Response Team.

The bill would prohibit the County of Shasta from expending more than 1% of the appropriation for administrative expenses.

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

Ch. 602 (SB 154) Polanco. California Arts Council: allocation to Los Angeles River Center.

(1) Under the Budget Act of 1999, $26,187,000 is appropriated from the General Fund to the California Arts Council for allocation to specified museums and cultural institutions. The Budget Act of 1999 specifies that one of these allocations, in the amount of $750,000, is to be made to El Pueblo de Los Angeles Historic Monument.

This bill would instead provide that this allocation of $750,000 be made to the Los Angeles River Center, thereby making an appropriation.

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

Ch. 603 (SB 42) Johnson. Property taxes: mobilehome parks.

Existing property tax law requires the reassessment of real property at fair market value upon a change in ownership and specifies those transfers of real property that constitute a change in ownership. Existing law also excludes from classification as a change in ownership any transfer, on or after January 1, 1989, of a mobilehome park to a nonprofit corporation, stock cooperative corporation, or other entity, including a governmental entity if, within 18 months after this transfer the mobilehome park, or at least 51% of the individual rental spaces in that park, are then subject to a subsequent transfer that is itself excluded by specified statutory provisions from classification as a change in ownership. Existing law extends this 18-month period to 36 months in the case of a mobilehome park for which the first transfer occurred on or after January 1, 1993.

This bill would expand both of these exclusions to also apply in the case in which the first transfer is made to a tenant-in-common ownership group, and would, for purposes of applying the 36-month time period for the subsequent transfer of a mobilehome park that was first transferred on or after January 1, 1993, specify that the execution of a purchase contract and the opening of an escrow for the transfer of a rental space in the park is deemed to be within the 36-month time period if the escrow is opened before the end of that 36-month period and remains open for no more than 6 months after the end of that period.

Section 2229 of the Revenue and Taxation Code requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of any exemption or classification of property for purposes of ad valorem property taxation.

This bill would provide that, notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

This bill would take effect immediately as a tax levy.

Ch. 604 (SB 4) Johannessen. Northern California Veterans Cemetery.

Existing law requires the Department of Veterans Affairs, in voluntary cooperation with the Shasta County Board of Supervisors, to develop a proposal for a veterans cemetery in Shasta County that will be owned and operated by the state. Existing law also provides that that proposal shall be submitted to the Legislature by July 1, 1997.

This bill would require the department, in voluntary cooperation with the Shasta County Board of Supervisors and the boards of supervisors of other participating northern California counties, as specified, to design, develop, and construct a state-owned and state-operated Northern California Veterans Cemetery to be located in northern California. The bill also would (1) require the department to oversee and coordinate the design, development, and construction of the cemetery, (2) establish fees for interment in the cemetery of spouses and children of honorably discharged veterans,

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(3) establish the Northern California Veterans Cemetery Master Development Fund, a continuously appropriated fund, for the design, development, construction, and equipping of the cemetery, and (4) establish the Northern California Veterans Cemetery Perpetual Maintenance Fund for the maintenance of the cemetery.

The bill would appropriate $520,000 from the General Fund, with $70,000 of that amount appropriated to the department for the oversight and coordination duties specified above and $450,000 appropriated to the Northern California Veterans Cemetery Master Development Fund for the Master Development Plan of the cemetery.

The bill would require the department to apply to the State Cemetery Grant Program of the federal Department of Veterans Affairs for a grant of not more than $6,000,000, which amount represents 100% of the estimated cost for designing, developing, constructing, and equipping the cemetery.

The bill would prohibit expenditure of the money appropriated to the department and the fund until the department has received written approval of the specified grant request and a commitment from the federal State Cemetery Grant Program that the funds appropriated under the grant are available for expenditure by the state, except that the department would be authorized to expend an amount necessary for completion of the grant proposal from the money appropriated to the fund.

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

Ch. 605 (AB 1635) Committee on Revenue and Taxation. Franchise and income taxes: deficiencies: actions: returns.

Existing laws pertaining to the administration of franchise and income taxes provide that the Franchise Tax Board may abate the assessment of interest in certain cases, and the taxpayer may, within 180 days after the board's notice not to abate interest, appeal the board's determination to the State Board of Equalization. Those laws also specify the requirements for bringing an action with respect to that interest.

This bill would specify that a taxpayer may bring an action after, among other things, a determination by the State Board of Equalization, including the issuance of a decision, opinion, or dismissal on a petition for rehearing, as provided.

Existing law pertaining to the administration of the Personal Income Tax Law requires, except as provided, an individual to use the same filing status that he or she used on his or her federal income tax return.

This bill would provide that the Franchise Tax Board may revise the return to reflect a correct filing status. This bill would also clarify the requirements to filing a joint nonresident return and filing status of an individual who is not required to file a federal income tax return, as provided.

Ch. 606 (AB 1473) Hertzberg. Capital outlay: state planning and funding.

Existing law requires the Director of Finance to prepare annually a report projecting the state's potential need for the financing of major capital outlay projects over a 10-year period. Existing law generally prohibits funds appropriated for capital outlay from being expended by a state agency until the Department of Finance and the State Public Works Board have approved preliminary plans for the project to be financed from the appropriation for capital outlay. Existing law also requires the Governor's Budget to contain a complete plan and itemized statement of all proposed expenditures of the state and all estimated revenues.

This bill would require the Governor, in conjunction with the Governor's Budget, to submit annually to the Legislature a proposed 5-year infrastructure plan containing specified information concerning infrastructure needed by state agencies, schools, and postsecondary institutions and a proposal for funding the needed infrastructure.

Ch. 607 (AB 1383) Thompson. Highways: Environmental Enhancement and Mitigation Projects: extension.

Existing law declares the Legislature's intent, commencing July 1, 1991, to allocate $10,000,000 annually for 10 years to the Environmental Enhancement and Mitigation Demonstration Program Fund to be used for making grants to local, state, and federal

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agencies and nonprofit entities that undertake projects to mitigate the adverse environmental effects of existing and future transportation facilities.

This bill would require the Department of Transportation to extend the completion date to June 30, 2002, for specified Environmental Enhancement and Mitigation Projects.

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

Ch. 608 (AB 1342) Granlund. Real property.

(1) Existing provisions of the Professional Land Surveyors' Act require every map, plat, report, description, or other document issued by a licensed land surveyor or registered civil engineer to comply with certain record of survey requirements, as specified, whenever the map, plat, report, description, or any other document is filed as a public record.

This bill would, instead, require every map or plat issued by a licensed land surveyor or registered civil engineer to show the bearing and length of lines, scale of map and north arrow, the name and legal designation of the property depicted, and the date or time period of the preparation of the map or plat.

A violation of the act is a misdemeanor. In revising the elements of an existing crime, the bill would impose a state-mandated local program.

(2) Existing provisions of the Professional Land Surveyors' Act specify when a record of survey is not required.

This bill would also provide that a record of survey is not required when a survey is made of a mobilehome park interior lot, with certain exceptions.

(3) Existing law requires the Board for Professional Engineers and Land Surveyors, by regulation, to provide and prescribe information necessary to be included in the corner record.

This bill would require the corner record to be a single 8.5 by 11 inch sheet which may consist of a front and back page. It would also exempt from certain record of survey and corner record requirements a survey of a mobilehome park interior lot, with certain exceptions.

(4) That form provides that if the land has a descriptive name it may be described in the deed by that name.

This bill would make technical changes in the form.

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

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

Ch. 609 (AB 1243) Committee on Agriculture. Pesticides: agricultural products: marketing.

(1) Existing law sets forth provisions governing pesticides. Existing law requires various persons who engage in the business of agricultural pest control operations to be licensed or hold a certificate issued by the Department of Pesticide Regulations. Fees are imposed for the issuance of those licenses and certificates.

This bill would specifically provide a procedure for the making of refunds of specified fees by the Director of Pesticide Regulations, and would make a continuous appropriation for that purpose.

(2) Under existing law, any person whose license or certificate is revoked, or whose application for such a license or certificate is denied for reasons other than his or her failure to satisfy examination requirements, is ineligible to apply or reapply for the same kind of license or certificate for a period of 3 years from the effective date of the decision to deny or revoke the license or certificate.

This bill would specifically make the provisions applicable to prescribed persons and other licenses, as specified.

(3) Under existing law, various actions brought under specified provisions relating to pesticides are required to be brought within 2 years of the occurrence of the violation.

This bill would require the director to bring an action to collect unpaid mill assessments and delinquent fees, or an action to collect civil penalties, as specified, within 4 years.

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(4) Under existing law, commencing July 1, 1992, the fee paid to the Secretary of Agriculture by avocado handlers for inspection and certification is not to be greater than 18¢ per hundredweight of pounds prepared for market.

This bill would reinstate the fee limitation of 25¢ per hundredweight of pounds prepared for market that was in effect from July 1, 1990, to June 30, 1992.

This bill would also authorize market orders to contain provisions for the establishment and operation of an indemnity trust fund to cover catastrophic events, as prescribed.

(5) Existing law establishes the Organic Food Advisory Board, as prescribed, to advise the Secretary of Agriculture of his or her responsibilities, as specified.

This bill would make a technical change concerning alternate members of the board.

(6) Existing law requires the Organic Food Advisory Board to promulgate regulations concerning prohibited materials, as prescribed, and refers to an organic foods production association.

This bill would revise that reference.

(7) Existing law establishes the California Walnut Commission and authorizes the commission to promote the sale of walnuts by advertising and other promotional means, to educate and instruct the wholesale and retail trade in foreign markets, to make market surveys and analyses, and to conduct marketing research.

This bill would authorize the commission to promote the sale of walnuts for the purpose of creating, maintaining, and expanding domestic and foreign markets, to educate and instruct the wholesale and retail trade in domestic markets with regard to proper methods of handling and selling walnuts, and to present facts to, and negotiate with, local, state, federal, and foreign agencies on matters that affect the walnut industry, as prescribed. The bill would authorize the commission to conduct research, to accept prescribed funds and to make contributions to other entities for the purposes of maintaining, promoting, and enhancing the walnut industry, as specified, and to collect information, and to publish and distribute a bulletin to persons subject to regulation under these provisions. The bill would revise and make additional findings and declarations concerning the maintenance and expansion of the California walnut industry. The bill would revise the definitions of prescribed terms for purposes of these provisions.

(8) Under existing law, the provisions relating to the Walnut Commission may not become operative until a referendum is conducted. To be valid, at least 40% of the producers must participate in the referendum, and either 60% or more of the producers eligible to participate vote in favor of the provisions and these producers marketed a majority of the total quantity of walnuts produced; or a majority of the eligible producers vote in favor and they marketed 60% or more of the total quantity of the walnuts produced.

This bill would require that both a majority of producers who are affiliated with a cooperative handling walnuts, and a majority of producers who are not so affiliated, as prescribed, vote in favor of the provisions.

(9) Existing law provides prerequisites in order for food to be sold as organic, to include a specified time period since a prohibited substance was applied.

This bill would eliminate these requirements for fields or management units registered, as prescribed, prior to January 1, 1995, and during the 1995 calendar year.

This bill would also make technical changes relating to lists of approved ingredients for organic food.

(10) Existing law authorizes the Director of Health Services to adopt regulations concerning prohibited substances for processing food.

This bill would expand this authority to include the adoption of administrative lists, as prescribed.

(11) Existing law requires that on or before January 1, 1994, the Secretary of Agriculture and the Director of Health Services prepare reports to the Legislature concerning enforcement activities involving organic food.

This bill would delete that requirement.

(12) Existing law requires the Director of Health Services to prepare a report concerning information collected pursuant to the registration of persons involved with organic food processing.

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This bill would make the report an annual report and require it to be submitted to the Organic Food Advisory Board.

Ch. 610 (AB 975) Ducheny. Vehicles: motorcycle safety.

(1) Existing law requires that there be levied a state penalty in an amount equal to $10 for every $10 or fraction thereof upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, as specified. The funds collected from the penalty are required to be distributed with 30% to remain on deposit in the county general fund and 70% to be deposited in the State Penalty Fund.

This bill would require that an amount of not more than $250,000 per fiscal year of the moneys otherwise required to be deposited in the State Penalty Fund be available, upon appropriation, for the purposes of the motorcyclist safety program described below.

(2) Existing law requires the Commissioner of the California Highway Patrol to administer a specified motorcyclist safety program and report to the Legislature by January 15 of each year on specified subjects regarding the program. The authority to collect fees under the program is to expire on December 31, 2002, and the authority to operate the program is to expire on January 1, 2003.

This bill would provide that the report regarding the program shall be submitted to the Senate Committee on Transportation, the Assembly Committee on Transportation, and the Joint Legislative Budget Committee not later than January 15 of each year.

The bill would delete the expiration dates specified above and would thereby extend the program indefinitely.

Ch. 611 (AB 971) Olberg. Redevelopment.

(1) Existing law specifies payments of tax revenue that the redevelopment agency for the March Air Force Base Project Area is required to make to other agencies.

This bill would provide that the March Joint Powers Redevelopment Agency is not obligated to make those payments to the County of Riverside, the County Free Library Fund, and the County Fire Fund, and instead shall make payments required under a specified cooperative agreement entered into with the County of Riverside and the March Joint Powers Authority.

(2) Existing law authorizes a redevelopment plan or amendment of a plan adopted on or after July 1, 1993, with respect to a project area within or in proximity to certain military bases that are subject to closure, to use the year of adoption or the 1994–95 fiscal year as the base year for purposes relating to determining the fiscal impact on the state of adjusting the base year.

This bill would, in addition, apportion property tax revenues to the Victor Valley Economic Development Authority based upon a calculation that would change the base year for the George Air Force Base Project Area to the 1997–98 fiscal year, as provided. By imposing new duties in the apportionment of ad valorem property tax revenues, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 612 (AB 640) Bates. Special license plates: fee exemptions.

Existing law provides for the issuance of, among others, special license plates entitled "Pearl Harbor Survivor," "Legion of Valor," "Combat Wounded," "Purple Heart," and "PH." Persons entitled to the issuance of these special license plates are generally required to pay an additional registration fee, renewal fee, transfer fee, and replacement fee.

This bill would exempt persons entitled to the issuance of those special license plates from the payment of the above described fees. The bill would make conforming changes to the provisions governing the issuance of these special license plates.

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Ch. 613 (AB 503) Pescetti. Oil spill contingency plans: grants.

Existing law, for purposes of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, defines "marine waters" to mean those waters subject to tidal influence, except for waters in the Sacramento-San Joaquin Delta upstream from a line running north and south through the point where Contra Costa, Sacramento, and Solano Counties meet.

The act authorizes any local government with jurisdiction over, or directly adjacent to, marine waters to apply for a grant to complete, update, or revise an oil spill contingency plan element.

This bill would specify that for purposes of those provisions authorizing grants for oil spill contingency planning, "marine waters" includes the waterways used for waterborne commercial vessel traffic to the Port of Stockton and the Port of Sacramento.

Ch. 614 (AB 414) Havice. Franchise and income taxes: statute of limitations.

Existing franchise and income tax law provides that no credit or refund shall be allowed or made after a specified period of time unless before the expiration of that period a claim for refund or credit is filed by the taxpayer or the Franchise Tax Board allows a credit, makes a refund, or mails a notice of proposed assessment.

This bill would also allow a claim or refund if a claim therefor is made prior to the expiration of a period ending 4 years from the date the return was filed, if filed within the time prescribed by certain laws providing for an extension of time to file, as provided.

Ch. 615 (AB 1127) Steinberg. Employee safety: violations.

Under existing law, any person who believes that he or she has been discharged or otherwise discriminated against in violation of the Labor Code under the jurisdiction of the Labor Commissioner may file a complaint with the Division of Labor Standards Enforcement within 30 days after the occurrence of the violation.

This bill would extend from 30 days to 6 months that period of time within which a complaint may be filed with the division.

Existing law provides that the provisions of the California Occupational Safety and Health Act of 1973 (hereafter the act) have no application to, may not be considered in, and may not be admitted into, evidence in any personal injury or wrongful death action arising after January 1, 1972, except as between an employee and his or her employer.

This bill instead would provide that neither the issuance of, or failure to issue, a citation by the Division of Occupational Safety and Health (hereafter the division) has any application to, nor may be considered in, nor may be admitted into, evidence in any personal injury or wrongful death action, except as between an employee and his or her employer. The bill also would provide that Sections 452 and 669 of the Evidence Code would apply to the act and the occupational safety and health standards and orders promulgated under the Labor Code in the same manner as any other statute, ordinance, or regulation.

Existing law provides that if the division secures a complaint from an employee, the employee's representative, or an employer of the employee directly involved in an unsafe place of employment, that his or her employment or place of employment is not safe, the division is required to summarily investigate the complaint as soon as possible, but not later than 3 working days after receipt of a complaint charging a serious violation, and not later than 14 days after receipt of a complaint charging a nonserious violation. Under existing law the division is not required to respond to a complaint if it determines that either the complaint is intended to willfully harass an employer or is without reasonable basis.

This bill would require the division additionally to conduct those investigations if a complaint is received by the employee's representative, including, but not limited to, an attorney, health or safety professional, union representative, or representative of a government agency. The bill would also provide that the division is not required to respond to a complaint if, from the facts stated in the complaint, it determines that the complaint is intended to willfully harass an employer and is without any reasonable basis.

Existing law provides that every employer, and every officer, management official, or supervisor having direction, management, control, or custody of any employment, place of employment, or other employee is guilty of a misdemeanor if it, among other things,

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knowingly or negligently violates any standard, order, or special order, or any of certain provisions of law, or part thereof, authorized by the act, the violation of which is deemed to be a serious violation, as defined.

This bill would also make conforming changes to other provisions of law that impose civil and criminal penalties on employers for violation of specified occupational safety and health requirements. The bill would increase from $5,000 to $15,000 the maximum fine that may be imposed for a violation of those provisions. The bill also would increase the length of incarceration and the monetary penalties that may be imposed for a willful or repeated violation of certain employee safety standards that cause death to any employee, or cause permanent or prolonged impairment of the body of any employee. The bill also would authorize a court to impose a fine in an amount less than certain minimums specified in the bill if the court finds that it is in the interest of justice to do so and states its findings and reasons on the record.

Existing law prohibits civil penalties from being assessed against employers that are governmental agencies for violations of certain employee safety standards.

This bill would repeal that prohibition and require civil or administrative penalties against a school district, community college district, California State University, University of California, or other specified educational entities to be deposited into the Workplace Health and Safety Revolving Fund and refunded or used for specified purposes.

Existing law requires the Occupational Safety and Health Standards Board (hereafter the standards board), on or before January 1, 1995, to adopt standards for ergonomics in the workplace designed to minimize the instances of injury from repetitive motion.

This bill would reaffirm the standards board's continuing duty to adopt those standards.

By making certain violations of employee safety standards by employers subject to criminal penalties, 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. 616 (AB 1268) Kuehl. Labor disputes.

Existing federal law, the Norris-LaGuardia Act, among other things, limits the liability of labor unions, or officers or members thereof, for the unlawful acts of individual members except upon clear proof of actual participation in, or actual authorization or ratification of, those unlawful acts. That law also limits the authority of a court to issue a temporary or permanent injunction in a labor dispute except upon a hearing establishing specified facts and upon the filing of an undertaking, the amount thereof to be set by the court, with the undertaking to have a specified legal effect; and restricts the right to a restraining order or injunctive relief in a labor dispute, as specified.

This bill would enact similar provisions under state law.

Ch. 617 (AB 34) Steinberg. Mental health funding: local grants.

Existing law provides for the allocation of state funds to counties for mental health programs.

This bill would make various statements of legislative findings and intent regarding the need to provide sufficient funds to counties for adult mental health and related services.

Existing law requires the State Department of Mental Health to establish service standards relating to mental health services. These standards are required to include, among other things, plans for services and evaluation strategies.

This bill would also require these standards to include coordination and access to related medications, substance abuse services, housing assistance, vocational rehabilitation, and veterans' services.

This bill would require the department to select up to 3 counties or portions of counties for eligibility for demonstration grants to be used to provide comprehensive services to certain adults who are severely mentally ill. The bill would require the director to

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establish a methodology for awarding these grants and to establish a designated advisory committee.

The bill would reappropriate $10,000,000 to the State Department of Mental Health from a specified item in the Budget Act of 1999 for the purposes of grants provided for under the bill and would authorize the Department of Finance to transfer certain Budget Act funds for purposes of the bill, as provided.

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

Ch. 618 (AB 62) Papan. Rental car insurance limited licenses.

(1) Existing law governing insurance provides for the licensure and regulation of production agencies, including, among others, insurance agents, life agents, insurance brokers, travel insurance agents, cargo shippers' agents, and variable contract agents. Existing law makes it a crime to act or assume to act in a capacity for which a production agency license is required without having that license.

This bill would additionally create and establish fees for a new type of production agency license, called a rental car agent license, which would authorize a rental car company or the franchisee of a rental car company to offer to its customers insurance of an authorized insurer for specified types of insurance, if the insurance is offered by a representative of the licensee who is an endorsee on the license and the insurance is sold as part of a vehicle rental transaction. It would require a licensee to maintain the name of each rental car representative who is an endorsee on the license, and to annually file with the Insurance Commissioner a certification of the number of endorsees, a statement that no person other than an endorsee sells or offers insurance on its behalf, and that all endorsees have completed training as required. It would authorize the commissioner to take certain remedial measures for violations of these provisions. The bill would require a rental car agent to provide brochures to customers, as specified, relating to insurance offered, and would specify both required and prohibited conduct of a rental car agent. These provisions would become operative on January 1, 2001.

(2) By creating a new category of production agency license, this bill would expand the scope of activities for which a license is required. Thus, the bill would expand the scope of an existing 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. 619 (AB 110) Baugh. Miscarriage of justice: compensation.

Existing law provides for making a claim for money or damages against the state for an injury for which the state is liable.

This bill would appropriate $620,000 from the General Fund to the Department of Justice for payment to Kevin Lee Green in order to recompense him for a miscarriage of justice and wrongful incarceration by the state. The bill would make extensive findings and declarations supporting this appropriation. The bill would provide that this compensation is tax exempt, as specified, and apply this provision to taxable years beginning on or after January 1, 1999.

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

Ch. 620 (AB 118) Washington. Foster care liability.

Existing law requires a claim for personal injury against a public entity, which includes the state, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state, or against an employee of a public entity, to be presented not later than 6 months after accrual of the cause of action.

Existing law provides that when a claim is not filed within the 6-month period, an application for leave to present the claim within a reasonable time not to exceed one year after the accrual of the cause of action may be filed in accordance with specified provisions. Existing law provides that in computing that one-year period, the time during which the person who sustained the injury or loss is a minor shall be counted, but time

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during which the person is mentally incapacitated and without a guardian or conservator shall not be counted.

This bill would provide that time during which a minor is a dependent of the court pursuant to certain provisions of law shall, under certain circumstances, also not be counted in that one-year period.

Existing law sets forth the policy of the Legislature with respect to foster care, including the policy that children have a right to a normal home life.

This bill would expand that policy to refer to the right to freedom from abuse.

Ch. 621 (AB 293) Wesson. Laser pointers: prohibitions on sale, possession, and use.

Existing law provides that every person who, except in self-defense, knowingly draws or exhibits a laser scope, as defined, that projects a colored target on a person in a threatening manner against that person with specific intent to cause a reasonable person apprehension or fear of bodily harm is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 30 days.

This bill would revise this provision to apply to the situation where a person aims or points a laser scope at another person instead of knowingly draws or exhibits a laser scope that projects a colored target on a person and would include a laser pointer in this revised provision. The bill would delete the element of apprehension.

The bill also would provide that any person who directs the beam from a laser pointer directly or indirectly into the eye or eyes of another person or specified service dogs or into a moving vehicle with the intent to harass or annoy the other person or service dog or the occupants of the moving vehicle, or who knowingly sells a laser pointer to a person 17 years of age or younger, unless he or she is accompanied and supervised by a parent, legal guardian, or any other adult 18 years of age or older, or any person who possesses a laser pointer on any elementary or secondary school premises unless possession of a laser pointer on elementary or secondary school premises is for a valid instructional or other school-related purpose, including employment, shall be guilty of an infraction and shall be punished by either a fine of $50 or 4 hours of community service. A 2nd or subsequent violation of any of these offenses would be an infraction for which the person shall be punished by either a fine of $100 or 8 hours of community service.

By creating new crimes, 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. 622 (AB 300) Corbett. Seismic safety: schools.

Existing law, commonly known as the Field Act, requires that school buildings, as defined, for use in kindergarten, and grades 1 to 14, inclusive, meet certain structural safety requirements. Under the Field Act, plans for the construction, reconstruction, or alteration of any school building must be approved by the Department of General Services.

This bill would require the Department of General Services to conduct an inventory of public school buildings that are concrete tilt-up school buildings and school buildings with nonwood frame walls that do not meet the minimum requirements of the 1976 Uniform Building Code and to submit a report to the Legislature and the Governor by December 31, 2001, summarizing its findings and making recommendations. The bill would require the Department of General Services to pursue nonstate funding of up to $500,000 for the purposes of conducting a seismic safety survey to identify the most vulnerable school buildings in the state. If the Department of General Services is not able to secure sufficient nonstate funding, the bill would require the department to seek funding from the Legislature through future Budget Acts or other legislation.

Ch. 623 (AB 466) Mazzoni. Teachers.

(1) Existing law sets forth the requirements an out-of-state applicant for the preliminary multiple or single subject teaching credential is required to meet and the

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requirements for a special education specialists credential. Existing law authorizes the Commission on Teacher Credentialing to issue a preliminary multiple or single subject teaching credential to an out-of-state applicant pending the applicant's completion of certain of the requirements for that credential, including completion of a course or examination on the various methods of teaching reading. Existing law requires an out-of-state applicant for a clear multiple or single subject credential to complete a 5th year of study.

This bill would delete the option for an out-of-state candidate for a preliminary single subject credential to complete an examination on the various methods of teaching reading and would, commencing January 1, 2000, require an out-of-state applicant for the preliminary multiple or single subject teaching credential to successfully complete a commission-approved program, course, or examination in the use of computers in the classroom and would authorize the issuance of that credential pending completion of that course or examination.

The bill would authorize the commission to issue a preliminary special education specialist instruction credential, for a period not to exceed 2 years, to a qualifying out-of-state applicant pending completion of certain requirements.

The bill would provide an out-of-state applicant for a clear multiple or single subject credential the option of completing an approved induction program instead of a 5th year of study.

(2) Existing law sets forth the minimum requirements for the preliminary multiple or single subject teaching credential. Among those requirements, commencing January 1, 2000, is the demonstration of basic competency in the use of computers in the classroom.

This bill would require that this competency be determined by either successfully completing a commission-approved program or course or successfully passing an assessment that is developed, approved, and administered by the commission.

(3) Existing law requires, commencing on January 1, 2000, an applicant for the specialist teaching credential in special education to demonstrate that he or she passed the reading instruction competence assessment before the initial issuance of that specialist teaching credential but exempts an applicant for an early childhood special education certificate from this requirement.

This bill would also exempt from that requirement an applicant for an early childhood special education credential and would provide that the requirement applies to an applicant who is not credentialed in any state.

(4) Existing law establishes the Pre-Internship Teaching Program and provides that when resources remain after funding preinterns pursuing multiple subject emergency permits, the Commission on Teacher Credentialing may issue a preintern teaching certificate instead of an emergency single subject permit to an individual employed by a school district who meets the minimum requirements for the preintern teaching certificate.

This bill would include an emergency education specialist instruction permit with the emergency single subject permit as the permits a preintern certificate may replace after funding remains.

Existing law includes in the minimum requirements for the preintern teaching certificate completion of the number of units, as set by the Commission on Teacher Credentialing, in the subject to be taught.

This bill would instead require the completion of the number of units, as set by the commission, for the multiple subject or single subject preintern teaching certificate and would add to the minimum requirements the number of units in education or the number of years of experience in special education, as set by the commission for the education specialist instruction preintern teaching certificate.

(5) Existing law requires the governing board of a school district to employ persons in public school service requiring certification qualifications. Existing law sets forth the minimum requirements for a services credential in a specialization in clinical or rehabilitative services. This credential authorizes the holder to perform, at all grade levels, the service approved by the commission as designated on the credential which may include speech, language, and hearing services.

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This bill would authorize the governing board of a school district or a county office of education to contract with or employ an individual who holds a license issued by the Speech-Language Pathology and Audiology Board and has earned a masters degree in communication disorders to provide speech and language services if that individual before employment or execution of the contract meets requirements related to the state basic skills proficiency test and has not been convicted of a violent or serious felony as defined.

(6) Existing law requires that all fees collected by the Commission on Teacher Credentialing for tests, examinations, or assessments be deposited in the Test Development and Administration Account.

This bill would appropriate $700,000 from the Test Development and Administration Account of the Teacher Credential Fund to the commission for the purpose of providing the commission with the funds needed to complete statutorily mandated test-validation studies.

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

Ch. 624 (AB 670) Papan. Transit districts: property acquisition.

Existing law authorizes the San Francisco Bay Area Rapid Transit District, the Santa Clara County Transit District, and the San Mateo County Transit District to take by gift, or take or convey by grant, purchase, devise, or lease, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of the district's powers.

This bill would authorize those powers for those districts as necessary for, incidental to, or convenient for, transit-oriented joint development projects, as defined, that comply with the land use and zoning regulations of the city, county, or city and county in which the project is located.

The bill would extend the authority granted under the bill to any joint powers agency of which the San Mateo County Transit District is a member and for which that district serves as the managing agency.

Ch. 625 (AB 883) Committee on Rules. State property: design-build.

Existing law authorizes the Director of General Services to purchase, exchange, or otherwise acquire real property and construct facilities within the jurisdiction of the Capitol Area Plan in Sacramento for use by the State Department of Education, the State Department of Health Services, and the Department of General Services as anchor tenants on specific blocks within the Capitol area. The Department of General Services is authorized to acquire the facilities on a design-build basis, and, if it does so, to submit specified information prior to entering into an agreement.

This bill would further require the department, if it proceeds to acquire the facilities on a design-build basis, to provide the Legislature, beginning on July 1, 1999, and every 3 months thereafter, with a status report on the design-build approach and a final report when the facilities are completed. The bill would also provide that project costs for these facilities may include payments for actual moving and related expenses for the Francis House in Sacramento in an amount that may not exceed $120,000.

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

Ch. 626 (AB 884) Kuehl. Advance-fee talent services.

Existing law requires talent agencies, as defined, to be licensed by the Labor Commissioner prior to engaging in the occupation of seeking employment or engagements for an artist or artists.

This bill would require any contract of an advance-fee talent service, as defined, with an artist for the provision of services for an advance fee, as defined, to be a written contract containing specified provisions, including provisions governing refunds. The Labor Commissioner would be authorized to adopt regulations prescribing additional provisions required in such a contract. An advance-fee talent service would be required to file a bond or deposit of $10,000 with the Labor Commissioner. The bill would specify procedures for making claims against such a bond or deposit held by the Labor Commissioner.

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The bill would also prohibit certain acts by an advance-fee talent service. A violation of the bill would be a crime punishable as a misdemeanor. In creating a new crime the bill would impose a state-mandated local program. The bill would authorize an artist injured by the breach of a contract subject to the bill or a violation of the bill to bring an action for treble damages. The bill would authorize an award of attorney's fees to a prevailing plaintiff, and would authorize an award of punitive damages for willful violations.

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

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

Ch. 627 (AB 1232) Committee on Agriculture. Pierce Disease research.

Existing law requires the Secretary of Food and Agriculture to establish a Pest Management Research Committee to award competitive grants to conduct pest management research projects.

This bill, in addition, would appropriate $750,000 each year for 3 specified fiscal years from the General Fund to the secretary for the purpose of funding, on a competitive basis, Pierce Disease research. The bill also would specify that the appropriation for each year shall become operative only upon an annual commitment during that year of at least $250,000 in private contributions from the California viticulture and enology industry.

In addition, the bill would require the secretary to appoint an advisory task force consisting of scientific experts, including, but not limited to, university researchers and agricultural representatives, for the purpose of advising the secretary on research to control and eradicate Pierce Disease.

The bill would repeal these provisions on January 1, 2005.

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

Ch. 628 (AB 1318) Bates. Transportation: federal-aid highway funds: nonfederal share.

Existing federal law requires the federal share payable on any federal-aid highway project to be 90% of the total cost, except as specified. Certain federal provisions require states to provide a nonfederal share. States are authorized to use certain toll revenues as a credit toward the nonfederal share. California is also authorized to use private entity expenditures for construction of certain toll roads as a credit toward the nonfederal share.

This bill would prohibit using the specified funds and expenditures as a credit toward the nonfederal share for any project that is not within the county or counties in which the toll facility is located, unless the Department of Transportation determines that there is no project within that county or counties for which the credit may be used. The bill would require the department to obtain specific project proposals for use of the credit from the regional transportation planning agencies and county transportation commissions of the county or counties in which the toll facility is located and contingency project proposals for use of the credit outside the county or counties in which the toll facility is located should the department make the determination specified above.

The bill would prohibit certain county share allocations from being increased or reduced as a consequence of any toll revenues or private agency expenditures that are utilized as a credit toward the nonfederal share of any federally funded project.

Ch. 629 (AB 1332) Lowenthal. Nonhazardous waste: determination.

Existing law requires the Department of Toxic Substances Control to adopt, by regulation, criteria and guidelines for the identification of hazardous waste and requires any waste that conforms to a criteria adopted by the department to be managed in accordance with the hazardous waste control laws.

This bill would require the department to develop and implement a comprehensive training, education, and enforcement program to increase awareness of the requirements governing the determination on whether a waste is hazardous and to enforce those requirements, as specified.

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Ch. 630 (SB 399) Ortiz. State employees: State Bargaining Units 1, 3, 4, 11, and 15.

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

This bill would approve provisions of specified memoranda of understanding entered into between the state employer and the California State Employees Association, and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

This bill would provide that provisions of any memorandum of understanding approved by any section of this bill that require the expenditure of funds, shall not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would provide that if funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

(2) Existing law prescribes normal contribution rates for state miscellaneous and state industrial members of the Public Employees' Retirement System.

This bill would provide that the normal contribution rate applicable to those members in State Bargaining Units 4 and 15 from January 1, 2000, to August 31, 2000, shall be determined pursuant to a memorandum of understanding.

(3) Existing law authorizes the Department of Personnel Administration to prescribe regulations and conditions with respect to the administration of employee training in general and authorizes the department to include specified elements as conditions for receiving training.

This bill would create in the State Treasury the State Employee Scholarship Fund, a continuously appropriated fund, to establish a program for career advancement to assist eligible state employees to participate in educational programs. The fund would be administered by the Department of Personnel Administration. The bill would provide that moneys in the fund shall be allocated from the amount negotiated in memoranda of understanding between the state and recognized employee organizations, and appropriated by the Legislature for the 2000–01 fiscal year. The fund would cease to exist on June 30, 2001, unless the existence of the fund is extended by statute and that statute is enacted and becomes effective prior to that date.

This bill would appropriate $200,000 from the General Fund for transfer to the State Employee Scholarship Fund to provide for the establishment and administration of the state employee scholarship program.

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

Ch. 631 (SB 450) Speier. Physicians and surgeons: advertising: plastic surgery.

Existing law prohibits licensed physicians and surgeons and doctors of podiatric medicine from including in any advertising a statement that he or she is certified or eligible for certification by a board or association unless that board or association meets specified criteria. Violation of this prohibition is a misdemeanor.

This bill would require physicians and surgeons and doctors of podiatric medicine who are certified by a board or association meeting that specified criteria and who so specify in any advertising to include in that advertising the full name of the certifying board, as specified. The bill would make another related change. The bill would also provide that a physician and surgeon or doctor of podiatric medicine licensed by the Medical Board of California who knowingly and intentionally violates these provisions may be cited and assessed an administrative fine, as specified. By changing the definition of a crime, this bill would impose a state-mandated local program.

Existing law specifies the fees for certification as a physician and surgeon.

This bill would provide for the waiver of that fee for a physician and surgeon, or in the case of renewal, a doctor of podiatric medicine, who certifies that the sole purpose for seeking renewal or restoration of licensure is unpaid service to the needy, as specified.

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The bill would also require the board to adopt extraction and postoperative care standards in regard to liposuction procedures performed by a physician and surgeon outside of a general acute care hospital, as defined, and would further provide that a violation of these standards constitutes unprofessional conduct.

This bill would incorporate additional changes in Section 651 of the Business and Professions Code proposed by SB 836, to be operative if this bill and AB 836 are enacted and become effective on or before January 1, 2000, 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. 632 (SB 713) Burton. State Teachers' Retirement System: benefits.

Under the State Teachers' Retirement Law, retired members, option beneficiaries, and surviving spouses of the Defined Benefit Program, as defined, receive monthly allowances that are subject to supplementary increases to preserve their purchasing power, as specified.

This bill would establish minimum annual allowance amounts payable to specified retired members, option beneficiaries, and surviving spouses, which amounts would vary according to the member's years of credited service, subject to specified exclusions and exceptions. The bill would appropriate $750,000 from the Teacher's Retirement Fund to pay the administrative costs of implementing these provisions.

Ch. 633 (SB 800) Dunn. Public Employees' Retirement System: local safety members.

The Public Employees' Retirement Law limits retirement allowances of local safety members to 75% of final compensation.

This bill would increase that limit to 85% for local safety members who retire on and after January 1, 2000.

This bill would incorporate additional amendments to Section 21362 of the Government Code proposed by SB 400, contingent upon the prior enactment of that bill.

This bill would incorporate additional amendments to Section 21363 of the Government Code proposed by AB 813, SB 400, or both, contingent upon the prior enactment of one or both of those bills.

This bill would incorporate additional amendments to Section 21369 of the Government Code proposed by SB 400, contingent upon the prior enactment of that bill.

This bill would incorporate additional amendments to Section 21370 of the Government Code proposed by AB 813, contingent upon the prior enactment of that bill.

Ch. 634 (SB 955) Escutia. Child welfare services: out-of-home care.

Under the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, payments are made to foster care providers, including group homes, in accordance with specified rate reimbursement provisions.

This bill would increase reimbursement rates for certain group home providers for the 1999–2000 fiscal year.

Because funds are continuously appropriated from the General Fund to pay a share of the cost of AFDC-FC payments, the bill would constitute an appropriation.

Because each county is required to pay for a share of the cost of the AFDC-FC payments, the bill would create a state-mandated local program.

Existing law provides for the establishment and support of a public system of statewide child welfare services and requires all counties to have sole responsibility for the operation of the child welfare services program.

This bill would establish various goals with respect to serving the needs of children who are alleged to be abused or neglected and would require the state and the State Department of Social Services to encourage the development of approaches to child protection that include taking specified actions in order to achieve these goals. It would further require the department to report to the Legislature on the results of these new provisions by January 1, 2002.

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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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 635 (SB 1019) Vasconcellos. Public officers: Santa Clara County.

Existing law defines a custodial officer as a public officer, not a peace officer, employed by a law enforcement agency of specified counties, who has specified authority and responsibility. The duties of this custodial officer may include the serving of warrants, court orders, writs, and subpoenas in a detention facility or under circumstances arising directly out of maintaining custody of prisoners and related tasks.

This bill would include Santa Clara County among the specified counties and would authorize custodial officers employed by the Santa Clara County Department of Corrections to perform certain additional duties that also may be performed at the Santa Clara Valley Medical Center under specified circumstances. This bill would provide that these provisions do not authorize a custodial officer to carry or possess a firearm when the officer is not on duty and express the intent of the Legislature regarding the purpose of these provisions.

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

Ch. 636 (SB 1031) Hughes. Student financial aid: Student Aid Commission: Federal Family Education Loan Program.

(1) Existing law establishes the Student Aid Commission as the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. Existing state law authorizes the State of California to participate in the Federal Family Education Loan Program for eligible postsecondary students and their parents and its various component programs. Existing law authorizes the commission to establish an auxiliary organization as a nonprofit public benefit corporation for the purpose of providing operational and administrative services for the commission's participation in the Federal Family Education Loan Program. Existing law requires that the operations of the auxiliary organization be conducted in conformity with an operating agreement approved annually by the commission.

This bill, on and after January 1, 2002, would authorize the operating agreement to be conducted in conformity with an operating agreement approved by the commission for a period not to exceed 5 years.

(2) Existing law provides for participation by the State of California in the Federal Family Education Loan Program. Existing law specifies that one of the purposes for California's participation in the federal program is to provide a source of loans to eligible students in order to assist them in meeting educational costs at eligible schools of their choice.

This bill would additionally specify that one of the purposes for California's participation in the federal program is to provide a source of loans to eligible students, regardless of their domicile or the location of the educational institutions they attend, to assist them in meeting educational costs.

(3) Existing law establishes the State Guaranteed Loan Reserve Fund and requires the deposit of all money received from federal, state, or local governments, or from other private or public sources, for the purposes of California's participation in the Federal Family Education Loan Program in that fund.

This bill would abolish the State Guaranteed Loan Reserve Fund and instead establish the Federal Student Loan Reserve Fund and the Student Loan Operating Fund for the deposit of funds for the purposes of the federal program. The bill would deem the contents of the Federal Student Loan Reserve Fund to be the property of the federal government and the contents of the Student Loan Operating Fund to be the property of the Student Aid Commission, acting on behalf of the State of California. The bill would

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provide that the contents of the Federal Student Loan Reserve Fund and the Student Loan Operating Fund are continuously appropriated for the purposes of the bill.

Ch. 637 (SB 1121) Alarcon. California Debt Limit Allocation Committee: rental housing.

(1) Existing law establishes the membership of the California Debt Limit Allocation Committee and requires the Treasurer to serve as the chairperson of the committee and requires the office of Treasurer to provide any administrative assistance and support staff that is needed for the committee to operate.

This bill would also require the office of Treasurer to provide an executive director for the committee and would authorize the committee to authorize the executive director to enter into contracts on behalf of the committee.

(2) Existing law establishes various programs under the Department of Housing and Community Development, including the California Housing Rehabilitation Program for the development of low-income and multifamily rental housing in the state.

This bill would create the Multifamily Housing Program under the department to provide a standardized set of program rules and features applicable to all housing types based on the existing California Housing Rehabilitation Program. The bill would provide financial assistance in the form of a deferred payment loan to fund projects for, among other things, the development and construction of new, and rehabilitation, or acquisition and rehabilitation, of existing, transitional or rental housing developments. The bill would establish a project selection process for loans for these projects.

The bill would also require a regulatory agreement between the department and the housing sponsor and would set up a default reserve fund to protect the department's security interest in any project funded under these provisions.

(3) Existing law establishes the Families Moving to Work Program administered by the Department of Housing and Community Development as a component of the Rental Housing Construction Program.

This bill would require the Families Moving to Work Program to be administered as a component of the Multifamily Housing Program, and would make related changes. The bill would require specified funds transferred by the Budget Act of 1999 to the Housing Rehabilitation Loan Fund to be used for the Multifamily Housing Program. Because that fund is continuously appropriated for specified purposes, this bill would make an appropriation by expanding the purposes of the fund.

(4) Existing law contains provisions relating to assisting the development of community housing developments.

This bill would repeal those provisions.

Ch. 638 (SB 1147) Leslie. Resources: bonds: parks, water, clean air, and coastal protection act.

(1) AB 18 of the 1999–2000 Regular Session, which has been adopted by the Legislature, would enact the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act), which would authorize, for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $2,100,000,000.

This bill would revise certain provisions of AB 18, as adopted by the Legislature.

(2) The bill would provide that if both this bill and AB 18 of the 1999–2000 Regular Session are chaptered, specified sections of the Public Resources Code added by this bill would prevail over and supersede those sections of the same number of the Public Resources Code as added by AB 18. The bill would require the Secretary of State to submit the sections added to the Public Resources Code by this bill to the voters at the March 7, 2000, statewide general election, as part of the bond act.

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

Ch. 639 (SB 1156) Sher. San Francisco Bay Area Conservancy Program Account: appropriation.

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

Existing law establishes the San Francisco Bay Area Conservancy Program administered by the State Coastal Conservancy, for the purpose of addressing specified resources and recreational goals for the San Francisco Bay Area in a coordinated, comprehensive, and effective way. Existing law creates the San Francisco Bay Area Conservancy Program Account in the State Coastal Conservancy Fund, for the purpose of depositing and disbursing funds for the administration and implementation of the program. Existing law requires that the money in the account be segregated into 2 subaccounts; the first of which is required to contain funds that are appropriated by the Legislature for the purposes of the program; the second of which contains funds that are derived from all other sources, exclusive of federal funds, including private donations, fees and penalties, and local government contributions, for the purposes of the program.

This bill would require that the funds in the second subaccount be continuously appropriated to the State Coastal Conservancy, without regard to fiscal year, for expenditure for the purposes of the program, thereby making an appropriation.

Ch. 640 (SB 1186) Ortiz. Rice straw.

(1) Existing law, the Connelly-Areias-Chandler Rice Straw Burning Reduction Act, among other things, required the State Air Resources Board and the Department of Consumer Affairs, on or before September 1, 1992, to establish an advisory committee to develop a list of priority goals for the development of alternative uses of rice straw for the purpose of developing feasible and cost-effective alternatives to rice straw burning.

This bill would require the State Air Resources Board, in consultation with the Department of Food and Agriculture, on or before January 1, 2001, and in cooperation with specified others, to prepare and submit to the Legislature recommendations for ensuring consistency and predictability in the supply of rice straw for cost-effective uses, as provided.

(2) This bill would provide that specified funds appropriated pursuant to the Budget Act of 1998 to the state board for purposes of developing rice straw demonstration projects, which were not encumbered or otherwise expended during the 1998 fiscal year, shall be available for encumbrance by the state board during the 1999–2000 fiscal year for purposes of the rice straw demonstration project.

Ch. 641 (SB 1196) Morrow. Court consolidations: marshal's office.

(1) Existing law authorizes the consolidation of court-related services in various counties.

This bill would authorize the Board of Supervisors of each of the Counties of Merced, Orange, and Shasta to commence public hearings regarding the consolidation of court services in the county, and would provide that an election among the judges of the consolidated courts of the county may be conducted concurrently in order to provide an advisory recommendation on the abolition of the marshal's office and the transferring of court-related services within the county to the sheriff's department. The bill would also provide that the Board of Supervisors may elect to abolish the marshal's office in the county assigning the duties of court services to the office of the sheriff. If the board of supervisors elects to abolish the marshal's office, the duties and staff of the marshal's office would be merged into the sheriff's department. The merger of the departments would be required to occur pursuant to the board's determination, and to be concluded no later than July 1, 2000. The bill would also specify the method for the assignment of bailiffs in specified counties and the methods of employment of personnel of the marshal's office and the sheriff's office following any abolition and consolidation. The bill also would provide for the abolition of the San Diego County Marshal's Office and the creation of a bureau in the San Diego County Sheriff's Office under which court security services and the service of civil and criminal process would be consolidated, upon the adoption of a resolution by the board of supervisors on or after January 1, 2000, as specified.

(2) Existing law requires, commencing on July 1, 1999, and thereafter, the trial courts of a county of the seventh class in which court security was provided by the marshal's office as of July 1, 1998, to enter into an agreement with the sheriff's department regarding the provision of court security services if the marshal's office is abolished.

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This bill would require, commencing on July 1, 1999, and thereafter, the trial courts of all counties in which court security was provided by the marshal's office as of July 1, 1998, to enter into an agreement regarding the provision of court security services with the successor sheriff's department if the marshal's office is abolished, thus establishing a state-mandated local program.

(3) The bill would state that these provisions constitute necessary special legislation.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 642 (SB 1207) Polanco. Gambling: slot machines.

Existing state law generally prohibits the possession or keeping of slot machines. For that purpose, a slot machine includes a machine that may be readily converted into an operable slot machine. Existing state law authorizes the sale, transportation, storage, and manufacture of gambling devices if only for interstate or foreign commerce, but prohibits the display of those devices to the general public.

Existing federal law prohibits the transportation of any gambling device to a state, but not if the state has enacted a law providing for the exemption of the state from the provisions of that provision, as specified.

This bill would provide that it is lawful for any person to transport and possess any slot machine or device for display at a trade show, conference, or convention being held within this state, but only if the slot machine or device is adjusted to render the machine or device inoperable. It would declare that this provision is intended to constitute a state exemption as provided in the above-mentioned federal law.

Ch. 643 (AB 1679) Committee on Local Government. Local Government Omnibus Act of 1999.

(1) Existing law requires the Commission on State Mandates to adopt procedures to receive claims of state-mandated local costs.

This bill would impose additional procedural requirements on the commission with regard to initial reimbursement claims, parameters, guidelines, reduced claims, and claiming instructions. The bill would also revise the deadlines for submitting claims to the commission.

(2) Existing law authorizes the county board of supervisors by a $^{4}/_{5}$ vote to take various actions concerning the leasing, subleasing, and management of property.

This bill would additionally authorize the San Bernardino County Board of Supervisors by a $^{4}/_{5}$ vote to directly enter into a lease involving all or any part of county-owned, leased, or managed property devoted for agricultural purposes.

(3) Existing law requires that one copy of a county charter proposal or change in the charter ratified by the voters be recorded in the office of the county recorder and filed in the office of the county elections official with other specified documents. A copy of a city or city and county charter proposal or change in the charter ratified by the voters is required to be filed with the recorder of the county in which the city is located or the recorder of the city and county.

This bill would additionally require the filing of those documents with the Secretary of State.

(4) Existing law prescribes the types of investments in which a local agency may invest its funds. One of these investment types is medium-term notes of a maximum term of 5 years maturity issued by domestic corporations or depository institutions.

This bill would define "medium-term notes" for this purpose as all corporate and depository institution debt securities of a specified maturity and rating.

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(5) Existing law repeals on January 1, 2000, an authorization for a city or county to permit windows in dwellings to open into areas designed and built as passive solar energy collectors.

This bill would delete this repealer, thereby extending this authority indefinitely.

(6) Existing law authorizes the district board of an air pollution control district or of an air quality management district to establish, by regulation, a permit system that requires, except as provided, that before any person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance that may cause the issuance of air contaminants, the person obtain a permit to do so from the air pollution control officer of that district. Existing law provides that if a permit is denied, the applicant, within 10 days after receipt of the notice of denial, may request the hearing board of the district to hold a hearing on whether the permit was properly denied. Existing law also provides that within 10 days of any decision or action pertaining to the issuance of a permit by a district, or within 10 days after mailing, or after publication and mailing, as specified, of a notice of issuance of a permit, any aggrieved person who participated in the action before the district may request the hearing board of the district to hold a public hearing to determine whether the permit was properly issued.

This bill would extend those 10-day time periods to 30 days.

(7) Existing law provides for the allocation of property tax revenues to special districts according to specified formulas.

This bill would revise the formula for determining the total annual revenues of a special district that provides fire protection or fire suppression services. This provision would not become operative if AB 417 is enacted, as specified.

(8) Under existing law, the board of supervisors of a county is authorized to establish an authority for specific purposes and to impose a transactions and use tax of 0.25% or 0.5% if, among other things, the ordinance is approved by a majority of the voters voting on the issue.

This bill instead would provide that the vote to approve the ordinance shall be in the amount that is otherwise required by law.

Ch. 644 (AB 530) Papan. Local government finance.

Under existing law, funds that belong to, or are in the custody of, a local agency or local agency moneys that are not required for the immediate necessity of the local agency may be invested in any of several specified investments, including reverse repurchase agreements.

This bill would additionally authorize the legislative body of a local agency to invest the funds in securities lending agreements subject to the conditions similar to investing funds in reverse repurchase agreements.

This bill would incorporate additional changes in Sections 53601 and 53635 of the Government Code proposed by AB 1679, to be operative if AB 1679 and this bill are both enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 645 (AB 658) Washington. School safety.

Existing law establishes the School Safety and Violence Prevention Act, a statewide program administered by the Superintendent of Public Instruction, who, pursuant to the act, allocates funds to school districts that maintain any of grades 8 to 12, inclusive, that certify the funds will be used as required by the act. Funds allocated pursuant to this program are required to be expended for purposes that include, but are not limited to, providing conflict resolution personnel, providing on-campus communication devices, establishing staff training programs, and establishing cooperative arrangements with law enforcement agencies.

This bill would change the name of the School Safety and Violence Prevention Act to the Carl Washington School Safety and Violence Prevention Act. The bill would also authorize county offices of education to participate in the program established pursuant to that act.

This bill would appropriate $1,000,000 from the General Fund to the Superintendent of Public Instruction for allocation exclusively to county offices of education for the purposes of funding the activities and full participation of those offices in the Carl Washington School Safety and Violence Prevention Act and would require these funds

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to be available to county offices of education in the same manner that funds are made available to school districts pursuant to that act. The funds appropriated by this bill would 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 declare that it would take effect immediately as an urgency statute.

Ch. 646 (AB 1600) Committee on Education. Education.

(1) Existing law provides for the adoption of the merit system for classified county school employees in certain circumstances. A county office of education adopting the merit system is required to cause a personnel commission to be appointed in a prescribed manner.

This bill would authorize any personnel commission in a county of a third class to, upon meeting certain requirements, adopt a regulation providing for the appointment of one or more alternate members of the personnel commission.

(2) Existing law defines various terms for purposes of the Child Care and Development Services Act, including the term "cost." Under existing law, the term "cost" includes amounts for licensable facilities in the community served by a child care program, including lease payments or depreciation and payments of principal and interest on loans incurred to acquire, rehabilitate, or construct licensable facilities.

This bill would provide that the term "cost" also includes down payments for licensable facilities in the community served by a child care program.

(3) Existing federal law requires the State Department of Education to report information to the federal government regarding the expenditure of funding pursuant to the federal Child Care and Development Fund, including the social security number of the head of household of family units that receive services funded thereby.

This bill would authorize the Superintendent of Public Instruction to require the collection and submission of social security numbers of heads of households, and other information as required, from public and private agencies contracting with the State Department of Education, including local educational agencies.

(4) Existing law requires county welfare departments and alternative payment programs to provide certain data regarding child care usage and demand by recipients of the CalWORKs Program to the State Department of Education or the State Department of Social Services and the local planning council, on a quarterly basis.

This bill would instead require county welfare departments and alternative payment programs to provide the data on a monthly basis, thereby imposing a state-mandated local program.

(5) Under existing law there is a Educational Telecommunication Fund, which becomes inoperative on January 1, 2000.

This bill would continue the fund until January 1, 2001.

(6) Existing law requires notice of an election for the sale of bonds of school districts and community college districts to include the maximum number of years, not to exceed 25, for which the bonds may run.

This bill would instead require notice of an election for the sale of bonds of school districts and community college districts to include the maximum number of years, not to exceed 40, for which the bonds may run.

(7) Existing law, the California Public School Library Act of 1998, provides funding through the continuously appropriated California Public School Library Protection Fund to school districts for library resources.

This bill would provide that a county office of education may receive funding commencing in the 1999–2000 fiscal year under the act, thereby making an appropriation.

(9) Under existing law, upon approval by the governing board of the school district to proceed with the issuance of certificates for participation revenue bonds or to enter into any agreement for certain financing school construction pursuant, the school district is required to notify the county superintendent of the school district to provide the repayment schedules for that debt obligation, and evidence of the ability of the school district to repay that obligation, to the county auditor, the county superintendent, the governing board, and the public.

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This bill would provide that prior to the delivery of the notice, neither the county nor any of its officers have any responsibility for the administration of the schools indebtedness and that failure to comply with other requirements does not affect the validity of the indebtedness.

(10) Under the California Public School Library Act of 1998, as a condition of receiving funding under for the establishment and maintenance of school libraries, school districts are required to develop a districtwide school library plan and the local school district governing board is required to certify approval of the plan. In developing the plan, school districts are encouraged to include school library media teachers.

This bill would apply these provisions to county offices of education.

(11) Existing law establishes the School Safety and Violence Prevention Act, whereby funds are allocated to school districts on the basis of enrollment.

This bill would provide that the funds be allocated on the basis of prior year enrollment as reported by the California Basic Educational Data System. The bill would provide that the number of schoolsites in each district that receive funding under the act would be equal to the number of county-district-school codes for that school district. The bill would also require the Superintendent of Public Instruction to report annually regarding the use of funds under the act.

(12) Existing law authorizes the governing board of a school district to make photographic or microfilm copies of any records of the district.

This bill would authorize the governing board of a school district also to make electronic copies of any records of the district.

(13) Existing law, which becomes operative January 1, 2000, requires the governing board of each district maintaining any or all of grades 7 to 12, inclusive, to offer, and authorizes a charter school that maintains any or all of those grades to offer, summer school instructional programs for pupils enrolled in those grades who do not demonstrate sufficient progress toward passing the high school exit examination.

Existing law requires the governing board of each district maintaining any or all of grades 2 to 9, inclusive, to offer, and authorizes a charter school maintaining any or all of those grades to offer, programs of direct, systematic, and intensive supplemental instruction to pupils enrolled in those grades who have been retained. Existing law also authorizes each charter school and the governing board of each district maintaining any or all of grades 2 to 6, inclusive, to offer programs of direct, systematic, and intensive supplemental instruction to pupils enrolled in those grades with low mathematics, reading, or written expression scores to allow those pupils to achieve proficiency in standards adopted by the State Board of Education.

Existing law authorizes the governing board of any school district that offers summer school instructional programs, and a charter school, to offer summer school programs for instruction in mathematics, science, or other core academic areas.

Under existing law, these 3 types of educational services are required to be offered during the summer, after school, on Saturdays, or during intersession, or in a combination of summer school, after school, Saturday, or intersession instruction.

This bill would also permit the educational services to be offered before school.

(14) Existing law provides for the provision of transportation services by school districts and contains provisions that govern the minimum training required for drivers to obtain or renew a certificate to operate a school pupil activity bus, transit bus, schoolbus, and farm labor vehicles.

This bill would repeal and reenact these provisions and would make technical, nonsubstantive changes in those provisions. This bill would provide that one of these provisions would not become operative if AB 15 of the 1999–2000 Regular Session is chaptered and adds a particular section to the Education Code.

(15) Under existing law, a local education agency may be required to repay an apportionment significant audit exception resulting from an audit or review, which may not be waived by the State Board of Education.

This bill would authorize the State Board of Education to consider and act upon requests to retroactively waive any provision of the Education Code or any regulation adopted by the State Board of Education that is the basis of an apportionment significant audit if the request was received in writing by the State Department of Education prior to July 7, 1999.

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(16) Under existing law, for the 1998–99 school year, a school district may request the State Board of Education to provide a waiver of instructional time requirements under specified conditions.

This bill would instead provide that a school district may make the request on or before October 31, 1999, and the State Board of Education may provide, a waiver of instructional time requirements if the conditions are met.

(17) Existing law authorizes the Covina Valley Unified School District to conduct an experimental kindergarten program.

This bill would delete this provision.

(18) Existing law requires the Superintendent of Public Instruction to annually compute a general-purpose entitlement, as defined, and a categorical block grant amount, as defined, for each charter school.

This bill would make technical clarifying changes to these funding provisions. The bill would require the superintendent to compute average daily attendance for these purposes utilizing a statutory formula, would permit a charter school in its first year of operation to be eligible for an advanced apportionment based on an estimate of average daily attendance, and would revise the method for calculating a sponsoring school district's average daily attendance.

(19) Existing law requires the governing board of each school district to approve, on a form prescribed by the Superintendent of Public Instruction, an annual statement of all receipts and expenditures of the district for the preceding fiscal year.

This bill would delete a duplicative provision requiring the statement to be in the form prescribed by the Superintendent of Public Instruction.

(20) Existing law authorizes the establishment of community day schools for pupils in kindergarten or any of grades 1 to 12, inclusive, who are expelled, probation referred, or referred by a school attendance review board. Existing law prohibits a community day school serving kindergarten or grades 1 to 12, inclusive, from being situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school unless it is certified that no satisfactory alternative facilities are available. Certifications regarding the unavailability of these facilities for community day schools serving kindergarten or any of grades 1 to 6, inclusive, may be made by any school district, but certifications regarding the unavailability of these facilities for community day schools that serve any of grades 7 to 12, inclusive, or grades 7 to 9, inclusive, may be made only by districts with 2,500 or fewer units of average daily attendance.

This bill would provide that, if a school district is organized as a district that offers instruction in kindergarten and grades 1 to 8, inclusive, the governing board may establish a community day school program for kindergarten and grades 1 to 8, inclusive, upon a $^{2}/_{3}$ vote of the board and would authorize those school districts to make the aforementioned certification without regard to the number of units of average daily attendance. The bill would provide that a charter school may not receive funding as a community day school unless it meets all of the conditions of apportionment.

(21) Under existing law, the California Mentor Teacher Program will become inoperative on July 1, 2001, and will be repealed as of January 1, 2002. Existing law establishes the California Peer Assistance and Review Program for Teachers, which will become fully operational on July 1, 2001, to replace the California Mentor Teacher Program.

Existing law provides that, when a school district notifies the Superintendent of Public Instruction that it plans to implement a program pursuant to the California Peer Assistance and Review Program for Teachers, the California Mentor Teacher Program will no longer apply to that district.

This bill would require the superintendent to continue to apportion funding to the school district pursuant to the California Mentor Teacher Program for the 1999–2000 and 2000–01 fiscal years. The bill would also modify the formula for the amount the Superintendent of Public Instruction is required to apportion to school districts participating in the California Peer Assistance and Review Program for Teachers.

This bill would require that California Mentor Teacher Program funding allocated but unclaimed by individual local education agencies at the end of the 1998–99 and the 1999–2000 fiscal years be offset from program funds advanced for the succeeding fiscal year, provided sufficient funds are available. The bill would provide that mentor teacher

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support funding that has been claimed, but remains unexpended, may be carried over and used for the purposes of the California Peer Assistance and Review Program for Teachers, thereby making an appropriation.

The bill would also require the Superintendent of Public Instruction to determine a base funding rate for the California Peer Assistance and Review Program for Teachers commencing in the 2001–02 school year.

(22) Existing law requires the State Department of Education to administer a program of staff development grants to reimburse school districts and county offices of education for teachers to take mathematics courses at institutions of higher education in California.

This bill would instead authorize funding for mathematics courses at institutions of higher education, regardless of whether the institutions of higher education are in California.

(22.5) Under existing law, the Superintendent of Public Instruction is required to annually compute a general-purpose entitlement, funded from a combination of state aid and local funds, for each charter school that elects to be funded in this manner.

This bill would provide for certain apportionments in the 1999–2000, 2000–01, and 2001–02 fiscal years to be made to those charter schools that elect not to be funded pursuant to this general-purpose entitlement.

(23) Existing law establishes a pilot grant program, administered by the State Department of Education, for the award of grants to cover the costs of advanced placement examination fees.

This bill would authorize the State Department of Education to enter into a contract with the provider of advanced placement examinations.

(23) Existing law establishes the School-Based Program Coordination Act. Under existing law, schools that participate in school-based coordinated categorical programs are required to develop a school plan.

This bill would require the school plan to include the proposed expenditure of funds available to the school through the federal Improving America's Schools Act of 1994 and its amendments.

(24) Existing law relating to special education requires the Superintendent of Public Instruction to notify each member of the governing board of a local education agency when the superintendent determines that the local educational agency is not in substantial compliance with pertinent laws.

This bill would instead require the superintendent to notify members of the governing board of a local educational agency when the superintendent determines the local educational agency is not in substantial compliance with pertinent laws.

(25) Existing law establishes the Demonstration Scholarship Act of 1973.

This bill would repeal the Demonstration Scholarship Act of 1973.

(26) Existing law requires the State Department of Education to identify and analyze trends in school crime.

This bill would also require the department to analyze trends in school crime.

(27) Existing law provides that any organization, agency, or institution receiving obsolete instructional materials must certify to the governing board that it agrees to use the materials for educational purposes and agrees not to charge any person or organization using the materials.

This bill would delete this provision.

(28) Under existing law, for the 1994–95 fiscal year and each fiscal year thereafter, in order to be eligible to receive funds available for instructional materials on alcohol and drug education, the governing board of a school district is required to take specified actions.

This bill would instead provide that for the 1999–2000 fiscal year and each fiscal year thereafter the governing board is required to take these actions to receive these funds. The bill would also provide that the governing board of a school district is eligible to receive funds available for the purposes of this article for the 1994–95 fiscal year to the 1998–99 fiscal year, inclusive, whether or not the governing board took the required actions.

(29) Existing law appropriates $32,446,000 from the Federal Trust Fund to the Superintendent of Public Instruction for allocation to school districts for purposes of

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providing funding for planning and grants for implementing the Immediate Intervention/Underperforming Schools Program.

This bill would instead provide that the amount would be allocated for purposes of implementing comprehensive school reform pursuant to federal law, thereby making an appropriation.

(30) Existing law reappropriates $15,471,000 from the Proposition 98 Reversion Account to the Superintendent of Public Instruction, including $2,000,000 for allocation to provide matching grants to school districts for the improvement or replacement of schoolsite playground equipment and $250,000 for allocation to the Los Angeles Unified School District for the Los Angeles High School for the Arts and the California Academy of Math and Science.

This bill would provide that the $2,000,000 would be allocated to the Superintendent of Public Instruction for allocation to the school districts. The bill would also provide that the $250,000 would be allocated to the Los Angeles County Office of Education and the Long Beach Unified School District instead of the Los Angeles Unified School District.

(31) The Budget Act of 1999, among other things, appropriated $4,506,000 to the State Department of Education for local assistance for specialized secondary programs.

This bill would reduce this appropriation to $4,462,000.

(32) The Budget Act of 1999, among other things, appropriated $1,799,000 to the State Department of Education for local assistance for instructional materials to provide an adjustment for increases in average daily attendance at a rate of 2.49%.

This bill would revise that percentage to 1.47.

(33) This bill would provide that Section 39831.5 of the Education Code, as added by this bill, would not become operative if AB 1573 is chaptered and becomes operative and amends and renumbers Section 38048 of the Education Code.

(34) This bill would provide that certain of its provisions would apply to the entire 1999–2000 fiscal year regardless of the effective date of this bill.

(35) The appropriations made by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 or Article XVI of the California Constitution.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 647 (AB 1573) Strom-Martin. Vehicles: schoolbuses.

(1) Existing law requires that pupils, as prescribed, who receive home-to-school transportation, receive specified schoolbus safety instruction once each school year.

This bill would add a specified training subject to the required safety instruction.

(2) Existing law exempts a schoolbus driver from the flashing red signal lights and stop signal arm requirements at locations identified by a school district, in consultation with the Department of the California Highway Patrol, that are determined to present a unique traffic hazard due to roadway design or proximity to an intersection, or where special education pupils are boarding or pupils may require assistance to board or unload the schoolbus or school pupil activity bus.

This bill, instead, would exempt a schoolbus driver from the flashing red signal lights and stop signal arm requirements at specified locations, including locations determined by a school district, with the approval of the department, to present a traffic or safety hazard, and excluding locations where pupils are loading or unloading from a schoolbus and must cross a highway or private road upon which the schoolbus is stopped.

(3) This bill would authorize the Department of the California Highway Patrol to impose the above described signal requirements, as specified, at any location where the department determines that the activation is necessary for the safety of school pupils loading or unloading from schoolbuses. Because a violation of this department-imposed

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requirement would be a crime, the bill would impose a state-mandated local program by expanding the scope of an existing crime.

(4) Existing law provides that the driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a schoolbus that is upon the other roadway.

This bill would recast this provision to provide that a driver of a vehicle upon a divided highway or multiple-lane highway, as defined, need not stop upon meeting or passing a schoolbus that is upon the other roadway.

(5) Existing law provides that the driver of a vehicle need not stop upon meeting or passing a schoolbus that is stopped at an intersection or place where traffic is controlled, as specified.

This bill would delete that provision.

(6) Existing law requires a schoolbus driver to undertake certain courses of action when the bus is stopped on a highway or private road for the purpose of loading or unloading pupils at a location where traffic is not controlled by a traffic officer or official traffic control signal.

This bill would delete the official traffic control signal exception for certain of those courses of action. Because this would have the effect of expanding the scope of an existing crime, the bill would impose a state-mandated local program.

(7) The bill would require the Department of the California Highway Patrol to undertake a specific study regarding flashing red lights and stop signal arms and to report the results of that study to the Legislature on or before January 1, 2005.

(8) This bill would incorporate additional changes in Section 38048 of the Education Code proposed by AB 15, to become operative only if both bills are enacted and become operative on or before January 1, 2000, 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.

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

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

Ch. 648 (AB 15) Gallegos. Schoolbuses: passenger restraint systems: seats.

(1) Existing law requires the State Board of Education to adopt regulations relating to the use of schoolbuses by school districts and others.

This bill would require the board to adopt regulations to require a passenger in a schoolbus equipped with passenger restraint systems, as specified, to use a passenger restraint system so that the passenger is properly restrained.

(2) Existing law requires, at least once in each school year, all pupils in prekindergarten, kindergarten, and grades 1 to 8, inclusive, who receive home-to-school transportation to receive safety instruction, as specified.

This bill would require safety instruction in the use of passenger restraint systems, as specified.

(3) Existing federal law requires seatbelts for schoolbuses that have a gross vehicle weight of 10,000 pounds or less and establishes other seating and crash protection standards, as specified.

This bill would require that schoolbuses manufactured on or after January 1, 2002, and purchased or leased for use in California have a "passenger restraint system," as specified, at all designated seating positions, unless specifically prohibited by the National Highway Transportation Safety Administration. Because a violation of this provision would be a crime, the bill would impose a state-mandated local program by creating a new crime. The bill would provide that no person, school district, or organization, with respect to a schoolbus equipped with passenger restraint systems pursuant to the above requirement, may be charged for a violation of the Vehicle Code or any regulation adopted thereunder requiring a passenger to use a passenger restraint system, if a passenger on the schoolbus fails to use or improperly uses that system. The bill would make a related statement of legislative intent.

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(4) Existing law requires the department to complete a study by March 1, 1987, on the appropriateness of requiring that all type one schoolbuses or school pupil activity buses be equipped with a set of safety belts for each passenger.

This bill would repeal that obsolete provision of law.

(5) This bill would incorporate additional changes in Section 38048 of the Education Code proposed by AB 1573, to become operative only if both bills are enacted and become operative on or before January 1, 2000, 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.

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

Ch. 649 (AB 838) Longville. Local agencies.

(1) Under existing law, 2 or more public agencies, by agreement, may exercise any power common to the contracting parties.

This bill would include a joint powers authority as a public agency that may itself be a member of a joint powers authority. The bill would also authorize a joint powers authority to issue refunding bonds to refund revenue bonds of a member local agency of the authority.

(2) Existing law authorizes a joint powers agency to issue bonds in order to purchase obligations of, or to make loans to, local agencies, to finance the local agencies' unfunded actuarial pension liability, or to purchase, or to make loans to finance the purchase of, delinquent assessments or taxes levied on the secured tax roll by the local agencies, the county, or any other political subdivision of the state.

This bill would authorize a joint powers authority to issue bonds in order to purchase and acquire, by sale, assignment, pledge, or other transfer, any and all right, title, and interest of any local agency in and to the enforcement and collection of delinquent and uncollected property taxes, assessments, and other receivables that have been levied by or on behalf of the local agency and placed for collection on the secured, unsecured, or supplemental tax roll and would authorize local agencies to sell, assign, pledge, or otherwise transfer these amounts to the joint powers authority in accordance with specified terms and conditions.

The bill would also provide that the powers conferred by these provisions are complete, additional, and cumulative and that the authorized agreements need not comply with the requirements of any other laws applicable to the same subject matter, except as otherwise required by these provisions.

(3) Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing property tax law also reduces the amounts of ad valorem property tax revenue that would otherwise be annually allocated to the county, cities, and special districts pursuant to these general allocation requirements by requiring, for purposes of determining property tax revenue allocations in each county for the 1992–93 and 1993–94 fiscal years, that the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. It requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education. In the case of a county that first implemented in the 1993–94 fiscal year a specified alternative method for the distribution of ad valorem property tax revenues, existing law also decreases the reduction and transfer amount of that county for that same fiscal year by the additional amount of ad valorem property tax revenue allocated in that fiscal year to educational entities, as defined, as a result of the county's implementation of that alternative distribution method.

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This bill would modify this reduction and transfer offset by including a county's Educational Revenue Augmentation Fund within the definition of an educational entity and would add provisions governing the calculation of the reduction and transfer offset for a county of the 16th class. The bill would also revise the allocations for the 1999–2000 fiscal year only not to exceed $8,239,000 as appropriated in the Budget Act of 1999. By imposing new duties with respect to the allocation of ad valorem property tax revenues in the current and prior fiscal years, this bill would impose a state-mandated local program.

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

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

Ch. 650 (AB 31) Reyes. Teacher training: rural area schools: Assumption Program of Loans for Education.

Existing law establishes an assumption program of loans for education under which an applicant enrolled in a participating institution of postsecondary education, or an applicant who agrees to participate in a teacher trainee or teacher internship program, and who further agrees to obtain a teaching credential in subject areas that are designated as current or projected shortage areas or to provide classroom instruction in schools that serve large populations of pupils from low-income families, is eligible to receive a conditional warrant for loan assumption, to be redeemed pursuant to a prescribed procedure upon becoming employed as a teacher. Existing law requires 60% of the warrants distributed each year to be awarded to applicants who agree to obtain a teaching credential in subject areas that are designated as current or projected shortage areas, and 40% to be awarded to applicants who agree to obtain teaching credentials in any shortage area and to provide classroom instruction in schools that serve large populations of pupils from low-income families.

This bill would require, within these percentages, a proportional number of warrants to be issued to applicants who agree to provide classroom instruction in a school district serving a rural area.

Existing law requires the Commission on Teacher Credentialing to annually distribute a minimum of 2,000 awards to applicants who agree to obtain a teaching credential in mathematics or science.

This bill would repeal that provision.

This bill would incorporate additional changes in Sections 69612, 69612.5, 69613, 69613.1, 69615.4, and 69615.6 of the Education Code proposed by SB 131, to be operative if SB 131 and this bill are both enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 651 (SB 131) Baca. Teacher training: Assumption Program of Loans for Education.

Existing law establishes an Assumption Program of Loans for Education under which an applicant enrolled in a participating institution of postsecondary education, or an applicant who agrees to participate in a teacher trainee or teacher internship program, and who further agrees to obtain a teaching credential in subject areas that are designated as current or projected shortage areas or to provide classroom instruction in schools that serve large populations of pupils from low-income families, is eligible to receive a conditional warrant for loan assumption, to be redeemed pursuant to a prescribed procedure upon becoming employed as a teacher. Existing law provides that, for the 1999–2000 school year, and each school year thereafter, the Student Aid Commission is authorized to issue warrants for the assumption of up to 5,500 loans under this program.

This bill would, commencing with the 2000–01 school year, extend the Assumption Program of Loans for Education to applicants who agree to provide classroom instruction in school districts with a high percentage of teachers holding emergency permits. The bill would provide that, in the 2000–01 school year and each school year thereafter, warrants for the assumption of student loans for applicants who agree to teach in school

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districts with a high percentage of teachers holding emergency permits would be issued in a quantity determined by the Legislature in the annual Budget Act, notwithstanding the limit of 5,500 loans. The bill would require the Superintendent of Public Instruction to furnish to the Student Aid Commission a list of schools with a high percentage of teachers holding emergency permits and would require the list to be established according to criteria determined by the Superintendent of Public Instruction.

The bill would authorize the commission to recommend an annual limit under this section that is higher than 5,500 and submit that recommendation to the Legislative Analyst for review and comment. The bill would state the intent of the Legislature that the amount appropriated for purposes of this provision in the Budget Act reflect consideration of the information provided by the commission and the Legislative Analyst.

This bill incorporates additional changes in Sections 69612, 69612.5, 69613, 69613.1, 69615.4, and 69615.6 of the Education Code, proposed by AB 31, to be operative if AB 31 and this bill are both enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 652 (SB 240) Speier. Child support: enforcement.

Existing law precludes state professional licensing agencies from issuing or renewing a license if the licensee is on a list, maintained by the district attorney, of persons who have not complied with support orders and precludes the Secretary of State from appointing or commissioning a notary public if the applicant is on that list.

This bill would require any board regulating a professional license, the State Bar, and the Department of Real Estate to require a licensee to provide the social security number of each individual listed on the license and any person who qualifies a license and would revise the definition of licensee for these purposes to include, for licenses issued to an entity that is not an individual person, any individual who is either listed on a license or who qualifies a license. Because the list of persons who have not complied with support orders would be expanded to include additional individuals, this bill would impose a state-mandated local program by increasing the duties of local child support agencies.

Existing law, known as the Family Law Facilitator Act, requires each superior court to maintain an office of the family law facilitator to provide specified services in actions or proceedings for temporary or permanent child support, spousal support, or health insurance. Those services include, but are not limited to, providing educational materials relating to those actions or proceedings.

This bill would provide that the family law facilitator shall not represent or have an attorney-client relationship with any party and that all communications between a family law facilitator, or all persons employed by or working with the facilitator, and the parties shall be confidential. The bill would require all persons employed by or working with the facilitator to make no public comment, as specified, to receive copy of the Canons of Judicial Ethics, and to sign an acknowledgement of the Canons of Judicial Ethics, as specified. The bill would also authorize superior courts, by local rule, to impose further duties on family law facilitators concerning child support issues, as specified. By imposing new duties on court personnel, this bill would create a state-mandated local program.

The bill would also declare the Legislature's intent to increase funding for family law facilitators.

Existing law imposes various duties upon district attorneys in connection with the enforcement of child support obligations and requires district attorneys enforcing child support obligations to refer child support delinquencies, as defined, to the Franchise Tax Board for collection. Existing law also authorizes those district attorneys also to refer child support obligations that are not child support delinquencies to the Franchise Tax Board for collection.

This bill would instead impose those duties on local child support agencies, as provided.

Existing law requires the Department of Justice to maintain the California Parent Locator Service and Central Registry which collects and disseminates information, as specified, with respect to parents, putative parents, spouses, and former spouses. Existing law authorizes the California Parent Locator Service and Central Registry to receive

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from cable television corporations and public utilities, to the extent permitted by federal law, customer service information, as specified.

This bill would require the service and registry to request and to receive from cable television corporations, providers of electronic digital pager communication, and providers of cellular telephone services, to the extent permitted by federal law, customer service information in accordance with provisions of existing law.

The bill would appropriate $705,000 from the General Fund to the State Department of Social Services for purposes of the bill, as specified.

This bill would also incorporate certain provisions contained in AB 196 and SB 542, if those bills are enacted.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 653 (AB 380) R. Wright. Support orders: modification: set aside: enforcement.

(1) Existing law establishes procedures and time limits for granting a party relief from a default, judgment, dismissal, or other order on specified grounds in any civil action and for granting a party relief from a judgment, or any part thereof, on specified grounds in proceedings for dissolution or nullity of marriage or legal separation of the parties. Existing law also provides procedures for the modification or termination of child, family, and spousal support orders.

This bill would authorize the court to set aside a support order, or any part thereof, on the grounds of fraud, perjury, or lack of notice, as specified and would establish procedures and time limits therefor.

(2) Existing law provides that an order for child support may be made retroactive to the date of the filing of the notice of motion or order to show cause, subject to specified provisions of federal law.

This bill would instead provide that those orders may be made retroactive to the date of the filing of the petition or other first pleading, except as specified.

(3) Existing law provides that, if an order decreasing or terminating support is entered retroactively, the support obligee shall not be obligated to repay any amounts paid pursuant to the prior order that are in excess of the amounts due pursuant to the retroactive order.

This bill would instead provide that, in those circumstances, the support obligee may be obligated to repay those excess amounts, on terms ordered by the court after consideration of specified factors.

(4) Existing law provides that, for purposes of computing the minimum level of child support, no deduction from income shall be granted if specified aid payments are being made to the child or children of the parent seeking the deduction, even if the payments are being received by the other parent.

This bill would repeal that provision.

(5) In proceedings against an individual for failure to sufficiently provide for the support of his or her children or spouse, existing law authorizes the court to suspend the proceedings or sentence, at specified times in the proceedings, if the defendant enters into an undertaking conditioned upon the defendant paying support, as specified.

This bill would authorize the court, at those specified times in the proceedings and upon similar conditions, to suspend the proceedings or sentence in a contempt action against an individual for failure to comply with a court order for payment of child, family, or spousal support.

(6) Existing law declares that, if a family is granted aid under the CalWORKs program as a result of the absence of a parent from the family home, the noncustodial parent shall reimburse the county for the amounts of unpaid support specified in the support order

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or, in the absence of an order, the amount that would have been specified in the order for the period of separation or desertion.

This bill would, in the absence of a support order, limit that recovery by the county to the amount that would have been specified in an order for support, for a period not to exceed one year prior to the date of the filing of the complaint or petition.

(7) Existing law requires the district attorney, in specified child support cases, to provide to the Department of Social Services a list of persons who are not in compliance with a support order or judgment; which list is then provided by the department to all state boards that issue licenses, as defined, for the purpose of withholding issuance or renewal of any license to any person named on the list, until a release is issued by the district attorney. If a license applicant believes his or her name should be deleted from the list, existing law specifies procedures for judicial review of that issue in the superior court.

This bill would authorize the judicial review to be conducted by the municipal court, in counties in which there is a municipal court, if specified criminal proceedings are pending against the applicant in that court at the time review is sought.

(8) Existing law provides that an action may be brought by the district attorney to obtain or enforce a child support obligation on behalf of a parent who has requested or is receiving support enforcement services of the district attorney. In those actions, a default judgment may be entered against a defendant who fails to answer or otherwise appear within a specified time. Existing law also provides that when a parent makes an application for child support services, the applicant shall provide the district attorney with a statement of arrearages, if any are owed. Existing law provides procedures for the district attorney to review the amount of arrearages alleged in that statement.

This bill would establish, as of a specified date, procedures and remedies if a person claims that a default judgment has been entered, or enforcement actions have been taken, against him or her in error due to mistaken identity, as specified. Filing a false claim of mistaken identity would be punishable as a misdemeanor. If the district attorney rejects a person's claim of mistaken identity, or fails to provide the remedies specified, the bill would provide that the person would be entitled to file a court action to obtain that relief. The bill would also impose additional requirements on district attorneys regarding service of process on defendants in support establishment and enforcement actions.

(9) The bill would declare that the act shall be referred to as the Child Support Enforcement Fairness Act of 2000 and would make related findings and declarations.

(10) The bill would provide that certain of its provisions would be operative in the Family Code if AB 196 is enacted and becomes operative, otherwise those provisions would become operative in the Welfare and Institutions Code.

(11) This bill would incorporate additional changes to Section 7575 of the Family Code proposed by SB 240, to take effect if both bills are enacted and become operative on or before January 1, 2000, and this bill is enacted last.

(12) Because this bill would create a new crime and would impose new duties on local personnel, it would create a state-mandated local program.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Ch. 654 (AB 370) R. Wright. Child support.

Under existing law, certain state agencies and each county are required to perform various functions with respect to support enforcement and collection.

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Existing law authorizes notices of support delinquency to be issued under certain conditions and in accordance with certain requirements.

This bill would require that a delinquency notice issued by a state or local government agency state the date upon which the amount of the delinquency was calculated and notify the support obligor that the amount calculated may or may not include accrued interest, and would provide that this notice requirement shall not be imposed until the local child support agency has instituted the California Child Support Automation system, as defined. The bill would also require that the support obligor be notified of his or her right to an administrative determination of arrears by requesting that the local child support agency review the arrears. The bill would prohibit the state agency from suspending enforcement of any arrearages as a result of the obligor's request for an administrative determination of arrears, except under specified circumstances.

Because the bill would impose additional duties on local agencies, the bill would constitute a state-mandated local program.

Existing law requires the district attorney, in cases in which the custodial parent is a recipient of benefits under the California Work Opportunity and Responsibility to Kids (CalWORKs) program, to keep a list of persons against whom a court order for support has been rendered and who are out of compliance with the order.

Existing law permits, and in some cases requires, state licensing boards to suspend licenses or to refuse to issue a license or license renewal to these persons.

Existing law requires the district attorney to mail to a support obligor on the list of noncompliant obligors and the appropriate licensing board a release when the obligor is in compliance with the court order.

This bill would require any board that has received a release from a district attorney to process that release within 5 business days of its receipt.

This bill would also incorporate certain changes made to child support provisions made by AB 196 and SB 542, if either or both of those bills are enacted during the 1999–2000 Regular Session.

This bill would also incorporate additional changes relating to child support made by SB 240, if both bills are enacted, and certain other conditions are met.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 655 (SB 1308) Committee on Business and Professions. Healing arts: licensees.

(1) Existing law requires various boards in the Department of Consumer Affairs to provide information concerning the status of licensees on the Internet.

This bill would require these boards to provide this information on the Internet on or after July 1, 2001, except as otherwise provided, and would extend the applicability of this requirement to the Board of Psychology.

Existing law requires various boards in the Department of Consumer Affairs to maintain a central file of the names of all persons who hold a license, certificate, or similar authority to provide an individual historical record for each licensee with respect to certain crimes or judgments, and requires certain reports concerning those licensees.

This bill would extend those provisions to the Board of Psychology and the Board of Behavioral Sciences. The bill would also make conforming changes regarding the names of the above-described boards.

(2) Existing law, administered by the Board of Dental Examiners, governs the practice of dentistry, and makes it unlawful for any person to engage in the practice of dentistry unless that person has a valid license or permit. Existing law generally provides that any person who practices dentistry or offers to practice dentistry, as defined, without a license, or when the license has been revoked or suspended is guilty of a misdemeanor for the first offense, and guilty of a felony for the 2nd or subsequent offense. However,

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under certain conditions, students of dentistry or dental hygiene are exempt from this requirement.

Existing law also authorizes groups of 3 or more dentists to practice under a fictitious name.

Existing law authorizes a person whose license, certificate, or permit to practice dentistry has been revoked or suspended, or who has been placed on probation, to petition for reinstatement or modification of the penalty.

Existing law provides that every person to whom a special permit to practice dentistry is issued is entitled to practice in the specialty field in which he or she has been examined by the Board of Dental Examiners at the dental college at which he or she is employed and its affiliated institutions, as specified. Existing law requires an examination by the board for a special permit to test the fitness of the applicant to practice the specialty recognized by the board.

This bill would change the name of the Board of Dental Examiners to the Dental Board of California and make multiple changes with respect to dentistry, among which are the following: setting forth additional exemptions from provisions making it unlawful to practice dentistry without a license for students of registered dental assisting, registered dental assisting in extended functions, and registered dental hygiene in extended functions; revising the above-described provisions relating to special permits to entitle every person to whom a special permit is issued to practice in the specialty or discipline in which he or she has been examined by the board at the dental college at which he or she is employed and its affiliated institutions; and authorizing a person whose license, certificate, or permit was surrendered pursuant to a stipulated settlement as a condition to avoid a disciplinary administrative hearing to petition for reinstatement or modification of penalty.

The bill would also permit individuals or pairs of dentists to practice under fictitious names.

The bill also would require licensed dentists and health care facilities to comply with a request for the dental records of a patient that is accompanied by the patient's written authorization, as specified. This bill would impose various civil penalties for failure to comply.

The bill would make failure to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board, a misdemeanor, thereby imposing a state-mandated local program by creating a new crime.

The bill would provide that any person who willfully, under circumstances or conditions which cause or create risk of specified physical or mental harm or death, practices or attempts to practice, or advertises or holds himself or herself out as practicing dentistry without a valid, unrevoked, and unsuspended certificate to practice dentistry is guilty of a crime, punishable by imprisonment in a county jail for up to one year. By creating a new crime, the bill would impose a state-mandated local program.

(3) Existing law governs the practice of podiatric medicine.

This bill would make technical changes to these provisions.

(4) Existing law governs the practice of midwifery, and provides for the examination and licensing of midwives.

This bill would authorize the Division of Licensing to conduct those examinations but authorize the division to contract for the administration of the examination, as specified, and make related changes with respect to the fee for the examination.

(5) Existing law regulates the practice of nursing, including a diversion program for registered nurses subject to disciplinary action. Existing law establishes diversion evaluation committees to administer the diversion program.

Existing law also provides for the licensure of vocational nurses and psychiatric technicians by the Board of Vocational Nursing and Psychiatric Technicians. Existing law provides that the board shall include 3 members of the public appointed by the Governor.

This bill would revise various provisions of the diversion program. Among other changes, the bill would require a diversion evaluation committee to report the name and license number of a registered nurse who is terminated from the program and who presents a threat to the public or his or her own health and safety to the board's enforcement program. The bill would make changes regarding the confidentiality

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provisions of the diversion program, including setting forth circumstances under which a nurse shall be deemed to have waived his or her right to confidentiality.

The bill would also increase the fees for licensing vocational nurses and psychiatric technicians. The bill would also specify that the number of public members of the board appointed by the Governor is 4.

(6) Existing law provides for the licensure of physicians and surgeons. Existing law imposes various examination and educational requirements for licensure. Existing law specifically prohibits an applicant for examination who fails to pass any part or parts of the written examination after 2 attempts from being reexamined until the applicant completes additional appropriate medical instruction, as specified.

This bill would revise some of the examination requirements, would delete certain provisions regarding passing scores on a specified examination, and would delete the provisions against reexamination after 2 attempts to pass the written examination, as specified above. It would expand provisions that authorize the substitution of postgraduate education and training to remedy deficiencies in medical school education and training, so that certain provisions are not limited to persons who graduated from medical school prior to 1986.

The bill would delete a requirement of an oral examination for an applicant to practice medicine only in connection with a faculty position. The bill would delete provisions that authorize hospital service prior to being notified of the score on required examinations.

(7) Existing law governs the practice of speech-language pathology and audiology.

This bill would make technical changes to those provisions.

(8) Existing law imposes various fees in connection with the registration of dispensing opticians and the issuance of certificates to dispense contact or spectacle lenses, and provides for a reduced initial fee if the license will expire in less than one year.

This bill would eliminate provisions for the reduced fee.

(9) Existing law, the Acupuncture Licensure Act, regulates the practice and licensure of acupuncture and establishes the Acupuncture Board to enforce and administer these provisions.

This bill would require the board to establish standards for the approval of tutorial programs in acupuncture, as specified. The bill would require that an applicant for renewal of a license submit proof of completing continuing education requirements and impose a delinquency fee if a license is not renewed prior to, rather than within 30 days after, expiration. The bill would also make technical and clarifying changes to these provisions.

(10) Existing law provides for the regulation of the practice of pharmacy.

This bill would revise the definition of "dangerous drug or device" to include drugs or devices bearing the statement "Rx only" and also would revise the definition of "wholesaler."

(11) Existing law prohibits false or misleading labels on prescriptions.

This bill would permit false labels when necessary for clinical or investigational drug programs, or if necessary to treat the patient. The bill would require records to be maintained for 3 years. Since a violation of the pharmacy law is a crime, the bill would impose a state-mandated local program by expanding a crime.

The bill would revise the instances in which a pharmacist may perform skin puncture in the performance of patient assessment procedures.

The bill would require applicants for registration as a pharmacy technician to be high school graduates or to possess a general education development equivalent, and revise the conditions under which a pharmacy technician student may participate in an externship.

The bill would also provide for the cancellation of licenses not renewed within 60 days by the board, rather than by operation of law.

(12) Existing law provides for the regulation and licensure of marriage, family and child counselors and social workers.

This bill would require notification of name changes to the Board of Behavioral Sciences and make technical nonsubstantive changes.

(13) Existing law provides for the Health Quality Enforcement Section within the Department of Justice, to prosecute proceedings against licensees and applicants within the jurisdiction of the Medical Board of California.

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This bill would provide for that section to prosecute licensees and applicants within the jurisdiction of the Board of Psychology.

(14) Existing law requires the Department of Justice to establish the Controlled Substance Utilization Review and Evaluation System, as a 3-year pilot project, expiring July 1, 2000.

This bill would expand the purposes to include statistical analysis, education, and research, and would extend the program until July 1, 2003, 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.

Ch. 656 (SB 1306) Committee on Business and Professions. Professional and vocational licenses: regulatory boards and officers.

Existing law creates in the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors to administer the Professional Engineers Act and the Professional Land Surveyors' Act, the State Board of Accountancy for the certification and regulation of accountants in this state, and a Contractors' State License Board to administer the Contractors' State License Law, and, in those instances respectively, enacts related regulatory provisions. Existing law provides that these provisions and related administrative provisions shall become inoperative on July 1, 2000, and shall be repealed as of January 1, 2001, except with respect to the State Board of Accountancy, in which case the provisions shall become inoperative July 1, 2001, and shall be repealed as of January 1, 2002.

This bill would delete the relevant years in which those provisions would become inoperative and be repealed, and would extend those dates for a period of one year.

The bill would provide that whenever a regulatory program of a board within the Department of Consumer Affairs is subject to review by the Joint Legislative Sunset Review Committee and is taken over by the department, it shall be designated as a "bureau."

Ch. 657 (AB 1677) Committee on Consumer Protection, Governmental Efficiency and Economic Development. Professions and vocations.

Existing law provides for the licensure of accountants by the State Board of Accountancy in the Department of Consumer Affairs and provides that provisions establishing the board shall become inoperative on July 1, 2001.

This bill would revise certain license renewal provisions for accountants, extend the operation of the provisions establishing the board until July 1, 2002, and make certain technical changes.

Existing law establishes the Board of Behavioral Sciences and requires it to administer and enforce the law regulating the practice of marriage, family and child counseling and clinical social work. Existing law requires that an applicant for a clinical social worker license demonstrate specified experience as a prerequisite to examination, including experience gained under the supervision of a licensed mental health professional.

This bill would require that the experience gained under the supervision of a licensed mental health professional be provided by a person acceptable to the board. The bill would define unprofessional conduct as applied to those licensees of the board to include a failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered. The bill would also revise provisions relating to professional corporations for those professions, and would recast and make various technical and clarifying changes to provisions relating to those professions.

Existing law requires a declaration of specific instructions to be signed and dated by a person arranging for a cremation and the funeral director.

This bill would additionally authorize an employer or agent of a funeral establishment in charge of arranging or prearranging the cremation to sign that declaration. The bill would make related and technical changes.

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

A violation of the Funeral Directors and Embalmers Law is a misdemeanor. In enlarging the scope of persons subject to the requirements of that law and thereby increasing the number of persons potentially subject to criminal sanction for violating those requirements, the bill would impose a state-mandated local program.

Existing law authorizes the transportation of deceased human remains, without a permit, by an officer of a medical college if the remains have been donated to the medical college.

This bill would specifically authorize that transportation of deceased human remains within and between counties.

Existing law provides that the right to control the disposition of remains of a deceased person, the location and conditions of interment and arrangements for funeral goods and services, unless otherwise specified by a decedent, vests in certain persons, in a specific order.

This bill would recast this provision.

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

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

Ch. 658 (AB 891) Alquist. Health care decisions.

Existing law, the Power of Attorney Law, among other things, governs and regulates durable powers of attorney for health care, as specified. Existing law also establishes the Natural Death Act, providing that an adult person has a right to make a written declaration instructing his or her physician to withhold or withdraw life-sustaining treatment in the event of a terminal condition or permanent unconscious condition if that person is unable to make those decisions for himself or herself, among other provisions.

This bill, operative July 1, 2000, would repeal the provisions regarding durable powers of attorney for health care under the Power of Attorney Law, repeal the Natural Death Act, and revise and recast these provisions as part of a new act, the Health Care Decisions Law. This law would provide for the creation, form, and revocation of advance health care directives, and for the manner of making health care decisions for patients without surrogates. The bill would also make various related and conforming changes.

Because this bill would create a new crime, it would impose a state-mandated local program.

This bill would also make changes to Section 7100 of the Health and Safety Code proposed by AB 1677 to take effect if both bills are enacted and amend this section 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. 659 (SB 355) Hughes. Peace officers: community colleges and school districts.

(1) Existing law defines or describes certain peace officers who are authorized to respond to domestic violence calls or act in domestic violence cases, as specified, or are deemed eligible for a course or courses of instruction in the handling of domestic violence complaints.

This bill would include among these peace officers any member of a California Community College police department and any person employed as a member of a police department of a school district. The bill also would require that these departments notify the sheriff or police chief of the city in whose jurisdiction the departments are located of any protection order served by the departments with respect to domestic violence incidents. Because this bill would increase the duties performed by a local agency, it would impose a state-mandated local program.

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(2) Existing law provides that a judicial officer may issue an ex parte emergency protective order where a peace officer, as defined, has reasonable grounds to believe that a person is in immediate and present danger of stalking.

This bill would expand these provisions to include community college and school district police, as specified. The bill also would require any of these police who request this emergency protective order to also notify the sheriff or police chief of the city in whose jurisdiction the college or school district of the police is located after issuance of the order. Because this bill would increase the duties performed by a local agency, it would impose a state-mandated local program.

(3) Existing law authorizes a court to issue emergency protective orders in specified situations.

This bill would permit a court to issue an emergency protective order to community college and school district police if a specified memorandum of understanding exists and the police officer asserts that there is a demonstrated threat to campus safety. Because the bill would increase the duties performed by local officials, it would impose a state-mandated local program.

(4) Existing law provides circumstances under which, among others, community college and school district peace officers may take custody of a firearm or other deadly weapon.

This bill would require any of these officers who takes custody of a firearm or other deadly weapon under these circumstances to deliver the firearm within 24 hours to the city police department or county sheriff's office in the jurisdiction where the college or school is located.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 660 (SB 563) Speier. Battery: domestic partners.

Existing law provides that the infliction of corporal injury resulting in a traumatic condition by any person upon his or her spouse, cohabitant, or the mother or father of his or her child is a felony.

This bill would expand the list of specified persons for purposes of this provision to include a former spouse, or a former cohabitant. By changing the definition of an existing crime, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 273.5 of the Penal Code proposed by SB 218, to be operative if SB 218 and this bill are both enacted and become effective on or before January 1, 1999, 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. 661 (AB 825) Keeley. Domestic violence: protective and restraining orders.

(1) Existing law requires the Department of Justice to maintain a Domestic Violence Protective Order Registry, as specified.

This bill would rename that registry the Domestic Violence Restraining Order System, and require forms for certain protective and restraining orders to be adopted by the Judicial Council and approved by the Department of Justice. The bill would provide that only protective and restraining orders on these forms may be transmitted to the Department of Justice, except as specified. The bill, however, would also provide that a protective or restraining order issued by a court that is not on the specified forms would not be, in and of itself, unenforceable. The bill would also make clarifying changes

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regarding the validity and enforceability of protective and restraining orders issued by courts other than the courts of this state.

The bill would impose a state-mandated local program by requiring specified protective and restraining orders to be issued only on these forms.

(2) The bill would incorporate additional changes to Section 6380 of the Family Code made by this bill and AB 59, to take effect only if this bill and AB 59 are both enacted and this bill is enacted last.

(3) The bill would incorporate additional changes to Section 6380.5 of the Family Code, made by this bill and SB 218, to take effect only if this bill and SB 218 are both enacted and this bill is enacted last.

(4) The bill would incorporate additional changes to Section 836 of the Penal Code made by this bill and SB 218, to take effect only if this bill and SB 218 are both enacted and this bill is enacted last.

(5) The bill would incorporate additional changes to Section 213.5 of the Welfare and Institutions Code, made by this bill and AB 1671, to take effect only if this bill and AB 1671 are both 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 662 (SB 218) Solis. Domestic violence.

(1) Existing law requires every written proceeding in a judicial court to be in the English language.

This bill would declare that nothing in this section prohibits a court from issuing an unofficial translation of a court order in a language other than English. It would also require the Judicial Council, by July 1, 2001, to make available in other languages, specified forms relating to domestic violence.

(2) Existing law provides that when a court makes a protective order and both parties are present in court, the court shall inform both the petitioner and the respondent of the terms of the order, including notice that the respondent is prohibited from purchasing or receiving or attempting to purchase or receive a firearm, and including notice of the penalty for a violation.

This bill would provide that, in addition, the court would be required to inform the respondent that the respondent is prohibited from owning, possessing, or attempting to own or possess a firearm.

(3) Existing law authorizes a court, after notice and a hearing, to issue an order requiring a restrained person to participate in appropriate counseling, as specified, and batterer's treatment counseling.

This bill would, instead, authorize the court, after notice and a hearing, to order a restrained person to participate in a batterer's program that has been approved by the probation department as meeting the standards stated in a specified provision of law. The bill would also provide that the courts shall, in consultation with local domestic violence shelters and programs, develop a resource list of referrals to appropriate community domestic violence programs and services to be provided to each applicant for such an order.

(4) Existing law prohibits a person subject to a specified protective order from owning or possessing a firearm while that order is in effect and if prohibited by that order. The court is authorized to order a person subject to a protective order to relinquish any firearm in that person's immediate possession or control as specified upon a determination by a preponderance of the evidence that the restrained person is likely to use or display or threaten to use a firearm in any further act of violence. A violation of a protective order issued pursuant to this provision is punishable as a misdemeanor by imprisonment in a county jail not to exceed one year, or by a fine not to exceed $1,000, or by both that fine and imprisonment.

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This bill would instead prohibit a person subject to a specified protective order from owning, possessing, purchasing, or receiving a firearm while the order is in effect and that the order shall so state on its face. The bill would also eliminate the need for the court to make the above-mentioned factual determination by a preponderance of the evidence, and would instead require the court to order the restrained person to relinquish any firearm in that person's immediate possession or control, as specified. Additionally, a violation of a protective order issued pursuant to the above provision instead would be punishable as either a misdemeanor or a felony. By increasing the punishment for a crime, this offense would impose a state-mandated local program.

(5) Existing law authorizes a court to grant an exemption from the firearm relinquishment provisions of a restraining order if the firearm is required by the restrained person's employment.

This bill would authorize the court to allow a peace officer to continue to carry a firearm, either on or off duty, if his employment and personal safety depends on the ability to carry a firearm, and the court finds by a preponderance of the evidence that the officer does not pose a threat of harm. This bill would require that prior to making that finding, the court shall require a psychological evaluation of the peace officer.

(6) The Maternal and Child Health Branch of the State Department of Health Services is required to fund at least one agency to conduct a statewide evaluation of the services funded through a specified provision of law.

This bill would make a technical conforming change.

(7) Existing law punishes certain kinds of contempt of court as misdemeanors, among them the willful disobedience of any process or lawfully issued court order. Existing law also provides a higher level of punishment for certain other types of contempt.

This bill would expand the list of kinds of contempt of court punishable as a misdemeanor to include willful disobedience of lawfully issued out-of-state court orders and orders pending trial that are made at the request of a party alleging domestic violence. This bill would also add provisions defining as contempt of court knowingly owning, possessing, purchasing, or receiving a firearm in violation of certain protective orders, except as noted, and provide for punishment of this kind of contempt of court consistent with other provisions of the Penal Code. By expanding the definition of a crime, this bill would impose a state-mandated local program.

(8) Existing law makes it a felony for any person to willfully inflict upon a child any injury resulting in a traumatic condition.

This bill would make technical changes.

(9) Existing law requires that if probation is granted to any person who is convicted of willfully inflicting a traumatic condition, as defined, on a person with a specified domestic relationship to that person, and the person has previously been convicted of one prior violation of that offense within a specified period of time, the court must impose as a condition of probation, imprisonment in a county jail for not less than 96 hours. If the person is convicted of that offense and has been convicted of 2 or more prior violations of that offense within a specified period of time, the court must impose as a condition of probation, imprisonment in the county jail for not less than 30 days.

This bill would require instead that where probation is granted to a defendant who has previously been convicted of one violation of the above offense or other specified offenses, the court must impose conditions of probation specified for crimes of domestic violence and imprisonment in a county jail for not less than 15 days; and for a defendant who has been convicted of 2 or more prior convictions of the above offense or other specified offenses, the court must impose those same conditions of probation specified for crimes of domestic violence and imprisonment in a county jail for not less than 60 days. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

(10) Existing law makes it a felony for any person convicted of willfully inflicting upon his or her spouse or other specified domestic partner, a corporal injury resulting in a traumatic condition. If a person was convicted of that offense within 7 years prior to the current offense, the court is required to impose, as a condition of probation, imprisonment in a county jail for not less than 96 hours and participation in and successful completion of a batterer's treatment program.

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Existing law also requires that if probation is granted to a person convicted under that same provision, as a condition of probation, he or she must be imprisoned in a county jail for not less than 15 days and participate in and successfully complete a batterer's treatment program. However, if probation is granted to a person who has been convicted of that offense who has had 2 or more prior convictions of that offense with 7 years, it must be a condition of probation that he or she be imprisoned in a county jail for not less than 60 days and that he or she participate in and successfully complete a batterer's treatment program.

This bill would delete these 2 provisions of law relating to the granting of probation.

(11) Existing law punishes as a crime any intentional and knowing violation of a protective order or other order, as defined.

This bill would amend the above provision by expanding the list of specified orders to include any order issued by another state as recognized under a specified provision of law relating to out-of-state orders and orders requiring the relinquishment of a firearm. This bill would also amend this provision by defining the punishment for knowingly owning, possessing, purchasing, or receiving a firearm in violation of a protective order or other order, except as provided. By expanding the definition of a crime, this bill imposes a state-mandated local program.

(12) Existing law gives discretion to a peace officer who is responding to a call alleging a violation of a domestic violence protective or restraining order as specified and who has probable cause to believe that the person subject to the order has notice of the order and has committed an act in violation of that order, to arrest that person without a warrant and take him or her into custody whether or not the violation took place in the presence of the arresting officer.

This bill would instead require that the peace officer must, consistent with a specified provision relating to law enforcement response to domestic violence, make a lawful arrest under the above circumstances. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(13) Existing law requires that when service is made on a minor, it must be made on the minor's parent, guardian, conservator, or similar fiduciary, or other specified persons.

This bill would authorize the court having jurisdiction of the case to appoint a guardian ad litem to receive service of a subpoena of the child and to produce the child in court.

(14) Existing law authorizes a county to establish an interagency domestic violence death review team to assist local agencies in identifying and reviewing domestic violence deaths. However, existing law prohibits the disclosure of confidential and privileged information that is relevant to a domestic violence death review team.

This bill would authorize disclosure by the domestic violence review team to members of that team of otherwise confidential or privileged information regarding the victim or any other information deemed relevant, to members of that team. The bill would also authorize the disclosure of specified types of information to a domestic violence death review team, notwithstanding other provisions of law including the lawyer-client privilege, the psychotherapist-client privilege, the domestic violence victim-counselor privilege, and the sexual assault victim-counselor privilege.

The bill would also authorize domestic violence death review teams to collect and summarize data regarding the statistical occurrence of specified circumstances of deaths resulting from domestic violence.

(15) Existing law authorizes specified law enforcement officers who are at the scene of a family violence incident involving a threat to human life or physical assault, to take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual search. This provision also defines the terms "abuse," "family violence," and "family or household member."

This bill instead would replace the term "family violence" with the term "domestic violence," would delete the above-mentioned definitions and would replace them with definitions of the terms "abuse" and "domestic violence" that track the definitions of those terms in the Family Code.

(16) Existing law authorizes a court, upon a good cause belief that harm to, or intimidation or dissuasion of a victim or witness has occurred or is reasonably likely to occur, to issue specified protective orders. Existing law also prohibits any person from purchasing or receiving, or attempting to purchase or receive, a firearm knowing that

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he or she is subject to a protective order, as defined, in specified provisions of law, or by a temporary restraining order or injunction issued pursuant to specified provisions of law. A violation of this prohibition is punishable as a misdemeanor or a felony. However, receipt of a firearm as part of the disposition of community property is exempt from this prohibition and penalty.

This bill would include in the definition of the above offense, the above provision authorizing a protective order upon a good cause belief of harm, intimidation, or dissuasion of a victim or witness. The bill would also delete the community property exemption. By expanding the definition of a crime, this bill would impose a state-mandated local program.

This bill would also make it a misdemeanor for every person to own or possess a firearm knowing that he or she is subject to a protective order, temporary restraining order, or injunction as specified, punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed $1,000, or by both that fine and imprisonment. This bill would further provide that when a court grants probation for a firearms violation of a protective order as described above, probation shall be consistent with provisions of the Penal Code regarding probation for domestic violence. By creating a new crime, this bill would impose a state-mandated local program.

This bill would also require the Judicial Council to provide notice on all protective orders that the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm while the order is in effect, in addition to other information.

(17) The bill would incorporate additional changes to Section 6380.5 of the Family Code made by this bill and AB 825, to take effect only if this bill and AB 825 are both enacted and this bill is enacted last.

(18) The bill would incorporate additional changes to Section 273.5 of the Penal Code, made by this bill and SB 563, to take effect only if this bill and SB 563 are both enacted and this bill is enacted last.

(19) The bill would incorporate additional changes to Section 273.6 of the Penal Code made by this bill and AB 59, to take effect only if this bill and AB 59 are both enacted and this bill is enacted last.

(20) The bill would incorporate additional changes to Section 12028.5 of the Penal Code, made by this bill and SB 355, to take effect only if this bill and SB 355 are both enacted and this bill is enacted last.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Ch. 663 (AB 1475) Soto. Highways: Safe Routes to School construction program.

Existing law requires that certain federal transportation funds received by the state be spent on specified transportation programs authorized under federal law. The funds are required to be made available for use in approximately equal amounts on state highways and on local roads.

This bill would require the Department of Transportation, in consultation with the Department of the California Highway Patrol, to establish and administer a "Safe Routes to School" construction program pursuant to authority granted under specified federal law and to use federal transportation funds for construction of bicycle and pedestrian safety and traffic calming projects.

The bill would require the department to make grants available to local governmental agencies under the program based on the results of a statewide competition that requires submission of proposals for funding and rates those proposals on specified factors.

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The bill would require the specified federal transportation funds to be made available so that not less than $1,000,000 be used for construction grants and the remaining funds for use in approximately equal amounts on state highways, local roads, and the program that the bill would create.

The bill would require the department to undertake a specified study and to report to the Legislature on or before December 31, 2001.

The provisions of the bill would remain in effect only until January 1, 2002, and as of that date would be repealed unless a later enacted statute, that is enacted before that date deletes or extends that date.

Ch. 664 (SB 1262) O'Connell. Student financial aid: Golden State Scholarshare Trust Act.

(1) Existing law establishes the Golden State Scholarshare Trust Act, pursuant to which, under regulations adopted by the Student Aid Commission, participants invest money in the Golden State Scholarshare Trust for the benefit of a specific beneficiary for the advance savings for the beneficiary's higher education expenses, as defined, at certain postsecondary educational institutions. Existing law establishes the Scholarshare Investment Board, which consists of the Treasurer, the Director of Finance, and the chief executive officer of the commission.

This bill, instead, would include on the board a member of the Student Aid Commission appointed by the Governor, rather than the chief executive officer of the commission, and would add as board members the Secretary of Education, a member of the public appointed by the Governor, a representative from a California public institution of higher education appointed by the Senate Committee on Rules, and a representative from a California independent college or university or a state-approved college, university, or vocational/technical school appointed by the Speaker of the Assembly. The bill would require the board to appoint an administrator of the program, who would serve at the pleasure of the board.

The bill also would require the board, rather than the commission, to adopt regulations, and to undertake other duties, applicable to the Golden State Scholarshare Trust Act.

The bill would provide that regulations adopted by, and contracts entered into by, the commission for purposes of the act are deemed to be regulations adopted by, and contracts entered into by, the board and that these contracts may be amended when authorized by the board.

The bill would make related technical changes.

(2) The existing Golden State Scholarshare Trust Act prohibits the overall maximum investment level for a designated beneficiary from exceeding the amount equivalent to the maximum estimated qualified higher education expenses, as defined, that can be incurred by a beneficiary to obtain a baccalaureate degree at an institution of higher education in California in 4 years, as specified.

This bill would amend the Golden State Scholarshare Trust Act to increase to 5 years the period of undergraduate study on which the calculation of maximum estimated qualified higher education expenses is based.

(3) Existing provisions of the Golden State Scholarshare Trust Act require that each participation agreement entered into by a participant in the scholarshare program require the participant to agree to invest a specific amount of money in the trust for a specific period of time for the benefit of a specific beneficiary, and require that a change in beneficiaries may only be made prior to the date of admission of any beneficiary under a participation agreement by an institution of higher education.

This bill would delete these provisions.

(4) Existing provisions of the Golden State Scholarshare Trust Act establish procedures for the payment of qualified higher education expenses, as defined, from trust funds and for the execution of participation agreements under the act.

This bill would authorize administrators of the scholarshare program to develop a method to make payment of qualified higher education expenses directly to beneficiaries in a manner consistent with applicable federal requirements. The bill would authorize custodians under the California Uniform Transfers to Minors Act to enter into participation agreements under the act in accordance with regulations adopted by the board.

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(5) The bill would prohibit public funds and funds available under the program from being expended to pay for, and would prohibit the board from entering into any agreement that provides for, the appearance of any elected official or declared candidate for public office in any paid advertisement promoting the program.

Ch. 665 (SB 1252) Peace. Private security services.

Existing law provides for the licensure and regulation of persons engaged in private security services, including persons engaged as private patrol operators. Existing law requires that the business of each licensee be operated under the active direction, control, charge, or management, in this state, of the licensee, if he or she is qualified, or the person who is qualified to act as the licensee's manager, if the licensee is not qualified.

This bill would additionally require any licensee conducting business in this state whose primary office is located outside the state to maintain an office in this state operated under the active direction, control, charge, or management of a qualified manager, and to maintain at the office in this state all records required under the provisions governing private security services and under rules adopted by the Bureau of Security and Investigative Services.

Existing law makes it a crime to violate any of the provisions governing private security services which relate to private patrol operator licensure. By adding to those provisions new requirements regarding the maintenance by licensees, including private patrol operators, of an office in the state and the retention of records at that office, this bill would expand the scope of an existing 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. 666 (SB 1233) Chesbro. Alcoholic beverages: tied-house restrictions.

The Alcoholic Beverage Control Act contains limitations on sales commonly known as "tied-house" restrictions, which generally prohibit a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectified, distiller, bottler, importer, or wholesaler from furnishing, giving, or lending any money or other thing of value to any person engaged in operating, owning, or maintaining any off-sale licensed premises.

This bill would provide that for purposes of these provisions, the listing of the names, addresses, telephone numbers or e-mail addresses, or both, or web site addresses, of two or more unaffiliated off-sale retailers selling the products produced, distributed or imported by a nonretail industry member in response to a direct inquiry from a consumer received by telephone, by mail, by electronic Internet inquiry or in person does not constitute a thing of value or prohibited inducement to the listed off-sale retailer, if specified conditions are met.

Ch. 667 (SB 1118) Alarcon. Schools and community colleges: governing boards.

Under existing law, whenever an election is ordered, the governing board of a district or the board or officer authorized by the Education Code to make such designations is required, not less than 123 days prior to the date set for the election, to specify the date and purpose of the election. At least 120 days prior to the date specified for the holding of any school election, the county superintendent of schools is required to deliver to the county clerk or registrar of voters, if such office has been established in the county where the election is to be held, copies of the order of election and the formal notice of election. Delivery of a copy of the formal notice of election to the county clerk or registrar of voters is required at least 120 days prior to the date of the election.

This bill would instead require that, in the case of an election on a measure, the order of election, the specification of the date and purpose of the election, and the formal notice of election, be made at least 88 days prior to the date of the election. This bill would impose a state-mandated local program to the extent that this requirement imposes a higher level of service.

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Existing law provides for various state bond acts that provide for the issuance, pursuant to the State General Obligation Bond Law, of bonds and the expenditure of the proceeds therefrom to aid the school districts and the California Community Colleges for, among other things, the construction and equipping of educational facilities.

Under existing law, the bonds of a school district or community college district are required to be issued and sold by the board of supervisors of the county, the county superintendent of schools that has jurisdiction over the district, or the community college district governing board, where appropriate, as soon as possible following receipt of a resolution duly adopted by the governing board of the school district or community college district.

This bill would provide, notwithstanding this provision, that the board of supervisors of any county may provide by resolution that the governing board of a school district or a community college district within the county superintendent's jurisdiction, and which has not received a qualified or negative certification in its most recent interim report, may issue and sell bonds on its own behalf and would require the governing board of a school district or community college district that issued bonds or refunding bonds payable from ad valorem taxes to transmit the authorizing resolution and debt service schedule to the county auditor and county treasurer.

Under existing law, bonds are required to be sold at a public sale and at a price at, above, or below par, as the legislative body determines.

This bill would allow school district and community college district bonds to be sold at public or private sale.

Under existing law, if the board of supervisors deems it for the best interests of the school district or community college district named in the petition that unsold bonds be cancelled, the board is required to make and enter an order in the minutes of its proceedings that the unsold bonds are cancelled, and upon the entry of the order the bonds and the vote by which they were authorized to be issued ceases to be of any validity.

This bill would provide that with respect to any bonds authorized at a school district election on November 5, 1991, and thereafter cancelled without having been issued, the board of supervisors is authorized to order the cancellation annulled upon a finding that the issuance of the bonds is in the best interest of the district, and issue the bonds subject to all the terms and limitations of the original authorization.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 668 (SB 1115) Chesbro. Lyme disease: advisory committee and information service.

Existing law imposes various functions and duties on the State Department of Health Services with respect to the administration and oversight of various disease and prevention programs.

This bill would create the Lyme Disease Advisory Committee in the State Department of Health Services composed of, but not limited to, 5 members from specified groups and appointed by the Director of Health Services. The bill would require the department, among other things, to establish a Lyme disease information program. It would also require the committee to advise and make recommendations to the department regarding certain subjects relating to Lyme disease. The bill would further require the department to provide certain information to the Occupational Safety and Health Standards Board, and would authorize the board to determine which employees should be required to receive the vaccine for Lyme disease as a condition of employment.

Ch. 669 (SB 475) Dunn. Long-term care insurance: rate guide: data collection.

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Existing law requires every policy or certificate for long-term care insurance to include a provision for retaining the policy or certificate after the first year and permitting changes in coverage that would either lower or increase premiums. Existing law requires an issuer of long-term care insurance, or where an agent is involved, the agent, to present an applicant with a long-term care insurance personal worksheet.

This bill would require the Insurance Commissioner to annually prepare a consumer rate guide for consumers for long-term care insurance, as specified. The bill would specify the dates and methods for distributing the consumer rate guide. The bill would require each insurer to provide, and the Department of Insurance to collect, specified data on long-term care policies and certificates, including all policies, whether issued by the insurer or purchased or acquired from another insurer, in the United States, on or after January 1, 1990. The bill would provide that the data collected are public records open to members of the public for inspection, unless they are a trade secret as defined. The bill would require insurers to include in the premium section of long-term care insurance personal worksheets information, as specified, on any increases or requests for increases in rates of prior policies sold in any state by the insurer.

Ch. 670 (SB 1003) Vasconcellos. Adult protective services program: emergency response.

Existing law requires each county through its emergency response adult protective services program to respond immediately to reports of imminent abuse or danger to an elder or dependent adult and to respond to other reports of danger to an older or dependent adult within 10 calendar days of the report or as soon as practicably possible.

This bill would provide that an immediate or 10-day in-person response is not required when the county makes a specified determination, and documents, that the elder or dependent adult is not in imminent danger and that an immediate or 10-day in-person response is not necessary. This bill would make this provision inoperative on January 1, 2001, and would require the State Department of Social Services to submit a report regarding those cases to the Legislature on or before April 1, 2001.

This bill would revise the dates by which the department is required to adopt certain regulations relating to elder and dependent adult care.

Ch. 671 (SB 976) Perata. Retired judges: benefits.

Under the Judges' Retirement Law, a judge may elect various optional settlements, one of which consists of the right to have a retirement allowance paid him or her until his or her death and if he or she dies before he or she receives the amount of his or her accumulated contributions at retirement, to have the balance at death paid to his or her surviving spouse or estate.

This bill would add his or her surviving adult children as elective recipients of the balance paid at death under this optional settlement.

Under the Judges' Retirement Law, if a judge, following retirement for disability, engages in the practice of law or other gainful occupation, other than a public office, his or her retirement allowance is reduced by a specified amount until he or she reaches the age of 70. However, if that judge holds a public office while less than 70 years of age, his or her retirement allowance ceases permanently.

Under this bill, the reduction in retirement allowance would apply until the judge reaches service retirement age and the retirement allowance of a judge who holds a public office following retirement for disability would not cease but would, instead, be subject to that reduction. The bill would also provide that the retirement allowance of a judge would cease if he or she, following retirement for disability, engages in the practice of law or other gainful occupation that requires duties substantially similar to those he or she was found unable to perform due to his or her disability.

Under the Judges' Retirement Law and the Judges' Retirement System II Law, specified benefits are provided to the surviving spouse of a judge who dies in office at a time when the judge was eligible for service retirement.

This bill would provide alternative benefits for those surviving spouses that would be payable if specified conditions exist at the time of the judge's death and the judge, at any time while in office, made an irrevocable election to be subject to the bill's provisions.

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Under the Judges' Retirement System II Law, certain benefits are provided to the surviving spouse of a retired judge who retired for service and elected to receive a specified allowance.

This bill would also provide those benefits to the surviving spouse of a retired judge who retired for disability and was receiving a monthly allowance, as specified.

Ch. 672 (SB 974) Speier. Vehicle auction.

(1) Existing law prohibits a licensed vehicle dealer, when advertising one or more specific auction events, from advertising that a vehicle will be auctioned to the public unless specified information pertaining to the vehicle and the auction is disclosed in the advertisement. Existing law also prohibits the advertisement of vehicles seized by public agencies or authorities unless specific additional information is disclosed in the advertisement, and provides that it is unlawful for an auctioning dealer to fail to provide specified information on the day of the auction regarding a vehicle seized by a public agency or authority.

This bill would apply the above restrictions and prohibition to a dealer when conducting an auction of vehicles to the public.

The bill would additionally require disclosing in the advertisement whether a buyer's fee, as defined, will be charged to a purchaser, in addition to the accepted auction bid price, and, if the fee is a set amount, the dollar amount of that fee, and if the buyer's fee is not a set amount, the advertisement shall state the formula or percentage used to calculate the fee.

The bill would prohibit including in the total price of an auctioned vehicle any costs to the purchaser at the completion of the sale, except as specified.

The bill would prohibit a holder of a dealer's license, when conducting an auction, from charging a buyer's fee unless that dealer delivers to any person permitted to submit bids, and at a time prior to accepting bids from that person, a specified disclosure statement that is signed by the person.

The bill would specifically prohibit a dealer conducting an auction from failing to comply with or violating certain provisions of the Vehicle Code, Civil Code, Commercial Code, or Penal Code pertaining to auctions or any law administered by the State Board of Equalization relating to the auctioneering business.

Because a violation of these provisions is a misdemeanor under existing law, the bill would impose a state-mandated local program by expanding the scope of that crime.

The bill would grant a person who purchases a vehicle sold through a dealer at an auction of vehicles open to the general public the same rights and remedies against the dealer who conducts the auction sale as if that dealer were an owner and seller of the auctioned vehicle. The bill would provide that the purchaser's rights or remedies are in addition to any rights or remedies he or she may otherwise have against the owner of a vehicle sold at a public auto auction. The bill would provide for indemnification of the dealer by the consigning owner of a vehicle for any liability resulting from misrepresentations or other misconduct by the consignor. The bill would prohibit waiving or modifying the purchaser's rights and remedies set forth under this paragraph by an agreement or by recharacterization of the transaction.

(2) Existing law requires any dealer engaging in a consignment with an owner, who is not licensed in a specified vehicle-related occupation under the Vehicle Code, and the consignment is not otherwise prohibited by that code, to execute a consignment agreement as prescribed.

This bill would exempt specified consignment agreement requirements when a dealer conducts retail auction sales of vehicles on behalf of a fleet owner, as defined.

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

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

Ch. 673 (SB 951) Hayden. State employees: disclosure of improper activities.

(1) Under the Reporting of Improper Governmental Activities Act, the State Auditor is authorized to conduct an investigative audit upon receiving confirmation that an

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employee or state agency has engaged in an improper governmental activity. A state employee, including a University of California employee, is prohibited from using his or her official authority or influence to intimidate, threaten, coerce, or command a person in order to interfere with the right of that person to make a disclosure under the act.

This bill would rename the act as the "California Whistleblower Protection Act." The bill would also revise the protection afforded to persons who make a disclosure to include persons who make a protected disclosure, as defined, or refuse to obey an illegal order and would provide that a protected disclosure includes disclosure to anyone of information that may evidence an improper governmental activity or evidence any condition that may significantly threaten the health or safety of employees or the public if the disclosure was made for the purpose of remedying the condition. The bill would also provide that nothing in the bill is intended to supersede or limit the right to make a privileged publication in an official proceeding with regard to information provided under the act. The bill would make conforming changes with respect to the California State University and the University of California. Violation of the prohibition against interfering with the right of an employee to make a disclosure is a crime. Thus, this bill would impose a state-mandated local program by expanding the scope of an existing crime.

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

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

Ch. 674 (SB 939) Monteith. Emergency medical services: county funding.

Existing law requires certain counties, and authorizes all other counties, to provide penalty revenue funding for emergency medical services, as specified.

This bill would specify that a county shall not be required to provide an amount for these purposes in excess of the penalty assessment receipts authorized for this purpose.

The bill would also specify that it shall become operative only if SB 623 is enacted and takes effect, in which case it shall become operative at the same time SB 623 becomes operative.

Ch. 675 (SB 934) Burton. Taxation: credit unions.

Existing federal law exempts a federally chartered credit union from all state and local taxation other than ad valorem property taxes.

The Bank and Corporation Tax Law imposes a franchise tax on financial corporations, including state-chartered credit unions, but provides that the tax is in lieu of all other state and local taxes and licenses, with certain exceptions. That law also exempts specified classes of entities from the franchise and income taxes imposed by that law, but does not exempt state-chartered credit unions from those taxes.

This bill would additionally exempt from those franchise and income taxes any state-chartered credit union. This bill would also continue the exemption of state-chartered credit unions from all other state and local taxes and licenses, with certain exceptions.

This bill would take effect immediately as a tax levy.

Ch. 676 (SB 678) Polanco. State property: access: telecommunications.

Existing law authorizes the Director of General Services, with the approval of the state agency concerned, to grant and convey in the name of the state, easements and rights-of-way across real property belonging to the state not used for highway rights-of-way, for those purposes and upon the consideration and subject to the conditions, limitations, restrictions, and reservations the director determines to be in the interest of the state. Existing law requires all revenue received in connection with the granting and conveying of those easements and rights-of-way, including charges made for administrative costs, to be deposited in the General Fund for appropriation as prescribed.

This bill would additionally authorize the director, with the approval of the state agency concerned, to negotiate in the name of the state, access to state-owned property,

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not used for highway purposes, for those purposes and subject to those conditions, limitations, restrictions, and reservations determined by the director to be in the interest of the state. The bill would require the director to determine the amount of consideration for, and the means of, access. The bill would require the Director of Transportation to similarly negotiate access to state-owned highway rights-of-way and to make similar determinations regarding consideration for access. The bill would require any payments for a grant or conveyance through land or facilities controlled by the Department of Transportation to be deposited in the State Transportation Fund.

This bill would require the director to establish, not later than July 1, 2000, an interagency committee on state-owned property for the purpose of evaluating the use of that property for telecommunications and information technology services by private parties. The committee would be chaired by the director and would include the Director of Transportation, the Director of Information Technology, the Director of the Health and Human Services Data Center, the Director of the Teale Data Center, and the Director of Water Resources, or their designees, a representative from the University of California, and a representative from the California State University.

The bill would require the committee to convene a telecommunications and information technology advisory council for the purpose of obtaining input and insight from the private sector. The bill would require the committee to prepare and submit a final report to the Legislature and the Governor on or before January 1, 2004.

Provisions governing the interagency committee, the telecommunications and information technology advisory council, and the final report would be repealed on January 1, 2005.

Ch. 677 (SB 669) Polanco. Local emergency telephone systems: Public Utilities Commission.

(1) Existing law, the Warren-911-Emergency Assistance Act, directs the Communications Division of the Department of General Services to consult regularly with specified agencies, officials, and entities to accomplish its responsibilities with respect to the establishment by local agencies of 911 telephone service.

This bill would direct the Communications Division also to consult for that purpose with a local representative from a city and a local representative from a county.

(2) Existing law provides for various programs relating to telephone corporations to be administered by the Public Utilities Commission, and paid for in the utility rates authorized by the commission.

This bill would, under the Public Utilities Act, create 6 advisory boards to advise the commission regarding the implementation, development, and administration of specified programs, and to carry out the programs pursuant to the commission's direction, control, and approval. The bill would require the commission to determine the number and qualifications of the members of each advisory board, as specified, and would prescribe certain matters of organization and procedure for each advisory board. The bill would require each advisory board to submit an annual budget to the commission for approval, and a report describing the activities of the advisory board, as prescribed. The bill would create a fund in the State Treasury for each advisory board, and would require the commission, on or before July 1, 2000, to report to the Governor and the Legislature regarding a transition plan for programs associated with those funds. The bill would limit the expenditure of moneys appropriated from the specified funds, as prescribed. The bill would require telephone corporations to submit to the commission approved rate revenues for transfer by the commission to the Controller for deposit in the appropriate fund as created by the bill. The bill would require any unexpended revenues collected prior to the operative date of the bill to be deposited in the appropriate fund, as specified. The bill would require the commission to conduct financial audits of the revenues for each of the funds, and to conduct compliance audits with regard to each program, as specified. Because, under the act, a violation of those provisions would be a crime, the bill would impose a state-mandated local program by creating new crimes.

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

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

Ch. 678 (SB 638) Alpert. English learners.

Existing law relating to English language education for immigrant children, with certain exceptions, requires that all children in California public schools be taught English by being taught in English, and in particular, requires that all children be placed in English language classrooms. Existing law requires that children who are English learners be educated through sheltered English immersion during a temporary transition period, not normally to exceed one year. Existing law provides for waiver of these requirements with the annual prior written informed consent of the parent or guardian.

This bill would require each school district to assess the English language development of each pupil to determine the level of proficiency. The bill would require the school district to establish procedures based upon guidelines and criteria developed by the State Board of Education for conducting the assessment and for the reclassification of a pupil from English learner to proficient in English.

This bill would, commencing with the 2000–01 school year, require the assessment to be conducted upon initial enrollment, and annually, thereafter, until the pupil is designated as English proficient.

Existing law requires the Superintendent of Public Instruction to review existing tests that assess the English language development of pupils whose primary language is other than English, and to determine which tests meet prescribed criteria or to develop such a test. The law requires the State Board of Education to approve related standards.

The bill would require the assessment of a pupil pursuant to the bill to primarily utilize the English language development test identified or developed by the Superintendent of Public Instruction, and in the interim would require the use of a test developed by the school district or by the State Department of Education. The bill would require test results to be made available to the public on the State Department of Education Internet site. The bill would require the reclassification procedures to utilize multiple criteria in determining whether to reclassify a pupil as proficient in English, including, but not limited to, assessment of language proficiency using an objective assessment instrument, including, but not limited to, the English language development test, teacher evaluation, parental opinion and consultation, and comparison of the pupil's performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient pupils of the same age.

By establishing new requirements for English language assessment and for reclassification of pupils by school districts, this bill would impose a state-mandated local program.

The bill would declare that it is supplementary to, rather than amendatory of, the English Language In Public Schools Initiative Statute (Proposition 227).

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 679 (SB 623) Speier. Maddy Emergency Medical Services Fund: use of fees.

(1) Existing law authorizes a county to establish a Maddy Emergency Medical Services Fund (Maddy Fund) to be used to reimburse physicians 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. Existing law requires each county establishing the fund to report to the Legislature annually on the implementation and status of the fund.

This bill would require the report of the county to include additional information. The bill would require the county, upon request, to make available to any member of the

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public the report required under these provisions and a public listing of physicians and hospitals that have received reimbursement from the fund and the amount of the reimbursement. The bill would require the public listing to be compiled semiannually. Because this bill would increase the duties of counties that have established the Maddy Fund, the bill would impose a state-mandated local program.

(2) Existing law requires the fee collected from persons attending a traffic violator school or any other court-supervised program of traffic safety instruction to be deposited in accordance with law in the general fund of the county.

This bill would, in those counties that have established a Maddy Fund, require an amount equal to a specified sum to be deposited by the county treasurer in the Maddy Fund. Because this would increase the level of service imposed on county treasurers, the bill would create a state-mandated local program. The bill would provide that nothing in the bill shall be interpreted in a manner that would result in either of the following: (a) The utilization of penalty assessment funds that had been set aside, on or before January 1, 2000, to finance debt service on a capital facility that existed before January 1, 2000; or (b) the reduction of penalty assessment revenues that had been pledged, on or before January 1, 2000, as a means of financing a facility approved by a county board of supervisors but the facility, on January 1, 2000, is not under construction.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 680 (SB 586) Costa. School finance: equalization adjustments.

Existing law requires the Superintendent of Public Instruction to make certain computations to determine the amount to be allocated for direct services and other purposes provided by county superintendents of schools and to determine each county superintendent's revenue limit for county superintendent responsibilities and direct services. Existing law sets forth a method for equalizing the revenue limits for county offices of education for the 1995–96 fiscal year.

This bill would repeal, as of January 1, 2000, the existing formulas for determining each county superintendent's revenue limit for county superintendent responsibilities and services. The bill would require the Superintendent of Public Instruction to apportion equalization funding for the 1999–2000 fiscal year to certain county offices of education in prescribed amounts. The bill would make a conforming change to existing law regarding the computations to be made by the Superintendent of Public Instruction to determine the amounts to be allocated for direct and other services provided by county superintendents of schools.

Ch. 681 (SB 430) Alarcon. Local fees and charges.

Existing law provides procedures for counties and other local agencies to increase or decrease fees and charges.

This bill would provide that in addition to any other remedy provided by law, the legislative body of a city, county, or city and county may collect any fee, cost, or charge incurred in the abatement of public nuisances and in the enforcement of state and local housing, building, and zoning laws, codes, and regulations with respect to construction or land use activities, except as specified, if the fee, cost, or charge has not been paid within 45 days of notice, by making the amount of any unpaid fee, cost, or charge a proposed lien against the property that is the subject of the enforcement activity. The bill would require the legislative body to provide the property owner with written notice in plain language of the proposed lien, a description of the basis for the amounts comprising the lien, and an opportunity to appear and be heard before recording the lien.

Ch. 682 (SB 419) Speier. Dairy products.

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Existing law sets forth provisions governing the marketing of milk and milk products.

This bill, until January 1, 2002, would require the Division of Marketing Services within the Department of Food and Agriculture (1) to conduct a Consumer Milk Price Survey, and a public information program for the purpose of reporting the retail price of milk, as specified, and (2) to report to the Legislature on or before June 30, 2001, concerning the effect of these provisions on retail milk prices and on consumer awareness of retail milk prices. The bill would require the division to design a notice promoting the use of the Consumer Milk Price Survey Program's web site and toll-free telephone number. The bill would require grocers to post that notice, as specified, and would prohibit the imposition of sanctions for the failure to post. The bill also would require the department on or before March 30, 2001, to report to the Legislature on the operation of the program, including comments on the program from consumers and those associated with the production and the sale of milk.

Ch. 683 (SB 418) Polanco. Public utilities: transition property.

Existing law authorizes the issuance of rate reduction bonds by a financing order of the Public Utilities Commission if the commission determines that the issuance of those bonds in relationship to transition costs, would reduce rates that certain customers would have paid if the financing order had not been adopted. Existing law also makes financing orders in relation to rate reduction bonds binding on the commission.

This bill would authorize the commission to order a fair and reasonable credit to ratepayers of any excess rate reduction bond proceeds, as defined.

Ch. 684 (SB 397) Ortiz. Public Employees' Retirement System: benefits.

The Public Employees' Retirement Law, until January 1, 1999, authorized contracting agencies to elect, pursuant to specified procedures, to grant additional service credit to local members under specified circumstances.

This bill would renew that authority and would additionally require those contracting agencies to provide public disclosure, as specified, prior to making that election.

Ch. 685 (SB 395) Hughes. Teacher credentialing.

Existing law permits a teacher with a basic teaching credential to be assigned to provide specially designed content instruction delivered in English, as defined, to limited-English-proficient pupils only if certain conditions are met, including that the teacher be, as of January 1, 1995, a permanent employee of a school district, a county office of education, or a school administered under the authority of the Superintendent of Public Instruction and that the teacher complete 45 clock hours of staff development in methods of specially designed content instruction delivered in English before January 1, 2000.

This bill would extend the January 1, 1995, date by which a teacher would be required to be a permanent employee to January 1, 1999, and would extend the January 1, 2000, deadline for the completion of the required staff development to January 1, 2005.

Existing law permits a teacher who is awarded a certificate of completion of staff development in methods of specially designed content instruction delivered in English to be assigned to provide instruction for English language development, as defined, in a self-contained classroom only if the teacher has certain experience or additional staff development.

This bill would authorize a teacher who completes staff development in methods of specially designed content instruction delivered in English to provide that instruction and instruction for English language development in any departmentalized teaching assignment consistent with the authorization of the teacher's basic credential. The bill would require a teacher who completes that staff development to receive a certificate of completion from the commission upon submitting an application, a staff development verification form and payment of a fee.

Existing law requires the Commission on Teacher Credentialing, in consultation with the Superintendent of Public Instruction, to establish guidelines for the provision of staff development that allows a teacher with a basic teaching credential to be assigned to provide to limited-English-proficient pupils specially designed content instruction delivered in English and instruction in English language development.

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This bill would require those guidelines to be aligned to the teacher preparation leading to the issuance of a certificate commonly known as the CLAD and would prohibit this alignment from resulting in any increase in the number of hours of required staff development. The bill would require the Commission on Teacher Credentialing to review staff development programs in relation to the guidelines and standards and to report to the Legislature on the status of the staff development programs and certification process.

Ch. 686 (SB 390) Alpert. Water quality.

(1) Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are among the principal agencies with authority over water quality. Under the act, generally, persons discharging waste are required to file with the appropriate regional board a report of the discharge and the discharge is subject to waste discharge requirements prescribed by that regional board. Under the act, persons are generally prohibited from initiating a new discharge of waste, or making any material changes in any discharge of waste, prior to the filing of the waste discharge report, and after the filing of that report unless waste discharge requirements have been prescribed or, under certain circumstances, 120 days have elapsed since the filing of that report. The act authorizes the regional boards to waive these requirements as to a specific discharge or type of discharge.

This bill would authorize the regional boards, on and after January 1, 2000, to waive these requirements as to a specific discharge or type of discharge if the waiver is not against the public interest. The bill would allow waivers to be renewed but would prohibit the regional boards from issuing waivers for specific types of discharges that exceed 5 years in duration. The bill would require the regional boards and the state board to require compliance with the conditions pursuant to which waivers are granted. The bill would require the regional boards, prior to renewing any waiver for a specific type of discharge, to review the terms of the waiver policy at a public hearing, and to determine at that hearing whether the discharge for which the waiver policy was established should be subject to general or individual waste discharge requirements. The bill would provide that a waiver in effect on January 1, 2000, shall remain valid until January 1, 2003, unless the regional board terminates that waiver prior to that date. The bill would authorize a regional board to renew, in 5-year increments, waivers that were valid on January 1, 2000, and granted an extension until January 1, 2003, and not otherwise terminated.

(2) The act provides that a person may be liable civilly in accordance with prescribed provisions if that person intentionally or negligently violates prescribed orders, or, in violation of prescribed requirements, intentionally or negligently discharges waste, or causes waste to be deposited where it is discharged, into the waters of the state and creates a condition of pollution or nuisance, or causes or permits any oil or residuary product of petroleum to be deposited in the waters of the state, except in accordance with the act.

This bill, in addition, would provide that a person may be liable civilly in accordance with those prescribed provisions if that person, in violation of a waiver condition or certification, intentionally or negligently discharges waste, or causes waste to be deposited where it is discharged, into the waters of the state and creates a condition of pollution or nuisance.

The bill would make legislative findings and declarations relating to the adequacy of fees imposed by the state board.

Ch. 687 (SB 387) Alpert. Oil spill prevention.

(1) Existing law, known as the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, prohibits the operation of a nontank vessel, as defined, of 300 gross registered tons or greater in the marine waters of the state unless the owner or operator prepares and submits an oil spill contingency plan to the administrator for oil spill response, in accordance with prescribed procedures and requirements, and the plan is approved. Existing law prohibits a nontank vessel, required to have a contingency plan, from entering marine waters of the state unless the owner or operator has provided to the administrator evidence of financial responsibility that demonstrates the ability to pay

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at least $300,000,000 to cover damages caused by a spill, and the owner or operator has obtained a certificate of financial responsibility from the administrator for the vessel.

This bill would authorize the administrator for oil spill response to establish a lower standard of financial responsibility for nontank barges and marine construction vessels, as defined in the bill, that is not less than the expected costs from a reasonable worst case oil spill into marine waters. The bill would also revise the definition of the term "reasonable worst case spill" for purposes of those nontank barges and marine construction vessels.

The changes made by the bill would remain in effect only until January 1, 2001, and as of that date would be repealed, on which date existing law would again become operative.

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

Ch. 688 (SB 361) Dunn. Postsecondary education: cross-enrollment.

Existing law establishes a cross-enrollment program, whereby a student enrolled in any campus of the California Community Colleges, the California State University, or the University of California who meets certain requirements may enroll without formal admission or payment of additional fees in a maximum of one course per academic term at a campus of either of the other systems on a space available basis at the discretion of the appropriate campus authorities on both campuses. Existing law requires the California Postsecondary Education Commission to prepare a report, based on information received on or before June 30, 1998, from the public postsecondary segments, on the program and to submit this report, with recommendations, to the Governor and the Legislature on or before December 1, 1998. Under existing law, the chapter that establishes the cross-enrollment program remains in effect only until January 1, 2000, and as of that date is repealed.

This bill would extend the deadlines for the reports of the public postsecondary segments and the commission to June 30, 2002, and December 1, 2002, respectively. The bill would require that, if in the determination of the commission, the cross-enrollment program appears to be underutilized, the report include the comments of the commission with respect to the reasons for the underutilization and options for increasing participation in the program. The bill also would extend the repeal date of the chapter that establishes the cross-enrollment program until January 1, 2004.

Ch. 689 (SB 251) Knight. Public postsecondary education: children of deceased or disabled veterans.

Existing law prohibits any state-owned college, university, community college, or other school from charging any tuition or fees to certain dependents or survivors of veterans, including any child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of a service-connected disability, where the annual income of the child, including the value of any support received from a parent, does not exceed $7,000.

This bill would instead provide that the maximum income of a child who would not be charged mandatory systemwide tuition or fees under this provision would be the national poverty level, as defined, as most recently calculated by the Bureau of the Census of the United States Department of Commerce, rather than $7,000.

The bill would provide that the waiver of mandatory systemwide tuition or fees under these provisions would apply for each academic year during which a student applies for the waiver, and not apply for a prior academic year. The bill would also provide that the waiver of mandatory systemwide tuition or fees under these provisions would apply only to a person who is determined, pursuant to existing law, to be a resident of California.

The bill would provide that none of its provisions would apply to the University of California except to the extent that the Regents of the University of California, by appropriate resolution, make a provision applicable.

Ch. 690 (SB 115) Solis. Environmental justice.

Under existing law, the Office of Planning and Research serves the Governor and his or her Cabinet as staff for long-range planning and research, and is the comprehensive state planning agency. Existing law, the California Environmental Quality Act, requires

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the office to prepare, and the Secretary of Resources to certify and adopt, guidelines for use in implementing the act.

Existing law establishes the California Environmental Protection Agency, which is responsible for enhancing the state's protection of the environment.

This bill would provide that the office is the coordinating agency in state government for environmental justice programs. The bill would require the Director of Planning and Research to consult with the secretaries of specified state agencies, and other parties to coordinate the office's efforts and, share specified information with certain federal agencies, and review and evaluate other federal information, as provided. The bill would define "environmental justice" to mean the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws and policies. The bill would require the California Environmental Protection Agency to take specified actions in designing its mission for programs, policies, and standards within the agency, and to develop a model environmental justice mission statement for boards, departments, and offices within the agency, by January 1, 2001.

Ch. 691 (AB 1693) Cardoza. Migrant children: service regions.

Existing law requires the Superintendent of Public Instruction to establish the service regional system as the primary method for the delivery of education and other related services to migrant children. Existing law requires the superintendent to review and approve plans for the establishment of service regions and to incorporate certain criteria in the approval of regional plans including that regional service centers are to be located in areas with high concentrations of migrant and seasonal agricultural workers and fishermen. Existing law requires any changes in regional boundaries for the subsequent fiscal year to be made and approved by December 31 of the current year.

This bill would provide that the reorganization of service regions shall not affect the rights to retain salary, leaves, and other benefits of persons employed in positions that do not require certification and would require that, among other things, an employee of a service region that is included in any other service region shall become the employee of the new service region if the new service region has an equivalent vacant position that the new service region elects to fill. The bill would require a service region that employs individuals pursuant to these provisions to do so on a seniority basis. To the extent the bill would require a new service region or regional service center operated by local educational agencies to employ persons from another service region, 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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 692 (AB 1689) Floyd. Employment: wage claims.

Under existing law, the Labor Commissioner or his or her representatives are authorized to take assignments of certain claims for enforcement, including wage claims.

This bill would authorize the Labor Commissioner or his or her representatives to take assignments of claims for loss of wages due to employer demotion, suspension, or discharge for lawful conduct occurring during nonworking hours away from the employer's premises. The bill would make legislative findings, including findings that the bill is necessary to protect employee civil rights.

Ch. 693 (AB 1595) Migden. Cigar labeling.

Existing law contains various provisions regarding the prevention of tobacco use.

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This bill would require each manufacturer, as defined, or importer of cigars to place, or cause to be placed, one of 3 specified warning labels on each retail package of cigars packaged for sale after September 1, 2000, and shipped for distribution in California.

The bill would authorize the imposition of penalties for violations of that requirement and would authorize actions to be brought by the Attorney General or by district attorneys, city attorneys of cities with a population greater than 750,000, and city prosecutors with the consent of the district attorney.

The bill would also provide that it does not affect certain pending lawsuits.

Ch. 694 (AB 1574) Corbett. First degree murder: torture.

Existing law, as amended by initiative statute, provides that murder that is committed in the perpetration of, or attempt to perpetrate, certain offenses, is murder of the 1st degree. The initiative statute provides that any amendment of its provisions by the Legislature shall require a $^{2}/_{3}$ vote of the membership of each house.

This bill would additionally provide that murder committed in the perpetration of, or attempt to perpetrate, torture, is also murder of the first degree. By changing the definition of an existing crime, the bill would impose a state-mandated local program. Because it would amend an initiative statute, the bill would require a $^{2}/_{3}$ vote of the membership of each house of the Legislature.

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

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

Ch. 695 (AB 1557) Migden. Clinical laboratories: unlicensed personnel.

Existing law regulates clinical laboratories. These provisions require, among other things, that individuals be licensed to perform various laboratory tests. However, certain provisions specifically authorize an unlicensed person employed by a licensed clinical laboratory to perform venipuncture or skin puncture for the purpose of withdrawing blood for test purposes, upon specific authorization from a licensed physician and surgeon, if that unlicensed person meets specified requirements. Existing law also authorizes the State Department of Health Services to authorize by regulation unlicensed laboratory personnel to perform skin tests for specific diseases, venipuncture, arterial puncture, or skin puncture for the purposes of withdrawing blood or for test purposes, as specified.

Existing law authorizes an unlicensed person employed by a public health department as a venereal disease case investigator to perform venipuncture or skin puncture for the purpose of withdrawing blood for test purposes, as specified.

This bill would require the department to adopt regulations by January 1, 2001, for becoming a "certified phlebotomy technician," would require unlicensed persons employed by a clinical laboratory or by a public health department who perform venipuncture or skin puncture to obtain certification pursuant to these regulations to perform the above-specified acts on and after the effective date of those regulations, and would authorize the department to charge fees not to exceed $25 for application and renewal of these certificates. The bill would not require unlicensed persons employed by a clinical laboratory who are performing these duties on the effective date of these regulations to be certified pursuant to these regulations until 3 years after the effective date of those regulations. The bill would also provide that the department may adopt regulations to issue a separate certificate to unlicensed persons employed by a clinical laboratory who only perform skin puncture tests.

The bill would also make related changes.

Ch. 696 (AB 1549) Torlakson. Central Contra Costa Sanitary District: elections: district board members.

Existing law provides for the formation of sanitary districts and the election of board members as officers of the district.

This bill would authorize the directors of the Central Contra Costa Sanitary District to be elected either by divisions or at large, if approved by the voters of the district at

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a general or special election after the directors adopt a resolution placing the question on the ballot, or the voters of the district submit a petition requesting the directors to adopt a resolution placing the question on the ballot. This bill would establish the requirements and procedures for submitting a petition, adjusting district boundaries, and holding the election.

The California Constitution provides that a local or special statute is invalid in any case if a general statute can be made applicable.

The bill would declare that, because of the unique circumstances applicable to Central Contra Costa Sanitary District, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution.

By changing the duties of local election officials, 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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 697 (AB 1530) Longville. Elections: precinct vote results.

(1) Existing law requires elections officials to keep an accurate list of all voters who have received and voted an absentee ballot at each election, as specified. This bill would require the list of voters who have received and voted an absentee ballot to include the election precinct of the voter.

Existing law authorizes a vote tabulating device to be located at any place within the state approved by the elections official of the county or other political subdivision using the device.

This bill would require that, for any statewide election or certain special elections conducted on or before June 1, 2000, votes cast by absentee ballot and votes cast at the polling place be tabulated by precinct. The bill would require election results to be made available to the Legislature and appropriate legislative committees for use in connection with district reapportionment, as specified. This bill would repeal those provisions as of January 1, 2001.

(2) Existing law requires the county elections official in each county to compile and make available to the Legislature, as prescribed, certain elections information, including, among other things, lists showing the elections returns for each precinct.

This bill would also require the elections returns for each precinct to reflect the vote total for all ballots cast, including both absentee ballots and ballots cast at polling places.

(3) By imposing additional duties upon county elections officials, 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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 698 (AB 1476) Dutra. Year 2000 liability.

Existing law provides that any person that discloses information regarding the Year 2000 Problem, as defined, or any potential solutions to the problem are not liable for damages in any tort action brought against that person regarding the Year 2000 Problem, except as specified.

This bill would provide that no state statute may be construed to limit damages or liability, afford greater protection to defendants in Year 2000 Problem actions, or provide a greater degree of protection from joint or several liability than is afforded a specified

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federal law regarding limits upon liability for Year 2000 Problems, except as specified. The bill would prohibit a state agency from imposing a civil fine on a small business for a violation of an administrative rule or regulation or noncriminal statute as a result of a Year 2000 Problem suffered by the small business if specified conditions are met. The bill would provide for these provisions to become inoperative on July 1, 2001.

Ch. 699 (AB 1407) Wesson. Alcoholic beverage licenses: auction sales: event permit: limited liability companies: license transfers: tied-house restrictions.

(1) The Alcoholic Beverage Control Act allows a retail off-sale licensee with annual United States auction sales revenues of at least $5 hundred million to sell wine at an auction and deliver that wine to any purchaser at the auction from the vendor's licensed premises or any other storage facility under specified conditions.

This bill would make that provision also applicable to a retail off-sale licensee with annual wine auction sales revenues of at least $5 million.

(2) The Alcoholic Beverage Control Act authorizes the issuance of an event permit to any licensee under an on-sale general license authorizing at specified events the sale of beer, wine, and distilled spirits only for consumption on property adjacent to the licensed premises and owned or under the control of the licensee, as specified.

This bill would authorize those events to be held no more frequently than one day in any single calendar quarter, instead of once in any single calendar quarter. This bill would also provide a similar authorization to any licensee under an on-sale beer and wine license.

This bill would require any event authorization to be approved by the appropriate local law enforcement agency, thereby creating a state-mandated local program.

(3) The Alcoholic Beverage Control Act sets forth procedures for applications for alcoholic beverage licenses by limited liability companies and requires limited liability companies to maintain a register of ownership interests available for inspection by the Department of Alcoholic Beverage Control.

Existing law authorizes the Department of Alcoholic Beverage Control to issue temporary permits to transferees of licenses to operate premises during the pendency of the transfer process.

This bill would correct erroneous and obsolete cross-references in these provisions.

(4) Existing provisions of the Alcoholic Beverage Control Act, known as "tied-house" restrictions, generally prohibit manufacturers, winegrowers, bottlers, importers, wholesalers, and others from performing certain activities, with specified exceptions. Existing law allows any winegrower, wine blender, beer manufacturer, brandy manufacturer, distilled spirits manufacturer, distilled spirits manufacturer's agent, rectifier, distilled spirits wholesaler, and beer and wine wholesaler, or their authorized agents, to perform certain services for off-sale retail licensees at or on the premises of the off-sale retail licensee with the licensee's permission relating to stacking, rotating, servicing, and taking inventory of stock.

This bill would expand the permitted services relating to the rotation, rearrangement, and stocking of wine or distilled spirits owned or sold by the licensee.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 700 (AB 1393) R. Wright. Low-income electric and gas customers.

(1) The Public Utilities Act requires the Public Utilities Commission to establish a program of assistance to low-income electric and gas customers, which is referred to as the California Alternate Rates for Energy or CARE program.

This bill would require the electric corporations and gas corporations that participate in the CARE program to administer low-income energy efficiency and rate assistance programs, as described, subject to commission oversight. The bill would require the

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administrators of the program to undertake certain functions and would allow the commission to require these participating corporations to competitively bid, to the extent practical, service delivery components of these programs. The bill would require the bidding criteria to recognize specified factors, subject to commission modification. The bill would make conforming changes. The bill would set forth the intent of the Legislature regarding community service providers.

Because a violation of the act is a crime, this bill would impose a state-mandated local program by creating new crimes.

(2) Existing law requires the commission to require an electric or gas corporation to perform home weatherization services, as defined, for low-income customers, as determined by the commission.

This bill would revise the definition of "weatherization."

(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. 701 (AB 1353) Committee on Health. Medi-Cal: disproportionate share provider hospitals.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services.

The Medi-Cal program provides for a special methodology of reimbursement of disproportionate share hospitals for the provision of inpatient hospital services.

Existing law generally defines a disproportionate share hospital as a hospital that has disproportionately higher costs, volume, or services related to the provision of services to Medi-Cal or other low-income patients than the statewide average.

Existing law provides for supplemental reimbursement of eligible disproportionate share providers for funding capital projects.

This bill would revise the eligibility criteria that are required to be met in order to qualify for the supplemental reimbursement.

Ch. 702 (AB 1334) Lowenthal. Law enforcement: peace officer training.

Existing law provides for the 13-member Commission on Peace Officer Standards and Training appointed by the Governor, after consultation with, and with the advice of, the Attorney General and with the advice and consent of the Senate.

Existing law also requires that racial, gender, and ethnic diversity be considered for all appointments to the commission and peace officer members of the commission meet specified requirements.

This bill would increase the membership of the commission to 14 members by increasing the number of members who are peace officers with the rank of sergeant or below from 3 to 4.

Ch. 703 (AB 1284) Jackson. Stalking.

Existing law provides that before a person who is arrested for specified crimes may be released on bail for an amount more or less than the scheduled amount for the offense, or on the person's own recognizance, a hearing must be held.

This bill would add to the list of specified crimes, intimidating a witness or victim, or making terrorist threats, as specified.

This bill would also require the county sheriff to give notice of the release on bail of any person arrested on a charge of stalking to the prosecuting attorney's office. By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

This bill would also require the offender to provide certain information regarding addresses and telephone numbers of the offender to the court, as specified. The bill would also require, unless good cause is shown, as conditions of release on bail for a person charged with stalking, that the person not initiate contact with the alleged victim, as

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specified, possess any firearms or other deadly or dangerous weapons, and that the offender obey all laws.

This bill would also declare findings of the Legislature.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 704 (AB 1282) Jackson. Teacher credentialing.

Existing law requires the Commission on Teacher Credentialing to establish standards and procedures for the initial issuance and renewal of teacher credentials. Existing law requires the Superintendent of Public Instruction to adopt an appropriate state test to measure proficiency in certain basic skills, and requires each applicant to an approved credential program unless otherwise exempted, to take the state basic skills proficiency test. Existing law requires the commission to establish the amount of the fee charged to individuals being tested not to exceed $30 in the 1982–83 fiscal year, $35 in the 1983–84 fiscal year, and $40 in subsequent fiscal years.

This bill would provide that subsequent to January 1, 2002, the fee shall be set by the commission to recover the costs of examination administration and development, unless the costs are recovered by appropriations from another source of funds. The bill would require the commission to make improvements to increase access to the state basic skills proficiency test and to improve exam-related services provided to candidates for teaching credentials. This bill would require the commission to adopt these improvements in consultation with the Department of Finance and to report all improvements to the Legislature.

Ch. 705 (AB 1259) Strom-Martin. Human services: pilot program.

Existing law provides for various health and social services for eligible individuals.

Existing law requires Placer County and Solano County, with the assistance of the appropriate state departments, to implement a pilot program in Placer County and Solano County, upon approval by that county, for the funding and delivery of services and benefits through an integrated and comprehensive county health and human services system.

This bill would, until January 1, 2005, authorize Humboldt County, Mendocino County, and Alameda County to implement a similar program for the funding and delivery of services and benefits through an integrated and comprehensive county health and human services system subject to certain limitations.

Ch. 706 (AB 1236) Battin. Maintenance of criminal provisions.

(1) Existing law, as amended by initiative statute, makes it a felony or a misdemeanor for any person to knowingly dispose, transport, burn, incinerate, cause to be disposed, transported, burned, or incinerated, treat, or store any hazardous waste, or who reasonably should have known that he or she was disposing, transporting, burning, or incinerating, any hazardous waste, at a facility that does not have a specified permit, or at any unauthorized point. If that act caused great bodily injury or a substantial probability that death could result, the person may be punished by imprisonment in the state prison for up to 36 months. The initiative statute provides that any amendment of its provisions by the Legislature shall require a $^2/_3$ vote of the membership of each house.

This bill would instead provide that the person may be punished by an additional term of imprisonment in the state prison for one, 2, or 3 years under these circumstances. The bill would make other technical, nonsubstantive changes to these provisions. Because it would amend an initiative statute, the bill would require a $^2/_3$ vote.

(2) Existing law lists and categorizes, for reference purposes only, all sentence enhancements by schedules based on the length of the term of imprisonment imposed by each sentence enhancement. Existing law declares the intent of the Legislature to

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amend this provision as necessary to accurately reflect current sentence enhancement provisions.

This bill would update this provision to include new sentence enhancement provisions and delete obsolete provisions.

(3) Existing law provides that a habitual child molester, as defined, shall be punished by 25 years in the state prison.

This bill would delete this provision.

(4) This bill would make technical changes that conform to and consolidate other provisions of law, delete language that is duplicative of other provisions of law, and correct cross-references to other provisions of law.

(5) This bill would incorporate additional changes in Section 803 of the Penal Code proposed by SB 1307, to be operative if SB 1307 and this bill become effective on or before January 1, 2000, and this bill is enacted last.

(6) This bill would provide that one of the changes in Section 1170.11 of the Penal Code proposed by the bill shall become operative only if AB 313 is enacted and becomes effective on or before January 1, 2000.

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

Ch. 707 (AB 1222) Kuehl. Corrections.

Existing law establishes the Interstate Corrections Compact Act and the Western Interstate Corrections Compact Act which authorize states to enter into contracts with other party states for the confinement of inmates on behalf of the sending state in institutions situated within a receiving state. Any court, agency, or officer of this state with the authority to commit or transfer an inmate to any institution for confinement may commit or transfer that inmate to any institution within or without this state if this state has entered into a contract for the confinement of inmates in that institution pursuant to a compact under one of the above acts.

This bill would prohibit, except as authorized by California statute, any city, county, city and county, or private entity from causing to be brought into, housed in, confined in, or detained in this state any person sentenced to serve a criminal commitment under the authority of any jurisdiction outside of California. The bill also would express the intent of the Legislature that this provision neither prohibits nor authorizes the confinement of federal prisoners in this state.

Ch. 708 (AB 1206) Wesson. Roadway construction contractors: licensure.

Existing law, the Contractors' State License Law, defines the term contractor to be a person who undertakes certain specified types of work.

This bill would extend the definition of contractor to include persons who engage in the preparation and removal of roadway construction zones, lane closures, flagging, or traffic diversions. It would define a specialty contractor to include persons performing that work, and would require persons performing that work, on or after January 1, 2001, to hold an appropriate specialty contracting license. The bill would state legislative intent with regard to the performance of this work by licensed contractors who do not hold the specialty license for performing that work, and would provide an exemption from testing for this type of specialty license if the person certifies under penalty of perjury that certain conditions have been satisfied. By expanding the scope of the existing crime of perjury, 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. 709 (AB 1136) Strom-Martin. School facilities: pupil safety: classroom telephones.

Existing law, the Field Act, requires school buildings, as defined, to meet various safety specifications. Existing law, the Leroy F. Greene School Facilities Act of 1998 (Greene Act), provides funding to school districts to finance the construction, as defined, of school facilities. Existing law, the State Relocatable Classroom Law of 1979, requires the State

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Allocation Board to lease portable classrooms to qualifying school districts and county superintendents of schools. The State Relocatable Classroom Law of 1979 authorizes any qualifying school district, or under a joint powers agreement between any combination of one or more school districts or county superintendents of schools, to purchase portable classrooms.

This bill, so as to enhance pupil safety, would require, commencing with applications submitted on or after January 1, 2000, any school district applying for funding pursuant to the Greene Act to include in its plans and specifications for the construction or fabrication of a new or modernized school building, as defined, that includes the construction or fabrication of new or modernized classrooms, a hard-wired connection to a public switched network in each new or modernized classroom.

This bill would require, commencing with leases entered into on or after January 1, 2000, the plans and specifications for portable classrooms funded under the State Relocatable Classroom Law of 1979 to include a provision for a telephone in each portable classroom. The bill would provide that these requirements may be met by utilizing wireless technology equal to a hard-wired connection to a public switched telephone network.

Ch. 710 (AB 1067) Margett. Teacher credentialing.

(1) Existing law requires the Commission on Teacher Credentialing to immediately revoke the teaching or services credential of a person when the person's conviction of a violation, or attempted violation, of any one or more of certain offenses, including causing, encouraging, or contributing to the delinquency of persons under 18 years of age becomes final.

This bill would add certain offenses regarding assaulting a child under 8 years of age by a custodian of that child and infliction of cruel or inhuman corporal punishment upon a child, to these offenses.

(2) Existing law defines "sex offense" for purposes of various provisions relating to the employment of school employees. Among the offenses constituting a sex offense is any offense involving lewd and lascivious conduct under the provision that prohibits causing, encouraging, or contributing to the delinquency of persons under 18 years of age.

This bill would provide that a conviction of causing, encouraging, or contributing to the delinquency of persons under 18 years of age when it involves lewd and lascivious conduct or any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of certain offenses, is a conviction that, upon becoming final, requires the Commission on Teacher Credentialing to immediately revoke the credential of the person so convicted.

(3) Existing law requires the commission to deny any application for the issuance of a credential made by an applicant who has been convicted of a violent or serious felony, as defined.

This bill would also require the commission to deny any application for the issuance of a credential made by an applicant that has been convicted of one of the offenses that would require revocation of a credential.

Ch. 711 (AB 1059) Ducheny. Teachers.

Existing law requires the Commission on Teacher Credentialing (commission) to perform specified duties relating to the issuance of teacher credentials. Existing law authorizes the commission to issue certificates that authorize the holder to provide specified services to limited-English-proficient pupils.

This bill would require the Commission on Teacher Credentialing to ensure, by July 1, 2002, that an accredited program of professional preparation satisfies standards established by the commission for the preparation of teachers for all pupils, including English language learners. The standards would be required to be based upon an independent job analysis of the essential knowledge, skills, and abilities needed by all classroom teachers to develop English language skills while maintaining academic progress across the curriculum and to take into account existing standards and test specifications for the Crosscultural, Language and Academic Development certificate. The bill would require the commission to provide candidates for teaching credentials,

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including candidates prepared in other states, with an examination route to fulfill the requirements for essential preparation to teach English language learners.

The bill would prohibit the commission, commencing July 1, 2003, from issuing a preliminary teaching credential to an applicant unless the applicant satisfies the standards and requirements established by this bill or has an authorization to provide services to English language learners issued by the commission.

The bill would require an approved program of beginning teacher induction, commencing July 1, 2003, to satisfy standards established by the commission and the Superintendent of Public Instruction for beginning teacher induction for teachers for all pupils, including English language learners. The standards would be required to incorporate the essential knowledge, skills, and abilities needed for first-year and second-year certificated teachers to apply effective instructional strategies that assist pupils to develop English language proficiency while maintaining academic progress across the curriculum.

The bill would also prohibit the commission, commencing July 1, 2005, from initially issuing a professional clear teaching credential to an applicant unless the applicant satisfies the standards and requirements required under an approved program of beginning teacher induction or has an authorization to provide services to English language learners issued by the commission.

The bill would entitle a candidate for a teaching credential to earn and receive the credential by fulfilling the standards and requirements for the credential that were in effect when the candidate entered an accredited preparation program or an approved induction program.

The bill would require the commission to report to the education policy committees regarding the implementation of those provisions.

Ch. 712 (AB 1055) Villaraigosa. Playground equipment and facilities.

(1) Existing law requires all public agencies operating playgrounds, including a state agency, city, county, city and county, and district, to upgrade their playgrounds by replacement or improvement as necessary to satisfy specified regulations to the extent state funds are made available specifically for the purpose through state bonds or other means. Existing law also requires all other entities operating playgrounds open to the public to upgrade their playgrounds by replacement or improvement, as necessary to satisfy specified regulations, on or before January 1, 2000.

This bill would extend to January 1, 2003, the date on or before which entities, excluding public agencies, operating playgrounds open to the public are required to upgrade their playgrounds by replacement or improvement to satisfy specified regulations. It would also exempt certain foster and child care providers from these provisions.

The bill would require playgrounds installed between specified dates to be upgraded to satisfy criteria in certain federal guidelines. The bill would provide that before October 1, 2000, all public agencies and other entities operating playgrounds open to the public shall have a playground inspector conduct an inspection to aid compliance with applicable requirements, as specified.

(2) Existing law requires the State Department of Health Services, in consultation with specified other agencies and entities to adopt regulations for the design, installation, maintenance, inspection, supervision where appropriate, and training of personnel involved in the design, installation, and maintenance, of playgrounds, as described, either operated by public agencies, including state agencies, cities, counties, school districts, and other districts, or operated by any entity where the playground is open to the public.

This bill would enact the Playground Safety and Recycling Act of 1999, which would establish, until July 1, 2003, the playground safety and recycling grant program, administered by the California Integrated Waste Management Board, to provide grants for the purpose of improving or replacing playgrounds, as defined, to local agencies, if specified conditions for eligibility are met, including specified requirements that the grant funds will be used for the improvement, installation, or replacement of equipment or facilities through the use of recycled materials.

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The bill would authorize the California Integrated Waste Management Board to adopt emergency regulations, as prescribed, to implement the bill. The bill would create the Playground Safety and Recycling Account in the State Treasury. The bill would authorize moneys in the account to be expended, upon appropriation by the Legislature, for the purposes of the program and for the administrative costs incurred by the board in administering the program. The bill would be implemented with funds appropriated for deposit in the account or otherwise made available.

(3) Existing law appropriates $2,000,000 to the Superintendent of Public Instruction, for allocation on a one-time basis, to provide matching grants to school districts for the purpose of improving or replacing schoolsite playground equipment to meet state-mandated playground safety standards.

This bill would require the Superintendent of Public Instruction to enter into a memorandum of understanding with the board for purposes of allocating that $2,000,000, consistent with the Playground Safety and Recycling Act established by the bill.

Ch. 713 (AB 1014) Cardoza. School instructional gardens.

Existing law sets forth the various authorized classes or courses of instruction for public schools.

This bill would establish the Instructional School Gardens Program for the promotion, establishment, and support of instructional school gardens, to be administered by the State Department of Education through the allocation of grants to applicant school districts and county offices of education and the provision of technical assistance to school districts and county offices of education.

This bill would require the California Integrated Waste Management Board to give preferential consideration during its annual discretionary grant funding process to providing an appropriate level of funding to the program and would provide that the program would be implemented only if funds become available from private donations, special fund money, or federal money, or any combination thereof, for those purposes.

Ch. 714 (AB 991) Papan. Internet access: line sharing.

Under the Public Utilities Act, the Public Utilities Commission has the authority to regulate public utilities, including telephone corporations.

This bill would enact the California High Speed Internet Access Act of 1999. The bill would require the Public Utilities Commission to monitor and participate in a specified proceeding of the Federal Communications Commission addressing whether to require incumbent local exchange carriers, as defined, to permit interconnection by competitive data local exchange carriers, as defined, at any technically feasible point, to permit those competitive local exchange carriers to provide high bandwidth data services over telephone lines with voice services provided by incumbent local exchange carriers. The bill would require the Public Utilities Commission, if the Federal Communications Commission adopts an order on or before January 1, 2000, with regard to that specified federal proceeding, to comply with, and implement, in a manner that the Public Utilities Commission determines to be appropriate, that order, as prescribed, consistent with state and federal law, within 90 days from the date that the rules adopted by that order are published in the Federal Register. The bill would require the Public Utilities Commission, if the Federal Communications Commission does not adopt an order on or before January 1, 2000, with regard to that specified federal proceeding, to examine the technical, operational, economic, and policy implications of interconnection, and, if the Public Utilities Commission determines it to be appropriate, to adopt rules to require incumbent local exchange carriers in this state to permit competitive local exchange carriers to provide high bandwidth data services over telephone lines with voice services provided by incumbent local exchange carriers. The bill would make related legislative findings and declarations and statements of legislative intent.

Ch. 715 (AB 964) Aroner. Earthquake insurance.

(1) Existing law governing the California Earthquake Authority prohibits an insurer from participating in the authority unless every insurer affiliated with that insurer, as defined, or under common control with that insurer, as defined, also participates in the authority.

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This bill would provide, until January 1, 2004, that if a person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing less than 33% of the voting securities of an insurer that writes earthquake insurance, but does not write homeowners or dwelling fire insurance in the state, and the insurer became part of an affiliated group which includes one or more participating insurers as a result of an acquisition or merger which occurred after the effective date of the provisions governing the authority, then the insurer is not required to participate in the authority even though an insurer affiliated with it or under common control with it does participate in the authority, provided the insurer does not transact residential earthquake insurance business with agents exclusively appointed or employed by the participating insurer. This bill would impose reporting requirements on the exempted insurer and the Insurance Commissioner related to this exemption.

(2) Existing law establishes the Earthquake Loss Mitigation Fund, which may be used to supply grants and loans or loan guarantees to dwelling owners who wish to retrofit their homes to protect against earthquake damage. Existing law requires the operational rules of that fund to be a part of the authority's plan of operations.

This bill would require the authority, on or before July 1, 2000, to establish in the operational rules of the Earthquake Loss Mitigation Fund, a plan for the expedited expansion of the residential retrofit program statewide, as specified.

(3) Existing law provides a premium discount or credit, as specified, to policyholders of authority-issued policies of residential earthquake coverage who have retrofitted their homes to withstand earthquake shake damage, as specified.

This bill would require the authority, on or before July 1, 2000, to issue a report to the Legislature on the status of the Earthquake Loss Mitigation Fund, the residential retrofit program, and the application of the retrofit premium discount or credit, as specified.

Ch. 716 (AB 936) Reyes. Health care coverage: Medicare supplement coverage.

Existing law provides for the licensure and regulation of health care service plans by the Commissioner of Corporations. A willful violation of the law regulating health care service plans is a crime. Existing law provides for the regulation of insurance by the Insurance Commissioner.

Existing law sets forth circumstances under which an individual who is 65 years of age or older and enrolled in a designated Medicare program is entitled to a guaranteed open enrollment with regard to health care service plans offering contracts to supplement Medicare and Medicare supplement insurers.

This bill would entitle an individual who was previously enrolled in, but whose coverage was terminated by, a Medicare managed care plan, between September 1, 1998, and December 31, 1998, and after January 1, 1999, to specified additional periods of open enrollment.

This bill would include similar provisions, which would only become operative if this bill and SB 764 are enacted on or before January 1, 2000, and SB 764 repeals specified provisions of existing law.

By changing the requirements of health care service plans, this bill would change the definition of a 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. 717 (AB 930) Calderon. Alcohol and drug programs: narcotic treatment programs.

Existing law authorizes the State Department of Alcohol and Drug Programs to perform certain licensing and inspection duties and to establish minimum criteria for the operation of methadone and levoalphacetylmethadol (LAAM) programs for the treatment of narcotic addicts.

This bill would require the department to perform these licensing and inspection duties and to establish and enforce the minimum criteria for narcotic treatment programs.

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

Existing law authorizes the department to conduct annual inspections of all narcotic treatment programs established and licensed under these provisions. Existing law requires the department, after conducting an inspection, to provide an inspection report describing any program deficiencies to the licensee, the program to submit to the department a corrective action plan, and the department to conduct a subsequent onsite inspection.

This bill would require the annual inspections of these narcotic treatment programs to include the evaluation of input regarding concerns about the narcotic treatment program. The bill would require the department to provide an inspection report to the licensee within 30 days of the completed onsite review, the licensee to submit a corrective action plan within 30 days of receipt of the inspection report, the program to implement all corrective actions contained in the plan within 30 days of approval by the department of the corrective action plan, and the department to conduct subsequent inspections of the program.

This bill would require the department to impose a civil penalty of $100 a day for a narcotic treatment program that fails to submit a corrective action plan or to timely implement any corrective action when it has been found to not be in compliance with applicable laws and regulations.

Existing law specifies various other duties of the department with regard to narcotic treatment programs.

This bill would revise some of these duties to include studying and evaluating and providing advice, consultation, and technical assistance to narcotic treatment programs regarding the programs' adherence to all applicable laws and regulations and the impact of the programs on the communities in which they are located.

Existing law authorizes the director to deny the application for initial issuance of a license to provide narcotic treatment services if certain conditions exist with regard to the applicant, or any partner, officer, director, or 10% or greater shareholder.

This bill would add to the conditions under which an application may be denied that the applicant or program violated any of the laws or regulations governing narcotic treatment programs that relate to the health and safety of patients, the local community, or the general public with respect to any other license issued to that applicant to provide narcotic treatment services. The bill would require the department to deny the application for initial licensure under these conditions unless the department makes certain determinations regarding the correction of deficiencies in the other licensed narcotic treatment programs.

Existing law authorizes the department to suspend or revoke any license issued under these provisions, or deny an application to renew a license or modify the terms and conditions of a license upon certain grounds, including the violation by the licensee of the laws and regulations governing narcotic treatment programs that relate to the health and safety of the patients or the general public, or the repeated violation of the laws and regulations governing narcotic treatment programs.

This bill would revise the grounds for these discretionary departmental actions and would require, rather than authorize, the department to suspend or revoke a license or deny an application under these provisions for violations that present an imminent danger of death or severe harm to any participant of the program or a member of the general public.

Existing law authorizes the department to cease review of an application for a license to provide narcotic treatment services if certain conditions exist. Under this provision, the department may cease review if the applicant was denied a license under the provisions regulating narcotic treatment programs within the preceding year.

This bill would require the department to cease review of an application for a license under these provisions. The bill would also require the department to cease review if the applicant had a license suspended under these provisions within the preceding year.

Existing law authorizes the director to issue an order that prohibits a narcotic treatment program from admitting new patients or providing patients with take-home dosages of a replacement narcotic drug when the director makes certain determinations.

This bill would require the department to issue the order prohibiting the specified acts.

Existing law authorizes the department to vacate the order prohibiting the specified acts when the program submits a corrective action plan that reasonably addresses the

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deficiency or substantially conforms to the required action set out in the order. Under existing law, the department order is vacated when the department accepts a corrective action plan or fails to reject a plan within 10 working days after the receipt of the plan.

This bill would authorize the department to vacate the order when the corrective action plan submitted by the program both reasonably addresses the deficiency and substantially conforms to the required action set out in the order. The bill would provide that the department order is vacated upon acceptance by the department of a corrective action plan only if the department also ensures substantial conformity with the required action set out in the order.

Existing law authorizes the director to issue an order temporarily suspending a narcotic treatment program license prior to any administrative hearing under certain circumstances.

This bill would require the department, when the outcome at a hearing held subsequent to the temporary suspension is adverse to the licensee, to suspend a narcotic treatment program's license under this provision, as provided.

Ch. 718 (AB 636) Migden. School facilities.

Existing law, the California School Finance Authority Act, establishes the California School Finance Authority for the purpose of assisting school districts and community college districts by providing financing for working capital and capital improvements.

Existing law authorizes the authority, pursuant to an agreement with a participating district, to make secured or unsecured loans to, or purchase secured or unsecured loans from, a participating district for any of prescribed purposes.

This bill would, in addition, authorize the authority to purchase the rights to and possibilities regarding funding for school facilities approved by the State Allocation Board pursuant to the Greene Act of 1998, including amounts apportioned and funded and amounts approved but not yet funded, and would make conforming changes.

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

Ch. 719 (AB 656) Scott. Nurse assistants: training programs.

Existing law requires skilled nursing or intermediate care facilities to adopt a training program for nurse assistants that meets standards established by the State Department of Health Services. Under existing law, applicants for certification as a certified nurse assistant are required to meet certain qualifications, including completion of an approved training program.

This bill would require the department to convene a work group of specified composition to develop recommendations on ways to expand the availability of both training programs and nurse assistants available for hire in the state. This bill would require those recommendations to be submitted to the department by July 1, 2001.

Existing law sets forth requirements for renewal of certificates issued to certified nurse assistants. Under existing law, a certificate that is not renewed within 4 years after its expiration may not be renewed except upon completion of a certification program unless certain conditions are met.

This bill would reduce that time period to 2 years and revise the conditions for renewal of certificates.

Existing law requires the department to maintain a list of approved training programs for nurse assistant certification, and to include certain information on the list. Existing law also requires the department to inspect a representative sample of the training programs.

This bill would add to the information that is required to be included on the list of programs, and would require the department to examine the passage rate for trainees from each program, and to require each program to maintain an average 60% test score passage rate, calculated over a 2-year period.

Existing law specifies the content of approved training programs.

This bill would revise the content and required hours for those programs. This bill would further require the Chancellor of the California Community Colleges to provide the department with a process for approval of college credit, and would require the department to make that information available to training programs.

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This bill would incorporate additional changes in Section 1337.3 of the Health and Safety Code, proposed by AB 1160, to become operative only if AB 1160 and this bill are both chaptered and become effective January 1, 2000, and this bill is chaptered last.

Ch. 720 (SB 1237) Escutia. Insurance: claims: dispute resolutions.

(1) Existing law prohibits insurers from engaging in unfair claims settlement practices, and provides for sanctions against insurers who engage in unfair claims settlement practices with respect to third parties entitled to coverage under a policy of liability insurance by means of administrative sanctions against the insurer.

This bill would provide that an insurer shall act in good faith toward and deal fairly with third-party claimants. It would provide that if an insurer engages in unfair claims settlement practices with respect to a third-party claimant, the third-party claimant would generally have the right, upon meeting certain conditions, to assert a cause of action against the insurer, except as specified.

(2) Existing law generally provides for the determination of civil disputes by civil court actions, but contains provisions for alternative dispute resolution procedures, such as arbitration and judicial arbitration.

This bill would provide that where the amount in controversy is for either a dollar amount that does not exceed $50,000, or is within policy limits if the policy limits do not exceed $50,000, a claimant and the insurer may resolve the claim by arbitration pursuant to a written arbitration agreement, as specified. The bill would provide that if the parties agree to submit a claim to, and participate in, arbitration, the insurer shall be conclusively presumed to have complied with the duty to act in good faith toward and deal fairly with third-party claimants specified above.

Ch. 721 (AB 1309) Scott. Insurance.

(1) Existing law requires employers that elect to be self-insured for workers' compensation liabilities to obtain a certificate of consent to self-insure from the Director of Industrial Relations, as specified. Existing law also requires private employers that cease to be self-insured to discharge their continuing obligations to secure the payment of workers' compensation that accrued during the period of self-insurance by complying with various procedures, including the deposit and maintenance of a security deposit with the director for accrued liability. Under these provisions, an employer that ceases to be self-insured may alternatively discharge this obligation by purchasing a special excess workers' compensation insurance policy, and an employer that does so must maintain the required security deposit for a period of 3 years after the policy is issued, unless the insurer issuing the policy posts a financial guarantee bond with the director.

This bill would provide that certain of the provisions relating to an employer that ceases to be a self-insured employer also apply to public employers. It would provide that any employer, who is currently self-insured or who has ceased to be self-insured, may choose to discharge, without recourse or liability to the Self-Insurers Security Fund, its continuing obligations as a self-insurer, by purchasing a special excess workers' compensation insurance policy, in accordance with existing provisions of law regarding the transfer of liability to insurers and subject to certain approvals and rate filing requirements, as specified. The bill would provide that the provisions relating to the security deposit only apply to private self-insured employers. The bill would also delete provisions relating to the issuance of a financial guarantee bond and instead provide that in order for the special excess workers' compensation policy to discharge the obligation of a private employer to maintain a security deposit with the director, the policy shall provide coverage for all claims arising out of that liability for the applicable period, and to the extent the policy does not provide coverage for all claims, the employer shall maintain with the director the required security deposit for a period of 3 years after the issuance date of the policy. This bill would require the director to adopt regulations reasonably necessary to implement these provisions.

(2) Existing law prohibits insurers from engaging in unfair claims settlement practices, and provides for sanctions against insurers who engage in unfair claims settlement practices with respect to coverage under a policy of liability insurance by means of administrative sanctions against the insurer. SB 1237 of the 1999–2000 Regular Session, the Fair Insurance Responsibility Act of 2000 or "FAIR," would provide that an

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insurer shall act in good faith toward and deal fairly with 3rd-party claimants. It would provide that if an insurer engages in unfair claims settlement practices with respect to a 3rd-party claimant, the 3rd-party claimant would generally have the right, upon meeting certain conditions, to assert a cause of action against the insurer, except as specified. It would permit binding arbitration for specified personal injury claims.

This bill would make changes to the provisions of SB 1237 if SB 1237 becomes operative. Among those changes would be the elimination of the use of verdict amounts as evidence of insurer bad faith; restricting 3rd-party bad faith actions to individuals for bodily injury, as defined, wrongful death, or property damage resulting from an incident involving a motor vehicle; providing for a defense, as specified; limiting the prospective effect of that bill's new 3rd-party rights as to prior accidents, events, occurrences, or losses; and revising the presumption regarding insurer good faith and fair dealing arising from the submission of relevant claims to arbitration.

The bill would require the State Auditor to study the effects of FAIR, and to deliver his or her report to the Governor and the Legislature on or before January 1, 2005.

Ch. 722 (SB 441) Chesbro. Motorized scooters.

(1) Existing law governs the operation of motor vehicles and bicycles, but does not include provisions specifically governing the operation of motorized scooters.

This bill would set forth provisions specifically governing the operation of motorized scooters, as specified. The bill would exempt a person who operates a motorized scooter from the provision of existing law that requires persons operating motorized bicycles or mopeds to obtain a class M2 driver's license or endorsement. The bill would exclude violations concerning the operation of a motorized scooter from the requirement that court clerks report Vehicle Code violations to the Department of Motor Vehicles. In addition, the bill would prohibit a person from, among other things, operating a motorized scooter (a) upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage or any drug, (b) upon a highway or other street where bicycles are prohibited, (c) without wearing a helmet as specified, (d) when the operator is under the age of 16 years, and (e) on any vehicular crossing, unless the department by signs indicates that motorized scooters are permitted upon all or any portion of the vehicular crossing. The bill would authorize the Department of Transportation and local authorities to prohibit or restrict the use of the freeways or any portion thereof by any person operating a motorized scooter. Because 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. 723 (AB 194) Longville. Vehicles: offenses: court clerk: forwarding records.

(1) Under existing law, every court clerk is required to forward to the Department of Motor Vehicles an abstract of the record of any person convicted of a violation of the Vehicle Code. However, existing law provides certain exceptions to this requirement including convictions of the offenses of drinking any alcoholic beverage in a motor vehicle, or possessing, storing, or keeping an open alcoholic beverage container in a motor vehicle, as specified.

This bill would delete the above described exceptions when committed by the driver of the motor vehicle from the reporting requirements, thereby requiring the clerks to report these additional convictions to the department, and thus imposing a state-mandated local program by increasing the duties imposed on court clerks.

The bill would make conforming changes.

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

Ch. 724 (AB 1650) Committee on Transportation. Transportation.

(1) Under existing law, the powers and duties of the Department of Transportation include the duty of preparing an annual report that discusses the accomplishments of the California Transportation Research and Innovation Program and to submit that report to the Legislature not later than August 1st.

This bill would delete that duty.

(2) Existing law authorizes the board of directors of the San Francisco Bay Area Rapid Transit District (BART) to provide, by ordinance or resolution, that each director of the district shall be paid a sum that shall not exceed $1,000 for each month served subject to attendance requirements. Existing law provides for reduced compensation of members who miss board meetings and committee meetings, except as specified.

This bill would provide for a $100 reduction from the stipend for failure to attend each meeting of a committee on which the member serves if the member attends all scheduled and noticed regular board meetings.

(3) Existing law creates the Santa Clara County Transit District and prescribes the powers and duties of that district.

This bill would change the name of the district to the Santa Clara Valley Transportation Authority and would make conforming changes in related provisions of existing law.

(4) Under existing law, each member of the Santa Clara County Transit District Board is required to receive compensation in an amount determined by the board, not to exceed $50 for attending each board meeting and committee, and not to exceed $300 in any month.

This bill would increase the amount per meeting from $50 to $100 and would increase the monthly maximum from $300 to $400.

(5) The Bay Area County Traffic and Transportation Funding Act authorizes each member of a transportation authority created under the act in certain San Francisco Bay area counties to be compensated at the rate of $50 for each day attending the business of the authority, but not more than $100 in any month, excluding certain traveling and personal expenses.

This bill would increase the daily compensation to $100 and the maximum monthly compensation to $400.

(6) Existing law authorizes the Metropolitan Transportation Commission to impose a tax on the sale of gasoline within the region under its jurisdiction of not more than $0.10 per gallon, subject to certain conditions, including that the commission adopt a regional transportation expenditure plan prior to imposing the tax and that the measure imposing the tax be submitted to the voters of the region. Existing law requires that projects meet certain regional transportation needs in order to be included in the plan, such as to fund seismic retrofitting of transportation facilities, except toll bridges.

This bill would delete the toll bridges exclusion.

The bill would require the measure submitted to the voters to be set forth separately from state and local measures and to include certain language advising the voters of the authority the measure would provide. The bill would require the costs of submitting the measure to the voters to be reimbursed from general transportation funds if the measure is not approved.

(7) Under existing law, if a commercial vehicle, as defined, is modified or additions are made, as specified, at a cost of $2,000 or more, the owner of that vehicle is required to report that modification or addition to the Department of Motor Vehicles. Operative on January 1, 2000, the amount of the modification or addition that requires the reporting will be reduced from $2,000 to $200.

This bill would delay, until January 1, 2001, the operative date of the provision providing for a reduced amount, thereby continuing the $2,000 modification or addition threshold reporting requirement until that date.

(7.5) Existing law authorizes the Department of Transportation to lease specified real property in the City of San Diego to a city, county, or other political subdivision or another state agency for emergency shelter or feeding program purposes.

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This bill would authorize the department to lease the specified property for the additional purpose of establishing a day care center for children.

(8) Existing law lists the highways included in the California freeway and expressway system.

This bill would add State Highway Route 11 to the California freeway and expressway system, would modify the description of the portion of State Highway Route 142 that is included in that system, would delete State Highway Route 274 from the system, and would allow for the relinquishment of a portion of State Highway Route 91 to the Cities of Hermosa Beach, Lawndale, Manhattan Beach, and Redondo Beach if the cities agree to it.

(9) Existing law provides descriptions of the routes in the state highway system.

This bill would modify the descriptions of State Highway Routes 18, 44, 66, 83, 142, 259, and 330 to delete references to State Highway Route 30, which has been deleted from the state highway system.

(10) Existing law continuously appropriates specified sums from revenues derived from certain taxes imposed on motor vehicle fuel 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 $5,500,000, whichever is less.

This bill would increase the $5,500,000 amount to $7,000,000, thereby making an appropriation by increasing the amount of money available for snow removal.

(11) Existing law governs the operation of motor vehicles and bicycles, but does not include provisions specifically governing the operation of motorized scooters.

This bill would define "motorized scooter" for purposes of the Vehicle Code and would require every manufacturer of motorized scooters to provide a disclosure to buyers that advises buyers that their existing insurance policies may not provide coverage for these scooters and that they should contact their insurance company or insurance agent to determine if coverage is provided. The disclosure would be required to be printed as specified and to contain certain language relating to insurance requirements.

(12) Existing law makes it unlawful to willfully fail or refuse to comply with any lawful order or any peace officer, as defined, when that peace officer is in uniform and is performing duties under the Vehicle Code.

This bill would specify that it is unlawful to fail or refuse to comply with any lawful out-of-service order, as defined, that complies with certain federal regulations and is issued by a peace officer, as specified.

(13) Existing law, until January 1, 2000, authorizes the filing of a certificate of nonoperation after the expiration of the registration of a vehicle, as specified.

This bill would delete the repeal date specified above, thus extending indefinitely the authority to file the specified certificate of nonoperation.

(14) Existing law authorizes any member of a county board of supervisors, in any county of over 20,000 square miles in area and 2,855 miles of maintained county roads, to apply to the Department of Motor Vehicles for regular series license plates for that vehicle, as specified.

This bill would revise that authorization to make it applicable to any county of over 20,000 square miles.

(15) Existing law authorizes the Department of Motor Vehicles to hold driver's license suspension or revocation hearings upon demand and requires the department to issue subpoenas at the request of any party before commencing the hearing.

This bill would authorize the subpoenas to be served by first-class mail.

The bill would authorize hearing decisions to be modified at any time after issuance to correct mistakes or clerical errors.

(16) Existing law imposes certain sanctions on drivers of commercial motor vehicles for specified violations of law.

This bill would prohibit any driver from operating a commercial motor vehicle for a period of 60 days if the Department of Motor Vehicles determines, after a hearing, that the person falsified information on his or her application for a driver's license in violation of federal regulation.

The bill would prohibit any driver from operating a commercial motor vehicle for a period of 90 days if the person is convicted of a first violation of an out-of-service order, as specified. The bill would provide for additional sanctions for subsequent violations.

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The bill would authorize the department to suspend, revoke, or cancel the privilege of any person to operate a commercial motor vehicle, as specified, upon receipt of a duly certified abstract of the record of any court that the person has been convicted of certain offenses.

The bill would include certain provisions prohibiting evading a pursuing peace officer to a list of offenses requiring a suspension or revocation of the privilege to operate a commercial motor vehicle.

(17) Existing law requires the driver of an overtaken vehicle to give way in favor of the overtaking vehicle on audible signal or the momentary flash of headlights by the overtaking vehicle.

This would specify that the driver of the overtaken vehicle is not required to drive on the shoulder of the highway in order to allow the overtaking vehicle to pass.

(18) Existing law makes it an infraction for any person to drive a vehicle upon a highway with certain established speed limits at a speed greater than those limits, to drive a vehicle upon a highway at a speed greater than 65 miles per hour, and to drive certain vehicles upon a highway at a speed greater than 55 miles per hour.

This bill would make it a misdemeanor for any person to operate a commercial motor vehicle, as defined, upon a highway at a speed exceeding a maximum speed limit established under the Vehicle Code by 15 miles per hour or more. The bill would make a violation of this provision subject to certain sanctions relating to drivers of commercial motor vehicles. The bill would impose a state-mandated local program by creating a new crime.

(19) Existing law sets forth provisions governing sentencing for persons convicted of driving while under the influence of an alcoholic beverage or drug (DUI) in a water vessel, and specifies that for these purposes certain offenses shall be a separate violation of a DUI offense.

This bill would add specified sanction provisions of the Vehicle Code to these provisions.

(20) Existing law requires every towed vehicle to be coupled to the towing vehicle or tow truck by specified means.

This bill would require 2 safety chains in addition to the primary restraining system when a towed vehicle is coupled to a tow truck.

The bill would also require vehicles being transported on a slide back carrier or conventional trailer to be secured in a specified manner.

Because a violation of the Vehicle Code under existing law is a crime, this bill would expand that crime, thereby imposing a state-mandated local program.

(21) Existing law requires every motor carrier of property, as defined, to provide adequate protection against liability for the payment of damages in certain amounts, except as specified. The operator of a for-hire tow truck who meets this requirement is authorized to perform emergency moves at the direction of a peace officer irrespective of the load carried aboard the vehicle being moved.

This bill would define "emergency move" for purposes of existing law and would specify that any transportation of property by an operator of an operator of a for-hire tow truck that is not an emergency move is subject to the provision in existing law requiring protection against liability, including a requirement that the for-hire tow truck operator have a level of liability protection that is adequate for the commodity being transported by the towed vehicle or combination of vehicles.

(22) Existing law requires motor carriers and drivers to comply with the controlled substance and alcohol use and testing requirements of federal law.

This bill would include transportation requirements of federal law and would require transit agencies receiving certain federal financial assistance to comply with the controlled substance and alcohol use and testing requirements under federal law. Because a violation of these requirements is a crime, this bill would impose a state-mandated local program by expanding the scope of that crime.

(23) Existing federal regulations authorize special agents of the Federal Highway Administration to perform inspections of commercial motor vehicles and declare and mark those vehicles as "out of service" under certain circumstances.

This bill would make it a misdemeanor for any employer to violate an out-of-service order that complies with those federal regulations or knowingly require or permit a

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driver to violate or fail to comply with that out-of-service order. The bill would impose a state-mandated local program by creating a new crime.

(24) Existing law authorizes the arresting officer to either give a person 10 day's notice to appear in court or take the person before a magistrate when the person is arrested for certain listed offenses.

This bill would expand the specified list of offenses to include a violation of an out-of-service order, as specified.

(25) Existing law authorizes a court to order a person issued a notice to appear for a traffic violation to attend a traffic violator school, in lieu of adjudicating the offense.

This bill would prohibit a court from ordering a person to attend traffic violator school in lieu of adjudicating an offense if the notice to appear was for a serious traffic violation, as defined, that occurred in a commercial motor vehicle.

(26) Existing law limits buses and motorcoaches to a width of 102 inches with an exception for certain vehicles up to 104 inches.

This bill would, until January 1, 2002, authorize a width exemption up to 106 inches to accommodate ski equipment as prescribed. This bill would impose prescribed requirements with respect to the operation of the motor coaches and buses. Because of the violation of these provisions would be an infraction, the bill would create a new crime and thus impose a state-mandated local program. The bill would also require the Department of the California Highway Patrol in consultation with the Department of Transportation, to conduct a study on the operation of those vehicles.

(27) Chapter 1159 of the Statutes of 1993, among other things, appropriated the sum of $500,000 to the Department of Transportation for allocation to the City of Coronado for an automatic vehicle identification system on the San Diego-Coronado Bridge.

This bill would reappropriate that amount to the department for that purpose.

(28) The bill would make various technical, clarifying changes in existing law.

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

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

Ch. 725 (AB 1584) Machado. Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act; water resources.

Under existing law, various bond acts have been approved by the voters to provide funds for water projects, facilities, and programs.

This bill would enact the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act which, if adopted, would authorize, for purposes of financing a safe drinking water, water quality, flood protection, and water reliability program, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $1,970,000,000. The bill would also provide for the use of prescribed bond funds, and funds repaid to the state pursuant to certain loan contracts, for specified programs established by this act.

The bill would require the Secretary of State to submit the bond act to the voters at the March 7, 2000, statewide direct primary election.

The bill would amend a provision relating to the calculations of the interest rate to be applied to certain loans from the State Water Pollution Control Revolving Fund.

The bill would require the Imperial Irrigation District, the Coachella Valley Water District, and the Metropolitan Water District of Southern California to sign and adopt a prescribed quantification agreement on or before October 15, 1999, and, if the districts do not do so, would require the Governor or his sole designee to promulgate a quantification settlement by January 1, 2000, as specified. The bill would impose specified duties on the Governor with respect to the agreement or settlement.

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

Ch. 726 (SB 3) Rainey. California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

Existing law establishes the California Library Construction and Renovation Bond Act of 1988, which authorized the issuance pursuant to the State General Bond Law of bonds

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in the amount of $75,000,000 for the purpose of financing a special library construction and renovation program.

This bill would enact the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000, which would authorize the issuance pursuant to the State General Bond Law of bonds in the amount of $350,000,000 for the purpose of financing a library construction and renovation program administered by the State Librarian.

The bill would provide for submission of the bond act to the voters at the statewide primary election on March 7, 2000, and would become operative upon adoption by the voters at that election.

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

Ch. 727 (AB 1391) Hertzberg. Forensic laboratories.

Existing law requires the State Auditor to conduct an assessment of the needs of existing forensic science laboratories, and to submit a report to the Legislature on the needs assessment by January 1, 1999.

This bill would enact the Hertzberg-Polanco Crime Laboratories Construction Bond Act of 1999, which would, upon approval by the voters at the March 7, 2000, primary election, authorize the issuance and sale of bonds in the total amount of $220,000,000 to be used for the construction, renovation, and infrastructure costs of new local forensic laboratories and the remodeling of existing local forensic laboratories and related administrative costs, and to reimburse the General Obligation Bond Expense Revolving Fund. The bill would create the Forensic Laboratories Capital Expenditure Fund in the State Treasury. The bill would also create the Forensic Laboratories Authority within the Department of Justice, which would be comprised of 7 members, including the Attorney General, the State Director of Crime Laboratories, 5 members who would be appointed by the Governor, with the advice and consent of the Senate. The bill would prescribe the powers and duties of the authority, and provide for repeal of the provisions establishing the authority on January 1, 2010.

The bill would establish procedures for applications for funding the construction and renovation of local forensic laboratories.

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

Ch. 728 (SB 630) Dunn. Veterans' homes.

Existing law establishes a Veterans' Home of California, Yountville, and authorizes the Department of Veterans Affairs to establish and construct a 2nd home located at Barstow and on 3 additional sites in southern California. Existing law authorizes the California Veterans Board to issue revenue bonds, negotiable notes, or negotiable bond anticipation notes for the construction of homes at these 3 additional locations.

This bill would enact the Veterans' Homes Bond Act of 2000 which, upon approval of the state electorate, would authorize, for purposes of financing a plan for the design and construction of veterans' homes in the state, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $50,000,000. This bill would give first priority to funding construction or renovation of the veterans' homes described in specified provisions of existing law.

The bill would provide for submission of these provisions to the voters at the March 7, 2000, statewide primary election in accordance with specified law.

Upon the adoption by the voters at the March 7, 2000, statewide primary election of the Veterans' Bond Act of 2000, as specified above, the bill also would limit the existing authority to issue revenue bonds, negotiable notes, or negotiable bond anticipation notes as described above, to the issuance of those bonds and notes only for the construction of the veterans home at the 2nd site after the construction of the 1st site at Barstow is completed and opened.

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

Ch. 729 (SB 664) Alpert. San Diego ferry service: San Diego-Coronado Bridge.

(1) The Mills-Alquist-Deddeh Act specifies allowable claims for local transportation funds that may be filed with the transportation planning agency.

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This bill would allow cities within the County of San Diego to file claims with the transportation planning agency to provide commuter ferry service on San Diego Bay for the purpose of serving peak period commute trips for pedestrians and bicycles, as specified. Because this would increase the level of services required of transportation planning agencies, this bill would impose a state-mandated local program.

(2) Existing law creates the San Diego Metropolitan Transit Development Board in San Diego County. Provision is made, on an annual basis and at the time of the annual apportionment, for an assessment of each member jurisdiction based on a percentage of its apportionment equal to the percentage of its 1983–84 fiscal year apportionment claimed for support of regional transit services or 5% of its annual apportionment, whichever is greater.

The bill would delete a requirement in existing law that the specified assessment formula remain in effect for a minimum of 3 fiscal years, would delete authority for the formula to be amended after the expiration of those 3 years, would delete authority for a specified regional transit advisory service to review the formula and recommend appropriate changes to the board and the pertinent jurisdictions, and, instead, would authorize the board to adopt and amend, on an annual basis, an assessment formula for funding regional services. The bill would exempt this board action from the application of the weighted vote procedures in existing law. The bill would require the board to consider the transit needs and revenue for the next 5-year period including certain specific factors. The bill would prohibit the formula from providing for an assessment for any city that is greater than 50% of that city's annual apportionment for support of regional services. The bill would require the regional transit service advisory committee to review, on an annual basis, the assessment formula and submit to the board any recommended changes to the formula that are based on the specified factors.

The bill would delete a requirement in existing law for the board to establish certain reserves at the request of specified cities or the county.

This bill would require the board, for the 1999–2000 fiscal year only, to proportionately assess each jurisdiction within the board's area, as described, for the costs of commuter ferry service with the total aggregate amount assessed not to exceed $120,000.

To the extent that these provisions would increase the level of service required of the board or the regional transit service advisory committee, the bill would impose a state-mandated local program.

(3) Existing law requires the revenue from any tolls imposed on the San Diego-Coronado Bridge to be used first for expenses related to the collection of tolls and operation of the bridge.

This bill would specify that expenses related to the collection of tolls include, but are not limited to, the installation and operation of an automated toll collection system, if that system is installed by the San Diego Association of Governments. The bill would make conforming changes.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 730 (SB 1275) Schiff. Sex offender registration: required information.

(1) Existing law requires persons convicted of specified sex offenses to register with local law enforcement agencies upon their discharge, parole, or release from confinement and to update that registration annually or upon a change of residence address. The information required to be given by the offender is determined by the Department of Justice, and includes the offender's residence address.

This bill would require the offender to provide, in addition, the name and address of his or her employer and to update that information annually or upon a change of employment. By increasing the duties of local officials, this bill would impose a state-mandated local program.

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(2) Existing law requires the Department of Justice to continually compile specified identifying information regarding a person who is required to register as a sex offender and who was convicted of a specified offense. The department is also required to operate a "900" telephone number that members of the public may use to call and inquire whether a named individual is listed in that information registry. The department is authorized to release certain information under specified conditions to members of the public but is prohibited from disclosing the street address or criminal history of a listed person except as specified.

This bill would also prohibit the department from disclosing to a member of the public under the above provision the name or address of the listed person's employer.

This bill would incorporate additional changes in Section 290 of the Penal Code proposed by SB 341 and AB 1193 and 1340, to be operative if this bill and one or more of the other bills are enacted and become effective on or before January 1, 2000, and this bill is enacted last.

This bill would also incorporate additional changes in Section 290.4 of the Penal Code proposed by AB 1340, to be operative if that bill and this bill are both enacted and become effective on or before January 1, 2000, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 731 (SB 25) Escutia. Environmental health protection: children.

(1) Existing law requires the State Air Resources Board to adopt ambient air quality standards in consideration of specified factors, including public health effects, as provided, and to specify threshold levels for health effects in listing substances determined to be toxic air contaminants. Existing law requires the Office of Environmental Health Hazard Assessment, upon request of the state board, to evaluate the health effects of and prepare recommendations regarding specified substances which may be or are emitted into the ambient air and that may be determined to be toxic air contaminants. Under existing law, the state board's request is required to be in accordance with an agreement that ensures that the office's workload in implementing these provisions will not be increased over that budgeted for the 1991–92 fiscal year, as provided.

This bill would eliminate the requirement for that agreement, and would impose specified requirements on the state board and the office generally relating to the protection of infants and children from environmental health hazards. The bill would require the state board, not later than December 31, 2000, to review all existing health-based ambient air quality standards to determine whether the standards adequately protect the health of the public, including infants and children, and to revise the highest priority air quality standard determined to be inadequate, not later than December 31, 2002. The bill would require the office, by July 1, 2001, to establish a list of up to 5 specified toxic air contaminants that may cause infants and children to be especially susceptible to illness. The bill would require the state board to review and, as appropriate, revise any control measures adopted for those toxic air contaminants, to reduce exposure to those toxic air contaminants, as provided.

(2) Existing law requires the South Coast Air Quality Management District to notify all schools in the South Coast Air Basin whenever any federal primary ambient air quality standard is predicted to be exceeded.

This bill would also require the south coast district to notify day care centers in that basin, to the extent feasible and upon request. The bill would create a state-mandated local program by imposing new duties on the south coast district.

(3) The bill would create the Children's Environmental Health Center within the Environmental Protection Agency to, among other things, serve as chief advisor to the Secretary for Environmental Protection and to the Governor on matters within the

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jurisdiction of the agency relating to environmental health and environmental protection as it relates to children.

(4) This bill would incorporate additional changes to Section 40451 of the Health and Safety Code, proposed by SB 1195, to be operative only if SB 1195 and this bill are both chaptered on or before January 1, 2000, and this bill is chaptered last.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 732 (SB 1091) Ortiz. Governor's residence.

Existing law requires that proceeds from the sale of a specified parcel be deposited in a special account and held for the purpose of providing a suitable residence for the Governor.

This bill would create the Governor's Permanent Residence Commission with a specified membership to consider the needs, design criteria, site selection, and funding of a suitable residence for the Governor. The bill would require the commission to consult with the Department of the California Highway Patrol and various leaders, members, staff, and others and to make preliminary recommendations to the Governor and the Legislature by January 1, 2000, and final recommendations by June 30, 2000. The bill would also create the Governor's Residence Account in the General Fund and transfer any existing funds in the Governor's Mansion Account to the new account.

This bill would make the provisions governing the commission inoperative as of June 30, 2000, and would repeal these provisions as of January 1, 2003.

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

Ch. 733 (AB 290) Steinberg. Design-Build: Leland Stanford State Historical Park.

Existing law vests control of the state park system in the Department of Parks and Recreation, which includes various parks and facilities.

This bill would authorize the Director of Parks and Recreation to contract for the construction for the preservation and restoration of the Leland Stanford Mansion State Historical Park and related facilities using a design-build process that the Director of General Services is authorized to use. The bill would establish additional requirements for the design-build process. The bill would incorporate a provision of existing law that provides that a person who certifies as true any material matter that he or she knows to be false is guilty of a misdemeanor. By changing the definition of an existing crime, the bill would impose a state-mandated local program. The bill would require the director to submit a report to the Joint Legislative Budget Committee 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. 734 (AB 33) Soto. School-parent compacts: Parent/Teacher Involvement Program.

Existing law requires the governing board of each school district to adopt a policy on parent involvement.

Existing law also establishes the Parental Involvement Grant Program, which is administered by the Superintendent of Public Instruction. The program requires any school district that maintains kindergarten or any of grades 1 to 12, inclusive, to apply on behalf of a school for funding under that program if the schoolsite council of the school submits an application, including a parent involvement plan, that meets certain requirements, upon certification that a significant percentage of the parents of the pupils

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at the applicant school have signed compact agreements regarding parental participation, as described.

This bill would delete the provisions that establish the Parent/Involvement Grant Program, and instead establish the Nell Soto Parent/Teacher Involvement Program, pursuant to which the Superintendent of Public Instruction would allocate grants to schools in accordance with prescribed criteria, for the purpose of strengthening communication between schools and parents, as a means of improving pupil academic achievement. The program would include teacher participation in home visits or community meetings. The bill would provide that nothing in the program be construed to supersede any valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.

Existing law requires the governing board of each school district that receives certain federal funds to establish a parent involvement program that includes home activities, strategies, and materials that can be used to assist and enhance the learning of children.

This bill would establish the Teresa P. Hughes Family-School Partnership Award and Grant Program, to be administered by the State Department of Education. This bill would require the grant of nonmonetary awards and funds to applicant school districts and county offices of education for schools that establish or expand family outreach programs that meet prescribed participation criteria. The bill would require the nonmonetary awards to be in the form of a plaque or sign and the grants of funds not to exceed $15,000 per schoolsite.

Existing law requires the governing board of each school district to adopt a policy on parent involvement. Existing law provides that the parents and guardians of pupils enrolled in public schools have the right and should have the opportunity as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school about matters relating to the education of their children, and to participate in the education of their children. Existing law requires the governing board of each school district to develop jointly with parents and guardians, and to adopt, a policy that outlines how parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each schoolsite.

This bill would establish the Tom Hayden Community-Based Parent Involvement Grant Program, whereby state funds would be allocated to school districts for the purposes of contracting with nonprofit community-based organizations through a grant program, to be administered by the State Department of Education, to offer training courses for parents and guardians of schoolage children to enhance their involvement in public education. The bill would provide for a grant amount, not to exceed $40,000 per schoolsite.

The bill would appropriate, without regard to fiscal year, $20,000,000 from the General Fund to the Superintendent of Public Instruction for allocation for the purposes of the programs established pursuant to its provisions. From that amount, the bill would allocate $15,000,000 for the purpose of establishing the Nell Soto Parent/Improvement Grant Program, $2,500,000 for the purpose of establishing the Teresa P. Hughes Family-School Partnership Award and Grant Program, and $2,500,000 for the purpose of establishing the Tom Hayden Community-Based Parent Involvement Program.

The funds appropriated by this bill would 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. 735 (SB 366) Alpert. Pupil testing.

Under the Leroy Greene California Assessment of Academic Achievement Act, the State Board of Education is required to adopt statewide performance standards in the core curriculum areas of reading, writing, mathematics, history-social science, and science based on the recommendations made by a contractor or contractors no later than July 15, 2000.

This bill would delete the date by which the State Board of Education is required to adopt statewide performance standards in these core curriculum areas.

This bill would require the State Board of Education to adopt a performance standards system that includes performance levels, performance level descriptors, test

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administration data from the applicable board adopted tests, and exemplars of pupil performance that exemplify the content and performance standards. The bill would require the State Board of Education to ensure that the performance standards system is aligned to the state's academically rigorous content and performance standards.

Existing law requires the State Department of Education and the publisher of the achievement test that is part of the STAR Program to make the grade, school, school district, and state results available on the Internet by June 30 of each year in which the achievement test is administered.

This bill would instead require the test publisher to make the results available to the State Department of Education by July 8 of each year, require that the individual pupil results also be made available, and require the State Department of Education to make the grade, school, school district, and state results available on the Internet by July 15 of each year in which the achievement test is administered.

Under the STAR Program, the State Board of Education is required to designate a single statewide achievement test in grades 2 to 11, inclusive. Existing law authorizes the State Department of Education to develop a standard agreement, subject to the approval of the State Board of Education, that all test publishers are required to use. Under existing law, to be eligible for consideration, test publishers are required, among other things, to enter into this standard agreement with each school district in the state that includes, among other things, the requirement that the publisher post a performance bond.

This bill would instead require the department to develop, and the State Board of Education to approve, a contract for these purposes. The bill would recast these provisions to require a test publisher to enter into the contract with the State Department of Education instead of with each school district and to require test publishers to provide valid and reliable individual pupil and aggregate scores in certain content areas.

This bill would delete the requirement of a performance bond and would make conforming changes.

This bill would exempt these contracts from requirements applicable to certain public contracts, would prescribe the contents of the contracts, would expand the law authorizing closed sessions related to pupil tests, would delete provisions authorizing the State Board of Education to adopt related regulations, and would make conforming changes.

This bill would require the State Board of Education to annually establish the amount of funding to be apportioned to school districts and to annually establish the amount per test administered that each publisher shall be paid pursuant to the contracts.

This bill would, commencing in the 1999–2000 school year, and each school year thereafter, and contingent upon a determination by the Director of Finance that funds are available to make an adjustment to funds apportioned to school districts for purposes of the testing program, require the test publisher to make available a reading list on the Internet, require the reading list to include an index that correlates ranges of pupil reading scores on the English language arts portion of the achievement test to titles of materials that would be suitable for pupils to read in order to improve their reading skills, and require the test publisher to make available, for purchase by school districts, a report that provides a numerical distribution of the reading scores of all pupils in California who took the test and reading lists that can be distributed to pupils based on the ranges of scores on the English language arts portion of the test and the age of the pupil.

This bill would provide that certain statutory changes made by the bill do not apply to the 1999 STAR Program and would require the 1999 STAR Program be governed by specified statutes as they existed on January 1, 1999.

This bill would incorporate changes in Sections 60641 and 60643 of the Education Code proposed by AB 144 to be operative only if AB 144 and this bill are both enacted and become effective on or before January 1, 2000, and this bill is enacted last.

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

Ch. 736 (SB 267) Lewis. Charter schools: funding.

Existing law establishes the Charter School Revolving Loan Fund in the State Treasury, as a continuously appropriated fund, to loan money to school districts for charter schools and requires the Superintendent of Public Instruction to deposit $114,000

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from the federal Public Charter School Program grant funds awarded to the State Department of Education for 1996–97 and, appropriated in the Budget Act of 1996, into the Charter School Revolving Loan Fund. Existing law authorizes additional federal Public Charter School Program grant funds appropriated in the Budget Act of 1996 to be transferred by the Superintendent of Public Instruction to the Charter School Revolving Loan Fund. Existing law authorizes loans from money in the Charter School Revolving Loan Fund for use by charter schools in the first year in which it enrolls pupils in an amount not to exceed $50,000.

This bill would delete the continuous appropriation, would delete the references to specific items of appropriation, as they pertain to federal Public Charter School Program grant funds, and would require funds appropriated to the fund to remain available for the purposes of the fund until reappropriated or reverted by the Legislature through the Budget Act or any other act. The bill would authorize loans to be made from the Charter School Revolving Loan Fund directly to certain charter schools, as well as to the chartering authority for charter schools, and would provide that a loan to a chartering authority, or to a charter school, shall not exceed $250,000. Under existing law, a chartering authority may be a school district, a county board of education, or the State Board of Education.

Existing law requires the Controller to make loan repayment deductions from apportionments during each of the 2 successive fiscal years.

This bill would, instead, require repayment of the full amount loaned to the chartering authority or charter school to be deducted by the Controller in equal annual amounts over a number of years agreed upon between the loan recipient and the State Department of Education, not to exceed 5 years for any loan and would make conforming changes.

This bill would, notwithstanding other provisions of law, authorize a loan to be made directly to a charter school only in the case of a charter school that is incorporated, and would require the chartering authority to, also, be liable for repayment of the loan in the case of default by the charter school.

Existing law, with certain exceptions, requires an agency sponsoring a charter school to exclude the attendance of pupils in the charter school for the purposes of computing eligibility for funding of categorical and other programs of the sponsoring agency.

This bill would, instead, require that a sponsoring school district's average daily attendance be calculated pursuant to a formula, which would provide an adjustment for pupils attending charter schools.

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

Ch. 737 (AB 1242) Lempert. Teacher credentialing: California Preliminary (CAP) credential.

Existing law requires the Commission on Teacher Credentialing to charge examination fees that are sufficient to recover the costs of developing and administering examinations for teachers to demonstrate competence in the skills necessary to instruct limited-English-proficient pupils and to earn a certificate of bilingual-crosscultural competence.

This bill would, in addition to the fees collected pursuant to the above, authorize the commission to establish and collect fees to recover its costs for the administration of any assessment of teaching competence adopted by the commission, unless the costs are recovered by appropriations from another source.

Existing law authorizes the Commission on Teacher Credentialing to issue an eminence credential to any person who has achieved eminence in a field of endeavor taught or service practiced in the public schools of California. This credential authorizes teaching or the performance of services in the public schools in the subject, subject area, or service, and at the level or levels, approved by the commission as designated on the credential.

This bill would require the commission, until January 1, 2005, upon the recommendation of the governing board of a school district, to issue a California Preliminary (CAP) credential to any person who displays knowledge and expertise in a subject area as demonstrated by the qualifications of possession of a postbaccalaureate or graduate degree in one of a number of specified subjects, 5 or more full-time

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equivalent years of practice in the field for which the postbaccalaureate or graduate degree was awarded, and basic skills proficiency. This credential would be a preliminary single subject teaching credential and would authorize teaching in the subject or subject area, or the performance of services, approved by the commission and designated on the credential. The bill would require the governing board of the school district electing to recommend a person for a CAP credential to enroll candidates for the CAP credential in a preservice training program that is aligned with the California Standards for the Teaching Profession and to develop an individual program of professional preparation consisting of no less than 150 hours of study for each candidate to pursue professional development. The bill would require each recipient of the CAP credential to complete the preservice training program before providing classroom instruction. The credential would be issued initially for a 2-year period upon completion of certain requirements and could be renewed for an additional 2-year period upon completion of certain requirements, after which the holder would be eligible for a professional clear teaching credential.

The bill would require the commission to report to the Legislature by February 1, 2004, on the number of credentials issued in each subject, the retention rates of candidates who receive a CAP credential, and recommendations for improvement to the program.

Ch. 738 (AB 420) Wildman. Community colleges: faculty.

(1) Existing law requires that a person employed to teach adult or community college classes for not more than 60% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee.

This bill would require the California Postsecondary Education Commission to conduct a comprehensive study of the part-time faculty, employment, salary, and compensation patterns, as specified, of the California Community Colleges. The bill would require the commission to release its preliminary findings regarding the study to the Legislature and the Governor by March 31, 2000, and would require the completed study to be transmitted to the Legislature and the Governor by July 1, 2000.

(2) Existing law requires the governing board of each community college district to adopt and cause to be printed and made available to each academic employee a schedule of salaries to be paid.

This bill would require the schedule of salaries to be paid to be based on a uniform allowance for years of training and years of experience, thereby increasing the responsibilities of community college district governing boards and imposing a state-mandated local program.

(3) Existing law establishes the Part-Time Community College Faculty Health Insurance Program for the purpose of providing a state incentive program to encourage community college districts to offer health insurance for part-time faculty. Existing law defines "part-time faculty," for the purposes of the program, as any faculty member whose teaching assignment in 2 or more community college districts equals or exceeds the cumulative equivalent of a minimum full-time teaching assignment.

This bill would revise that definition by deleting the requirement that the faculty member teach in 2 or more districts and would define the term, instead, to mean any faculty member whose teaching assignment equals or exceeds 40% of the cumulative equivalent of a minimum full-time teaching assignment.

Under existing law, a part-time faculty member and his or her eligible dependents are eligible to participate in the program no earlier than the commencement of the faculty member's 3rd consecutive semester of teaching or 4th consecutive quarter of teaching where the quarter system is used, as specified.

This bill would delete that limitation.

Under existing law, if a part-time faculty member is employed by more than one community college district, and both or all of the community college districts for whom he or she works offers health insurance pursuant to the program, the employee is required to select only one district to provide health insurance coverage.

This bill would repeal that provision.

(4) Existing law authorizes the governing boards of community college districts to provide compensation for office hours to part-time faculty.

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The bill would state that this provision does not preclude compensation under the Community College Part-Time Faculty Office Hours Program for paid office time for each 20% of a full-time load, or fraction thereof, as defined by the community college district.

Under existing law, if a governing board of a community college district establishes a program to provide part-time faculty office hours, those hours may not be applied toward the 60% hours per week requirement for determining part-time faculty status.

This bill would additionally provide that those office hours may not be counted toward the hours per week of teaching adult or community college classes for purposes of acquiring eligibility for tenure or for purposes of fulfilling any probationary hour requirements.

(5) The bill would provide that changes made to the Part-time Community College Faculty Health Insurance Program and the Community College Part-time Faculty Office Hours Program by the bill shall not affect any part-time health insurance program or office hour program in effect on January 1, 2000.

(6) The bill would make specified provisions of the bill operative in any fiscal year only if funds are appropriated for purposes of the bill in the annual Budget Act or in another measure. The bill would require the chancellor to prorate the funds among the community college districts affected by the bill if the amount appropriated in the annual Budget Act or in another measure is insufficient to fully fund those provisions.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(8) The bill would appropriate $500,000 from the General Fund to the Board of Governors of the California Community Colleges in augmentation of a specified item of the Budget Act of 1999 for purposes of the Part-Time Community College Faculty Health Insurance Program. The funds appropriated by this bill would 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. 739 (SB 117) Murray. Transportation facilities: Environmental Enhancement and Mitigation Program Fund.

Existing law states that it is the intent of the Legislature, commencing July 1, 1991, to allocate $10,000,000 annually for 10 years to the Environmental Enhancement and Mitigation Demonstration Program Fund. Under these provisions, local, state, and federal agencies and nonprofit entities may apply for and receive grants, as specified, for environmental enhancement and mitigation projects related to the environmental impact of modifying existing transportation facilities or for the design, construction, or expansion of new transportation facilities.

This bill would delete the 10-year limitation of the existing law and instead would specify that it is the intent of the Legislature to allocate $10,000,000 annually to the fund which would be renamed the Environmental Enhancement and Mitigation Program Fund. The bill also would make related changes.

The bill also would require the California Transportation Commission, on or before December 31 of each year, to provide the Assembly Committee on Budget and the Senate Committee on Budget and Fiscal Review with a list of projects funded from the program during the previous fiscal year, as specified.

Ch. 740 (SB 159) Johnston. State Teachers' Retirement System: health care benefits.

Under existing law, the State Teachers' Retirement System provides retirement, disability, and survivor benefits to members of the system and their beneficiaries.

This bill would require the system to develop a program to provide health care benefits to members of the system and to their beneficiaries, children, and dependent parents,

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as defined, and would require the costs incurred by the system to be paid by allocations from the Teachers' Retirement Fund as appropriated for that purpose. Implementation of the program would require enactment of a specific statute.

The bill would also appropriate $625,000 from the Teachers' Retirement Fund to develop a program pursuant to the bill.

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

Ch. 741 (SB 429) Monteith. County health services.

Existing law provides that the Hospital Services Account in the Cigarette and Tobacco Products Surtax Fund is available for appropriation for payment to public and private hospitals for the treatment of hospital patients who cannot afford to pay for that treatment and for whom payment for hospital services will not be made through private coverage or by any program funded in whole or in part by the federal government.

Existing law provides for the allocation of money derived from the Hospital Services Account to each county contracting with the State Department of Health Services under the County Medical Services Program, also known as a CMSP county, and to a county that administers its own county health services program, also known as a MISP county.

Existing law requires as a condition of a county receiving funding under these provisions that each county and noncounty hospital, among other things, maintain the same number and classification of emergency room permits and trauma facility designations as existed on January 1, 1990.

Existing law provides that if San Luis Obispo County or Stanislaus County discontinues the provision of acute inpatient care services they may surrender their emergency room permits without penalties if, in the alternative, designated requirements are met, including, delivering specific alternative services.

This bill would add new requirements, related to the system of delivering alternative services, for San Luis Obispo County and Stanislaus County to act pursuant to this provision. This bill would provide that if these counties meet the designated requirements they shall be eligible to receive county funding pursuant to these provisions in the manner specified in the bill.

Ch. 742 (SB 491) Johnston. Structured settlements: transfers.

Existing law permits a judgment awarded by a court for damages for personal injury in resolution of a tort claim, or an award for permanent disability for personal injuries subject to the workers' compensation law, to be paid in periodic payments rather than a lump-sum payment, which is known as a structured settlement.

This bill would require a transfer of structured settlement payment rights entered into on or after January 1, 2000, to be preceded by a specified disclosure and to include notice to all other interested parties. It would also require a transfer of structured settlement payment rights to comply with specified conditions, including conditions as to fairness and compliance with law. It would prohibit the inclusion of various provisions in an agreement for the transfer of structured settlement payment rights and would make an agreement void and unenforceable if a prohibited provision is included. It would require the filing of a copy of the transfer agreements with the Attorney General, as specified, and would authorize the Attorney General to charge a reasonable fee for filing a copy of those agreements. It would exempt from these provisions, blanket loan agreements in which the lender takes a security interest in the borrower's assets to secure the loan.

Ch. 743 (SB 514) Chesbro. Health care coverage: rural areas: PERS.

The existing Public Employees' Medical and Hospital Care Act provides, for each state employee or annuitant living where there is not available a competitive health maintenance organization and a fee-for-service health plan is the only option, state employer contributions on the basis of the PERS Care premiums.

This bill would delete that provision and establish the Rural Health Care Equity Trust Fund to be administered by the Department of Personnel Administration to provide subsidies and reimbursements, as specified, for certain health care premiums and health care costs incurred by state employees and annuitants in rural areas on or after January 1, 2000, as defined. The provisions of the bill would cease to be operative on January 1, 2005, or earlier, as specified.

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Ch. 744 (SB 584) Chesbro. Primary health care services: rural areas.

Existing law requires the department to contract and cooperate with local government agencies and voluntary nonprofit organizations in connection with the development of local health programs for seasonal agricultural and migratory workers.

Existing law also requires the department to provide grants or loans for the operation of health services development projects in underserved rural areas.

This bill would enact provisions applicable to both of these programs that would require grants for up to 3 years to be made by the department to eligible, private, nonprofit, community-based primary care clinics for purposes of implementing these programs.

The bill would establish payment procedures and grantee reporting requirements applicable to both programs.

The bill would provide that these provisions would become operative on July 1, 2000.

The bill would appropriate $1,653,000 from the Physician Services Account in the Cigarette and Tobacco Products Surtax Fund to the State Department of Health Services for expanded access to primary care clinics.

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

Ch. 745 (SB 606) O'Connell. Hazardous waste: transportation: recycling.

(1) Existing law requires any person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, to complete a manifest prior to the time the waste is transported or offered for transportation and to submit the manifest to the Department of Toxic Substances Control. A generator is required to submit to the department, within 30 days from the date of transport, a legible copy of each manifest used.

This bill would exempt the generator copy of the manifest from the requirement that it be submitted to the department for any waste transported in compliance with specified procedures, if the generator, transporter, and facility are all identified by the same EPA identification number on the hazardous waste manifest, except as specified.

(2) Existing law allows used oil to be manifested for transportation under a modified manifesting procedure, which may be used only by a registered hazardous waste hauler and with the consent of the generator.

This bill would revise that provision to apply to hazardous waste transporters and would additionally include, within that modified manifesting procedure, antifreeze, oil/water separation sludge, and parts cleaning solvent, pursuant to specified requirements. The bill would require a hazardous waste transporter that transports, or intends to transport, these hazardous wastes pursuant to this modified manifesting procedure, to include a specified statement in the transporter's application for registration.

(3) Existing law requires the department to adopt a list of specified hazardous wastes that the department finds are economically and technologically feasible to recycle. The department is allowed to list a hazardous waste as recyclable only if it makes a specified determination. Existing law authorizes the department, whenever any waste on the list is disposed of by a person, to request, and the producer or disposer of that waste is required to supply the department with, a specified statement. Under existing law, if, after receipt of the statement, the department makes specified findings, the disposer of the hazardous waste is required to recycle the hazardous waste. A violation of the laws regulating hazardous waste is a crime.

This bill would instead require the department to prepare and adopt, by regulation, a list, and on or before January 1, 2002, and when appropriate thereafter, to revise, by regulation, a list of wastes that are feasible to recycle either onsite or at an offsite commercial hazardous waste recycling facility in the state.

The bill would authorize the department, whenever any hazardous waste on the list is transported offsite for disposal, to require the generator of that waste to supply the department with a formal, complete, and detailed statement justifying why the waste was not recycled. The bill would require the department to give priority to sending the request to specified generators.

The bill would require the department, by July 1, 2000, to establish an advisory committee, consisting of representatives of specified businesses and organizations, to

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advise the department on the development of the regulations required or authorized by these recycling requirements and on the department's implementation of those requirements.

The bill would require the department to establish a procedure, by January 1, 2002, to verify the disposal of a listed hazardous waste of and to adopt regulations, by January 1, 2002, to perform specified duties regarding the exchange of hazardous waste.

The bill would require the department, if it finds the recycling of the hazardous waste to be feasible, to require the generator to recycle any of the hazardous waste to which the finding of the department applies and would also subject a generator who does not comply with such a notice to a specified fee.

(4) Existing law defines "used oil" for purposes of the provisions regulating the handling of used oil and provides specified standards of purity for recycled oil, including a specified amount of total polychlorinated biphenyls (PCBs). Existing law requires any person who generates, receives, stores, transfers, transports, treats, or recycles used oil to comply with the hazardous waste control law, except as specified. A generator claiming used oil is exempt from regulation by the department is required to ensure that the used oil is tested and certified as being in compliance with specified standards before the used oil is transported from the generator location. A violation of the laws regulating used oil is a crime.

This bill would require a generator of used oil that is not a used oil collection center or a household waste collection facility, which transfers used oil to a used oil recycling facility, to certify to the transporter that the used oil meets the definition of used oil and does not contain more than a specified concentration of PCBs. The bill would impose a specified amount of liability upon a generator who submits a false certification.

(5) Since a violation of the bill's requirement concerning recyclable hazardous waste and used oil would be a crime, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 746 (SB 717) Peace. Workers' Compensation Administration Revolving Fund.

Existing law establishes a system of workers' compensation to pay for injuries to workers. Existing law, until January 1, 1999, provided for the establishment of the Workers' Compensation Administration Revolving Fund, with money in the fund to be available, upon appropriation, to fund a portion of the costs of administering the workers' compensation program.

This bill would reestablish the Workers' Compensation Administration Revolving Fund as a special account in the State Treasury. Money in the fund could be expended by the Department of Industrial Relations, upon appropriation, for the administration of the workers' compensation program. The money in the fund would consist of assessments on employers. The bill would provide that costs of the program would be shared between the General Fund and those assessments, as specified.

Ch. 747 (SB 741) Alpert. Immunizations: varicella (chickenpox).

Existing law requires county health officers to organize and maintain a program to make immunizations available to certain persons. Existing law states the intent of the Legislature to provide a means for the eventual achievement of immunization against certain childhood diseases. Under existing law, persons exposed to those childhood diseases may be temporarily excluded from school until a determination is made by the local health officer that the person is no longer at risk of developing the disease.

This bill would add varicella (chickenpox) to the list of childhood diseases for which the Legislature intends the eventual achievement of immunization. Because the bill would add to the duties of certain county officers it would impose a state-mandated local program.

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Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized against various diseases.

This bill would add varicella (chickenpox) to the list of diseases effective July 1, 2001, except with regard to pupils who were admitted before July 1, 2001, and would authorize the State Department of Health Services to adopt emergency regulations to implement this requirement.

This bill would specify that the provisions relating to varicella (chickenpox) would be operative only to extent funds for these purposes are appropriated in the annual Budget Act.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 748 (SB 765) Schiff. Biological specimens.

Existing law sets forth procedures governing the operation of clinical laboratories. A violation of these provisions constitutes unprofessional conduct.

This bill would require, commencing July 1, 2000, every person licensed under specified provisions of existing law that regulate health care professionals who collects human biological specimens for clinical testing or examination to secure those specimens as specified.

The bill would also require, on and after January 1, 2001, clinical laboratory employees, agents, and couriers who retrieve biological specimens located in a specified public place that are not secured in a locked container, as defined, to notify the licensee by attaching a specified form to the container and to mail a copy of the form to the Department of Consumer Affairs, as specified.

This bill would require the State Department of Health Services to develop, and provide to all licensed clinical laboratories, a form in triplicate for the above-described notifications.

The changes made by the bill would be contingent upon the enactment of AB 1558 adding Section 2244 to the Business and Professions Code, in which event they will become operative at the same time as AB 1558.

Ch. 749 (SB 816) Escutia. Physician assistants and nurse practitioners.

Under existing law, a physician assistant may administer or provide medication to a patient, or transmit orally, or in writing on a patient's record or in a transmittal order, a prescription from his or her supervising physician and surgeon to a person who may lawfully furnish the medication or medical device, as specified. Existing law prohibits a physician assistant from administering or providing a drug or medical device or transmitting a prescription for a drug or medical device, except as specified, without an order from a supervising physician and surgeon for the particular patient.

This bill would add provisions defining a "drug order" as a prescription issued and signed by a physician assistant acting as an individual practitioner, as specified, and would provide that the order be treated in the same manner as a prescription from the supervising physician. The bill would require advance approval from a supervising physician prior to a physician assistant administering, providing, or issuing a delegated prescription for Schedule II through Schedule V controlled substances.

The bill would require all physician assistants who are authorized by their supervising physicians to issue delegated prescriptions for controlled substances to register with the United States Drug Enforcement Administration (DEA), as specified.

Existing law authorizes a nurse practitioner to furnish drugs or medical devices, as specified, pursuant to standardized procedures.

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This bill would add provisions defining a "drug order" as an order for medication which is dispensed to or for an ultimate user, issued by a nurse practitioner as an individual practitioner, as specified, would provide that the order be treated in the same manner as a prescription of the supervising physician and surgeon, and would require all nurse practitioners who are authorized pursuant to these provisions to furnish or issue drug orders for controlled substances to register with the United States Drug Enforcement Administration. The bill would set forth the intent of the Legislature, and make conforming changes.

Ch. 750 (SB 847) Vasconcellos. Marijuana Research Act of 1999.

Existing law, the Compassionate Use Act of 1996, prohibits any physician from being punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes. The act prohibits the provisions of law making unlawful the possession or cultivation of marijuana from applying to a patient, or to a patient's primary care giver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician. Existing law establishes a Research Advisory Panel to study and approve research projects concerning marijuana or hallucinogenic drugs.

This bill would establish the Marijuana Research Act of 1999.

The bill would provide that the Regents of the University of California, if they elect to do so, may implement a 3-year program, to be called the California Marijuana Research Program, under which funds would be provided for studies intended to ascertain the general medical safety and efficacy of marijuana and, if found valuable, to develop medical guidelines for the appropriate administration and use of marijuana.

The bill would provide that it shall be implemented only to the extent that funding for its purposes is appropriated by the Legislature in the annual Budget Act.

Ch. 751 (SB 1009) Ortiz. Cancer research.

Under existing law, the State Department of Health Services is responsible for the administration and oversight of various health care programs.

Existing law establishes the Cancer Research Fund in the State Treasury, provides that the moneys in the fund shall be expended for purposes of cancer research, as defined, and provides that the State Department of Health Services may contract with nonprofit organizations, foundations, or public entities to administer the Cancer Research Program.

Existing law requires the program to be administered in accordance with certain principles, including, but not limited to, the requirement that the department work closely with, and seek the advice of, the Cancer Research Council, consisting of 16 members.

This bill would revise the procedures for administration of the program and would limit the allocation of funds according to a formula for the use of funds for various specified types of cancer research.

Ch. 752 (SB 1048) Murray. Kenneth Hahn State Recreation Area: advisory committee: master plan.

(1) Existing law requires the Department of Parks and Recreation to develop, operate, and maintain state parks and recreation areas.

This bill would declare the intent of the Legislature in enacting this bill to provide for the planning of the expansion of the Kenneth Hahn State Recreation Area, and the development of related facilities in the Baldwin Hills area of Los Angeles County. The bill would also require the Secretary of Resources to establish an advisory committee to assist in the development of a master plan for the planning and expansion of the Kenneth Hahn State Recreation Area, and would require that the advisory committee consist of representatives from state and local government, and the communities served by the expansion and development project. The bill would require the secretary, in conjunction with the Director of Parks and Recreation, not later than January 1, 2002, to prepare and submit to the Legislature a master plan for the expansion and development of the Kenneth Hahn State Recreation Area that is designed to accomplish specified goals.

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(2) The Budget Act of 1999 allocates $4,000,000 for the Kenneth Hahn State Recreation Area.

This bill would authorize the expenditure, at the direction of the Secretary of Resources, of $500,000 of that amount for the development of the master plan required pursuant to the bill, thereby making an appropriation.

Ch. 753 (SB 1077) Burton. Insurance: agents and brokers.

Existing law requires, with certain exceptions, that an insurer provide an insurance broker-agent 120 days' advance notice prior to terminating or amending a written agency or written brokerage contract with the broker-agent if the contract has been in effect for at least one year.

This bill would add an additional exception providing that the 120 days' advance notice requirement does not apply if the broker-agent transferred ownership, control, or servicing of policies written with the insurer to another insurer or other specified entities.

Existing law provides that an insurer is not required to renew any policy of insurance if a broker-agent is no longer the broker-agent of record with respect to the policy or in various other situations, as specified.

This bill would provide that an insurer is also not required to compensate a terminated broker-agent under these circumstances. This bill would also provide that an insurer is not required to renew any policy of insurance or compensate a terminated broker-agent if the broker-agent has transferred ownership, control, or servicing of policies written with the insurer to another insurer or an entity owned or controlled by another insurer or to an entity owning or controlling another insurer. This bill would make other related changes to these provisions.

This bill would make other technical, nonsubstantive changes.

Ch. 754 (SB 1105) Chesbro. Health: youth pregnancies.

Existing law establishes the Community Challenge Grant Program, administered by the State Department of Health Services, in order to provide community challenge grants to reduce the number of teenage and unwed pregnancies. The provisions of this program are operative until July 1, 2000, and would be repealed on January 1, 2001.

Existing law conditions implementation on receipt of federal financial participation pursuant to a federal waiver received under the State-Only Family Planning Services Program.

This bill would eliminate this requirement.

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

Ch. 755 (SB 1107) Sher. Operator certification program: water distribution systems.

(1) Existing law requires all persons responsible for the supervision or operation of water treatment plants to be certified by the State Department of Health Services. Existing law authorizes the department to take certain administrative action with regard to a water treatment operator or water treatment operator-in-training certificate.

This bill would require the department to examine and certify persons as to their qualifications to supervise or operate a water distribution system. The bill would authorize the department to take designated administrative actions with regard to a water distribution operator certificate.

The bill would require all persons who are in responsible charge of the water distribution system of a community water system or a nontransient noncommunity water system to possess a valid and current water distribution operator certificate of the appropriate grade in accordance with regulations.

(2) Existing law authorizes the department to establish fee schedules for the issuance and renewal of these operator certificates sufficient to recover all costs incurred in the administration of regulatory provisions.

This bill would authorize the department to establish fee schedules for the replacement and reinstatement of certificates under these provisions and for the continuing education of certificate holders. The bill would establish in the State Treasury the Drinking Water Operator Certification Special Account into which fees collected for

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purposes of the certification and examination of water treatment operators, water treatment operators-in-training, and water distribution operators would be deposited.

(3) Existing law authorized any person employed as a water treatment plant operator on the date provisions authorizing the regulation of water treatment plant operators became effective to be issued an appropriate certificate provided that the person provided evidence of certain qualifications acceptable to the director as prescribed by regulations.

This bill would, instead, require that an appropriate certificate be issued to a person employed as a water distribution operator if the water system employing the operator has applied for the certificate within one year after the adoption of regulations implementing these provisions.

This bill would require the department to evaluate the water distribution operator certification program of the California-Nevada Section of the American Water Works Association (CNAWWA) and issue an appropriate water distribution operator certificate for those certified operators that have satisfied the provisions regulating water distribution system operators.

The bill would require, on or after the effective date of regulations implementing the bill's water distribution system operator regulatory provisions, that certificates issued by certification programs of other states be recognized as valid and sufficient as provided under the bill.

(4) Existing law requires that all preentry and postentry educational programs under these operator provisions be tailored to the needs of all segments of the population without respect to race, color, or creed.

This bill would repeal this provision.

(5) Existing law requires the department to establish the level of skill, knowledge, and experience necessary to supervise and operate a water treatment facility. Existing law requires the department to establish criteria to classify the type of water treatment plants.

This bill would, instead, authorize the department to approve courses of instruction provided by educational institutions, professional associations, public agencies, or private agencies for purposes of qualifying persons for initial certification, certification renewal, and recertification as a water treatment operator, water treatment operator-in-training, or water distribution operator. The bill would authorize the department to adopt specified rules, regulations, and certification standards with regard to these operators and to water treatment plants and water distribution systems.

(6) Existing law sets forth definitions governing the California Safe Drinking Water Act and the provisions governing water treatment plant operators.

This bill would add to these definitions for purposes of existing provisions regulating water treatment operators, water treatment operators-in-training, and water treatment plants and for purposes of provisions of the bill that would regulate water distribution operators and water distribution systems.

(7) Existing law specifies certain requirements of any person who operates a public water system.

This bill would revise this provision to provide that any person who owns a public water system shall ensure that the system meets certain requirements and the bill would add to those requirements that the public water system comply with specified operator certification programs. The bill also would set forth requirements for any person who owns a community water system or a nontransient noncommunity water system.

(8) Existing law requires the Director of Health Services to adopt regulations and certification standards for purposes of the operation of water treatment plants.

This bill would repeal these provisions.

Ch. 756 (SB 1119) Alarcon. Pollution control: financing: capital access.

(1) The existing California Pollution Control Financing Authority Act establishes the California Pollution Control Financing Authority, with specified powers and duties, and authorizes the authority to approve financing for projects, as defined, to prevent or reduce environmental pollution, including projects to remediate environmental pollution, and projects for soil excavation and removal, and construction, operation, and

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maintenance of systems that extract, contain, or treat groundwater, soil vapor, gas, or leachate.

This bill would expressly include, as an eligible project, payment of the cost to remediate environmental pollution by a de minimis or de micromis responsible party, in accordance with the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). The bill would revise the definition of "project" for purposes of the act to conform with these provisions.

(2) The existing act establishes the California Pollution Control Financing Authority to provide financial assistance for pollution control facilities. Existing law establishes the Capital Access Loan Program, which is administered by the authority, and defines the term "financial institution," for purposes of that program, as a federal or state-chartered bank, savings association, credit union, or a consortium of these entities. Existing law provides, for the purpose of the definition of the term "qualified loan," that the loan may be made in the form of a line of credit, in which case the amount of the loan is required to be considered as the maximum amount that can be drawn against the line of credit.

This bill would revise the definition of the term financial institution to include not-for-profit community development financial institutions and would specify that a consortium of financial institutions may include a nonfinancial corporation, if the percentage of capitalization by all nonfinancial corporations in the consortium does not exceed 49%. The bill would instead require a participating financial institution to specify the amount of the line of credit to be covered under the program, which may be equal to the maximum commitment under the line of credit or be an amount less than that maximum commitment.

This bill would additionally authorize the authority to take specified actions to facilitate the development of a secondary market for a loan enrolled in the program by providing security for that loan.

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

Ch. 757 (SB 1128) Speier. Medi-Cal: provider reimbursement.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services.

The Medi-Cal program provides for a special methodology of reimbursement of disproportionate share hospitals for the provision of inpatient hospital services.

Existing law generally defines a disproportionate share hospital as a hospital that has disproportionately higher costs, volume, or services related to the provision of services to Medi-Cal or other low-income patients than the statewide average.

Existing law provides for supplemental reimbursement of eligible disproportionate share providers for funding capital projects.

This bill would authorize a distinct part of an acute care hospital providing specified services and meeting certain requirements to receive, in addition to the rate of payment that the facility would otherwise receive for skilled nursing services, supplemental reimbursement for capital projects as provided under the bill.

Ch. 758 (SB 1210) Baca. Sales and use taxes: exemptions: returnable and nonreturnable containers.

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. That law provides various exemptions from that tax, including an exemption for returnable and nonreturnable containers under specified conditions.

This bill would add an exemption for containers when sold or leased to persons who place food products for human consumption in the container for shipment, provided the food products will be sold, whether in the same container or not, and whether the food products are remanufactured or repackaged prior to sale.

This bill would state the Legislature's intent in enacting the bill.

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 incorporated into the local taxes.

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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, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

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

Ch. 759 (SB 1221) Schiff. Historical resources: Historic Property Maintenance Fund.

Existing law provides for the development, repair, and maintenance of historical landmarks and registered points of historical interest in the state.

This bill would establish the Historic Property Maintenance Fund in the Treasury, and would require that 50% of the revenue collected by the Department of Transportation in each fiscal year from rental receipts from a federally designated historic property, or from property listed as a state historical resource, that is owned by the Department of Transportation and located in a freeway right-of-way corridor, less any amount transmitted in lieu of property tax to a city, county, or city and county, as required by law, be deposited into the fund. The bill would authorize the expenditure of moneys in the fund by the Department of Transportation, upon appropriation by the Legislature, to pay for costs associated with the maintenance and operation of historic property. The bill would specify that any moneys deposited into the fund are in addition to, and are not intended to supplant or replace, any existing funds that are currently available to any state agency for the operation and maintenance of historical resources.

Ch. 760 (SB 1228) Vasconcellos. Rental vehicles: airports.

Existing law regulates the advertisement of vehicle rental company rates and generally requires that a rental company advertise and charge a rate that includes the entire amount, except taxes and mileage, and prohibits additional fees, including the imposition of airport fees and charges.

This bill would require rental car companies doing business with specified customers at the San Jose International Airport to impose an additional fee for the purpose of providing an airport-mandated common use busing system for the movement of passengers between the terminal and an interim car rental facility until the commencement of the collection of the next described fee. The bill would require the companies to impose an additional fee for the purpose of financing, designing, or constructing either consolidated rental car facilities or a common use transportation system, or both, if certain conditions are met, and would require additional disclosures in advertising and contracts by rental car companies imposing that fee, or by any person or entity other than a rental car company, including a passenger carrier or a seller of travel services, that advertises or quotes a rate for a car rental subject to a surcharge. The bill would provide that authorization to impose the fee would expire no later than 20 years from the date that the amount of the first fee is collected. The bill would make legislative findings and declarations as to the necessity for a special statute.

Ch. 761 (AB 139) Havice. State employees: State Bargaining Unit 7.

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

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

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This bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of fund shall not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would provide that if funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

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

Ch. 762 (AB 136) Mazzoni. Drug paraphernalia: clean needle and syringe exchange projects.

Existing law makes it a misdemeanor to furnish drug paraphernalia, knowingly, or under circumstances when one reasonably should know, that it will be used to inject or introduce into the human body a controlled substance.

This bill would exempt from criminal prosecution public entities and their agents and employees who distribute hypodermic needles or syringes to participants in clean needle and syringe exchange projects authorized by the public entity pursuant to a declaration of a local emergency due to the existence of a critical local public health crisis.

Ch. 763 (AB 87) Floyd. California Special Supplementary Food Program for Women, Infants, and Children.

Existing law, the California Special Supplementary Food Program for Women, Infants, and Children, authorizes the State Department of Health Services to conduct a statewide program for providing nutritional food supplements to low-income pregnant, postpartum, and lactating women, and infants and children under 5 years of age, who have been determined to be at nutritional risk by a health professional.

Existing law requires the department, under this program, to authorize retail food vendors, by written agreement, to accept nutrition coupons.

Under existing law, the Health and Welfare Agency Data Center is required to manage the implementation of a statewide electronic benefits transfer system that would apply to, among other programs, the Food Stamp Program.

This bill would authorize the State Department of Health Services to implement an electronic benefits transfer system for the California Special Supplemental Food Program for Women, Infants, and Children, except that implementation of the system would be conditioned upon completion by the department of a feasibility study and provision of funding for the system in the annual Budget Act.

Ch. 764 (AB 75) Strom-Martin. State agency recycling: waste diversion: community service districts.

(1) The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program to which cities, counties, and regional agencies, as defined, are subject. The act requires the board to implement various state programs designed to encourage the reduction of solid waste.

This bill would require each state agency, as defined, on or before July 1, 2000, to develop and adopt, in consultation with the board, an integrated waste management plan.

The bill would require each state agency and each large state facility, as defined, to divert at least 25% of the solid waste generated by the state agency or large state facility from landfill disposal or transformation facilities by January 1, 2002, and at least 50% by January 1, 2004. The bill would authorize the board to establish, until January 1, 2006, a source reduction, recycling, and composting requirement that would be an alternative to the 50% reduction required under the bill. The board would also be authorized to grant single or multiyear extensions from these diversion requirements, until January 1, 2006. The board would be required to develop and adopt, by February 15, 2000, collection, storage, and loading requirements for recyclable materials. The bill would require each state agency to submit an annual report to the board regarding solid waste reduction. The board would be authorized to adopt regulations, that would be operative until January 1, 2006, regarding the granting of alternative reduction requirements or extensions. The bill would also prescribe related matters.

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(2) Existing law requires each city, county, and regional agency to submit a report to the board summarizing its progress in achieving specified waste diversion requirements.

This bill would require each community service district, as defined, to provide the city, county, or regional agency in which it is located, information on the programs implemented by the district and the amount of waste disposed and diverted within the district. By imposing new duties on the districts, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 765 (AB 63) Ducheny. Office of Binational Border Health.

Under existing law, the State Department of Health Services generally regulates issues of public health. Under existing federal law, the United States-Mexico Border Health Commission exists to address specified issues relating to border health.

This bill would create the state Office of Binational Border Health, to facilitate cooperation between California and Mexican health officials and health professionals to reduce the risk of disease in the California border region. The bill would require the office to convene a voluntary community advisory group of representatives of border community-based stakeholders to develop a strategic plan, and would require the office to report its resulting recommendations to the California members of the federal commission, and to prepare an annual border health status report for submission to the Director of Health Services, the Legislature, and the Governor.

Ch. 766 (AB 435) Corbett. Workers' compensation: medical records: disclosure.

(1) Existing law provides that medical information and records that are obtained as a result of a claim for workers' compensation are exempt from the Confidentiality of Medical Information Act.

This bill would provide that the exemption is not available with respect to the disclosure or use of medical information regarding the human immunodeficiency virus (HIV) without a patient's prior authorization unless the patient is an injured worker claiming to be infected with or exposed to the virus through an exposure incident arising out of and in the course of employment. The bill would express legislative intent relating to the above changes that would be made by the bill.

(2) Existing law requires an insurer to discuss all elements of the claim file in a workers' compensation claim that affect the employer's premium, except as specified.

This bill would prohibit, with certain exceptions, the disclosure to an employer of medical information about an employee who has filed a workers' compensation claim.

(3) Existing law makes a violation of the Confidentiality of Medical Information Act which results in economic loss or personal injury to a patient a crime.

This bill, by including medical records and information subject to the Confidentiality of Medical Information Act that previously were excluded, would broaden the scope of that crime, and thus 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. 767 (AB 409) Dickerson. Disabled veterans: contracts.

(1) Existing provisions of the Military and Veterans Code specify disabled veterans participation goals for professional bond services and state contacts and set forth definitions for these purposes.

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

This bill would revise the definitions of "administering agency," "awarding department," and "contract," for the above purposes, as specified.

(2) Existing provisions of the Military and Veterans Code require any state governmental entity that awards contracts for professional bond services to have annual statewide participation goals of not less than 3% for disabled veteran business enterprises, as defined.

This bill would require a business concern, which qualified as a disabled veteran business enterprise prior to the death or certification of a permanent medical disability of the disabled veteran who is a majority owner of that business concern, to be deemed to be, solely for purposes of any contract entered into before that death or certification, a disabled veteran business enterprise for a period not to exceed 3 years after the date of that death or certification of a permanent medical disability, if the business concern is inherited or controlled by the spouse or child of that majority owner, or by both of those persons.

(3) Existing provisions of the Public Contract Code governing public contracts (a) require any state agency, department, officer, or other governmental entity that awards contracts for construction, certain professional services, materials, supplies, equipment, alteration, repair, or improvement to have, among other goals, annual statewide participation goals of not less than 3% for disabled veteran business enterprises, and (b) require a state governmental entity, in awarding a contract to the lowest responsible bidder, to consider the efforts of a bidder to meet, among other goals, disabled veteran business enterprise goals, and (c) require the awarding department to award the contract to the lowest responsible bidder meeting or making good faith efforts to meet those goals, as described.

This bill would add similar provisions to the Military and Veterans Code (a) to require any state agency, department, officer, or other governmental entity that awards contracts for construction, certain professional services, materials, supplies, equipment, alteration, repair, or improvement to have annual statewide participation goals of not less than 3% for disabled veteran business enterprises, and (b) to require a method of monitoring adherence to these goals, as specified.

(4) Existing law requires the Office of Small and Minority Business and each awarding department to report annually to the Governor and the Legislature on the level of participation by disabled veteran business enterprises, as specified.

This bill (a) would require the Department of Veterans Affairs to appoint an advocate to undertake specified responsibilities relating to the implementation of annual statewide participation goals, and (b) would require the Office of Small and Minority Business to work in conjunction with the advocate in making that annual report to the Governor and the Legislature.

Ch. 768 (AB 427) Scott. Insurance: delinquency proceedings.

(1) Existing law generally prohibits, with specified exceptions, any state agency from employing, without the prior written consent of the Attorney General, any legal counsel other than the Attorney General in any matter in which the agency is interested. This general prohibition specifically applies to the Department of Insurance in insurance delinquency proceedings.

This bill would provide that this prohibition also applies to any state commissioner or officer. The prohibition would also apply with respect to any matter in which the state agency, commissioner, or officer is a party as a result of office or official duties.

(2) Existing law provides for proceedings in cases of insolvency and delinquency of insurance companies and authorizes the Insurance Commissioner to appoint and employ special deputy commissioners, clerks, and assistants in this regard.

The bill would provide that any person appointed by the Insurance Commissioner to serve in the capacity of chief executive officer of the department's Conservation and Liquidation Office shall be subject to Senate confirmation.

Ch. 769 (AB 496) Leach. Public records: health care service plans.

(1) Under the California Public Records Act, certain public records are required to be made available for public inspection.

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This bill would exempt from public disclosure, for a period of 3 years after the contract is fully executed, the records of a health care service plan governed by a county board of supervisors that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulae or calculations for these payments, and contract negotiations with health care providers for alternative rates. However, the bill would provide that these exemptions shall not prevent access to any records by the Joint Legislative Audit Committee, or by the Department of Corporations in the exercise of specified powers.

(2) Existing law, the Ralph M. Brown Act, relating to open meetings of legislative bodies of local agencies, provides that any writings distributed to all or a majority of the members of a legislative body in connection with a matter subject to discussion or consideration at a public meeting are disclosable public records under the California Public Records Act unless specifically exempted.

The bill would provide that the transmission of specified health care service plan information or records to the board of supervisors does not constitute a waiver of exemption from disclosure.

(3) The Ralph M. Brown Act requires that the meetings of the legislative body of a local agency be conducted openly, with specified exceptions.

This bill would provide that a county board of supervisors as the governing body of a health plan may hold a closed session solely for discussion or taking action on health plan trade secrets.

Ch. 770 (AB 738) Davis. State employees.

(1) Existing law establishes the Child Care Fund to encourage the development of child care programs for dependent children of state employees and is administered by the Department of Personnel Administration. The funds are allocated to the Child Care Fund from the amount appropriated in the annual Budget Act for employee compensation and were available for expenditure through June 30, 1991.

This bill would create the Work and Family Fund in the State Treasury, a continuously appropriated fund, to establish and maintain work and family programs for state employees and to be administered by the Department of Personnel Administration. The bill would provide that the moneys in the fund shall be allocated from the amount negotiated in memoranda of understanding between the state and the recognized employee organization, and appropriated by the Legislature, for the 2000–01 fiscal year and subsequent fiscal years. The fund would cease to exist on June 30, 2005, and any balance in the fund would revert to the General Fund, unless the existence of the fund is extended by statute and that statute is enacted and becomes effective prior to that date.

(2) Existing law requires a state, school, or school safety member, whose effective date of retirement is within 4 months of separation from employment with the employer that granted sick leave credit, to be credited at his or her retirement with 0.004 year of service credit for each unused day of sick leave, as specified.

This bill would provide that a state member, whose effective date of retirement is within 4 months of separation from employment with the state, shall be credited at his or her retirement with 0.0004 year of service credit for each unused day of educational leave, as specified.

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

This bill would approve provisions of specified memoranda of understanding entered into between the state employer and the California State Employees Association, and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

This bill would provide that any provision in a memorandum of understanding approved by any section of this bill, and which requires the expenditure of funds, shall not take effect unless funds for these provisions are specifically appropriated by the

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Legislature, and would provide that if funds for these provisions are not specifically appropriated by the Legislature, all or any part of the memorandum of understanding may be declared null and void by any affected employee organization.

(4) This bill would appropriate five hundred thousand dollars ($500,000) from the General Fund for transfer to the Work and Family Fund to provide for the establishment and administration of the work and family program initiatives.

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

Ch. 771 (AB 731) Wesson. County employee retirement: fund transfers: securities.

The County Employees' Retirement Law of 1937 authorizes security custodian services to be performed by trust companies and banks within this state.

This bill would authorize boards to have these services performed by trust companies and banks not within the state.

Ch. 772 (AB 705) Aroner. Transport escort services: registration.

Existing law does not provide for the registration of transport escort services, as defined.

This bill would provide for the registration of transport escort services as child care providers under the trustline registry established by the State Department of Social Services. Specifically, it would require a transport escort service, defined as any person, partnership, association, or corporation that accepts financial compensation or other consideration to accompany or transport minors who are residents of this state to any residential facility or institution located outside the state, to first provide certain information to the minor's parents, custodial parent, or legal guardian and to verify in writing that the information was received. The bill would require the transport escort service to obtain permission from the minor's parents, custodial parent, or legal guardian prior to transporting or accompanying the minor. A violation of the bill's requirements would subject a transport escort service to civil action and would also be a crime punishable as a misdemeanor by fine or imprisonment, as specified. By creating a new crime, the bill would impose a state-mandated local program.

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

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

Ch. 773 (SB 207) Peace. Infrastructure financing districts: border zone.

(1) Under existing law, redevelopment agencies are authorized to pay the principal of, and interest on, indebtedness incurred to finance or refinance redevelopment, from a portion of property tax revenues diverted from other taxing agencies. The portion of taxes diverted is the amount attributable to increases in assessed valuation of property in the redevelopment project area subsequent to establishment thereof. This method of financing is commonly known as "tax increment" financing and is specifically authorized by Section 16 of Article XVI of the California Constitution.

Existing law also authorizes counties and cities to form infrastructure financing districts, in accordance with a prescribed procedure, to finance public capital facilities utilizing a similar method of tax increment financing.

This bill would similarly authorize counties and cities to create infrastructure financing districts in the border development zone, as defined, to finance public works in the Mexican border region.

Because county officers would be responsible for the division of taxes under the bill, the bill would impose a state-mandated local program in the case of districts formed by cities, but the bill would require all infrastructure financing districts to reimburse those county costs.

(2) The California Constitution requires the state to reimburse local agencies and 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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 774 (SB 177) Peace. San Francisco Bay: public utilities.

(1) Existing law contains legislative findings and declarations regarding the further filling of San Francisco Bay and certain waterways, including that the nature, location, and extent of any fill should be such that it will minimize harmful effects to the bay area, as provided.

This bill would include within those harmful effects that are to be minimized, other conditions affecting the environment, as provided.

(2) The Public Utilities Act authorizes certain public utilities to condemn property, as prescribed.

This bill would amend the act to prohibit a telephone corporation from condemning any property on an airport, as prescribed, unless that property is necessary to provide telecommunications services as a carrier of last resort seeking to serve an unserved area. The bill would amend the act to prohibit specified public utilities that offer competitive services from condemning any property for the purpose of competing with another entity in the offering of those competitive services, unless the Public Utilities Commission finds, pursuant to a petition or complaint filed by the public utility, an adjudication hearing in accordance with specified provisions of the act governing hearings and judicial review, and a public hearing in the local jurisdiction that would be affected by the proposed condemnation, as prescribed, that such an action would serve the public interest. This bill would exempt specified entities, as prescribed. Condemnation actions necessary solely to meet a commission-ordered obligation to serve would be excepted from these requirements, as prescribed. The bill would require specified utilities or their affiliates or subsidiaries to give notice, as prescribed, if they intend to install telecommunications equipment on property acquired by eminent domain, as prescribed. The bill would authorize the commission to make such a finding if, in the determination of the commission, either of specified conditions is met. The bill would require the commission to develop procedures to facilitate access for affected property owners to eminent domain proceedings pursuant to those provisions, and to facilitate the participation of those owners in those proceedings. The bill would specify matters relating to certain existing provisions of the Code of Civil Procedure governing eminent domain proceedings. The bill would prohibit a public utility from entering into any exclusive access agreement with the owner or lessor of, or a person controlling or managing, a property or premises served by the public utility, or from committing or permitting any other act, that would limit the right of any other public utility to provide service to a tenant or other occupant of the property or premises.

Because a violation of the act is a crime, this bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 775 (SB 243) McPherson. Recreational property: attorney's fees.

Existing law requires the State Board of Control to allow a claim for reasonable attorney's fees incurred by an owner of any interest in real property or a public entity as a defendant in a specified civil action claiming damages if the owner gives permission to the public to enter or use the property pursuant to a specified agreement regarding recreational trail use or if the public entity gives permission to the public to enter or use the property for recreational purposes, not to exceed a total of $100,000 per fiscal year.

This bill would also require the State Board of Control to allow a claim for reasonable attorney's fees incurred by an owner of any interest in real property or a public entity as a defendant in a specified civil action seeking to restrict or prevent public use of the

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property if the owner or public entity gives permission to the public to enter the property pursuant to a specified agreement regarding recreational use. The bill would also limit the total sum of these and the above claims for attorney's fees to $200,000 per fiscal year.

Ch. 776 (SB 339) Burton. State employees: compensation.

The Budget Act of 1999 appropriated $113,500,000 from the General Fund, $97,100,000 from unallocated special funds, and $97,100,000 from unallocated nongovernmental cost funds for expenditure to augment state employee compensation.

This bill would appropriate $601,220,000, as scheduled, for the purposes of state employee compensation and the state employer's health benefit costs, in augmentation of these Budget Act appropriations.

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

Ch. 777 (SB 635) Sher. Primary drinking water standards.

Existing law, the Calderon-Sher Safe Drinking Water Act of 1996, requires the State Department of Health Services to adopt regulations covering water testing, the monitoring of contaminants, the frequency and method of sampling and testing, the reporting of results, and other matters as may be necessary to determine and ensure the quality of domestic water supplies.

Existing law requires the Office of Environmental Health Hazard Assessment to perform a risk assessment and, based upon that risk assessment, to adopt a public health goal for contaminants in drinking water based exclusively on public health considerations for each drinking water contaminant regulated, or proposed to be regulated, by the department pursuant to a primary drinking water standard.

This bill would instead require the office to prepare and publish an assessment of the risks to public health posed by each contaminant for which the department proposes a primary drinking water standard and would require the risk assessment to contain an estimate of the level of the contaminant in drinking water that is not anticipated to cause or contribute to adverse health effects, or that does not pose any significant risk to health, that would be known as the public health goal for the contaminant. The bill would also revise the criteria upon which the public health goal for each contaminant would be based. This bill would require the office to post certain information about the risk assessments on its Internet web page, and would establish procedures for submission of comments, data, studies, or other written information by interested persons.

Existing law requires the Office of Environmental Health Hazard Assessment to adopt a public health goal for certain drinking water contaminants by January 1, 1999, and for all remaining drinking water contaminants for which a primary drinking water standard has been adopted by the department by no later than December 31, 1999.

This bill would require that the office publish, rather than adopt, those goals and would extend the date by which the goal for the remaining drinking water contaminants shall be published to December 31, 2001.

Ch. 778 (SB 615) Burton. State employees: State Bargaining Units 5 and 6.

(1) Under existing law, the normal rate of contribution to the Public Employees' Retirement System for patrol members, as defined, is 8% of the compensation in excess of $863 per month.

This bill, with respect to members of State Bargaining Unit 5, would require the state to pay those employee contributions until June 30, 2001, at which time those members would make contributions at the rate of 1.5% of the compensation in excess of $863 per month, and the state would pay the balance, thereby making an appropriation.

(2) The Public Employees' Retirement Law prescribes a service retirement formula for state peace officer/firefighters and provides that the retirement allowances for state peace officer/firefighter members may not exceed 75% of final compensation, or 85% of final compensation for members in State Bargaining Units 6 and 8. SB 400, if enacted, would modify the service retirement formula for peace officer/firefighter members.

This bill would, contingent upon the enactment of SB 400, provide that those patrol members in State Bargaining Unit 5 who were previously classified as peace officer/firefighter members shall have their prior peace officer/firefighter service

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credited, at no cost to the members, under the modified formula. The bill would also increase the retirement allowance limitation to 90% for peace officer/firefighter members.

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

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

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

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

Ch. 779 (SB 807) Committee on Agriculture and Water Resources. Water.

(1) The Cortese-Knox Local Government Reorganization Act of 1985 generally prohibits a city or district from providing new or extended services outside its jurisdiction without prior written approval of the local agency formation commission, but excepts from that prohibition contracts or agreements solely involving the provision of surplus water to agricultural lands.

This bill would modify that exception to include contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures. The bill would allow a local agency formation commission to authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if certain requirements are met.

(2) Existing law defines the term "groundwater basin" for the purposes of specified provisions that authorize local agencies to establish a program for the management of groundwater.

This bill would revise that term to exclude a basin in which the average well yield, excluding domestic wells that supply water to a single-unit dwelling, is less than 100 gallons per minute.

(3) Existing law, until January 1, 2000, requires the San Joaquin River Management Program to be administered, as prescribed, for the benefit of the San Joaquin River.

This bill would extend the effective date of those provisions until January 1, 2002.

(4) Under existing law, the Department of Water Resources is required to develop and implement a prescribed program of flood control projects. Existing law defines "local public agency" for the purpose of those provisions.

This bill would make technical corrections in that definition.

(5) Existing law, with certain exceptions, requires the San Benito County Water Conservation and Flood Control District to let all contracts for any improvement or unit of work, if the cost of the work exceeds $5,000, to the lowest responsible bidder or bidders in accordance with prescribed procedures and related requirements.

This bill would revise these provisions to apply to contracts for any improvement or unit of work, if the cost of work exceeds $30,000, rather than $5,000. The bill would authorize the board of the district to let contracts for any improvement or unit of work, if the cost of work is $30,000 or less, without advertising for bids in accordance with procedures adopted by the board. The bill would make related changes.

(6) The Porter-Cologne Water Quality Control Act requires the State Water Resources Control Board, upon reviewing a prescribed order adopted by a California

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regional water quality control board, to take into consideration specified factors in determining the amount of civil liability to impose.

This bill would correct a statutory cross-reference set forth in that provision.

(7) The County Water District Law, until January 1, 2000, authorizes the Contra Costa Water District to issue bonds in accordance with specified existing law to finance land acquisition and facilities for water, as prescribed.

This bill would extend the effective date of that provision until January 1, 2003.

(8) The California Water District Law authorizes a water district, formed pursuant to the California Water District Act, by resolution, to provide that a penalty not in excess of 10% shall be added to water, standby, facility, or other charges.

This bill would provide that a district shall establish the period or date after which those charges will become delinquent.

(9) The California Water Storage District Law requires the Department of Water Resources to appoint a person to the board of a water storage district under certain circumstances.

This bill would transfer those apportionment duties to the board of supervisors, thereby imposing a state-mandated local program.

The bill would provide that actions or proceedings, based on the alleged invalidity or irregularity of a deed executed by a county treasurer to a water storage district or based on the alleged ineffectiveness of the deed to convey absolute title to the property, may be commenced only within 180 days after the recordation of the deed.

The bill would also provide that actions or proceedings, based on the alleged invalidity or irregularity of any agreement of sale, deed, lease, or option executed by a water storage district in connection with land deeded to it by a county treasurer or based on the alleged ineffectiveness of the instrument to convey or affect the title to the land described in it, may be commenced only within 180 days after the execution of the instrument by the district.

(10) The Municipal Water District Law of 1911, until January 1, 2000, prohibits a standby assessment or availability charge levied in any improvement district situated within the San Luis Rey Municipal Water District from exceeding a specified amount and requires the proceeds of such an assessment or charge to be used as prescribed.

This bill would extend the effective date of that provision until January 1, 2005.

(11) The Sacramento County Water Agency Act creates the Sacramento County Water Agency and prohibits the agency from transferring the title to real property, water rights, or waterworks without a vote of the voters of the district at an election held for that purpose. The act also establishes a water advisory commission consisting of 7 members appointed in a prescribed manner.

This bill would delete the provision requiring a vote of the district voters prior to the transfer of the agency's real property, water rights, or waterworks. The bill would revise the provision relating to the establishment of a water advisory commission by, instead, requiring the agency to establish that commission only if a specified groundwater management zone is formed.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Ch. 780 (SB 822) Escutia. Tobacco product settlement.

Existing law provides for various programs for the reduction in the inappropriate use of cigarettes and tobacco products.

Under existing law, certain tobacco product manufacturers have entered into an agreement with the federal government and participating states regarding the allocation of funds on the basis of tobacco products sold within each state.

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This bill would specify that any tobacco product manufacturer selling cigarettes to consumers within the state shall either become a participating manufacturer under the terms of the settlement agreement entered into by the states and certain tobacco manufacturers and perform its financial obligations under the settlement, or place an amount of funds, calculated on the basis of units of tobacco products sold, into an escrow fund. The bill specifies that the funds in the escrow fund shall be used to pay a judgment or settlement on any released claim against the tobacco product manufacturer by the state or be released to the tobacco product manufacturer in certain circumstances. The bill would authorize the Attorney General to bring a civil action on behalf of the state against any tobacco product manufacturer that fails to place the funds into escrow, and would specify penalties for any knowing violation of the requirement to place the funds into escrow.

Ch. 781 (AB 931) Calderon. Electricians: apprenticeship standards.

Existing law provides for apprenticeship programs within the Division of Apprenticeship Standards in the Department of Industrial Relations.

This bill would require the division, on or before January 1, 2001, to establish and validate minimum standards for the competency and training of electricians, as defined, through a system of testing and certification; establish fees necessary to implement those requirements; and establish and adopt regulations for enforcement purposes; and on or before March 1, 2000, to establish an advisory committee and panels, as specified. Discrimination for or against any person based upon union or nonunion membership would be prohibited. These requirements would not be applicable with respect to electrical connections under 100 volt-amperes, or to persons performing specified electrical work.

Ch. 782 (SB 941) Speier. Insurance: licensees.

(1) Existing law provides for licensing of various types of insurance agents by the Insurance Commissioner, including fire and casualty broker-agents and life agents. Existing law authorizes the commissioner to issue restricted licenses in certain cases, and to suspend or revoke licenses, as specified.

This bill would require the commissioner, at the time any original or renewal application for any license issued under the Insurance Code shows a conviction of a felony involving dishonesty or breach of trust, or a conviction of a violation of a certain federal statute involving insurance activities affecting interstate commerce, to either deny the application or give written consent to the applicant or licensee to engage in the business of insurance, as specified.

(2) Existing law authorizes the commissioner, without hearing, to deny an application for a license upon a final judgment of conviction of the applicant of a felony or of certain misdemeanors, including a judgment following a plea of nolo contendere. Existing law also authorizes the commissioner, without hearing, to deny an application for a license if the applicant had a previous application for a license denied, or had a previously issued license suspended or revoked for cause, in the last 5 years.

This bill would allow the commissioner to also deny an application, without hearing, upon a plea of guilty or nolo contendere by the applicant with respect to these crimes, but would require the commissioner, upon petition by the applicant, to vacate an order based upon a plea that does not at any time result in a judgment of conviction. This bill would also authorize the commissioner to deny a license, without hearing, if the applicant had any previous application for any professional, occupational, or vocational license denied by any licensing authority, or had any previous license in that regard suspended or revoked, in the last 5 years, as specified.

(3) Existing law authorizes the commissioner, by regulation, to require licensees acting as insurance agents or brokers to maintain certain records.

This bill would provide that these records shall be open to inspection or examination by the commissioner at all times, and that a licensee subject to these provisions may be required to furnish the information contained in those records to the commissioner.

(4) Existing law authorizes the commissioner to allow a licensee to elect to pay an alternative monetary penalty, not to exceed $1,000 for each offense, $5,000 in the

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aggregate for all offenses involved in any one proceeding, or as otherwise specified, in lieu of a license suspension or other permitted license action.

This bill would instead provide that the alternative monetary penalty may not exceed $4,000 for each offense or $20,000 in the aggregate for all offenses in any one proceeding, or as otherwise specified. It would also provide for reimbursement of the commissioner's costs and make other related changes, as specified.

(5) Existing law provides that the commissioner may issue an order, upon making certain findings, suspending a subject person from his or her office or employment with a production agency and from further participation in any manner in the conduct of the business of the insurer or production agency. Existing law defines "subject person" for these purposes to mean any director, officer, or employee of a production agency, any natural person who participates in the management or control of the business of a production agency, or any person licensed as a producer.

This bill would modify the definition of "subject person" to mean any person who has participated or may participate in any manner in the business of a production agency, or any person licensed as a producer. This bill would require the commissioner to issue that order, and would modify the required findings.

(6) This bill would enact other related provisions.

Ch. 783 (AB 1012) Torlakson. Transportation: project delivery: funding.

(1) Existing law generally authorizes the Department of Transportation to plan, design, construct, operate, and maintain those transportation systems that the Legislature has made, or may make, the responsibility of the department.

This bill would require the Director of Transportation, until June 30, 2003, to establish 4 transportation project delivery advisory teams in certain regional districts of the department to assist expeditious delivery of transportation projects. Each team would include, at a minimum, the regional district director, the executive director of each agency responsible for approval of each county's submission to the state transportation improvement program, the executive director of the regional or metropolitan transportation planning organization in the regional district, and other members, to be nominated by the entities to be represented not later than a specified date. The bill would require each team to provide a report identifying how transportation project delivery could be accelerated by changes in federal, departmental, regional, or local agency programs or procedures, changes in federal, state, or local law, or any other strategies that could be taken to accelerate implementation of transportation improvements. The bill would require the report to be submitted not later than a specified date to the Governor, the Legislature, and specified other persons.

The bill would require the department to provide staff support for a management information system committee consisting of representatives of the department, the California Transportation Commission, the Department of Information Technology, counties, cities, the agencies responsible for approving each county's submission to the state transportation improvement program, and the designated, multicounty regional transportation planning agencies. The bill would require the committee to develop a plan for a management information system for project monitoring and project delivery purposes. The department would be required to submit the plan to the Governor and Legislature not later than a specified date.

(2) Existing law prescribes a 4-year process for estimating the amount of state and federal funds to be available for transportation projects in the state, and for appropriating and allocating the available funds to those projects.

This bill would add an advance project development element to that process.

(3) Existing law authorizes the department, upon the application of the governing authority of any county, city, or other governmental agency, to perform certain work relating to highways for that authority or agency and accept moneys for that work for deposit in the Treasury to the credit of any state fund that the department designates.

This bill would require that funds received by the department as reimbursement for any work performed by the department under contract or other agreement for any local agency or entity or for any other state agency or state entity, as specified, be deposited in the Transportation Reimbursable Work Account which the bill would create in the State Transportation Fund.

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

The bill would continuously appropriate the money in the account to the department for the purpose of funding the performance of reimbursable work by the department.

The bill would prohibit the department from making expenditures from the account unless the department has determined that it has sufficient resources to complete both the reimbursable project and all projects under the state transportation improvement program in a timely manner.

(4) Existing law requires the funds in the State Highway Account in the State Transportation Fund to be programmed, budgeted, and expended to maximize the use of federal funds based on a specified sequence of priorities. Existing law also requires state operations expenditure amounts of the department for interregional and regional transportation improvement projects to be listed as specified, but states that those amounts, other than those for the acquisition of right-of-way and construction, shall not be subject to allocation by the commission.

Existing law also authorizes a local jurisdiction to advance a project included in the state transportation improvement program to an earlier fiscal year through the use of its own funds. Under these provisions, existing law authorizes a local agency 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 transportation project within its jurisdiction if the project is one that is included in the adopted state transportation improvement program, funded as specified, and pursuant to specified requirements.

This bill would also authorize the commission to advance unallocated funds in the State Highway Account, in the form of loans, to transportation planning agencies, county transportation commissions, transit districts, and local transportation authorities for the advancement of projects eligible under the state transportation improvement program that are included within an adopted regional transportation plan. Thus, by making money in the State Highway Account available for a new purpose, the bill would make an appropriation. The bill also would set forth procedures governing the advancing of these funds and would require the commission to adopt guidelines and procedures governing these provisions not later than specified dates.

The bill would require the commission to begin operation of the loan program not later than a specified date.

(5) Existing law prohibits projects from being included in the interregional transportation improvement program or a regional transportation improvement program without a complete project study report or a major investment study. Projects included in those transportation improvement programs are considered for incorporation in the state transportation improvement program.

This bill would require the commission to adopt, not later than January 30, 2000, guidelines for a process to expedite compliance with the requirement that a project study report be prepared in order for a project to be considered for inclusion in the state transportation improvement program, as specified.

(6) Existing law requires that all federal and state funds to be allocated by the commission be programmed in accordance with certain formulas.

This bill would require the department to be responsible for closely monitoring the use of federal transportation funds and would provide procedures for monitoring the use of those funds.

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

Ch. 784 (AB 724) Dutra. State government: Year 2000 Problem Good Government Omnibus Act of 1999.

(1) This bill would enact the Year 2000 Problem Good Government Omnibus Act of 1999.

(2) Existing law sets forth the requirements for the practice of pharmacy in the state, including the filling and refilling of prescriptions by licensed pharmacists.

This bill would provide that during the period commencing December 1, 1999, and ending February 1, 2000, a pharmacist may refill any refillable prescription subject to the number and terms of authorized refills, upon request of the person on whose behalf the prescription was written, except as specified. It would specify terms for reimbursement

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of claims under certain circumstances. This provision would become inoperative on February 1, 2000, and would be repealed on January 1, 2001.

(3) Under the California Prompt Payment Act, the maximum time from state agency receipt of a claim for reimbursement for health care services by specified types of Medi-Cal providers to issuance of a warrant for payment is 45 calendar days, including not more than 30 calendar days for the state agency to submit a correct claim schedule to the Controller, and not more than 15 calendar days for the Controller to issue the warrant. Under the act, a state agency may dispute a claim submitted by a provider for reasonable cause.

This bill would include, as reasonable cause, a computing or accounting failure related to the Year 2000 Problem and make other revisions to the act in relation to the Year 2000 Problem.

The bill would also authorize the state to print or post electronically within December 1999 checks and other claims that would otherwise occur on or after January 1, 2000, and to hold these payments until the normal issue date that is on or after January 1, 2000.

(4) Existing law sets out the various responsibilities of the Department of General Services and state agencies in overseeing and implementing state contracting procedures and policies.

This bill would enact the Year 2000 Problem Vendor Compliance and Information Practices Policy to authorize any public entity to submit a written request for information regarding the Year 2000 Problem to any contractor who is under contract to provide, or was at any time under contract to provide, specified projects, materials, supplies, equipment, services, or real property.

(5) The California Public Records Act requires that upon request, an exact copy of a public record subject to disclosure under the act be provided unless impracticable to do so.

This bill would specify that for these purposes, it may be considered impracticable to provide an electronic copy of a record due to the actuality of a Year 2000 Problem or resulting from a diversion of resources or personnel by the agency in good faith, to address the Year 2000 Problem. This provision would apply only to a state agency that is given specific approval by the Department of Information Technology to cite this provision as a reason for noncompliance with a specified provision of the California Public Records Act. This provision would remain operative until June 30, 2001, and would be repealed on January 1, 2002.

(6) The California Emergency Services Act provides for mitigation and response efforts to events including states of emergency, as defined, and local emergencies, as defined, and includes sudden and severe energy shortages, as defined, within those emergencies covered under these provisions. The act sets forth the duties of the Office of Emergency Services in overseeing these efforts.

This bill would include complications resulting from the Year 2000 Problem within the definitions of the terms "state of emergency" and "local emergency" under these provisions, and would include a rapid unforeseen shortage of energy resulting from the Year 2000 Problem within the definition of the term "sudden and severe energy shortage" for these purposes. It would additionally require the Office of Emergency Services to serve as the central agency in state government for the emergency reporting of all disasters and sudden and severe energy shortages related to, or potentially related to, the Year 2000 Problem and to coordinate the notification of the appropriate state and local administering agencies that may be required to respond to those situations as they arise.

(7) The California Emergency Services Act requires the Governor to coordinate the State Emergency Plan and programs necessary for the mitigation of the effects of an emergency in this state. The act also requires the Governor to establish contingency plans for various disasters.

This bill would authorize state agencies that are authorized to implement a disaster, contingency, or business continuity plan to use volunteer workers.

(8) Existing law establishes in state government the Department of Information Technology to provide leadership, guidance, and oversight of information technology in state government.

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This bill would make a legislative finding and declaration that the identification and remediation of the Year 2000 Problem is the top priority information technology project for the state as specified by executive order. This bill would also declare the intent of the Legislature to isolate Year 2000 Problem remediation as the top information technology priority for all state agencies and departments and to establish new dates of completion that are not in conflict with Year 2000 Problem remediation for all statutorily mandated automation and information technology systems that are not crucial to public health or safety.

This bill would authorize each state agency or department and political subdivision of the state to isolate any of its automated applications, computer hardware, or networking devices from nonproprietary networks, input streams, power sources, or other devices from 3 a.m. on December 31, 1999, to 12 p.m. on January 1, 2000, inclusive, if specified determinations have been made.

(9) Existing law prescribes the amount of vacation credits that state employees receive based on years in state service and requires the Department of Personnel Administration to provide by rule for the regulation and accumulation of vacations by civil service employees.

This bill would require until January 1, 2002, an employee to carry over more vacation credits than otherwise prescribed if the employee is prevented from taking vacation because the employee is assigned to work related to the Year 2000 Problem.

(10) The State Civil Service Act prescribes various rules and procedures for the hiring and assignment of state employees.

This bill would require the State Personnel Board and the Department of Personnel Administration to establish a Year 2000 Problem Worker Pool to fill the needs of various appointing powers for temporary help regarding Year 2000 Problem remediation.

(11) Existing law requires state agencies, with respect to certain electronic data collected, to retain the source of information according to specified criteria, and requires certain state entities to provide specified information by means of posting on the Internet by specified dates.

This bill would require these entities to retain this electronically collected data, and provide this information by means of posting on the Internet, on or after July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to a specified executive order. With respect to the provision of information on the Internet, this requirement would not become operative as to certain entities within the Department of Consumer Affairs if SB 1308 is enacted, as specified.

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

Ch. 785 (AB 813) Committee on Public Employees, Retirement and Social Security. Public Employees' and Judges' Retirement Systems: benefits: administration.

(1) Under the Public Employees' Retirement Law, if a member retires from both the Public Employees' Retirement System and from a county retirement system, the member's highest final compensation from either system may be used to calculate his or her retirement allowance if the member retires from both systems concurrently. Existing law also provides that if a member on deferred retirement from PERS retires from a county retirement system between the ages of 50 and 55, when that member subsequently becomes eligible to retire from PERS, the member shall be deemed to have retired from both systems concurrently for purposes of computing final compensation.

This bill would instead provide that when a member on deferred retirement from PERS retires, at any eligible age, from a reciprocal county retirement system, he or she shall be deemed to have retired from both systems concurrently for purposes of computing final compensation.

(2) Under existing law, if a member of the Public Employees' Retirement System goes on an unpaid or military leave of absence for 6 or more months, the member can request a refund of his or her accumulated contributions.

This bill would repeal these provisions.

(3) Under the Public Employees' Retirement Law, a member of State Bargaining Unit 6 who retires on or after January 1, 1999, may elect to receive a lump-sum distribution of up to 50% of the actuarial present value of his or her retirement allowance.

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Existing law also provides a formula for calculation of retirement benefits for a member who retires after being reinstated from service or disability retirement.

This bill would provide that the lump-sum distribution shall be not less than 20% of the actuarial present value of the member's retirement allowance and would also specify that the portion of the member's retirement allowance that is subject to survivor continuance benefits may not be distributed as, or a portion of, the lump-sum distribution. The bill would also make the formula for retirement benefits following reinstatement applicable to a member who retires following reinstatement from a service or disability retirement when the member elected the lump-sum distribution.

(4) Under the Public Employees' Retirement Law, contracting public agencies may elect one of specified formulas for calculation of retirement allowances for local safety members.

This bill would provide that 2 of the specified formulas shall not be available to local safety employees of public agencies who enter into contracts after January 1, 2000.

(5) Existing law, the Public Employees' Retirement Law, provides that those officers and employees who are members of State Bargaining Unit 16 or 19 and whose classifications or positions are found to meet specified state safety criteria shall be included within the classification of state safety officers, if the Department of Personnel Administration has agreed to their inclusion.

This bill would authorize those officers and employees who are so included in that classification, and specified retirees and beneficiaries, to elect to receive credit under that classification for their past Second Tier retirement service, as specified.

(6) The Judges' Retirement System II Law prescribes specified annual cost-of-living increases for the monthly service retirement allowances of retired judges and provides that a judge's account is credited monthly with interest at a rate equal to the net earning rate achieved by the retirement system fund on its investments during the preceding fiscal year.

This bill would provide those cost-of-living increases for judges' disability retirement allowances, clarify that the interest rate shall not be less than zero, and make other technical changes.

(7) Under the Public Employees' Medical and Hospital Care Act, the member of the Board of Administration of the Public Employees' Retirement System who is an officer of a life insurer may not vote on whether the board shall approve a health benefit plan or contract with a carrier.

This bill would permit that board member to vote on those matters so long as he or she has no financial interest therein, as specified.

(8) This bill would make other technical changes.

(9) The bill would incorporate additional changes to Section 20391 of the Government Code, made by this bill and SB 400 to take effect only if both bills are enacted and this bill is enacted last.

(10) The bill would incorporate additional changes to Section 21363 of the Government Code, made by this bill and SB 400 and SB 800 to take effect only if this bill and either or both of the other bills are enacted and this bill is enacted last.

(11) The bill would incorporate additional changes to Section 21370 of the Government Code, made by this bill and SB 800 to take effect only if both bills are enacted and this bill is enacted last.

Ch. 786 (SB 340) Baca. Alcoholic beverages: minors: license revocations: off-sale licensees: applications and acknowledgment.

The Alcoholic Beverage Control Act prohibits the sale of alcoholic beverages to, or the purchase of alcoholic beverages by, persons under the age of 21 years, and imposes penalties in that regard, but permits minors to be used as decoys in the enforcement of these provisions. Existing law requires that, after the completion of each minor decoy program, the law enforcement agency using the decoy shall notify licensees of the results of the program.

This bill would require the notification to be given to the licensees within 72 hours.

Under existing law, the Department of Alcoholic Beverage Control may revoke a license for a 3rd violation of provisions relating to selling alcoholic beverages to minors within any 36-month period.

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

This bill would provide that no violation of these provisions may be considered unless it has become final.

The Alcoholic Beverage Control Act prohibits a clerk from making a 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, that includes at a minimum a summary of certain requirements and prohibitions in the act, as specified.

The bill would permit nonprofit organizations and licensees to obtain videotapes and other training materials on the Licensee Education on Alcohol and Drugs (LEAD) program, as specified.

Ch. 787 (AB 749) Wesson. Alcoholic beverage control: minors: penalties: controlled substances: destruction.

(1) The Alcoholic Beverage Control Act makes it a misdemeanor for any person under the age of 21 years to purchase any alcoholic beverage or consume any alcoholic beverage in any on-sale premises. Existing law provides that any person who violates that provision shall be punished by a fine of $250, or not less than 24 hours or more than 32 hours of community service, or a combination thereof as determined by the court.

This bill would provide that a 2nd or subsequent violation would be punishable by a fine of not more than $500 or community service, as specified, or a combination of fine and community service as determined by the court.

(2) The Alcoholic Beverage Control Act provides that any person under the age of 21 years who attempts to purchase any alcoholic beverage from a licensee, or the licensee's agent or employee, is guilty of an infraction. The act further provides, with respect to this infraction, that a first violation is punishable by a fine of not more than $100 and for subsequent violations, a fine of $250 or community service.

This bill would increase the penalty for a first violation by requiring as an alternative or in combination with the fine between 24 and 32 hours of community service, as determined by the court. This bill would also revise the community service alternative for subsequent violations.

(3) The Alcoholic Beverage Control Act provides that any person under the age of 21 years who presents to a licensee any false identification for the purpose of ordering or purchasing or attempting to order or purchase alcoholic beverages is guilty of a misdemeanor, and subject to a fine of at least $250, or specified community service, or both.

This bill would provide that a 2nd or subsequent violation would be punishable by a fine of not more than $500 or community service, as specified, or a combination of fine and community service, as the court deems just.

(4) The Alcoholic Beverage Control Act makes it a misdemeanor for a person under the age of 21 years to have in his or her possession any alcoholic beverage on any street or highway or in any public place or place open to the public.

This bill would make a first violation of that provision punishable by a fine of at least $250 or between 24 and 32 hours of community service. The bill would make a 2nd or subsequent violation a misdemeanor punishable by a fine of not more than $500, 36 to 48 hours of community service, and would provide that any grant of probation shall include the fine and not less than 50 hours of community service.

(5) Existing law provides that alcoholic beverages, when seized for forfeiture as specified, may be disposed of by the Department of Alcoholic Beverage Control, as specified.

This bill would provide that controlled substances, instruments, or paraphernalia seized by the department may only be disposed of pursuant to a court order for destruction.

(6) Existing law provides that a court order for the destruction of controlled substances, instruments, or paraphernalia, as specified, may be carried out by a police or sheriff's department, the Department of Justice, or the Department of the California Highway Patrol.

This bill would provide that, in addition, a court order for the destruction of controlled substances, instruments, or paraphernalia, as specified, may be carried out by the Department of Alcoholic Beverage Control.

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

(7) This bill would impose a state-mandated local program by changing the penalties for these crimes.

(8) The Alcoholic Beverage Control Act prohibits the sale of alcoholic beverages to, or the purchase of alcoholic beverages by, persons under the age of 21 years, and imposes penalties in that regard, but permits minors to be used as decoys in the enforcement of these provisions. Existing law requires that, after the completion of each minor decoy program, the law enforcement agency using the decoy shall notify licensees of the results of the program.

This bill would require the notification to be given to the licensees within 72 hours.

(9) Existing law establishes certain general operating standards that are applicable, as provided, to the licensed premises of certain retailers of alcoholic beverages, the violation of which is punishable as a misdemeanor.

This bill would impose a state-mandated local program by requiring these retail licensees who sell or rent video recordings to arrange them in a specified manner, a violation of which would be an infraction.

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

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

Ch. 788 (AB 1355) Havice. San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.

(1) Existing law authorizes various conservancies to acquire, manage, and conserve public lands in the state.

This bill would establish the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy to acquire and manage public lands within the San Gabriel River and its tributaries, the Lower Los Angeles River and its tributaries, and the San Gabriel Mountains.

(2) The bill would become operative only if SB 216 of the 1999–2000 Regular Session is enacted and becomes operative on or before January 1, 2000.

Ch. 789 (SB 216) Solis. San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.

(1) Existing law authorizes various conservancies to acquire, manage, and conserve public lands in the state.

This bill would establish the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy to acquire and manage specified lands within the main San Gabriel Basin, the San Gabriel River and its tributaries, the Lower Los Angeles River and its tributaries, and the San Gabriel Mountains, and would prescribe the management, powers, and duties of the conservancy, as specified.

(2) This bill would become operative only if this bill is chaptered after AB 1355 of the 1999–2000 Regular Session.

Ch. 790 (AB 547) Longville. Elections: nomination papers: costs.

Existing law authorizes signatures to be obtained on a nomination paper for the purpose of qualifying a candidate to seek election at a primary election. Existing law provides for the appointment of persons to circulate those nomination papers.

This bill would delete the requirement that those persons be appointed to circulate those nomination papers.

Existing law provides that on and after January 1, 1996, all expenses authorized and necessarily incurred in the preparation for and conduct of elections proclaimed by the Governor to fill a vacancy in the office of Senator or Member of the Assembly, or to fill a vacancy in the office of United States Senator or Representative in the United States House of Representatives are to be paid by the state. Existing law repeals this provision on January 1, 2000.

This bill would extend the date of the repeal of that provision to January 1, 2005.

Ch. 791 (SB 350) Murray. Presidential primary delegates and alternates.

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

Existing law required delegates and alternates for the Democratic presidential primary in 1992 to be selected by caucuses at specified times and dates and in a specified manner, in coordination with the presidential primary.

Existing law directs that the presidential primary be held on the first Tuesday in March in any year evenly divisible by the number 4, including, for example, the year 2000.

This bill would require that delegates and alternates for the Democratic presidential preference primary be selected by caucuses in specified numbers and at specified times and dates and in a specified manner, in coordination with the date established for the presidential primary. The bill would establish Tuesday, March 7, 2000, as the date for the next presidential preference primary.

Under existing law, the Secretary of State is required to issue a certification of delegate to each person selected as a delegate or an alternate delegate to the Democratic Party National Convention. The delegates certified are required to be the final delegates as filed and determined by the official canvass.

This bill would repeal those provisions.

Under existing provisions of law relating to the selection of officers of Republican Party county central committees, at a committee's first organizational meeting, a committee is required to organize by selecting a chairperson, a secretary, and any other officers and committees as it deems necessary for carrying on the affairs of the committee. After each election, an organizational or reorganizational meeting is required to take place within 30 days after new county central committee members receive certificates of election.

This bill would revise these procedures with respect to the Central Committee of the County of Orange to require its members to assume office and hold an organizational meeting on the first Monday in December of each even-numbered year.

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

Ch. 792 (AB 743) Keeley. State employment: supervisors.

Under existing law, supervisory employees have the right to form, join, and participate in the activities of supervisory organizations of their own choosing for the purposes of representation on all matters of supervisory employer-employee relations.

This bill would provide that supervisors of state employees represented by State Bargaining Unit 5, 6, or 8 shall receive salary and benefits changes that are at least generally the economic equivalent to the salary and benefits granted to employees they supervise. The bill would require that the determination of the specific benefits that supervisors of state employees represented by State Bargaining Unit 5, 6, or 8 shall receive be made through a meet and confer process.

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

Ch. 793 (AB 612) Jackson. Armories: homeless shelters.

Existing law requires the Military Department to make certain state armories available to specified cities and counties for use by homeless persons for emergency shelter purposes as a temporary measure to allow adequate time for governmental entities to make other homeless shelter arrangements. The Budget Act of 1999 requires $635,000 to be used for temporary emergency shelter during the 1999–2000 winter, and transfers $2,000,000 to the Emergency Housing and Assistance Fund administered by the Department of Housing and Community Development for homeless shelter and services.

This bill would appropriate $1,365,000 in augmentation of the Budget Act of 1999, and would allocate $592,000 to the Military Department for shelters at armories, and $772,500 to the Department of Housing and Community Development for transfer to the Emergency Housing and Assistance Fund.

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

Ch. 794 (SB 171) Escutia. Automobile insurance: lifeline policies.

Existing law requires motorists to demonstrate financial responsibility by one of various means, including an automobile liability insurance policy. Existing law specifies minimum coverages for the policy. Existing law requires insurers to participate in a plan, commonly known as the California Automobile Assigned Risk Plan, to provide automobile insurance to those otherwise unable to obtain coverage.

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

This bill would require insurers that participate in the assigned risk plan to also participate in a pilot program established by the Insurance Commissioner for the County of Los Angeles to offer, until January 1, 2004, a low-cost automobile insurance policy. The bill would provide that the low-cost policy would provide coverage of $10,000 for liability for bodily injury or death to one person, subject to a cumulative limit of $20,000 for all persons, and $3,000 for liability for damage to property. The bill would also provide that the low-cost policy would satisfy the financial responsibility laws.

This bill would specify annual rates offered initially under the pilot program, until the time as the rates are adjusted in accordance with procedures established in the bill. The bill would also specify certain surcharges to be added to the base rate in certain cases.

The bill would also provide that certain financial responsibility requirements do not apply in the County of Los Angeles on and after January 1, 2004.

Ch. 795 (SB 914) Sher. Contractors: express trust funds: liens.

(1) Existing law provides that a contractor, or a qualifying individual acting in the capacity of a contractor, shall provide a bond or deposit, as specified, for the benefit of homeowners and other persons, including express trust funds, that are damaged by the licensee, but provides that liability on the bond to an express trust fund is limited to the difference between the actual loss to the fund and the amount realized from the proceeds of any other bond required under a collective bargaining agreement.

This bill would modify these provisions to apply to both fringe benefits and other specified forms of compensation, and would provide that the liability of a bond to an express trust fund is limited to actual employer payments required to be made on behalf of employees as part of their overall compensation, without regard to whether the work was performed on a public or private work. This bill would make additional conforming changes.

(2) Existing law provides that, in an action against a contractor's bond or deposit, the claim of any employee for wages and fringe benefits shall be a preferred claim, but provides that a claim to recover fringe benefits must be brought within 6 months from the date the delinquencies were discovered and no later than 2 years from when the contributions were due.

This bill would delete the requirement that the claim of any employee for wages and fringe benefits be a preferred claim, and would expand the claim period applicable to claims for fringe benefits to also apply to claims for wages.

(3) Existing law provides that specified persons, including laborers, as defined, who contribute labor, skill, or services to a work of improvement, shall have a mechanic's lien upon the property so improved.

This bill would, for purposes of the mechanic's lien law, include in the definition of "laborer" any person or entity, including an express trust fund, to whom a portion of the compensation of a laborer is paid, pursuant to an agreement with the laborer or the laborer's collective bargaining agent, and would provide that the fund shall be entitled to assert the same rights and claims as the laborer, as specified. This bill would also make related conforming changes.

(4) Existing law provides that an express trust fund that is established pursuant to a collective bargaining agreement to collect supplemental fringe benefits shall have a lien on particular real property covered by a wage agreement in the amount of the supplemental fringe benefit payments it is owed by the payor.

This bill would apply these provisions to express trust funds created by both collective bargaining agreements and employment agreements, and would provide that this lien provision applies to the total compensation of a laborer, including both fringe benefits and other specified forms of compensation, and that an express trust fund shall be entitled to assert the same rights and claims as the laborer to the extent of the total compensation owing for that work of improvement.

(5) Existing law requires express trust funds to provide subcontractors, upon demand, with a statement of fringe benefit payments, as specified.

This bill would repeal that provision.

This bill would state findings and declarations of the Legislature as to the bill's purpose.

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

Ch. 796 (AB 1453) Committee on Insurance. Earthquake insurance: mediation: retrofit program.

(1) Existing law, until January 1, 2000, requires the Department of Insurance to establish a pilot program for the mediation of the disputes between insured complainants and insurers arising out of the Northridge Earthquake of 1994 or any subsequent earthquake.

This bill would extend this termination date until January 1, 2005. It would require the Insurance Commissioner to report to the Governor and the Legislature by August 1, 2004, on whether the pilot program should be extended and on other specified matters.

(2) Existing law, until July 1, 2000, requires the Department of Insurance to provide grants and loans to help pay for the retrofitting of high-risk residential dwellings owned or occupied by low- and moderate-income households. Existing law appropriated $4,400,000 from the California Residential Earthquake Recovery Fund to the Department of Insurance to fund both the grant and loan program and its administration by the department.

This bill would appropriate an additional $3,400,000 for the program and its administration and would extend the authorization to expend the moneys appropriated for the program and the existence of the program itself until July 1, 2003.

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

Ch. 797 (SB 211) Solis. Employment.

Under existing provisions of the California Fair Employment and Housing Act, a person filing a complaint for an unlawful practice with the Department of Fair Employment and Housing is required to file within one year, except that the period for filing may be extended an additional 90 days if a person allegedly aggrieved first obtains knowledge of the facts after one year after their occurrence. The act provides, with certain exceptions, that an "employer" subject to the unlawful practices provisions of the act includes any person regularly employing 5 or more persons, or any person acting, directly or indirectly, as an agent of an employer, or the state or any political or civil subdivision thereof, and cities. For purposes of provisions defining unlawful employment practices related to mental disability, the act defines "employer" to mean any person regularly employing 15 or more persons, or any person directly or indirectly acting as an agent of such an employer, and also includes the state and municipalities and political subdivisions of the state.

This bill would provide that, for purposes of this act, there is a rebuttable presumption that "employer" includes any person or entity identified as the employer on the employee's Federal Form W-2 (Wage and Tax Statement). The bill also would extend the time for filing a complaint with the department for an alleged unlawful practice for an additional one year following a rebutted presumption of employer identity in order to allow the person allegedly aggrieved by an unlawful practice to make a substitute identification of the actual employer.

Ch. 798 (AB 64) Ducheny. Public beach restoration.

Under existing law, the Department of Boating and Waterways has powers and duties pertaining to beach erosion control, beach stabilization, and beach repair and restoration.

This bill would establish the California Public Beach Restoration Program, to be administered by the department, for specified public beach enhancement purposes.

The bill would require the department and the State Coastal Conservancy to jointly prepare and submit to the Legislature, not later than January 1, 2002, a report detailing the restoration, nourishment, and enhancement activities undertaken through the program, evaluating the need for public beach restoration projects, the effectiveness of the program in addressing that need, and ways to increase natural sediment.

The bill would create the Public Beach Restoration Fund in the State Treasury and would provide that moneys in the fund are available for expenditure by the department for the purposes of the bill. The bill would become operative only to the extent that funds are appropriated in the annual Budget Act for the purposes of the bill.

Ch. 799 (SB 330) C. Wright. Sales and use taxes: exemptions: works of art.

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

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. That law defines a sale to include a transfer of title or possession, as specified, and provides various exemptions from that tax.

This bill would provide that a sale and purchase does not include the transfer of original drawings, sketches, illustrations, or paintings by an artist or designer at a social gathering for entertainment purposes, provided specified conditions are met.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemption from state sales and use taxes enacted by the Legislature are 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, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

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

Ch. 800 (AB 232) Alquist. Public employees retirement.

(1) The Public Employees' Retirement Law provides for survivor continuance allowances and special death benefits to surviving spouses not to cease upon remarriage. The provisions are not applicable to contracting agencies unless elected.

This bill would make those benefits applicable to surviving spouses of deceased local members. It would revise certain provisions of the Budget Act of 1999 relating to employee benefits, operative as specified, and would make further changes in provisions contained in SB 400 contingent upon enactment of that bill. It also would make related and clarifying changes.

(2) This bill would incorporate additional changes to Sections 21572 and 21573 of the Government Code proposed by AB 99 and SB 400, as applicable, to take effect if this bill and those bills, a specified, are enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 801 (AB 99) Cedillo. Public Employees' Retirement System: benefits.

The Public Employees' Retirement Law provides alternative preretirement death benefits for members not covered by the federal Social Security Act and prescribes specified member contribution rates for those benefits.

This bill would authorize contracting agencies to amend their contracts to become subject to increased preretirement death benefits for their employees and would revise the member contribution rate calculation.

This bill would incorporate additional changes to Sections 21573, 21574, and 21581 of the Government Code proposed by AB 232 and SB 400, to be operative if this bill, AB 232, and SB 400 are enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 802 (SB 738) Committee on Insurance. Long-term care program.

Existing law establishes the California Partnership for Long-Term Care Pilot Program. The purpose of the program is to link private long-term care insurance and health care service plan contracts that cover long-term care with the in-home supportive services program and Medi-Cal and to provide Medi-Cal benefits to certain individuals who have income and resources above the eligibility levels for receipt of medical assistance, but who have purchased certified private long-term care insurance policies and subsequently exhausted the benefits of these private policies. The State Department of Health Services is required to serve as the lead agency in administering the pilot program and to certify long-term care policies and health care service plan contracts under the pilot program.

Existing law requires that the resource protection provided by the pilot program be effective only for long-term care policies and health care service plans delivered, issued for delivery, or renewed during an enrollment period of July 1, 1993, to June 30, 2000,

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inclusive, or before the termination of the pilot program, whichever is sooner. Existing law also requires that an executive and legislative advisory task force be formed to provide advice and assistance in designing and implementing the pilot program.

This bill would extend the pilot program to long-term care policies and health care service plans delivered, issued for delivery, or renewed after July 1, 1993, to January 1, 2005, inclusive. The bill would eliminate the requirement that the State Department of Health Services be the lead agency for the program and would eliminate the advisory task force.

The bill would provide, in addition to the existing requirement that the State Department of Health Services certify long-term care policies and health care service plan contracts under the program, that policies issued by organizations subject to the Insurance Code be approved by the Department of Insurance, and would revise the criteria for certification and approval. This bill would also repeal a requirement that the Director of Health Services report to the Legislature annually regarding the program.

Ch. 803 (AB 472) Aroner. Public assistance: child support services.

(1) Existing law sets forth conditions under which any dissatisfied applicant for or recipient of public social services is accorded an opportunity for a state hearing.

This bill would require a custodial or noncustodial parent to be accorded an opportunity for a state hearing when any one or more of certain actions or failures to take action by the department or a state or county agency related to child support is claimed by the parent, and would require a district attorney to institute a dispute resolution process for these cases. These provisions would only be implemented to the extent that there is federal financial participation available.

The bill would require state and county agencies to comply with these hearing decisions.

Since the bill requires each county to participate in these fair hearings, the bill would constitute a state-mandated local program.

(2) Existing law requires the department to publish a booklet describing the proper procedures and processes for the collection and payment of child and spousal support. Existing law requires the district attorney to provide certain notice to recipients of child and spousal support services.

This bill would require that notice of, and information about, the child support services hearings available under the bill be provided by the district attorney in a manner specified by the bill, included in the booklet published by the department, and included in or with various forms used in actions to enforce child and spousal support obligations, to the extent federal financial participation is available.

(3) Under existing law, it is a crime for a parent of a minor child to willfully omit, without lawful excuse, to furnish necessary clothing, food, shelter, or medical attendance, or other remedial care for his or her child.

This bill would provide that the decision of a district attorney to proceed or decline to proceed against a parent under this provision shall not be subject to review in any state hearing, as described in the bill.

(4) Existing law authorizes the State Department of Social Services to approve demonstration projects in up to 3 counties to test models of child support assurance, and specifies that one of the projects shall conform to a specified design, and provides for the funding of the projects from funds continuously appropriated for the CalWORKs program.

This bill would recast that provision to authorize the approval of up to 3 child support assurance demonstration projects, and would eliminate the requirement that one of the projects conform to a specified design.

(5) Existing law requires the State Department of Social Services to develop research designs to ensure thorough evaluation of the child support assurance demonstration projects that include various factors, including the impact of welfare-to-work participation rates of custodial parents, CalWORKs participation rates and costs, paternity and child support order establishment, and other relevant information.

This bill would recast that requirement and increase the scope of factors that must be included in the research designs.

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(6) Existing law provides that the state share of child support assurance payments under the child support assurance demonstration project shall be paid in accordance with the continuously appropriated funding of the CalWORKs program.

This bill would specify that the State Department of Social Services, to the extent possible, shall ensure that no funding streams will be utilized to pay for child support assurance payments if use of the funding streams would cause participants to be subject to the limitations imposed on the CalWORKs program that a parent or caretaker relative shall not be eligible to receive aid for a cumulative period of more than 18 months after the individual signs, or refuses, without good cause, to sign a welfare-to-work plan, unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community service activities.

(7) This bill would also enact similar alternative provisions to those described in paragraphs (1) to (3), above, which would become operative only if either AB 196 or SB 542, or both, are enacted, and other specified conditions occur, in which case the other provisions of the bill would not become operative.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 804 (AB 515) R. Wright. Public records: in-home supportive services and personal care services.

(1) The California Public Records Act requires that public records be open to inspection at all times during the office hours of state or local agencies and provides that every person may inspect any public record, with specified exceptions.

This bill would specify that information regarding persons paid by the state to provide in-home supportive services or personal care services shall not be subject to public disclosure under the act , except that copies of names, addresses, and telephone numbers of these persons shall be made available, upon request, to an exclusive bargaining agent and to any labor organization seeking representation rights pursuant to specified provisions of law, subject to specified conditions. Requiring local governmental agencies to disclose this information would impose a state-mandated local program by creating a new duty.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. 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. 805 (AB 740) Steinberg. Dependent children: sibling groups.

Existing law requires that, when a dependent child of the juvenile court is placed in foster care, child welfare services shall be provided for up to 12 months, if the child is 3 years of age or older, or up to 6 months, if the child is under 3 years of age at the time of removal from parental custody. These time periods may be extended if the court, at the status review hearings, makes specified findings. However, if the child is under 3 years of age and the court, at the 6-month review hearing, makes other specified findings, the court may terminate those services and schedule a final hearing to terminate parental rights and free the child for adoption, appoint a legal guardian, or make other specified plans for the child's permanent placement.

This bill would provide that, for a dependent child in foster care who is a member of a sibling group in which one of the siblings is under 3 years of age, child welfare services to some or all of the members of the sibling group may be provided for only 6 months, or for a longer period if the court makes specified findings at the 6-month review hearing. The bill would authorize the court, at the 6-month review hearing, upon making

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specified findings, to schedule the final hearing to terminate parental rights for one or more members of a sibling group.

Because this bill would expand the duties of social workers, it would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 806 (SB 377) Polanco. Criminal conduct of state employees.

Existing law provides that the State Personnel Board may refuse to examine, or after examination, may refuse to declare as eligible, or may withhold or withdraw from certification, prior to appointment, persons within specified categories.

This bill would provide as an additional category, persons who have engaged in unlawful reprisal or retaliation against other persons employed by specified state agencies.

Existing law requires any state officer or employee filing a complaint of reprisal or retaliation to have also previously filed a complaint of improper governmental activity with the Joint Legislative Audit Committee.

This bill, instead, would require the complaint of improper governmental activity to be filed with the State Auditor, or with the Inspector General, as specified.

Under existing law, an employee or officer of a public entity or an employee, officer, or agent of a private person or entity that provides a detention facility or staff for a detention facility under contract with a public entity, who engages in sexual activity with a consenting adult who is confined in a detention facility, as defined, is guilty of a misdemeanor. A second violation of that provision is a felony. "Detention facility" is defined for these purposes under existing law to include a health facility.

This bill would remove the definition of "health facility" from its present inclusion within the term "detention facility." The bill would recast existing law to provide that the above provision applies to employees of health facilities, and add the application of that provision to employees of a department, board, or authority under the Youth and Adult Correctional Agency, or a facility under contract to a department, board, or authority under the Youth and Adult Correctional Agency. The bill would also expand the definition of "sexual activity" for purposes of the provisions. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The bill would provide for misdemeanor and felony punishments, as specified, for violation of certain provisions. By changing the definition of a crime, this bill would impose a state-mandated local program.

The bill would also provide that an employee of a department, board, or authority under the Youth and Adult Correctional Agency convicted of a felony under these provisions would be terminated pursuant to provisions of the State Civil Service Act, and would not be eligible to be hired or reinstated by a department, board, or authority under the Youth and Adult Correctional Agency.

Existing law provides that certain state employees who intentionally engage in acts of reprisal, retaliation, threats, or other proscribed conduct against a state employee, as specified, who has disclosed what the employee believes to be improper government activities, shall be disciplined. Existing law also provides that certain state employees who engage in the above-proscribed acts shall be liable in an action for damages, and may be liable for punitive damages and attorney's fees, as specified.

This bill would provide that the above-described provisions also apply where the proscribed conduct is directed against an employee, as defined, (1) who has disclosed or is disclosing to any employee at a supervisory or managerial level what the employee believes to be improper government activities, or (2) who has cooperated or is cooperating with any investigation of improper government activity.

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This bill would also specify the minimum discipline that the offending employee would be subject to, and define what the term "retaliation" means for purposes of the act. This bill would also declare that nothing in the act would prohibit the employing entity from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in conduct prohibited by the act.

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

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

Ch. 807 (SB 527) Speier. Automobile insurance: low-cost policies.

Existing law requires motorists to demonstrate financial responsibility by one of various means, including an automobile liability insurance policy. Existing law specifies minimum coverages for the policy. Existing law requires insurers to participate in a plan, commonly known as the California Automobile Assigned Risk Plan, to provide automobile insurance to those otherwise unable to obtain coverage.

This bill would require insurers that participate in the assigned risk plan to also participate in a pilot program established by the Insurance Commissioner for the City and County of San Francisco to offer, until January 1, 2004, a low-cost automobile insurance policy. The low-cost policy would provide coverage of $10,000 for liability for bodily injury or death to one person, subject to a cumulative limit of $20,000 for all persons, and $3,000 for liability for damage to property. The policy would satisfy the financial responsibility laws.

This bill would specify annual rates offered initially under the pilot program, until the time as the rates are adjusted in accordance with procedures established in the bill. The bill would also specify certain surcharges to be added to the base rate in certain cases.

The bill would also provide that certain financial responsibility requirements do not apply in the City and County of San Francisco on and after January 1, 2004.

Ch. 808 (AB 1432) Oller. Insurance: service of process: tax credit.

(1) Existing law requires a foreign insurer to appoint a designated agent for service of process, and deems the agent in law to be a general agent and the principal agent of the insurer in this state.

This bill would make clarifying changes including that the agent appointed may be a corporate officer of the insurer residing in this state, and that for service of process the agent is the principal agent of the insurer in this state.

(2) Existing insurance tax law requires every insurer, as defined, doing business in this state, to annually pay a tax on gross premiums, as specified, at the rates provided by law. Except as otherwise provided, the rate of tax to be applied to the basis of the annual tax in respect to each year is 2.35%.

SB 527 and SB 171 of the 1999–2000 Regular Session would provide for the issuance, until January 1, 2004, of policies of low-cost automobile insurance to certain low-income motorists in certain areas of the state.

This bill would allow as a credit against that tax an amount equal to the amount of the gross premiums tax due on account of pilot project insurance for previously uninsured motorists, as specified.

The bill would provide that the tax credit shall become operative only if SB 171 and SB 527 are also enacted and become operative on or before January 1, 2000.

Ch. 809 (AB 406) Knox. New area codes: telephone number assignment.

(1) Existing federal law provides for an administrator for California area code relief. Existing law establishes a process for that administrator and providers, as defined, to develop an area code relief plan, as prescribed.

This bill would require the Public Utilities Commission to develop and implement any measures that it determines to be available for telephone corporations that possess telephone number prefixes to efficiently allocate telephone numbers within those prefixes, as prescribed. The bill would require the Public Utilities Commission to request, and telecommunications providers to provide, certain information on telephone number

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use. The bill would require the Public Utilities Commission to prepare and submit to the Legislature a study on that information on or before July 1, 2001. The bill would require, if authorized as prescribed, telephone corporations to return blocks of telephone numbers, as prescribed. The bill would require the Public Utilities Commission to direct the North American Numbering Plan Administrator to seek the return of blocks of numbers smaller than 10,000, as prescribed, and also to obtain specified information prior to addressing area code relief, as prescribed.

The bill would make related legislative findings and declarations.

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

Ch. 810 (AB 193) Cardoza. Veterans homes.

Existing law establishes a Veterans Home of California, Yountville, and authorizes the Department of Veterans Affairs to establish and construct a 2nd home located at various sites in southern California.

This bill would establish a Governor's Commission on Veterans Homes consisting of 12 appointed and ex officio members to advise the Governor and the Legislature, as specified, on the establishment of veterans homes in California. The bill would repeal these provisions as of January 1, 2002.

Ch. 811 (AB 756) Keeley. Budget Act of 1999: augmentation. [4]

Existing law, as set forth in the Budget Act of 1999, makes various appropriations for support of state government for the 1999–2000 fiscal year.

In augmentation of the Budget Act of 1999, this bill would reappropriate $3,010,000 from support of the Department of Parks and Recreation for cultural heritage projects to support of relocation and restoration of Stilwell Hall at Fort Ord and for stabilization and restoration of the Copperopolis Armory, as specified. The bill would appropriate $8,000 from the General Fund to the Department of Fish and Game for the New Hogan Lake Conservancy, as specified. The bill would also appropriate $235,000 from the General Fund to the Department of Water Resources to pay the Reclamation Board's share of preconstruction engineering and design costs relating to the Success Reservoir Enlargement Project. The bill would reappropriate $6,000,000 to the Department of Water Resources for expenditure without regard to fiscal years for various local assistance projects.

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

Ch. 812 (SB 989) Sher. Pollution: groundwater: MTBE.

(1) Under existing law, with specified exceptions, no person may own or operate an underground storage tank containing hazardous substances unless a permit for its operation has been issued by the local agency to the owner or operator of the tank, or a unified program facility permit has been issued by the local agency to the owner or operator of the unified program facility on which the tank is located. Existing law requires an underground storage tank permit to require compliance with certain design and construction requirements, and requires the local agency to inspect every underground tank system within its jurisdiction at least once every 3 years. Existing law imposes specified civil penalties upon owners or operators of underground storage tanks who violate certain requirements.

This bill would require the State Water Resources Control Board, on or before June 1, 2000, to initiate a specified research program to quantify the probability and environmental significance of releases from petroleum underground storage tank systems that meet certain upgrade requirements. The board would be required, by January 1, 2001, to adopt specified regulations and the board would be directed to require a tank to be fitted with under-dispenser containment or a spill containment or control system approved by the board, as specified, and to review existing enforcement authority. The bill would require a local agency to inspect every tank system at least once every year, thereby creating a state-mandated local program by imposing new duties upon local agencies. The bill would require the holder of a permit for an underground storage tank, within 60 days after receiving a specified inspection or compliance report, to file a plan to implement the compliance report or make a specified demonstration. The bill would provide for the imposition of civil liability upon an operator of an

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underground storage tank who tampers with, or disables, automatic leak detection devices and would impose criminal penalties upon a person who intentionally takes such an action, thereby imposing a state-mandated local program by creating a new crime. The bill would require the board, in consultation with the State Department of Health Services, to develop guidelines for the investigation and remediation of MTBE and other ether-based oxygenates in groundwater and appropriate cleanup standards.

The bill also would require, on and after November 1, 2000, an owner or operator of a tank system with a single-walled component, located as specified, to implement a program of enhanced leak detection or monitoring pursuant to regulations that the board would be required to adopt.

(2) Under the existing Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, every owner of an underground storage tank is required to pay a storage fee for each gallon of petroleum placed in the tank. The fees are required to be deposited in the Underground Storage Tank Cleanup Fund. The money in the fund may be expended by the State Water Resources Control Board, upon appropriation by the Legislature, for various purposes, including the payment of claims of up to $1,000,000 per occurrence, including joint claims, to aid owners and operators of petroleum underground storage tanks who take corrective action to clean up unauthorized releases from those tanks. The act is repealed by its own terms on January 1, 2005.

This bill would increase the amount of a corrective action claim to $1,500,000 per occurrence, would revise the requirements for claims for regulatory assistance, and would increase the amount to $1,500,000 for joint claims. The bill would extend the operation of the act until January 1, 2011, thereby imposing a state-mandated local program by continuing the imposition of duties upon the local agencies that implement the act.

(3) Existing law authorizes the State Air Resources Board, among other things, to adopt and implement motor vehicle fuel specifications for the control of air contaminants and sources of air pollution, as specified. Existing law, however, prohibits the state board from adopting any regulation that requires the addition of any oxygenate to motor vehicle fuel unless the regulation is subject to multimedia rulemaking, as defined in existing law.

This bill would instead prohibit the state board from adopting any regulation that establishes a specification for motor vehicle fuel unless that regulation, and a multimedia evaluation conducted by affected agencies and coordinated by the state board, are reviewed by the California Environmental Policy Council. The bill would revise the procedures for the conduct of such a multimedia evaluation.

The bill would require the State Energy Resources Conservation and Development Commission, in consultation with the state board, to develop a timetable for the removal of MTBE from gasoline at the earliest possible date, consistent with a specified executive order. The bill would require the state board to ensure that specified regulations for reformulated gasoline maintain or improve upon emissions and air quality benefits achieved by other specified reformulated gasoline and are evaluated, as specified. The bill would require a city, county, or air pollution control district, upon receiving an application to construct a phase 3 reformulated gasoline project, as defined, to undertake all reasonable efforts to expedite action on the permit, thereby imposing a state-mandated local program.

The bill would also authorize the Secretary for Environmental Protection to prohibit the use of MTBE in motor vehicle fuel prior to December 31, 2002, on a subregional basis in the Bay Area Air Basin, or in any other air basin in the state, if the secretary makes specified findings.

The bill would require the commission, if it determines that specified studies do not adequately assess the ongoing supply and availability of gasoline for the state's consumers associated with the phaseout of MTBE, to submit a report to the Legislature and the Governor by July 1, 2000, concerning the impact of that phaseout on the supply and availability of gasoline.

The bill would require the board to convene a working group to review and evaluate options for the closure of certain petroleum underground storage tanks and to submit recommendations to the Secretary for Environmental Protection by January 1, 2001.

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(4) The existing California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if the lead agency finds that the project will not have that effect, unless the project is exempt from the act.

This bill would, until January 1, 2003, impose certain requirements on districts and lead agencies, as defined, for purposes of that act, with regard to the processing of permits and environmental impact reports for a construction project consisting of facilities, processing units, or equipment necessary to produce Phase 3 reformulated gasoline, as defined, thereby imposing a state-mandated local program.

(5) Existing law requires a person who digs, bores, or drills a water well, cathodic protection well, or a monitoring well, or abandons or destroys a well, or deepens or reperforates a well, to file a report of completion with the Department of Water Resources within 30 days after the construction or alteration is completed. Under existing law, those reports may not be made available to the public, except to a person who obtains a written authorization from the owner of the well.

This bill would also allow a person performing an environmental cleanup study under order from a regulatory agency to obtain a report with regard to specified wells.

(6) Under existing law, until January 1, 2002, the State Department of Health Services is authorized to expend the money in the Drinking Water Treatment and Research Fund in the State Treasury to make payments to public water systems for the costs of treating contaminated groundwater and surface water for drinking water purposes, investigating contamination, acquiring alternate drinking water supplies, and for conducting research into treatment technologies. Existing law, operative June 30, 1999, requires the board to annually transfer $5,000,000, from June 30, 1999, until January 1, 2002, from the Underground Storage Tank Cleanup Fund to the drinking water fund for expenditure for those purposes, if a public drinking water well has been contaminated by an oxygenate and there is substantial evidence that the contamination was caused by a release from an underground storage tank.

This bill would extend the operation of the provision providing for the transfer of those funds from January 1, 2002, to January 1, 2010.

The bill would require the board to transfer $5,000,000 from the Underground Storage Tank Cleanup Fund to the drinking water fund, if the department makes a specified determination.

(7) Existing law, until December 22, 2005, or except as specified, requires the Trade and Commerce Agency to conduct a program to make loans to small businesses to upgrade, replace, or remove petroleum underground storage tanks to meet applicable local, state, or federal standards and to take corrective actions. Under existing law, funds in the Petroleum Underground Storage Tank Financing Account in the General Fund are continuously appropriated to the agency, without regard to fiscal year, for making these loans. Existing law specifies that the maximum amount of a loan is $750,000, but provides that, if at least $6,500,000 is not transferred to the account each fiscal year, the maximum amount of a loan is $350,000 an applicant is restricted to one loan at any one time.

This bill would delete the contingency provision thereby decreasing the maximum amount of a loan and restricting an applicant to one loan at any one time. The bill would additionally authorize the agency to conduct a grant program to assist small businesses to comply with the new requirements imposed by the bill on petroleum underground storage tanks and tanks with single-walled components that are located, as specified. The bill would specify eligibility requirements for grant applicants and the maximum amount of those grants. The bill would require the agency, on or before April 1, 2001, to submit a report to the Legislature detailing the status of the grant program.

The bill would authorize the agency to expend the money in the Petroleum Underground Storage Tank Financing Account, upon appropriation by the Legislature, to make those grants.

(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.

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

Ch. 813 (SB 529) Bowen. Motor vehicle fuel.

Existing law prohibits the State Air Resources Board from adopting any regulation that requires the addition of any oxygenate to motor vehicle fuel unless the regulation is subject to multimedia rulemaking, as defined.

This bill, instead, except as provided, would prohibit the state board from adopting any regulation that establishes a specification for motor vehicle fuel unless that regulation, and a multimedia evaluation conducted by affected agencies and coordinated by the state board, are reviewed by the California Environmental Policy Council. The bill would prescribe procedures for the multimedia evaluation and would provide that if the council determines that the proposed regulation will cause a significant adverse impact on public health or the environment, the council shall recommend alternative measures. Under the bill, within 60 days of receiving notice from the council of a determination of adverse impact, the state board would be required to adopt revisions to the proposed regulation, or the affected state agencies would be required to take appropriate action to mitigate the adverse impacts, as provided.

This bill would require the state board to enter into an agreement to conduct an external scientific peer review of the California Predictive Model and to submit the findings of that review to the Legislature on or before July 1, 2000.

Ch. 814 (SB 1001) Burton. Motor vehicle fuel: MTBE.

The Governor's Executive Order D-5-99 requires the State Energy Resources Conservation and Development Commission, in consultation with the State Air Resources Board, to develop a timetable for the removal of methyl tertiary-butyl ether (MTBE) from gasoline at the earliest possible date, but not later than December 31, 2002.

This bill would require the commission to submit quarterly reports to the Legislature summarizing the amount of MTBE used in gasoline by each refinery during the preceding quarter and comparing that amount to the amount of MTBE used in gasoline by each refinery during the previous quarter.

Ch. 815 (SB 332) Sher. Beverage containers.

(1) The existing California Beverage Container Recycling and Litter Reduction Act requires a distributor of specified beverage containers to pay a redemption payment of 2¢ to the Department of Conservation, for each beverage container, as defined, sold or transferred, for deposit in the California Beverage Container Recycling Fund and provides for an increase in that payment, as specified. The money in the fund is continuously appropriated to the department to pay refund values, processing payments, and for other purposes. "Beverage" is defined, for purposes of the act, to include beer and other malt beverages, wine and distilled spirit coolers, carbonated mineral and soda waters, and similar carbonated soft drinks in liquid form that are intended for human consumption, but excludes from that definition 100% fruit juice to which carbonation has been added.

A violation of the act is a crime and the penalties for violations of the act are deposited in the fund.

Existing law requires each glass container manufacturer to use a 35% minimum percentage of California postfilled glass in the manufacturing of glass food, drink, or beverage containers. A manufacturer is authorized to seek a reduction or waiver of this requirement from the department.

This bill would additionally include as beverages, for purposes of the act, carbonated and noncarbonated water, noncarbonated soft drinks and sport drinks, specified noncarbonated fruit drinks, coffee and tea drinks, and carbonated fruit drinks if those products are sold in plastic, glass, bimetal, or aluminum containers in liquid, ready-to-drink form and intended for human consumption. The bill would exempt any beverage container included within the coverage of the act on January 1, 2000, from specified labeling requirements, until January 1, 2001.

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This bill would revise the definitions of the terms "handling fee," and "PET container" and would define the terms "nonprofit convenience zone recycler," "recycler" and "rural region recycler."

This bill would reduce the minimum percentage of postfilled glass to 25% if the glass container manufacturer makes a specified demonstration to the department with regard to its use of mixed color cullet, as defined.

This bill would revise the procedure for determining the commingled rate paid for containers to repeal requirements regarding the holding of a public hearing and providing information before the effective date of a new rate, would repeal the existing procedure on January 1, 2001, and would establish a new procedure, effective January 1, 2001, for the calculation of a new commingled rate that includes the requirements for a prior public hearing and providing information.

The bill would increase the amount of the redemption payment paid by distributors to 2.5¢.

(2) Existing law defines "convenience zone" for the purposes of the act and requires that every convenience zone is to be served by at least one certified recycling center, with specified operating hours. The Director of Conservation is authorized to grant an exemption from these convenience zone requirements based on specified factors, including that the nearest certified recycling center is within a reasonable distance of the convenience zone being considered for the exemption.

This bill would revise the requirements regarding the operating hours for a recycling center in a rural region and would additionally include, as a factor to be considered in issuing an exemption from convenience zone requirements, that the convenience zone has redeemed less than 60,000 containers per month in the prior 12 months and a certified recycling center is located within one mile of the convenience zone that is the subject of the exemption.

(3) Existing law requires the department to pay to a processor for every empty beverage container received by the processor from a certified recycling center or other program, the sum of the refund value, 1 $^{3}/_{4}$% of the refund value for administrative costs, and a processing payment. Existing law requires the processor to pay a certified recycling center or other program the refund value, $^{1}/_{2}$ of 1% of the refund value for administrative costs, and the processing payment. Existing law also requires a distributor of beverage containers to pay a redemption payment to the department, less $^{1}/_{2}$ of 1% for the distributor's administrative costs. The redemption payment made to the department by a distributor of beer and other malt beverages is required to be made not later than the first day of the second month following the sale.

This bill would increase the amount of administrative costs paid to the processor to 2 $^{1}/_{2}$% of the refund value, and the administrative costs paid to the recycling center to $^{3}/_{4}$ of 1% and would increase the administrative costs retained by the distributor to 1% of those administrative costs. The bill would increase the time when the redemption payment by beer and malt beverage distributors is required to be made to not later than the last day of the third month following the sale.

(4) Under the act, the department is required to calculate a processing fee for each beverage container with a specified scrap value, which is required to be paid by beverage manufacturers for each beverage container sold or transferred to a dealer. Until January 1, 2000, a processing fee is required to be imposed annually only if the scrap value for the material is less than the cost of recycling, and, after that date, a processing fee is required to be established pursuant to different criteria. Under the law in effect until January 1, 2000, the processing fee is reduced in an amount equal to 25% of the redemption payments projected to be paid by distributors of beverages sold in that container type for the previous calendar year.

This bill would revise the method of calculating the processing payment and would require the processing payment, to equal the difference between the scrap value offered to recyclers by willing purchasers and the cost of recycling containers and a reasonable financial return. The bill would require the department to use specified cost data for the January 1, 2000, processing payment calculation. The bill would require the actual processing fee to equal 65% of the processing payment, but the department would be required to adjust the amount of the processing fee, based upon the availability of funds

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in the processing fee account for that beverage material type so the amount of the processing fee equals 25% of the processing payment.

(5) Existing law requires the department to report specified data with respect to its responsibilities under the act within 70 days of each reporting period.

This bill would extend this period to 130 days.

(6) Existing law requires the department to transfer an amount equal to 25% of the redemption payments, and all processing fees, made for glass, PET, and bimetal beverage containers to, respectively, the Glass Processing Fee Account, the PET Processing Fee Account, and the Bimetal Processing Fee Account, for making processing payments for, and reducing processing fees paid for, these container types. After setting aside funds needed for the payment to refund values and administrative fees, and for these expenditures, the department is authorized to expend $18,500,000 of the moneys in the fund, until January 1, 2001, for the payment of handling fees, and $5,000,000, for payments for curbside programs, until January 1, 2001, to expend $7,000,000 annually for grants to community conservation corps, and to expend $2,000,000 for grants to nonprofit organizations or government programs.

This bill would increase these amounts to $23,500,000 for the payment of handling fees, $15,000,000 for payment for curbside programs, and $15,000,000 for grants to community conservation corps. The bill would authorize the expenditure of $10,500,000 annually for payments to cities and counties for beverage container recycling and litter cleanup activities, and $500,000 for grants for beverage recycling and litter reduction programs, and would require the payment of $6,840,000 to the City of San Diego, for a curbside recycling pilot program that would be terminated on January 1, 2004. The bill would extend the authorization to expend these funds for handling fees indefinitely and for curbside programs until an unspecified date, thereby making an appropriation. The bill would require the director to register the operators of curbside programs, and to adopt a procedure for registration of these programs. The bill would include neighborhood dropoff programs, as defined, as being eligible for those payments for curbside programs. The bill would authorize the department to pay each curbside recycling program a quality glass incentive payment for color-sorted glass collected by the curbside recycling program, in a total of not more than $3,000,000 per calendar year until an unspecified date.

The bill would delete the requirement that the department transfer 25% of the redemption values to those accounts. The bill would instead require the department to establish separate processing fee accounts in the fund for each beverage material type, and would require the department to transfer funds equal to 75% of the processing payments and all of the processing fees to those accounts. The bill would continuously appropriate the money in those accounts to the department to make processing payments and reduce processing fees, thereby making an appropriation.

The bill would require the department to expend $10,000,000 annually, between January 1, 2000, and January 1, 2002, to undertake a statewide public education and information campaign and to provide a report to the Legislature, by January 1, 2002, on the impact of the campaign.

The bill would require the department to annually expend $300,000 until January 1, 2003, pursuant to a cooperative agreement with Keep California Beautiful, to conduct a statewide public education campaign.

The bill would specify a procedure for the proportionate reduction of certain expenditures pursuant to the act and would require the department to convene a specified advisory group before making expenditures for the statewide public education and information campaign.

The bill would create the Penalty Account in the fund, would require all civil penalties and fines collected by the department to be deposited in that account, and would require the department to transfer the existing fines and civil penalties in the fund to that account. The revenues in the account would be available to the department, only upon appropriation by the Legislature, to carry out the act. The bill would make conforming changes.

(7) Existing law requires the department to adopt guidelines and methods for paying handling fees to supermarket sites, until January 1, 2001. Existing law requires the department to convene a hearing to ensure that handling fees paid to supermarket site

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recycling centers are not used for the purpose of engaging in unfair and predatory pricing. Existing law provides that, if the department determines there is clear and convincing evidence that a handling fee recipient has engaged in unfair and predatory pricing, the respondent is not eligible to receive handling fees for 3 months.

This bill would additionally make nonprofit convenience zone recyclers and rural region recyclers eligible to receive handling fees and would delete the repeal of the provisions governing the payment of handling fees, thereby extending those provisions indefinitely.

This bill would define the term "unfair and predatory pricing" for purposes of a new hearing procedure that this bill would establish, and would make a supermarket site that the department determines has engaged in unfair and predatory pricing, ineligible to receive handling fees after the date of that determination.

The bill would require the department to conduct an audit, by January 1, 2001, of the handling fees paid to supermarket sites.

(8) The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program, including providing for recycling to reduce solid waste disposal.

This bill would require the board, in consultation with the department, not later than December 1, 2000, to prepare and submit to the Legislature a report, as prescribed, that identifies any duplication or overlap between the California Integrated Waste Management Act of 1989 and the California Beverage Container Recycling and Litter Reduction Act with respect to programs pertaining to public information and education, local government review and assistance, and recycled materials market development.

(9) Under existing law, it is unlawful for any person to weigh, measure, or count any commodity unless the person is licensed as a weighmaster. Existing law exempts recycling centers established for the redemption of empty beverage containers from the laws relating to weighmasters.

This bill would additionally exempt, from those laws, certified recycling centers that purchase empty beverage containers from the public for recycling.

(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.

Since a violation of the requirements imposed by the bill would be a crime, the bill would impose a state-mandated local program by creating new crimes.

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

Ch. 816 (SB 827) Sher. Recycled materials.

(1) The State Assistance for Recycling Markets Act of 1989 requires the Department of General Services to set a goal for the purchase of recycled paper products by state agencies of at least 50% of paper products purchased. All state agencies are required to submit to the department and the California Integrated Waste Management Board a plan to meet this goal. The board was required to implement a pilot program, if adequate funds were available, from January 1, 1994, to January 1, 1997, for funding claims submitted by state agencies for providing price preferences to certain recycled paper products. The act also requires the Legislature and all state agencies to meet certain goals for the procurement or purchase of recycled products, as defined, by specified dates. The board is also authorized to establish recycled-content disclosure, recycled product-only bids, cooperative purchasing arrangements, or conduct an analysis of solid waste diversion from disposal facilities, to meet the goals for recycled products. Existing law requires the Legislature, if a recycled product costs more than the same product made with virgin material, to purchase fewer of those more costly products or apply cost savings, if any, gained from buying other recycled products towards the purchase of those more costly products.

These provisions would be repealed, under existing law, on January 1, 2001.

This bill would provide that purchasing recycled products is a requirement rather than a goal, and would delete the requirement that state agencies submit plans related to their

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recycled paper product purchasing. The bill would also delete the provisions regarding the pilot program.

The bill would delete the repeal of those provisions, would make conforming changes, and would delete obsolete provisions.

(2) Existing law requires the State Procurement Officer, in purchasing any materials to be used in paving or paving subbase for use by the Department of Transportation and any other state agency that provides road construction and repair services, to make contracts available for items that utilize recycled materials in paving materials and base, subbase, and previous backfill material, if the price of those items is competitive for the purposes intended.

This bill, instead, would require the officer to make those contracts available unless the Director of Transportation determines that the use of the materials is not cost-effective based on specified factors.

Ch. 817 (AB 1244) Olberg. Beverage containers.

(1) The existing California Beverage Container Recycling and Litter Reduction Act requires a distributor of specified beverage containers to pay a redemption payment of 2¢ to the Department of Conservation, for each beverage container, as defined, sold or transferred, for deposit in the California Beverage Container Recycling Fund and provides for an increase in that payment, as specified. The money in the fund is continuously appropriated to the department to pay refund values, processing payments, and for other purposes.

A violation of the act is a crime and the penalties for violations of the act are deposited in the fund.

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 for each beverage container sold or transferred to a dealer. Until January 1, 2000, a processing fee is required to be imposed annually only if the scrap value for the material is less than the cost of recycling, and, after that date, a processing fee is required to be established pursuant to different criteria. Under the law in effect until January 1, 2000, the processing fee is reduced in an amount equal to 25% of the redemption payments projected to be paid by distributors of beverages sold in that container type for the previous calendar year.

This bill would revise the method of calculating the processing payment and would require the processing payment to equal the difference between the scrap value offered to recyclers by willing purchasers and the cost of recycling containers and a reasonable financial return. The bill would require the department to establish a processing fee on January 1, 2000, and on and before January 1 annually thereafter, and to use specified cost data for the January 1, 2000, and January 1, 2001, processing payment calculation. The bill would require the actual processing fee to equal 65% of the processing payment, but the department would be required to adjust the amount of the processing fee, based upon the availability of funds in the processing fee account for that beverage material type so the amount of the processing fee equals 25% of the processing payment.

(2) Existing law requires the department to transfer an amount equal to 25% of the redemption payments, and all processing fees, made for glass, PET, and bimetal beverage containers to, respectively, the Glass Processing Fee Account, the PET Processing Fee Account, and the Bimetal Processing Fee Account, for making processing payments for, and reducing processing fees paid for, these container types. After setting aside funds needed for the payment to refund values and administrative fees, and for these expenditures, the department is authorized to expend $18,500,000 of the moneys in the fund, until January 1, 2001, for the payment of handling fees, and $5,000,000, for payments for curbside programs, until January 1, 2001, to expend $7,000,000 annually for grants to community conservation corps, and to expend $2,000,000 for grants to nonprofit organizations or government programs.

This bill would increase these amounts to $23,500,000 for the payment of handling fees, $15,000,000 for payment for curbside programs and neighborhood dropoff programs, and $15,000,000 for grants to community conservation corps. The bill would authorize the expenditure of $10,500,000 annually for payments to cities and counties for beverage container recycling and litter cleanup activities, and $500,000 for grants for beverage

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recycling and litter reduction programs, and would require the payment of $6,840,000 to the City of San Diego, for a curbside recycling pilot program that would be terminated on January 1, 2004. The bill would extend the authorization to expend these funds for handling fees and for curbside programs indefinitely, thereby making an appropriation. The bill would authorize the department to pay each curbside recycling program a quality glass incentive payment for color-sorted glass collected by the curbside recycling program, in a total of not more than $3,000,000 per calendar year and would specify the criteria for the making of these payments.

(3) The bill would require the department to contract with the University of California to prepare and submit a specified report.

(4) The changes proposed by the bill would become operative only if SB 332 of the 1999–2000 Regular Session of the Legislature is enacted and becomes effective on or before January 1, 2000. The bill would also make a statement of legislative intent regarding the order of enactment of this bill and SB 332.

(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.

Since a violation of the requirements imposed by the bill would be a crime, the bill would impose a state-mandated local program by creating new crimes.

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

Ch. 818 (AB 170) Firebaugh. Outdoor advertising: redevelopment districts.

The Outdoor Advertising Act regulates the placement of advertising displays along highways. The act exempts from its provisions certain advertising displays that advertise the business conducted or services rendered or goods produced or sold on the property upon which the display is placed, as specified, except provisions governing licenses and imposing regulations. The act provides an exemption from specified display restrictions for advertising displays that advertise businesses and activities developed within the boundary limits of, or as part of, an individual redevelopment agency project by authorizing those displays to be considered, with the consent of the redevelopment agency governing the project, as being on premises anywhere within the limits of the project, as specified. The exemption is conditioned on, among other things, all of the land in the project being contiguous or separated only by a public highway or public facilities developed or relocated for inclusion within the project as a part of the original redevelopment plan.

This bill would, notwithstanding those provisions, for the City of Buena Park in Orange County, the Cities of Commerce, Covina, and South Gate in Los Angeles County, and the City of Victorville in San Bernardino County, extend the exemption for redevelopment agency projects to include more than one of the agency's project area or areas, would exempt the display as being on premises if it is anywhere within the legal boundaries of the redevelopment agency's project area or areas, instead of within the limits of the project, and would delete the condition that all of the land in the project be contiguous or separated only by a public highway or public facilities.

The bill would require the governing body of a redevelopment agency within these cities, upon approving the purchase, lease, or other authorization for the erection of an advertising display, to prepare, adopt, and submit to the department an application for the issuance of a permit that, at a minimum, includes a finding that the advertising display would not result in a concentration of displays that will have a negative impact on the safety or aesthetic quality of the community. The bill also would authorize the department to deny the application only if the proposed structure would violate specified provisions of law, or if the display would cause a reduction in federal-aid highway funds.

This bill would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

Ch. 819 (AB 161) Alquist. Osteoporosis.

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Under existing law, the State Department of Health Services is responsible for the administration and oversight of various health care programs.

This bill would establish the California Osteoporosis Prevention and Education Program within the department. The bill would appropriate $250,000 to the department from the General Fund for purposes of the bill.

Ch. 820 (AB 155) Migden. Public social services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.

This bill would , until April 1, 2005, and subject to the receipt of federal financial participation, require the department to adopt a federal option under which any employed individual whose countable income, determined by criteria specified in the bill, does not exceed 250% of the federal poverty level and who is disabled for specified purposes, shall be eligible for benefits under the Medi-Cal program, subject to the payment of premiums.

Because counties are required to make Medi-Cal eligibility determinations and this bill would expand Medi-Cal eligibility, the bill would create a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 821 (AB 145) Vincent. Insurance taxation: credit.

Existing insurance tax law requires every insurer, as defined, doing business in this state, to annually pay a tax on gross premiums, as specified, at the rates and subject to the deductions provided by law. Except as otherwise provided, the rate of tax to be applied to the basis of the annual tax in respect to each year is 2.35%. Existing law authorizes a low-income housing credit against that tax on the gross premiums of insurers.

The Personal Income Tax Law and the Bank and Corporation Tax Law allow a credit, until 2002, for specified taxable and income years in an amount equal to 20% of a qualified deposit, as defined, made into a community development financial institution, as defined.

This bill would provide a similar tax credit, until 2002, for purposes of insurance taxation.

Existing law provides that when the laws of another state or foreign country impose certain taxes or other amounts upon California insurers, or their agents or representatives, the same taxes or other amounts are imposed in this state upon the insurers, or their agents or representatives, of the other state or country doing business in this state.

This bill would allow the credit created by this bill to be allowed without any adjustment under those retaliatory tax provisions by treating the credit as a tax paid for purposes of those retaliatory taxes.

This bill would take effect immediately as a tax levy.

Ch. 822 (AB 492) Wayne. Coastal resources: public access.

Existing law requires the California Coastal Commission and the State Coastal Conservancy to implement and administer various programs related to coastal resources, including programs for coastal access.

This bill would prohibit state land, as defined, that is located between the first public road and the sea, with an existing or potential public accessway to or from the sea, or that the commission has formally designated as part of the California Coastal Trail, from being transferred or sold by the state to any private entity, unless the state retains a permanent property interest in the land adequate to provide public access to or along the sea. The

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prohibition would not apply if the private entity is a private, nonprofit organization that exists for the purposes of preserving lands for public use and enjoyment and meets the requirements of specified provisions of existing law, or if the department or the conservancy makes specified findings at a noticed public hearing relating to the transfer or sale of the property. The bill would also permit the Department of Parks and Recreation and the conservancy to sell or transfer this state land if a public hearing is conducted and certain findings are made.

Ch. 823 (AB 458) Zettel. Child care providers.

(1) Existing law requires every licensed child day care facility to make accessible to the public a copy of any licensing report pertaining to the facility that documents a facility visit or a substantial complaint investigation. Existing law requires each child day care facility to permanently post in a facility location accessible to parents and guardians a written notice of the right to make an inspection of the facility. Existing law also requires the Community Care Licensing Division of the State Department of Social Services to regulate child care licensees through an organizational unit separate from that used to regulate all other licensing programs.

This bill would require every child care resource and referral program and every alternative payment program to advise every person who requests a child care referral of his or her right to the licensing information of a licensed child day care facility required to be maintained at the facility, and to access any public files pertaining to the facility that are maintained by the State Department of Social Services Community Care Licensing Division.

A willful or repeated violation of related provisions is a misdemeanor pursuant to existing provisions of law.

This bill would, notwithstanding those provisions, provide that the sole sanction for failure of a child care resource and referral agency or an alternative payment program to comply with the bill's requirement is that set forth in the "Funding Terms and Conditions" agreement between the affected agency or program and the State Department of Education.

(2) This bill would incorporate additional changes in Section 8202 of the Education Code, proposed by SB 1249, to be operative only if SB 1249 and this bill are both chaptered and become effective on or before January 1, 2000, and this bill is chaptered last.

Ch. 824 (AB 494) Davis. Property tax revenue allocation: County of San Diego: county free library.

Existing law requires the county auditor, in each fiscal year, to allocate property tax revenues to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined.

This bill would, contingent upon the approval of an authorizing resolution or ordinance by the Board of Supervisors of the County of San Diego, require the Auditor for the County of San Diego, in each of the 1999–2000, 2000–01, and 2001–02 fiscal years, to reduce the total amount of ad valorem property tax deemed allocated in the prior fiscal year to the county by an amount, specified in or determined in accordance with the authorizing resolution or ordinance, and to increase by a commensurate amount the total amount of ad valorem property tax revenue deemed allocated in the prior fiscal year to the county free library. This bill would prohibit the total amount of ad valorem property tax revenue that is reallocated in this manner from exceeding $3,000,000 in any fiscal year and $9,000,000 in total. This bill would also require the Auditor for the County of San Diego, in each of the 1999–2000, 2000–01, and 2001–02 fiscal years, to disregard these reallocations for purposes of allocating the annual tax increment.

This bill would make legislative findings and declarations as to the necessity for a special statute.

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

Ch. 825 (AB 549) Gallegos. Hospital mortgage insurance.

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Existing law establishes various programs to assist hospitals with the cost of construction projects.

This bill would, in conformance with legislative findings, permit the Office of Statewide Health Planning and Development, at the request of a hospital, to commission an independent study of market need and feasibility, as required for participation in federal mortgage insurance programs. The costs of a study would be paid for by the requesting hospital.

Ch. 826 (AB 510) R. Wright. Public social services: recipient reporting.

Existing law contains recipient reporting requirements for the California Work Opportunity and Responsibility to Kids (CalWORKs) program and the federal Food Stamp Program.

This bill would revise and recast recipient interview and reporting provisions under these programs, including timelines for the required frequency of reports. The bill would generally reduce the frequency of reports, but require recipients to report certain changes in information that affects the recipient's eligibility under these programs. Implementation of these new requirements would be phased in, as prescribed, with the new CalWORKs provisions being repealed on specified dates.

Because the bill imposes certain requirements on each county, the bill would constitute a state-mandated local program.

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

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

Ch. 827 (AB 600) Knox. Insurance claims of Holocaust victims.

(1) Existing law prescribes certain powers and duties of the Insurance Commissioner and of the Department of Insurance. Existing law requires the department to develop and implement a coordinated approach to gather, review, and analyze the archives of insurers and other archives and records, as specified, to provide for research and investigation into insurance policies, unpaid insurance claims, and related matters of victims of the Holocaust or the Nazi-controlled German government or its allies, and the beneficiaries and heirs of those victims, and for losses arising from the activities of the Nazi-controlled German government or its allies for insurance policies issued before and during World War II by insurers who have affiliates or subsidiaries authorized to do business in the state.

Existing law also provides that the department has an affirmative duty to play an independent role in representing the interests of Holocaust survivors, and provides that if an insurer or any affiliate of an insurer has failed to pay any valid claim from Holocaust survivors, the certificate of authority of the insurer shall be suspended until the insurer, or its affiliates, pays the claim or claims.

This bill would, in addition, enact the Holocaust Victim Insurance Relief Act of 1999, which would, among other things, require the commissioner to establish and maintain the Holocaust Era Insurance Registry, which would contain records and information relating to insurance policies issued by insurers in the state, either directly or through a related company, to persons in Europe which were in effect between 1920 and 1945. This bill would require those insurers to file or cause to be filed that information with the commissioner to be entered into the registry. It would also require those insurers to certify as true certain additional information, and would make it a crime to knowingly certify as true any material matter which the insurer knows to be false. By creating a new crime, this bill would impose a state-mandated local program. This bill would also provide for certain civil penalties for knowingly filing false information about a policy, as required by these new provisions. The bill would appropriate these civil penalties from the General Fund to the Department of Insurance to be used to aid in the resolution of Holocaust insurance claims. It would also require the commissioner to suspend the certificate of authority of any insurer that fails to comply with these requirements by the 210th day of the effective date of these provisions, and to adopt emergency rules to implement these provisions.

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(2) Existing law authorizes any Holocaust victim, as defined, or heir or beneficiary of a Holocaust victim, who resides in this state and has a claim arising out of an insurance policy or policies purchased in Europe between 1920 and 1945 from a specified insurer to bring a legal action to recover on that claim in any superior court of the state for the county in which the plaintiff or one of the plaintiffs resides, which shall be vested with jurisdiction over that action until its completion or resolution. Existing law also provides that any claim of this type shall not be dismissed for failure to comply with the applicable statute of limitation if the action is commenced on or before December 31, 2010.

This bill would instead authorize those persons to bring a legal action to recover on a claim arising out of an insurance policy or policies purchased or in effect in Europe before 1945 from a specified insurer, and would change the definition of "Holocaust victim" and "insurer," as specified.

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

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

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

Ch. 828 (AB 631) Migden. Charter schools: collective bargaining.

Existing law, the Charter Schools Act of 1992, permits teachers, parents, pupils, and community members to petition a school district governing board to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. Existing law, with certain exceptions, generally exempts charter schools from the provisions of the Education Code applicable to school districts.

This bill would require that provisions of existing law related to collective bargaining in public education employment apply to charter schools, thereby imposing a state-mandated local program. The bill would require the charter school charter to declare whether the charter school is the exclusive public school employer of the employees at the charter school for this purpose. The bill would require a charter school, operated by the University of California in university facilities, to declare in its charter that it is the employer of the employees at the charter school for the purposes of provisions of law relating to collective bargaining for employees of public institutions of higher education. This bill would require that, if the charter of a charter school does not specify that it would comply with statutory and regulatory provisions that govern public school employers relating to tenure and merit or civil service, then discipline and dismissal of employees would be included within the scope of representation.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would incorporate additional changes in Section 3540.1 of the Government Code proposed by AB 91, to be operative only if that bill and this bill are enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 829 (AB 643) Wesson. Job training: California YouthBuild Program.

Existing law provides for the Employment Development Department to administer various job training and placement programs and services.

This bill would create the California YouthBuild Program within the Employment Development Department to help disadvantaged youth obtain education and employment skills in conjunction with the construction or rehabilitation of housing for special need populations, very low income households, and low-income households. This bill would provide for the Director of Employment Development to make grants to public or private nonprofit entities, who would recruit and select eligible participants for

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a program. This bill would specify the requirements for participation in a program for the applicant entities and the program participants. This bill would enact other related provisions.

The bill would become operative only if funds are specifically appropriated for the California YouthBuild Program by a state budget act.

Ch. 830 (AB 598) Soto. Education technology: Commission on Technology in Learning.

(1) Existing law, the Digital High School Education Technology Grant Act of 1997, provides one-time installation grants and ongoing technology support and staff training grants to school districts and county offices of education for projects at high schools.

Existing law establishes the California Technology Assistance Project to administer a regionalized network of technical assistance to schools and school districts on the implementation of education technology. The California Technology Assistance Project is composed of regional consortia that work collaboratively with school districts and county offices of education in order to meet locally defined technology-based needs, as identified in the certified technology plans for their client school districts.

This bill would establish the Commission on Technology in Learning to make policy recommendations to the State Board of Education in areas that include statewide planning for education technology, including a statewide master plan for use of education technology in the elementary and secondary instructional program, dissemination of technology resources, and development of guidelines for ongoing comprehensive statewide evaluation of all technology, telecommunications, and distance learning programs that directly and indirectly affect California education in kindergarten and grades 1 to 12, inclusive. The bill would provide for the appointment of members of the commission.

The bill would express the intent of the Legislature that the current practice of developing education technology plans for each funding program should be replaced with a comprehensive local planning process that will enable school districts to apply for grants on an ongoing basis and assist in utilizing available education technology program and would require a school district to have a technology plan as a precondition of receiving any technology grant administered by the State Department of Education.

(2) Existing law requires the State Department of Education to assist the State Board of Education on education technology plans, practices, programs, and activities, provide statewide coordination and evaluation of technology programs and resources, and advance the use of technology in the curriculum and in the administration of elementary and secondary schools.

This bill would require the department to provide staff support to the Commission for Technology in Learning.

(3) Under the bill the commission would terminate and would have no further duties on January 1, 2003.

Ch. 831 (AB 689) Gallegos. Medi-Cal.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services.

This bill would make nonsubstantive technical changes in these provisions.

Existing law establishes the Cigarette and Tobacco Products Surtax Fund consisting of certain revenues that may only be appropriated for certain purposes.

This bill would appropriate the sum of $14,941,000 from that fund to the department to fund the Breast Cancer Early Detection Program.

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

Ch. 832 (AB 646) Bates. School safety: missing children.

Existing law establishes the Safe School Policing Partnership Act of 1998, to be administered by the School/Law Enforcement Partnership, for the purpose of awarding grants to school districts and county offices of education, or consortia thereof, to develop and implement plans that demonstrate a collaborative and integrated approach for implementing a system of providing safe and secure environments.

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Existing law requires each public primary and secondary school to post, at an appropriate area restricted to adults, information regarding missing children. Existing law establishes certain records requirements for enrollment and transfer of private and public school pupils.

This bill would require the law enforcement agency responsible for the investigation of a missing child to inform the school district, other local educational agency, or private school, in which the child is enrolled, that the child is missing and would authorize local law enforcement agencies to establish a process for informing schools about abducted children. The bill would require that the notice be in writing, include a photograph, if available, and be given within 10 days of the child's disappearance. The bill would require every school so notified to place a notice that the child has been reported missing on the front of each missing child's school record. If a school receives a record inquiry or request for a missing child about whom the school has been notified, the bill would require the school to immediately notify the law enforcement authorities who informed the school of the missing child's status. By establishing these additional duties for law enforcement agencies and schools, this bill would impose a state-mandated local program. The bill would also correct an obsolete cross-reference in existing law.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 833 (AB 593) Strom-Martin. Certified farmers' markets.

(1) Existing law authorizes the Secretary of Food and Agriculture to adopt regulations to encourage the direct sale by farmers to consumers of all types of certified agricultural products and noncertifiable agricultural products produced within the state and to establish qualifications for persons selling products directly to consumers if the sales involve the granting of prescribed exemptions by the secretary. Existing law authorizes the secretary to allow certified farmers' markets to establish rules and procedures that are more restrictive than, or do not violate, the provisions of state law relating to certified farmers' markets. Existing law allows any person aggrieved by the implementation of a role or procedures established by a certified farmers' market to submit a written appeal to the secretary, as specified.

This bill would allow California farmers to transport for sale and sell California-grown fresh fruits, nuts, and vegetables that they produce, directly to the public, which produce would be exempt from size, standard pack, container, and labeling requirements, at a certified farmers' market or at a retail stand located at or near the point of production, subject to specified conditions. The bill would authorize certified farmers' markets to establish rules and procedures that are more restrictive than, and do not otherwise violate, provisions of state law relating to certified farmers' markets. The bill would require the governing body of any certified farmers' market operating with more than one participating certified producer to adopt written rules and procedures pertaining to the operation of the market. The bill would require the Department of Food and Agriculture, upon request, to issue an advisory opinion as to whether, as a question of law, the rule or procedure in dispute is consistent with applicable state law, as specified. The bill would provide that the department shall not incur liability in connection with the preparation of an advisory opinion. The bill would require the department to provide for an informal hearing with regard to any grievance of a certified producer involving questions of fact, as prescribed. The bill would also provide for the mediation of disputes, as specified. The bill would prescribe related matters and would delete the appeal provisions.

(2) Existing law, until January 1, 2000, (a) requires the secretary to establish the Certified Farmers' Market Advisory Committee with prescribed membership; (b) authorizes the committee to make recommendations to the secretary on specified matters relating to the regulation of certified farmers' markets; (c) requires the

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members of the committee to serve without compensation; and (d) prescribes related matters relating to the committee.

This bill would authorize the advisory committee to make recommendations to the secretary regarding the department's budget relating to the regulation of certified farmers' markets and the assessment of fees to pay for costs incurred by the department in undertaking that regulation, as well as alternative strategies for certification and investigation methodology, and methods for industry self-regulation and commission formation. The bill would authorize the department to reimburse the members of the advisory committee for their travel expenses. The bill would delete the January 1, 2000, date, thereby continuing indefinitely those provisions relating to the advisory committee.

(3) Existing law regulates the certification of a farmers' market and a producer by a county agricultural commissioner and authorizes the imposition of a fee by that commissioner to pay for costs incurred in connection with related inspection duties, as prescribed. Existing law, until January 1, 2000, requires each certified producer to pay a state certificate fee of $10, which is required to be deposited in the Department of Food and Agriculture Fund for use by the department to undertake the regulation of certified farmers' markets, as prescribed.

This bill would authorize the department or a county agricultural commission to deny the renewal of a certified farmers' market certificate or a certified producer's certificate under certain circumstances. The bill, until January 1, 2005, additionally would require every operator of a certified farmers' market to pay to the department, on a quarterly basis, a specified fee. The money generated by the fee would be required to be deposited in the Department of Food and Agriculture Fund, to be used, upon appropriation by the Legislature, to pay for costs incurred by the department in carrying out its duties relating to certified farmers' markets, including specified actions undertaken by the department. Because, under existing law, the failure to pay the required fee would be a crime, the bill would impose a state-mandated local program by creating a new crime.

(4) Existing law, until January 1, 2000, authorizes the secretary and county agricultural commissioners to impose civil penalties, in accordance with specified procedures, on persons who violate prescribed provisions of law relating to certified farmers' markets.

This bill would extend that date to January 1, 2005.

(5) Existing law makes legislative findings and declarations relating to direct marketing of agricultural products.

The bill would modify those findings and declarations.

(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. 834 (AB 596) Honda. Retirement: service credits.

Under existing law, members of the Public Employees' Retirement System may purchase additional service credit for specified types of service that are not otherwise eligible for service credit, as specified.

This bill would authorize those members to purchase additional service credit for up to 3 years of service as a volunteer in the Peace Corps or AmeriCorps: Volunteers In Service To America, as specified.

Ch. 835 (AB 777) Cardenas. Escheat.

Under the existing Unclaimed Property Law, prescribed deposits or accounts with a banking or financial organization escheat to the state when the owner of the deposits or accounts has not, for more than 3 years, indicated an interest in the deposit, as specified. Existing law also authorizes the withholding of reasonable service charges, as specified, for these purposes.

This bill would provide that these deposits or accounts would not escheat if the owner has, within 3 years, cashed an interest check, or owned another deposit or account that is not subject to escheat and the organization has communicated with the owner regarding that deposit or account that would otherwise escheat at the address to which

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the banking organization has sent communications regarding the other deposit or account. The bill would also specify the requirements for service charges with respect to money orders that escheat after having been outstanding for more than 7 years.

Ch. 836 (AB 758) Thomson. Consumer credit reporting agencies.

Existing law, referred to as the Consumer Credit Reporting Agencies Act, provides that the prevailing parties in any action to recover damages in the case of a negligent or willful violation of the act shall be entitled to recover court costs and attorneys' fees.

This bill would limit the recovery of those costs and fees to the prevailing plaintiffs, except as otherwise specified. The bill would also permit a debt collector to recover reasonable attorney's fees against a plaintiff who brings an action against the debt collector to recover damages for a negligent or willful violation of the act, where the basis for the action is related to the collection of a debt and the court finds that the action was not brought in good faith.

Under existing law, transactions by mail where the credit grantor and its major credit application processing center are located outside the state are excluded from the Consumer Credit Reporting Agencies Act.

This bill would delete that exclusion.

Ch. 837 (AB 747) Dutra. Schoolsites: airports.

Existing law requires the governing board of each school district to give the Department of Transportation written notice of the proposed acquisition of a schoolsite that is within 2 miles of an existing airport runway or a planned runway, and requires the Department of Transportation to investigate the site and report to the governing board of the school district. Existing law provides that, if the recommendation of the Department of Transportation is unfavorable, the recommendation may not be overruled without express approval of the State Board of Education.

This bill would, instead, require the governing board of a school district to report to the State Department of Education and would require the State Department of Education to report to the Department of Transportation. This bill would require the Department of Transportation to investigate and report to the State Department of Education, and would require the State Department of Education, within 10 days of receiving the Department of Transportation's report to forward the report to the governing board of the school district. The bill would require the Department of Transportation to adopt regulations setting forth the criteria by which a proposed site will be evaluated.

Existing law prohibits acquisition of the site and prohibits apportionment or expenditure of state or local funds for the acquisition of that site, construction of any school building on that site, or for the expansion of any existing site to include that site, if the report does not favor acquisition of the site, unless prescribed reporting and public hearing requirements are satisfied. Existing law also prohibits an unfavorable recommendation from being overruled without the express approval of the State Allocation Board.

This bill would instead prohibit the governing board of a school district from acquiring title to the property if the report does not favor the acquisition of the property for a schoolsite or an addition to a present schoolsite. The bill would also delete the provision that allows a school district to have the recommendation of the Department of Transportation overruled by obtaining the express approval of the State Board of Education.

The bill would require, if the report does favor the acquisition of the property for a schoolsite or an addition to a present schoolsite, the governing board to hold a public hearing on the matter prior to acquiring the site.

Ch. 838 (AB 857) Rod Pacheco. County superintendents of schools.

The California Constitution provides for the election or appointment of a superintendent of schools for each county and requires the county board of education to establish the salary of the county superintendent of schools.

This bill would prohibit a county superintendent of schools from increasing his or her salary, financial remuneration, benefits, or pension in any manner or for any reason

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without bringing the matter to the attention of the county board of education for its discussion at a regularly scheduled public meeting of the board and without the approval of the county board of education.

Existing law requires the county board of education to approve the annual budget of the county superintendent of schools before its submission to the county board of supervisors.

This bill would prohibit the county superintendent of schools from, in any manner, disposing of any item of personal property belonging to the county office of education that is worth $25,000 without obtaining an independent valuation of the property, advertising its sale, bringing the matter to the attention of the county board of education for its discussion at a regularly scheduled public meeting, and obtaining the approval of the county board of education. For disposal of property worth less than $25,000, the bill would require the county superintendent of schools to certify the value of the property in a quarterly report to be submitted to the county board of education for its review. The bill would require a revision by the county superintendent of schools of the annual budget of the county superintendent of schools in excess of $25,000 and a consultant contract for $25,000 or more that constitutes a budget revision and is entered into by the county superintendent of schools to be incorporated in the next interim financial report or other board report when the report is submitted to the county board of education for discussion and approval at a regularly scheduled public meeting of the county board of education.

Existing law authorizes the county superintendent of schools to employ persons in various capacities.

The bill would restrict the authority of a county superintendent of schools to hire consultants.

This bill would prohibit the county superintendent of schools from increasing by $10,000 or more the salary or bonus of any employee of the county office of education unless the matter is brought to the attention of the county board of education for its discussion at a regularly scheduled public meeting of the board. The bill would also prohibit the county superintendent of schools from increasing the retirement benefits of any employee of the county board of education unless the latter is brought to the attention of the county board of education for its discussion at a regularly scheduled public meeting of the board and the board approves the increase.

This bill would impose a state-mandated local program by requiring a county superintendent of schools to follow new procedures to dispose of personal property belonging to the county superintendent of schools and to make certain salary increases.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 839 (AB 879) Havice. Veterans: Deputy Secretary of Women Veterans Affairs.

Existing law provides that the statutory authority for the position of Deputy Secretary of Women Veterans Affairs is repealed on January 1, 2001.

This bill would delete that repeal provision, thereby extending this position indefinitely.

Ch. 840 (AB 900) Alquist. Peace officers: Board of Dental Examiners.

Existing law provides that the Chief of the Division of Investigation in the Department of Consumer Affairs and all investigators of that division, the Medical Board of California, and the Board of Dental Examiners have the authority of peace officers while engaged in exercising the powers granted or performing the duties imposed upon them or the division in investigating the laws administered by the various boards comprising the

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department or commencing directly or indirectly any criminal prosecution arising from any investigation conducted under these laws.

Existing law additionally requires the Director of Consumer Affairs to designate as peace officers 7 persons assigned to the investigations unit of the Board of Dental Examiners.

This bill instead would authorize the director to designate 10 persons as peace officers.

The bill additionally would authorize the director, for a period extending to July 1, 2002, to designate as peace officers an additional 7 persons who shall at the time of their designation be assigned to the investigations unit of the Dental Board of California.

The bill also would require the Dental Board of California to contract with an outside entity to conduct an independent study to examine specific matters concerning the board's operations, including the board's needs for sworn peace officer positions in its investigations unit, and to complete and submit the study to the Legislature by January 1, 2001.

The bill would appropriate $100,000 from the State Dentistry Fund to the Dental Board of California in order to conduct the study and prepare the report required by this act.

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

Ch. 841 (AB 923) Hertzberg. Railroad grade crossings.

(1) Under existing law, it is an infraction, punishable by a base fine of not exceeding $100 for any person to drive a vehicle to the left side of the highway at railroad grade crossings, to fail to stop at a railroad or rail transit signal or grade crossing under specified conditions, or to operate certain vehicles and fail to stop those vehicles not less than 15 feet or more than 50 feet from the nearest rail of the track before traversing the railroad crossing. Existing law provides for increased fines for subsequent convictions of these infractions.

Existing law authorizes a court in a county with a population greater than 500,000 to order any person convicted of the infractions specified above, relating to driving a vehicle to the left side of the highway at a railroad grade crossing or failing to stop at a railroad or rail transit signal or grade crossing under certain conditions, among other transit-related traffic violations, to attend a traffic school that offers, as part of its curriculum, a film on rail transit safety.

This bill would authorize a court in a county with a population greater than 500,000 to order any person to attend a traffic school that offers, as part of its curriculum, a film on rail transit safety when that person has been convicted of the infraction specified above, relating to operating certain vehicles and failing to stop those vehicles not less than 15 feet or more than 50 feet from the nearest rail of the track before traversing the railroad crossing.

The bill would change the base fine for a violation of the above described provisions regarding driving on the left side of the highway at railroad grade crossings, failing to stop at a railroad or rail transit signal or grade crossing, or operating certain vehicles and failing to stop those vehicles in the manner described above from the nearest rail of the track to a fine of $100, to a fine not exceeding $200, or to a fine not exceeding $250, depending upon the number of prior convictions for a violation or violations of these offenses.

The bill would make conforming changes.

(2) Under existing law, all fines and forfeitures imposed and collected for crimes, other than parking offenses, resulting from a filing in a court are required to be deposited with the county treasurer and distributed in accordance with a specified formula each month to the state, counties, and cities.

This bill would require, notwithstanding the specified distribution for fines, forfeitures, and assessments, that of the fines, forfeitures, and assessments collected for convictions of the transit-related infractions specified above, the first 30% be allocated by the county treasurer to a transit district or transportation commission, if the offense occurred in an area where that transit district or transportation commission provides rail transportation, or, if there is no transit district or transportation commission providing rail transportation in the area where the offense occurred, that the first 30% of the amount collected to be allocated to the general fund of the county in which the offense occurred, to be used, in either case, only for public safety and public education purposes relating to railroad

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grade crossings, with the balance to be deposited by the county treasurer in accordance with the existing formula specified above. The bill would limit the amount expended for the specified public safety and public education purposes to the amount of fines, forfeitures, and assessments allocated pursuant to the above to the transit district, transportation commission, or county. The bill would make a similar allocation of revenues derived from fees collected from persons required or permitted to attend traffic violator schools because of convictions of these same infractions. By imposing additional administrative duties on counties, this bill would impose a state-mandated local program.

The bill would require the Public Utilities Commission, in consultation with the Department of Transportation to adopt rules and regulations prescribing uniform standards regarding the time after the warning signal begins at a railroad crossing at which traffic enforcement shall begin, after public hearings and consultation with transit districts or transportation commissions and multicounty rail transit entities, established under specified provisions of existing law, that provide rail transportation.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 842 (AB 844) Thomson. California Health Facilities Financing Authority: loans.

Under existing law, there is a California Health Facilities Financing Authority which is empowered to make loans under certain conditions from the continuously appropriated California Health Facilities Financing Fund to nonprofit corporations or associations for financing or refinancing of the acquisition, construction, or remodeling of health facilities, as defined, including hospitals.

This bill would, out of moneys in the California Health Facilities Financing Fund, authorize the authority to make loans to, or purchase loans of, any participating health institution either in connection with the financing of a project or working capital or for the refinancing of indebtedness incurred by that participating health institution.

Because the bill would expand the purposes for which a continuously appropriated fund may be used, the bill would constitute an appropriation.

Ch. 843 (AB 1099) Shelley. Elections: ballots.

Existing law provides for the numbering of state measures that are to be submitted to the voters, and the order in which these measures shall appear on the ballot.

This bill would provide that notwithstanding any other provision of law, the Secretary of State shall designate SCA 11 to appear as Proposition 1A on the ballot that is submitted to the voters at the March 7, 2000, statewide primary election.

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

Ch. 844 (AB 1149) Aroner. Underground electric and communications facilities.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities and, under that authority, has adopted rules for the replacement of overhead electric and communications facilities with underground facilities.

This bill would require the commission to conduct a study as to the ways to amend, revise, and improve those rules, as specified. The commission would have the authority to revise these rules without prior approval of the Legislature. The commission would be required to submit a report on the study to the Legislature on or before January 1, 2001.

Ch. 845 (AB 359) Aroner. Developmentally disabled persons: health care.

Existing law provides for the licensure and regulation of health facilities, including an intermediate care facility/developmentally disabled—nursing.

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Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services. One of the types of services for which Medi-Cal reimbursement is provided is long-term health care facility services, including services provided by an intermediate health care facility/developmentally disabled—nursing.

This bill would require the State Department of Health Services to establish a pilot program to provide continuous skilled nursing care, as defined, as a benefit of the Medi-Cal program, in accordance with an approved federal waiver to be developed and requested by the department no later than April 1, 2000. The bill would provide that the purpose of the pilot program is to explore more flexible models of health facility licensure to provide continuous skilled nursing care to developmentally disabled individuals in the least restrictive setting. The bill would require that not less than 10 facilities approved by the department would participate in the pilot program, and would exempt those facilities from licensure during their participation in the pilot program.

This bill would authorize the department to enter into contracts for the provision of essential administration and other services, and would exempt these contracts from certain requirements of the Public Contract Code. This bill would also authorize the department to adopt emergency regulations to implement its provisions.

This bill would also require the department to develop Medi-Cal reimbursement rates for services provided to patients needing continuous care in these facilities. The bill would further require the Director of Health Services to apply specified utilization controls to these facilities.

Ch. 846 (AB 391) Jackson. Spousal support.

Existing law directs a court to consider specified circumstances concerning the parties in ordering spousal support in a judgment of dissolution of marriage or legal separation of the parties, including the goal that the supported party shall be self-supporting within a reasonable period of time. For purposes of this provision, a reasonable period of time is generally defined to be one-half the length of the marriage. Existing law also requires the court to give a specified admonition to the parties when making that order.

Existing law provides that a marriage of 10 years or more is presumed to be a marriage of long duration, as specified.

This bill would provide an exception for a marriage of long duration from the definition of a reasonable period of time for purposes of this provision. The bill would also delete the provision requiring a court to give a specified admonition when making an order for spousal support and instead authorize the court to advise the recipient of support that he or she should make reasonable efforts to assist in providing for his or her support needs.

The bill would incorporate additional changes to Section 4320 of the Family Code made by this bill and AB 808 to take effect if both bills are enacted and this bill is enacted last.

Ch. 847 (AB 319) Thomson. County programs: funding.

Existing law requires counties to provide various health services and authorizes counties to contract with the State Department of Health Services for the provision of health services.

This bill would require the department, within 60 days of enactment of the Budget Act, to advance to a local health department, 25% of the annual General Fund allocation, subvention, or reimbursement required by a local health department for the delivery of services related to the California Children's Services Program, the Child Health and Disability Prevention Program, and HIV education and prevention services in accordance with a specified formula.

Ch. 848 (AB 282) Torlakson. Health facility construction loan insurance.

The existing California Health Facility Construction Loan Insurance Law provides, without cost to the state, an insurance program for health facility construction, improvement, and expansion loans in order to stimulate the flow of private capital into health facilities construction, improvement, and expansion, and in order to meet the need for new, expanded, and modernized public and nonprofit health facilities. Under

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existing law, the Office of Statewide Health Planning and Development has various responsibilities in connection with this program.

This bill would revise existing law relating to the provision of health facility construction loan insurance, including declaring legislative intent to apply specified existing provisions retroactively, and requiring the office to develop a state plan and to outline any changes the plan makes to the health care industry including statements of the plan's guiding principles. This bill would also make certain conditions applicable only to borrowers that are general acute care hospitals or acute psychiatric hospitals. This bill would include the conditions under which a loan is eligible for insurance, and would require the office to develop and implement a system for assessing an applicant's relative financial risk, and to establish a maximum level of insurance risk for the projects it insures.

This bill would require the office to annually report to the Legislature the financial status of the program and to develop and maintain a formal system of monitoring borrowers, to assist the office in determining when borrowers are experiencing financial difficulties. It would also revise existing borrower reporting requirements, and sanctions applicable to borrowers that are out of compliance with the existing requirement that the borrower make reasonable assurances regarding the availability of the facility. This bill would require the office to perform a feasibility study upon the application of a borrower for insurance. The bill would require the office, in cooperation with the Attorney General, to develop and maintain a list of receivers, which may be appointed as a result of a borrower's financial difficulties, and would further require the office to establish reporting requirements for the receivers.

This bill would increase the office's authorization to insure health facility construction, improvement, and expansion loans to $3 billion, except as specified.

This bill would set forth the steps to be taken in the event of specified types of borrower default. The bill would also require the office to establish an Advisory Loan Insurance Committee, and would outline the duties of that committee.

Ch. 849 (AB 703) Lempert. Ballast water.

Existing law requires the Department of Fish and Game to adopt the International Maritime Organization's "Guidelines for Preventing the Introduction of Unwanted Aquatic Organisms and Pathogens from Ships' Ballast Water and Sediment Discharges" as the policy of the state to prevent the introduction and spread of aquatic nuisance species into any river, estuary, bay, or coastal area through the exchange of ballast water of vessels prior to entering those waters and to adopt a ballast water control report form to monitor compliance with those guidelines.

This bill, with certain exceptions, would require the master, operator, or person in charge of a vessel to employ prescribed ballast water management practices for ballast water carried into the waters of the state from areas outside the exclusive economic zone, as defined. The bill would require those persons to take certain actions to minimize the uptake and release of nonindigenous species. The bill would require the master, owner, operator, agent, or person in charge of a vessel carrying ballast water into waters of the state after operating outside the exclusive economic zone to provide the State Lands Commission, and maintain on board the vessel, specified information.

The bill would require the State Lands Commission to take samples of ballast water and sediment and to take other action to assess the compliance of any vessel with prescribed requirements. The bill would prohibit, unless required by federal law, any state agency from imposing requirements different from those contained in the bill relating to the discharge of ballast water for the purpose of limiting the introduction of nonindigenous species prior to January 1, 2004. The bill would, on or before December 1, 2002, require the State Water Resources Control Board to evaluate alternatives for managing ballast water, as specified. The bill would require the Department of Fish and Game to conduct a study relating to resident nonindigenous species populations, as prescribed. The bill would, on or before September 1, 2002, require the State Lands Commission to submit to the Legislature, and make available to the public, a report relating to ballast water. The bill would require the state board, the State Lands Commission, and the Department of Fish and Game to conduct prescribed research.

The bill would subject a person who fails to comply with the ballast water management program required to be undertaken by the bill with prescribed civil penalties. The bill

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would require the State Lands Commission to establish fees not to exceed $1,000 per vessel, as specified. The bill would require the money generated by the imposition of the fees and the penalties to be deposited in the Exotic Species Control Fund, which the bill would create. The money in the fund, upon appropriation by the Legislature, would be available to carry out the ballast water management program, as described above.

The provisions of this bill would be repealed on January 1, 2004.

Ch. 850 (AB 254) Cedillo. Health facilities: sale of assets.

(1) Existing law requires any nonprofit corporation that is subject to the Nonprofit Public Benefit Corporation Law and is a health facility, as defined, or is a facility that provides similar health care, to provide written notice to, and obtain the written consent of, the Attorney General prior to selling or otherwise disposing of a material amount of its assets to a for-profit corporation or entity or to a mutual benefit corporation or entity. Existing law requires the Attorney General to conduct one or more public meetings prior to issuing its decision whether to consent to the proposed agreement or transaction, and, in any case, to issue its decision within 60 days of the receipt of the written notice from the public benefit corporation, subject to one additional 45-day extension if necessary to obtain certain additional information. Existing law authorizes the Attorney General to contract with outside experts and consultants to assist the Attorney General in making its determination and requires the public benefit corporation to reimburse the Attorney General for all actual, reasonable, and direct costs incurred by the Attorney General in reviewing, evaluating, and making its determination.

This bill would instead make these requirements applicable to any nonprofit corporation that is subject to the Nonprofit Public Benefit Corporation Law and operates or controls a health facility or operates or controls a facility that provides similar health care, and to any foreign nonprofit corporation that operates or controls a health facility or a facility that provides similar care.

This bill would also require the Attorney General to make available to the public in written form the notice provided by the health facility and any other information provided to it under these provisions. It would also authorize the Attorney General to conduct an additional public meeting in specified circumstances prior to issuing its decision whether to consent to the proposed agreement or transaction and would expand the circumstances under which the Attorney General may extend the 60-day period of review for an additional 45 days.

This bill would also authorize the Attorney General to contract with outside experts and consultants to assist the Attorney General in monitoring ongoing compliance with the terms and conditions of the sale or transfer of assets, and would require the public benefit corporation to reimburse the Attorney General for all actual, reasonable, and direct costs incurred by the Attorney General in monitoring that ongoing compliance.

This bill would also enact similar provisions applicable to any nonprofit corporation of the type described above that wishes to sell or otherwise dispose of a material amount of its assets to a public benefit corporation or entity. It would also make certain technical, conforming changes.

(2) Existing law provides for the licensure of health facilities, including general acute care hospitals, by the State Department of Health Services, and makes a violation of those provisions subject to criminal sanction.

Existing law prohibits any member of the board of directors of a nonprofit health facility that is required to obtain the written consent of the Attorney General under existing law prior to the sale or transfer of its assets to a for-profit corporation or entity or mutual benefit corporation or entity, who negotiates the terms and conditions of the sale or transfer of assets, from receiving financial remuneration from the purchasing entity, subject to certain exceptions.

This bill would enact a similar prohibition with regard to the sale or transfer of assets by a nonprofit public benefit corporation that owns or operates a health facility to another public benefit corporation, and would define a transfer for these purposes to include the substitution of a new corporate member or members, in certain circumstances. By creating this new prohibition in the provisions governing health facilities, this bill would expand the scope of an existing crime, thereby imposing a state-mandated local program.

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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. 851 (AB 181) Zettel. Child day care: public recreation program.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of child day care facilities. Existing law exempts from the act certain public recreation programs, including a program operated only during hours other than normal school hours for grades K–12, inclusive, in the public school district where the program is located, or operated only during periods when students in grades K–12, inclusive, are normally not in session in the public school district where the program is located, for under 16 hours per week.

This bill would establish, upon the approval of the City Council of San Diego, a 2-year pilot project known as the "6 to 6" program in San Diego County. The pilot project would consist of an extended schoolday program, meeting specified conditions, operated by a community-based organization, child care agency, or other entity pursuant to a contract with a public school district or the City of San Diego. The bill would repeal these provisions as of January 1, 2002.

Existing law requires the Department of Justice to maintain an index of child abuse reports submitted by child protective agencies of every case investigated by the agencies of known or suspected child abuse that is determined not to be unfounded.

Existing law requires the Department of Justice to make available to the State Department of Social Services, or the county licensing agencies that have contracted with the state for the performance of specified duties related to community care facilities and day care facilities, information maintained in the Child Abuse Central Index concerning any person who is an applicant for licensure or any adult who resides or is employed in the home of an applicant for licensure, who is an applicant for employment in a position having supervisory or disciplinary power over a child or children, or who will provide 24-hour care for a child or children in a residential home or facility, as specified.

This bill would authorize the City of San Diego for purposes of evaluating employees for the "6-to-6" program to receive, and would require the Department of Justice to make available to the city, child abuse index information concerning any person who has submitted an application for employment in the "6-to-6" program.

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

Ch. 852 (SB 747) Burton. Peace officer training.

(1) Existing law requires, except as otherwise provided, any specified law enforcement officer who is employed after January 1, 1975, to successfully complete a training course prescribed by the Commission on Peace Officer Standards and Training (POST) before exercising the powers of a peace officer. In order to standardize the training, the commission is required to develop a training proficiency testing program, including a standardized examination that enables comparisons between presenters of the training and development of a data base for subsequent training programs. Existing law also provides that the completion of the examination is not a condition of successful completion of the required training.

This bill would provide that the purpose of the training is also to ensure competent peace officers and would require that the testing program include comparisons between presenters of the training and assessments of trainee achievement. It would limit the use of the trainees' test scores as specified, and would require the commission to take all necessary steps to maintain the confidentiality of the test scores and testing materials. The bill would delete the above-mentioned provision that the completion of the examination is not a condition of successful completion of the required training and make passing these tests a requirement of the training. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(2) Existing law generally prohibits the purchase, possession, and transportation of tear gas weapons, but permits persons licensed as private investigators or private patrol

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operators, and uniformed patrolmen employees of private patrol operators to purchase, possess, or transport any tear gas weapon, if it is used solely for defensive purposes in the course of the activity for which the license was issued and if the person has satisfactorily completed a course of instruction in the use of tear gas approved by the Commission on Peace Officer Standards and Training.

This bill would instead provide for a course of instruction in the use of tear gas approved by the Department of Consumer Affairs.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 853 (SB 832) Committee on Public Safety. Criminal law.

(1) Existing law requires that sex education courses must satisfy specified criteria including the requirement that they provide advice to pupils that it is unlawful for males or females of any age to have sexual relations with males or females under 18 years of age to whom they are not married.

This bill would make technical, conforming, nonsubstantive changes to that provision.

(2) Existing law establishes an appellate division of the superior court consisting of 3 judges, or when the Chief Justice finds it necessary, 4 judges. Only 3 judges may participate in a hearing and the concurrence of 2 judges is necessary to render a decision in every case and to transact any other business except as specified.

This bill would provide an exception to this provision by authorizing one judge of the appellate division to hear appeals from convictions of traffic infractions.

(3) Existing law establishes in the judicial branch of state government, the California Habeas Resource Center and specifies the powers and duties of the center. One of those specified duties is to file motions seeking compensation for representation and reimbursement as pursuant to federal law and to transmit those payments to a special account in the General Fund as specified.

This bill would recast that provision and require that those payments be processed via the Federal Trust Fund.

(4) This bill would make technical corrections to a provision in the Health and Safety Code relating to the issuance of a prescription in an emergency situation.

(5) Existing law specifies the qualifications for a Good Driver Discount insurance policy.

This bill would make a clarifying change in that provision by revising a cross-reference.

(6) Under existing law, it is a crime for a judicial officer, court commissioner, or referee to commit any act that he or she knows, or should have known, perverts or obstructs justice or the due administration of the laws.

This bill would delete the element of should have known and the element of perverts or obstructs the due administration of the laws from the above-described crime.

By expanding the definition of a crime, this bill would impose a state-mandated local program.

(7) Existing law makes it a misdemeanor or a felony for every person to commit any assault upon specified governmental officials or the immediate family of any of those officials, in retaliation for or to prevent the performance of the official's duties.

This bill would add commissioner, referee, or other subordinate judicial officer of any court of record to the list of officials specified in the above provision. By increasing the definition of a crime, this bill would impose a state-mandated local program.

(8) Existing law requires the Attorney General to prepare and present to the Superintendent of Public Instruction on or before June 30, 1985, a handbook containing a complete summary of California penal and civil law as specified.

This bill would repeal that provision.

(9) Existing law authorizes a water district to employ a suitable security force that has the authority and powers conferred upon peace officers as specified.

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This bill would make technical, conforming, and nonsubstantive changes to that provision.

(10) This bill would also make technical and nonsubstantive changes to other penal-related provisions.

(11) This bill would incorporate additional changes in Section 77 of the Code of Civil Procedure proposed by SB 210, to be operative if SB 210 and this bill are both enacted and become effective on or before January 1, 2000, and this bill is enacted last.

(12) This bill would incorporate additional changes in Section 51553 of the Education Code proposed by AB 246, to be operative if AB 246 and this bill are both enacted and become effective on or before January 1, 2000, and this bill is enacted last.

(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.

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

Ch. 854 (SB 1282) Lewis. Vehicles: violations.

(1) Existing law requires the driver of any vehicle involved in an accident resulting in injury or death to another person to immediately stop the vehicle at the scene of the accident and to fulfill specified requirements.

Under existing law, a violation of this provision is punishable as either a felony or a misdemeanor if the violation results in death or permanent, serious injury.

This bill would recast this provision to make a violation of this provision either a felony or a misdemeanor if the accident in which the driver was involved, rather than the failure to immediately stop the vehicle at the scene of the accident and fulfill specified duties, results in death or permanent, serious injury.

(2) Under existing law, if a person submitted to a blood or urine test in connection with a lawful arrest involving an alleged driving-under-the-influence violation, the peace officer is required to forward the results of that test to the appropriate forensic laboratory, and, in turn, the forensic laboratory is required to forward the results to the Department of Motor Vehicles.

This bill would provide that any document containing data prepared and maintained in the governmental forensic laboratory computerized data base system that is electronically transmitted or retrieved through public or private computer networks to or by the department is the best available evidence of the chemical test results in all administrative proceedings conducted by the department. The bill provide that, in order to be admissible as evidence in an administrative proceeding, a document described in this paragraph shall bear a certification by the employee of the department who retrieved the document certifying that the information was received or retrieved directly from the computerized data base system of a governmental forensic laboratory and that the document accurately reflects the data received or retrieved. This bill would provide that the failure of an employee to certify in accordance with the requirements of this paragraph is not a public offense.

The bill would make a conforming change in this provision to reflect other provisions enacted in 1998 regarding driving under the influence.

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

Ch. 855 (SB 1025) Johnson. Political Reform Act of 1974: lobbyists, lobbying firms, and lobbyist employers: website directory.

(1) Under existing provisions of the Political Reform Act of 1974, the Fair Political Practices Commission is required to administer and enforce the act, including, among other things, the publication of manuals and instructions explaining the duties of persons and committees under the act.

This bill would require the commission to annually publish a booklet setting forth the provisions of the act with other information the commission deems pertinent to the interpretation and enforcement of the act. The bill would require the commission to distribute copies, as specified, without charge to governmental agencies upon request, and would authorize the commission to charge a pro rata fee to other persons and organizations for copies of the booklet.

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(2) Existing provisions of the Political Reform Act require lobbyists, lobbying firms, and certain lobbyist employers to register and file specified information with the Secretary of State. Within 140 days of the commencement of the regular session of the Legislature, the Secretary of State is required to publish a directory of registered lobbyists, lobbying firms, and lobbyist employers.

This bill would require the Secretary of State to establish and maintain on the Internet an online version of that directory, as specified, and to update that information weekly. The bill also would require the secretary to display on the Internet a list of the specific changes made to the directory during the 7 days preceding the update. The bill would prohibit the implementation of these provisions before July 1, 2001, unless otherwise authorized by a specific executive order.

(3) Existing provisions of the Political Reform Act of 1974 require certain candidates and committees to file specified campaign statements on specified dates.

This bill would make technical changes to these provisions.

(4) This bill would incorporate additional changes in Section 84200.5 of the Government Code, proposed by SB 762, to be operative only if SB 762 and this bill are both chaptered and become effective on or before January 1, 2000, and this bill is chaptered last.

(5) 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 $^2/_3$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act, and would therefore require a $^2/_3$ vote.

Ch. 856 (SB 836) Figueroa. Advertising: truthfulness: referral services.

Under existing law, it is unlawful for any person licensed in the healing arts to disseminate or cause to be disseminated any form of public communication, as defined, containing a false, fraudulent, misleading, or deceptive statement or claim, for the purpose of inducing the rendering of professional services or furnishing of products in connection with the licensed person's professional practice or business, as specified. Existing law provides that a violation of these provisions is a misdemeanor.

This bill would extend the applicability of this prohibition to a false, fraudulent, misleading, or deceptive image and to specified claims. By expanding the definition of an existing crime, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 651 of the Business and Professions Code proposed by SB 450, to be operative if this bill and SB 450 are enacted and become effective on or before January 1, 2000, 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. 857 (AB 1627) Machado. School facilities: Tracy Joint Unified School District.

Existing law, the Leroy F. Greene School Facilities Act of 1998, authorizes the State Allocation Board to apportion funds to school districts for the purposes of new school facilities construction and the modernization of school facilities. Existing law requires the State Allocation Board to determine the maximum total new school construction grant eligibility of applicant school districts. The amount is based, in part, on the baseline and ongoing school building capacity.

This bill would, notwithstanding the provision regarding baseline school building capacity, authorize a school district newly formed or reorganized pursuant to an election that occurred on or after November 4, 1998, to calculate its existing school building capacity pursuant to regulations adopted by the State Allocation Board.

This bill would deem the number of pupils enrolled at the Delta Island Elementary School at the time of determining the existing school building capacity of the Tracy Joint Unified School District to be the number of pupils housed by grade level at the Delta Island Elementary School. The bill would also deem the number of pupils enrolled at the

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Delta Island Elementary School at the time of determining the ongoing eligibility for new construction of the Tracy Joint Unified School District to be the number of pupils housed by grade level at the Delta Island Elementary School and would prohibit that number from exceeding the assumed capacity calculated pursuant to existing law. The bill would make a declaration of special circumstances concerning the annexation of the Delta Island Union Elementary School District by the Tracy Joint Unified School District.

Ch. 858 (AB 695) Mazzoni. School facilities: construction and modernization.

Existing law, the Leroy F. Greene School Facilities Act of 1998, (the Greene Act of 1998) establishes a program in which the State Allocation Board is required to provide state per-pupil funding, including hardship funding, for new school facilities construction and school facilities modernization to applicant school districts, as defined, and requires applicants to provide local matching funds.

This bill would authorize the board to adopt or amend regulations on or after January 1, 2000, to adjust the assumed capacity for each teaching station used for nonsevere or severe special day class purposes after considering the recommendations of the Legislative Analyst required pursuant to existing law, which would be implemented upon approval of the Director of Finance.

This bill would authorize the board to adopt, on or after January 1, 2001, regulations establishing assumed capacity standards, after consideration of recommendations developed by the Director of Finance, for continuation high school, community day school, county community school, and county community day school, teaching stations. This bill would require adjustments pursuant to these regulations, or any other adjustments to the existing capacity related to changes in the assumed capacity of these teaching stations to be approved by the Director of Finance prior to implementation.

Existing law permits funding under the Greene Act of 1998 for projects approved pursuant to the state school facilities funding provisions operative prior to November 4, 1998, if certain conditions are met.

This bill would require the board to adopt regulations to offset funding provided under the previous school facilities funding provisions from grants under the Greene Act of 1998.

The Greene Act of 1998 requires school districts to make all necessary repairs, renewals, and replacements, to ensure that a project is at all times kept in good repair, working order, and condition, and requires that all costs incurred for this purpose be borne by the school district. Existing law requires the applicant school district to establish a restricted account for providing moneys for ongoing and major repair of the facilities, and to agree to annually deposit at least 3% of the school district's general fund budget for a period of 20 years.

This bill would require the 3% maintenance requirement to be calculated, for the purposes of a county office of education, based upon the county office of education general fund less any restricted accounts.

Existing law relating to the formation of school facilities improvement district, authorizes the governing board of the school district to provide for and call a special bond election within the school facilities improvement district to submit to the voters a proposition on whether to incur debt and issue bonds, and prohibits elections from being held within 45 days before or after a statewide election, unless conducted at the statewide election.

This bill would repeal provisions prohibiting an election within the 45-day period before or after a statewide election, and would permit the election to be called for any date, except as specified.

Existing law provides specific dates on which elections are required to be held, but exempts certain elections from those requirements, including but not limited to, elections relating to school bonds.

This bill would specifically exempt from those provisions elections relating to school facility improvement districts.

Existing law requires the calculation of existing pupil capacity to be made on a one-time basis as a baseline for eligibility determinations, and requires each participating school district to submit to the board a one-time report of existing school building capacity.

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This bill would, notwithstanding those provisions, require a school district newly formed reorganized, or affected by reorganization pursuant to an election that occurred on or after November 4, 1998, to calculate its existing school building capacity pursuant to regulations adopted by the State Allocation Board.

Existing law sets forth the manner in which the board shall determine each applicant school district's maximum total new construction per-pupil grant eligibility.

This bill would, until January 1, 2003, authorize the board to approve a new construction supplemental apportionment not to exceed $7,500, and a modernization supplemental apportionment not to exceed $2,500, for a school having an enrollment of 2,500 or less for the prior fiscal year. The bill would require the board to adjust these amounts in 2000 and every 2 years thereafter.

Existing law, the Class Size Reduction Kindergarten-University Public Education Facilities Bond Act of 1998, (the School Bond Act of 1998) authorizes the issuance and sale of bonds and the use of the revenues, in part, for the purposes of the Greene Act of 1998.

The School Bond Act of 1998 authorizes not less than $700,000,000 to be allocated, commencing with the 1998–99 fiscal year, to assist school districts with site acquisition and facilities-related costs of kindergarten and grades 1 to 3, inclusive, that are participating in a class size reduction program pursuant to prescribed provisions of law.

Existing law requires funds not expended pursuant to these provisions to be allocated to school districts that request prescribed funding for teaching stations that were displaced.

This bill would, instead, authorize that the unexpended funds be allocated in this manner.

Existing law authorizes the governing board of a school district to impose an amount calculated pursuant to a prescribed formula in lieu of amounts that may be imposed upon residential construction pursuant to prescribed provisions of law, and with certain exceptions, requires that these amounts be expended solely on school facilities identified as being attributable to projected growth from the construction of new residential units. Existing law limits site development costs for these purposes to 2 times the amount funded by the State Allocation Board.

This bill would recast those provisions and would make this limitation applicable to expenditure of fees assessed pursuant to provisions permitting increased fees when state funds for new school construction are not available. The bill would limit site development costs for these purposes to the estimated amount that would be funded by the State Allocation Board pursuant to its regulations.

Existing law requires the governing board of a school district to conduct a facility needs analysis for this purpose, and permits its revision at any time.

This bill would require recalculation of the school building capacity for those purposes as part of any revision of the needs analysis.

Ch. 859 (AB 582) Firebaugh. Multipurpose Senior Services Program.

Existing law, the Mello-Granlund Older Californians Act, establishes the Multipurpose Senior Services Program to provide specified services to frail elderly individuals 65 years of age and older who are certifiable for placement in a nursing facility. Existing law requires the California Department of Aging to formulate criteria for approval and designation of local Multipurpose Senior Services Program sites.

This bill would revise the criteria required for approval and designation of program sites, and would specify that it is the intent of the Legislature, in enacting this program, to provide access to social and health services by providing information and outreach activities in the community.

Ch. 860 (SB 587) Burton. Alcoholic beverages.

The Alcoholic Beverage Control Act licenses and regulates beer manufacturers and wholesalers.

This bill would provide that a provision in an agreement between a beer manufacturer and a beer wholesaler for the sale and distribution of beer in this state, which restricts venue to a forum outside this state, is void with respect to any claim arising under or relating to the agreement involving a beer wholesaler operating within this state.

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Ch. 861 (SB 569) Alarcon. Employment of persons with disabilities.

Existing law creates various employment programs for persons with disabilities under the jurisdiction of the Department of Rehabilitation.

This bill would establish a 3-year pilot program under which the department would be required to allocate funds to a private, nonprofit organization in Los Angeles County that has demonstrated the ability to provide assessment and vocational services to disabled clients for over a period of at least 50 years, for operation of an employment program for persons with disabilities meeting specified requirements.

This bill would appropriate $115,000 from the General Fund to the department for allocation for startup costs and first-year implementation of the program.

Ch. 862 (SB 928) Burton. Transportation: financing.

Existing law requires that all money in the State Highway Account in the State Transportation Fund derived from federal sources or from appropriations to other state agencies, or deposited in the account by local agencies or by others, be continuously appropriated to, and be available for expenditure by, the Department of Transportation for the purposes for which the money was made available. Unless otherwise expressly provided for by law, none of the balance of the money in the account may be expended until it has been specifically appropriated by the Legislature.

This bill would continuously appropriate the amounts specified in the Budget Act as having been deposited in the account from federal transportation funds and pledged by the California Transportation Commission, as specified below, to the Treasurer for the purposes of issuing federal highway grant anticipation notes, as specified, to fund transportation projects selected by the commission. The bill thereby would make an appropriation.

The bill would require the commission, in order to provide security for the repayment of the notes, to adopt a resolution dedicating and pledging any future receipts of federal transportation funds to the payment of the notes. Upon taking that action, the commission would be authorized to request the Treasurer to issue the notes.

The bill would require the Treasurer to issue the notes pursuant to the commission's resolution and would require the proceeds from the sale of the notes to be deposited in the Transportation Financing Subaccount, which the bill would create in the account. The funds in the subaccount would be available for use as directed by the commission and administered by the Department of Transportation and to pay costs associated with the issuance of the notes.

The bill would provide that the notes may not be deemed to constitute a debt or liability of the state or any political subdivision thereof, or a pledge of the full faith and credit of the state or any political subdivision thereof, but shall be paid solely from the funds and revenues pledged for that purpose.

The bill would limit the eligible projects to transportation projects that have been designated for accelerated construction by the commission.

Ch. 863 (SB 661) Alarcon. Economic development lenders.

Existing law establishes the California Industrial Development Financing Advisory Commission to, among other things, assist industrial development authorities in the planning, preparation, marketing, and sale of industrial development revenue bonds.

This bill would require until January 1, 2005, that the commission establish procedures to evaluate and certify the participation of economic development lenders, as defined, in a program that allows those lenders to recapitalize their financial resources to meet current demands of borrowers by pledging as collateral loans to the commission in exchange for cash liquidity. This bill would also require other activities to be undertaken by the commission, but only to the extent funds are appropriated by the Legislature for those purposes. This bill would give the commission the authority to issue public debt in the form of bonds, and the power to secure those bonds with the loans pledged to the commission by economic development lenders. The bill would establish the Community and Economic Development Fund in the State Treasury and provide that the fund shall be continuously appropriated to the commission for purposes of the bill. Revenue generated through the sale of bonds secured by loans pledged to the commission by economic development lenders would be available to recapitalize the Community and

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Economic Development Fund or a reserve fund. By establishing this continuously appropriated fund, and by providing the mechanism to enable moneys to flow into the fund, this bill would make an appropriation.

Ch. 864 (SB 703) Poochigian. Veterans: World War II Memorial.

(1) Previous state law authorized the construction of a memorial to all California veterans on the grounds of the State Capitol. Provisions of federal law authorize the construction of a World War II Memorial in Washington, D.C.

This bill would appropriate $1,032,000 from the General Fund to the Department of Veterans Affairs for allocation, as specified, for the construction of the World War II Memorial in Washington, D.C. in honor of Californians who served their country in that war.

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

Ch. 865 (SB 1302) Committee on Revenue and Taxation. Sales and use taxes: fuel taxes.

The Sales and Use Tax Law requires the filing of sales and use tax returns by sellers and other persons, as specified.

This bill would authorize the board to accept the electronic filing of those returns, and would clarify that the maximum penalty with respect to certain electronic funds transfers shall be limited to 6%.

The Sales and Use Tax Law defines a retailer engaged in business in this state to include certain retailers soliciting orders for property by means of telecommunication or television shopping systems and certain retailers having a franchisee operating under its trade name if the franchisee is required to collect the tax.

This bill would eliminate those retailers from that definition.

The Sales and Use Tax Law limits the amount the board may charge for administering a local special taxing jurisdiction's transactions and use taxes and to submit a report to the Legislature in connection thereof.

This bill would correct technical errors in those provisions and extend the time to submit that report.

The Sales and Use Tax Law provides that the sales tax prepayment rate for jet and diesel fuel shall be determined based on the sales tax prepayment rate calculated for gasoline, less $1^1/_2¢$ per gallon.

This bill would authorize an independent computation of the jet and diesel fuel sales tax prepayment rates.

The Motor Vehicle Fuel License Tax Law provides, among other things, specified exemptions from the license taxes imposed, and specified procedures regarding overpayments and refunds.

This bill would provide that a distributor who is licensed under the Motor Vehicle Fuel License Tax Law and is authorized by the board to acquire exempt motor vehicle fuel from a distributor who has furnished the requisite security, and who paid tax reimbursement to a distributor who is not authorized by the board to acquire exempt motor vehicle fuel pursuant to those security provisions, may not seek tax reimbursement from another distributor who is authorized by the board to acquire exempt motor vehicle fuel pursuant to the security provisions, but would permit the distributor to seek a refund, pursuant to a specified provision, of the tax reimbursement it paid to the distributor who is not authorized by the board to acquire exempt motor vehicle fuel.

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

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

Ch. 866 (AB 1152) Ackerman. Courts: funding: public guardians.

Existing law requires a probate court to determine the just and reasonable compensation of the public guardian, the attorney of the public guardian and the processing and filing services of the county clerk or clerk of the superior court, to be paid from the estate of a ward or conservatee.

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This bill would require the court, in making this determination, to consider specified factors, but would not require a public guardian to base a request for compensation upon an hourly rate.

Ch. 867 (SB 668) Sher. Uniform Child Custody Jurisdiction and Enforcement Act.

Existing law, known as the Uniform Child Custody Jurisdiction Act, specifies procedures and requirements for the exercise of jurisdiction by California courts in matters of child custody where the courts of another state may also have, or have previously exercised, jurisdiction.

This bill would repeal this act and replace it with a new act, to be known as the Uniform Child Custody Jurisdiction and Enforcement Act. This new act would alter existing law in the following areas, among others:

(1) Existing law provides that a California court has jurisdiction to make a child custody determination, as defined, by initial or modification decree, in any of specified situations, including that it is in the best interest of a child who has specified connections with this state, or that the child is physically present in the state and it is necessary in an emergency to protect the child for certain reasons.

This bill would instead provide an exclusive jurisdictional basis for making an initial child custody determination. The bill would permit a California court to assume temporary emergency jurisdiction in specified circumstances and would provide that the jurisdiction of a California court over any custody determination, other than temporary emergency jurisdiction, is exclusive and continuing until specified events occur. It would prohibit modification of a custody decision made pursuant to this uniform act by the courts of another state in the absence of specified determinations.

(2) Existing law permits a court to decline to exercise its jurisdiction if it determines that it is an inconvenient forum and a court in another state is a more appropriate forum.

This bill would revise and recast the factors to be considered by the court in determining if it is an inconvenient forum.

(3) Existing law permits a California court to decline to exercise its jurisdiction if the petitioner has wrongfully taken the child from another state or engaged in similar reprehensible conduct.

This bill would create specified exceptions to the court's right to decline to exercise its jurisdiction and authorize the court, if it so declines, to fashion appropriate remedies to ensure the child's safety and prevent a repetition of the unjustifiable conduct, as specified.

(4) Existing law requires California courts to recognize and enforce out-of-state child custody decrees subject to specified conditions and provides for the maintenance of a registry of those custody decrees and other documents by superior court clerks.

This bill would expand the provisions relating to the enforcement of out-of-state child custody decrees and would, among other things, authorize the court to issue a warrant to take physical custody of a child in specified circumstances, and authorize a district attorney to take all necessary actions to locate and return a child under certain circumstances. The bill would also revise and recast the list of documents to be included in the registry of out-of-state custody orders, require the provision of specified notice to persons who may contest the registration, as specified, and require that the registering party submit a statement under penalty of perjury that the order has not been modified.

This bill would require the Judicial Council to report to the Legislature by January 1, 2003, on the effect of the implementation of the Uniform Child Custody Jurisdiction and Enforcement Act in this state.

Because this bill would expand the crime of perjury, and because it would impose new duties on court clerks, it would create a state-mandated local program.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

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With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Ch. 868 (SB 374) Lewis. Insurance claims: priorities: life insurers.

(1) Existing law creates the California Insurance Guarantee Association and the California Life and Health Insurance Guarantee Association, which are associations established to insure the obligations of insurers that become insolvent. Existing law also sets forth the priorities for the payment of claims from the assets of insolvent insurers, including certain claims made by these associations, but excluding certain categories of claims that are not covered claims for the purposes of payment by those associations.

This bill would revise the categories of claims of these associations that are excluded from priority for payment. This bill would also add various other specified claims as eligible for payment at the end of the priority list, subject to certain conditions.

(2) Existing law defines "eligible members," for the purposes of conversion of a mutual life insurer, as those members who are of record on the insurer's adoption date and on its effective date.

This bill would delete the reference to the insurer's effective date.

(3) Existing law requires the Insurance Commissioner to adopt a regulation concerning the minimum standards applicable to the valuation of disability insurance.

This bill, with respect to life insurance, would authorize the commissioner to issue a bulletin and adopt regulations to provide tables of select mortality factors and rules for their use, and various other rules relative to the valuation of certain life insurance plans, as specified.

(4) Existing law, until January 1, 2000, provides for the regulation of the illustration of life insurance policies in order to protect consumers and foster consumer education in this regard.

This bill would delete the January 1, 2000, termination date applicable to these provisions, thereby extending these provisions indefinitely.

(5) Existing law provides that a plan of conversion adopted by a converting mutual life insurer shall include certain elements relative to the rights of certain affected parties and interests, as specified.

This bill would set forth an alternative plan of conversion that may be adopted by a converting mutual life insurer.

(6) Existing law requires the commissioner to examine a plan of conversion submitted by a mutual life insurer or mutual holding company and to take certain action with respect to the conversion. For the conversion of a mutual life insurer, the commissioner may appoint one or more consultants or legal counsel, as specified, to advise the commissioner, the costs of which are paid along with other associated costs by the mutual life insurer.

This bill would provide that these provisions also apply to the conversion of a mutual holding company.

Ch. 869 (AB 297) Thomson. Surface mining.

(1) Existing law, the Surface Mining and Reclamation Act of 1975, governs surface mining operations and reclamation of mined lands, and provides, among other things, for the submission of reclamation plans to, and issuance of permits by, lead agencies to persons engaging in surface mining operations.

This bill would provide that, until December 31, 2003, a site specific plan in conjunction and consistent with the Cache Creek Resource Management Plan shall be considered to be a functional equivalent of a reclamation plan for purposes of the act. The bill would specify that no other reclamation plan shall be required to be reviewed and approved for any excavation project that is conducted in conformance with an approved site specific plan that is consistent with the Cache Creek Resource Management Plan and the standards specified in that plan governing erosion control, channel stabilization, habitat restoration, flood control, or infrastructure maintenance, if the Cache Creek Resource Management Plan is reviewed and approved by a lead agency pursuant to the act. The bill would also provide that nothing in the bill shall preclude an enforcement

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action if the lead agency or the director determines that a surface mining operator, acting under the authority of the Cache Creek Resource Management Plan, is not in compliance with the act.

The bill would require the department to convene a multiagency task force, including specified members, and would require the task force, not later than January 1, 2001, to recommend to the Secretary of the Resources Agency, any revisions to the act or any other provision of law necessary to incorporate regional resource management plans in the state's regulation of in-stream mine reclamation. However, the bill would provide that the department shall only convene the task force if the costs associated with the operation of the task force will not diminish the department's ability to provide reclamation plan review, financial assurance review, and field inspections, and undertake other enforcement actions and provide local assistance to cities or counties under the act.

The bill would provide that the aforementioned provisions shall not become operative until such time that the State Mining and Geology Board approves the County of Yolo implementing ordinance governing in-channel noncommercial extraction activities carried out pursuant to the Cache Creek Resource Management Plan and notifies the Secretary of State in writing of that approval.

The act also requires the Department of Conservation to have submitted a report to the Governor and the Legislature, on or before March 1, 1995, evaluating the implementation of that act.

This bill would repeal that requirement and would make conforming and technical changes.

The act requires the owner, lessor, lessee, agent, manager, or other person in charge of any mining operation of whatever kind or character within the state to forward to the Director of Conservation annually not later than a specified date, a report containing specified information relating to the mining operation.

The bill would require the board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented to prepare that report. By requiring a local government agency to take specified actions with respect to the preparation of that report, the bill would impose a state-mandated local program.

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

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

Ch. 870 (AB 1695) Committee on Consumer Protection, Governmental Efficiency and Economic Development. State property.

Existing law requires the Department of General Services to perform various functions and duties with respect to state property.

This bill would authorize the Director of General Services to sell, exchange, lease, or transfer specified parcels of state property and rescind the existing authority of the director to sell, exchange, or lease other specified parcels of state property. This bill also would authorize the Director of Parks and Recreation to exchange a specified parcel of state property. The bill would exempt the sale, exchange, lease, or transfer of the parcels from specified provisions of the California Environmental Quality Act. This bill would designate funds into which the net proceeds are to be deposited and would require the reservation of mineral rights, as specified.

Ch. 871 (AB 1381) Steinberg. Property and Business Improvement District Law of 1994: benefits assessments.

(1) Article XIII D of the California Constitution, which was added pursuant to the approval by the voters of Proposition 218 at the November 5, 1996, general election, generally requires a specified written notice and the holding of a public hearing for new or increased assessments, fees, and charges and, under certain circumstances, requires approval by the property owners. The Proposition 218 Omnibus Implementation Act prescribes specific procedures and parameters for local jurisdictions in complying with Article XIII D of the California Constitution.

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The Property and Business Improvement District Law of 1994 authorizes cities to form property and business improvement districts for the purpose of levying assessments within a business improvement area.

This bill would reorganize those provisions to require a written notice and a public hearing, as specified in the Proposition 218 Omnibus Implementation Act.

(2) Existing law requires a city council, before adopting a resolution establishing a district, to appoint an advisory board to make recommendations and reports concerning the levying of assessments, as specified.

This bill, in addition and among other things, would provide that the first report is due after the first year of operation of the district.

(3) Existing law, upon the written request of the advisory board, authorizes the city council to modify the management district plan by adopting a resolution after holding hearings on the proposed modification, as specified.

This bill instead would require one public hearing to be held prior to adopting the resolution. The bill also would require the city council, if the modification includes the levy of a new or increased assessment, to comply with specified provisions of the Government Code relating to notice, protest, and hearing requirements.

(4) Existing law prohibits the city council from changing the boundaries of the district to include any territory that will not, in its judgment, benefit by the improvement or activity. Additions of territory to the proposed boundaries of the district are prohibited unless notice has been provided to the owners of the property proposed to be added to the district, as specified.

This bill would delete those prohibitions.

(5) Existing law requires the city council to adopt a resolution of intention that states the proposed modification prior to the public hearing which is required to be held not more than 60 days after the adoption of the resolution of intent.

This bill instead would require the public hearing to be held not more than 90 days after the adoption of the resolution of intent.

Ch. 872 (AB 1154) Torlakson. School safety.

Existing law, the Interagency School Safety Demonstration Act of 1985 establishes the School/Law Enforcement Partnership comprised of the Superintendent of Public Instruction and the Attorney General, and sets forth its duties, including, but not limited to, the administration of interagency safe school programs, procedures, and activities conducted pursuant to the School Safety Act.

This bill would require the partnership to discuss with providers of telephone equipment and services, and to acquire information regarding, the availability of no-cost or reduced-cost cellular telephones and services to be provided on a statewide basis to each public school teacher for use as a classroom safety device and other school-related uses, and would require the partnership to ensure that schools are provided with this information for consideration in developing its plan.

Existing law establishes the After School Learning and Safe Neighborhoods Partnerships Program, which serves pupils in kindergarten and grades 1 to 9, inclusive, at participating elementary, middle, and junior high school sites. Under existing law, every after school program established pursuant to the program is required to operate a minimum of 3 hours a day and at least until 6 p.m. on every regular schoolday.

This bill would authorize after school programs established pursuant to the After School Learning and Safe Neighborhoods Partnerships Program for pupils in middle school or junior high school to implement a flexible attendance schedule for those pupils.

Under existing law, every school that establishes a program pursuant to the After School Learning and Safe Neighborhoods Partnerships Program is eligible to receive a 3-year renewable incentive grant for up to $5 per day per pupil.

This bill would, alternatively, authorize a school that establishes a program serving middle or junior high school pupils to elect to receive $5 per pupil for each 3 hours of pupil attendance, with a maximum total reimbursement of $25 per pupil per week.

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

Ch. 873 (AB 1686) Committee on Information Technology. Department of Information Technology.

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

(1) Existing law provides for the development and coordination of information technology activities in the state, and for these purposes establishes the Department of Information Technology, the Hawkins Data Center, the Stephen P. Teale Data Center, which is funded by the continuously appropriated Stephen P. Teale Data Center Revolving Fund, and the Health and Welfare Agency Data Center, which is funded by the continuously appropriated Health and Welfare Agency Data Center Revolving Fund. These provisions become inoperative on July 1, 2000, and are repealed as of January 1, 2001.

This bill would extend the dates on which these provisions are to become inoperative to July 1, 2002, and are to be repealed to January 1, 2003. By continuing the existence of continuously appropriated funds, this bill would make an appropriation.

(2) Existing law renames the Health and Welfare Agency as the California Health and Human Services Agency.

This bill would correct obsolete references to the Health and Welfare Agency, rename the Health and Welfare Agency Data Center as the California Health and Human Services Agency Data Center, and rename the Health and Welfare Agency Data Center Revolving Fund as the California Health and Human Services Data Center Revolving Fund.

Ch. 874 (AB 1385) Battin. Indian tribes: tribal-state gaming compacts.

Existing federal law, the Indian Gaming Regulatory Act of 1988, hereafter IGRA, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing class III gaming, as defined, on Indian lands within a state. Existing federal law does not specify which official of a state shall negotiate and execute these compacts. Existing state law provides that the Governor is the sole official organ of communication between the government of this state and the government of any other state or of the United States, but currently operative law does not specifically designate the Governor as the sole organ of communication between this state and a tribal government.

This bill would expressly ratify a number of specified tribal-state gaming compacts, and would provide that any other compact executed after September 10, 1999, is also ratified if certified by the Governor to be materially identical to one of these compacts, subject to review and possible rejection by the Legislature. The bill would require other compacts to be ratified by statute, as specified. The bill would provide that the Governor is the designated state officer responsible for negotiating and executing, on behalf of the state, tribal-state gaming compacts with federally recognized Indian tribes located within the State of California pursuant to IGRA for the purpose of authorizing class III gaming on Indian lands within this state and would provide that these provisions shall not be construed to deny the Governor's authority to have previously negotiated and executed these compacts. This bill would require the Governor, following completion of negotiations, to submit a copy of the executed compact to the Legislature for its ratification, and to the Secretary of State, who would be required to forward a copy of the executed compact and ratifying statute, if applicable, to the Secretary of Interior in accordance with a specified provision of IGRA upon his or her receipt of the statute ratifying the tribal-state compact or upon expiration of a specified review period. The bill would provide that the execution of, and the on-reservation impacts of compliance with the terms of, these compacts, shall not be deemed to constitute a project for purposes of the California Environmental Quality Act. The bill would also create a special fund within the State Treasury for the receipt and deposit of moneys derived from gambling device license fees that are received from tribes pursuant to the terms of tribal-state gaming compacts, for the purpose of making distributions to noncompact tribes, and would provide that moneys in that fund shall be available to the California Gambling Control Commission, upon appropriation by the Legislature, for expenditure for that purpose. The bill would also create a separate fund in the State Treasury for receipt and deposit of moneys received from tribes pursuant to the terms of tribal-state gaming compacts, and would provide that these moneys would be available for appropriation by the Legislature, as specified.

Ch. 875 (AB 1314) Pescetti. Public contracts: plans and specifications.

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

Existing law contains various provisions relating to the bidding process for public works projects.

This bill would impose a state-mandated local program by prohibiting a local public entity, charter city, or charter county from requiring a bidder to assume responsibility for the completeness and accuracy of architectural or engineering plans and specifications on public works projects, except on clearly designated design build projects, and would make legislative findings and declarations in that regard.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 876 (AB 248) Torlakson. Natural Hazard Disclosure Statements.

Existing law requires certain information to be disclosed by transferors and their agents to prospective transferees prior to specified transfers of residential real property. Existing law also requires these transferors and their agents, when specified conditions are met, to make certain disclosures, on a form known as a Natural Hazard Disclosure Statement, if the real property to be transferred is located in an earthquake fault zone, or an area subject to flooding, fire hazards, or seismic hazards.

This bill would reorganize these provisions and make technical changes with respect to Natural Hazard Disclosure Statements. The bill would also require certain sellers of residential real property who have actual knowledge that the property is affected by or zoned to permit certain manufacturing, commercial, or airport uses to give written notice of that knowledge, as soon as practicable before transfer of title.

Ch. 877 (AB 402) Romero. Vehicles: driver's license violations pilot program.

Chapter 122 of the Statutes of 1999 (AB 1311), effective January 1, 2000, and until January 1, 2004, authorizes the district attorneys of certain counties, with the approval of the board of supervisors, to establish a described pilot program for persons who plead guilty or no contest or are convicted of violations of specified provisions prohibiting driving without a valid driver's license.

This bill would add the County of Santa Cruz to those counties authorized to establish, until January 1, 2004, the described pilot program.

Ch. 878 (AB 344) Knox. Education: academic personnel files.

Existing law requires employers to make employee personnel files available for inspection by employees, as specified.

This bill would authorize an institution of higher education to provide academic employees access to academic peer review records in a form that does not reveal the identity of any reviewer. The bill would exempt material that is part of an academic performance evaluation of an academic employee of an institution of higher education from a requirement that employers remove specified adverse material from an employee's personnel file. These provisions would only become operative if SB 172 is chaptered and becomes operative on or before January 1, 2000.

Ch. 879 (AB 635) Campbell. Food facilities.

Existing law imposes certain sanitation requirements on food facilities that are administered by the State Department of Health Services and enforced by local health officers, among others. Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

Existing law requires raw eggs to be stored under specified conditions commencing January 1, 1998, and until January 1, 2000.

This bill would delete those dates thereby continuing the applicability of the requirements for egg storage indefinitely. By extending the enforcement duties

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performed by local health officers, this bill would impose a state-mandated local program.

Existing law imposes various requirements on nonprofit charitable temporary food facilities including that all food be prepared in a food establishment or on the premises of a nonprofit charitable temporary food facility. Existing law also prohibits any food or beverage stored or prepared in a private home from being offered for sale, sold, or given away from a nonprofit charitable temporary food facility.

This bill would revise these provisions to prohibit any potentially hazardous food or beverage stored or prepared in a private home from being offered for sale, sold, or given away from a nonprofit charitable temporary food facility, and would require this food to be prepared in a food establishment or on the premises of a nonprofit charitable temporary food facility.

Existing law imposes various requirements on nonprofit charitable temporary food facilities with regard to the condition of the floors, walls, and ceilings of the facility. Existing law also requires each local enforcement agency to annually report to the department regarding the adequacy of the standards applied by specified sanitation provisions to any nonprofit charitable temporary food facilities operating within its jurisdiction, and requires the department to review these reports and confer with the California Conference of Directors of Environmental Health and with affected industry groups.

This bill would repeal the above requirements.

Existing law, until January 1, 2001, contains cooking requirements relating to ready-to-eat foods prepared from raw or incompletely cooked animal tissues.

This bill would revise these requirements and would delete that repeal date thereby continuing the applicability of these requirements indefinitely.

The bill would, among other things, revise employee food handling and food facility sanitation provisions, and would revise and recast provisions relating to mobile food preparation units, stationary mobile food preparation units, and commissaries.

By changing the definition of, and eliminating, certain existing crimes relating to retail food facilities, 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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Ch. 880 (SB 652) Speier. Vehicles: financial responsibility.

(1) Existing law provides that records of the Department of Motor Vehicles are generally open to public inspection. However, with specified exceptions, any residence address in any record of the department is confidential.

This bill would provide that information regarding any motor vehicle liability insurance policy or surety bond provided to the department pursuant to the provisions below or electronically is confidential and shall not be disclosed to any person, with limited exceptions. Because a violation of this prohibition would be a crime under existing law, this bill would create a new crime, thereby imposing a state-mandated local program.

(2) Existing law requires persons who obtain confidential or restricted addresses pursuant to law to require their agents to take necessary steps to ensure confidentiality.

This bill would expand the confidentiality to any confidential or restricted information, thereby expanding the scope of an existing crime and imposing a state-mandated local program.

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(3) Existing law requires all drivers to maintain one of various forms of financial responsibility, including liability insurance, and to provide proof of financial responsibility to a peace officer in various circumstances.

Existing law, until January 1, 2000, requires the Director of Motor Vehicles, if the operation of any of the current provisions governing financial responsibility is delayed or interrupted by the action of a state or federal court and the constitutionality of the provision is upheld by a final decision of the court, to calculate what amount of time the operation of the provision was delayed or interrupted by the court's action, add the amount calculated to January 1, 2000, to determine a new repeal date for the challenged provision, and notify the Secretary of State in writing of the new repeal date.

This bill would repeal these latter provisions, thereby extending indefinitely certain provisions of existing law relating to financial responsibility, as proposed to be revised by the bill.

(4) Under existing law, the department is required to require an applicant for renewal of a motor vehicle registration to submit a specified form, as developed by the department, regarding the applicant's motor vehicle liability insurance or provide certain documentation regarding alternative evidence of financial responsibility.

This bill instead would require the department to require each applicant for renewal of a motor vehicle registration to submit either a form approved by the department, but issued by the insurer, containing specified information, or any one of specified documents as evidence of coverage under an alternative form of financial responsibility that may be provided by the applicant.

(5) Existing law does not provide for the suspension, cancellation, or revocation of the registration of a vehicle based upon whether the registration was attained by providing false evidence of financial responsibility or upon notification by an insurance company that the required coverage has been canceled, as specified.

This bill would authorize the department to take that action and would provide a procedure for the reinstatement of a registration that has been suspended, canceled, or revoked.

(6) Under existing law, upon demand of a peace officer under specified circumstances, every person who drives upon a highway a motor vehicle that is required to be registered in this state is required to provide evidence of financial responsibility, as defined. A violation of this provision is a crime that is punishable by specified fines.

This bill would recast that provision to provide that, upon demand by a peace officer, every person who drives a motor vehicle upon a highway is required to provide evidence of financial responsibility for the vehicle that is in effect at the time the demand is made. Since the bill would expand the scope of this crime, the bill would impose a state-mandated local program. The bill would also revise the definition of "evidence of financial responsibility" for these purposes.

The bill would decrease the fines for a violation of this provision, but would require a court to impose a fine that is greater than the minimum fine provided unless the defendant has presented the court with evidence of financial responsibility, as defined, in addition to the written certificate of an insurance carrier that meets specified requirements. The bill would additionally authorize the court to issue an order directing the defendant to maintain insurance coverage satisfying the financial responsibility laws for at least one year from the date of the order.

The bill would provide that the imposition of the fine is mandatory upon conviction of a violation of the financial responsibility provision and may not be waived or suspended unless the court in its discretion reduces or waives the fine based on the defendant's ability to pay. The bill would authorize the court to direct that the fine be paid within a limited time or in installments on specified dates.

(7) Existing law makes it a crime for any person to knowingly provide false evidence of financial responsibility under specified circumstances by using certain listed false documents, imposes certain duties on the courts in connection with a conviction of that offense, authorizes the court to suspend a person's driving privilege, and allows the court to restrict the person's driving privilege rather than suspend the privilege, if the driving of a motor vehicle is required in the person's course of employment.

This bill would (a) include a false self-insurer certificate as one of the documents that apply to the above, (b) revise the duties of the court and the department in connection

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with a conviction of the offense, and (c) require the department, rather than the court, upon receipt of the court's abstract of conviction, to suspend the driving privilege for a one-year period, effective upon the date of the conviction.

(8) The bill would provide that its provisions shall become operative only if SB 171 and SB 527 are enacted and become operative on or before January 1, 2000.

(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. 881 (AB 1659) Committee on Human Services. Care facilities.

Existing law requires a county to obtain an assessment and placement recommendation by a county multidisciplinary team, as defined, prior to placement of a child in an out-of-state group home facility.

This bill would require participants to have knowledge or experience in the prevention, identification, and treatment of child abuse and neglect cases, and to be qualified to recommend a broad range of services related to child abuse and neglect.

Existing law contains fingerprint requirements for foster family homes and operators and employees of community care facilities.

This bill would make various changes in these fingerprint requirements, as well as related criminal background and licensure requirements, including a requirement that applicants and employees submit a second set of fingerprints to the Department of Justice for use by the Federal Bureau of Investigation for the purpose of searching its criminal records information, and would provide for the assessment of civil penalties for violation of this requirement. It would also modify the duties of the Department of Justice and the State Department of Social Services in connection with the implementation of these provisions.

Because a violation of licensure provisions is a crime, the bill would impose a state-mandated local program.

Existing law requires that, unless the State Department of Social Services grants an exemption, a license shall be denied for the operation of a residential care facility for the elderly if specified persons have been found to have committed a crime, with certain exceptions. Among the staff persons, volunteers, or employees whose criminal convictions to which this provision applies are those who have frequent and routine contact with clients.

This bill would delete the reference to frequent and routine contact, and thus only require that these individuals have contact with clients.

Because violation of provisions relating to residential care facilities for the elderly is a crime, the bill would constitute a state-mandated local program.

Existing law, the California Child Day Care Act, requires that, prior to issuing a license or special permit to operate or manage a day care facility, the State Department of Social Services secure a criminal record to determine whether the applicant or specified employees has ever been convicted of specified crimes.

Existing law contains certain exemptions from these provisions.

This bill would revise the exemptions relating to certain volunteers.

Existing law prohibits a court from ordering the placement of certain minors in an out-of-state group home unless the court finds, in its order of placement, that specified conditions have been met.

This bill would add to those conditions a requirement that in-state facilities have been determined to be unavailable or inadequate to meet the needs of the minor.

Existing law requires the State Department of Social Services to perform initial and continuing inspection of out-of-state group homes in order to either certify that the out-of-state group home meets all licensure standards required of group homes operated in California or that the department has granted a waiver to a specific licensing standard upon a finding that there exists no adverse impact to health and safety. Existing law further requires the department to grant or deny an initial certification or a waiver by August 19, 1999.

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This bill would require the department to grant or deny an initial certification or a waiver to an out-of-state group home facility that has 6 or fewer California children placed by a county social services agency or probation department by February 19, 2000, rather than August 19, 1999.

Existing law requires that if, upon inspection, the probation officer of the county in which certain minors are adjudged wards of the court determines that an out-of-state facility or program is not licensed for the placement of minors by an agency of the state in which the minor will be placed or operates under, and is inspected pursuant to, standards comparable to the Board of Corrections for similar facilities or programs, the probation officer may temporarily remove the minor from the program or facility.

This bill would also permit temporary removal from the facility or program if it is determined that the facility or program has an adverse impact on the health or safety of the child.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which, through a combination of federal, state, and local funds, payments are made to foster care providers by each county on behalf of eligible children.

Existing law provides that, except as specified, as a condition of receiving an AFDC-FC rate on or after July 1, 1999, a group home provider shall submit a copy of its most recent financial audit as a component of any rate application.

This bill would, instead, delay the date upon which this requirement would apply until July 1, 2000.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

This bill would incorporate additional amendments to Section 1569.17 of the Health and Safety Code contained in SB 286, which would become operative only if both bills are enacted and this bill is enacted after SB 286, but this bill becomes operative before SB 286.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

Ch. 882 (SB 938) Solis. Alternative payment programs.

Existing law provides for child care alternative payment programs, the purpose of which is to provide for parental choice in child care. Under existing law, alternative payment programs may provide payment to child care facilities with a majority of subsidized children if there is a lack of licensed child care facilities in the area, the facility is able to meet the special needs of a particular child, or for any other reason authorized by regulation.

This bill would instead authorize alternative payment programs to provide payment to child care facilities with 75% or more subsidized children, if at least one of the conditions required by existing law is met.

Ch. 883 (AB 329) Scott. Insurance: compensation: fees.

Existing law imposes various requirements on liability insurers and on policies issued by liability insurers.

This bill would authorize a liability insurer to review bills submitted for the defense of its insured, but would prohibit a liability insurer from compensating a reviewer based on (1) a percentage of the amount by which a bill is reduced, (2) the number of claims or cost of services for which the reviewer has denied authorization or payment, or (3) an agreement that no compensation will be due unless one or more bills are reduced for payment.

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Ch. 884 (SB 940) Speier. Insurers: fees.

Existing law requires each insurer doing business in this state to pay an annual fee not to exceed $1 for each vehicle it insures, in order to fund increased investigation and prosecution of fraudulent automobile insurance claims and economic automobile theft. Revenues from the fee are available for distribution by the Insurance Commissioner to the Bureau of Fraudulent Claims of the Department of Insurance, to the Department of the California Highway Patrol, and to district attorneys, as specified.

This bill would require each insurer, until January 1, 2007, to pay an additional annual fee of 30¢ for each vehicle it insures to fund certain consumer operations of the Department of Insurance related to automobile insurance. This bill would also require the department to report to the Legislature's insurance committees on plans for use of the new revenues and on the opportunities for improving the fraud programs funded by the existing revenues, as specified.

This bill would also require each insurer, until January 1, 2007, to pay an additional annual fee, not to exceed 50¢, for each vehicle it insures, to fund the Bureau of Fraudulent Claims and an Organized Automobile Fraud Activity Interdiction Program.

Existing law establishes various fees to be charged by the Department of Insurance in connection with its licensing and regulatory activities relating to the business of insurance. Existing law authorizes the Insurance Commissioner to increase or decrease those statutory fees according to a specified procedure, and establishes limitations on the amount that fees may be increased or decreased.

This bill would require the department to annually project forward its workload for the subsequent 3 years in order to project appropriate fee levels, and to annually make adjustments to those fees, if necessary, based on actual workload experience.

Existing law also provides that any increase or decrease in those statutory fees shall be by a uniform percentage for all fees, rounded to the nearest whole dollar.

This bill would delete that provision.

This bill would provide that its provisions would become operative only if AB 1050 of the 1999–2000 Regular Session is enacted and becomes effective on or before January 1, 2000, in which case certain provisions of AB 1050 would prevail over provisions of this bill, as specified.

Ch. 885 (AB 1050) R. Wright. Insurance: fraudulent claims.

(1) Existing law permits interested persons to file a civil action for civil penalties plus an assessment, as specified, against a person who knowingly employs runners, cappers, steerers, or other persons to procure clients or patients to perform or obtain services of benefits pursuant to Workers' Compensation or to obtain services or benefits under a contract of insurance, or that will be the basis of a claim against an insured individual or his or her insurer. Existing law provides for specified percentages to be paid to persons who bring an action to collect the civil penalties. Existing law provides for a statute of limitations for fraud of 3 years from the date of discovery of the facts constituting the fraud.

This bill would provide that civil penalties are for each fraudulent claim presented to an insurance company by a defendant being sued for the civil penalties. This bill would provide that for the person filing the civil action the amount to be awarded to the person by the court from the proceeds of the action shall be at least 30% but not more than 40% if the district attorney or Insurance Commissioner intervenes and proceeds with the action, and at least 40% but no more than 50% if the district attorney or Insurance Commissioner does not intervene and proceed with the action. The bill would place a maximum on the statute of limitations for an action for the civil penalties of 8 years from the date of specified violations.

(2) Existing law makes it a crime to file or aid in the filing of false insurance claims.

This bill would require a district attorney when he or she files a criminal complaint for violation of specified Penal Code provisions relating to false insurance claims to provide specified notice to the affected insurers, the victims, and the Department of Motor Vehicles. The bill would require insurers who receive the notification to rebate any surcharges in premiums, as specified, paid by an insured victim, and for the Department of Motor Vehicles to remove any record of the underlying accident that is on the license record of a victim. By requiring the district attorney to provide notification to insurers

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and to the Department of Motor Vehicles in these circumstances, this bill would impose a state-mandated local program. By requiring premium rebates the bill would amend Proposition 103.

(3) Existing law requires each insurer in this state to pay an annual fee to be determined by the Insurance Commissioner, but not to exceed $1 annually, for each vehicle insured under an insurance policy it issues in this state in order to fund increased investigation and prosecution efforts by district attorneys and other law enforcement agencies, including the Department of the California Highway Patrol, of fraudulent automobile insurance claims and economic automobile theft. Existing law requires the commissioner to award 51% of the assessment fees to district attorneys and requires the district attorneys to submit to the commissioner certain reports in this regard.

This bill would require the commissioner to conduct a fiscal audit of the programs administered by district attorneys under these provisions at least once every 3 years. The bill would require the cost of the fiscal audit to be shared equally between the Department of Insurance and the district attorney, thus imposing a state-mandated local program. This bill would require the Department of the California Highway Patrol to submit to the commissioner reports similar to those required of district attorneys under these provisions.

(4) Existing law requires the Medical Board of California, the Board of Chiropractic Examiners, and the State Bar to designate employees to investigate and report on possible fraudulent insurance activities. Existing law requires each of those entities to report annually to relevant legislative committees regarding their activities in this regard for the previous year.

This bill would specify the minimum contents required to be included in each of those annual reports.

(5) Existing law regulates motor vehicle theft and motor vehicle insurance fraud reporting.

This bill would establish, until January 1, 2007, a coordinated program of 3 to 10 grants for district attorneys targeted at the successful prosecution and elimination of organized automobile fraud activity, as defined. The program would be funded by the imposition on each insurer doing business in the state of an annual fee, not to exceed 50¢, to be determined by the commissioner, for each vehicle insured under an insurance policy issued by the insurer in the state. This bill would require the commissioner to adopt emergency regulations establishing the criteria to be used in awarding these grants.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(7) This bill would declare it furthers the purposes of Proposition 103. Because this bill would amend Proposition 103, it is required to further the purposes of Proposition 103 and would require a $^{2}/_{3}$ vote for enactment.

(8) This bill would state legislative intent regarding the retroactive effect of certain of the bill's provisions as they relate to insurance claims or actions existing on January 1, 2000.

(9) This bill would provide that its provisions would become operative only if SB 940 of the 1999–2000 Regular Session is enacted and becomes effective on or before January 1, 2000.

Ch. 886 (SB 874) Escutia. Family Law Information Centers.

(1) Existing law establishes, until January 1, 2003, family law information centers in 3 pilot project courts for the purpose of providing information to unrepresented low-income family law litigants. Existing law requires, in superior courts with a family law facilitator, that in at least one pilot project court the family law facilitator staff and provide the services of the family law information center. The program is administered

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by the Judicial Council. Under existing law, these provisions will be repealed on January 1, 2003.

This bill would revise those provisions to revise the notice to family law facilitators; to impose new duties on family law information centers and persons employed or supervised by a family law information center, thereby imposing new duties under an existing optional program; and to extend the date by which the Judicial Council is required to report its evaluation of the pilot project to the Legislature to March 1, 2003, and to extend the repeal date of the provisions to January 1, 2004.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 887 (SB 1270) Committee on Health and Human Services. Interstate adoption assistance agreements: social service regulations.

Existing law authorizes the Director of Social Services to adopt regulations, orders, and standards pertaining to the laws enforced by the State Department of Social Services.

This bill would, instead, permit the department to carry out that function.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. Persons who meet the requirements of the categorically needy classification of recipients, may receive Medi-Cal benefits without meeting share of cost requirements. Those persons who, but for excess income, qualify for Medi-Cal benefits, may receive Medi-Cal benefits subject to meeting share-of-cost requirements.

This bill would include special needs children for whom medical and other necessary services or for whom adoption assistance and related services are provided under interstate compacts within the scope of persons who are eligible to receive Medi-Cal benefits under the medically needy person classification. This bill would also make changes clarifying the role of the court and other technical changes in that connection.

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.

Existing law requires the State Department of Social Services to administer the Adoption Assistance Program, under which aid is provided to persons adopting special needs children.

This bill would authorize the Director of Social Services and the Director of Health Services to enter into interstate agreements with agencies of other states for the protection of children on behalf of whom adoption assistance is being provided by the State Department of Social Services. The bill would also authorize the State Department of Social Services and the State Department of Health Services to establish procedures for interstate children's adoption assistance payments, including medical payments. The bill would make related changes.

This bill would state the Legislature's intent in enacting the bill.

This bill would incorporate additional changes to Section 366.3 of the Welfare and Institutions Code made by AB 658 and AB 686 to take effect if one or both bills are enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that 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 the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 888 (SB 1126) Costa. Criminal procedure: arraignment: audiovideo.

Existing law authorizes the Department of Corrections to establish a 3-year pilot project at more than 5 institutions that permits the initial court appearance and arraignment of a defendant in municipal or superior court to be conducted by 2-way electronic audiovideo communication in all cases where the defendant is charged with a misdemeanor or a felony and is currently incarcerated in the state prison. Existing law also provides that the provisions creating this project are repealed as of January 1, 2000, and requires the department to prepare and submit a report on the pilot project to the Legislature on or before January 1, 2000.

This bill would delete from these provisions the language that establishes a pilot project. The bill also would delete the reporting requirement and the repeal provision, thereby extending the provisions of the bill indefinitely.

Existing law establishes a pilot program to enable collaboration between the State Board of Control and judges in the counties in the program in connection with amending restitution orders. Under the program, among other things, if the hearing has not been waived, the State Board of Control determines if the cost of holding the hearing is justified.

This bill would in addition, in the case of a defendant who is incarcerated, authorize the above-described hearings to be held via 2-way audiovideo communication between the defendant and the court, as specified.

This bill also would specify that these provisions shall not be construed to prohibit an individual or district attorney's office from independently pursuing the imposition or amendment of a restitution order that may result in a hearing, regardless of whether the victim has received assistance.

The bill further would require the court to retain jurisdiction over a person subject to a restitution order for purposes of imposing or modifying restitution until such time as the losses may be determined when the economic losses of a victim cannot be ascertained at the time of sentencing.

Existing law provides for local assistance to community correctional programs.

This bill would appropriate $1,748,429 to Department of Corrections to be allocated to the City of Coalinga to provide equity regarding community correctional facility contract issues.

Existing law makes various appropriations to the Department of Corrections for various purposes related to the operation of the department and the maintenance of facilities and equipment under the control of the department.

This bill would make reappropriations from the General Fund and from the 1986 Prison Construction Fund to the department for specified purposes related to prison construction.

Ch. 889 (SB 828) McPherson. Pesticides: county agricultural commissioners: credit card costs.

Existing provisions of the Food and Agricultural Code require various persons who engage in the business of agricultural pest control operations to be registered or have permits issued by the Department of Pesticide Regulation. Under these provisions, the county agricultural commissioner of any county may adopt regulations applicable to his or her county that are supplemental to those of the Director of Pesticide Regulation which govern the conduct of pest control operations and records and reports of those operations. In addition, the county agricultural commissioner may refuse, suspend, or revoke a county registration or permit to engage in the business of agricultural pest control operations, as specified.

This bill would authorize a commissioner accepting payment for pest control registrations or services by credit card or other payment device, as specified, to impose a charge for costs incurred in connection with that form of payment and would require the commissioner to use his or her best efforts to minimize those costs.

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Ch. 890 (AB 1228) Committee on Agriculture. Agriculture: plant and animal pest control.

(1) Existing law authorizes the Secretary of Food and Agriculture or the Director of Pesticide Regulation to allocate annually to each county an amount determined by the secretary or the director not to exceed $^1/_3$ of the amount expended by the county during the previous fiscal year for the programs of joint responsibility under the jurisdiction of the secretary or director, as applicable.

Existing law also requires money transferred by the Controller to the Department of Food and Agriculture Fund from the Motor Vehicle Fuel Account to be expended by the Secretary of Food and Agriculture, as specified.

This bill, until July 1, 2001, would amend this latter provision to specify that, for reimbursement purposes, first priority shall be given to partially reimburse counties for the cost of carrying out those programs reported pursuant to paragraph (1) above, and second priority shall be for up to full reimbursement within the same fiscal period plus 60 days for expenditures incurred by the county in accordance with a budget approved by the department for programs dealing with high-risk pest exclusions and noxious weeds.

(2) Until July 1, 1999, the Department of Food and Agriculture was responsible under provisions of law to develop work plans for allocation of funding appropriated to the department in the Budget Act of 1998 for local assistance for agricultural plant and animal pest and disease prevention.

This bill, until July 1, 2000, would assign to the department the responsibility of developing work plans for allocation of the funding appropriated in the Budget Act to the department for local assistance for agricultural plant and animal pest and disease prevention. The bill would make related changes. The bill also would specify that, of the amount appropriated in the Budget Act to the department for local assistance for agricultural plant and animal pest and disease prevention, $5,500,000 shall be utilized solely for high-risk pest exclusion activities.

(3) Until July 1, 1999, a county agricultural commissioner was authorized under provisions of law to enter into a mutual aid agreement with other counties, as prescribed, to carry out prescribed crop, inspection, and pest management programs.

This bill would reenact these provisions without a repeal date, thereby continuing them indefinitely.

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

Ch. 891 (AB 1673) Committee on Judiciary. Courts: services.

(1) Existing law specifies when a judge is deemed to serve or sit under assignment. Existing law provides for the repeal of this provision as of January 1, 2000 and for the subsequent operation of a provision delineating the law governing assignments of judges and justices.

This bill would extend the repeal of the current provision and the operation of the new provision to January 1, 2001.

(2) Existing law provides that various court services shall be provided by marshals in Madera County.

This bill would provide that the Sheriff of Madera County shall instead provide those services, and that all elected marshals in that county shall become employees of the sheriff's department on an unspecified date. By imposing new duties on the sheriff, the bill would impose a state-mandated local program.

(3) Existing law provides for the number, classification, and compensation of the officers and employees of the superior and municipal courts in Kings County, Orange County, and Los Angeles County.

Existing law provides for the unification of the municipal and superior courts, including the compensation of personnel who serve those courts.

This bill would delete various provisions for the number, classification, and compensation of specified officers and employees of the superior and municipal courts in Orange County, and provide for the number, classification, and compensation of officers and employees of the superior court in Orange County to be specified by the Executive Committee of the Superior Court. The bill would revise the number, classification, and compensation of employees of the superior and municipal courts in

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Kings County and Los Angeles County, and of employees of the municipal courts in Kern County. The bill would also make related and technical changes.

The bill would also revise and clarify provisions governing the benefits and the terms and conditions of employment of court personnel upon unification of the municipal and superior courts in a county.

(4) Existing law prohibits the Sheriff of Humboldt County from diverting personnel or other resources allocated to the County Security Services Division by the annual budget adopted by the board of supervisors, except for emergency purposes, as specified.

This bill would delete that provision.

(5) This bill would provide that its provisions are severable.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 892 (AB 1672) Committee on Judiciary. Civil actions: eminent domain: waste management.

(1) Existing law provides, until January 1, 2003, for the registration by the county clerk of legal document assistants and unlawful detainer assistants, as specified; it also provides for the registration by the county clerk of process servers, as specified.

This bill would revise the exemptions from the registration requirement for legal document assistants, and make clarifying changes; the bill would require an application for a certificate of registration by a partnership or corporation to be accompanied by a $25,000 bond executed by a corporate surety qualified to do business in this state; however, the bill would limit the total aggregate liability on the bond to $25,000, and would require an application for a certificate of registration by a person employed by a partnership or corporation to be accompanied by a $25,000 bond only when the partnership or corporation has not posted the bond, as specified; the bill would create an exemption from the registration of felons as process servers with respect to felons who have been granted a certificate of rehabilitation, expungement, or pardon, and make conforming changes. This bill would also revise the notification and fingerprint card requirements for registration of process servers, and allow a registrant to deposit cash or a money order in lieu of a surety bond. The bill would also make clarifying changes.

(2) Existing law generally prohibits a cash or similar deposit in lieu of a surety bond after January 1, 1999.

This bill would limit that prohibition to filings with the Secretary of State.

(3) The existing eminent domain law requires a court, in an eminent domain proceeding, to give the tax collector the legal description of the property sought to be taken and direct the tax collector to certify to the court specified information regarding the property.

This bill would provide that the court in a county where both the auditor and tax collector are elected officials may select either the auditor or tax collector to perform that certification.

(4) Existing law limits taking multiple depositions of the same person, except as specified.

This bill would revise that exception.

(5) Existing law requires litigants who apply to a court to proceed in forma pauperis to provide identification to verify the applicants receipt of public assistance.

This bill would expand the means of identification for these purposes.

(6) Existing law, known as the California Integrated Waste Management Act of 1989, authorizes the California Integrated Waste Management Board, along with local enforcement agencies, to carry out specified powers and duties relating to the management of solid waste. The act authorizes the administrative imposition of civil penalties for violations of the act, and provides that any attorney authorized to act on

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behalf of the local enforcement agency or the board may petition the superior court to impose, assess, and recover civil penalties under the act.

This bill would instead provide that an attorney authorized to act on behalf of the local enforcement agency or the board may apply, to the clerk of the appropriate court in the county in which the civil penalty was imposed, for a judgment to collect the penalty, as specified. The bill would also require the recovery of unpaid filing fees prior to the recovery of any portion of a civil penalty.

(7) Existing law requires the juvenile court to notify the director of the county mental health department of the county in which a minor resides when the court (1) finds the minor to be within the jurisdiction of the court on the basis of abuse or neglect and (2) believes the minor may need specialized mental health treatment.

This bill would make a technical change to that provision.

(8) By imposing additional duties upon local officials, this bill would create a state-mandated local program.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 893 (AB 97) Torlakson. Taxation: low-income housing.

Existing law provides, until January 1, 2000, for procedures and requirements for the allocation of state tax credit amounts among low-income housing projects.

This bill would provide that procedures and requirements for the allocation of state tax credit amounts among low-income housing projects are to remain in effect as long as related provisions of federal law are in effect.

Ch. 894 (AB 92) Floyd. Inspector General for Veterans Affairs.

Existing law provides for veterans programs, including the veterans farm and home purchase programs, and provides for veterans homes.

This bill would create the office of Inspector General for Veterans Affairs, who would be subject to the direction of the Governor, to replace the administratively created position of Internal Auditor in the Department of Veterans Affairs. The bill would require the inspector general to be appointed by the Governor, subject to Senate confirmation. The inspector general would be responsible for reviewing the operations and financial condition of each California veterans home, each veterans farm and home purchase program, and all other veterans programs supported by the state. The bill would require the inspector general to submit a report and make any recommendations he or she deems necessary for improving the operations of the veterans programs to the board on at least an annual basis and to the Legislature annually.

The bill (1) would authorize the inspector general to receive communications from any individual who believes he or she may have information that warrants a review or investigation of a veterans program, (2) would authorize, and in some instances require, the inspector general to conduct a review or investigation, (3) would require the establishment of a toll-free telephone number to report alleged wrongdoing regarding veterans programs, and (4) would set forth procedures for discipline by adverse action, as specified, for any state officer or employee who retaliates or engages in similar acts against employees who make such reports in good faith.

Ch. 895 (AB 452) Mazzoni. Long-term care programs.

Existing law provides for the licensure of residential care facilities for the elderly by the State Department of Social Services. Existing law provides for the licensure of long-term health care facilities by the State Department of Health Services.

This bill would enact the Mazzoni Long-Term Care Act of 2000. It would declare the intent of the Legislature to enact legislation to improve the state-level administration of public long-term care programs.

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Existing law provides for the California Health and Human Services Agency that consists of the State Department of Health Services, the State Department of Mental Health, the State Department of Developmental Services, the State Department of Social Services, the State Department of Alcohol and Drug Programs, the California Department of Aging, the Department of Rehabilitation, the Department of Community Services and Development, the Office of Statewide Health Planning and Development, and the State Council on Developmental Disabilities.

This bill would, until January 1, 2007, establish a Long-term Care Council within the California Health and Human Services Agency as an interdepartmental, interagency council to, among other things, coordinate long-term care policy development and program operations and develop a strategic plan for long-term care policy.

Ch. 896 (SB 662) Figueroa. Search warrants: foreign corporations.

(1) Existing law authorizes a court or magistrate to issue a search warrant for the search of a place and the seizure of property or things identified in the warrant where there is probable cause to believe that specified grounds exist. Federal law requires disclosure to a governmental entity by a provider of electronic communication service or a remote computing service of the contents of an electronic communication that is in storage, as specified, only pursuant to a warrant issued according to law.

This bill would apply to any search warrant issued by a court or magistrate allowing a search for records in the actual or constructive possession of a foreign corporation that provides electronic communication services or remote computing services to the general public, where those records would reveal specified information about a customer of that corporation. The bill would require such a foreign corporation to provide to a peace officer who has a search warrant issued by a California court, all records identified in the warrant within 5 business days of receipt, or within less time upon specified conditions. The bill would provide procedures for the foreign corporation to verify the authenticity of the records and to avoid production of the record. In addition, the bill would prohibit a cause of action against any foreign or California corporation or its officers, employees, or other specified persons for providing records in accordance with a search warrant issued pursuant to the bill. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(2) Existing law prohibits a foreign corporation from transacting intrastate business without first obtaining a certificate of qualification from the Secretary of State. To obtain that certificate, the foreign corporation must file a signed statement with specified information regarding the corporation, including the name of an agent who may be served with process within this state, and an irrevocable consent to service of process as specified.

This bill would amend the provision governing irrevocable consent to service of process to include service of a search warrant issued pursuant to the provision summarized in (1) for records or documents that are located outside of this state whether or not the foreign corporation is a party or a nonparty to the matter in which the search warrant is sought.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 897 (AB 817) Committee on Public Employees, Retirement and Social Security. Legislative retirement.

Existing law establishes the state's contribution rate to the Legislators' Retirement System at 18.81 percent of the compensation paid members.

This bill would instead provide that the state's contribution rate shall be established by the actuary, and included in the Budget Act, pursuant to provisions of the Public Employees' Retirement Law. The bill would also provide that when the actuarial value

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of assets exceeds the present value of benefits as of the most recently completed valuation, resulting in a 0 percent contribution rate for the state, the Public Employees' Retirement Board may reduce the member contribution rates.

Ch. 898 (AB 1048) Firebaugh. Homeowner associations: reporting.

(1) Under existing law, unless the governing documents impose more stringent standards, an association is required to prepare and annually distribute a pro forma operating budget that includes certain financial documents to its members.

This bill would require an association to include in the pro forma operating budget as a line item under cash reserves, the amounts of funds received from either a compensatory damage award or settlement from any person or entity for injuries to property, real or personal, arising out of any construction or design defect, and to report on the expenditure of those funds, as specified.

The bill also would provide that in lieu of providing the information described above with the pro forma operating budget, the association may include the statement in the review of the association's financial statement that is required by existing law under specified circumstances.

(2) Existing law prohibits the board of directors of the association from expending reserve funds for any purpose other than the repair, restoration, replacement, or maintenance of, major components that the association is obligated to repair, restore, replace, or maintain and for which the reserve fund was established. Existing law authorizes the temporary transfer of money from a reserve fund to the association's general operating fund under specified conditions. Existing law requires the board, if necessary, to levy a special assessment to recover the full amount of any expended funds.

This bill would revise the definition of reserve funds for purposes of the above described provisions to include funds received and not yet expended or disposed from either a compensatory damage award or settlement to an association for injuries to property arising out of any construction or design defects.

Ch. 899 (SB 538) O'Connell. Health authorities.

Existing law provides for the establishment of various health authorities for the provision of health services and for the management of specified health facilities.

This bill would authorize the Board of Supervisors of San Luis Obispo County to establish a health authority to manage, administer, and control General Hospital and the Family Care Centers, with a governing board consisting of 11 members, as provided.

Ch. 900 (SB 188) Leslie. Drugs: hospitals: physicians.

Existing law generally prohibits any person from selling or dispensing any dangerous drug, or dispensing any prescription, unless he or she is a licensed pharmacist. However, existing law permits a licensed hospital that contains 100 beds or fewer and does not employ a full-time pharmacist to purchase drugs at wholesale for administration, under the direction of a physician, to patients registered in the hospital or to emergency cases under treatment in the hospital. Existing law imposes criminal penalties for violations of these provisions.

This bill would revise the above-described exception to also permit hospitals containing 100 beds or fewer to purchase drugs at wholesale for dispensation by physicians to persons registered as inpatients of the hospital, to emergency cases under treatment in the hospital, or to outpatients of a rural hospital, as defined. The bill would impose specified restrictions on the dispensing of those drugs to outpatients. The bill would require rural hospitals, as defined, to obtain information regarding the hours of local pharmacies, as specified, and require specified hospitals that contain 100 beds or fewer to obtain the services of a pharmacist consultant to monitor and review the pharmaceutical services provided by the hospital to inpatients of the hospital and the dispensing of drugs by physicians to outpatients pursuant to the provision described above. It also would make related changes, including expansion of requirements concerning adoption of a specified written policy by health facilities. To the extent that the bill would expand the scope of an existing crime with respect to these requirements, the bill would impose a state-mandated local program.

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Existing law authorizes a pharmacy technician to perform nondiscretionary tasks only while assisting, and while under the direct supervision and control of, a pharmacist. Existing law authorizes a pharmacy technician to perform these duties only under the immediate, personal supervision and control of a pharmacist. Existing law requires any pharmacist responsible for a pharmacy technician to be on the premises at all times and requires the pharmacy technician to be within the pharmacist's view, except when the pharmacy technician is employed to assist in the filling of prescriptions for an inpatient of a hospital or for an inmate of a correctional facility.

This bill would require, notwithstanding the above limitations, that the California State Board of Pharmacy adopt regulations establishing conditions to permit the temporary absence of a pharmacist for breaks and lunch periods pursuant to a specified statute and the orders of the Industrial Welfare Commission without closing the pharmacy, during which time a pharmacy technician may remain in the pharmacy but may only perform nondiscretionary tasks. The bill would require the pharmacist to be responsible for a pharmacy technician and to review any task performed during the pharmacist's temporary absence.

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

This bill would 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. 901 (SB 341) Figueroa. Sex offenders: juveniles.

Existing law requires certain persons, including any person convicted of specified sex offenses, for the rest of his or her life while residing or located within California, to register with the chief of police or the sheriff, as specified, and with the chief of police of a campus of the University of California, the California State University, or community college if the person is residing or located upon the campus or in any of its facilities, within 5 working days of coming into, or changing his or her residence or location within, any city, county, or city and county, or campus. Existing law makes these provisions applicable to any person who is discharged or paroled from the Department of the Youth Authority the custody to which he or she was committed after having been adjudicated for the commission or attempted commission of specified sex offenses, including kidnapping with the intent to commit specified sex offenses. Existing law also makes these provisions applicable to a person discharged from an equivalent institution in another state to which he or she was committed for an offense which, if committed or attempted in this state, would have been punishable as one of those sex offenses. The failure to register or update the registration as specified is a crime.

This bill would make changes to penalty provisions applicable to specifically include persons who have suffered juvenile adjudications as specified above. 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.

This bill would incorporate additional changes in Section 290 of the Penal Code proposed by SB 1275 and AB 1193 and 1340, to be operative if this bill and one or more of the other bills are enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 902 (SB 281) Chesbro. Veterans: California veterans' homes: Morale, Welfare, and Recreation Fund.

(1) Existing law requires that a portion of the money received from the lease of real property for a golf course on the grounds of the Veterans Home of California, Yountville, commencing at the end of the first 12 months after the date the department no longer operates a driving range or that property, upon appropriation by the Legislature, be

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made available annually to the administrator for special projects benefiting that veterans home.

This bill would repeal those provisions.

(2) Existing law requires each California veterans' home to be under the management and control of the Department of Veterans Affairs and, subject to the policies adopted by the California Veterans Board and the Secretary of Veterans Affairs, to be administered by an administrator. The administrator is required to maintain a post fund that includes any profits from operations of the Veterans' Home Exchange and post fund operations, revenue derived from the issuance of prisoner-of-war special license plates, all donations to the fund, interest earned on invested funds, funds derived from the estates of deceased members, and certain other moneys and property derived from the home, except that the moneys and properties received by the home from estate assets located outside the home in excess of $200,000 in any one calendar year are required to be paid into the General Fund.

This bill instead would require the administrator to maintain a Morale, Welfare, and Recreation Fund to include any funds derived from golf course green fees and range ball fees, in addition to the moneys and property included in the post fund under existing law.

The bill would delete the requirement that moneys and properties received by the home from estate assets located outside the home in excess of $200,000 in any one calendar year be paid into the General Fund and, instead, would require those moneys and properties to be included in the Morale, Welfare, and Recreation Fund, regardless of amount.

(3) Existing law requires the post fund to be used, at the discretion of the administrator and subject to the approval of the secretary, to provide for the general welfare of the home and its veterans, including, but not limited to, providing for operations of the Veterans' Home Exchange, motion picture theater, library, and band, and to pay for newspapers, chapel expenses, welfare and entertainment expenses, sport activities, celebrations, and any necessary insurance to protect property of the fund or the Veterans' Home Exchange, and any other activity for the benefit of the home or its members.

This bill, instead, would delete the requirement that the post fund be used for the benefit of the home and would limit the use of that money, which would be deposited in the Morale, Welfare, and Recreation Fund, for the morale, welfare, and recreation of the veterans, as specified. The bill also would prohibit expenditures from that fund for certain purposes that are unrelated to the morale, welfare, and recreation of the veterans or that may be funded from other sources. The bill would provide that appropriations from the General Fund may not be reduced for the purpose of, or to have the effect of, requiring increased expenditures from the Morale, Welfare, and Recreation Fund for those specified purposes.

This bill would require the administrator to prepare and submit to the secretary and to certain committees of the Legislature, on or before August 20 of each year, a report detailing funds received in the Morale, Welfare, and Recreation Fund and transmitted to the Controller and a report detailing expenditures from that fund.

The bill would also make a conforming change.

Ch. 903 (AB 921) Keeley. Apprenticeship programs.

Existing law establishes the California Apprenticeship Council to issue rules and regulations that establish apprenticeship standards, among other things. The council is composed of 14 members appointed by the Governor plus the Director of Industrial Relations or his or her designee, the Superintendent of Public Instruction or his or her designee, and the Chancellor of the California Community Colleges or his or her designee. The Governor's appointees include 6 representatives each from employer and employee organizations, geographically selected, and 2 representatives of the general public. This provision also provides that each member of the council shall receive $50 for each day of actual attendance at council or committee meetings together with actual and necessary traveling expenses.

This bill would provide that the Governor's appointees shall be 6 representatives each from employer organizations that sponsor apprenticeship programs and employee organizations that sponsor apprenticeship programs, geographically selected, and 2

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representatives of the general public. This bill would also increase the council members' per diem to $100 for each day of actual attendance at council or committee meetings together with actual and necessary traveling expenses.

Existing law requires the Chief of the Division of Apprenticeship Standards or his or her representative, among other things, to foster, promote, and develop the welfare of the apprentice and industry, improve the working conditions of apprentices, and advance their opportunities for profitable employment.

This bill would additionally require the division to randomly audit all apprenticeship programs during each 5-year period commencing January 1, 2000, to ensure compliance with specified requirements, including industry-specific training criteria that the bill would authorize the division to adopt, as specified. The authorization to adopt these criteria shall be repealed on January 1, 2003, unless a later enacted provision deletes or extends that date. The bill would require every apprenticeship program sponsor to cooperate with the division in conducting the audit. The audit reports would be presented to the California Apprenticeship Council and made public, except as specified. The chief would recommend remedial action to correct deficiencies and failure to correct them within a reasonable time would be grounds for withdrawing state approval of a program.

Existing law requires contractors on public works who employ journeymen or apprentices to contribute to a fund to administer certain apprenticeship programs, as specified.

This bill would revise those contribution requirements and would provide that, at the end of each fiscal year, the California Apprenticeship Council shall make prescribed grants to apprenticeship programs.

Existing law requires that the ratio of apprentice work to journeyman work performed on public works be not less than one hour of apprentice's work for every 5 hours by a journeyman, except as specified in the case of the land surveyor classification. A violation of this provision is punishable by a civil penalty of $50 per day of noncompliance. In the event of willful noncompliance of this provision, the Director of Industrial Relations would be required to debar the contractor, as specified.

This bill would eliminate the land surveyor exception and increase the civil penalty to $100 for each day of noncompliance. This bill would also impose a civil penalty of $300 for each day of noncompliance in the event of a subsequent violation of this provision within a 3-year period. The bill would provide that where a subcontractor is found to have violated these provisions, the prime contractor shall not be liable, unless the prime contractor had knowledge of the subcontractor's failure to comply or the prime contractor failed to comply with specified requirements with regard to the subcontract. The bill would also revise the procedure for debarment under these provisions.

Ch. 904 (AB 1187) Rod Pacheco. State special schools.

Existing law, the Assumption Program of Loans for Education, authorizes the Student Aid Commission to issue up to 2,000 conditional warrants for loan assumption to applicants who, among other things, agree to teach in a public school in the state for at least 3 consecutive academic years after obtaining a teaching credential in subject areas that are designated as current or projected shortage areas by the Superintendent of Public Instruction.

This bill would require that the list of shortage areas designated by the superintendent include the state special schools as a category separate from special education.

This bill would require the Department of Personnel Administration to conduct and complete a survey of the salaries paid to public school teachers who teach pupils with learning disabilities similar to those of pupils taught in the state special schools.

Ch. 905 (AB 1225) Ashburn. Adoptions.

Existing law provides for the payment, by the State Department of Social Services and counties, of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the resources of the family to meet those needs.

Existing law requires the State Department of Social Services or a licensed adoption agency, at the time application for adoption of a child who is potentially eligible for these

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benefits is made, to provide the prospective adoptive family with information, in writing, on the availability of these benefits.

This bill would also require this information to be provided at the time immediately prior to finalization of the adoption decree.

Because state funds are continuously appropriated to pay for a portion of the costs of county adoption assistance payments, the bill would constitute an appropriation.

Existing law also provides that, from funds appropriated for the purpose, the state shall compensate private adoption agencies for costs of placing for adoption children eligible for the Adoption Assistance Program, not to exceed $3,500 per child adopted.

This bill would, effective July 1, 1999, increase that limitation to $5,000.

This bill would incorporate additional changes in Section 16119 of the Welfare and Institutions Code, proposed by AB 390, to be operative only if AB 390 and this bill are both chaptered and become effective on or before January 1, 2000, and this bill is chaptered last. These changes would become operative on the effective date of AB 390.

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

Ch. 906 (SB 858) Hughes. Guide, signal, and service dog food allowance.

Existing law provides for the federal Supplemental Security Income (SSI) program and the State Supplementary Program for the Aged, Blind, and Disabled, under which, through a combination of federal and state funds, qualified low-income aged, blind, and disabled persons are provided with cash assistance.

Existing law provides that recipients of these programs who have a guide, signal, or service dog are eligible for a specified monthly dog food allowance.

This bill would also permit a recipient of federal social security disability insurance benefits whose income and resources are not in excess of the federal poverty level and who has a guide, signal, or service dog to receive a dog food and other special need allowance of $35 per month.

This bill would appropriate $69,000 from the General Fund to the State Department of Social Services for the implementation of this act during the period commencing January 1, 2000, and ending June 30, 2000.

Ch. 907 (AB 1231) Machado. Advertising: coupons.

Existing law governing advertising makes it unlawful to use the term "prize" or "gift" in any manner that would be untrue or misleading.

Existing law, in particular, makes it unlawful to notify any person by any means that he or she will receive a gift and that as a condition of receiving that gift he or she must pay any money, or purchase or lease, including rent, any goods or services, if one or more of certain specified conditions exist.

This bill would make it unlawful to offer a coupon, as defined, that is untrue or misleading, and would make it unlawful to offer a coupon described as "free" or as a "gift," "prize," or other similar term if (1) as a condition of receiving or utilizing the coupon the recipient is required to pay any money or purchase any goods or services to obtain or use the coupon, and (2) the majority of the sales made by the offeror or by any person who honors the coupon during the preceding year were made in connection with the use of one or more "free," "gift," or "prize," or similarly described coupons.

Existing law makes it a crime to violate any of the provisions governing advertising. By adding this new prohibition to those provisions, this bill would expand the scope of an existing 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.

This bill would also state legislative intent.

Ch. 908 (AB 990) Floyd. Sales and use tax: seller's permits.

The Sales and Use Tax Law requires each person who desires to engage in business as a seller in this state to file an application for a permit with the State Board of Equalization.

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If the applicant complies with the appropriate procedures, the board must grant and issue to the applicant a separate permit for each place of business.

This bill would authorize cities and counties to collect information from persons seeking to engage in the business of selling tangible personal property and to transmit that information to the board. The bill would require the board to issue permits to applicants within specified time periods. The bill would also authorize cities and counties to require each person desiring to engage in business in that jurisdiction for the purposes of selling tangible personal property to provide his or her seller's permit account number, if any. These provisions would be repealed on January 1, 2004.

This bill would require the State Board of Equalization to report to the Legislature regarding certain impacts of these provisions.

Ch. 909 (AB 1421) R. Wright. Gas and electric service.

(1) Existing law permits the Public Utilities Commission to investigate the restructuring of natural gas services, as specified, but prohibits the commission, prior to January 1, 2000, from enacting any gas industry restructuring decisions and from enforcing any natural gas restructuring decisions for core customers as considered in Rulemaking 98-01-011 enacted after July 1, 1998, but prior to August 25, 1998.

This bill would repeal that provision, and, instead, would require the commission to require each gas corporation to provide bundled basic gas service, as defined, to all core customers in its service territory unless the customer chooses or contracts to have natural gas purchased and supplied by another entity. The bill would specify that a public utility gas corporation shall continue to be the exclusive provider of revenue cycle services, as defined, in its service territory, except as specified, and would require the commission to require the distribution rate to continue to include after-meter services, as defined. The bill would make related legislative findings and declarations.

(2) Existing law relating to electrical restructuring states that nothing in those provisions prevents the commission from exercising its authority to investigate a process for the certification and regulation of the rates, charges, terms, and conditions of default service, and if the commission determines that a process for the certification and regulation of default service is in the public interest, existing law requires the commission to submit its findings and recommendations to the Legislature for approval.

This bill would require electrical corporations serving certain agricultural customers to conduct research to determine the typical simultaneous peak load of those customers and report the results of the research to the customers and the commission not later than a specified date. The bill would require the commission to consider the results of the research when setting future electric distribution rates for those customers.

(3) Because a violation by a public utility of a requirement of the commission is a crime, this bill would impose a state-mandated local program by creating new crimes.

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

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

Ch. 910 (AB 1497) Floyd. Solid waste: purchase of printer or duplicator cartridges.

The existing State Assistance for Recycling Markets Act of 1989 requires the Legislature and all state agencies to meet certain goals for the procurement or purchase of recycled products, as defined, by specified dates.

This bill would prohibit a state agency from purchasing any printer or duplication cartridge, as defined in the bill, for which the manufacturer, wholesaler, distributor, retailer, or remanufacturer places restrictions, as specified, on the recycling or remanufacturing of that cartridge by any other person, except as specified.

Ch. 911 (AB 1474) Cardoza. Vehicles: license fees and taxes: highway access limits: exception.

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(1) Existing law imposes a vehicle license fee each year for the registration or renewal of registration of a vehicle and imposes other weight and registration fees on vehicles subject to registration under the Vehicle Code.

This bill would exempt from these fees, except vehicle registration fees, vehicles owned by a federally recognized Indian tribe if the vehicle is used exclusively within the boundaries of lands under the jurisdiction of the tribe, including the incidental use of that vehicle on highways within those boundaries.

(2) Existing law authorizes the establishment of limited highway access to terminals or services by the Department of Transportation and cities and counties.

This bill would exempt from established limitations of access, licensed carriers of livestock when engaged in certain activities under specified conditions and on specified portions of State Highway Route 101 that are necessary and incidental to the shipment of livestock. This exemption would be repealed on January 1, 2002.

The bill would require the Department of the California Highway Patrol, in consultation with the Department of Transportation, to conduct a study of the effect that this exemption has on public safety and report the findings of the study to the Legislature on or before July 1, 2001.

Ch. 912 (AB 1488) Machado. State employees: State Bargaining Units 14 and 15.

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

This bill would approve provisions of specified memoranda of understanding entered into between the state employer and the California State Employees Association, and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

This bill would provide that provisions of any memorandum of understanding approved by this bill that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would provide that if funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

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

Ch. 913 (AB 1541) Keeley. Employment discrimination: religious entities.

Existing provisions of the California Fair Employment and Housing Act prohibit various unlawful employment practices and impose certain obligations upon employers with respect to specified employment discrimination and harassment. Existing provisions of the act make it a misdemeanor for employers willfully to fail to maintain certain employment records for at least 2 years. Under existing law, employers subject to the act do not include religious associations and corporations that are not organized for private profit.

This bill would add definitions of "religious corporation" and "religious duties" to the act. The bill would expressly provide that the act does not prevent religious corporations from restricting eligibility for positions involving religious duties to adherents of that religion. The bill would impose a state-mandated local program by limiting the act's exemption for employers that are religious associations or corporations not organized for private profit to make the exemption inapplicable with respect to persons employed thereby to perform duties, other than religious duties, at a health care facility operated by the religious corporation or association at which health care is not limited to adherents of the religion that formed the association or corporation. The bill would, however, make the act inapplicable to (1) religious corporations with respect to the employment and promotion of individuals of a particular religion, and application of the employer's religious doctrines, tenets, or teachings, in any work connected with the provision of health care and (2) nonprofit public benefit corporations incorporated to provide health

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care on behalf of a religious organization with respect to employment and promotion of individuals in executive or pastoral-care positions connected with the provision of health care.

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

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

Ch. 914 (AB 1545) Correa. Health practitioners.

Under existing law, a nurse practitioner may not sign for delivery of a complimentary sample of a dangerous drug or dangerous device; may not direct a pharmacist to dispense a trade name or generic drug; use a dispensing device; or hand drugs or dangerous devices to patients in his or her office or place of practice, as specified.

This bill would authorize a nurse practitioner or, in some instances, a physician assistant, to perform the above services, and would make corresponding changes.

Ch. 915 (AB 1548) Cardoza. Environmental health: food.

Existing law, the Sherman Food, Drug, and Cosmetic Law, contains various provisions regarding the packaging, labeling, and advertising of food, drugs, and cosmetics.

Existing law requires every person upon first engaging in the manufacturing, packing, or holding of processed food in this state to immediately register with the State Department of Health Services and to pay a fee, for deposit into the Food Safety Fund, to be used by the department, upon appropriation by the Legislature, for the purposes of providing funds necessary to carry out and implement the inspection provisions of the law. Existing law also authorizes local health departments to conduct inspections of certain food processing establishments.

This bill would revise and recast these provisions. It would, among other things, provide for the inspection and reinspection of food processing facilities, as defined, and would revise the fees charged for new and renewal registrations including the imposition of different fees in specified counties. The bill would also vest the authority to conduct certain inspections in the State Department of Health Services.

Existing law imposes, until January 1, 2001, a $100 food safety fee on every person who is engaged in the manufacture, packing, or holding of processed food.

This bill would extend that fee until January 1, 2003.

By creating new crimes and revising the definition of existing crimes, 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. 916 (AB 1570) Villaraigosa. Postsecondary education: California Postsecondary Education Commission.

Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Among other things, the act establishes the California Postsecondary Education Commission for, among other purposes, the collection of data pertinent to the planning and coordination of the higher education system of the state. The act also requires the commission to develop a comprehensive data base to ensure the comparability of data from diverse sources.

This bill would require the California Postsecondary Education Commission, in developing this comprehensive data base, to ensure that the data base supports longitudinal studies of individual students, provides the interactive use of data, and provides each of the educational segments access to the data, as specified.

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The bill would appropriate $424,000 from the General Fund to the commission for purposes of the development and maintenance of a comprehensive data base, as set forth in the bill.

Ch. 917 (AB 1502) Washington. Confidential funds: peace officers.

(1) Existing law authorizes a state agency to withdraw from moneys appropriated for the support of that agency a total amount not to exceed $2,000 per fiscal year for confidential purposes, without at the time furnishing vouchers and itemized statements.

This bill would authorize the Department of Corrections to similarly withdraw an amount not to exceed $10,000 per fiscal year for confidential purposes. This bill would also require the Department of Corrections to account for these moneys at the end of the fiscal year to the Controller who would be empowered to make any necessary audit. The bill would require the Department of Corrections to include a certificate describing the purpose and necessity for secrecy.

(2) Existing law provides that any member of the Law Enforcement Liaison Unit of the Department of Corrections, is a peace officer, provided that the primary duty of the peace officer shall be the investigation or apprehension of parolees, parole violators, or escapees from state institutions, the transportation of those persons, and the coordination of those activities with other criminal justice agencies.

This bill would revise this provision to confer peace officer status on any member of the Law Enforcement and Investigations Unit of the Department of Corrections, provided that the primary duties of these peace officers include among the duties specified above, the investigation or apprehension of parolees, parole violators, or specified escapees, the execution of search warrants or subpoenas, and the making of arrests. The bill also would include among these duties the coordination of these activities with any member of the Office of Internal Affairs of the Department of Corrections, as specified. This bill would also confer peace officer status on any member of the Office of Internal Affairs of the Department of Corrections, provided that the primary duties of these peace officers are criminal investigations of Department of Corrections personnel and the coordination of those activities with other criminal justice agencies.

Ch. 918 (SB 868) C. Wright. Office of the Inspector General.

(1) Existing law provides for the independent office of the Inspector General and provides that the Inspector General shall be appointed by the Governor, subject to Senate approval of that appointment. The Inspector General is responsible for reviewing departmental policy and procedures for conducting investigations and audits of investigatory practices and other audits and investigations of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, or the Board of Corrections, as requested by either the Secretary of the Youth and Adult Correctional Agency or a Member of the Legislature.

This bill would revise provisions relating to the Inspector General involving the responsibilities of the office of the Inspector General, the certification program for investigators under the Inspector General, and access by the Inspector General to, and examination or reproduction by the Inspector General of, documents or records contained on any medium by the above agencies. This bill would provide that the Inspector General, in connection with any audit or investigation, may administer oaths, certify to all official acts, and issue subpoenas, as specified. The bill would specify at length the parameters of this subpoena power. The bill would provide that the misuse of any information obtained as a result of an investigation or audit by any employee of the Inspector General may be considered grounds for disciplinary action. This bill would also provide that any person or officer who fails or refuses to permit the authorized access and examination or reproduction of documents or records by the Inspector General is guilty of a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.

(2) Existing law provides for the investigation and devisement of remedies for unfair practices involving state employees, as defined, and provides for the management of the nonmerit aspects of the state's personnel system relating to state employees, as defined.

This bill would specifically include employees of the office of the Inspector General within this definition of state employee for the purposes of the above provisions.

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(3) Existing law provides that effective January 1, 1988, an annual salary of $85,402 shall be paid to specified directors and commissioners of departments of the State of California.

This bill would make this salary provision applicable, in addition, to the Inspector General.

(4) Existing law provides that specified persons are peace officers whose authority extends to any place in the state provided that the primary duty of the peace officers is the enforcement of the law, as specified.

This bill would revise that provision to provide, in addition, that a peace officer, as specified above, includes deputies of the Inspector General, as specified, and any employee under the authority of the Inspector General as designated by the Inspector General, provided that the primary duty of these peace officers shall be conducting audits of investigatory practices and other audits, as well as conducting investigations, of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, or the Board of Corrections.

(5) Existing law requires the Inspector General to conduct a management review audit of any warden in the Department of Corrections, or superintendent in the Department of the Youth Authority who has held the position for more than 4 years.

This bill would require the Inspector General to conduct a management review audit following confirmation of a new warden or the appointment of a new superintendent, unless the Inspector General determines that the audit is not warranted at that time.

(6) This bill would prohibit the Inspector General from destroying certain papers and memoranda used in connection with an audit, as specified, for a period of not less than 3 years. This bill would, except as provided, make specified documents, papers and other records subject to public disclosure pursuant to existing law regarding public records.

(7) This bill would make it an offense punishable as a misdemeanor for the Inspector General or any employee or former employee thereof, or any person or business, as specified, including employees or former employees thereof, that is contracting or has contracted with the Inspector General, to divulge, except in a manner expressly permitted, records or other information, as specified, that are restricted by law from release to the public.

(8) The bill would provide that the Inspector General shall have access to, and be able to reproduce, specified records, and to examine bank records, money or other property, for an audit or investigation. Any officer or person who fails or refuses to permit access and reproduction, as specified, would be guilty of a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.

(9) This bill would provide that it is a misdemeanor for the Inspector General or any employee thereof to release information, except as provided, that is prohibited from being disclosed. By creating a new crime, this bill would impose a state-mandated local program.

(10) Existing law provides that the Inspector General is a department head for purposes of obtaining depositions and may require employees to be interviewed on a confidential basis. This bill would repeal existing law in this respect and recast and reorganize those provisions.

(11) The Public Employees' Retirement Law provides for benefits and contribution rates for peace officer members that are higher than those provided for state miscellaneous members. The state's employer contributions to the Public Employees' Retirement Fund are continuously appropriated from the General Fund and other funds in the State Treasury.

Because this bill would provide that any employee under the authority of the Inspector General as designated by the Inspector General is a peace officer, thereby including these employees within the category of peace officer members, it would make an appropriation from the General Fund and other funds in the State Treasury by increasing the state's contributions to the Public Employees' Retirement Fund for these new state peace officer members.

(12) This bill would incorporate additional changes in Section 830.2 of the Penal Code proposed by AB 1502, to be operative if AB 1502 and this bill become effective on or before January 1, 2000, and this bill is enacted last.

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(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.

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

Ch. 919 (AB 1518) Soto. CalWORKs: multidisciplinary services teams.

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families. Each county is required to pay a share of the cost of both aid grant and administrative costs for the CalWORKs program.

This bill would require the State Department of Social Services to develop 3-year pilot projects in Alameda County, San Bernardino County, and Ventura County, at the option of each county, to create an integrated and coordinated case management system for the delivery of services to families receiving CalWORKs benefits, through the use of multidisciplinary service teams, as defined. The teams would be permitted to share information for the purpose of ensuring the provision of appropriate health, educational, substance abuse, social, and other services. The bill would require the department to prepare a report, for submission to the Legislature by April 1, 2002, on the impact of this pilot program.

Ch. 920 (AB 1520) Leach. Bunk beds.

(1) Existing law regulates safety with respect to various consumer products, including infant cribs.

This bill would prohibit any commercial user, as defined, from remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, subletting, or otherwise placing in the stream of commerce in this state a bunk bed that is unsafe for any child user, except as specified. Because a violation of this prohibition would constitute an infraction, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 921 (AB 1555) Longville. Local government.

(1) Under the Cortese-Knox Local Government Reorganization Act of 1985, the local agency formation commission in a county may approve the annexation of contiguous territory to a city without an election under specified conditions.

This bill would authorize the commission to approve without an election the annexation or reorganization of an unincorporated island or unincorporated islands within city limits under specified conditions depending on whether the proceeding is initiated on or after January 1, 2000, or January 1, 2007.

(2) Existing law governing the allocation of property tax revenues between local government entities requires the revision of those allocations upon a jurisdictional change. However, under specified conditions, the merger of a subsidiary district into a city is not subject to certain provisions of law concerning the revision of those allocations.

This bill would correct a cross-reference in this exception.

Ch. 922 (AB 1558) Wildman. Practice of medicine: unprofessional conduct.

Existing law provides for the discipline of physicians and surgeons for unprofessional conduct, as specified. Existing law also provides for all moneys paid to and received by the board to be paid into the State Treasury and credited to the Contingent Fund of the Medical Board of California, which is continuously appropriated for the purposes of the board.

This bill would require a physician and surgeon who collects biological specimens for clinical testing or examination to secure or ensure that his or her employees, agents, or contractors secure those specimens in a locked container when placed in a public location outside of the custodial control of the physician and surgeon, or his or her

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employees, agents, or contractors, as specified. The bill would provide as of July 1, 2000, that the board may impose a fine against a licensee not to exceed $1,000 for a violation of these provisions. These provisions, however, would not apply to biological specimens received by mail in compliance with applicable laws and regulations.

By providing that the board may impose a fine against a licensee for a violation of these provisions, the bill would increase the amount of moneys deposited in a continuously appropriated fund, thereby making an appropriation.

The bill would provide that it shall only become operative if both this bill and SB 765 are enacted and become law effective on or before January 1, 2000.

Ch. 923 (AB 1571) Villaraigosa. Carl Moyer Memorial Air Standards Attainment Program.

Existing law contains various provisions relative to air pollution control.

This bill would create the Carl Moyer Memorial Air Quality Standards Attainment Program, to be administered by the State Air Resources Board. Under the program, the state board would be authorized to make grants for the purchase of low-emission, heavy-duty engines for vehicles, equipment, vessels, and locomotives, as specified. The bill would permit the administration of the program to be delegated to air pollution control districts and air quality management districts. The bill would require the state board, not later than January 15, 2000, to prepare a report on the implementation of the existing diesel emissions incentive program, as specified, and to submit that report to the Governor and the Legislature. The bill would also establish the Carl Moyer Program Advisory Board, as specified, to review the report, and to prepare and submit an additional report to the Legislature and the Governor by March 31, 2000, that may recommend a continuing program, as provided.

The bill would create the Carl Moyer Memorial Air Quality Standards Attainment Trust Fund in the State Treasury to provide funds to carry out the program.

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

Ch. 924 (AB 1630) Lowenthal. Local agency formation commission: Los Angeles.

Under existing law, a county local agency formation commission (LAFCO) is required to initiate and make studies of existing governmental agencies so as to advantageously provide for the present and future needs of each county and its communities and may apply for or accept any financial assistance and grants-in-aid from the state or from a local government.

This bill would appropriate $320,000 from the General Fund to the Los Angeles County LAFCO, to study whether it is feasible for the Harbor Area communities to detach from the City of Los Angeles and to incorporate into their own city.

Ch. 925 (AB 1620) Torlakson. Hazardous materials: release.

Existing law authorizes a local health officer to take prescribed actions to obtain information after the declaration of a health emergency or county health emergency relating to a release, spill, or escape of hazardous waste.

This bill would authorize the board of supervisors to delegate to the county health officer or administering agency the responsibility to examine a person subpoenaed, as specified, regarding the cause of a release or threatened release of a hazardous material from the premises of a handler, as those terms are defined.

The bill would require the county health officer or administering agency that is delegated that responsibility to report to the board of supervisors regarding what actions should be taken to prevent a similar incident from occurring again. The bill would allow a handler subject to a subpoena to submit to the health officer or administering agency specified information and the health officer or administering agency would be required to consider, and respond to, this information in preparing the report.

Ch. 926 (AB 1639) Committee on Public Employees, Retirement and Social Security. State employees: State Bargaining Unit 8.

(1) Existing law generally requires state agencies to adopt regulations pursuant to procedures set forth in the Administrative Procedure Act, but exempts the Department

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of Personnel Administration from that act with respect to regulations that apply to state employees in State Bargaining Unit 5, 6, 8, or 16.

This bill would delete the specific exemption for the department with respect to regulations that apply to state employees in State Bargaining Unit 8, and would generally exempt the department from the Administrative Procedure Act with respect to regulations concerning matters within the scope of collective bargaining that apply to state employees in a state bargaining unit that has agreed to this exemption in a memorandum of understanding.

(2) Existing law requires the Department of Personnel Administration to establish and adjust salary ranges for each class of position in the state civil service.

The bill would require the department to take into consideration the salary and benefits of other jurisdictions employing 75 or more full-time firefighters who work in California prior to making salary recommendations for state firefighters.

(3) Existing law authorizes the Board of Administration of the Public Employees' Retirement System to adopt regulations permitting a temporary extension of coverage of family members in the case of the death of an employee or annuitant for a period of not less than 30 days.

This bill would require the state employer, with respect to specified state employees and officers and employees of the executive branch of state government who are not members of the state civil service, to continue, upon the death of an employee while in state service, to pay employer contributions for health, dental, and vision benefits for a period not to exceed 120 days beginning in the month of the employee's death, and would require the surviving spouse or other eligible family member to be advised of specified rights and obligations.

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

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

This bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would provide that if funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

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

Ch. 927 (AB 1559) Wiggins. Property tax welfare exemption: low- and moderate-income housing.

Existing property tax law establishes a welfare exemption under which property is exempt from taxation if, among other things, that property is used exclusively for religious, hospital, scientific, or charitable purposes and is owned and operated by an entity, as provided, that is itself organized and operated for those purposes. Existing law also establishes a partial welfare exemption for property used exclusively for rental housing and related facilities and owned and operated by a nonprofit entity or veterans' organization that meets exemption requirements. This partial exemption corresponds to the proportion of the property that serves lower income households and applies in certain instances, including the instance in which a minimum of 20% of households are lower income households with rent not in excess of a statutorily prescribed level. This partial exemption requires, among other things, the certification by the owner that the property is subject to a deed restriction, agreement, or other legal document that restricts the property's usage, as provided.

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This bill would eliminate the application of the exemption in the instance in which the 20% lower income standard is met and would revise the certification requirement to instead require a property owner to certify the existence of an enforceable and verifiable agreement with a public agency or a recorded deed restriction with respect to the property's usage.

This bill would also clarify that the welfare exemption applies to property that is owned and operated by a nonprofit corporation, otherwise qualifying for the welfare exemption, that is organized and operated for the purpose of building and rehabilitating single-family or multifamily residences for sale, as provided, at cost to low-income families. This bill would, in the case of property not previously designated as open space, also specify that the welfare exemption as so applied may not be denied on the basis that the subject property does not currently include a residence or a residence under construction. This bill would, with respect to exempt property as so described, also apply provisions that, subject to certain conditions, exclude a welfare exemption claimant from annual exemption reapplication requirements.

This bill would make legislative findings and declarations that certain of the changes made by this bill do not constitute a change in, but are declaratory of, existing law.

Section 2229 of the Revenue and Taxation Code requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of any exemption or classification of property for purposes of ad valorem property taxation.

This bill would provide that, notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII–A of the California Constitution, and thus would require for passage the approval of $^2/_3$ of the membership of each house of the Legislature.

This bill would take effect immediately as a tax levy, but its provisions would apply commencing on the January 1, 2000, property tax lien date.

Ch. 928 (AB 1636) Mazzoni. Tax assistance.

The Gonsalves-Deukmejian-Petris Senior Citizens Property Tax Assistance Law provides for the specified tax assistance to claimants who own or rent their residence. The Senior Citizens and Disabled Citizens Property Tax Postponement Law provides for the postponement of property taxes for eligible individuals.

This bill would provide that for purposes of those laws a residential dwelling includes houseboats and floating homes.

Ch. 929 (AB 1638) Committee on Revenue and Taxation. State Board of Equalization: sales and use taxes: excise and special taxes.

The Sales and Use Tax Law provides that the State Board of Equalization may, in its discretion, enter into a written installment payment agreement with a person for the payment of any taxes due, interest, and applicable penalties, in installments over an agreed period.

This bill would require the board to provide each taxpayer who has an installment payment agreement in effect with an annual statement specifying certain information.

The Sales and Use Tax Law establishes specified limitation periods for the approval by the State Board of Equalization of any refund for an overpayment.

This bill would suspend that limitation period during any period of a person's life that the person is "financially disabled," as defined.

The State Board of Equalization administers various excise and special tax laws, including the Motor Vehicle Fuel License Tax Law, the Use Fuel Tax Law, the Private Railroad Car Tax Law, the Cigarette and Tobacco Products Tax Law, the Alcoholic Beverage Tax Law, the Timber Yield Tax Law, the Energy Resources Surcharge Law, a taxpayer's bill of rights law, the Emergency Telephone Users Surcharge Act, the Hazardous Substances Tax Law, the Integrated Waste Management Fee Law, the Oil Spill Response, Prevention, and Administration Fees Law, the Underground Storage Tank Maintenance Fee Law, the Fee Collection Procedures Law, and the Diesel Fuel Tax Law.

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This bill would provide for purposes of one or more of those laws, as applicable, that the board may establish a uniform policy for the acceptance of specified documents, relieve certain interest imposed on a person if the failure to pay tax is due to an unreasonable error or delay by an employee of the board, make technical changes to the board's education and information programs, specify that a taxpayer is entitled to reimbursement of fees and expenses for a hearing before the board if, among other things, a claim is made within one year of the date the decision of the board becomes final, authorize the board to enter into written installment payment agreements, require the return of property levied upon under certain circumstances, allow the board an alternative procedure with respect to the recovery of certain erroneous refunds or credits, and allow the board to release or subordinate certain liens if the board determines that the release or subordination will facilitate the collection of tax or will be in the best interest of the state and the taxpayer.

Ch. 930 (AB 1637) Committee on Revenue and Taxation. Tentative minimum tax.

The Personal Income Tax Law provides that only certain credits may reduce specified taxes below the tentative minimum tax.

This bill would also allow credits for personal exemption and credit for land and water conservation to reduce those taxes below the tentative minimum tax.

This bill would take effect immediately as a tax levy.

Ch. 931 (SB 94) Chesbro. Income and bank and corporation taxes: IRS restructuring and reform.

The Personal Income Tax Law and the Bank and Corporation Tax Law impose taxes on income and, among other things, provide for specified conformity to federal income tax laws. In this connection, the federal Internal Revenue Service Restructuring and Reform Act of 1998 provides for, among other things, changes to the way the Internal Revenue Service (IRS) is organized, additional taxpayer rights, including a shifting of the burden of proof, and changes to the rules as to how taxes are computed.

This bill would provide for specified conformity to that federal act with respect to awarding costs and fees, liens, suspension of interest, penalties, notices, abatement of interest, collections, financial status audits, trade secrets (including a criminal penalty for divulging or making known software), motion to quash, levies, assessments, waivers, seizure of property, installment agreements, explanation of disallowance, whistle-blower disclosure, identification of return preparer, innocent spouse rules, and correction to rules relating to the proration of the exclusion in the case where a taxpayer does not meet the ownership and use requirements pertaining to a sale of his or her principal residence. This bill would also provide the Franchise Tax Board with the authority to compromise a tax debt, modify rules pertaining to taxpayer tax credit and employer deficiency assessments for the issuance of an earnings withholding order for taxes, and modify or clarify specified operative date language. 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.

This bill would incorporate certain changes to laws proposed by both this bill and SB 299 if this bill and SB 299 are enacted and become effective, as provided.

This bill would take effect immediately as a tax levy.

Ch. 932 (SB 433) Johnson. Child custody.

Existing law authorizes the court to appoint an investigator to conduct a child custody investigation. Existing law requires court-appointed investigators to have specified domestic violence training, and requires the Judicial Council to draft a statewide rule of court requiring domestic violence training for all court-appointed persons who evaluate or investigate child custody matters.

This bill would revise these provisions to authorize the court to appoint a child custody evaluator in any contested proceeding involving child custody or visitation where the

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court determines it is in the best interests of the child, and would require court-connected and private child custody evaluators to complete a described domestic violence training program and comply with other requirements. It would require the Judicial Council to formulate a statewide rule of court by January 1, 2002, that establishes education, experience, and training requirements for all child custody evaluators and requires child custody evaluators to declare under penalty of perjury that they are currently licensed, if applicable, and meet all requirements of the rule. By expanding the crime of perjury, the bill would create a state-mandated local program.

The bill would additionally require, on and after January 1, 2005, except under specified circumstances, that each child custody evaluator be a licensed physician who is a board certified psychiatrist, or a psychologist, a marriage and family therapist, a clinical social worker, or a court-connected evaluator, 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. 933 (SB 465) Committee on Appropriations. Claims against the state: appropriation.

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 $1,787,253.29 from the General Fund and the Motor Vehicle Account in the State Transportation Fund to the Attorney General for allocation in specified amounts to pay damages, attorney fees, and interest in specified cases.

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

Ch. 934 (SB 618) Chesbro. Child care facilities: fingerprinting and criminal record information: fees.

Existing law provides for the licensure and regulation of child day care facilities by the State Department of Social Services. Existing law requires an applicant and other specified persons to submit fingerprints to the department and permits the department to obtain a criminal record of these persons. Existing law, effective January 1, 2000, prohibits a fee from being charged by the Department of Justice and the State Department of Social Services for the processing of fingerprints, or for obtaining certain criminal records of certain categories of persons including volunteers who have contact with the children.

This bill would limit the prohibition on fees being charged for the processing of fingerprints or for the obtaining of certain criminal records to volunteers at a child care facility who are required to be fingerprinted. It would prohibit the charging of fees for these purposes between January 1, 2000 and July 1, 2000, and would prohibit the charging of fees after that date if funds for those purposes are appropriated in the annual Budget Act.

The bill would also require the State Department of Social Services, on or before March 1, 2000, to convene a workgroup consisting of representatives of various groups to review current criminal background check requirements and processes for screening care providers that would study and make recommendations concerning improving the coordination of the different populations who are required to undergo multiple criminal background checks, methods to reduce the costs, and expedite the process of conducting criminal background checks.

Ch. 935 (SB 702) Peace. Cigarette tax.

(1) The Cigarette and Tobacco Products Tax Law requires that an appropriate stamp be affixed to, or that an appropriate meter impression be made upon, each package of cigarettes prior to distribution, and prohibits any stamping or metering of packages of cigarettes unless those packages comply with federal labeling requirements for cigarettes to be sold within the United States. Existing law requires the State Board of Equalization to revoke the license issued to a distributor that is determined to be in violation of these stamping or metering requirements.

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This bill would additionally prohibit any stamp or meter impression from being affixed to, or made upon, packages of cigarettes if the package is labeled for use outside the United States, has been altered, or was imported in violation of federal law, as specified. By creating a new crime in the form of a misdemeanor for a violation of these requirements, this bill would establish a state-mandated local program. The bill would also provide for the forfeiture of the cigarettes in packages that are in violation, and provide that a violation of those requirements shall constitute unfair competition.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. 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. 936 (SB 808) Peace. California Infrastructure and Economic Development Bank: eligible projects.

The Bergeson-Peace Infrastructure and Economic Development Bank Act establishes the California Infrastructure and Economic Development Bank for the purpose of funding specified types of infrastructure development projects, including public development facilities, by qualified public entities and certain qualified private entities. The term "public development facilities" is defined for these purposes as meaning real and personal property, structures, conveyances, equipment, thoroughfares, buildings, and supporting components thereof, excluding any housing, that are directly related to providing, among other things, communications, including facilities for telephone and telecommunications service.

This bill instead would specify that these facilities are directly related to providing, among other things, power and communications, including facilities for the transmission or distribution of electrical energy, natural gas, and telephone and telecommunications service.

This bill would incorporate additional changes in Section 63010 of the Government Code proposed by AB 779, to be operative if AB 779 and this bill are both enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 937 (SB 810) Costa. Alcoholic beverages: advertising restrictions.

Existing provisions of the Alcoholic Beverage Control Act known as "tied-house" restrictions generally prohibit certain alcoholic beverage licensees from holding an interest in various other alcoholic beverage licensees. 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 winegrower'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, an agent of the owner, manager of the stadium or arena, assignee of the owner's advertising rights, or the major tenant of the owner, of either 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, or of a fully enclosed arena with a fixed seating capacity in excess of 18,000 seats located in Orange County. Existing law makes it a misdemeanor for the holder of a beer manufacturer's license or winegrower's license to induce a beer or wine wholesaler licensee to provide that advertising space or time to the on-sale retail licensee.

This bill would extend that exception to an on-sale licensee who is the owner, manager, agent of the owner, assignee of the owner's advertising rights, or the major tenant of the owner of an outdoor stadium or fully enclosed arena with a fixed seating capacity in excess of 8,500 seats located in Kern County or an exposition park of not less than 50 acres that includes an outdoor stadium with a fixed seating capacity in excess of 8,000 seats and a fully enclosed arena with an attendance capacity in excess of 4,500 people, located within a county of the 4th class.

Under existing law, the holder of a beer manufacturer's license or a winegrower's license is permitted to purchase advertising space and time from, or on behalf of, an

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on-sale retail licensee under certain conditions, if the on-sale licensee owns a specified facility.

This bill would add a theme or amusement park and the adjacent retail, dining, and entertainment area located in Orange County to those facilities owned by on-sale retail licensees from whom holders of a beer manufacturer's or winegrower's license may purchase advertising space and time, as provided.

This bill would also make it a misdemeanor for an on-sale retail licensee, subject to the provisions of the bill, to solicit or coerce a holder of a beer or wine wholesaler's license to solicit a holder of a beer manufacturer's or winegrower's license to purchase that advertising space or time.

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.

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

Ch. 938 (SB 970) Costa. Water rights.

(1) Existing law declares that when any person entitled to the use of water under an appropriative right fails to use all or part of the water because of water conservation efforts, any cessation or reduction in the use of the appropriative water shall be deemed equivalent to a reasonable beneficial use of water to the extent of the cessation or reduction in use. Existing law declares that where water appropriated for irrigation purposes is not used by reason of land fallowing or crop rotation, the reduced usage shall be deemed to constitute water conservation for the purposes of that provision.

This bill would, instead, provide that where water appropriated for irrigation purposes is not used as a result of temporary land fallowing or crop rotation, as specified, the reduced usage shall be deemed to constitute water conservation for the purposes of that provision.

(2) Existing law regulates water transfers.

This bill would provide that the transfer of water, or the offer of water for transfer, shall not cause, or be the basis for, a forfeiture, abandonment, or modification of any water right, contract right, or other right to the use of that water. The bill would prohibit certain transactions relating to the transfer of water from being used as evidence of waste or unreasonable use, or of cessation of use, of the water made available for transfer. The bill would require, during the term of a temporary change, as defined, if an enforcement action or other proceeding is commenced that alleges that the use of water violates certain limitations on the water that is subject to that water transfer, that the determination of the alleged violation be based on an assessment of the transferee's use of the transferred water. The bill would require a transferred water right to revert from the transferee to the transferor under specified conditions. The bill would prohibit a transferee or any beneficiary of a transfer from bringing any claim for a continuation of the water supply made available by a transfer agreement or otherwise claiming any right to a continued supply of water as a result of the transfer beyond the term of the transfer agreement. The bill would provide that the beneficial use of water pursuant to a transfer or exchange constitutes a beneficial use of water by the holder of the water right that is the basis for the transfer or exchange and shall not affect any determination of forfeiture, as prescribed.

(3) Existing law authorizes a person entitled to the use of water to petition the State Water Resources Control Board for a change in a point of diversion, place of use, or purpose of use of that water for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation in, or on, the water, if the state board determines that the proposed change meets specified requirements.

This bill would provide that, upon the request of the petitioner, the state board may specify as part of its approval of the petition that any water that is subject to the approval shall be in addition to water that is required, if any, to be used for instream purposes to meet certain federal, state, or local regulatory requirements. The bill would, except as provided, require water that is subject to a petition granted pursuant to these provisions

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to be used to meet, in whole or in part, those requirements, as prescribed. The bill would specify related matters.

(4) Existing law provides procedures for temporarily changing the point of diversion, place of use, or purpose of use involving the transfer of water.

This bill would revise and recast those procedures, including prescribed procedures for petition, notice, review, comment, and decision regarding a proposed change.

Ch. 939 (SB 1074) Committee on Public Employment and Retirement. State Teachers' Retirement System.

The State Teachers' Retirement Law prescribes the retirement benefits of eligible teachers in the public schools who are participants in the Defined Benefit Program and the Cash Balance Benefit Program. Those programs were separately administered by the Teachers' Retirement Board until they were merged by Chapter 1048 of the Statutes of 1998.

This bill would revise various provisions to reflect that merger, make related technical changes, update various provisions, and codify various existing regulations. The bill would define various terms for purposes of benefit computations.

The State Teachers' Retirement Law prescribes retirement benefits for a nonmember spouse who is awarded a separate account upon legal separation or dissolution of marriage.

This bill would incrementally increase the maximum benefit factor for calculation of benefits for a nonmember spouse whose retirement is effective on or after January 1, 1999, and at an age greater than normal retirement age, as specified.

The State Teachers' Retirement Law provides increased benefits for members who have 30 or more years of credited service, subject to certain conditions.

The bill would specify types of credited service that are excluded from or included in the calculation of credited service for determining eligibility for those increased benefits and provide that nonmember spouses are eligible for those increased benefits if the member had 30 or more years of credited service on the date the parties separated. The bill would state that certain of these provisions are declaratory of existing law.

Existing law, known as the Dave Elder State Teachers' Retirement System Home Loan Program Act, establishes a member home loan financing program and requires the Teachers' Retirement Board to adopt regulations governing the program.

This bill would modify the terms and conditions of that program and add an authorization for personal loans, secured by a portion of a member's accumulated retirement contributions, to be used to finance a portion of the purchase price of the member's home, subject to specified terms.

The bill would provide that any other act enacted by the Legislature during 1999 that affects any section of the bill shall prevail over the provisions of the bill.

Ch. 940 (SB 1162) Burton. Minors: contracts.

Existing law governs the earnings and accumulations of minors, as specified.

This bill would regulate the disposition of earnings or accumulations by an unemancipated minor by requiring a certain portion to be held in trust, as specified. The bill would require the trustee of the trust to, among other things, prepare a specified written statement under penalty of perjury, thereby expanding the crime of perjury and creating a state-mandated local program.

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

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

Ch. 941 (SB 1231) Committee on Revenue and Taxation. Taxation.

The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, "full cash value" is defined as the assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred. The California

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Constitution also excludes from the terms "purchased" and "change in ownership" the purchase or transfer of the principal residence of the transferor, or the purchase or transfer of the first $1,000,000 of all other real property, in the case of a purchase or transfer between parents and their children, as defined by the Legislature.

Statutory law that implements this constitutional exclusion requires an application for exclusion to be filed within certain specified time periods.

This bill would clarify the filing requirements for claiming an exclusion in the circumstance where the property has not been transferred to a 3rd party. By imposing new duties upon local assessors in the processing of exclusion claims, this bill would impose a state-mandated local program.

Existing law provides that, unless otherwise provided in the California Constitution, all property is taxable and shall be assessed at the same percentage of fair market value, and further requires that all property so assessed shall be taxed in proportion to its full value. The taxable value of real property may not be increased by more than 2% annually unless there is a change in ownership or new construction. Provisions of the California Constitution enacted by initiative in 1998 permit persons whose property was affected by contamination to transfer the base assessed value of their property to replacement property or to have repair or replacement construction excluded from reappraisal as "new construction."

This bill would enact statutory provisions to implement the initiative and would establish a method for determining base year value for transfers under these provisions.

The California Constitution permits the Legislature to exempt from taxation property that is used exclusively for religious, hospital, or charitable purposes and owned or held in trust by nonprofit entities.

This bill would create an exemption under the above constitutional provisions for low-income housing owned and operated by a housing entity of a federally designated Indian tribe.

Existing law prohibits the assessor from considering as income certain subsidy payments made by the federal government to a lender on certain property when valuing that property for persons of low and moderate income that is financed under Section 236 of the federal National Housing Act.

This bill would make those provisions also applicable to property financed under Section 515 of the federal National Housing Act.

The Timber Yield Tax Law at one time required the State Board of Control to approve whether any amount in excess of $50,000 had been illegally determined to be in excess of the amount legally due, prior to the State Board of Equalization authorizing the cancellation of the amount upon its records.

This bill would eliminate the reference to any amount in excess of $50,000 with respect to that prior approval requirement of the State Board of Control.

Existing law requires every generator of hazardous waste to pay an annual generator fee to the State Board of Equalization but exempts, from those fees hazardous materials that are recycled and used onsite, and certain aqueous wastes.

Existing law provides that a generator who pays a hazardous waste generator inspection fee to a certified unified program agency is eligible for a refund of the generator fee, under specified conditions.

This bill would revise the computation of the maximum permissible refund.

Under existing law, tire recycling fees of $0.25 per tire are required to be paid to the State Board of Equalization.

This bill would revise the timeframe for reporting and paying these fees.

Under the Use Fuel Tax Law, the State Board of Equalization is authorized to relieve various penalties imposed pursuant to that law under specified circumstances.

This bill would make technical corrections in these provisions.

The existing Cigarette and Tobacco Products Tax Law exempts from taxation the sale or transfer of untaxed cigarettes to law enforcement agencies for use in criminal investigations.

This bill would also provide an exemption from the tax for tobacco products under similar circumstances, and would also require wholesalers to report to the State Board of Equalization on information regarding purchases, sales, and inventory of tobacco

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products in the same manner as they are required to report that information to the board regarding cigarettes.

The bill would also permit cigarettes in packages that fail to conform to federal labelling requirements to be forfeited to the state upon seizure by the board.

Under existing law, the State Board of Equalization administers and collects both occupational and childhood lead poisoning prevention fees.

This bill would make clarifying changes in references for "department" and "director" with regard to the childhood lead poisoning prevention fee to mean the State Department of Health Services and the State Director of Health Services in order to conform those provisions with the occupational lead poisoning prevention fee provisions.

Under the existing Underground Storage Tank Maintenance Fee Law, the State Board of Equalization is authorized to disclose otherwise confidential information obtained from the lessee or operator of an underground storage tank only to the feepayer, and only to a limited extent.

This bill would authorize the board to disclose the information obtained from the person who sold or provided petroleum to the lessee or operator of the underground storage tank.

Existing property tax law requires alternative assessment appeals board procedures to determine assessment appeals filed by assessment appeals boards or alternate board members.

This bill would require these alternative procedures to determine assessment appeals filed by employees of the clerk of the county board of equalization or employees of assessment appeals boards when representing themselves or family members, or by members of the assessment appeals board or alternate board members when representing family members, as specified, and would preclude these employees and board members from representing, for compensation, applicants who have filed assessment appeals.

Under existing property tax law, a remittance to a taxing agency is deemed to be received on the date shown by the post office cancellation mark under specified conditions.

This bill would also permit payments to be made through independent delivery services under specified conditions, and would clarify the postal provisions regarding payments on property on the secured roll.

Existing property tax law requires the tax collector to mail a tax bill for every property on the secured roll and authorizes the tax collector to mail a tax bill on assessments on the unsecured roll.

This bill would permit the tax collector to electronically transmit these tax bills.

Existing property tax law requires the tax collector to transmit a statement to the Controller after a declaration of default showing the amount in default and the property affected.

This bill would repeal that provision.

Existing law requires the tax collector to take various actions regarding the sale of tax-defaulted property, and requires the original notice to indicate that any parcel remaining unsold may be resold within a 90-day period.

This bill would specify the types of notices in which that provision would be required.

Existing property tax law permits, at the election of the assessee, the installment payment of delinquent taxes on tax-defaulted property under an installment payment plan. Existing law permits a one-year deferral of payment under an existing installment plan if the county in which the property is located was declared by the Governor to be in a state of disaster as a result of the fires which occurred in 1987.

This bill would permit a one-year deferral of payment under an existing installment plan if the county was declared by the Governor to be in a state of emergency or disaster due to a major misfortune or calamity, and specified conditions are met.

Existing property tax law provides, as specified, for the payment of escape assessments for prior fiscal years over a 4-year period. However, the balance of the tax to be paid becomes immediately due and payable under specified circumstances, including an installment not being paid timely or a default.

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This bill would authorize the tax collector to reinstate the installment account under specified conditions if the tax collector is convinced that the missed payment was not due to the fault of the assessee.

The bill would also make technical or clarifying changes to the provisions regarding the making of escape assessments, the contents of the local property tax roll, the place of payment of taxes, the accrual of interest on escape assessments and under assessments, and the cancellation of fees and penalties due to errors made by the tax collector, auditor, or assessor.

The bill would also permit any document that is required by the property tax law to be acknowledged by the county clerk to be acknowledged by a notary public or other county official under specified conditions.

The bill would also make various technical and clarifying changes to certain property tax 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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 942 (SB 1234) Schiff. Property taxation: assessment appeals boards.

Under existing law, a person appointed or selected to be a member of an assessment appeals board must have certain qualifications relating to experience and knowledge. Existing law encourages every member of an assessment appeals board to complete certain training developed and conducted by the State Board of Equalization.

This bill would, on or after January 1, 2001, require members of an assessment appeals board to complete a course of training and continuing education conducted by either the State Board of Equalization, or by the county at the option of the county. A member who does not complete the required training would be deemed to have resigned, as provided.

Ch. 943 (AB 868) Cardoza. Long-Term Care Ombudsman Program.

Existing law, as part of the Mello-Granlund Older Californians Act, provides for the Long-Term Care Ombudsman Program, headed by the State Long-Term Care Ombudsman in the California Department of Aging. Under this program funds are allocated to local ombudsman programs to assist elderly persons in long-term health care facilities and residential care facilities by, among other things, investigating and seeking to resolve complaints against these facilities.

This bill would encourage the director to do certain things with respect to publicizing a vacancy in the office of the State Ombudsman, and would revise the standards of training and experience required of the State Ombudsman.

Existing law requires the department to establish an 11-member advisory council to provide advice and consultation to the State Long-Term Care Ombudsman on issues affecting the provision of ombudsman services and recommendations as appropriate.

This bill would require the council to review any proposed policy changes to the operation of the State Long-Term Care Ombudsman Program, and permit the council to make recommendations, as specified.

Existing law permits the department to adopt regulations, including emergency regulations, implementing the Mello-Granlund Older Californians Act.

The bill would require the department to adopt regulations implementing the State Long-Term Care Ombudsman Program.

Ch. 944 (AB 271) Gallegos. Health care.

Existing law requires reports regarding personal injury judgments and settlements involving health care providers, and other reports of possible incompetence by health care providers.

This bill would enact the Cosmetic and Outpatient Surgery Patient Protection Act. This act would require any physician and surgeon who performs a scheduled medical

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procedure outside of a general acute care hospital that results in the death or transfer to a hospital or emergency center for medical treatment for a period exceeding 24 hours, of any patient on whom that medical treatment was performed by the physician and surgeon, or by a person acting under the physician and surgeon's orders or supervision, to report, in writing, that occurrence to the Medical Board of California within 15 days after the occurrence, as specified. It would provide that the failure to comply with this requirement constitutes unprofessional conduct.

The bill would also provide that, on and after July 1, 2000, it is unprofessional conduct for a physician and surgeon to perform procedures in any outpatient setting unless the setting has a minimum of 2 staff persons on the premises, one of whom is either a licensed physician and surgeon or a licensed health care professional with current certification in advanced cardiac life support, as long as a patient is present who has not been discharged from supervised care. It would further provide that it is unprofessional conduct for a physician and surgeon to fail to provide adequate security by liability insurance or by participation in an interindemnity trust for claims by patients arising out of surgical procedures performed outside of a general acute care hospital.

Existing law provides for the licensure and regulation of health facilities. Existing law provides for the accreditation of outpatient facilities subject to the supervision of the Division of Licensing of the Medical Board of California. Existing law regulates those facilities. Existing law requires outpatient facilities to submit an emergency plan to accrediting agencies.

This bill would require outpatient settings to post the certificate of accreditation in a location readily visible to patients and staff, and to post the name and telephone number of the accrediting agency with instructions on the submission of complaints in a location readily visible to patients and staff. It would require outpatient settings to have a written discharge criteria.

The bill would also require outpatient settings to have a minimum of 2 staff persons on the premises, one of whom shall be either a licensed physician and surgeon or a licensed health care professional with current certification in advanced cardiac life support, as long as a patient is present who has not been discharged from supervised care. It would provide that transfer to an unlicensed setting of a patient who does not meet the discharge criteria shall constitute unprofessional conduct.

Ch. 945 (AB 394) Kuehl. Health facilities: nursing staff.

Existing law provides for the licensing, registration, and regulation of nurses, and sets forth the scope of practice.

This bill would prohibit a general acute care hospital, an acute psychiatric hospital, and a special hospital, as defined, from assigning an unlicensed person to perform nursing functions in lieu of a registered nurse, or from allowing unlicensed personnel under the direct clinical supervision of a registered nurse to perform certain functions.

Existing law prohibits operation of a health facility, as defined, without a license issued by the State Department of Health Services and provides for the issuance of licenses and for the regulation of health facilities and sets forth the services to be provided therein. Willful or repeated violation of these provisions is a crime.

This bill would require the department, with regard to general acute care hospitals, acute psychiatric hospitals, and special hospitals, to adopt regulations that establish certain minimum nurse-to-patient ratios, and would require these health facilities to adopt written policies and procedures for training and orientation of nursing staff. This bill would authorize the department to take into consideration the unique nature of the University of California teaching hospitals as educational institutions when establishing the ratios, in accordance with certain requirements. This bill would also require a county hospital in Los Angeles County to be subject to a phase-in process developed in conjunction with the department.

By changing the definition of an existing crime this bill would impose a state-mandated local program.

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

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

Ch. 946 (SB 393) Speier. Pharmacies: prescription benefits: Medicare beneficiaries.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services, including prescription benefits. Under existing law, the department pays participating pharmacists a discounted price for drugs on the Medi-Cal drug formulary. Existing law separately regulates the operation of pharmacies.

This bill would authorize payment of a price not to exceed the Medi-Cal reimbursement rate for prescription medicines, and an amount to cover electronic transmission charges by Medicare beneficiaries, upon showing their Medicare card and prescription, as a condition of a pharmacy's participation in the Medi-Cal program.

The bill would also require the State Department of Health Services to conduct a study of the adequacy of Medi-Cal pharmacy reimbursement rates, including the cost of providing prescription drugs and services.

This bill would provide that these provisions are repealed as of January 1, 2003.

Ch. 947 (SB 870) Vasconcellos. Long-term care insurance.

Existing law prescribes various requirements and conditions governing the delivery or issuance for delivery in this state of individual or group long-term care insurance.

This bill would make various changes to those provisions, including changes clarifying an insurer's obligations to file, offer, and market policies intended to be federally qualified and policies that are not intended to be federally qualified; changes mandating coverage for care in a residential care facility; changes relating to coverage for preexisting conditions; changes regarding prohibited policy provisions and prohibited insurer actions in connection with policies; and changes regarding the right of a policy or certificate holder to appeal decisions regarding benefit eligibility, care plans, services and providers, and reimbursements.

Ch. 948 (SB 910) Vasconcellos. Aging: strategic planning.

The Mello-Granlund Older Californians Act, which is administered by the California Department of Aging, establishes various programs that serve older individuals, including area agencies on aging, home-delivered meals programs, community-based services programs, multipurpose senior services programs, senior center funding programs, and aging information and education programs.

This bill would make legislative findings regarding the need for a strategic plan coordinating the services available to older individuals, and would request the University of California to compile specified information, including a survey of existing resources throughout California's governmental and administrative structure that are available to address the needs of an aging society. The bill would require the Secretary of the California Health and Human Services Agency, based upon the information compiled by the University of California and with the consultation or advice of specified entities, to develop a statewide strategic plan on aging for long-term planning purposes and submit the plan to the Legislature by July 1, 2003.

The bill would appropriate $125,000 from the General Fund to the University of California if the University of California conducts the survey of existing resources specified above.

Ch. 949 (SB 1082) Ortiz. Continuing care contracts.

Under existing law, the State Department of Social Services is responsible for regulating activities relating to continuing care contracts.

This bill would specify rights of which no resident of a continuing care retirement community may be deprived, and would authorize the department to adopt reasonable rules further defining those rights.

This bill would also require providers to adopt and submit to the department a comprehensive disaster preparedness plan specifying policies for evacuation, relocation,

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continued services, reconstruction, organizational structure, insurance coverage, resident education, and plant replacement.

The bill would revise requirements for the submission of applications by providers of continuing care to sell deposit subscription agreements prior to initiating construction or a new phase or expansion of an existing continuing care retirement facility or prior to closing the sale or transfer of a continuing care retirement community.

The bill would also revise procedures for the department to follow in monitoring providers of continuing care.

This bill would require that all continuing care contracts shall include a copy of the resident's bill of rights.

Ch. 950 (AB 27) Nakano. Long-term care infrastructure blueprint. [5]

Existing law provides for the provision of various long-term care services.

This bill would require the California Health and Human Services Agency to develop a long-term care infrastructure blueprint, and to contract with a consulting firm possessing specified qualifications for the preparation of a technical analysis of infrastructure development costs relating to long-term care. This bill would require the agency to report to the Legislature on the results of the technical analysis and the progress on the development of the infrastructure blueprint on or before January 1, 2001.

The bill would appropriate $149,000 from the General Fund to the California Health and Human Services Agency for the purpose of funding the preparation of the long-term care infrastructure blueprint and technical analysis of infrastructure development costs required by the bill.

Existing law provides that certain philanthropic support is not treated as revenue allocable to the cost of care provided by a health facility or clinic.

This bill would make nonsubstantive, technical changes to those provisions.

Ch. 951 (SB 565) Costa. State facilities: Department of Transportation: study.

Existing law generally authorizes the Director of General Services to hire, lease, lease-purchase, or lease with the option to purchase any real or personal property for the use of any state agency, if the director deems the hiring or leasing is in the best interest of the state.

This bill would require the director to undertake a study regarding the purchase, exchange, or acquisition of real property and the construction of facilities in the County of Fresno for use by the Department of Transportation and other state agencies. The bill would require the director to report to the Legislature on or before July 1, 2000.

These provisions would remain in effect only until January 1, 2001, and as of that date would be repealed, unless a later enacted statute, that is enacted before January 1, 2001, deletes or extends that date.

Ch. 952 (SB 645) Burton. Higher education labor relations.

Existing law contains provisions relating to employer-employee relations between the State of California and the employees of state institutions of higher education, as defined to include the University of California and the California State University. These provisions provide that these employees have the right to form, join, and participate in the activities of employee organizations for the purpose of representation on all matters of labor relations. Existing law limits the permissible forms of organizational security for those employees to an arrangement pursuant to which an employee may decide whether or not to join the recognized or certified employee organization, but which requires the employer to deduct from the wages or salary of the employee who does join, and pay to the employee organization representing that employee, the fees, dues, or assessments of the organization.

This bill would require employees of the California State University and employees of the University of California, other than faculty of the University of California who are eligible for membership in the Academic Senate, to either join the employee organization or to pay the organization a fair share service fee.

The bill would establish a procedure for employees to petition for rescission of this form of organizational security , would provide that the cost of conducting the rescission election would be borne by the petitioning party, and would require the election to be

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conducted at the worksite by secret ballot. If the organizational security arrangement is rescinded, the bill would establish a similar procedure for reinstatement of the arrangement.

The bill would provide for a procedure under which an employee of the California State University or the University of California, other than faculty of the University of California who are eligible for membership in the Academic Senate, who is a member of a bona fide religion, body, or sect that has historically held conscientious objections to joining or financially supporting public employee organizations, would not be required to join, but would instead be required to pay a sum equal to the fair share service fee to a nonreligious, nonlabor charitable fund, as prescribed.

The bill would require every recognized or certified employee organization that has an agency shop provision to keep an adequate itemized record of its financial transactions, and to make available an annual detailed report of those transactions, as specified.

This bill would make various technical, nonsubstantive changes to the law relating to higher education labor relations.

Ch. 953 (SB 391) Chesbro. Public postsecondary education: excuse of tuition and fees.

(1) Existing law requires the Regents of the University of California and the Trustees of the California State University to excuse the tuition and fees of any surviving child, natural or adopted, of a deceased person who was a resident of the state, who was employed by a public agency, as defined, whose principal duties consisted of active law enforcement service or active fire suppression and prevention, as specified, and who was killed in the performance of active law enforcement or active fire suppression and prevention duties, as specified. This provision is applicable to the Regents of the University of California only if the regents, by resolution, make it applicable.

This bill would specify that this provision applies to mandatory systemwide tuition and fees. The bill would extend the scope of this provision so that it would apply to the Board of Directors of the Hastings College of the Law. The bill would also extend the scope of this provision so that it would apply, until January 1, 2002, to the surviving child of a person who died while performing these duties, and who was employed as a contractor, or as an employee of a contractor, performing services for a public agency, as defined.

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

Ch. 954 (AB 655) Scott. Public postsecondary education: nursing report.

Existing law establishes the system of public postsecondary education in the state. Among the segments of this system are the California Community Colleges, the California State University, and the University of California.

This bill would require the Chancellor of the California Community Colleges, the Chancellor of the California State University, the President of the University of California, and the President of the Association of Independent Colleges and Universities to jointly issue a report to the Governor and the Legislature with respect to a recommended plan, that may include alternative strategies, and budget for significantly increasing the number of students graduating from nursing programs in the state and for providing specialty training to licensed nurses in prescribed areas of specialization. The bill would require the report to be submitted on or before January 1, 2001. The bill would apply to the University of California only to the extent that the Regents of the University of California, by resolution, make it applicable.

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

Ch. 955 (AB 1319) Correa. Early Intervention for School Success Program.

Existing law states the Legislature's intent to implement the Early Intervention for School Success Program in 300 public schoolsites between July 1, 1994, and June 30, 1999. Existing law requires the program to use a collaborative team approach and the use of the home language of the pupil to assess the pupil's developmental stages. Existing law requires the use of authentic assessment techniques in determining the developmental stages and learning styles of pupils. Existing law repeals the program on January 1, 2000.

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This bill would extend the dates during which this program would be implemented to July 1, 1999, through June 30, 2004, in the 300 schoolsites. The bill would require the use of a collaborative school team approach instead of a collaborative team approach and would delete the required use of the home language of the pupil to assess the pupil's developmental stages. The bill would refer to instructional levels instead of developmental stages. The bill would require the use of multiple, rather than authentic, assessment techniques, including norm and criterion referenced tests in determining the instructional levels of pupils. The bill would require the development and management of classroom environments, consistent with class size reduction legislation, that encourage and motivate pupils to succeed and the implementation of interventions and appropriate differentiated instruction that prevent reading failures.

Existing law requires the management plan for the Early Intervention for School Success Program to include, among other things, the awarding of incentive grants to schools and adaptation of the program to meet local needs.

This bill would require that plan instead to include the implementation of the program at 300 schoolsites between July 1, 1999, and June 30, 2004; the awarding of competitive grants and adaptation of the program to meet state and local standards, the goals of the California Reading Initiative and the expectations of the class size reduction legislation; the development of a statewide support network, the provision of professional development; and the training of school personnel in certain skills.

Existing law requires the training received by a teacher in techniques for the Early Intervention for School Success Program apply toward the professional growth required to maintain the validity of teaching credentials.

This bill would require that the training also be consistent with the California Standards for the Teaching Profession developed by Commission on Teacher Credentialing.

This bill would provide that the program becomes inoperative on July 1, 2004 and would repeal the program on January 1, 2005.

Ch. 956 (SB 1131) Burton. Motor vehicle fuel industry practices: prices: mergers: investigation. [6]

Existing law provides that the Attorney General is the head of the Department of Justice, and has charge of all legal matters in which the state is interested, including antitrust matters, except as specifically provided.

This bill would appropriate $1,000,000 from the General Fund to the Department of Justice for the purposes of investigating industry practices relevant to the production, distribution, and pricing of gasoline and diesel fuel, and reviewing pending mergers between major oil companies, and would make legislative findings and declarations in this regard.

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

Ch. 957 (SB 1199) Costa. Child protective services: reports.

Existing law establishes procedures for notifying appropriate local government officials of the release or parole of persons convicted of violent crimes and for reporting to a child protective agency suspected incidents of child abuse and neglect. Under existing law, when an inmate who is serving a term for committing a violent felony is scheduled to be released on parole, the paroling authority is required to notify the local law enforcement authority of the community into which the inmate is scheduled to be released upon parole.

This bill additionally would require, with respect to the latter provision, that the paroling authority notify the local law enforcement authority of the community in which the inmate was convicted. This bill also would require parole officers to report to the appropriate child protective agency if a person paroled following conviction of specified child abuse offenses or any sex offense identified in statutory law as being perpetrated against a minor victim has violated a term or condition of parole restricting contact with the victim or the victim's family. This bill would require the Department of Corrections to annually provide parole officers with a written summary of this duty and their duty to report suspected incidents of child abuse and neglect.

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This bill would require the Board of Prison Terms and the Department of Corrections, as appropriate, to notify local law enforcement having jurisdiction over the community in which the parolee was convicted and the community to which the parolee is to be released, when the parolee was convicted of specified child abuse offenses or any sex offense identified in statutory law as being perpetrated against a minor victim.

Ch. 958 (AB 1498) Ducheny. Outdoor science programs.

Existing law authorizes the governing board of any school district or a county superintendent of schools to conduct an outdoor science education and conservation education program or class.

The bill would establish eligibility criteria for a residential outdoor science program and would require the Superintendent of Public Instruction to apportion, subject to appropriation of funds for that purpose, to each school district or county office of education that operates a residential program, an amount of $10 per eligible participating pupil per day of participation.

This bill would declare that its purpose is to implement the Budget Act of 1999.

Ch. 959 (SB 213) Polanco. Community colleges: Mexican International Trade Centers: outreach programs. [7]

The Budget Act of 1999 appropriates, among other amounts, $2,236,714,000 from the General Fund to the Board of Governors of the California Community Colleges for allocation for local assistance.

This bill would augment this amount by $1,050,000 for allocation for the establishment, commencing January 1, 2000, of 17 Mexican International Trade Centers for the purposes of increasing Mexican export opportunities for California. To the extent that these funds are allocated to a school district or a community college district, these funds would be applied toward the minimum funding requirements imposed by Section 8 of Article XVI of the California Constitution.

The Budget Act of 1999 appropriates $70,077,000 from the General Fund to the Board of Governors of the California Community Colleges for the purposes of the Extended Opportunity Programs and Services and Special Services.

This bill would augment that amount by $2,000,000 for the purposes of the Extended Opportunity Programs and Services. To the extent that these funds are allocated to a school district or community college district, these funds would 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 Budget Act of 1999 appropriates $15,218,000 from the General Fund to the Board of Governors of the California Community Colleges for the Fund for Student Success.

This bill would augment that amount by $2,000,000 for the purposes of the Community Colleges Puente Project. To the extent that these funds are allocated to a school district or community college district, these funds would 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. 960 (AB 1675) Committee on Judiciary. Civil procedure.

Existing law provides that a cause of action against a person arising from any act of that person in furtherance of the person's right of petition or free speech under the United States or California Constitution in connection with a public issue, as specified, shall be subject to a special motion to strike, unless the court, after considering the pleadings and supporting and opposing affidavits, determines that there is a probability that the plaintiff will prevail on the claim.

This bill would provide that an appeal may be taken directly from an order granting or denying such a special motion to strike to the court of appeal, as specified. The bill would also require any party who files or opposes such a special motion to strike, to promptly transmit various documents related thereto, to the Judicial Council by e-mail or fax, and would require the Judicial Council to maintain a public record of this information for at least 3 years.

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

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Ch. 961 (AB 1168) Frusetta. Noxious Weeds Management Program. [8]

Existing law sets forth provisions in the Food and Agricultural Code relating to weeds and pest seeds.

This bill would designate the Department of Food and Agriculture as the lead department in noxious weed management. The bill would also create the Noxious Weed Management Account in the Department of Food and Agriculture Fund, would appropriate $500,000 for each of the following 3 fiscal years from the General Fund to the account for the 1999–2000, 2000–01, and 2001–02 fiscal years, for expenditure by the Secretary of Food and Agriculture, for the purpose of managing and eradicating noxious weeds through local weed management areas, as specified.

The bill would require the department to establish an oversight committee, with a described membership representation, to monitor the bill's provisions and would require the department to report on or before April 1 of each year, to and including the year 2005, to the Legislature.

Ch. 962 (AB 910) Washington. Education: school library materials.

Existing law requires the governing board of each school district to provide school library services for the pupils and teachers of the district by establishing and maintaining school libraries.

This bill would appropriate, without regard to fiscal year, $1,000,000 from the General Fund to the Superintendent of Public Instruction for allocation to school districts and county offices of education to fund the acquisition of school library materials. These funds would 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. 963 (AB 807) Keeley. Pajaro River Watershed Flood Prevention Authority.

(1) Existing law authorizes specified entities to provide flood control benefits.

This bill would enact the Pajaro River Watershed Flood Prevention Authority Act, which would grant specified powers to the Pajaro River Watershed Flood Prevention Authority, as created under the act. The bill would designate the boards of supervisors of certain counties and the boards of directors of certain local districts as "appointing authorities." The bill would require the appointing authorities to appoint members to the board of the authority, thereby imposing a state-mandated local program on those specified local boards. The bill would specify boundaries, purposes, and governance of the authority. The bill would authorize the authority to undertake flood prevention and control projects within the boundaries of the Pajaro River Watershed, as prescribed. The bill would authorize the authority to levy and collect assessments and special taxes and to sell bonds in accordance with prescribed procedures. The bill would define terms and prescribe related matters.

The provisions of the bill would become inoperative on July 1, 2000, and would be repealed on January 1, 2001, upon the occurrence of certain specified events.

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

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

Ch. 964 (AB 519) Aroner. Sexual harassment.

(1) Existing law provides that a person is liable in a cause of action for sexual harassment when the plaintiff proves, among other things, that the defendant has made sexual advances, solicitations, sexual requests, or demands for sexual compliance by the plaintiff that were unwelcome and persistent and severe, continuing after a request by the plaintiff to stop.

This bill would revise that cause of action by extending it to apply to verbal, visual, or physical conduct of a sexual nature or hostile nature based on gender, requiring the conduct to be pervasive rather than persistent, deleting the requirement that the conduct continue after a request by the plaintiff to stop, and specifying that the cause of action applies to an injury involving emotional distress or violation of a statutory or

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constitutional right. The bill would also delete the requirement that the complaint and answer be verified and would specify that the above definitions and standards only apply to a cause of action brought under this provision.

(2) Existing law provides that whoever denies the right to be free from violence or intimidation because of their race, color, religion, ancestry, national origin, sex, sexual orientation, age, disability, position in a labor dispute, as specified, or similar characteristics, or who 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, exemplary damages, and attorney's fees as may be determined by the court.

This bill would extend these provisions to persons having a cause of action for sexual harassment discussed above. The bill would also incorporate additional changes to Section 52 of the Civil Code proposed by AB 1268, contingent upon its prior enactment.

Ch. 965 (AB 1645) Committee on Agriculture. Agricultural education. [9]

Under existing law there is, within the State Department of Education, an agricultural vocational education unit to assist school districts in the establishment and maintenance of agricultural vocational educational programs.

This bill would enact the Agricultural Education Act of 1999 and would require the State Department of Education to establish a comprehensive agricultural education program for prekindergarten and kindergarten children and grades 1 to 12, inclusive, to provide statewide coordination for agricultural education in California schools. This program would include, but would not be limited to, the development, review and dissemination of curriculum, the development of statewide educational activities for pupils, state level consultation with local education agencies, agricultural organizations, and universities and colleges, for materials review, professional development, and support, and the coordination and monitoring of the regional agricultural education program delivery. This program would also provide for regional delivery of education in agricultural awareness, literacy, career exploration, and preparation activities.

This bill would appropriate $127,500 from the General Fund to the State Department of Education for expenditure for staff for purposes of the comprehensive agricultural education program that would be established by the bill. The bill would also appropriate $300,000 from the General Fund to the State Department of Education for purposes of curriculum development for agricultural education.

Ch. 966 (AB 919) Dutra. Land use: local agencies.

Under the Planning and Zoning Law, local agencies are required to make specified findings based upon substantial evidence before disapproving or conditionally approving a housing development project that renders it infeasible for the use of low- and moderate-income households. This law requires that when a proposed housing development project complies with the applicable general plan, zoning, and development policies in effect at the time that the project's application is determined to be complete, a local agency may not propose to disapprove the project or conditionally approve it at a lower density unless the agency bases its decision on written findings supported by substantial evidence on the record that certain conditions exist.

This bill would revise this procedure to require that a proposed housing development project include very low, low- or moderate-income households and comply with the applicable, objective general plan and zoning standards and criteria, and would make changes in the conditions that a local agency is required to find. The bill also would revise the definitions of "affordable to low- and moderate-income households" to include very low income households or middle income households, as defined, and "area median income" to include very low or low-income households.

The bill would also provide that it shall not become operative if SB 948 is enacted and becomes effective on or before January 1, 2000.

Ch. 967 (AB 1505) Ducheny. Farmworker housing.

(1) The Williamson Act authorizes any city or county to enter into a contract with the owner of agricultural land for the purpose of preserving that land in accordance with the conditions established by the act and that contract. The act authorizes the landowner to petition the governing body of the relevant city or county for cancellation of a contract

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or portion thereof for agricultural laborer housing that is determined not to be a compatible use of the contracted lands. Prior to any tentative approval of the cancellation, the governing body of the relevant city or county is required to certify to the county auditor the amount of a cancellation fee that the contracting landowner will pay as deferred taxes upon cancellation of the contract, as specified.

This bill would, with respect to agricultural laborer housing that is a compatible use within an agricultural preserve, authorize indemnification of the owner against claims arising from that use, if the owner has agreed to that use. The bill would also authorize a landowner subject to a Williamson Act contract to subdivide not more than 5 acres of land under contract to be sold or leased to a nonprofit organization, city, county, housing authority, or state agency and used for agricultural laborer housing for at least 30 years, as specified.

(2) Existing law sets forth matters to be included in the housing element of a local general plan.

This bill would require the element to identify adequate sites for farmworker housing, as specified, thereby creating a state-mandated local program by imposing new duties on local agencies.

(3) Existing law prescribes criteria for the disapproval of housing development projects by local agencies.

This bill would prescribe additional criteria relative to the time period for approving or disapproving housing for agricultural employees, thereby creating a state-mandated local program by imposing new duties on local agencies. These provisions would become operative only if SB 948 is not enacted in the first year of the 1999–2000 Regular Session.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 968 (SB 948) Alarcon. Affordable housing developments.

(1) Under the Ellis Act, public entities generally are prohibited from adopting any statute, ordinance, or regulation, or taking any administrative action, to compel the owner of residential real property to offer or to continue to offer accommodations in the property for rent or lease. The act also authorizes any public entity that has in effect any system of rent control, notwithstanding any provision of the Ellis Act, to subject to specified provisions, accommodations that had been withdrawn from rent or lease and are again offered for rent or lease for residential purposes within one year of the date that the accommodations were withdrawn pursuant to a 60-day notice.

This bill would revise the act's statement of legislative intent. It would also extend the period from one year to 2 years that accommodations that are offered again for rent or lease for residential purposes are subject to specified regulatory provisions and it would revise those provisions. The bill would also require that a specified notice and conditions apply to a tenant or lessee who is at least 62 years of age or disabled, as defined, and has lived in his or her accommodations for at least one year, as specified, when the owner of the residential property delivers to the public entity a notice of intent to withdraw the accommodations from rent or lease under the act.

The bill would also change the notice of intent to withdraw to the public entity from 60 days to 120 days and would require that these provisions shall only apply to accommodations where the date of delivery to the public entity of the notice of intent to withdraw is on or after January 1, 2000.

(2) Under existing law, the Planning Zoning Law requires an action or proceeding against local zoning and planning decisions of a legislative body to be commenced and the legislative body to be served within a year after accrual of the cause of action if it meets certain requirements, including that it is brought in support of the development of housing that meets the requirements for housing persons and families with low or moderate incomes. Where the action or proceeding challenges the adequacy of a housing

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element, the action or proceeding may be initiated up to 60 days following the date the Department of Housing and Community Development reports its findings concerning the housing element pursuant to specified provisions.

This bill would revise these provisions to include actions or proceedings to encourage or facilitate the development of housing and would include persons and families of very low and middle incomes. The bill would also provide that any action or proceeding challenging the adequacy of a housing element pursuant to these provisions may be brought as specified above.

(3) Existing law requires local agencies to make specified findings before disapproving or conditionally approving certain housing development projects. Existing law also requires local agencies to provide developer incentives for the production of lower income housing units within a housing development if the developer meets specified requirements. Developer incentives include, among other things, a density bonus, as defined.

This bill would make specified changes in these findings relating to very low income, low-income, lower to moderate-income housing, middle-income households and the housing element of a general plan, respectively. The bill would revise the definition of "affordable to low- and moderate-income households" to include very low income households or middle-income households, as defined, and would add a definition for "disapprove the development project" to these provisions. The bill would also require the court in any action brought to enforce these provisions to order a local agency, within 60 days, to comply with these provisions and take action on the development projects that were disapproved on the basis of findings that were inadequate or lacked substantial evidence and to retain jurisdiction for this purpose. The bill would also revise the definitions of "density bonus" and "area median income" to mean very low or low-income households for purposes of these provisions.

Because these changes would impose new duties on local agencies, the bill would impose a state-mandated local program.

(4) Under the Permit Streamlining Act, a public agency that is the lead agency for a development project is required to approve or disapprove the project within 180 days from the date of certification by the lead agency of an environmental impact report if the report is prepared pursuant to specified provisions.

This bill, in addition, would reduce that period to 90 days if the development project is affordable to very low or low-income households and the project applicant has provided written notice to the lead agency that an application has been or will be made to a public or federal agency for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance and there is confirmation that the application was made prior to certification of the environmental impact report.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 969 (SB 1006) Costa. Drinking water: water softening and conditioning devices.

Existing law prohibits a residential water softening or conditioning appliance from being installed except in certain circumstances, including when the regeneration of the appliance discharges to the waste disposal system of the residence where the appliance is used and certain other conditions are satisfied. These conditions include the requirement that the appliance is certified to control the quantity of salt used per regeneration by a preset device and the settings of the device are limited so that a specified salt efficiency rating is achieved.

This bill would revise and recast these provisions, and would authorize a local agency, as defined, to prospectively limit the availability of residential water softening or conditioning appliances to appliances that activate regeneration by demand control. It

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would also authorize a local agency, by ordinance, to limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the community sewer system if the local agency makes certain findings and includes them in the ordinance.

Ch. 970 (AB 1387) Florez. Public employee disability benefits.

(1) Under existing law, certain peace officers and other specified public employees are entitled to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of their duties.

This bill would extend that provision to specified employees of a probation office.

(2) This bill would incorporate additional changes in Section 4850 of the Labor Code proposed by AB 224, to be operative if AB 224 and this bill are both enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 971 (SB 1279) Polanco. Higher education labor relations: definition of "employee."

Existing law contains provisions relating to employer-employee relations between the State of California and the employees of state institutions of higher education. For the purposes of these employer-employee relations, "employee" or "higher education employee" is defined as any employee of the Regents of the University of California, the Directors of the Hastings College of the Law, or the Trustees of the California State University whose employment is principally within the State of California.

This bill would delete the requirement that the employment of an "employee" or "higher education employee" be principally within the State of California, but would exclude employees whose principal place of employment is outside the State of California at a worksite with 100 or fewer employees. The bill would provide that an organization that represents one or more employees whose principal worksite is outside the State of California is required to file a statement, as prescribed, submitting to the jurisdiction of the Public Employment Relations Board, before it could act as an employee organization. The bill would also make several technical, nonsubstantive, and conforming changes.

Ch. 972 (AB 574) Hertzberg. Public contracts: responsible bidder.

Existing law defines the terms "public entity" and "public works contract" for the purposes of specified provisions of the Public Contract Code.

This bill would define the term "responsible bidder" for these purposes, and would authorize a public entity to require each prospective bidder for a contract to complete and submit to the entity a standardized questionnaire and financial statement. This bill would require, with a specified exception, any public entity requiring standard questionnaires and financial statements to adopt and apply a uniform system of rating bidders on the basis of standard questionnaires and financial statements. This bill would require the Department of Industrial Relations, in collaboration with affected agencies and interested parties, to develop and draft a standardized questionnaire that public entities may use and to develop guidelines for rating bidders. The bill would also require the public entity requiring the prequalification to establish a process to permit prospective bidders to dispute their proposed prequalification rating.

Under existing law, a prime contractor whose bid is accepted may not substitute a person as subcontractor in place of the subcontractor listed in the original bid, except that the awarding authority may, except as otherwise provided, consent to the substitution of another person as a subcontractor in specified situations.

This bill would provide for the consent to the substitution in the situation when the awarding authority determines that a listed subcontractor is not a responsible contractor.

Ch. 973 (SB 656) Solis. Unemployment disability.

(1) Existing unemployment compensation disability law generally requires each worker to pay contributions at specified rates to the Unemployment Compensation Disability Fund, which is continuously appropriated for the purpose of providing disability benefits to workers who are unemployed due to injury or sickness not related to work. Existing law provides that an individual shall be deemed to be disabled on any

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day that he or she is unable to perform regular or customary work because of his or her physical or mental condition, as specified.

The Moore-Brown-Roberti Family Rights Act, among other things, makes it an unlawful employment practice for any employer who employs 50 or more persons to refuse to grant a request by any employee who meets certain requirements to take a total of 12 workweeks in a 12-month period for an unpaid family care and medical leave in connection with the birth or adoption of, or the serious illness of, a child of the employee, or to care for a parent or spouse of the employee or the employee due to a serious health care condition.

This bill would require the Employment Development Department to report to the Legislature on or before July 1, 2000, on the fiscal impact on the Disability Fund of extending unemployment compensation disability benefits to an individual who is absent from work due to having been granted a family care and medical leave or who is absent from work and who would have been eligible for that leave if his or her employer had not been exempt from the requirement to grant a leave.

(2) The existing unemployment compensation disability law provides a formula for determining benefits available to qualifying disabled individuals. For an individual who has quarterly base wages of greater than $1,749.20, the weekly benefit is calculated by multiplying base wages by 55% and dividing the result by 13. However, under existing law, the weekly benefit cannot exceed $336.

This bill would provide that the weekly benefit amount for periods of disability commencing on or after January 1, 2000, may exceed this amount but may not exceed the maximum workers' compensation temporary disability indemnity weekly benefit amount. Because the bill would increase the amount payable from the Disability Fund, a continuously appropriated special fund, the bill would make an appropriation.

Ch. 974 (AB 431) Dutra. Real estate transactions: appraisers: trust deeds.

(1) Existing law provides for the licensing and certification of real estate appraisers. Existing law provides that a license issued under those provisions is generally valid for 4 years, subject to renewal thereafter. Existing law requires that on and after January 1, 2000, 5% of the amount of license or certificate fees collected under these provisions be credited to the Recovery Account, a continuously appropriated account within the Real Estate Appraisers Regulation Fund.

This bill would instead provide that a license with an effective date of January 1, 2000, or later issued under those provisions is generally valid for 2 years, subject to renewal thereafter, and would decrease licensure and renewal fees, as specified. This bill would also delay until January 1, 2003, the date on which 5% of license or certificate fees collected under these provisions are required to be credited to the Recovery Account. Because the aggregate effect of these changes, including changes decreasing the effective duration of licenses, would be to increase licensure fees deposited into the Recovery Account, which is continuously appropriated, this bill would make an appropriation. This bill would also extend certain deadlines applicable to the administration and review of the Recovery Account and would make changes relating to the continuing education requirements of licensees under those provisions.

(2) Existing law provides for security interests in real property by way of mortgages and deeds of trust. Existing law provides for the recordation of deeds and similar instruments.

The bill would also provide that in performing acts required in connection with a deed of trust, the trustee shall incur no liability for any good faith error resulting from reliance on information provided in good faith by the beneficiary regarding the nature and the amount of the default under the secured obligation, deed of trust, or mortgage.

(3) Existing law authorizes the reinstatement of a monetary default under a deed of trust or mortgage in certain circumstances. Existing law provides that no beneficiary, trustee, mortgagee, or their agents or successors shall be liable to a trustor or mortgagor for the failure to allow a reinstatement of the obligation secured by a deed of trust or mortgage during the period of 5 business days prior to the sale of the security property.

This bill would also provide in those circumstances that there is no liability to any beneficiary under a subordinate deed of trust or mortgage.

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(4) Existing law requires a notice of sale under a power of sale contained in a mortgage or deed of trust to contain specified information, including the street address and telephone number of the trustee.

This bill would require that information to be the street address in this state, which may reflect an agent of the trustee, and either a toll-free telephone number or a telephone number in the state.

(5) Existing law requires notice to certain persons with recorded interests after a sale in which there are proceeds remaining.

This bill would provide that the notice inform the persons that they may be required to provide proof that the person holds the beneficial interest in the obligation and the security interest therefor, and would provide that, in the case of an original promissory note secured by a deed of trust, proof may include the original note and any assignments of beneficial interests related thereto. The bill would require the Judicial Council to adopt the form of the notice by July 1, 2000.

The bill would also provide that a trustee in possession of surplus proceeds not deposited with the court following such notice is required, to comply with the Unclaimed Property Law, as specified. As the latter law requires moneys received to be deposited in a continuously appropriated fund, the bill would make an appropriation.

(6) Existing law authorizes a trustee to charge costs and expenses, and specifies that if a fee does not exceed $100, it is conclusively presumed reasonable.

This bill would provide that if the fee does not exceed $100 or $125, as specified, it is conclusively presumed reasonable.

(7) Existing law provides that in certain actions in which a deed of trust is involved, the trustee may file a declaration of nonmonetary status, but that parties may file and serve on the trustee a demand to participate in the action.

This bill would instead authorize parties to make a motion to amend pleadings.

(8) Existing law provides for the substitution of trustees in certain circumstances, and requires the beneficiary or beneficiaries to mail a copy of the substitution to be mailed.

This bill would authorize the mailing by authorized agents and would define trustee to include any agent or employee of the trustee who performs some or all of the trustee's duties.

Ch. 975 (AB 924) Committee on Public Safety. Controlled substances: gamma-butyrolactone.

(1) Existing law categorizes controlled substances into 5 schedules and places the greatest restrictions on those contained in Schedule I. Schedule II includes the controlled substance gamma-hydroxybutyrate.

This bill would revise the above reference in Schedule II to gamma-hydroxybutyrate so as to provide that gamma-hydroxybutyrate, including its immediate precursors, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, including, but not limited to, the currently unscheduled depressant gamma-butyrolactone, are all classified within Schedule II. By creating new crimes relating to gamma-butyrolactone and related substances, this bill would impose a state-mandated local program.

(2) Existing law provides that any manufacturer, wholesaler, retailer, or other person in this state who sells, transfers, or otherwise furnishes any of a list of specified chemical substances to any person or business entity in this state or any other state shall submit a report to the Department of Justice of any transaction prior to the transaction which report shall include specified identification information from the purchaser. Failure to submit a report or to knowingly submit a false report, and a violation of the provisions on proper identification, are crimes.

This bill would include gamma-butyrolactone within the list of chemical substances for which the transactional reports specified above must be made. By expanding the scope of existing crimes, this bill would impose a state-mandated local program. This bill would make a conforming change to a related provision.

(3) This bill would incorporate changes to Section 11055 of the Health and Safety Code made by SB 550 if both this bill and SB 550 are chaptered and this bill is chaptered last.

This bill would incorporate changes to Section 11100 of the Health and Safety Code made by AB 162 if both this bill and AB 162 are chaptered and this bill is chaptered last.

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

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

Ch. 976 (AB 1188) Runner. Undetectable knives.

Existing law makes it a misdemeanor or a felony for any person in this state to manufacture or cause to be manufactured, import into the state, keep for sale, or offer or expose for sale, or to give, lend, or possess any specified weapon, including, but not limited to, any undetectable firearm.

This bill would provide that any person in this state who commercially manufactures or causes to be commercially manufactured, or who knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale any undetectable knife, as defined, is guilty of a misdemeanor. This bill would also, as of a specified date, require California commercial manufacturers of undetectable knives, as defined, that utilize undetectable materials to include materials that will ensure they are detectable by a metal detector set at standard calibration. The bill would exempt from these provisions undetectable knives that are manufactured or imported for sale to, or subsequently sold to, law enforcement or military entities. This bill would also exempt from these provisions undetectable knives that are manufactured or imported for sale to, or subsequently sold to, historical societies, museums, and institutional collections. By creating a new crime, the bill would impose a state-mandated local program.

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

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

Ch. 977 (AB 1252) Wildman. Podiatric fees: workers' compensation: doctors of podiatric medicine.

Existing law specifies a biennial renewal fee for a certificate to practice podiatric medicine of $800.

This bill would, until January 1, 2002, increase that amount to $900. This increased fee would be deposited into the Podiatry Fund, which is continuously appropriated. By increasing the fee revenues deposited into this fund, the bill would make an appropriation.

Existing law requires the Industrial Medical Council to consist of 9 doctors of medicine, 2 doctors of osteopathic medicine, 2 doctors of chiropractic, one physical therapist, one doctor of psychology, and one medical economist. Four of the doctors of medicine are appointed by the Governor.

This bill would additionally require that a doctor of podiatric medicine and an acupuncturist serve on the council. It would also increase from 9 to 11, the number of doctors of medicine on the council. The 2 additional doctors of medicine would be appointed by the Governor.

Ch. 978 (AB 162) Runner. Controlled substances: ephedrine: retail distributors.

(1) Existing law regulates any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes specified chemical substances to any person in this state, as specified.

This bill would make it a misdemeanor for any retail distributor to sell in a single transaction more than 3 packages of a product that he or she knows to contain ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine, or to knowingly sell more than 9 grams of ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine. The bill would make an exception for pediatric liquid forms, as defined. The bill would also make the 3 packages per transaction limitation or 9 grams per transaction limitation applicable to any product that is lawfully sold, transferred, or furnished over the counter without a prescription pursuant to specified provisions of federal law, except as specified. The bill would make clarifying and conforming changes

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to related provisions. By creating a new crime, this bill would impose a state-mandated local program.

This bill would also provide that it is the intent of the Legislature that specified provisions of state law shall preempt all local ordinances or regulations governing the sale by a retail distributor of over-the-counter products containing ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine.

(2) This bill would incorporate changes to Section 11100 of the Health and Safety Code made by AB 924 if both this bill and AB 924 are chaptered and this bill is chaptered last.

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

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

Ch. 979 (AB 1202) Firebaugh. Hemodialysis: technician training.

Existing law requires the State Department of Health Services to adopt rules and regulations prescribing minimum training standards for hemodialysis technicians who are certified, as specified.

This bill would require the department to do so by July 1, 2001.

Existing law provides for the regulation and training of hemodialysis technicians. Certain of these provisions relating to certification and training will become inoperative on July 1, 2000, and repeal these provisions on January 1, 2001.

This bill would repeal these inoperative and repeal dates, and make related and technical changes.

Existing law provides that certification of hemodialysis technicians is subject to review by the Joint Legislative Sunset Review Committee, as specified.

This bill would repeal those provisions.

Existing law provides that a violation of the provisions relating to hemodialysis technician training is a crime punishable as a misdemeanor.

This bill, by extending the operation of certain of these provisions, would create a new crime and thus 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. 980 (AB 1671) Committee on Judiciary. Family law: child custody and support.

(1) Existing law provides for proceedings to determine the custody of a child.

This bill would specify that these provisions apply to proceedings to determine the physical or legal custody of a child.

(2) Existing law specifies matters to be considered by the court when granting custody of a child or otherwise determining the best interest of the child.

This bill would prohibit the court from considering the absence or relocation of a party as a factor in determining custody or visitation in specified circumstances.

(3) Existing law provides that an order or judgment to pay child support may require a child support obligor to designate an account for the purpose of paying the child support obligation by electronic funds transfer, and may require the obligor to deposit funds in an account with a financial institution for that purpose. However, existing law provides that if the obligor does not have an account, the court may not require the obligor to establish an account.

This bill would provide that the court may require the obligor to establish an account.

(4) Existing law, known as the Uniform Interstate Family Support Act, provides procedures for interstate establishment, modification, registration, and enforcement of support orders.

This bill would provide additional procedures relating to the issuance of a summons or order to show cause upon commencement of proceedings under the act and the transfer of proceedings to a court in another county or state in specified circumstances.

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In proceedings under the act prosecuted by the district attorney or Attorney General, the bill would authorize service on the respondent of a proposed form of judgment, as specified, with the summons and petition, which form would include specified information regarding the respondent's presumed income, and would specify that a respondent may obtain relief from a judgment obtained pursuant to that presumption of income according to provisions of existing law. Because the bill would impose additional duties on court personnel, this bill would create a state-mandated local program.

(5) Existing law authorizes the court, in proceedings under the Domestic Violence Prevention Act, to issue an order for support of a child if the respondent is the child's presumed father.

This bill would additionally authorize that order to be entered in those proceedings if the parties are married to each other and no other child support order exists.

(6) Existing law provides for the collection of child support delinquencies by the Franchise Tax Board.

This bill would, effective July 1, 2000, require the Department of Justice, Child Support Program, to compile a file of support obligors with out-of-state arrearages and forward that file to the Franchise Tax Board and would make technical changes.

(7) Existing law authorizes the court, in proceedings to declare a child a dependent child or ward of the juvenile court to issue specified restraining orders against the child's parent, guardian, or other specified persons. Those orders may remain in effect, at the discretion of the court, for up to one year. Violation of those restraining orders is a misdemeanor.

This bill would authorize those restraining orders to remain in effect for up to 3 years. By expanding the duration of the orders, the bill would expand the scope of an existing crime, thus imposing a state-mandated local program.

(8) Existing law provides that judgments for child support are enforceable in generally the same manner as money judgments, including by the creation of a judgment lien on real property, as specified.

This bill would, in cases where the local child support agency is enforcing a delinquent support obligation, provide for the creation of a lien on the personal property, as defined, of the support obligor in specified circumstances. The bill would also specify priorities between child support liens, state tax liens, and other liens and provide that a personal property lien for support arising in another state would be enforceable in this state.

(9) Existing law requires each county to maintain a child support unit in the district attorney's office. Existing law requires the Judicial Council to develop simplified summons, complaint, and answer forms for support actions brought under these provisions, and requires the simplified complaint form in certain instances to inform the defendant that income shall be presumed in an amount that results in a court order equal to the minimum basic standard of adequate care.

This bill would provide that this minimum basic standard of adequate care is that for Region I.

(10) Existing law authorizes the Director of Social Services to approve county demonstration projects to provide employment and training services to nonsupporting, noncustodial parents of children receiving aid under the CalWORKs program.

This bill would expand the eligibility for those services, within budgeted resources, to nonsupporting, noncustodial parents of children receiving other types of aid, as specified.

(11) This bill would incorporate additional changes to Section 213.5 of the Welfare and Institutions Code, made by this bill and AB 825 to take effect if both bills are enacted and this bill is enacted last.

(12) This bill would incorporate additional changes to Sections 19272 of the Revenue and Taxation Code and 18205 of the Welfare and Institutions Code, made by this bill and SB 542 to take effect if both bills are enacted and this bill is enacted last.

(13) This bill would provide that certain of its provisions would be operative in the Family Code if AB 196 is enacted and becomes operative, otherwise those provisions would become operative in the Welfare and Institutions Code. The bill would also incorporate additional changes to Section 17400 of the Family Code proposed by AB 196 and SB 542 to take effect if either or both of those bills are enacted and this bill is enacted

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last. It also would make additional changes contingent upon the enactment of AB 380 as specified.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Ch. 981 (AB 1551) Pescetti. Energy efficiency.

(1) Existing law, the Leroy F. Greene School Facilities Act of 1998, (the Greene Act of 1998) establishes a program in which the State Allocation Board is required to provide state per-pupil funding, including hardship funding, for new school facilities construction and school facilities modernization for applicant school districts.

Existing law requires all new state public buildings and publicly funded schools to be models of energy efficiency and to be designed, constructed, and equipped with all energy efficiency measures, materials, and devices that are feasible and cost effective over the life of the building.

This bill would authorize, as part of the requirements for submission of an application to the State Allocation Board for new construction funding pursuant to the Greene Act of 1998, the applicant school district to certify that an energy analysis and report, not to exceed prescribed costs, has been prepared that sets forth the utility savings that would be generated if the facilities were designed, constructed, and equipped, with the energy efficiency and renewable energy technology, that would make the facilities as designed exceed the minimum building energy-efficiency standards mandated for new public buildings through the use of energy efficiency and renewable energy technologies. The bill would permit a school district to count funds relating to energy efficiency measures or programs actually applied to the project received from prescribed sources, that may include the Public Utilities Commission.

(2) Existing law authorizes the State Public Works Board, until January 1, 2000, to issue revenue bonds, notes, and bond anticipation notes to finance the cost of cogeneration equipment, alternative energy equipment, and conservation measures in public buildings in an amount of $50,000,000 in each of the 10 fiscal years beginning with the 1982–83 fiscal year, but provides that any portion of that authorization not used in any fiscal year may be used in any future fiscal year.

This bill would provide that the total amount of revenue bonds, notes, and bond anticipation notes issued by the board may not exceed a total amount of $500,000,000, and would extend to January 1, 2005, the termination date of those provisions.

(3) Existing law, the Warren-Alquist State Energy Resources Conservation and Development Act, until January 1, 2000, declares that it is the policy of the state to encourage 3rd-party financing of energy and water projects at state-owned sites and that development of energy and water projects at state-owned sites can be accelerated where reasonable incentives are provided, and sets forth specified incentive benefits between the state and the institutions siting the energy and water projects.

This bill would extend to January 1, 2005, the termination date of those provisions.

Ch. 982 (AB 1678) Committee on Consumer Protection, Governmental Efficiency and Economic Development. Business and professions.

(1) Existing law provides for the licensure and regulation of architects by the California Board of Architectural Examiners. Existing law provides that a licensed architect who signs and stamps plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to or uses of those plans, if those subsequent changes or uses are not authorized or approved by that licensed architect, and the service of the architect was not also a proximate cause of the damage.

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This bill would instead provide that the licensed architect shall not be responsible in those cases if those subsequent changes or uses are not authorized or approved in writing by that licensed architect, the written authorization or approval is not unreasonably withheld by the architect, and the architectural service of the architect is not a proximate cause of the damage. This bill would change the name of the California Board of Architectural Examiners to the California Architects Board and would also make several changes to related provisions, including those specifying grounds for disciplinary action.

(2) Existing law provides for the licensure of landscape architects and requires licensees under those provisions to provide customers with detailed written contracts that include certain specified provisions.

The bill would make changes to the provisions required to be included in those contracts.

(3) Existing law provides for the licensure and regulation of contractors, and prescribes certain licensure fees, including delinquency fees, in this regard.

This bill would delete a $25 cap on delinquency licensure fees, which would have the effect of raising revenue flowing into the Contractors' License Fund, a continuously appropriated fund. Thus, this bill would make an appropriation.

This bill would also make a technical change in the provisions governing payments to contractors for the construction of private works of improvement, and would make changes to requirements applicable to home improvement contracts and legal actions brought for violations thereof.

(4) Existing law requires the Contractors' State License Board to semiannually compile and distribute to city, county, and city and county building departments a list of all contractors who did not secure payment of workers' compensation for workers employed during the preceding 6 months.

This bill would make that requirement contingent upon the request of city, county, and city and county building departments.

(5) Existing law requires contractors, at the time of receiving any required city or county permit to construct, alter, improve, demolish, or repair any building or structure, to show their valid workers' compensation insurance certificate.

This bill would provide that, in the alternative, the city or county may verify the workers' compensation coverage of contractors by electronic means.

(6) Existing law provides, until January 1, 2000, for the Structural Fumigation Enforcement Program.

This bill would extend the duration of that program until July 1, 2003, and would make other specified changes to the program.

(7) Existing law specifies that the jurisdiction of the small claims court includes various actions in which the demand does not exceed $5,000, with specified exceptions. This jurisdiction also includes defendant guarantors who are required to respond based upon the default, actions, or omissions of another, if the demand does not exceed $2,500, or $4,000, if the action is filed on or after January 1, 2000, and the defendant guarantor charges a fee for its guarantor or surety services.

This bill would make that $4,000 limit applicable if the action is filed on or after January 1, 2000, and the dependant guarantor charges a fee for its guarantor or surety services or the defendant guarantor is the Registrar of the Contractors' State License Board.

Ch. 983 (SB 1307) Committee on Business and Professions. Licensed professionals.

(1) Existing law establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind, which licenses schools for the training of guide dogs for the blind. Existing law establishes, until July 1, 2002, a pilot project for the arbitration of disputes between guide dog users and guide schools relating to the continued physical custody and use of the guide dog when the dog user is not the legal owner of the dog. Pursuant to this provision, guide dog users who are dissatisfied with decisions of schools regarding continued use of the guide dogs may appeal to the board to convene an arbitration panel. The arbitration panel includes a representative of the board who serves as chair of the panel.

This bill would provide that the board and its representative are not a party to any dispute described in that provision. The bill would also provide that each party to the

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dispute waives any right for subsequent judicial review by voluntarily agreeing to have the dispute resolved by the board.

(2) Existing law with respect to the regulation of tax preparers specifies certain educational requirements.

This bill would revise and recast those requirements, as specified, and, among other things, prohibit the giving of false and misleading information to the California Tax Education Council. A violation of provisions regulating tax preparers is a crime. In enlarging the scope of an existing crime the bill would impose a state-mandated local program.

(3) Existing law provides for the licensing and regulation of various professions, including barbering and cosmetology, and structural pest control, as defined, and automotive repair.

The bill would, with respect to the provisions governing barbering and cosmetology, repeal a provision that provides that an applicant who, without good cause, fails to appear for an examination after being notified of his or her eligibility for the exam, forfeits the examination fee. The bill would also authorize the board to make an administrative change with respect to the collection of fees, as specified.

The bill would expand the definition of a structural pest control field representative, as specified. The bill would revise and recast various other structural pest control provisions and requirements and make other technical changes. Among other things, the bill would revise certain inspection report requirements with respect to inspections for wood destroying pests or organisms and wood roof cleaning and treatment. The bill would also revise requirements with respect to notices of work completed and not completed. It would delete provisions providing any person, whether or not a party to a real property transaction the right to obtain from the board copies of inspection reports, as specified. It would revise certain notices of proposed action provisions, make certain inspection report requirements applicable to field notes and notices of work completed, and revise and recast certain suspension and fine provisions.

The bill would also require an automotive repair dealer, to the extent required by the Director of Consumer Affairs, to identify members and trustees who indirectly control or conduct the business on prescribed forms. Since a violation of this provision would be a misdemeanor, the bill would create a new crime, thereby imposing a state-mandated local program.

(4) Existing law, the Professional Engineers Act and the Professional Land Surveyors' Act, provides for the registration and licensure, respectively, of professional engineers and land surveyors under the jurisdiction of the Board for Professional Engineers and Land Surveyors.

This bill would require the board to issue, upon application and payment of a specified fee to be established under an existing schedule for active licensees, a retired professional engineer's license and a retired land surveyor's license, as specified. Because this bill would provide for new fees to be deposited into the Professional Engineer's and Land Surveyor's Fund, a continuously appropriated special fund, this bill would make an appropriation.

(5) Existing law regulating professional engineers and land surveyors makes it a crime to, among other things, impersonate or use the seal of any other practitioner.

This bill would instead make it a crime for any person to impersonate or use the seal of a licensed professional engineer, or licensed professional land surveyor, respectively. By changing the definition of a crime, this bill would impose a state-mandated local program.

The bill would also make misrepresentation in the practice of land surveying a basis for license suspension or revocation.

(6) Existing law regulates the certification requirements for shorthand reporters. Exempted from certification requirements, among others, are salaried, full-time employees of a district attorney.

This bill would remove that exemption. It would prohibit the renewal of expired, suspended, or revoked certificates if the certificate holder has failed to pay monetary sanctions imposed by a court for failure to provide timely transcripts and makes the record of a court order or a certified copy of the order conclusive evidence that the sanction was imposed. This bill would also prohibit the renewal of a certificate, and would

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authorize disciplinary action, if a certificate holder fails to pay a penalty imposed for a failure to notify the board of a change of name or address.

Existing law establishes the fee for filing an application for each certifying examination.

This bill would add provisions setting the maximum fee for administering this examination, it would increase the maximum duplicate certificate fee from $5 to $10, and would increase the penalty for a failure to notify the board of a change of name or address from $20 to $50.

(7) Existing law, with respect to the time for commencing certain criminal actions, provides for the tolling or extension of certain time periods and provides that a limitation of time does not commence to run until certain specified offenses have been discovered, or could have reasonably been discovered.

This bill would include as one of the enumerated offenses within that provision the theft or embezzlement of the property of an elder or dependent adult by a person who is not a caretaker. This bill would restore language previously chaptered out in 1998 with respect to the addition of certain enumerated offenses within that provision.

(8) Existing law provides that provisions establishing a structural fumigation enforcement program, as specified, shall be repealed effective January 1, 2000.

This bill would extend that date of repeal until July 1, 2003, and would make related changes.

(9) This bill would make various other technical and conforming changes, as specified.

(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. 984 (SB 199) Polanco. Juveniles: confidentiality of records and reports.

Existing law limits the inspection of certain documents relating to a juvenile court proceeding, as specified. Existing law prohibits the dissemination of any records or reports relating to a matter within the jurisdiction of the juvenile court prepared by or released by the court, a probation department, or the county department of social services, any portion of those records or reports, and information relating to the contents of those records or reports, to any person or agency other than an authorized receiving agency.

This bill would revise and recast these provisions to limit the inspection of a juvenile case file, as defined, and would require the release of a juvenile case file to the public, pursuant to an order by the juvenile court after a hearing on a petition therefor, when the child is deceased, except as specified. The bill would require the redaction of any information relating to any child other than the deceased or which could identify another child.

The bill would also provide that unless a person is listed in specified state law and is entitled to access a juvenile case file or any portion thereof that is privileged or confidential pursuant to another state law or federal law or regulation, the person must petition the juvenile court, which, consistent with that law or regulation, may only release the file or portion thereof if disclosure is not detrimental to the safety, protection, or physical or emotional well-being of another child who is directly or indirectly connected to the juvenile case that is the subject of the petition. The bill would provide that these provisions shall be known and may be cited as the Lance Helms Law of Confidentiality. By imposing additional duties upon local officials, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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Ch. 985 (SB 792) Ortiz. Child custody: reports of child abuse.

Existing law authorizes the court to impose specified sanctions against any person found to have knowingly made a false accusation of child abuse or neglect during a child custody proceeding.

This bill would provide that no parent shall be placed on supervised visitation, or be denied child custody or visitation, and no custody or visitation rights shall be limited, solely because the parent lawfully reported suspected sexual abuse of the child or took other actions with respect to suspected sexual abuse of the child, as specified. However, the bill would authorize the court to limit a parent's custody or visitation rights if it finds substantial evidence that the parent with the intent to interfere with the other parent's lawful contact with the child made a false report of suspected child sexual abuse, if that limitation would be in the best interest of the child, and if the court has considered the state's policy of assuring that children have frequent and continuing contact with both parents, as specified. The bill would additionally require any supervised visitation imposed by the court to be administered pursuant to the California Standards of Judicial Administration recommended by the Judicial Council.

Existing law imposes limits on access to specified records of juvenile court proceedings but provides for an exception thereto in accordance with specified legislative intent.

This bill would revise this statement of legislative intent.

The bill would incorporate additional changes to Section 827 of the Welfare and Institutions Code proposed by SB 199 and SB 334, to be operative if this bill and one or both of the other bills are enacted, and this bill is enacted last.

Ch. 986 (SB 1108) Perata. State funds: appropriations.

(1) Existing law provides for state funding for various governmental activities and public programs.

This bill would appropriate $6,970,000 from the General Fund, to be allocated in part in specified amounts to the City of Los Angeles Department of Parks and Recreation for renovation work at the Griffith Observatory, to the Office of Criminal Justice Planning for the Plaza de la Raza for at-risk youth mentoring and the Orange County TracKRS Program, to the California Arts Council for allocation to the Los Angeles Children's Museum and to the Hollywood Entertainment Museum, to the County of Los Angeles Local Agency Formation Commission for a secession study for the Harbor Area, and to the Department of Parks and Recreation to maintain a unit in the state parks system that serves a specified purpose.

(2) Existing law, Chapter 950 of the Statutes of 1998, appropriated a sum not to exceed $5,000,000 to the Chabot Observatory and Science Center, a joint powers agency created by the City of Oakland, the Oakland Unified School District, and the East Bay Regional Park District, to fund the completion of a new Chabot Observatory and Science Center facility and its science education programs. That law also appropriated a sum not to exceed $2,000,000 to the town of Apple Valley to administer a grant to the nonprofit High Desert "Partnership in Academic Excellence" Foundation to provide classroom and laboratory space for the Lewis Center for Earth Science.

This bill would allocate $1,000,000 of the $6,970,000 appropriation made by the bill to the California Arts Council for allocation to the Chabot Observatory and Science Center to help fund the completion of this facility and an additional $1,000,000 of that appropriation to the town of Apple Valley to administer a grant to the foundation to provide classroom and laboratory space for the Lewis Center for Earth Science. The bill would also require the Legislative Analyst to review and to prepare and submit a report to the Legislature on its findings regarding the use of those funds appropriated to the centers pursuant to Chapter 950 of the Statutes of 1998. The bill would require the centers to submit a report to the Joint Legislative Budget Committee and the Department of Finance, as specified, as a condition of receiving funds appropriated by this bill.

(3) The Budget Act of 1999 appropriated $1,000,000 to the California Arts Council for allocation to the Japanese-American National Museum, subject to specified conditions.

This bill would impose additional conditions on the expenditure of these funds.

Ch. 987 (SB 1229) Committee on Revenue and Taxation. Income and bank and corporation taxes.

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

The Personal Income Tax Law and the Bank and Corporation Tax Law generally prohibit, in computing the income that is subject to the taxes imposed by those laws, the deduction by any taxpayer who derives rental income from substandard housing, as defined, of any interest, taxes, depreciation, or amortization paid during a taxable or income year with respect to substandard housing.

This bill would make technical, clarifying changes to these provisions with respect to the definition of substandard housing.

The Bank and Corporation Tax Law provides, in the case of a business with income derived from, or attributable to, sources both within and without this state, that income is apportioned between this state and foreign jurisdictions in accordance with a specified formula. The Bank and Corporation Tax Law authorizes a taxpayer whose income is subject to apportionment to determine its income under a water's edge election made in connection with a specified contract.

This bill would modify these provisions to delete obsolete language with respect to the apportionment of dividends, and would make clarifying changes with respect to the audit process followed by the Franchise Tax Board with respect to taxpayers that have made a water's-edge election. This bill would make legislative findings and declarations that these clarifying changes do not constitute a change in, but are declaratory of, existing law.

The Personal Income Tax Law allows a dependent parent credit in an amount equal to the lesser of 30% of the net tax or $200, as adjusted, to a taxpayer who meets certain requirements.

This bill would provide an additional requirement that the taxpayer uses the head of household or surviving spouse filing status.

The Personal Income Tax Law provides for specified taxation with respect to nonresidents.

This bill would clarify the treatment accorded to nonresidents and part-year residents, as provided.

Existing law providing for the administration of income and bank and corporation tax laws requires every taxpayer subject to taxes under the Bank and Corporation Tax Law to file a return within 2 months and 15 days after the close of its income year.

This bill would require those taxpayers to file a return on or before the 15th day of the 3rd month following the close of its income year.

Existing franchise and income tax laws provide, among other things, an extension for filing certain corporation tax returns, payment of estimated taxes by corporations, and certain penalties and additions to tax.

This bill would make nonsubstantive, clarifying changes to those provisions.

The Bank and Corporation Tax Law provides for the suspension or forfeiture of certain exempt corporations.

This bill would provide that if those corporations have suffered a suspension or forfeiture, as specified, they may be required to file a new application for exemption with an application for revivor.

Existing unemployment insurance law requires the Director of Employment Development, in collaboration with the Franchise Tax Board, to take certain actions with respect to disability insurance contribution overpayments.

This bill would clarify those duties and the manner in which interest is to be paid on overpayments.

This bill would for purposes of the Personal Income Tax Law or the Bank and Corporation Tax Law, or both, make numerous technical, clarifying, and supplemental changes relating to, among other things, federal determinations and changes, alternative minimum tax, voluntary contribution funds, various credits, net operating losses, scholarshare, emergency food assistance, minimum franchise tax, and dividends received from an insurance company subsidiary.

This bill would also make numerous nonsubstantive, technical changes relating to taxation, as provided.

This bill would incorporate changes to certain laws proposed by this bill, AB 473, SB 1125, or AB 1208 or any combination thereof, if this bill and those other bills are chaptered, as provided.

This bill would take effect immediately as a tax levy.

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Ch. 988 (SB 246) Solis. California Firefighters' Memorial Fund: vehicle special license plates.

(1) The Personal Income Tax Law allows taxpayers, until January 1, 2001, to contribute amounts in excess of their tax liability for the support of the California Firefighters' Memorial Fund for the construction of a memorial to California firefighters on the grounds of the State Capitol.

This bill would extend the operation of those contribution provisions to January 1, 2006. This bill would provide that money in the fund also shall be allocated for maintenance of the memorial.

(2) Existing law authorizes a person who is a firefighter or a retired firefighter to apply for special license plates for the person's vehicle. The special license plates, which contain the words "California Firefighter" and run in a regular numerical series, are issued upon application to the Department of Motor Vehicles, presentation of proof of certain facts, and payment of certain fees. Except for fees charged for issuing the plates as environmental license plates, all the revenues derived from the fees charged for the plates, less costs incurred by the department in issuing the plates, are required to be deposited in the California Firefighters' Memorial Fund, prior to January 1, 2001, and in the California Fire and Arson Training Fund, on and after January 1, 2001.

This bill, instead, would require the specified fees to be deposited in the California Firefighters' Memorial Fund prior to January 1, 2006, and in the California Fire and Arson Training Fund on and after that date.

Ch. 989 (SB 1064) Perata. Taxation: contributions: California Mexican American Veterans Memorial Beautification and Enhancement Account.

Under the existing Personal Income Tax Law, individual taxpayers are allowed to contribute amounts in excess of their tax liability for the support of specified funds or accounts, including, among others, the California Mexican American Veterans' Memorial Beautification and Enhancement Account. Existing law provides for the repeal of the contribution provisions for this account on January 1 of any calendar year that the Franchise Tax Board estimates the minimum contribution amount will be less than a prescribed amount.

This bill would modify this provision so that it would be repealed on January 1 of any calendar year beginning on or after January 1, 2001, that the Franchise Tax Board estimates the minimum contribution amount will be less than the prescribed amount.

Ch. 990 (SB 480) Solis. Health care coverage.

Existing law provides for the regulation of health care providers by various state agencies.

This bill would require the Secretary of the California Health and Human Services Agency to submit a report to the Legislature, on or before December 1, 2001, concerning the results of the process established to examine the options for providing universal health care coverage.

Ch. 991 (SB 45) Sher. Commercial law: secured transactions.

Existing provisions of the Commercial Code govern security interests in personal property and fixtures, as well as certain sales of accounts, contract rights, and chattel paper.

This bill would, as of July 1, 2001, repeal those provisions and replace them with new provisions concerning those subjects. Among other things, the new provisions would (1) broaden the scope of covered transactions and collateral, (2) expand the duties of secured parties relating to the release of control and the provision of information to debtors with respect to collateral and the obligations it secures, (3) change certain choice-of-law rules and other requirements regarding the perfection of security interests, (4) revise and add certain new priority rules for secured interests generally and certain special priority rules relating to banks and deposit accounts, (5) revise provisions relative to the relationships between certain 3rd parties and the parties to secured transactions, (6) enact new provisions governing the assignment of certain types of collateral, (7) revise specified filing requirements and financing statement requisites,

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and impose certain new reporting and other duties on the Secretary of State in connection with these changes, and (8) change certain default and enforcement rules.

This bill would appropriate $128,000 from the Secretary of State's Business Fees Fund to the Secretary of State to implement these new provisions. It would revise cross-references and make related changes in several codes to conform to the bill.

Ch. 992 (AB 387) Wildman. School facilities: site contamination.

Under Leroy F. Greene School Facilities Act of 1998, an eligible school district may receive funding for new construction of school facilities.

This bill would provide that in addition to this funding for new construction and subject to certain limitations, that funding may be provided for 50% of the cost of the evaluation of hazardous materials, as defined, at a site to be acquired by the school district and for 50% of the response cost of removal of hazardous waste or solid waste, the removal of hazardous substance, or other remedial action in connection with hazardous substances at that site and up to 100% of these costs in the case of financial hardship assistance, as defined. This bill would permit a school district with a site that meets an environmental hardship criteria, as described, to apply to the State Allocation Board for site acquisition funding for that site prior to having construction plans for that site approved by the Division of the State Architect and the State Department of Education. The bill would require the State Allocation Board to develop regulations that allow school districts with financial hardship site acquisition funding prior to ownership of the site or evidence that the site is in escrow.

Existing law prohibits the governing board of a school district from approving a project involving the acquisition of a schoolsite or the construction of a school by the school district unless specified actions are taken with regard to potential contamination of the site, including a determination by the lead agency, as defined, that the property purchased or to be built upon is not the site of a current or former hazardous waste disposal site or solid waste disposal site, or a hazardous substance release site.

The bill would require a school district that owns a proposed schoolsite as a condition of receiving state funds to enter into an agreement with the Department of Toxic Substances Control to oversee response action if a preliminary endangerment assessment discloses the presence of a hazardous material release, or threatened release, or the presence of naturally occurring hazardous materials, at a proposed schoolsite at concentrations that could pose a significant risk to children or adults, and the school district owns the proposed schoolsite. The bill would also require the school district to take response action pursuant to the Carpenter-Presley-Tanner Hazardous Substance Account Act as may be required by the Department of Toxic Substances Control.

This bill would make certain prohibitions inapplicable to schoolsites acquired prior to January 1, 2000.

The bill would require the State Department of Education to monitor the performance of the Department of Toxic Substances Control in meeting timeframes under its provisions and would require a report of findings to the Department of General Services and the Department of Finance. The bill would also require the State Department of Education to report to the Department of General Services and the Department of Finance every 6 months for a period of 2 years, the amount of fees or other charges of any state agency review paid by school districts regarding schoolsites, and any concerns about those fees or charges.

This bill would provide that it would not become operative unless and until SB 162 is chaptered and becomes operative.

Ch. 993 (AB 784) Romero. Medi-Cal.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.

Existing law specifies that any Medi-Cal provider of durable medical equipment or incontinence supplies shall provide to the department a bond of not less than $25,000, but authorizes the provider to seek an exemption from that requirement after continuous operation of 3 years.

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This bill would extend those requirements to other providers under the Medi-Cal program, and would require the department to establish a mechanism to track participation rates to determine if the requirement is a deterrent to Medi-Cal program participation.

Existing law provides that principal labelers and other primary suppliers of goods and services to incontinence supplies providers under the Medi-Cal program maintain accounting records to support the cost of goods and services provided to those providers, subject to audit or examination by the department.

This bill would extend that requirement to primary Medi-Cal suppliers, as defined, of equipment and supplies to all providers under the Medi-Cal program.

Existing law requires the Director of Health Services to establish administrative appeal processes to review grievances or complaints arising from the findings of an audit or examination for final settlements.

This bill would revise those procedures to require that collection of overpayments subject to a notice of deficiency by the department shall not be deferred although the provider has submitted a request for an appeal process, if the department determines that fraud or willful misrepresentation was applied in the provision of the goods or services, until the completion of the appeal process except in certain cases of extreme financial hardship.

Existing law requires that a provider of durable medical equipment or incontinence supplies under the Medi-Cal program shall be subject to certain penalties and interest on reimbursements received under the Medi-Cal program to which the provider is not entitled.

This bill would extend those penalty and interest requirements to also apply to any provider of services, as defined.

This bill would exempt certain primary care clinics from all the provisions of the bill.

Ch. 994 (SB 831) Baca. Agricultural land.

(1) Under existing law, the Williamson Act authorizes a city or county, upon petition by a landowner, to cancel any contract if a city or county makes specified findings and the landowner pays a cancellation fee. The act also authorizes a city or county, upon petition by a landowner, to enter into an agreement with the landowner to rescind a Williamson Act contract in order to simultaneously place other land under an agricultural conservation easement if the legislative body of the city or county makes specified findings, including, among other things, that the proposed agricultural conservation easement is consistent with specified criteria.

This bill instead would require that the land subject to the proposed easement be within the city, the county, or the county where the contract is canceled and that the easement be consistent with the purposes and requirements of the Agricultural Land Stewardship Program. The bill would also require the legislative body to make findings that the easement is consistent with specified eligibility criteria and is evaluated pursuant to specified selection criteria. The bill would make this a cancellation process, instead of a rescission process, that is subject to additional, specified findings and the payment of a cancellation fee.

(2) Existing law, the Williamson Act, authorizes counties and cities to contract with landowners to keep lands as open spaces in exchange for reduced property taxes. Under existing law, the county or city may enter into an agreement with the landowner to rescind a contract in order to simultaneously place other land under an agricultural conservation easement if specified findings are made regarding the agreement, the easement, and the land involved. One finding is that the Director of Conservation approves the agreement pursuant to specified criteria.

This bill would authorize one or more cities or counties to adopt a plan to implement these recission provisions with respect to multiple transactions within one or more specific areas located in a designated area within the Counties of San Bernardino and Riverside and to submit the plan to the director for approval, as specified.

Ch. 995 (SB 746) Schiff. Sexually violent predators.

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Existing law sets forth procedures under which a person under the jurisdiction of the Department of Corrections may be referred for evaluation at least 6 months prior to the person's scheduled date for release from prison if the director determines that the person may be a sexually violent predator. Existing law provides, under certain circumstances, that this person may be required to stand trial, be found beyond a reasonable doubt to be a sexually violent predator, and be committed for 2 years to the custody of the State Department of Mental Health for treatment and confinement in a secure facility until his or her diagnosed mental disorder has so changed that he or she is not likely to commit an act of sexual violence.

Existing law defines sexually violent predator, for purposes of these provisions, to mean a person who has been convicted of a sexually violent offense against 2 or more victims for which he or she received a determinate sentence and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

This bill would provide that a prior conviction for which a person received a determinate sentence shall include a prior juvenile adjudication of a sexually violent offense if certain conditions exist.

Existing law authorizes the juvenile court to make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of a minor who has been adjudged a ward of the juvenile court for the violation of any law or ordinance or because the minor is beyond control, violates curfew, or persistently and habitually refuses to obey the reasonable and proper directives of his or her parents, guardian, or custodian.

This bill would entitle a minor adjudged a ward of the court for commission of an offense that is defined as a sexually violent offense to specific treatment as a sexual offender. The bill would provide that the failure of a minor to receive that treatment shall not constitute a defense or bar to a determination that any person is a sexually violent predator, as defined.

This bill would incorporate additional changes to Sections 6600 of the Welfare and Institutions Code proposed by AB 1458 and SB 786, to be operative if this bill, AB 1458 and SB 786 are enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 996 (SB 334) Alpert. Youthful offenders: education. [10]

(1) Existing law, the Arnold-Kennick Juvenile Court Law, provides that any person who is under the age of 18 years when he or she violates any criminal law while in this state, except an age curfew ordinance, comes within the jurisdiction of the juvenile court, which may adjudge the person a ward of the court. Existing law also sets forth various provisions governing the adjudication of juvenile court cases, the transfer of certain juvenile court cases to criminal court, the detention of juveniles prior to hearing, the conduct of juvenile court hearings, judgments and orders governing wards of the juvenile court, and juvenile court records.

This bill would enact the " 'No More Victims' Violence Prevention and School Safety 2000 Strategy," setting forth the findings and declarations of the Legislature regarding juvenile crime. The bill would also revise and recast various provisions of the Arnold-Kennick Juvenile Court Law with respect to the direct prosecution of certain juvenile repeat offenders who are 16 years of age or older in a criminal court, the sentencing of juvenile offenders who are convicted in a court of criminal jurisdiction, the assessment of the mental health status of juveniles armed during a felony or attempted felony, the conditions of release from secure detention, public attendance at juvenile court hearings, the rights of victims of juvenile crime to attend juvenile court hearings with support persons and to present victim impact statements, the notification of the Department of Justice by the juvenile court regarding minors adjudged a ward of the court for specified criminal offenses, reports to the court by a juvenile regarding the payment of restitution or performance of community service, and the disclosure by a law enforcement agency of the names of juveniles 14 years of age or older who are alleged to have committed a serious or violent felony, as defined. The bill would impose a state-mandated local program by revising the elements of a crime regarding the

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confidentiality provisions governing records of pupils who have been declared wards of the juvenile court, violation of which is a misdemeanor.

(2) Existing law requires the Department of the Youth Authority to establish the office of the Superintendent of Education to oversee educational programs under the jurisdiction of the department.

This bill would require the department to ensure that each ward who has not attained a high school diploma or equivalent shall be enrolled in an appropriate educational program as deemed necessary by the department, and to develop a high school graduation plan for that ward.

(3) Existing law declares the intent of the Legislature that all California public schools operated by school districts develop a comprehensive school safety plan. Existing law requires that the comprehensive school safety plan include, but not necessarily be limited to, among other things, assessing the current status of school crime committed on school campuses and at school-related functions and identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety.

Under existing law, the governing board of a school district, on behalf of one or more schools within the district that have developed a school safety plan, may apply to the Superintendent of Public Instruction for a grant to implement school safety plans, and the Superintendent of Public Instruction is required to award those grants in the 1989–90, 1990–91, and 1991–92 fiscal years, in an amount not to exceed $5,000.

Existing law requires that the comprehensive school safety plan be evaluated and amended, as needed, by the schoolsite council or the school safety planning committee no less than once a year. Existing law requires that each school adopt its comprehensive school safety plan by September 1, 1998.

Existing law requires each school to forward its comprehensive school safety plan to the school district or county office of education for approval. Existing law requires each school district or county office of education to notify the State Department of Education by October 15, 1998, of any schools that have not complied with the requirement of developing a comprehensive school safety plan.

Under existing law, these provisions would be repealed on January 1, 2000, however, the comprehensive school safety plan would continue to be evaluated and amended by the schoolsite council.

This bill would extend the operative date of those provisions indefinitely and would instead require each school to adopt its comprehensive school safety plan by March 1, 2000, and to review and update the plan by March 1 every year thereafter. The bill would also require each school district or county office of education to notify the State Department of Education annually of any schools that have not complied with the requirement of developing a comprehensive school safety plan. The bill would require, commencing in July 1, 2000, and every July thereafter, each school to report on the status of its school safety plan, including a description of its key elements in the school accountability report card otherwise required by law.

(4) Under existing law, various programs are designed to promote school safety and prevent school violence including, among others, the Interagency School Safety Demonstration Act of 1985, the School Community Policing Programs, and provisions pertaining to the development of school safety plans.

This bill would establish the School Safety and Violence Prevention Strategy Program, to be administered by the Superintendent of Public Instruction for the purpose of promoting school safety and violence prevention programs among children and youth in the public schools. The bill would require the Superintendent of Public Instruction, in conjunction with the Attorney General, to develop guidelines and standards for evaluating grant applications, and to award grants on a competitive basis to schools that develop school safety plans and demonstrate a collaborative and coordinated approach for implementing a comprehensive school safety and violence prevention strategy to be used for certain purposes, including, but not limited to, providing counselors who are specially trained in identifying and supporting at-risk children and youth. The bill would require the Superintendent of Public Instruction and the Attorney General to cooperatively design an evaluation process for the program and activities established under the School Safety and Violence Prevention Strategy, and to report to the

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Legislature by January 1 of each year on those programs. The bill would also require a school principal to disseminate information regarding a minor who has been found to have committed any specified felony or misdemeanor to a teacher or administrator, as specified.

The bill would appropriate $5,000,000 from the General Fund to the Superintendent of Public Instruction to carry out the program. The bill would provide that these funds would 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 would appropriate $1,500,000 from the General Fund to the Board of Corrections for the At-Risk Youth Early Intervention Program, as specified. The bill would also appropriate $3,000,000 to the County of San Diego for the purchase of the San Pasqual Academy, as specified, $1,800,000 to the City and County of San Francisco for the purchase and installation of surveillance cameras on the public transit vehicles of the municipal railway, and $1,500,000 to the City of Riverside for the purpose of expanding the operation of the Project Bridge Gang crime prevention program.

(5) Because the provisions of the bill described above increase the duties of school officials, court personnel, law enforcement officers, and various other local officials, this bill would impose a state-mandated local program.

(6) The bill would incorporate additional changes to Section 827 of the Welfare and Institutions Code made by SB 199 and SB 792, to take effect if one or both bills are enacted and this bill is enacted last.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Ch. 997 (AB 575) Aroner. Child welfare services.

(1) Existing law provides that children may be adjudged wards of the juvenile court on the basis of criminal behavior, truancy, or other specified reasons. Existing law defines punishment for purposes of these provisions of the juvenile court law.

Existing law also establishes the jurisdiction of the juvenile court in the case of children who have been abused or neglected, who may be adjudged dependent children of the juvenile court. These provisions require that parents and guardians be notified regarding hearings concerning children in their care. These provisions also require that a case plan be prepared regarding dependent children and that specified services shall be provided to effect family reunification in designated circumstances.

Existing law provides that a child may be declared free from the custody and control of a parent, upon clear and convincing evidence, that the parent has abandoned, neglected, or cruelly treated the child, or that the parent is incapacitated, as specified, and is determined to be unable or unfit to care for or control the child.

This bill would require the filing of a specified social study prior to the filing of that petition. The bill would establish proceedings for reviewing the status of and, in certain cases, terminating parental rights with respect to, a minor who has been adjudged a ward of the juvenile court and who has been placed in foster care. The bill would also require that where a court orders a minor to be placed under the supervision of the probation officer, the court shall inquire as to the identity and address of all presumed or alleged fathers, as specified.

The bill would revise the definition of punishment to specifically exclude the placement of a child in defined foster care from that definition. The bill would require that foster parents, relative caregivers, legal guardian, and preadoptive parents, as defined, receive notice and other specified information when children in their care are taken into custody or are the subjects of various hearings which may result in, or are the

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result of, the children being adjudged wards of the juvenile court. The bill would require the probation officer to prepare a case plan describing the strengths and needs of a minor and his or her family when a minor is detained. The bill would also require that a case plan be prepared describing the services provided to children who are at risk of entering foster care as specified. The bill would make other, related changes requiring, among other things, that child welfare services be provided to wards of the juvenile court who are in defined foster care and their parents and that a review of their status be conducted no less frequently than once every 6 months. It also would require specified permanency planning hearings. By imposing additional duties on local officials, the bill would impose a state-mandated local program.

(2) The bill would also require the Judicial Council to adopt rules of court, forms, and procedures to implement statutes pertaining to children in foster care placements.

(3) The bill would incorporate additional changes to Section 202 of the Welfare and Institutions Code made by this bill and AB 645 to take effect 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 998 (SB 209) Burton. Deceased personalities.

Existing law establishes a cause of action for damages on behalf of specified injured parties for the unauthorized use of a deceased personality's name, voice, signature, photograph, or likeness for commercial purposes within 50 years of the personality's death, except as specified.

This bill would revise that provision to extend the period of protection from 50 years to 70 years after the personality's death. The bill would also revise the exceptions applicable to this protection, as specified, and would state that its provisions apply if any of the acts giving rise to the action occurred directly in this state. In addition, the bill would require the Secretary of State, upon the filing of a claim as successor in interest to the rights of a deceased personality, as provided pursuant to existing law, to post the document along with the entire registry of persons filing such claims on the World Wide Web.

This bill would provide that these provisions may be known and cited as the Astaire Celebrity Image Protection Act.

Ch. 999 (SB 408) Alpert. Secretary of State: fees.

Existing law authorizes the Secretary of State to establish by regulation special handling fees in connection with the filing of documents, issuing of certificates, and other services performed by the office. Existing law also requires that these fees approximate the estimated cost of special handling and be accounted as expenditure reimbursements by the Secretary of State.

This bill would authorize the Secretary of State to charge fees which may be in different amounts not to exceed $1,000 for preclearance documents and expedited filings, as specified, and would require the secretary to report to the Legislature on the implementation of these provisions. The bill would specify that the preclearance or expedited filing of documents by the Secretary of State shall be considered discretionary pursuant to other provisions exempting public employees from liability for discretionary acts or omissions.

Ch. 1000 (SB 284) Kelley. Secretary of State.

(1) Existing law authorizes the Secretary of State to charge various fees for the filing, indexing, and furnishing of various documents and the performance of other functions by the Secretary of State. Existing law, until January 1, 2000, requires that fees collected and interest earned in excess of the authority of the Secretary of State to expend those

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fees and interest pursuant to the annual Budget Act, up to $2,000,000 at the end of each fiscal year, be transferred from the Secretary of State's Business Fees Fund to the Business Reinvestment Fund. Existing law, until January 1, 2000, requires any additional excess fees and interest earned be transferred to the General Fund at the end of each fiscal year. Existing law, as of January 1, 2000, requires that all fees collected and interest earned in excess of the authority of the Secretary of State to expend those fees and interest pursuant to the annual Budget Act be transferred to the General Fund at the end of each fiscal year.

This bill would consolidate the statutory fees for various business programs in the Government Code and revise certain of those fees. This bill would require that of the fees collected and interest earned in excess of the authority of the Secretary of State to expend those fees and interest pursuant to the annual Budget Act, up to $1,000,000 may remain in the Business Fees Fund. Any additional excess fees and interest earned would be transferred to the General Fund.

(2) Existing law requires every corporation to file, within 90 days after the filing of its original articles of incorporation and annually thereafter, a statement of general information and a designation of an agent for the service of process with the Secretary of State. Existing law requires every limited liability company and every foreign limited liability company registered to transact intrastate business in this state to file, within 90 days after the filing of its original articles of organization and annually thereafter, a statement of general information and a designation of an agent for the service of process with the Secretary of State.

This bill would require a corporation, limited liability company, and foreign limited liability company to file this statement biennially and would permit changes to be filed to these statements without charge until the next filing is due.

(3) Existing law designates the Secretary of State as the agent for service of process for various purposes, including, but not limited to, nonresident applicants for real estate licenses, registration of savings and loan holding companies, and nonresidents with respect to the use of watercraft or ownership of aircraft.

This bill would delete the requirement that the Secretary of State be named the agent for service of process under these provisions of law.

(4) Existing law authorizes the Secretary of State to file or record any document by using automated data processing, telecommunications, and other information technologies that do not permit additions, deletions, or changes in the original document.

This bill would authorize the Secretary of State to adopt rules and regulations to authorize the electronic filing of any documents required to be filed with the Secretary of State under any law administered by the Secretary of State. This bill would authorize the filing officer to employ a system of microphotography, optical disk, or reproduction by other techniques, which do not permit additions, deletions, or changes to the original documents.

(5) Existing law provides procedures for the merger of corporations.

This bill would require a surviving domestic corporation in a merger to assume the tax liability of a domestic disappearing corporation and would authorize the Secretary of State under specified circumstances to file a corporate merger without the certificate of satisfaction of the Franchise Tax Board and to notify the board of the merger.

(6) Existing law requires that a notice be filed with the Secretary of State in the event a registered limited liability partnership or a foreign limited partnership ceases to be a limited liability partnership.

This bill would require a tax clearance certificate issued by the Franchise Tax Board to be filed with the notice.

(7) Existing law, in an uncodified provision, provides that nothing in specified laws that amend the Beverly-Killea Limited Liability Company Act, is to be construed to permit a domestic or foreign limited liability company to render professional services.

This bill would codify that provision.

(8) This bill would provide that its provisions pertaining to information technology may not be implemented, and no information technology related preparation work may be undertaken in connection with these provisions prior to July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to a specified executive order.

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(9) This bill would incorporate additional changes in Section 990 of the Civil Code proposed by SB 209, to be operative if SB 209 and this bill are both enacted and become effective on or before January 1, 2000, and this bill is enacted last.

(10) This bill would add an alternative version of Section 12182 to the Government Code that would incorporate changes in Section 12208 of the Government Code and a related reporting requirement that are proposed by SB 408, to be operative if SB 408 and this bill are both enacted and become effective on or before January 1, 2000, and this bill is enacted last.

Ch. 1001 (SB 1039) Johnson. Education: school facilities: funding. [11]

Under existing law, school districts are required to use funds derived from the sale of surplus property for capital outlay or for costs of maintenance of school district property. The proceeds may be deposited into the general fund of the school district for any general fund purpose if the school district governing board and the State Allocation Board have determined that the district has no anticipated need for additional sites or building construction for the 5-year period following the sale or lease of the surplus property.

Existing law that was in effect until January 1, 1998, provided an exception to the above-described provisions and authorized a school district in Orange County, that was unable to access funds of the school district deposited into the county treasury as a result of the financial crisis that led to the filing of a petition for the declaration of bankruptcy of Orange County, to deposit the proceeds derived from the sale of surplus property of the district into the general fund of the district and to expend those proceeds for general fund purposes. The law required that the proceeds from the sale of surplus property first be used to replenish fully any capital outlay funds or accounts that were lost due to the Orange County financial crisis.

Existing law prohibits any school district that deposits the proceeds from the sale of surplus property pursuant to that provision from applying for funding for school construction or modernization within 5 years from the date of the last deposit.

This bill would authorize any school district that is in Orange County and that deposited proceeds derived from the sale of surplus property into the general fund of the school district and used those proceeds for general fund purposes pursuant to those provisions to submit a placeholder application for state per-pupil facilities funding prior to the completion of the 5-year period.

This bill would, notwithstanding the 5-year waiting period, authorize the State Allocation Board to approve the district's new construction and modernization eligibility but would prohibit approval of state funds until completion of the 5-year period.

This bill would appropriate $250,000 from the General Fund to the Superintendent of Public Instruction for the purposes of providing a grant to Alumnae Resources, a nonprofit organization, for the purposes of providing job training and education services.

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

Ch. 1002 (SB 162) Escutia. School facilities: contamination.

Under the Leroy F. Greene School Facilities Act of 1998, an eligible school district may receive funding for new construction of school facilities.

Existing law prohibits the governing board of a school district from approving a project involving the acquisition of a schoolsite or the construction of a school by the school district unless specified actions are taken with regard to potential contamination of the site, including a determination by the lead agency, as defined, that the property purchased or to be built upon is not the site of a current or former hazardous waste disposal site or solid waste disposal site, or a hazardous substance release site.

This bill would provide that, as a condition of receiving funding under the Leroy F. Greene School Facilities Act of 1998, the governing board of a school district is prohibited from approving the acquisition of a schoolsite, or if the school district owns or leases a schoolsite, from proceeding with the construction of a project, unless the governing board causes certain environmental assessments to be conducted that are reviewed and approved by the Department of Toxic Substances Control.

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This bill would require the school district to reimburse the Department of Toxic Substances Control for all of its response costs and would provide that these costs may be reimbursed under the Leroy F. Greene School Facilities Act of 1998.

This bill would provide that a school district is not liable in any action filed against the district for making a preliminary endangerment assessment available for public review.

This bill would provide that the Carpenter-Presley-Tanner Hazardous Substance Account Act applies to schoolsites of school districts electing to receive state funds where naturally occurring hazardous materials are present, regardless of whether there has been a release of a hazardous material.

This bill would provide that it would not become operative unless and until AB 387 is chaptered and becomes operative.

Ch. 1003 (SB 767) Committee on Budget and Fiscal Review. Budget Act of 1999: augmentation.

Existing law, as set forth in the Budget Act of 1999, makes various appropriations for support of state government for the 1999–2000 fiscal year.

In augmentation of the Budget Act of 1999, this bill would appropriate $392,000 from the General Fund to the Energy Resources, Conservation and Development Commission for a local assistance grant to Kern County to convert a traffic pedestrian light to LED, $120,000 from the Harbors and Watercraft Revolving Fund to the Department of Boating and Waterways to provide a grant for the Lake Isabella patrol boat dock and covering, $1,000,000 from the General Fund to the State Coastal Conservancy to fund Window by the Bay in Monterey County, $450,000 from the General Fund to the Department of Parks and Recreation to fund a recreational grant for land acquisition for YMCA/Lancaster Park in the City of Lancaster, $25,000 from the General Fund to the Department of Parks and Recreation to fund a recreational grant for renovation of the Civic Center in the City of Scotts Valley, $25,000 from the General Fund to the Department of Parks and Recreation to fund a recreational grant to San Benito Youth Services for land acquisition for a youth center, $300,000 from the General Fund to the Department of Water Resources for local assistance to Butte County to fund the Rock Creek/Keefer Slough Flood Control Project Study, $400,000 to the Department of Corrections for local assistance to fund remodeling of the courthouse in Imperial County, $12,000 from the General Fund to the California State Library to fund the Palmdale City Library, $120,000 from the General Fund to the Office of Criminal Justice Planning to fund the City of Oceanside Gangbusters Program, $120,000 from the General Fund for purchase of two ambulances in Imperial County, and $300,000 from the General Fund to assist construction of job training centers in the Cities of Oxnard and Ventura. The bill would also reappropriate $17,000 from the Proposition 98 Reversion Account to the Superintendent of Public Instruction for allocation to the North Cow Creek School District, as specified.

Ch. 1004 (AB 673) Honda. Child visitation and exchange program.

Existing law requires a court making a custody order to grant reasonable visitation rights to a parent unless it would be detrimental to the best interest of the child and authorizes the granting of reasonable visitation rights to other specified persons.

This bill would authorize the family law division of a superior court, subject to the availability of federal funding, to establish programs for supervised visitation and exchange services, specified education programs, and group counseling for parents and children. The bill would authorize the court to contract with eligible supervised visitation and exchange, education, and group counseling providers, as defined, to provide supervised visitation and exchange program services subject to specified standards of practice, education, and group counseling. The bill would require the court to approve sliding scale fees so that families would pay for the services based on their ability to pay. The bill would also require the Judicial Council to apply for federal grants, as specified, to fund child custody and visitation programs; charge the Judicial Council with the administration of the grant funds; specify criteria for awarding of grant funds; state the intent of the Legislature that, effective October 1, 2000, grant funds shall be used for supervised visitation and exchange services, specified education, and group

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counseling for parents and children; and require the Judicial Council to report to the Legislature regarding the programs, as specified.

Existing law, known as the Friend of the Court Act, expresses legislative intent to create in each superior court, an office of the friend of the court, contingent upon federal funding therefor.

This bill would repeal that act.

Ch. 1005 (AB 1658) Committee on Utilities and Commerce. Public utilities.

(1) Existing law requires the Public Utilities Commission to prepare reports on a one-time basis to the Legislature on various regulatory issues within the jurisdiction of the commission.

This bill would make legislative findings that the purposes of this bill are to eliminate obsolete provisions of the Public Utilities Code by eliminating reports that were required on a one-time basis and other obsolete provisions, to clarify existing law to reflect the internal reorganization of the commission and recent statutory enactments, to update the Public Utilities Code in light of regulatory changes mandated by state and federal laws, and to clarify the continuing authority of the commission.

(2) Existing law provides specified peace officer authority to persons employed by the Safety and Enforcement Division of the commission as investigators and investigator supervisors who are designated by the director of the division and approved by the commission.

This bill would provide this peace officer authority to persons employed as investigators or investigator supervisors of the Consumer Services Division or the Rail Safety and Carrier Division of the commission who are designated by the commission's executive director and approved by the commission.

(3) Existing provisions of the Public Utilities Code authorize the commission to regulate railroads. Federal law gives exclusive jurisdiction to the federal Surface Transportation Board to regulate rates, classifications, rules, and other specified activities over most intrastate railroad transportation.

This bill would make inapplicable any provision of the Public Utilities Act relating to railroad transportation that is in conflict with that federal law.

The bill would define "network railroad transportation" to mean railroad transportation subject to the jurisdiction of the federal Surface Transportation Board pursuant to that federal law, and would amend various provisions of the Public Utilities Code to specify that they do not apply to "network railroad transportation," and would make related changes.

(4) Existing law provides for the Public Utilities Ratepayer Advocate Fund, but does not provide a source of funding for that fund.

This bill would require, in the annual Budget Act, that funds be transferred from the Public Utilities Commission Reimbursement Account to the Public Utilities Ratepayer Advocate Fund.

(5) Existing law relating to electrical restructuring requires each entity offering electrical service to residential and small commercial customers, except as specified, to register with the commission and to comply with certain other provisions relating to consumer protection.

This bill would instead require each electric service provider, as defined, to register with the commission and to comply with those consumer protection provisions. The bill would additionally require each electric service provider to furnish to the commission fingerprints for specified persons associated with the electric service provider, to be checked as prescribed.

(6) Existing law requires the commission to annually determine a fee to be paid by railroad corporations for state funded railroad investigation and enforcement activities, as specified. Existing law limits the expenditure of the fees to specified activities relating to railroads and requires the commission to submit a detailed budget to the Legislature for those expenditures each fiscal year.

This bill would limit those expenditures to employees actually performing the specified services. The bill would include, until January 1, 2002, as a permissible expenditure, the pro rata share of the commission's overhead costs in implementing the budgeted activities. The bill would require the commission to expend funds budgeted

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for the salaries, per diem, and travel expenses of railroad-safety personnel, as specified, unless, by statute, the commission is specifically prohibited from expending all or part of the funds.

(7) Existing law authorizes the commission to establish rates for public utilities regulated by the commission.

This bill would make specified changes in that authority and the procedures relating to setting rates and charges.

(8) Existing law permits the commission to exempt certain common carriers from California antitrust laws.

This bill would repeal that authority.

(9) Existing law requires commission approval for the transfer or encumbrance of public utility property, as specified.

This bill would exempt from commission approval the transfer of the ownership interest in a water utility with 10,000 or fewer service connections, when the transfer is from a decedent to a member of a decedent's family pursuant to probate, a will, trust, or other instrument.

(10) Existing law requires a written report of ex parte communication by a decisionmaker, as defined, and any party, irrespective of who initiated the communication, and the filing with the commission of the original and 12 copies of the report.

This bill would delete the specified number of copies of the report to be filed, and require filing be in accordance with the procedures established by the commission for the serving of the notice.

(11) Existing provisions of law require the commission to periodically review and monitor the development and use of any operations model used by any public utility, as specified, and to verify, validate, and improve the production cost planning models and the financial planning models of public utilities to facilitate their use by the commission.

This bill would repeal these provisions, thereby making the review by the commission discretionary.

(12) Existing law requires the commission to design and implement a program whereby each telephone corporation is required to provide, as specified, telecommunication services capable of serving the needs of individuals who are deaf or hearing impaired.

This bill would authorize the commission to direct a telephone corporation to implement the program, rather than requiring the commission to direct each telephone corporation to implement the program.

(13) Existing law requires persons, corporation, or billing agents that transmit telephone bills to include information concerning the nature of the charges, dispute resolution, and complaint procedures. Until January 1, 2001, this includes a bill for noncommunications-related goods and services included in an envelop with a telephone bill.

This bill would require a toll free number for resolving disputes and appropriate addresses for filing written complaints, as prescribed.

(14) Existing law provides a fee of $25 to be paid to the commission for the filing of the initial registration of private carriers of passengers, and an annual renewal fee of $20. Existing law permits the commission to increase this amount to $35 and $30, respectively, which the commission has done.

This bill would increase the statutory fee amount to $35 and $30, respectively.

(15) Existing law requires the commission to establish a surcharge to cover the commission's cost of the propane safety inspection and enforcement program, as specified. Existing law requires these surcharges to be deposited into the Propane Safety Inspection and Enforcement Program Trust Fund, from which funds may only be expended upon appropriation.

This bill would require the transfer of these funds to the Utilities Reimbursement Account in the General Fund, to be available upon appropriation to cover the cost of the propane safety inspection and enforcement program.

(16) Existing law provides regulatory jurisdiction of household goods carriers, as defined, by the commission. Existing law establishes the requirement, and application procedures, for a household goods carrier permit.

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This bill would exclude from that term a household goods carrier when the carrier is transporting used office, store, and institution furniture and fixtures and make related changes. The bill would permit, as specified, a household goods carrier to elect to transport these items under its household goods carrier permit by meeting specified conditions including paying a specified fee. The bill would provide that if the household goods carrier does not so elect or revokes a prior election, then the household goods carrier has to comply with the provisions of the Motor Carriers of Property Permit Act in the Vehicle Code. The bill would require the commission to require a household goods carrier permit applicant to submit fingerprints for specified persons, as a prerequisite to the issuance of a permit, to be checked as specified.

(17) Under the Passenger Charter-Party Carriers' Act, the furnishing of specified passenger transportation services by a charter-party carrier of passengers, as defined, is subject to the jurisdiction and control of the commission and is required to be furnished pursuant to a certificate of public convenience and necessity or a permit issued by the commission.

This bill would make inapplicable any provision of the Passenger Charter-Party Carriers' Act or of the Public Utilities Act, relating to charter bus transportation, as defined, that conflicts with the federal Transportation Equity Act for the 21st Century, and would make related changes to existing law.

(18) Existing law requires the commission and the State Energy Resources and Conservation and Development Commissions to participate in an annual meeting with representatives from specified public utilities and invited entities, as specified.

This bill would delete the commission from this provision.

(19) This bill would make clarifying and technical changes to specified provisions of the Public Utilities Code.

(20) (a) This bill would incorporate additional changes in Section 7232 of the Revenue and Taxation Code proposed by SB 532, to become operative only if both bills are enacted and become operative on or before January 1, 2000, and this bill is chaptered last.

(b) This bill would incorporate additional changes in Section 34601 of the Vehicle Code proposed by SB 533, to become operative only if both bills are enacted and become operative on or before January 1, 2000, and this bill is chaptered last.

Ch. 1006 (AB 957) Scott. Vehicles: motor carriers of property.

(1) Existing law requires the Department of the California Highway Patrol to inspect every motor carrier terminal under the biennial inspection of terminals program, at least every 25 months, as specified. Existing law requires a motor carrier to schedule the inspection with the department and to submit fees as specified. Applications and fees for subsequent inspections are required to be submitted, as specified, before the expiration of the motor carrier's then current inspection term.

Existing provisions of the Public Utilities Code require the Public Utilities Commission, upon recommendation of the Department of the California Highway Patrol, and after a hearing, to suspend a household goods carrier's permit if the carrier has either (a) failed to maintain any vehicle used in transportation for compensation in a safe operating condition or to comply with the Vehicle Code or with regulations relative to motor safety, if that failure is either consistent failure or presents an imminent danger to public safety, or (b) failed to enroll all drivers in the required pull notice system, as defined.

This bill would add failure to submit any application or to pay any fee required through the inspection program within the required timeframes to the list of actions for which the Department of the California Highway Patrol would recommend suspensions.

(2) Existing provisions of the Vehicle Code require the Department of the California Highway Patrol, for motor carriers of property, to recommend that the Department of Motor Vehicles suspend or revoke the permit of a motor carrier of property, or for interstate operators, to recommend to the federal Highway Administration Office of Motor Carriers that appropriate administrative action be taken against a carrier, when the carrier has either (a) failed to maintain any pertinent vehicle in a safe operating condition or to comply with regulations relative to motor carrier safety, as specified, or (b) failed to enroll all drivers in a required pull-notice system, as defined.

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This bill would add failure to submit any application or pay any fees required through the inspection program within the required timeframes to the list of actions for which the Department of the California Highway Patrol would make those recommendations. Because a motor carrier of property whose permit has been suspended or revoked under these provisions would have to pay a reinstatement fee that is to be deposited into the Transportation Rate Fund, which is a continuously appropriated fund, the bill would make an appropriation.

(3) Existing provisions of the Vehicle Code prohibit a motor carrier of property from operating a commercial motor vehicle on any public highway in this state during any period its motor carrier of property permit is suspended pursuant to specified existing law.

This bill would prohibit a motor carrier of property whose motor carrier permit is suspended pursuant to specified existing law, which suspension is based wholly or in part on the failure of the motor carrier to maintain any vehicle in safe operating condition, from leasing, or otherwise allowing another motor carrier to operate the vehicles of the carrier subject to the suspension, during the period of the suspension. The bill would also prohibit a motor carrier of property from knowingly leasing, operating, dispatching or otherwise utilizing any vehicle from a motor carrier of property whose motor carrier permit is suspended in the manner described above, and would authorize the department to immediately suspend the motor carrier permit of any motor carrier that the department determines to be in violation of that prohibition. Because a violation of the Vehicle Code under existing law is a crime, this bill would create new crimes, thereby imposing a state-mandated local program.

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

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

Ch. 1007 (SB 532) Committee on Transportation. Transportation.

(1) Under existing law, each transportation planning agency is required to adopt and submit biennially, an updated regional transportation plan to the California Transportation Commission and to the Department of Transportation, except a transportation planning agency that does not contain an urbanized area, may adopt a plan every 4 years beginning with December 1, 1997.

This bill would require the plan to be adopted and submitted every 3 years, rather than biennially, beginning by September 1, 2001, and would extend until September 1, 2001, the date that 4-year plans shall begin.

(2) Existing law prescribes the allocation of funds from the Public Transportation Account and the State Highway Account.

This bill would authorize expenditure of these funds allocated to the new Fresno Amtrak Station to be expended on any Fresno Amtrak project, as prescribed, thereby making an appropriation.

(3) Existing law, with regard to a public transportation system, as defined, specifies prohibitions against, among other things, the evasion of the payment of fares. Existing law additionally authorizes a local or regional transit agency or joint powers agency operating a rail service pursuant to specified provisions in the Public Utilities Code to authorize by contract designated persons as conductors performing fare inspection duties who are employed by a railroad corporation that operates public rail commuter transit services for that agency to act as its agent in the enforcement of those laws specified above with regard to the evasion of the payment of fares if they complete specified training that shall be provided by the authorizing agency. Existing law also provides that the employees acting as agents pursuant to this provision are public officers, not peace officers, have no authority to carry firearms or any other weapons, and may not exercise the powers of arrest of a peace officer while performing the duties authorized in these provisions.

This bill would specify that the governing board of the Peninsula Corridor Joint Powers Board, a joint powers agency, may designate persons to act as its agents in the

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enforcement of specified provisions of law relating to the operation of a public transportation system.

This bill would state findings and declarations of the Legislature that a special law is necessary and that a general law cannot be made applicable.

(4) Existing law imposes competitive bidding requirements on the Southern California Rapid Transit District with regard to purchases of supplies, equipment, and materials and the construction of facilities and works when the expenditure required exceeds $25,000.

This bill would repeal those provisions.

(5) Existing law requires all contracts for the construction of transit works or transit facilities in excess of $5,000 to be awarded to the lowest responsible bidder after competitive bidding.

This bill would increase the amount to $25,000 from $5,000 for the Los Angeles County Metropolitan Transportation Authority.

(6) Existing law imposes competitive bidding requirements on transit development boards with regard to certain contracts for construction.

This bill would exempt the Los Angeles County Metropolitan Transportation Authority from these provisions.

(7) Under existing law, contracts for the purchase of supplies, equipment, and materials in excess of $10,000 shall be awarded by the Sacramento Regional Transit District to the lowest responsible bidder, after competitive bidding, except in an emergency declared by a $^4/_5$ vote of the board of the district.

This bill would increase the amount to $40,000 from $10,000.

(8) Existing law requires all contracts for the purchase of supplies, equipment, and materials in excess of $10,000 that is awarded by the Sacramento Regional Transit District to be awarded to the lowest responsible bidder after competitive bidding except in an emergency declared by $^4/_5$ of the board of the district.

This bill would allow the district to procure one or more streetcars that operated more than 50 years ago in the district service area without having to comply with competitive bidding procedures.

(9) Under existing law, a county transportation commission is required to award a contract for the purchase of all supplies, equipment, and materials, and the construction of all facilities and works to the lowest responsible bidder when the expenditure required exceeds $25,000. Existing law also requires the commission to obtain a minimum of 3 quotations, which permit price and terms to be compared, whenever the expected expenditure required exceeds $1,000, but not $25,000.

This bill would, for the Los Angeles County Metropolitan Transportation Authority, require a contract by the commission for the purchase of all supplies, equipment, and materials to be let to the lowest responsible bidder when the expenditure required exceeds $40,000. The bill also would instead require the commission to obtain a minimum of 3 quotations which permit price and terms to be compared, whenever the expected expenditure required exceeds $2,500 but not $40,000.

(10) The Local Transportation and Improvement Act authorizes a county board of supervisors to create a local transportation authority. Under the act, a board of supervisors that chooses to create an entirely new entity as an authority is required to determine the membership of the authority with the concurrence of a majority of the cities having a majority of the population in the incorporated area of the county.

This bill would authorize each member of an authority to have an alternate to vote or otherwise officially participate on behalf of the member at meetings of the authority when the member is not present, to be designated as prescribed.

(11) Existing law designates State Highway Route 91.

This bill would authorize the relinquishment of a specified portion of Route 91 to designated cities, as prescribed.

(12) Existing law designates State Highway Route 217.

This bill would relinquish a portion of the route to Santa Barbara County, as prescribed.

(13) Existing law requires motor carriers of property to annually pay a permit fee to the Department of Motor Vehicles. Motor carriers of property is defined to mean any person who operates any commercial motor vehicle, but does not include defined specified vehicles.

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This bill would further exclude motor trucks or 2-axle truck trailers operated in noncommercial use with a gross vehicle weight of less than 26,001 pounds used solely to tow certain trailers from the definitions of commercial motor vehicles under this provision.

(14) Under existing law, whenever possession is taken of any vehicle by or on behalf of any legal owner under the terms of a security agreement or lease agreement, the person taking possession is required to immediately notify by the most expeditious means available local law enforcement agencies.

This bill would require the notification to be made within one hour after taking possession of the vehicle.

(15) Existing law defines "certificate of compliance" for purposes of the Vehicle Code as a document issued by a state agency, board, or commission, or authorized person setting forth that the requirements of a particular law have been satisfied.

This bill would revise that definition to specify that the document is an electronic or printed document.

(16) Existing law specifies fees for transferring title to a registered motor vehicle.

This bill would change a fee, as prescribed.

(17) Existing law prohibits covering vehicle license plates, except as specified.

This bill would allow for the installation of license plate security covers under specified conditions, so long as no portion of a license plate security cover rests over the license plate number.

(18) Existing law requires a person who is employed as a driver of a paratransit vehicle to meet certain requirements. Those requirements include the successful completion of specialized training. Existing law provides that the training requirement is satisfied if the driver receives training or a certificate pursuant to, among other things, regional centers for persons with developmental disabilities.

This bill would delete the reference to regional centers for persons with developmental disabilities.

(19) Under existing law, it is a misdemeanor for any person or corporation to operate or cause to be operated on the highways any motor vehicle transporting property or passenger for compensation in interstate commerce without first complying with registration requirements of the Public Utilities Commission.

This bill would recast this provision by correcting a cross-reference and making other technical changes, and by expanding the scope of the provision to apply to motor carriers of property that are engaged in any interstate or foreign transportation for compensation who must first register with the Department of Motor Vehicles or with the carrier's base registration state. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(20) Existing law prohibits persons from stopping, standing, sitting, or loitering upon certain defined bikeways or any public or private bicycle path or trail if that act impedes or blocks the movement of any bicyclist. Existing law also prohibits a person from placing or parking any, among other things, vehicles upon those bikeways, paths, or trails which impede or block bicyclists, except as specified.

This bill would exempt from these prohibitions the driver or owner of a rubbish or garbage truck while the truck is actually engaged in the collection of rubbish or garbage in a business or residence district if the front turn signal lamps at each side of the vehicle are being flashed simultaneously and the rear turn signal lamps at each side of the vehicle are being flashed simultaneously.

(21) Existing law makes it an infraction for a person to park a vehicle within 3 feet of any sidewalk access ramp constructed adjacent to a crosswalk so as to be accessible to and usable by the physically disabled, if the area adjoining the ramp is designated by either a sign or red paint.

This bill would recast the above provision to make it an infraction for a person to engage in the above conduct where the ramp is constructed at, or adjacent to, a crosswalk or at any other location on a sidewalk under the circumstance described above. Because this would expand the scope of an existing crime, the bill would impose a state-mandated local program.

(22) Existing law authorizes the owner or person in lawful possession of any private property, subsequent to notifying, by telephone or, if impractical, by the most

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expeditious means available, the local traffic law enforcement agency to cause the removal of a vehicle parked on the property to the nearest public garage under specified circumstances.

This bill would allow for the above action if the notification is made within one hour of the person's causing the removal of the vehicle.

(23) Existing law requires the Department of the California Highway Patrol to report to the applicable school board district if the department's inspection of a maintenance facility or terminal of any person who operates a schoolbus results in an unsatisfactory terminal rating by the department.

The bill would include carrier facility within the scope of this provision.

(24) Under existing law, all employers of drivers who operate paratransit vehicles, and the drivers of those vehicles, are required to participate in a program consistent with the controlled substances and alcohol use and testing requirements of the United States Secretary of Transportation as set forth in federal law.

This bill would specify that the above applies to employers and drivers who are not otherwise required to participate in a federal program.

(25) (a) This bill would incorporate additional changes in Section 65080 of the Government Code proposed by AB 308, to become operative only if both bills are enacted and become operative on or before January 1, 2000, and this bill is enacted last.

(b) This bill would incorporate additional changes in Section 7232 of the Revenue and Taxation Code proposed by AB 1658, to become operative only if both bills are enacted and become operative on or before January 1, 2000, and this bill is enacted last.

(c) This bill would incorporate additional changes in Section 22658 of the Vehicle Code proposed by SB 852, to become operative only if both bills are enacted and become operative on or before January 1, 2000, and this bill is enacted last.

(26) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory 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 533) Committee on Transportation. Vehicles.

(1) Existing law defines a passenger vehicle as any motor vehicle, other than a motortruck or truck tractor, designed for carrying not more than 10 persons including the driver, and used or maintained for the transportation of persons.

This bill would revise that provision to also exclude from the definition of passenger vehicle any bus, as defined under existing law.

(2) For purposes of the Vehicle Code, existing law defines a "utility trailer" as any trailer or semitrailer used solely for the transportation of the user's personal property and that does not exceed a gross weight of 6,000 pounds. In addition, existing law specifies that notwithstanding any other provision of law, a "utility trailer" includes any trailer or semitrailer designed and used for the transportation of equine, not on a for-hire basis, that does not exceed a gross weight of 10,000 pounds.

This bill, instead, would define a "utility trailer," for the purposes of the Vehicle Code, as any trailer or semitrailer used solely for the transportation of the user's personal property and that does not exceed a gross weight of 10,000 pounds.

(3) Existing law specifies that certain licenses issued by the Commissioner of the California Highway Patrol shall not be transferable and that any change in ownership or control of the licensed activity shall require a new license.

This bill instead would specify that licenses issued by the commissioner shall not be transferable and that a change in ownership or control of the licensed activity shall render the existing license null and void and that a new license shall be required. The bill also, for these purposes, would list specified instances that do not include a change of ownership or control.

(4) Existing law requires, among other things, that the name of the licensee be contained in the identifying information listed on a lawfully issued driver's license.

This bill would specify that the name listed on the driver's license be the true full name of the licensee.

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(5) Existing law authorizes the department to issue an identification card to a person attesting to, among other things, his or her true name.

This bill would specify that the person must attest to his or her true full name in order to receive an identification card.

(6) Existing law provides for the replacement of identification cards under certain circumstances that include the acquiring of a new name.

This bill would specify that a new true full name must be acquired in order to qualify for a new identification card.

(7) Existing law requires every notice of suspension or revocation of a driver's license to include a demand to surrender to the Department of Motor Vehicles, within 15 days of the effective date of the suspension or revocation, of all driver's licenses held by that person. Existing law also requires the notice to state the reinstatement penalty fees required in the event the person is eligible for future reinstatement.

This bill would repeal these provisions.

(8) Existing law specifies that if a person fails to surrender his or her license to operate a motor vehicle to the Department of Motor Vehicles, as specified, the department shall set and charge a license reinstatement penalty fee in addition to any other specified fees that may be required.

This bill would repeal these provisions.

(9) Existing law authorizes the department to take action regarding the commercial driving privilege of any person when appropriate pursuant to a specified section of the Welfare and Institutions Code concerning child and family support orders.

This bill would repeal these provisions.

(10) Existing law specifies that signals required by specified provisions of the Vehicle Code shall be given either by means of the hand and arm or by a signal lamp, except as provided.

This bill instead would provide that these signals shall be given by signal lamp, unless a vehicle is not required to be and is not equipped with turn signals, in which case the signal shall be given by hand and arm. In addition, the bill would specify that in the event the signal lamps become inoperable while driving, hand and arm signals shall be used in the manner required by the Vehicle Code.

(11) Existing law requires the Commissioner of the California Highway Patrol to appoint a committee of 9 members to act in an advisory capacity when developing and adopting regulations affecting schoolbuses and schoolbus operations.

This bill would add 2 members to that advisory committee, as prescribed.

(12) Existing law requires a truck terminal operator, after achieving 2 consecutive satisfactory ratings during Biennial Inspection of Terminals (BIT) program inspections, to be awarded an appropriate certificate, denoting the number of consecutive satisfactory ratings, and provides for an administrative review in lieu of the next required inspection, unless the terminal has received an unsatisfactory compliance rating as a result of any inspection conducted in the interim between consecutive inspections, as specified.

This bill would apply these provisions to motor carrier terminals, rather than to truck terminal operators. In addition, the bill would authorize the administrative review in lieu of the next-required inspection, as provided above, unless the motor carrier is rated unsatisfactory by the Department of the California Highway Patrol following a controlled substances and alcohol testing program inspection. The bill also would make technical, nonsubstantive changes to outdated references.

(13) For purposes of the Vehicle Code, existing law specifies that a "commercial motor vehicle" does not include vehicles operated by household goods carriers, as specified, or pickup trucks, as specified, and 2-axle daily rental trucks with gross vehicle weight ratings less than 26,001 pounds when operated in noncommercial use.

This bill would add to this list of vehicles, that are not commercial motor vehicles, a motor truck or 2-axle truck tractor, with a gross vehicle weight rating of less than 26,001 pounds, used solely to tow a camp trailer, trailer coach, 5th-wheel travel trailer, or utility trailer. The bill also would specify that these vehicle combinations are not subject to specified provisions of the Vehicle Code relating to signs, motor carrier inspections, and carrier identification number requirements.

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(14) Under existing law, a court may order a continuance of a proceeding against a person who receives a notice to appear in court for a violation of any statute relating to the safe operation of a vehicle in consideration for attending a licensed school for traffic violations, a licensed driving school or any other court-approved program of driving instruction, and, after that attendance, the court may dismiss the complaint if, among other things, the offense is not alleged to have occurred within 12 months of another offense that was dismissed under the same provisions.

This bill instead would change this latter provision to specify that the offense is not alleged to have occurred within 18, rather than 12, months of another offense that was dismissed under the same provisions.

(15) The bill would incorporate additional changes in Section 34601 of the Vehicle Code proposed by AB 1658, to become operative only if both bills are enacted and become operative on or before January 1, 2000, and this bill is enacted after AB 1658.

(16) This bill also would make technical, clarifying changes in existing law.

Ch. 1009 (AB 56) Mazzoni. State Department of Education: English language education.

Under Proposition 227, approved by the voters at the June 2, 1998, primary election, all children in California public schools are generally required to be taught English by being taught in English in English language classrooms.

This bill would require the Superintendent of Public Instruction, in consultation with the State Board of Education, to convene a working group for the purpose of selecting a contractor on a competitive basis to conduct an independent evaluation of the effects of the implementation of Proposition 227 on the education of pupils attending kindergarten and grades 1 to 12, inclusive, in California public schools. This bill would require that the contract shall provide for 2 interim reports and a final report to the Governor and the Legislature. This bill would require the interim reports to analyze the preliminary effects of Proposition 227, make findings and recommendations regarding how a school district may modify its implementation of Proposition 227 to improve pupils' academic achievement and acquisition of the English language, and make findings and recommendations, if any, regarding modifications and revisions to Proposition 227 that are necessary to facilitate implementation in a way that will maximize academic achievement and the acquisition of the English language.

This bill would require that the final report present results from sample programs that detail achievement data that identifies programs that are effective in teaching pupils the English language and curriculums for limited-English-speaking pupils that are effective in enabling these pupils to meet state and district standards, compares program benefits, and detail any unintended consequences, and identify programs, if any, that are not effective in teaching pupils the English language and curriculums, if any, for limited-English-speaking pupils that are not effective in enabling these pupils to meet state and district standards.

This bill would provide that its provisions would be implemented only if funds are appropriated for these purposes.

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

Ch. 1010 (SB 204) Lewis. Red imported fire ants. [12]

Existing law generally provides for the control and eradication of pests, as specified. Existing law also provides for the Red Imported Fire Ant Advisory Panel.

This bill would appropriate $9,500,000 from the General Fund to the Department of Food and Agriculture Fund for the purpose of controlling and eradicating the infestation of the red imported fire ant in California, as specified.

The bill also would require the department, not later than June 30, 2000, to report to the Legislature outlining its expenditures and setting forth its progress in eradicating the infestation of the red imported fire ant in the state.

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

Ch. 1011 (SB 428) Perata. Transportation: San Francisco Bay Area Water Transit Authority.

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

(1) Existing law authorizes the Metropolitan Transportation Commission to develop and adopt a long-range plan for implementing high-speed water transit on the San Francisco Bay.

This bill would repeal the authority of the commission to adopt a long-range plan for implementing high-speed water transit on the San Francisco Bay. The bill would create the San Francisco Bay Area Water Transit Authority, and would require the board of directors of the authority to consist of 11 members to be appointed and selected, as specified. The bill would prescribe the terms of the directors on the board. The bill would require the board to employ a chief executive officer and a general counsel and to convene a community advisory committee and a technical advisory committee. The bill would require the board to prepare and adopt a San Francisco Bay area water transit implementation and operations plan, and to operate a comprehensive bay area regional public water transit system, as prescribed. The provision of the water transit plan would not become operative until the Legislature, by statute, approves the plan. The bill would prescribe related matters with regard to the powers and duties of the authority.

The bill would impose a state-mandated local program by imposing those duties on the authority.

The bill would require the commission to cooperate with the authority to prepare the plan by performing certain functions. The bill thereby would create a state-mandated local program by imposing additional duties upon the commission.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 1012 (SB 525) Polanco. Child abuse: state and local coordination.

Existing law provides for coordination between specified state and local entities to address fatal child abuse and neglect, and to provide a body of information to prevent child deaths.

This bill would recast those provisions. The bill would add more state and private entities to the members of the California State Child Death Review Council, specify additional duties for the council and the Department of Justice in connection with gathering and tracking information regarding child deaths from abuse or neglect, and specify additional duties for the State Department of Health Services in connection with tracking child abuse information in specified state data systems. The bill would provide that the provisions requiring the development of the tracking system would be operative July 1, 2000, and that implementation of the tracking system by the State Department of Health Services, and implementation of training and other duties by the Office of Criminal Justice Planning would be done only to the extent that funds are appropriated for that purpose in the Budget Act. The bill would also require law enforcement and child welfare agencies to cross-report, and county child welfare agencies to create a record in the Child Welfare Services/Case Management System of, all cases of child death suspected to be child abuse or neglect related. By imposing additional duties on local governments, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 1013 (SB 570) Alarcon. School personnel: disruptions or threats: mandatory reporting of missing children.

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

(1) Existing law provides that any minor over 16 years of age or any adult, not a pupil at a school, who comes upon any school ground and interferes with any school activity, as specified, is guilty of a misdemeanor punishable by a fine of not less than $100, or more than $1,000, or imprisonment in a county jail not to exceed 6 months, or by both the fine and imprisonment. Existing law also provides that any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties, disrupts classwork or extracurricular activities, as specified, is guilty of a misdemeanor punishable by a fine not exceeding $100, or imprisonment in a county jail not exceeding 10 days, or by both imprisonment and the fine.

This bill would provide that for either of the above-described misdemeanors, the offense would be punishable by a fine of not less than $500, nor more than $1,000, or by imprisonment in a county jail not exceeding one year, or by both imprisonment and the fine. The bill would also provide for certain minimum periods of imprisonment in a county jail for subsequent commissions of the above-described offenses, as specified. The bill would also provide that upon a showing of good cause, the court may grant probation, or suspension of the execution or imposition of the sentence, with regard to subsequent commissions of the above-described crimes. By changing the definition of a crime, this bill would impose a state-mandated local program.

(2) Existing law requires the reporting by certain persons of known or suspected instances of child abuse to a child protective agency, as specified.

This bill would declare the intent of the Legislature regarding the reporting by, school personnel, to a law enforcement agency of missing children as specified.

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

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

Ch. 1014 (AB 1685) Committee on Information Technology. Regulated substances: local agencies.

(1) Existing law requires a city or county that adopts or amends an ordinance related to acutely hazardous materials to do so at a public meeting for which notice has been given in a newspaper of general circulation that is published and circulated in the affected city or county, and requires the city or county to state in the ordinance the reasons for adopting or amending the ordinance. Existing law provides that the program for the prevention of accidental releases of regulated substances, as defined, adopted pursuant to the federal Clean Air Act, with certain additional provisions, is the accidental release prevention program for the state.

This bill would repeal the existing provisions concerning ordinances related to acutely hazardous materials, and would instead require a city or county that adopts, amends, or repeals an ordinance related to the regulation of regulated substances, as specified, to do so at a public meeting for which notice has been given and to state the reasons for the adoption, amendment, or repeal of the ordinance, thereby imposing a state-mandated local program by imposing new duties on local agencies.

The bill would permit a city or county, in addition to giving that notice of a public meeting, to submit a notice to the California Environmental Protection Agency. The bill would require the agency to post that notice on the Internet on and after July 1, 2001, unless authorized to do so on an earlier date in accordance with a process for considering exemptions established by the Year 2000 Executive Committee.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 1015 (AB 993) Shelley. Marine resources: Marine Life Protection Act.

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

(1) Existing law designates specified lands and ocean waters as marine life refuges and prohibits the taking of fish and other forms of aquatic life within those refuges, except as specified.

This bill would enact the Marine Life Protection Act. The bill would require the Fish and Game Commission to adopt a master plan that guides the adoption and implementation of the Marine Life Protection Program established by the bill. The bill would require the Department of Fish and Game to convene a master plan team to advise and assist in the preparation of a master plan, as specified. The bill would require the department to submit a draft of the master plan to the commission on or before January 1, 2002, and a proposed final master plan on or before April 1, 2002.

The bill would require the department, on or before July 1, 2001, to convene, in each biogeographical region, siting workshops, composed of interested parties, to review the alternatives for MPA networks and to provide advice on a preferred siting alternative. The bill would require the commission to submit the master plan and program description to the Joint Committee on Fisheries and Aquaculture for review and comment. The bill would require the commission to consider all recommendations submitted by the joint committee.

The bill would require the program to include an improved marine life reserve component, as specified, and would define "marine life reserve" as a marine protected area in which all extractive activities, including the taking of marine species, are prohibited.

The bill would prohibit the taking of a marine species in a marine life reserve for any purpose, except if taken under a scientific collecting permit issued by the department, as specified. Because other existing law would make a violation of this provision a crime, the bill would impose a state-mandated local program.

(2) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department to pay all necessary expenses incurred in carrying out the Fish and Game Code and any other law for the protection and preservation of birds, mammals, reptiles, and fish, and to the commission to pay the compensation and expenses of the commissioners and employees of the commission.

This bill would make an appropriation by imposing new duties on the department and the commission payable from that fund.

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

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

Ch. 1016 (SB 496) Sher. Wild and scenic rivers: South Yuba River.

The existing Wild and Scenic Rivers Act includes specified rivers and segments thereof within the California Wild and Scenic River system, which are subject to specified protections under the act.

This bill would include certain segments of the South Yuba River within the system, and would designate those segments as scenic or recreational, as specified.

Ch. 1017 (AB 1593) Villaraigosa. Wild and scenic rivers: South Yuba River.

The existing Wild and Scenic Rivers Act includes specified rivers and segments thereof within the California Wild and Scenic River system, which are subject to specified protections under the act.

Senate Bill No. 496, if enacted, would include certain segments of the South Yuba River within the system, and would designate those segments as scenic or recreational, as specified.

This bill would, contingent on the enactment of S.B. 496, provide that the provisions described above pertaining to the South Yuba River shall become operative on January 1, 2001.

Ch. 1018 (SB 985) Johnston. Agricultural preserves: public use.

(1) Under existing law, the Williamson Act provides that a landowner and a city or county may enter into a mutually beneficial contract to restrict the use of agricultural

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land by creating an "agricultural preserve," as defined, in order to preserve the limited supply of agricultural land necessary to the conservation of the state's economic resources. The act also defines other terms for purposes of its provisions, including "recreational use."

This bill would revise the definition of "recreational use."

(2) The act provides that an agricultural preserve may contain land other than agricultural land not under contract if the land is restricted within 2 years of the effective date of the contract by zoning or other suitable means in such a way as not to be incompatible with the agricultural use of the land.

This bill would limit the means of restriction to zoning.

(3) The act also requires that any proposal to establish an agricultural preserve be submitted to the local planning department or planning commission and that the planning department or commission submit a report to the county board of supervisors or the city council within 30 days after receiving the proposal. The report is required to include a statement that the preserve is consistent or inconsistent with the general plan, and the board or council is required to make a finding to that effect.

This bill would require the report to contain a statement and the board or council to make a finding that the proposal is consistent with the general plan.

(4) Under the act, the parties to a contract may enter into an agreement to rescind a contract in order to simultaneously place other land under an agricultural conservation easement, if specified findings are made.

This bill would permit the parties to rescind the contract in order to place other specified land under an agricultural conservation easement if different findings are made.

(5) Existing law permits the parties to rescind a contract or contracts and simultaneously enter into a new contract or contracts to facilitate a lot line adjustment under the Subdivision Map Act if the board of supervisors or the city council makes specified findings.

This bill would require an additional finding that the lot line adjustment does not result in a greater number of developable parcels or an adjusted lot that is inconsistent with the general plan.

(6) Existing law requires that, prior to cancellation of a contract, the county assessor shall determine the cancellation valuation of the land for purposes of determining the cancellation fee which the landowner shall pay to the county treasurer as deferred taxes upon cancellation.

This bill would delete references to the cancellation fee as deferred taxes and state that the fees are not taxes.

(7) Under the Williamson Act, whenever it appears that land within an agricultural preserve may be required by a public agency or person, as defined, for a public use, the public agency or person is required to provide specified notices and findings to the Director of Conservation and the local governing body responsible for the administration of the preserve, that explain its intention to consider the location of a public improvement within the preserve. The act also provides that the required notices and findings may be given and contained in documents prepared pursuant to the California Environmental Quality Act (CEQA) as long as they are provided no later than the times set forth in these provisions. The act provides that the notice requirements do not apply to the acquisition of land for the erection, construction, alteration, or maintenance of gas, electric, water, or communication facilities.

This bill would repeal these provisions that allow the CEQA documents to provide the required notices and findings and would revise the required findings. The bill would provide that the notice requirements do not apply to the erection, construction, alteration, or maintenance of gas, electric, piped subterranean water or wastewater, or communication facilities or to the acquisition of land for those purposes.

(8) Existing law also authorizes the rescission of contracts under the Williamson Act in order to place the land under an open-space easement or agricultural conservation easement.

This bill would provide that the laws authorizing rescissions of the Williamson Act contracts in order to enter into open space easement or agricultural conservation easements are not applicable to farmland security zones.

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(9) Under the Subdivision Map Act, the legislative body of a city or county is required to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that the land is subject to a Williamson Act contract and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use.

This bill would also require denial of approval if the legislative body finds that the land is subject to a Williamson Act contract and the subdivision will result in residential development not incidental to the commercial agricultural use of the subject land. The bill would declare that this provision is declaratory of existing law.

Ch. 1019 (SB 649) Costa. Open-space subventions: farmland security zone contracts.

(1) Existing law requires the Controller to pay subventions to local governments at specified rates per acre to replace property tax revenues lost by reason of the required reductions in assessments of property restricted to use as open space. Those amounts are continuously appropriated from the General Fund to the Controller for that purpose.

This bill would include within those provisions, subject to a 10-year limit on those payments and a $100,000 annual cap applicable until 2005, certain land as to which a notice of nonrenewal of a use restriction has been served if the land was previously assessed at a specified rate applicable to land subject to a farmland security zone contract. The bill would increase the amount to be paid with respect to land subject to a farmland security zone contract or for which such a notice of nonrenewal was served in a county that has adopted farmland security zones.

(2) Existing law provides procedures for cancellation or nullification of contracts for the establishment of agricultural preserves and for the rescission of those contracts in order to place the land under a farmland security zone contract.

This bill would impose additional specified requirements for the cancellation of farmland security zone contracts, thereby creating 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. 1020 (SB 679) Johnston. Education: California State University.

Existing law requires the California State University to offer undergraduate and graduate instruction through the master's degree in the liberal arts and sciences and professional education. Existing law authorizes research, scholarship, and creative activity in support of the university's undergraduate and graduate instructional mission.

This bill would appropriate $1,600,000 from the General Fund to the Trustees of the California State University for allocation in the 1999–2000 fiscal year. Of that amount, $1,300,000 would be allocated to California State University, Stanislaus, for expenditure for maintenance and operation of physical facilities located on the site of the Stockton Development Center, and $300,000 would be allocated to the trustees for purposes of funding a feasibility study regarding the site to be conducted by the trustees, the Department of General Services, the Department of Finance, and the City of Stockton, as required by the bill. The study would be required to be completed by September 1, 2000.

Ch. 1021 (SB 735) Committee on Budget and Fiscal Review. Budget Act of 1999: augmentation and reappropriation. [13]

Existing law, as set forth in the Budget Act of 1999, makes various appropriations for support of state government for the 1999–2000 fiscal year.

In augmentation of the Budget Act of 1999, this bill would appropriate $250,000 from the General Fund to the Trade and Commerce Agency for a grant to the California Institute for Federal Policy Research; would appropriate $1,150,000 from the General Fund to the Department of Parks and Recreation for local assistance, with $400,000 to the Plaza Community Center organization, $200,000 to the City of Yucaipa, $50,000 to the

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City of Calimesa, and $500,000 to the City of El Monte; would appropriate $50,000 from the General Fund to the Employment Development Department for local assistance to the City of Vallejo; and would appropriate $2,500,000 from the General Fund for support of the University of California for Internet2 projects and $1,000,000 from the General Fund to the University of California for the Welfare Policy Research Project mandated under existing law.

The bill would reappropriate funds appropriated to the Department of Parks and Recreation for local assistance recreational grants to specified entities for specific projects to different entities for the same projects, and would reappropriate funds for a specified project in the City of El Monte.

The bill would authorize the use of up to 5% of specified funds appropriated in the Budget Act of 1999 for delta levee maintenance to be used for road repair and maintenance. The bill would appropriate $31,000 from the General Fund for local assistance to Sacramento County for specified street improvements. The bill would also add provisions requiring the Department of Corrections to reimburse a city or county for specified costs from specified items of the annual Budget Act.

The bill would also appropriate $2,000,000 from the General Fund for support of the Department of Industrial Relations, and would reduce the appropriation and the amount payable from the Uninsured Employers Account in the Uninsured Employers Fund by $2,000,000. The bill would specify the contents of specified budget reports of the Energy Resources Conservation and Development Commission.

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

Ch. 1022 (AB 403) Romero. Law enforcement: domestic violence. [14]

Existing law establishes procedures for the prevention of domestic violence and provides both civil and criminal sanctions for acts of domestic violence.

This bill would require each state and local law enforcement agency to provide, without imposing a fee, one copy of any domestic violence incident report face sheet, domestic violence incident report, or both, upon request, to a victim of domestic violence within a specified amount of time, thereby imposing a state-mandated local program.

The bill would also appropriate $200,000 from the General Fund to the Department of Justice for training local law enforcement on the enforcement of firearms laws at gun shows.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 1023 (AB 1492) Thomson. Traumatic brain injury project.

Existing law requires the State Department of Mental Health to establish up to 4 3-year demonstration projects for a postacute continuum-of-care model for adults 18 years of age or older with acquired traumatic brain injuries. These provisions are to be repealed as of January 1, 2000.

This bill would recast these provisions to, instead, require the department to designate sites in order to develop a system of postacute continuum-of-care models, revise the requirements for , and require the department to expand, participation in the project, and extend the authority for implementation of the project to January 1, 2005.

Ch. 1024 (AB 648) Strickland. Dance studio lessons.

Existing law provides that a contract for dance studio lessons and other services, as specified, may not exceed a total sum of $3,750, and prohibits payments or financing by the buyer that exceed a period of 2 years. Existing law also requires such a contract to provide for performance of the contract to begin within 12 months from the date the contract is entered into, and that the contract may be canceled within 180 days, as specified.

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This bill would delete the provisions limiting the monetary amount of a contract for dance studio lessons and other services, would require such a contract to provide that performance of the contract will begin within 6 months, and would provide that the period of payments or financing by the buyer may not exceed one year.

The bill would revise the provisions regarding cancellation of the contract by providing that the contract may be canceled at any time by the student with written notice, as specified, and would require the dance studio to calculate the student's pro rata refund, if any, and to refund the money to the student within 10 days of receiving the written cancellation notice. However, the dance studio would be authorized to deduct any moneys it is owed by the student for services rendered prior to the cancellation from the amount owed on the refund to the student, as specified.

Existing law requires every dance studio to maintain a bond in a specified amount and to file a copy of the bond with the Secretary of State. Existing law also provides, however, that a dance studio may make a deposit in lieu of a bond, pursuant to specific provisions, and authorizes the Secretary of State to enforce provisions governing the filing and maintenance of bonds, and deposits in lieu thereof, and to charge a filing fee, as specified.

This bill would repeal the provisions providing for a deposit in lieu of a bond, and would make other related changes.

Ch. 1025 (AB 1253) Nakano. Health services pilot program: uninsured working poor families.

Existing law establishes the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services. Existing law also provides for the Healthy Families Program, and for the Managed Risk Medical Insurance Board to administer the program.

This bill would require the department to establish a 3-year pilot program to provide health care services to certain uninsured poor children and adults through a specified participating community care clinic. This bill would authorize the School of Public Health of the University of California, Los Angeles, with the consent of the Regents of the University of California, to participate in the pilot program by developing an evaluation design and evaluating the pilot program. This bill would authorize the department, in consultation with the participating community clinic, to appoint an advisory group to provide assistance and advice to the pilot program. This bill would make its provisions inoperative on July 1, 2003, and would repeal them as of January 1, 2004.

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

DIGESTS OF STATUTES ENACTED IN 1999

1999–2000 FIRST EXTRAORDINARY SESSION

BILL CHAPTERS

Ch. 1 (SB 2) O'Connell. Education accountability: high school exit examination.

(1) Existing law requires the governing board of each school district maintaining any or all of grades 7 to 12, inclusive, to offer summer school instructional programs for pupils enrolled in those grades who were assessed as not meeting the district's adopted standards of proficiency in basic skills. Existing law requires the summer school programs also to be offered to pupils who were enrolled in grade 12 during the prior school year after the completion of grade 12, and upon the successful completion of the summer program, authorizes these pupils to be reassessed for purposes of meeting the district's standards of proficiency.

This bill would instead require these school districts to offer summer school instruction for pupils who do not demonstrate sufficient progress toward passing the exit examination required for high school graduation. The bill would delete the authorization for the reassessment of pupils who were enrolled in grade 12 during the prior school year and successfully completed the summer program after the completion of grade 12. The bill would provide that these provisions become operative on January 1, 2000.

(2) Existing law requires the governing board of each school district maintaining a junior or senior high school to adopt standards of proficiency in basic skills for pupils and requires the governing board of each school district maintaining grade 6 or 8, or the equivalent, to adopt standards of proficiency in basic skills for pupils attending these grades. These standards are required to be directly related to the district's instructional program and to include reading comprehension, writing, and computation skills, in the English language. Existing law requires the governing board of each school district to take appropriate steps to ensure that the progress towards proficiency in basic skills is assessed in the English language during the regular instructional program at least once during the 4th through 6th grade, inclusive, once during the 7th through 9th grade, inclusive, and twice during the 10th through 11th grade, inclusive. Proficiency assessments are required to be used to determine whether pupils need additional assistance in basic skills and if so, the appropriate content and mode of any additional assistance. Existing law prohibits an English-speaking pupil or limited-English-proficient pupil from receiving a high school diploma unless he or she passes the English language proficiency assessment normally required for graduation. If a pupil does not demonstrate sufficient progress toward mastery of basic skills to meet prescribed standards upon exit from the 6th, 8th, or 12th grade, whichever is appropriate, existing law authorizes the principal to arrange a conference between the parent or guardian of the pupil and a certificated employee familiar with the pupil's progress to discuss the results of the individual pupil assessment and recommended actions to further the pupil's progress. Notices to pupils in grades 9 to 12, inclusive, are required to inform the parent or guardian that the pupil will not receive a high school diploma unless the prescribed standards are met. Instruction in basic skills is required to be provided for any pupil who does not demonstrate sufficient progress toward mastery of basic skills and continue until the pupil has been given numerous opportunities to achieve mastery. Existing law allows that instruction to be provided in summer school programs. Existing law prohibits a pupil who was enrolled in the 9th grade, or the equivalent thereof, from receiving a diploma of graduation from high school if he or she has not met the standards of proficiency in basic skills prescribed by the secondary school district governing board and the school district has developed and made available to the pupil remedial instruction programs in basic skills for at least 2 consecutive sessions.

This bill would make these provisions inoperative on July 31, 1999, and repeal the provisions on January 1, 2000.

(3) Existing law requires pupils to complete certain coursework as a condition to graduation from high school. Existing law, the Standardized Testing and Reporting Program, requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, an achievement test.

This bill would require the Superintendent of Public Instruction, with a High School Exit Examination Standards Panel established by the Superintendent of Public Instruction and with the approval of the State Board of Education, to develop a high

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school exit examination in language arts and mathematics in accordance with the statewide academically rigorous content standards adopted by the State Board of Education. The bill would require the State Board of Education to adopt a high school exit examination that is aligned with statewide academically rigorous content standards. Commencing with the 2003–04 school year and each school year thereafter, the bill would require each pupil completing grade 12 to successfully complete the exit examination as a condition of receiving a diploma of graduation, thereby imposing a state-mandated local program. The bill would require the State Board of Education, in consultation with the Superintendent of Public Instruction, to study the appropriateness of other criteria by which pupils may demonstrate their competency and receive a diploma.

This bill would impose a state-mandated local program by requiring that the exit examination be offered in each public school and state special school that provides instruction in grade 9, 10, 11, or 12 on the dates designated by the Superintendent of Public Instruction, requiring that the results of the examination be returned to each pupil taking the test within 8 weeks of the administration of the exit examination, and requiring provision of supplemental instruction to any pupil who does not demonstrate sufficient progress toward passing of the examination.

This bill would, notwithstanding any other provision of law, require a school district to use regularly available resources, general funds appropriated for after school programs, the Student Academic Partnership Program, funds appropriated to prevent social promotion, and funds for other similar supplemental remedial programs to prepare pupils to succeed on the exit examination. To the extent this would permit expenditure of existing funds for purposes not currently authorized, it would make an appropriation.

This bill would appropriate $2,000,000 from the Federal Trust Fund, from GOALS 2000 funds, to the Superintendent of Public Instruction for the purpose of developing the exit examination. The bill would also appropriate $250,000 from the General Fund to the Superintendent of Public Instruction to provide support services therefor.

(4) Existing law requires, at the beginning of the first semester or quarter of the regular school term, the governing board of each school district to notify the parent or guardian of its minor pupils regarding the right or responsibility of the parent or guardian under certain provisions of law.

This bill would additionally require that notice to include notice that, commencing in the 2003–04 school year, and each school year thereafter, each pupil completing the 12th grade will be required to successfully pass the high school exit examination, and would be required to include, at a minimum, the date of the examination, the requirements for passing the examination, and the consequences of not passing the examination and to inform parents and guardians that passing the examination is a condition of graduation, thereby imposing a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 2 (AB 2) Mazzoni. Education.

(1) Existing law establishes various programs that relate to reading development for elementary pupils, including the Reading Initiative Program, the Comprehensive Reading Leadership Program, and the Back to Basics Summer School Reading Program. Under existing law, the adopted course of study for grades 1 to 6, inclusive, is required to include instruction in the skill of reading.

This bill would do each of the following with regard to reading development:

(a) Establish the Elementary School Intensive Reading Program, whereby increased funding would be available, upon application, to school districts that maintain kindergarten and any of grades 1 to 4, inclusive, for the operation of a program that provides multiple, intensive reading opportunities for pupils in those grades and would

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require a school district, when expending these funds, to give first priority to increasing instructional opportunities for pupils who are experiencing difficulty learning to read. The bill would require the Superintendent of Public Instruction, with input from an advisory committee, to evaluate the program. The bill would appropriate $75,000,000 to the State School Fund for allocation by the Superintendent of Public Instruction to school districts that apply for funding pursuant to this program, and would require that the appropriation be included in the amounts appropriated by the state in the 1999–2000 fiscal year for the purpose of meeting the state's minimum funding obligation to school districts and community college districts under Section 8 of Article XVI of the California Constitution for that fiscal year.

(b) Establish the Governor's Reading Award Program, to be administered by the state Secretary for Education, whereby annual awards of up to $5,000 would be provided to schools offering instruction in kindergarten or any of grades 1 to 8, inclusive, whose pupils meet certain reading criteria. The bill would require the state Secretary for Education to develop criteria for the awards. The bill would appropriate $2,000,000 to the Superintendent of Public Instruction for allocation to applicant school districts, and would require that the appropriation be included in the amounts appropriated by the state in the 1999–2000 fiscal year for the purpose of meeting the state's minimum funding obligation to school districts and community college districts under Section 8 of Article XVI of the California Constitution for that fiscal year.

(c) Request the Regents of the University of California to jointly establish, with the Trustees of the California State University and the independent colleges and universities, the California Reading Professional Development Institutes. The bill would appropriate $6,000,000 to the State School Fund for allocation by the Superintendent of Public Instruction to school districts, and would require that the appropriation be included in the amounts appropriated by the state in the 1999–2000 fiscal year for the purpose of meeting the state's minimum funding obligation to school districts and community college districts under Section 8 of Article XVI of the California Constitution for that fiscal year.

(2) Existing provisions of the California Constitution establish the University of California as a public trust under the administration of the Regents of the University of California.

This bill would request the Regents of the University of California to develop a teacher preparation program to be known as the Governor's Teacher Scholars Program and to develop an administrator preparation program to be known as the Governor's Principal Leadership Institute, in accordance with prescribed criteria.

The bill would also require the state Secretary for Education to contract for the development and establishment of a public involvement campaign to promote reading in the public schools and would appropriate $4,000,000 from the General Fund for this purpose.

The bill would appropriate, without regard to fiscal years, a total of $7,000,000 from the General Fund to the Regents of the University of California for the Governor's Teacher Scholars Program, the Governor's Principal Leadership Institute, and for administering the California Reading Professional Development Institutes.

The bill would not be applicable to the University of California and the $7,000,000 appropriation would not be operative unless and until the Regents of the University of California act, by resolution, to make the bill applicable.

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

Ch. 3 (SB 1) Alpert. Education accountability.

Existing law requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, an achievement test designated by the State Board of Education as part of the Standardized Testing and Reporting program.

This bill would establish the Public School Performance Accountability Program that would consist of an Academic Performance Index, an Immediate Intervention/Underperforming Schools Program, and a Governor's High Achieving/Improving Schools Program.

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This bill would require the Superintendent of Public Instruction, with approval of the State Board of Education, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to measure performance of schools. The bill would require the Superintendent of Public Instruction to develop, and the State Board of Education to adopt, expected annual percentage growth targets for all schools based on their API baseline score and would prescribe a minimum percentage growth target of 5% annually. Upon adoption of state performance standards by the State Board of Education, the Superintendent of Public Instruction would be required to recommend, and the State Board of Education would be required to adopt, a statewide API performance target. The bill would also require the Superintendent of Public Instruction to establish an advisory committee to advise the Superintendent of Public Instruction and the State Board of Education on matters relative to the programs established by the bill.

This bill would require the Superintendent of Public Instruction, with the approval of the State Board of Education, to invite schools that scored below the 50th percentile on the Standardized Testing and Reporting program achievement tests to participate in the Immediate Intervention/Underperforming Schools Program that would be limited to 430 schools with a maximum number of schools in each of 3 grade level categories. This bill would impose a state-mandated local program by providing that if fewer than the number of schools in any grade level category apply, schools that scored below the 50th percentile in those grades may be randomly selected to participate in this program. A school selected to participate would be awarded a planning grant of $50,000.

This bill would require the Superintendent of Public Instruction to develop, and the State Board of Education to approve, minimum qualifications for external evaluators and, with the approval of the State Board of Education, to develop and disseminate an application process by which to establish a list of external evaluators.

This bill would require the governing board of a school district having jurisdiction over a school selected for participation in the Immediate Intervention/Underperforming Schools Program to contract with an external evaluator and to appoint a broad-based schoolsite and community team. The bill would require the external evaluator to complete a review of the school that identifies weaknesses that contribute to the school's below-average performance and makes recommendations for improvement. The external evaluator and a broad-based schoolsite would be required to develop an action plan with prescribed components to improve the academic achievement of the pupils enrolled at the school. The bill would require the plan to be submitted to the governing board of the school districts for its approval and after the plan is approved to be submitted to the Superintendent of Public Instruction with a request for funding. The bill would require the State Board of Education to review and approve or disapprove the school's request for funding, based on the recommendation of the Superintendent of Public Instruction, and would authorize the board to waive all or any part of any provision of the Education Code, or any board adopted regulation, controlling categorical education programs if certain conditions are met.

This bill would require a school whose application is approved to receive funding in each fiscal year that it participates in the program in an amount up to $200 per pupil enrolled in the school, with a minimum allocation of $50,000 per schoolsite. The bill would require the participating school or the school district having jurisdiction over that school to match the state funding and would require them to redirect for purposes of their academic improvement plan their new or existing categorical education funding. To the extent this requirement results in the expenditure of categorical education funding for purposes other than those for which it was appropriated, the bill would reappropriate those funds.

This bill would require the governing board of a school that fails to meet its annual short-term growth target within 12 months following receipt of funding to hold a public hearing at a regularly scheduled meeting to ensure that members of the school community are aware of the lack of progress and to choose from a range of interventions for the school to continue implementing the action plan and progressing toward meeting the school's growth targets.

This bill would require a school that meets or exceeds its growth target within 24 months after receipt of funding to receive an award under the Governor's Performance

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Award program. The bill would require a school that has not met its performance goals, but demonstrates significant growth within this period to continue to participate in the program for an additional year and to receive funding. The bill would deem a school that does not meet its performance goals within 24 months after receipt of funding and has failed to show significant growth a low-performing school.

This bill would require the Superintendent of Public Instruction to assume all the legal rights, duties, and powers of the governing board with respect to a low-performing school. The bill would require the Superintendent of Public Instruction, in consultation with the State Board of Education and the governing board of the school district, to reassign the principal of that school and to take other enumerated actions.

This bill would require, under the High Achieving/Improving Schools Program, the Superintendent of Public Instruction to rank all public schools based on the API in decile categories by grade level of instruction provided. The bill would require that the rankings indicate the target annual growth rates, the actual growth rates attained by the schools, and how growth rates compare schools that have similar characteristics. The bill would require the Superintendent of Public Instruction to annually publish these rankings on the Internet.

This bill would require the governing board of each school district to discuss the results of the annual ranking at a regularly scheduled meeting, thereby imposing a state-mandated local program.

This bill would authorize a school that is eligible to participate in the Governor's Performance Award Program to request the State Board of Education to waive all, or any part of, any provision of the Education Code, or any board adopted regulation, controlling categorical education programs and would authorize the board to grant the request if certain conditions are met. The bill would also require that a school that demonstrates significant growth be granted maximum flexibility in its expenditure of new and existing categorical funds to enable the school to continue improvement in pupil performance.

This bill would provide that a school that fails to meet the established annual state growth targets may be subject to the Immediate Intervention/Underperforming Schools Program.

This bill would require the State Board of Education to establish a Governor's Performance Award program to provide monetary and nonmonetary awards to schools that meet or exceed API performance growth targets and would make all schools, including schools participating in the Immediate Intervention/Underperforming Schools Program eligible to participate in the Governor's Performance Award program.

This bill would appropriate $193,200,000 to the Superintendent of Public Instruction for the purposes of its provisions, of which$160,754,000 would be appropriated from the General Fund and$32,446,000 would be appropriated from the Federal Trust Fund. The funds appropriated from the General Fund by this bill for allocation to school districts would 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 California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 4 (AB 1) Villaraigosa. California Peer Assistance and Review Program for Teachers.

(1) Existing law establishes the California Mentor Teacher Program and provides that the primary function of a mentor teacher is to provide assistance and guidance to new teachers. Existing law authorizes mentor teachers to provide staff development for teachers and develop special curriculum.

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This bill would make the California Mentor Teacher Program inoperative on July 1, 2001, and would repeal it as of January 1, 2002. The bill would establish the California Peer Assistance and Review Program for Teachers, which would become fully operational on July 1, 2001, when it would completely replace the California Mentor Teacher Program.

This bill would allow the governing board of a school district and the exclusive representative of the certificated employees in the school district to implement a peer assistance and review program for teachers. The bill would require teachers receiving assistance in the program to have permanent status if the school district has 250 or greater units of average daily attendance or to be a permanent or probationary employee if the school district has fewer than 250 units of average daily attendance and to volunteer to participate or be referred for participation in the program as a result of their biennial evaluation. The program would also require performance goals for individual teachers to be in writing, clearly stated, and aligned with pupil learning goals, assistance and review to include multiple observations of a teacher during periods of classroom instruction, a school district to provide sufficient staff development activities to assist teachers to improve their teaching skills and knowledge, a teacher's final evaluation on program participation to be made available for placement in the teacher's personnel file, and a monitoring component with a written record.

This bill would require a joint teacher administrator peer review panel to select consulting teachers and to annually evaluate the impact of the district's peer assistance and review program in order to improve the program.

This bill would provide that a school district that accepts state funds for purposes of this program agrees to negotiate the development and implementation of the program with the exclusive representative of the certificated employees in the school district, if the certificated employees in the district are represented by an exclusive representative.

This bill would provide that not more than 5% of the funds received by a school district for the Peer Assistance and Review Program for Teachers may be expended for administrative expenses.

This bill would permit a school district to notify the Superintendent of Public Instruction that it plans to implement a program and would require the superintendent to apportion funds to that school district for staff development activities and training for district personnel that are necessary to implement a program.

This bill would make a school district that does not elect to participate in the California Peer Assistance and Review Program for Teachers ineligible for any apportionment, allocation, or other funding from an appropriation for this program, for local assistance appropriated pursuant to Budget Act Item 6110-231-0001, for the Administrator Training and Evaluation Program, for the Instructional Time and Staff Development Reform Program, and for school development plans.

This bill would, commencing with the 2000–01 fiscal year, authorize a school district that receives funds for the California Peer Assistance and Review Program for Teachers to expend those funds also for the Marian Bergeson Beginning Teacher Support and Assessment System, the California Pre-Internship Teaching Program, district intern program, and other professional development, as described.

This bill would require the Superintendent of Public Instruction, subject to the availability of funding in the annual Budget Act, to contract with an independent evaluator on or before December 15, 2002, to prepare a comprehensive evaluation of the implementation, impact, cost, and benefit of the California Peer Assistance and Review Program for Teachers and to submit the evaluation to the Legislature, the Governor, and interested parties on or before January 1, 2004.

This bill would provide that state funding for this program subsequent to the 1999–2000 fiscal year is subject to an appropriation in the annual Budget Act.

(2) Existing law requires the governing board of each school district to evaluate and assess certificated employee performance as it reasonably relates to the progress of pupils toward the standards of expected pupil achievement established by the governing board.

This bill would require the governing board also to evaluate and assess certificated employee performance as it reasonably relates to the progress of pupils toward the state-adopted academic content standards as measured by state-adopted criterion referenced assessments, thereby imposing a state-mandated local program. The bill would require the results of an employee's participation in the Peer Assistance and

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Review Program to be considered in this evaluation. The bill would authorize a school district to require that a certificated employee who receives an unsatisfactory rating in this evaluation to participate in its Peer Assistance and Review Program.

(3) This bill would appropriate $125,082,000 for the 1999–2000 fiscal year from the General Fund to the Superintendent of Public Instruction, with $41,800,000 for the purpose of providing staff development activities and training for school district personnel that is necessary to implement the Peer Assistance and Review Program for Teachers, $83,200,000 for the purpose of the California Mentor Teacher Program, and $82,000 for support services for the Peer Assistance and Review Program for Teachers.

To the extent that funds appropriated by this bill are allocated to a school district or community college district, those funds would 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.

(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 that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Ch. 5 (AB 27) Leach. State basic skills proficiency test.

Existing law requires the Superintendent of Public Instruction to adopt and the Commission on Teacher Credentialing to administer the state basic skills proficiency test to determine whether applicants for teaching credentials are qualified to receive the credentials. Existing law requires the State Board of Education to adopt statewide academically rigorous content and performance standards in core curriculum areas.

This bill would require the Commission on Teacher Credentialing to review the state basic skills proficiency test to evaluate the test's content validity, reliability, and passing scores. The bill would require the commission to submit a written report pertaining to this review, including any findings and recommendations, to the Legislature, the Governor, and the State Board of Education.

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DIGESTS OF RESOLUTIONS AND PROPOSED CONSTITUTIONAL AMENDMENTS ADOPTED IN 1999

1999–2000 REGULAR SESSION

RESOLUTION CHAPTERS

Res. Ch. 1 (ACR 3) Wesson. Dr. Martin Luther King, Jr. Day.
This measure would honor the late Rev. Dr. Martin Luther King, Jr., and commemorate Dr. Martin Luther King, Jr. Day.

Res. Ch. 2 (AJR 1) Florez. Disaster area: cold storms.
This measure would memorialize the President of the United States to declare the affected portions of California as a federal natural disaster area as a result of the cold storms and consequent frost damage that occurred in December 1998.

Res. Ch. 3 (ACR 12) Steinberg. The Honorable Robert K. Puglia.
This measure would honor Presiding Justice Robert K. Puglia on his outstanding record of judicial leadership with the California Court of Appeal, Third Appellate District, commend, congratulate, and honor him on his long and distinguished record of public service and on his outstanding display of civic leadership, and convey to him best, heartfelt wishes for good health and every continued success and happiness in his future endeavors.

Res. Ch. 4 (SCR 10) Dunn. Orange County Vietnamese-American Community Week.
This measure would proclaim the week of February 12 through February 20, 1999, as "Orange County Vietnamese-American Community Week" to honor the contributions and achievements of the state's Vietnamese-American community.

Res. Ch. 5 (SCR 3) Solis. College Awareness Month.
This measure would proclaim February 1999 to be "College Awareness Month." This measure would urge California residents to encourage elementary and secondary school pupils to succeed in their academic endeavors so they may earn a college education and contribute to the economic, social, and political future of California.

Res. Ch. 6 (ACR 9) Campbell. Engineer's Week.
This measure would designate the week of February 21 to 27, 1999, inclusive, as "Engineer's Week" in California.

Res. Ch. 7 (ACR 15) Honda. Day of Remembrance.
This measure would declare February 19, 1999, as a Day of Remembrance in order to increase public awareness of the events surrounding the internment of Americans of Japanese ancestry during World War II.

Res. Ch. 8 (SCR 20) Chesbro. Adult education.
This measure would designate the week of March 14 through March 20, 1999, as California Adult Education Week, and would commend the students, classified staffs, teachers, and administrators of California's adult schools for their support of, and contributions to, the quality of public education in this state.

Res. Ch. 9 (ACR 6) Reyes. Agriculture: frost damage.
This measure would request the Public Utilities Commission to cooperate with the state's public utilities in immediately approving advice filings to establish appropriate payment deferral programs for citrus growers whose crops were destroyed as a result of the cold storms and consequent frost damage that occurred in December, 1998. The measure would also request the commission to authorize recovery for the actual administrative costs, with the exception of interest foregone on deferred amounts, and recovery of uncollected deferred amounts incurred by the state's public utilities as a result of this program.

Res. Ch. 10 (SCR 23) O'Connell. Absolutely Incredible Kids Day.
This measure would proclaim Thursday, March 18, 1999, as the Third Annual Absolutely Incredible Kids Day.

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Res. Ch. 11 (AJR 11) Romero. Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher J. Stone, and Specialist Steven M. Gonzales.

This measure would memorialize the President and the Congress of the United States to press for the safe and speedy return of United States Army Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher J. Stone, Specialist Steven M. Gonzales, and all other prisoners of war.

Res. Ch. 12 (SJR 11) Solis. United States Army Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales.

This measure would memorialize the President of the United States and the United States Congress to secure and expedite the safe return of Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales who were captured by the Yugoslav Armed Forces in Macedonia.

Res. Ch. 13 (ACR 7) Battin. Child abuse and neglect.

This measure would acknowledge the Child Abuse Prevention Month "Honor Our Children" Campaign as a positive effort to promote public awareness of child abuse and its prevention.

Res. Ch. 14 (ACR 10) Machado. California Architecture Week.

This measure would proclaim the week of April 12, 1999, to April 18, 1999, inclusive, as California Architecture Week.

Res. Ch. 15 (ACR 21) Davis. California Holocaust Memorial Week.

This measure would designate the week of April 11 through April 17, 1999, 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 (SCR 30) Rainey. California Library Week.

This measure would declare the week of April 11 through April 17, 1999, as California Library Week.

Res. Ch. 17 (ACR 36) Wayne. Older Californians Month.

This measure would declare the month of May 1999 as Older Californians Month.

Res. Ch. 18 (ACR 34) Cedillo. El Dia de los Niños.

This measure would declare April 30, 1999, to be El Dia de los Niños.

Res. Ch. 19 (ACR 32) Honda. The Japanese YWCA in San Francisco.

This measure would declare that it shall be state policy to eradicate any vestiges of the racism of the California Alien Land Law that was repealed in 1956, and to take steps to ensure the enforcement of charitable trusts created in response to that law.

Res. Ch. 20 (ACR 30) Gallegos. Child Passenger Safety Week.

This measure would declare the week of April 26 to May 2, 1999, to be Child Passenger Safety Week.

Res. Ch. 21 (ACR 20) Kaloogian. Armenian Genocide: Day of Remembrance.

This measure would designate April 24, 1999, as "California Day of Remembrance for the Armenian Genocide of 1915–1923, and for the Victims of the Sumgait Pogroms of 1988 and Baku Riots of 1990." It would call upon the people of California to use vigilance to ensure the peaceful settlement of the Nagorno Karabagh conflict while protecting the security of the Armenians in the Republic of Nagorno Karabagh.

Res. Ch. 22 (ACR 19) Knox. Public Service Recognition Week.

This measure would designate the first Monday of May to the following Sunday of May, inclusive, each year as "Public Service Recognition Week" and would request the Governor to issue a proclamation calling upon the people of California to observe this week with appropriate programs, ceremonies, and activities.

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

Res. Ch. 23 (ACR 11) Papan. American Flag Month.

This measure would declare that the 30 days from June 14 to July 14, inclusive, shall be observed annually as American Flag Month in the State of California.

Res. Ch. 24 (SCR 6) Baca. Cinco de Mayo.

This measure would call on all the people of California to celebrate and recognize May 5 as Cinco de Mayo.

Res. Ch. 25 (ACR 46) Gallegos. Skin cancer and melanoma awareness.

This measure would declare that the month of May shall be recognized as Skin Cancer Awareness Month in California, and would encourage all Californians to make themselves and their families aware of the risk of skin cancer and the preventive measures. The measure would also proclaim May 3, 1999, as Melanoma Awareness Monday in California, to increase public awareness of the importance of routine complete skin examination to detect early melanoma.

Res. Ch. 26 (ACR 1) Thomson. Vic Fazio Wildlife Area; Phil and Marilyn Isenberg Sandhill Crane Reserve; Kenneth L. Maddy Equine Analytical Chemistry Laboratory.

This measure would request the Department of Fish and Game to change the name of the Yolo Bypass Wildlife Area to the Vic Fazio Yolo Wildlife Area and the name of the Woodbridge Ecological Reserve to the Phil and Marilyn Isenberg Sandhill Crane Reserve. The measure would also request the Regents of the University of California to change the name of the Equine Analytical Chemistry Laboratory to the Kenneth L. Maddy Equine Analytical Chemistry Laboratory.

Res. Ch. 27 (ACR 26) Wayne. California SAFE KIDS Week.

This measure would declare the week of May 1 through May 8, 1999, as California SAFE KIDS Week, in support of the activities of the National SAFE KIDS Campaign during National SAFE KIDS Week, and would encourage Californians to participate in the state and local activities planned for the observance of that week.

Res. Ch. 28 (ACR 49) Correa. Cinco de Mayo.

This measure would call on the people of California to join in celebrating Cinco de Mayo, the historic date of May 5, 1862, as a day to honor the valiant spirit of the brave Mexicanos who defended the town of Puebla and the Mexican Americans of today who have fought and died for the freedom of the United States of America and would declare the week of May 2 through May 8 as Cinco de Mayo Week.

Res. Ch. 29 (ACR 50) Baugh. Columbine High School tragedy.

This measure would ask for blessings and comfort for all those who have been touched directly or indirectly by the tragic events in Littleton, Colorado.

Res. Ch. 30 (ACR 56) Wiggins. California Winemaking Families and Grape Growers Appreciation Day.

This measure would commend the family vintners and grape growers of this state and would designate the day of May 17, 1999, as California Winemaking Families and Grape Growers Appreciation Day.

Res. Ch. 31 (ACR 54) Strom-Martin. Day of the Teacher.

This measure would proclaim May 12, 1999, to be Day of the Teacher and would urge Californians to observe that day.

Res. Ch. 32 (SCR 7) Solis. Domestic Violence Awareness Month.

This measure would proclaim the month of October 1999 as Domestic Violence Awareness Month.

Res. Ch. 33 (SCR 27) Johannessen. Amyotrophic Lateral Sclerosis (ALS) Awareness Month.

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

This measure would proclaim the month of May in each year as Amyotrophic Lateral Sclerosis Awareness Month. This measure would encourage Californians to join the Amyotrophic Lateral Sclerosis Association in its war against amyotrophic lateral sclerosis.

Res. Ch. 34 (SCR 28) Burton. 9-1-1 for Kids Week.
This measure would designate the week of May 16 through May 22, 1999, as "9-1-1 for Kids Week" in the State of California.

Res. Ch. 35 (SCR 19) Burton. Leaf blowers.
This measure would memorialize the State Air Resources Board, on or before January 1, 2000, to prepare and submit a report to the Legislature, as provided, summarizing the potential health and environmental impacts of leaf blowers and including recommendations for alternatives to their use. The measure would also request each governing body of a city, including a charter city, or county to refrain from enacting any new ordinance that prohibits the use of leaf blowers until the state board submits that report to the Legislature.

Res. Ch. 36 (ACR 16) Torlakson. California Fitness Month.
This measure would proclaim the month of May 1999 as California Fitness Month, and would encourage all Californians to enrich their lives through proper diet and exercise.

Res. Ch. 37 (ACR 22) Correa. Hispanic Heritage Month.
This measure would designate September 15 to October 15, 1999, as California Hispanic Heritage Month and would encourage Californians to observe this event.

Res. Ch. 38 (ACR 38) Wayne. California Beach Safety Week.
This measure would proclaim the week of May 24, 1999 to May 30, 1999, as California Beach Safety Week.

Res. Ch. 39 (ACR 47) Machado. State Parks Month.
This measure would proclaim May 1999, as State Parks Month.

Res. Ch. 40 (AJR 9) Correa. Social Security: mandatory coverage.
This measure would memorialize the President and the Congress of the United States not to include mandatory Social Security coverage on noncovered state and local government employees in any Social Security reform legislation.

Res. Ch. 41 (ACR 39) Wayne. Military Families Recognition Day.
This measure would designate Saturday, November 20, 1999, as Military Families Recognition Day.

Res. Ch. 42 (ACR 40) Wayne. Fourth of July.
This measure would memorialize that July 4, 1999, be fully observed in this state as Independence Day.

Res. Ch. 43 (SCR 29) Alpert. Education master plan.
This measure would resolve that a joint legislative committee be established to develop a "Master Plan for Education-Kindergarten through University" to provide a blueprint for education in California in the 21st century, to support lifelong learning for all Californians, and to serve as an example to other states by raising the standard for educational excellence.

Res. Ch. 44 (SCR 32) Baca. National Day of Prayer.
This measure would recognize the first Thursday in May as the National Day of Prayer and ask that religious faiths of all denominations celebrate the dignity of and respect for all people and bring the message of peace and hope through prayer.

Res. Ch. 45 (SCR 35) Monteith. Remembrance Memorial for California Korean War Veterans.

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

This measure would honor the Remembrance Memorial for California Korean War Veterans located in the San Joaquin Valley National Cemetery.

Res. Ch. 46 (SCR 5) Kelley. Baja California, Mexico: sister state relationship/relación de hermandad con el Estado de Baja California, Mexico.

This measure would extend an invitation to the people of the State of Baja California, Mexico, to join with California in a sister state relationship/relación de hermandad con el Estado de Baja California, Mexico.

Res. Ch. 47 (SCR 18) Baca. Reflex Sympathetic Dystrophy (RSD) Syndrome Awareness Month.

This measure would proclaim May 1999 as Reflex Sympathetic Dystrophy (RSD) Syndrome Awareness Month.

Res. Ch. 48 (ACR 64) Leonard. Juneteenth, Emancipation Day.

This measure would declare June 19 as Juneteenth throughout the State of California, in honor of the 134th anniversary of Juneteenth, or Emancipation Day. The measure also would urge all Californians to reflect on the significant role that African Americans have played in the history of the United States and California and on the positive impact that they continue to make on society.

Res. Ch. 49 (ACR 5) Mazzoni. Marin County Veterans Memorial Freeway.

The measure would designate a specified portion of State Highway Route 101 in San Rafael the Marin County Veterans Memorial Freeway.

The measure would request the Department of Transportation to determine the cost of erecting appropriate highway signs or markers designating that specific portion of State Highway Route 101 in San Rafael the Marin County Veterans Memorial Freeway, and, upon receiving donations from nonstate sources covering that cost, to erect appropriate highway signs or markers.

Res. Ch. 50 (ACR 71) Steinberg. Synagogue fires in Sacramento.

This measure would declare that the Legislature sends support and heartfelt condolences to Congregation B'nai Israel, Congregation Beth Shalom, Kenesset Israel Torah Center, and the entire Sacramento community in connection with recent arson crimes committed at those synagogues. The measure also denounces these criminal acts and resolves to combat hatred, promote unity, assist in bringing those responsible to justice, and help the community rebuild the damaged synagogues.

Res. Ch. 51 (SCR 11) Hughes. School safety.

Existing law and the California Constitution set forth various provisions relating to school safety.

This measure would designate October 1999 as School Safety Month and the week of January 10 to 14, 2000, inclusive, as Yellow Ribbon Week.

Res. Ch. 52 (SCR 16) Perata. Stephen Lindheim Overcrossing.

This measure would designate the pedestrian overcrossing at 98th Avenue and Interstate Highway Route 880 in Oakland, California, the Stephen Lindheim Overcrossing in memory of Stephen Lindheim. The measure also would request the Department of Transportation to determine the cost of appropriate plaques or markers showing that special designation, and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers.

Res. Ch. 53 (SJR 12) Escutia. Relative to housing.

This measure would memorialize the President and Congress of the United States and the federal Department of Housing and Urban Development to establish policies and funding priorities that will ensure the preservation of the inventory of federally assisted housing in California.

Res. Ch. 55 (SCR 12) Johannessen. POW Recognition Day.

This measure would designate April 9, 1999, as POW Recognition Day in California.

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

Res. Ch. 56 (SJR 3) Burton. U.S. Coast Guard.

This measure would memorialize the President and the Congress of the United States, and the United States Coast Guard to continue the operation of the United States Coast Guard Training Facility (TRACEN) Petaluma.

Res. Ch. 57 (SJR 10) Dunn. Reauthorization of the federal Older Americans Act of 1965.

Existing federal law establishes the federal Older Americans Act of 1965, which provides money for major nutrition, transportation, and other senior services.

This measure would memorialize the President and Congress of the United States to enact legislation reauthorizing the federal Older Americans Act of 1965.

Res. Ch. 58 (AJR 6) Briggs. Transportation: federal funds.

This measure would memorialize the President and the Congress to use the framework established under the federal Transportation Equity Act for the 21st Century when allocating federal transportation funds to California.

Res. Ch. 59 (ACR 55) Olberg. Fibromyalgia Awareness Month.

This measure would declare June 1999 to be Fibromyalgia Awareness Month, and would encourage the observance of this event in communities throughout the state.

Res. Ch. 60 (ACR 72) Ashburn. Valley Fever Awareness Month.

This measure would proclaim August 1999 as Valley Fever Awareness Month.

Res. Ch. 61 (SCR 17) Schiff. The Gene Autry Memorial Interchange.

This measure would designate the freeway interchange at the juncture of Interstate Highway Route 5 and State Highway Route 134, commonly referred to as the Ventura Freeway, the Gene Autry Memorial Interchange. The measure also would request the Department of Transportation to determine the cost for appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.

Res. Ch. 62 (SCR 33) Dunn. Commemoration of the 100th anniversary of the Veterans of Foreign Wars.

This measure would commemorate the 100th anniversary of the founding of the Veterans of Foreign Wars.

Res. Ch. 63 (SJR 1) Speier. Medicare coverage.

This measure would memorialize the federal government to take steps to ensure that persons abandoned by Medicare HMOs have access to other HMOs or Medigap policies and to rescind the determination that disabled persons under 65 years of age enrolled in HMOs do not have the same rights as other Medicare enrollees, and would memorialize the President to issue an Executive order directing his administration to work closely and coordinate with California and other states to guide and assist Medicare enrollees who are abandoned by their HMOs to obtain new Medicare coverage.

Res. Ch. 64 (SJR 4) Solis. Afghan women's rights.

This measure would request the President of the United States and Congress to take necessary action to ensure the rights of women and girls in Afghanistan are not systematically violated, as specified.

Res. Ch. 65 (SJR 6) Solis. Filipino veterans of World War II: veterans' benefits.

This measure would memorialize the President and the Congress of the United States to take action necessary to honor our country's moral obligation to provide Filipino veterans with the military benefits that they deserve, including, but not limited to, holding related hearings, and acting favorably on legislation pertaining to the granting of full veterans' benefits to Filipino veterans of the United States Armed Forces.

Res. Ch. 66 (SJR 8) Solis. Main San Gabriel Groundwater Basin.

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

This measure would memorialize the President and Congress to enact legislation to make available necessary funds to implement groundwater remediation in the Main San Gabriel Groundwater Basin.

Res. Ch. 67 (SJR 9) Lewis. Orange County commissary.
This measure would request the President of the United States, the Congress, the Secretary of Defense, the Chairperson of the Joint Chiefs of Staff, the Chief of Naval Operations, and the Marine Commandant to authorize the continued operation of a commissary in Orange County after the closure of the United States Marine Corps Air Station at El Toro.

Res. Ch. 68 (ACR 4) Machado. Neighborhood Watch Month.
This measure would designate the month of August 1999 as Neighborhood Watch Month.

Res. Ch. 69 (ACR 65) Machado. California Pear Day.
This measure would declare August 11, 1999, as California Pear Day.

Res. Ch. 70 (AJR 4) Maldonado. Poisonous and noxious weeds.
This measure would memorialize all government agencies, particularly the United States Forest Service , the United States Bureau of Land Management, the Department of Transportation (CALTRANS), the Department of Fish and Game, and the Department of Forestry and Fire Protection, to abstain from using nonnative plant material and encourage the use of weed-free straw or California-grown rice straw in any of their programs within California.

Res. Ch. 71 (AJR 10) Leonard. Cryptographic products.
This measure would memorialize the President and the Congress to consider the relaxation of current United States export control laws governing cryptographic products, as specified, and to discourage the implementation of a federally mandated "key recovery" program.

Res. Ch. 72 (SCR 25) Morrow. Gunnery Sergeant John Basilone Memorial Freeway.
This measure would designate a specified portion of Interstate 5 the "Gunnery Sergeant John Basilone Memorial Freeway." The measure also would request the Department of Transportation to determine the cost for appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.

Res. Ch. 73 (SCR 31) Polanco. Latino Behavioral Health Week.
This measure would proclaim the third week of September of each year "Latino Behavioral Health Week."

Res. Ch. 74 (SCR 37) Costa. California's Legislators Go Back to School Week.
This measure would proclaim the 3rd week in September as the annual week for California's Legislators Go Back to School Week.

Res. Ch. 75 (SJR 13) Baca. Former military base properties.
This measure would memorialize the President and the Congress of the United States to enact legislation to transfer former military base property to local communities at no cost if the local communities use the property for job-generating economic development, and to forgive lease payments for communities that have already entered into agreements with the Department of Defense.

Res. Ch. 76 (AJR 12) Lempert. Special education: federal funding.
This measure would memorialize the President and Congress of the United States to provide the full federal share of funding for special education programs to the states so that California and other states will not be required to take funding from other vital state and local programs to fund this underfunded federal mandate.

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Res. Ch. 77 (AJR 17) Aroner. Work Incentives Improvement Act of 1999.

This measure would urge the United States Congress to pass the Work Incentives Improvement Act of 1999 in order to meet the urgent demands of people with disabilities who work or want to work across the nation.

Res. Ch. 78 (AJR 19) Papan. Just and peaceful resolution of the situation in Cyprus.

This measure would memorialize the President and Congress of the United States to continue their active support in finding a just, viable, and lasting solution to the situation in Cyprus within the framework, parameters, and principles set forth in House Concurrent Resolution No. 81 and Senate Concurrent Resolution No. 41, both of the 105th Congress, and United Nations Security Council Resolution 1217, adopted on December 22, 1998.

Res. Ch. 79 (ACR 2) Papan. Financial institutions: investigating committee.

This measure would establish a Joint Committee to Investigate Financial Institution Mergers and Acquisitions.

Res. Ch. 80 (ACR 14) Gallegos. California History Week.

This measure would designate the Saturday before, to the Sunday following, September 9th of every year as California History Week with special emphasis on September 9, Admission Day.

Res. Ch. 81 (ACR 17) Wayne. California Law Revision Commission: studies.

Under existing law, the California Law Revision Commission is required to study, and is limited to studying, those topics approved for its study by concurrent resolution of the Legislature.

This measure would grant approval to the commission to continue its study of designated topics that the Legislature previously authorized or directed the commission to study, would delete 5 topics that previously were approved by the Legislature for study by the commission, and would authorize the study of 4 new topics.

Res. Ch. 82 (ACR 35) Steinberg. University of California: remains of Ishi.

This measure would urge the Regents of the University of California to immediately take any and all actions necessary to ensure that the remains of Ishi, who was the last surviving member of the Yahi Indians, be returned to the appropriate tribal representatives. The measure would also urge the Governor to direct all affected state agencies to cooperate in this effort so that a proper Indian burial ceremony may take place.

Res. Ch. 83 (ACR 78) McClintock. North Valley Jewish Community Center tragedy.

This measure would condemn the acts of violence directed against the North Valley Jewish Community Center and postal carrier, Joseph Ileto, extend the sympathy of the Legislature to the victims and their families, and express the renewed determination of the state to eradicate the elements responsible for this violence.

Res. Ch. 84 (SCR 9) Baca. Red Ribbon Week.

This measure would proclaim October 23 through October 31, 1999, as Red Ribbon Week and would encourage all Californians to help build drug-free communities.

Res. Ch. 85 (SCR 15) Ortiz. State employee merit awards.

This measure would request that additional merit award payments, authorized by the Department of Personnel Administration, be made to specified individuals whose proposals have resulted in annual savings and net revenue gain to the state.

Res. Ch. 86 (SJR 2) Alpert. Offshore oil leases.

This measure would memorialize President Clinton to extend the moratorium on federal offshore leases to certain leases awarded prior to the moratorium or to terminate those leases.

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

Res. Ch. 87 (SJR 18) Kelley. Undocumented persons: medical and burial costs.

This measure would memorialize the President and Congress of the United States to enact legislation to provide for reimbursement of Imperial County for certain medical and burial costs incurred with respect to undocumented persons and would memorialize the United States Border Patrol to take certain actions with respect to those persons.

Res. Ch. 88 (ACR 53) Zettel. CHP Officer Christopher D. Lydon Memorial Freeway.

This measure would dedicate the northbound and southbound portions of State Highway Route 67 between Interstate Highway Route 8 and Mapleview Street in Lakeside, California, to the memory of California Highway Patrol Officer Christopher D. Lydon and would specify that this portion of State Highway Route 67 shall be known as the "CHP Officer Christopher D. Lydon Memorial Freeway." The measure also would request the Department of Transportation to determine the cost of appropriate highway markers or signs showing that special designation and, upon receiving donations from nonstate sources covering that cost, to erect appropriate highway markers and signs.

Res. Ch. 89 (ACR 77) Granlund. Truck Driver Appreciation Week.

This measure would declare the week of August 21 to August 28, 1999, Truck Driver Appreciation Week.

Res. Ch. 90 (AJR 27) Honda. War crimes: Japanese military during World War II.

This measure would urge the Government of Japan to finally bring closure to concerns relating to World War II by formally issuing a clear and unambiguous apology for the atrocious war crimes committed by the Japanese military during World War II and immediately paying reparations to the victims of those crimes. This measure would also call upon the United States Congress to adopt a similar resolution and would urge the President of the United States to take all appropriate action to bring about a formal apology and reparations by the Government of Japan.

Res. Ch. 91 (AJR 23) Runner. California film industry.

This measure would memorialize the President and the Congress of the United States to evaluate the relocation of film industry business to Canada and other foreign nations and to initiate trade-related legislation that would persuade the film industry to remain in California.

Res. Ch. 92 (SCR 8) Costa. Paraná: sister state relationship.

This measure would extend an invitation to the people of the State of Paraná, Brazil, to join with California in a sister state relationship.

Res. Ch. 93 (SCR 26) Costa. Inner Mongolia: friendship state relationship.

This measure would extend an invitation to the people of the Inner Mongolian Autonomous Region of China to join with California in a friendship state relationship.

Res. Ch. 94 (SCR 34) Peace. Donna De Neal Bridge.

This measure would designate the Interstate 805 Orange Avenue overcrossing as the Donna De Neal Bridge in honor and recognition of Donna De Neal. The measure also would request the Department of Transportation to determine the cost for appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.

Res. Ch. 95 (SJR 15) Sher. Gasoline: MTBE.

This measure would memorialize the United States Environmental Protection Agency, to the extent permitted by the federal Clean Air Act, to grant an administrative waiver of the act's oxygenated gasoline requirement for the State of California. The measure would also memorialize the United States Congress, to the extent that an administrative waiver may not be granted, to enact legislation that would permit California to promulgate and implement specified reformulated gasoline standards and would memorialize the President of the United States to sign that legislation, if enacted.

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Res. Ch. 96 (ACR 60) Corbett. The Loma Prieta earthquake and earthquake preparedness.

This measure would commemorate the 10-year anniversary of the Loma Prieta earthquake on October 17, 1999, and urge all California residents and businesses to engage in appropriate earthquake safety-related activities on an ongoing basis.

Res. Ch. 97 (ACR 67) Wildman. Glendale Police Officer Charles A. Lazzaretto Memorial Freeway.

This measure would designate the eastbound and westbound portions of State Highway Route 134 between Interstate Highway 5 and State Highway Route 2 the "Glendale Police Officer Charles A. Lazzaretto Memorial Freeway."

This measure would also request the Department of Transportation to determine the cost of appropriate plaques and markers showing that special designation, and, upon receiving donations from nonstate sources sufficient to cover that cost, to erect those plaques and markers.

Res. Ch. 98 (ACR 81) Reyes. California Grown Certified Farmers' Market.

This measure would recognize August 1999 as California Grown Certified Farmers' Market Month.

Res. Ch. 99 (ACR 87) Villaraigosa. 1999 earthquake in Turkey.

This measure would extend the condolences of the Legislature to the Republic of Turkey and to the victims of the August 17, 1999, earthquake and their families. It would express support for the citizens of Turkey, and urge the citizens of California to give generously to responsible charitable funds and organizations that are supporting relief efforts in the region.

Res. Ch. 100 (AJR 7) Maldonado. Alternative minimum tax.

This measure would urge the Congress of the United States to index the alternative minimum tax exemption and tax brackets for inflation.

Res. Ch. 101 (AJR 15) Robert Pacheco. Filipino veterans of the United States Armed Forces: full benefits.

This measure would memorialize the President and the Congress of the United States during the First Session of the 106th Congress to take action necessary to grant full veterans benefits to Filipino veterans of the United States Armed Forces.

Res. Ch. 102 (AJR 18) Reyes. Medicare coverage of prescription drugs.

Under existing law, the federal government provides health benefits to eligible individuals under the Medicare program. Generally, Medicare benefits do not include the cost of prescription drugs.

This measure would memorialize the President and Congress of the United States to enact legislation expanding Medicare benefits to include the cost of prescription drugs.

Res. Ch. 103 (AJR 26) Honda. Asian Pacific Americans.

This measure would request the President, Congress, and every American to recognize that it is necessary to protect the national security at national weapons laboratories in a manner that avoids false characterizations and stereotypes of all Asian Pacific Americans. The measure would urge the United States Attorney General and the United States Secretary of Energy to fully investigate all allegations of security breaches at national weapons laboratories and all allegations of retaliatory actions and discrimination against Asian Pacific Americans at national weapons laboratories and would also request the federal Equal Employment Opportunity Commission to vigorously investigate and enforce employment discrimination claims filed by Asian Pacific Americans. This measure would reaffirm that Americans of Asian Pacific ancestry are entitled to the same rights and privileges afforded all Americans.

Res. Ch. 104 (ACR 57) Hertzberg. Commemorative state seals.

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This measure would provide for the creation of a 13-member Commemorative Seals Advisory Committee to make recommendations to the Governor and the Legislature regarding the design, construction, and dedication of 2 commemorative seals, one honoring Native Americans in California and the other honoring California's Spanish and Mexican heritage, for installation on the landing of the upper steps on the west side of the State Capitol on the level below the Great Seal of California.

The measure would specify that funds for the construction of the commemorative seals are to be provided either (1) by appropriation by the Legislature, provided that $^{1}/_{2}$ of the funds come from private contributions, or (2) by private donations to the advisory committee. The measure would further provide that the Joint Rules Committee shall be the recipient of these funds and responsible for administering the funds and organizing the construction of the commemorative seals.

Res. Ch. 105 (AJR 16) Torlakson. Transportation: trucks from Mexico.

This measure would memorialize the President and the Congress to maintain the existing restrictions on trucks from Mexico and other foreign nations entering California and to continue efforts to ensure full compliance by the owners and drivers of those trucks with all highway safety, environmental, and drug-enforcement laws.

Res. Ch. 106 (ACR 76) Campbell. California Family Month.

This measure would recognize November 1999 as California Family Month.

Res. Ch. 107 (ACR 93) Bock. California Skate Park Day.

This measure would proclaim October 23, 1999, as California Skate Park Day. The measure would also recognize the young people of the state who have empowered and improved themselves by working to bring about the construction of skate parks and would encourage all communities and private industries in California to recognize the benefits of skate parks by assisting in the creation and on-going support of those parks.

Res. Ch. 108 (ACR 18) Machado. Relative to California Veterans Day, 1999.

This measure would designate Thursday, November 11, 1999, as California Veterans Day, 1999.

Res. Ch. 109 (ACR 51) Wayne. Breast cancer.

This measure would designate the month of October as Breast Cancer Awareness Month and would designate October 15, 1999, as Breast Exam and Mammography Awareness Day.

Res. Ch. 110 (ACR 68) Oller. Officer Bill C. Bean, Jr. Memorial Highway.

This measure would designate a portion of State Highway Route 174, as prescribed, as the Officer Bill C. Bean, Jr. Memorial Highway. The measure would request that the Department of Transportation determine the cost of appropriate plaques and markers showing this designation and, upon receiving donations from nonstate sources, to erect plaques and markers.

Res. Ch. 111 (ACR 79) Hertzberg. Retinoblastoma Awareness Month.

This measure would recognize the month of October 1999 as Retinoblastoma Awareness Month and would encourage all Californians to make themselves and their families aware of the risk of retinoblastoma and the need for appropriate screening, early diagnosis, and referral.

Res. Ch. 112 (AJR 21) Runner. Child sexual abuse.

This measure would respectfully urge the President and Congress to reject and condemn any suggestions that sexual relations between children and adults, except for legal marriage relationships, are anything but abusive, destructive, exploitive, reprehensible, and punishable by law.

Res. Ch. 113 (AJR 32) Strickland. Medicare payments.

This measure would memorialize the Congress of the United States to enact legislation to require the Medicare prospective payment system to take into account the costs

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associated with providing medically complex care and to provide a more accurate inflation adjuster index.

Res. Ch. 114 (ACR 91) Villaraigosa. Mexican Independence Week.

This measure would call on all the people of California to join the people of Mexico and Californians of Mexican heritage in recognizing and celebrating the 16th of September as Mexican Independence Day with the cry of Father Miguel Hidalgo y Costilla, "Long live independence! Death to bad government!" and would declare September 12 to 18, 1999, as Mexican Independence Week.

Res. Ch. 115 (AJR 33) Nakano. Space-related commerce.

This measure would memorialize the President and Congress of the United States to support specified federal legislation to classify spaceports as exempt facilities and enable state and local entities to sell bonds for private or public development of spaceport infrastructure.

Res. Ch. 116 (ACR 73) Thomson. Health screening and diagnosis.

This measure would urge health insurers and health care service plans to provide expeditious access to diagnostic and screening tests to ensure medically appropriate and cost-effective use of innovative treatments for life-threatening diseases and conditions, and would urge patients to be active advocates in seeking access to appropriate diagnostic and screening tests to support more informed treatment decisions and to ensure that health insurers and health care service plans provide coverage and payment.

Res. Ch. 117 (ACR 80) Thomson. California Hospice Month.

This measure would declare and proclaim the month of November as California Hospice Month.

Res. Ch. 118 (ACR 84) Reyes. Officer James Rapozo Memorial Freeway.

This measure would designate the portion of State Highway Route 198 that is between the intersection with State Highway Route 99 and State Highway Route 245 as the Officer James Rapozo Memorial Freeway.

The measure would also request the Department of Transportation to determine the cost of appropriate plaques and markers showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect appropriate plaques and markers.

Res. Ch. 119 (ACR 86) Aroner. Court Adoption and Permanency Month.

This measure would proclaim November 1999 to be "Court Adoption and Permanency Month."

Res. Ch. 120 (ACR 88) Cox. Rett Syndrome Awareness Month.

This measure would designate October 1999 as Rett Syndrome Awareness Month.

Res. Ch. 121 (ACR 92) Papan. Gambling prevalence survey.

This measure would express legislative support to conduct a gambling prevalence survey.

Res. Ch. 122 (AJR 31) Scott. NASA: Budget for fiscal year 2000.

This measure would commend the actions of the members of the United States House of Representatives from California to restore full programming for the National Aeronautics and Space Administration (NASA) for fiscal year 2000 and would strongly encourage all members of the United States Congress to actively support NASA funding for fiscal year 2000 in an amount sufficient to fully support and sustain scheduled projects.

Res. Ch. 123 (SCA 4) McPherson. Lotteries: charitable raffles.

(1) The California Constitution generally provides that the Legislature has no power to authorize lotteries and shall prohibit the sale of lottery tickets in the state, but specifically provides for the operation of the California State Lottery and empowers the

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Legislature to authorize cities and counties to provide for bingo games conducted for charitable purposes.

This measure would provide that, notwithstanding the general constitutional prohibition against lotteries, the Legislature may authorize private, nonprofit, eligible organizations to conduct raffles as a funding mechanism to provide support for their own or another private, nonprofit, eligible organization's beneficial and charitable works, provided that at least 90% of the gross receipts from the raffle go directly to beneficial or charitable purposes in California, and any person who receives compensation in connection with the operation of a raffle is an employee of the private nonprofit organization that is conducting the raffle. This measure would also state findings and declarations of the Legislature, as specified.

(2) The California Constitution provides that the Legislature may, by $^{2}/_{3}$ vote of each house of the Legislature, propose an amendment or revision of the Constitution, and that a proposed amendment or revision shall be submitted to electors and if approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise.

This measure would provide that, notwithstanding this requirement, the Legislature may amend the percentage of a raffle's gross receipts required by this measure to be dedicated to beneficial or charitable purposes by means of a statute that is passed by a $^{2}/_{3}$ vote of each house of the Legislature and signed by the Governor.

Res. Ch. 124 (SCR 2) Murray. National Eye Care Month.

This measure would declare the month of January 1999 National Eye Care Month.

Res. Ch. 125 (SCR 14) Baca. Mexican independence.

This measure would call on all the people of California to join the people of Mexico and Californians of Mexican heritage in celebrating Mexican independence on the anniversary of the popular uprising of September 16, 1810.

Res. Ch. 126 (SCR 24) O'Connell. National Lymphoma Awareness Week.

This measure would designate the second week of October as National Lymphoma Awareness Week and recognize the work of the Lymphoma Research Foundation of America.

Res. Ch. 127 (SCR 36) Speier. CHP Officer Hugo Olazar Memorial Highway.

This measure would designate that portion of northbound Interstate 280 from the San Jose Avenue/Sickles Avenue onramp to the San Jose Avenue overcrossing to the memory of California Highway Patrol Officer Hugo Olazar. The measure also would request the Department of Transportation to determine the cost for appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.

Res. Ch. 128 (SCR 38) Johnston. City of Lodi Motorcycle Police Officer Rick Charles Cromwell.

This measure would designate the portion of State Highway Route 12 between Lower Sacramento Road and the Lodi City limits at State Highway Route 99 the "Officer Rick Charles Cromwell Memorial Freeway."

The measure also would request the Department of Transportation to determine the cost of appropriate plaques and markers showing that special designation, and, upon receiving donations from nonstate sources sufficient to cover that cost, to erect those plaques and markers.

Res. Ch. 129 (SCR 39) Baca. Memorial Day and Veterans Day: days of remembrance.

This measure would encourage Californians to demonstrate their support for veterans on Memorial Day and Veterans Day by treating those days as special days of remembrance and would make a statement regarding houses of worship and other institutions ringing bells at noon on those days, to be followed by a moment of silence, in recognition of veterans on Memorial Day and Veterans Day.

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

Res. Ch. 130 (SCR 41) Murray. Sister state relationship: Governorate of Cairo, Egypt.

This measure would, on behalf of the people of California, extend an invitation to the people of the Governorate of Cairo, Egypt, to join with California in a sister state relationship in order to encourage and facilitate mutually beneficial social, economic, educational, and cultural exchanges that would lead to an indelible and lasting relationship between the residents of California and Cairo.

Res. Ch. 131 (SCR 43) Baca. Prostate Cancer Awareness Month.

This measure would proclaim the month of September 1999 as Prostate Cancer Awareness Month.

Res. Ch. 132 (SCR 46) Ortiz. Ovarian Cancer Awareness Month.

This measure would designate the month of September as Ovarian Cancer Awareness Month throughout the State of California, and would encourage and promote efforts to educate the people and the health care practitioners of the state regarding that disease and its early detection and prevention, the risk factors involved in its development, and the early warning symptoms and signs.

Res. Ch. 133 (SCR 49) Rainey. Breast Cancer Awareness Month and Breast Exam and Mammography Awareness Day.

This measure would declare the month of October 1999 as Breast Cancer Awareness Month and October 15, 1999, as Breast Exam and Mammography Awareness Day.

Res. Ch. 134 (SCR 51) Vasconcellos. Joint Committee on Preparing California for the 21st Century.

This measure would establish the Joint Committee on Preparing California for the 21st Century with specified duties and responsibilities. The joint committee would be composed of 9 members from each house of the Legislature. The joint committee would be authorized to act until November 4, 2004, when its existence would terminate.

Res. Ch. 135 (SJR 14) Costa. Relative to immunosuppressive drugs.

This measure would memorialize the Congress of the United States to enact Sen. No. 631 and H.R. No. 1115, in order that transplant recipients covered by Medicare will be able to receive immunosuppressive drugs for as long as is necessary for their continued health and well-being.

Res. Ch. 136 (SJR 21) Burton. Neurodevelopmental disorders.

This measure would memorialize the President and the Congress of the United States to provide substantial additional funding to the National Institutes of Health to study neurodevelopmental disorders in order to advance research and best practices in the assessment, intervention, and prevention of those disorders.

Res. Ch. 137 (SJR 22) Burton. Commemorative stamps.

This measure would urge Californians, government officials, and others to observe October 1999 as National Stamp Collecting Month.

Res. Ch. 138 (AJR 25) Briggs. Allied Hmong-Lao veterans.

This measure would memorialize the President and Congress of the United States to recognize the sacrifices and services rendered to our country by the Hmong-Lao veterans who served in the special guerrilla units that were allied with, and operating in support of, the military forces of the United States during the Vietnam War, by granting those veterans and their immediate families full United States citizenship.

Res. Ch. 139 (AJR 36) Havice. Americans with Disabilities Act.

This measure would memorialize the President and the Congress to (1) stand firm in their resolve to uphold the current provisions of the Americans with Disabilities Act (ADA), (2) thwart any attempts to weaken the act by enacting new legislation that nullifies the effect of any court decision that weakens the ADA, (3) take appropriate measures to encourage both public and private entities to implement the provisions of

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the ADA, and (4) establish whether the ADA has been applied in the manner in which it was intended, and whether any unintended consequences have resulted.

Res. Ch. 140 (ACR 69) Briggs. Lao-Hmong New Year Celebration.

This measure would proclaim November 25, 26, 27, and 28, 1999, as days for the celebration of the Lao-Hmong New Year in the City of Sacramento, and December 26, 27, 28, 29, 30, and 31, 1999, and January 1 and 2, 2000, as days for that celebration in the City of Fresno.

Res. Ch. 141 (ACR 90) Ducheny. Archie Moore Memorial Freeway.

This measure would designate the portion of Interstate Highway Route 15 between the Home Avenue exit and the Ocean View Boulevard exit in the City of San Diego as the Archie Moore Memorial Freeway.

Res. Ch. 142 (SCA 11) Burton. Gambling.

The California Constitution provides that the Legislature has no power to authorize lotteries, and shall prohibit the sale of lottery tickets in the state, but specifically authorizes the establishment of the California State Lottery. The California Constitution provides that the Legislature may provide for the regulation of horse racing and wagering on the results and may authorize cities and counties to provide for bingo games, but only for charitable purposes. The California Constitution also provides that the Legislature has no power to authorize, and shall prohibit, casinos of the type currently operating in Nevada and New Jersey.

This measure would provide that, notwithstanding the provisions of the California Constitution prohibiting lotteries and casinos of the type operating in Nevada and New Jersey, the Governor is authorized to negotiate and conclude compacts, subject to ratification by the Legislature, for the operation of slot machines and for the conduct of lottery games, and banking and percentage card games by federally recognized Indian tribes on Indian lands in California in accordance with federal law. The measure would also expressly permit slot machines, lottery games, and banking and percentage card games to be conducted and operated on tribal lands subject to these compacts.

Res. Ch. 143 (SCR 45) Karnette. Interagency Task Force on the Economic Development of the California-Mexico Border.

This measure would request the Governor to immediately establish an Interagency Task Force on the Economic Development of the California-Mexico Border, to comprise specified heads of state agencies. It would request the task force to perform specified duties and make reports to the Governor and the Legislature with respect to coordinating and promoting the federal administration's efforts for sustainable development along the California-Mexico border. It would provide that the task force shall terminate 30 days after submitting its final report due on July 15, 2002, unless a task force consensus recommends continuation of its activities.

Res. Ch. 144 (SCR 48) Brulte. Youth Day.

This measure would declare October as America's Celebration of Youth Month and proclaims that the 4th Sunday of October be declared annually as Youth Day in California.

Res. Ch. 145 (SJR 20) Alarcon. Atlas mill radioactive tailings site.

This measure would memorialize the President and the Congress of the United States to take those actions necessary to remove the radioactive mill tailings from the Atlas mill tailings site to an environmentally preferred location, and to transfer jurisdiction of the Atlas mill tailings site from the Nuclear Regulatory Commission to the Department of Energy, so that the site may be managed and funded under the Uranium Mill Tailings Radiation Control Act of 1978.

Res. Ch. 146 (SJR 24) Burton. Wildland fires: infrared line scan imaging technology.

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This measure would memorialize the Congress of the United States to ensure that the infrared line scan thermal imaging technology developed by the Department of Forestry and Fire Protection be deployed in the state by April 1, 2000.

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DIGEST OF RESOLUTION ADOPTED IN 1999

1999–2000 FIRST EXTRAORDINARY SESSION

RESOLUTION CHAPTER

Res. Ch. 1 (SCR 2) Burton. Final adjournment: 1999–2000 First Extraordinary Session.

This measure would provide that the 1999–2000 First Extraordinary Session of the Legislature shall adjourn sine die at midnight on March 26, 1999.

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

1999 DIGEST CHAPTERS SUPERIOR NUMBERS

1 [Ch. 50] I object to the following appropriations contained in Senate Bill 160.

Item 0250-001-0001—For support of Judiciary. I reduce this item from $239,105,000 to $239,104,000 by reducing:

(c) 30-Judicial Council from $58,996,000 to $58,995,000,

and by deleting Provision 6.

I am deleting Provision 6 which would require the Judicial Council to develop and support a strategic committee on drug court strategy in the Judicial Council's drug court program and the Department of Alcohol and Drug Programs (DADP) Partnership Program. The DADP Partnership Program already has an existing committee assigned to determining administration of the Partnership Program, and the Judicial Council administers the drug court program. Therefore, this language is unnecessary because it would create duplicative activities that can best be handled by existing resources and their mutual coordination.

I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing Provision 6 of this Item.

Item 0250-101-0001—For local assistance, Judiciary. I reduce this item from $11,875,000 to $11,775,000 by reducing the following:

(b) 30.20-Califomia Drug Court Project from $1,958,000 to $1,858,000.

I am deleting the $100,000 legislative augmentation which would have supported establishment of a drug court program in the City of Fontana. This proposal would have created a local exception to the statewide application process to the Department of Alcohol and Drug Programs' Partnership Program and the Judicial Council's drug court program. Such an exception is not conducive to the already existing support program and evaluation system that is in place. However, if the County of San Bernardino wishes to tailor its own drug court program for the City of Fontana, the authority to do so exists pursuant to Chapter 1132, Statutes of 1996.

I am sustaining the $10,000,000 legislative augmentation to this item for the Equal Access Fund which will provide legal services for indigents in civil matters; however, I am sustaining this augmentation on a one-time basis.

Item 0450-101-0932—For local assistance, State Trial Court Funding. I reduce this item from $1,776,178,000 to $1,771,678,000 by reducing:

(d) 45-Court Interpreters from $51,619,000 to $47,119,000.

I am reducing the $7,000,000 legislative augmentation, which would have increased trial court interpreter compensation from the current level of $200 per day to $250 per day, by $4,500,000 and sustaining $2,500,000 of the augmentation. This will provide sufficient funding to allow the Judicial Council to ensure certified and registered interpreters are available for trial court criminal proceedings only to avoid criminal trials from being dismissed or re-tried due to lack of available certified interpreters.

Item 0450-111-0001—For transfer by the Controller to the Trial Court Trust Fund. I reduce this item from $890,370,000 to $885,870,000.

I am reducing this item to conform to the actions I have taken in Item 0450-101-0932.

Item 0540-001-0001—For support of Secretary for Resources. I revise this item by reducing:

(a) 10-Administration of Resources Agency from $4,244,000 to $3,494,000, and

(f) Amount payable from the Forest Resources Improvement Fund (Item 0540-001-0928) from −$1,000,000 to −$250,000.

I am revising this item to conform to the action I have taken in Item 0540-001-0928.

Item 0540-001-0928—For support of Secretary for Resources. I reduce this item from $1,000,000 to $250,000 and revise Provision 1.

I am reducing this item by $750,000 and sustaining $250,000 for the Secretary for Resources to develop a detailed strategy on how to best obtain a statewide assessment of the State's natural resources and habitat, and develop a long-term set of priorities and targets for future investment in resource protection and habitat acquisition and preservation. I believe that this effort is meritorious and will be useful in developing and implementing a strategy where growth is welcome in the State and at the same time identify where California's natural resources need to be protected. Because this will be a significant, multiyear effort, I believe that $250,000 is a sufficient level of resources to begin this important task.

I am revising Provision 1 to conform to this action.

"1. Notwithstanding Section 4799.13 of the Public Resources Code, of the amount appropriated by this item, ~~$1,000,000~~ *$250,000* shall be used by the Secretary for Resources for the development and publishing of a statewide Conservation and habitat blueprint. The blueprint shall assess the current condition of the state's natural resources and habitat and establish a long-term set of funding and policy priorities and targets for future for investment in resource protection and habitat acquisition or preservation. On or before January 10, 2000, the Secretary for Resources shall report to the chairs of the fiscal and policy committees of the Legislature on the development of the blueprint and when it anticipates the blueprint will be published."

Item 0540-103-0001—For local assistance, Secretary for Resources. I reduce this item from $4,200,000 to $3,200,000 by deleting:

(c) County of Los Angeles-Tujunga Wash River Parkway ($1,000,000)

Although this project may be meritorious, I am deleting funding for it to ensure the State maintains a prudent reserve.

Item 0550-005-0001—For support of the Secretary for the Youth and Adult Correctional Agency. I reduce this item from $1,622,000 to $622,000 by reducing:

(a) 15-Commission on Correctional Peace Officers' Standards and Training from $1,622,000 to $622,000.

and by revising Provision 1.

I am reducing the $1,200,000 Legislative augmentation for the Commission on Correctional Peace Officers' Standards and Training (CPOST) by $1,000,000 because I believe the remaining $200,000 will be sufficient to address the requirements of Chapter 762, Statutes of 1998. While I am strongly supportive of training for state correctional officers, and have provided sufficient funding in the Budget to increase new correctional officer training from 6 to 10 weeks, I believe it is premature to develop a 16 week training curriculum until the issue of further increase in training time has been addressed. I believe it would be prudent to allow CPOST to complete the training review and make recommendations regarding the appropriate number of training hours prior to developing and approving the curriculum.

I am revising Provision 1 to conform to this action.

"1. Of the funds appropriated in this item, ~~$1,200,000~~ $200,000 shall be available only to carry out duties assigned to the Commission on Correctional Peace Officer Standards and Training under Chapter 762 of the Statutes of 1998 ~~, and to review and approve curriculum for a future expansion of the Basic Correctional Peace Officer Training Academy to 16 weeks per training cohort~~ . Any funds not used for these specific purposes shall revert to the General Fund.

Item 0555-001-0001—For support of Secretary for Environmental Protection. I reduce this item from $5,710,000 to $3,710,000 and revise Provision 1 and delete Provision 2.

I am reducing $1,500,000 of the $2,000,000 legislative augmentation to implement a trailer bill that would authorize the Deputy Secretary for Law Enforcement and Counsel to enforce laws administered by CalEPA boards and departments. I am, however, supportive of the new enforcement authority provided in the trailer bill, and the $500,000 of this augmentation I have sustained should be more than adequate to fulfill this new responsibility.

I am revising Provision l to conform to this action.

''1. Of the ~~funds~~ *amount* appropriated in this item, ~~$2,000,000~~ *$500,000* shall be available only for the implementation of a statute that authorizes the Deputy Secretary for Law Enforcement and Counsel in the office of the secretary to enforce the laws administered by the boards, departments, and office that comprise the California Environmental Protection Agency, provided that 60 days prior to the expenditure of any of these funds, the secretary shall notify the Chair of the Joint Legislative Budget Committee of the secretary's expenditure plan for the funds.''

I am deleting the $500,000 legislative augmentation to implement a Presidential Executive Order on environmental justice. The Secretary for Environmental Protection is reviewing the structure, funding, and delivery of environmental programs and therefore this augmentation is premature.

I am deleting Provision 2 to conform to this action.

Item 0555-001-0044—For support of Secretary for Environmental Protection. I revise this item by reducing:

(b) 20-Special Environmental Programs from $8,259,000 to $6,259,000;
(5) 20.30-Environmental Enforcement ($1,500,000);
(6) 20.35-Environmental Justice ($500,000).

and (d) Amount payable from the General Fund (Item 0555-001-0001) from –$5,710,000 to –$3,710,000;

I am revising the schedules in this item to conform to the action I have taken in Item 0555-001-0001.

Item 0650-001-0001—For support of Office of Planning and Research. I delete Provision 1.

I am deleting Provision 1, which would require the Office of Planning and Research to fund the Innovation in Government Project within existing resources. This provision would not allow the Office of Planning and Research to receive reimbursements for this Project from the existing resources of participant departments, which is inconsistent with the Legislature's intent language in connection with the same project in the Department of General Services, the Department of Motor Vehicles, and the Franchise Tax Board. Clearly, the Legislature approved moving forward with the project, and Provision 1 conflicts with its intent and approval.

Therefore, because I am in agreement with the Legislature's intent that the Innovation in Government Project be funded within existing resources, I am vetoing the related funding appropriated to the Employment Development Department and the Department of Social Services. Further, I am directing that all five participant departments involved provide reimbursements to the Office of Planning and Research, as necessary to review projects in their area.

Item 0690-101-0001—For local assistance, Office of Emergency Services. I reduce this item from $1,299,000 to $1,249,000 by deleting:

(e) City of Garden Grove-Emergency Operations Center ($50,000)

I am deleting this legislative augmentation for a generator at the City of Garden Grove Emergency Operations Center. Although this augmentation may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

Item 0750-001-0001—For support of Office of the Lieutenant Governor. I reduce this item from $2,572,000 to $1,740,000.

I am deleting the $532,000 legislative augmentation for the Commission for Economic Development. The Commission was created by Chapter 1230, Statutes of 1971, ostensibly to assist in furthering the economic development of the state. Since 1971, other state agencies, including the Trade and Commerce Agency, have been charged with the responsibility for stimulating economic development in the state and funding for this Commission was eliminated in the 1994 Budget Act and has not since been funded.

I am also reducing the $510,000 legislative augmentation for additional staffing for this Office to $210,000. This funding will provide for two Principal Assistant positions: one to staff the Lieutenant Governor in his role on the Governor's State Housing Task Force and one to staff the Lieutenant Governor in his capacity as co-chair of the Commission on Building for the 21st Century. With this action, I have approved total increases over the prior level of staffing and funding for this Office of almost 25 percent.

Item 0820-001-0001—For support of Department of Justice. I reduce this item from $239,971,000 to $238,729,000 by reducing:

(4) 30-Civil Law from $87,922,000 to $87,422,000; and

(6) 45-Public Rights from $38,156,000 to $37,414,000.

I am deleting the $742,000 legislative augmentation for the Environmental Law Section. I have already proposed augmentations for the Public Rights Division that total over $4 million, which are sufficient to address the needs of the Public Rights Division, including the Environmental Law Section.

I am also deleting the $500,000 legislative augmentation to fund the implementation of SB 48, which would create a procedure under which the Attorney General could review a denial by a public agency of a request for disclosure of information under the Public Records Act. While I fully endorse strict compliance with the Public Records Act, there has been no demonstration that this amount would be necessary to implement the legislation. Providing this funding would be premature since this legislation has not been enacted.

Item 0820-101-0001—For local assistance, Department of Justice. I reduce this item from $7,774,000 to $6,524,000 by reducing:

(b) 40-Criminal Law from $3,855,000 to $3,355,000;

(c) 50-Law Enforcement from $1,000,000 to $250,000;

and by deleting Provision 3.

I am deleting a $500,000 legislative augmentation to provide funding for the Family Violence Unit of the County of Merced District Attorney's Office. While I fully support the intent of this program, this is an ongoing program for which funding should be a local responsibility.

I am reducing a $1,000,000 legislative augmentation for Sexual Assault Felony Enforcement (SAFE) teams by $750,000. The effect of this action is to approve $250,000 on a one-time basis to provide grants to local law enforcement agencies on a competitive basis to support SAFE teams. While I fully support the intent of this program, this is an ongoing program for which funding should be a local responsibility

I am deleting Provision 3 which would provide definitions of violence prevention and violence prevention programs, and require the Department to perform evaluations of its local assistance, violence prevention programs to ensure that they meet the definitions, maximize efficiency among programs, and establish meaningful performance goals. New violence prevention programs, which are often intended to address long standing social problems with creative and innovative approaches, is unnecessarily restricted by the predetermined definitions contained in this language.

Item 0845-001-0217—For support of Department of Insurance. I reduce this item from $102,582,000 to $101,582,000 by reducing:

(b) 12-Consumer Protection from $29,572,000 to $28,572,000.

This technical veto conforms to the Legislature's intent, and is consistent with the legislative action taken in Item 0845-011-0001, which included a $4,668,000 General Fund loan to the Insurance Fund which fully funds the Holocaust Era Insurance Claims Project. This veto will eliminate a $1,000,000 appropriation from the Insurance Fund that was inadvertently left in this item.

Item 0950-001-0001—For support of State Treasurer. I reduce this item from $5,119,000 to $5,079,000 by reducing:

(a) 100000-Personal Services from $13,721,000 to $13,579,000; and

(c) Reimbursements from –$13,056,000 to –$12,954,000.

I am deleting the $142,000 ($40,000 General Fund and $102,000 reimbursements) legislative augmentation for the restructuring of the Treasury Program Manager series. There is no question that I value the work performed by all state employees. Moreover, I recognize recruitment and retention of state employees is a widespread concern. However, this issue is more appropriately the responsibility of the Department of Personnel Administration.

Item 1100-301-0001—For capital outlay, California Science Center. I reduce this item from $788,000 to $538,000 by reducing:

(2) 11.00.004-Technology Hall and Hall of Health-Remodel—Preliminary plans, working drawings and construction from $750,000 to $500,000.

I am reducing the $750,000 legislative augmentation for the remodel of Technology Hall and Hall of Health at the California Science Center to $500,000. While I understand the need to relocate the administrative offices out of the armory related to the K–5 school project, the plans for the office relocation have not been fully developed. I am directing the Science Center to develop a relocation proposal, including justification for the scope, all support and capital outlay costs and schedules. The Science Center is further directed to provide the proposal to the Department of Finance for review by September 15, 1999.

I delete Provision 1 to conform with this action.

Item 1730-001-0001—For support of Franchise Tax Board. I delete Provision 5.

I am deleting Provision 5, which requires the Franchise Tax Board to provide notification to the Legislature upon approval by the Department of Information Technology of a special project report on the Board's acquisition of disaster recovery capability for its mainframe computer applications.

The special project report relating to this program was approved by the Department of Information Technology on June 4, 1999, and was forwarded to legislative committees and staff. Retention of this language would unnecessarily delay this project.

Item 1760-001-0001—For support of Department of General Services. I reduce this item from $10,735,000 to $10,535,000.

I am deleting the legislative augmentation of $200,000 for Capitol Commemorative Seals. Although this project may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

Item 1760-001-0666—For support of Department of General Services. I revise this item by reducing:

(a) Program support from $521,593,000 to $521,393,000, and

(c) Amount payable from the General Fund (Item 1760-001-0001) from –$10,735,000 to –$10,535,000.

I am revising this item to conform to the action I have taken in Item 1760-001-0001.

Item 1760-101-0001—For local assistance, Department of General Services. I am reducing this item from $580,000 to $230,000 by deleting:

(a) Bookmobile Vehicles $350,000.

I am deleting the legislative augmentation of $350,000 for purchase of bookmobile vehicles in the County of Tulare. Although this augmentation may be meritorious, I am deleting this funding because this is essentially a local responsibility.

Item 1760-302-0001—For capital outlay, Department of General Services. I delete this item and Provision 1.

I am deleting the $3,000,000 legislative augmentation.

I do not believe it is appropriate to spend $3,000,000 in additional public funds for construction of a Governor's residence. Instead, I believe private funds should be sought to complete this project.

Item 2240-101-0001—For local assistance, Department of Housing and Community Development. I reduce this item from $7,354,000 to $7,054,000 by reducing:

(a) 20-Community Affairs Program from 113,189,000 to $112,889,000.

I am sustaining $500,000 for a specific farmworker housing development in Salinas. The budget also provides $3,500,000 from the General Fund for the Farmworker Housing Grant program in Item 2240-104-0001 for similar projects, making a total of $4,000,000 for housing for farm workers and their families. Thus I am deleting the $300,000 balance of the augmentation for this project.

Item 2240-104-0001—For transfer by the Controller to the Farmworker Housing Grant Fund (0927). I reduce this item from $5,000,000 to $3,500,000.

I am reducing the $3,000,000 legislative augmentation to expand the farmworker housing grant program by $1,500,000. Including the funds I am sustaining in Item 2240-101-0001, this program will have a total funding level of $4,000,000 in 1999–00. This is a substantial increase over the funding average of about $1.2 million per year over the past few years.

Item 2240-105-0001—For transfer by the Controller to the Emergency Housing and Assistance Fund (0985). I delete Provision 1.

I am deleting Provision l to conform to the action taken in Item 2240-109-0001.

Item 2240-107-0001—For transfer by the Controller to the Housing Rehabilitation Loan Fund (0929). I reduce this item from $12,500,000 to $6,000,000 and revise Provision 1.

I am reducing this $12,500,000 legislative augmentation for housing rehabilitation, acquisition, and code enforcement activities by $6,500,000. The $6,000,000 I am retaining in this item is intended to provide funds for loans for preserving, rehabilitating and building new housing for low-income families. I expect these funds to be used to efficiently leverage federal, local and private-sector funds available for housing. I have not retained funds for local code enforcement programs, pending a review by my Housing Task Force of the priorities for housing funding.

In addition to these funds, the Budget provides $2,500,000 for predevelopment loans for affordable housing, with a focus on coordinating available housing resources. Moreover, I understand that the federal government has recently modified its policies that threatened to produce large numbers of conversions of low cost rental housing to market rate housing and that it has identified $40 million for additional assistance to preserve existing low cost housing. This is a positive development, and I strongly encourage the federal government to allocate a more equitable share of resources for low cost housing to California.

I am revising Provision 1 to conform with this action.

''1. The funds transferred by this item shall be utilized for the purposes set forth in Chapter 6.5 (commencing with Section 50660) of Part 2 of Division 31 of the Health and Safety Code for multifamily housing rehabilitation or acquisition, or rehabilitation and acquisition ~~, or for support of local code enforcement programs~~ . First priority for the funds shall be the conservation of affordable housing for existing tenants. The funds shall be subject to the following provisions:

(a) Principal and accumulated interest is due and payable upon completion of the term of the loan. The loan shall bear interest at the rate of 3 percent per annum on the unpaid principal balance. At the time of loan closing, the Department of Housing and Community Development, ~~or the local government for code enforcement activities~~ , may defer up to 2 percent of the interest rate if necessary to provide affordable rents to households of very-low and low income. ''Affordable rent'' for the purposes of this item shall be established by the department to be consistent with the rent limitations imposed by the Low Income Housing Tax Credit Program, as administered by the California Tax Credit Allocation Committee.

(b) For projects receiving low-income housing tax credits, a sponsor may set income limits that match those required under any regulatory agreement entered into with the California Housing Tax Credit Allocation Committee.

(c) The department shall endeavor to achieve a reasonable geographic distribution of these funds and may waive any requirements of Chapter 6.5 (commencing with Section 50660) of Part 2 of Division 31 of the Health and Safety Code and any regulations adopted thereunder that are in conflict with the provisions of this item or that are necessary for prompt and effective implementation of the programs described in this item. Any rule, policy, or standard of general application employed by the department in implementing this section shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) The department may use up to ~~$800,000~~ *$400,000* of the amount transferred by this item for program administration.''

Item 2240-109-0001—For local assistance, Department of Housing Community Development; for transfer by the Controller to the Emergency Housing and Assistance Fund (0985). I delete this item and Provision 1.

I am deleting the $1,000,000 legislative augmentation and the $365,000 that the Legislature shifted from the Military Department's armory-based shelter program to this item for the Department of Housing and Community Development's weather-based homeless shelter grant program. I am setting aside these funds for appropriation by subsequent legislation that would expand the availability of the armories as a resource for homeless assistance as well as address the needs for homeless shelter funds in counties without armories. Under existing law, these funds would be distributed pursuant to a formula that takes into consideration the employment rates and relative poverty of the population of a county. All counties would be allocated a share of this amount, whether or not a Department of Military armory also serves the homeless population of that county.

I am also deleting Provision 1 of this item which raises the minimum county grant to $40,000, in conformance with this action. The existing minimum grant level of $10,000 is appropriate for the funding level I am retaining for the program.

Item 2660-001-0042—For support of Department of Transportation. I revise this item by deleting Provisions 8 and 15.

I am deleting Provision 8 which prohibits Caltrans from spending any funds for support, right-of-way, acquisition or construction of the 'Hatton Canyon Freeway' on Highway 1, between Carmel River Bridge and State Route 68, except funds necessary to obtain permits. In May, 1999, an amendment to the 1998 State Transportation Improvement Program was approved by the California Transportation Commission (CTC) to delete this project and reprogram the funding for the Route 101 Prunedale Bypass project. Consequently, this provision is unnecessary. If this project were to be reinstated in future years, existing law already requires Caltrans to obtain these permits before actual construction, making this language duplicative. Additionally, I view this language as inconsistent with Section 167 of the Streets and Highways Code which prohibits legislative selection for transportation projects.

I am deleting Provision 15 which prohibits the Department from spending any funds for right-of-way or for construction of the State Route 58 project in Kern County, until the Department produces reports on the project's effects on local water resources and agriculture. The Department of Transportation is already required by state and federal law to satisfy all local, state, and federal environmental review and permitting requirements and processes. The requirement to perform an agricultural study prior to proceeding with any support or right-of-way activities is a new requirement and represents a substantive change in law which can only be included within a single subject bill, not the budget act. I believe that the CTC has established adequate safeguards to be met prior to the construction of this project and any additional study requirements could delay the project unnecessarily.

Item 2660-101-0001—For local assistance, Department of Transportation. I reduce this item from $21,000,000 to $20,000,000 and revise Provision 1.

This legislative augmentation would partially fund the construction of a three-story 850-space parking structure adjacent to the Altamont Commuter Express rail station and the Livermore Valley Center Project by the City of Livermore. This project benefits a local public/private hotel and commercial space development more than parking for train riders. The budget includes $14 million that I proposed in the May Revision for a new engine and cars which will expand capacity for the Altamont Commuter Express by 50 percent and more directly serve the needs of commuters. Additionally, to the extent that the garage serves commuters, it should be included in the Regional Transportation Improvement Plan and proposed for funding through the normal transportation project budgeting process. As such, I view this augmentation as project-specific budgeting by the Legislature, which is inconsistent with Section 167 (e) of the Streets and Highways Code.

I am revising Provision 1 to conform to this action.

"1. Of the amount appropriated in this item, $14,000,000 shall be used for grants for the purchase of rolling stock for the Altamont Commuter Express, ~~$1,000,000 shall be used by the City of Livermore for the construction of a parking lot adjacent to the Altamont Commuter Express rail system,~~ and $6,000,000 shall be used for assistance to local government ferry operators in the San Francisco Bay Area in acquiring additional ferry boats. The Department of Transportation shall award one or more grants for ferry boats on a competitive basis. The availability of matching funds may be used as one means of ranking proposals."

Item 2660-103-0001—For local assistance, Department of Transportation. I delete this item.

I am deleting the legislative augmentation of $200,000 for allocation to the City of West Covina to purchase vacant property adjacent to Interstate 10 to use as an additional Park-n-Ride site. This project would be eligible for funding through the State Transportation Improvement Program (STIP); and thus there is no need to use General

Fund for this project. Because this project is eligible for funding through the STIP, I view this as project-specific budgeting by the Legislature, which is inconsistent with Section 167 (e) of the Streets and Highways Code.

Item 2660-104-0001—For local assistance, Department of Transportation. I reduce this item from $1,630,000 to $835,000 by reducing:

(a) 20.30-Local Assistance Grants from $1,630,000 to $835,000 by deleting $795,000 for the following projects:
  (1) City of Firebaugh, Street Sweeper Purchase (125,000)
  (2) City of McFarland Bus Stop Installation (25,000)
  (4) Bay Area Rapid Transit Mitigation Work in Millbrae School District (475,000)
  (6) Crescent City Airport Renovation (70,000)
  (7) State Highway 62 Repair (100,000)

I am deleting $795,000 for five local assistance grants in this item. The legislative augmentations for the City of McFarland Bus Stop Installation ($25,000), the Crescent City Airport Renovation ($70,000), and the State Highway 62 Repair ($100,000) should have been considered for inclusion in the State Transportation Improvement Program (STIP), and thus it is inappropriate to use the General Fund as a funding source. Since these projects are eligible for the STIP, I view their designation in this item as project-specific budgeting by the Legislature, which is inconsistent with subdivision (e) of Section 167 of the Streets and Highways Code. Additionally, I object to inclusion of $125,000 for a street sweeper for the City of Firebaugh on the basis that routine maintenance of local streets should remain exclusively a local responsibility. I am deleting the legislative augmentation of $475,000 to Millbrae Elementary School District to fund district revenue decreases associated with declining enrollment in the district due to construction related to the BART expansion to the airport. Current law allows districts a one-year ''hold-harmless'' provision, called the declining enrollment adjustment, for districts which experience a loss of students. Millbrae Elementary School District is eligible for and will automatically receive this funding, which allows school districts to receive funding based upon the greater of current year or prior year average daily attendance numbers, in order to allow the district sufficient time to make the necessary budget changes to accommodate permanent enrollment decreases. One year should be sufficient time for Millbrae Elementary School District to adjust expenditure levels to reflect the provision of services to fewer students.

Item 2660-301-0042—For capital outlay, Department of Transportation. I delete Provision 3.

Provision 3 identifies the source of revenues for the appropriation of the $22 million in this item for rail capital improvements. The definition of the revenue source referenced in this provision was to be established through separate legislation. However, these references no longer exist in the proposed legislation, rendering this provision meaningless.

Item 2740-001-0044—For support of Department of Motor Vehicles. I delete Provision 3.

I am deleting Provision 3 because this language is unduly restrictive and interferes with executive branch discretion regarding the implementation and continuation of new information technology projects. Detailed departmental assessments of Year 2000 readiness should proceed as currently planned, and a decision should be made on a case-by-case basis as to whether critical information technology projects can proceed, pending completion of Year 2000 related activities. This is consistent with my action taken on Section 11.10.

Item 2920-001-0001—For support of Trade and Commerce Agency. I reduce this item from $26,040,000 to $25,555,000 by reducing:

(a) 10-Economic Development from $10,459,000 to $10,359,000,

(d) 30-Tourism from $8,581,000 to $8,196,000.

I am deleting the legislative augmentation of $100,000 to study the economic benefits of an Inland Empire distribution center. The general feasibility of extending ship-going freight breakdown and repacking activities to the Inland Empire has already been studied by Caltrans at the Legislature's request. This study of a private freight distribution center would be more appropriately funded through private resources.

I am reducing by $385,000 the legislative augmentation of $950,000 for the California Film Commission. I am retaining $565,000 to provide assistance to film companies seeking California locations through the use of the CinemaScout computerized location database, by working to provide permits for film companies to use state property quickly and providing more assistance to local film liaisons. I am vetoing the remaining funds at this time until the need for them has been clearly demonstrated.

Item 2920-101-0001—For local assistance, Trade and Commerce Agency. I reduce this item from $26,453,000 to $22,903,000 by reducing.

(a) 10.30-Economic Development (Strategic Technology Program) from $21,088,000 to $17,788,000;

and by deleting:

(d) 40-Contracts, Grants and Loans ($250,000);

and by deleting Provision 3 as a conforming action.

I am deleting the $150,000 General Fund augmentation for support of a San Benardino Regional Technology Alliance. Regional technology alliances conduct peer reviews of applications for the Manufacturing Technology Grant program and provide assistance to regional manufacturing concerns developing new technology. Regions should compete on an equitable basis for creation of new technology alliances through the Trade and Commerce Agency process rather than being provided earmarked funding.

I am also reducing the California Unified Space Development program by $3,150,000 and deleting Provision 3 that allocates these funds as a conforming action. However, I am enthusiastic about the emerging commercial space flight industry that has the potential to add materially to California's economy and therefore sustaining only the appropriations of $1,250,000 for the California Space Flight Competitive Grant Program administered by the California Space and Technology Alliance, $1,100,000 for the Highway to Space Competitive Grant Program administered by the Western Commercial Space Center, and $1,000,000 for efforts to attract the VentureStar reusable launch vehicle project to a California site.

While I applaud the efforts of industry groups and local and regional government entities in providing direction to the development of this industry, however, there is a need to improve California's competitiveness with respect to other states and countries by establishing a more focused strategy for state government involvement. Before committing to an expansion of funding, legislation is needed which better articulates state government's goals and role in stimulating the development of this unique industry.

I am deleting the $250,000 augmentation for the California Institute for Federal Policy Research, a private, non-profit organization. These funds would provide support to the institute for policy research, a cash reserve for contingencies, and the implementation of a "California House" in Washington, DC. It is appropriate for state funds to be used to support California's official presence on federal policy issues through the Governor's Washington, DC office.

Item 2920-111-0001—For transfer, upon order of the Director of Finance, to the California Infrastructure and Economic Development Bank Fund (0649). For local assistance, California Trade and Commerce Agency. I delete Provision 1.

I am deleting Provision 1 that makes expenditure of the $425 million appropriated to the California Infrastructure and Economic Development Bank in this item contingent on enactment of a trailer bill.

AB 1661 appears to be the trailer bill that Provision 1 refers to, but the bill also includes a program to provide ongoing financial assistance for general local government purposes. The Infrastructure Bank program is already authorized in statute, and the provisions of AB 1661 are not essential with respect to the Bank. By linking the availability of these funds appropriated in the budget to the approval of this legislation, the Legislature has attempted to constrain my constitutional authority should I choose to veto AB 1661. While I am approving the $150 million one-time appropriation in Item 9210-118-0001 for local government in this budget, consideration of ongoing funding for local government should occur in the context of a broader local government discussion. I cannot be required to sign AB 1661 in order to preserve the availability of the funds appropriated in this item of the Budget Bill.

Tying the availability of the funds appropriated in the budget bill to separate legislation, which is unnecessary to authorize the expenditures contemplated in the budget bill, conflicts with the provisions of the State Constitution.

Item 3340-001-0001—For support of California Conservation Corps. I reduce this item from $33,807,000 to $32,195,000 by reducing:

(a) 10-Training and Work Program from $40,911,000 to $39,299,000,

and by deleting Provision 5.

I am reducing this item by $1,612,000 for the Bay Area Ridge Trail Project. Although this project may be meritorious, I am deleting funding for it to ensure the State maintains a prudent reserve.

I am deleting Provision 5 to conform to this action.

Item 3360-001-0001—For support of Energy Resources, Conservation and Development Commission. I reduce this item from $5,000,000 to $4,000,000.

I am reducing this item by $1,000,000 and sustaining $4,000,000 for a diesel emissions incentive program. This augmentation, together with the actions I am taking in the Air Resources Board budget, represents a considerable $23 million investment in this program, which represents a sufficient increase within available resources.

Item 3360-001-0465—For support of Energy Resources, Conservation and Development Commission. I revise this item by reducing:

(c) 30-Development from $93,827,000 to $92,827,000;

(fx) Amount payable from the General Fund (Item 3360-001-0001) from −$5,000,000 to −$4,000,000;

and by revising Provision 3.

I am revising Provision 3, which specifies the allocation of the amount appropriated in Item 3360-001-0001 for the diesel emissions incentive program, to conform with my action taken in Item 3360-001-0001.

"3. Of the funds appropriated in Schedule (fx), ~~$5,000,000~~ *$4,000,000* shall be expended for the support of the Diesel Emissions Incentive Program. Of this amount, ~~$2,500,000~~ *$2,000,000* shall be used for advanced technology projects and ~~$2,500,000~~ *$2,000,000* shall be used for alternative fuels infrastructure."

I am sustaining Provisions 1 and 2 which requires the Energy Resources, Conservation and Development Commission to evaluate the efficacy of the State's Renewable Energy Resources Program. I am also sustaining Provision 5, which requires the

Commission to prepare a plan regarding the post-transition administrative structure to achieve cost-effective energy efficiency and conservation in the State's energy markets. I believe that both reports will be useful. However, the reporting requirements outlined in these provisions fall short of providing a complete, objective assessment of the affected programs. The provisions prejudge the evaluations by assuming program continuation without first providing consideration for whether there is a need for the programs. Additionally, the provisions do not provide for adequate independent review to ensure the studies are valid, reliable, statistically sound, and based on performance measures. Therefore, I am directing the California Energy Commission to include these factors in the evaluations.

I am revising this item to conform to the action taken in Item 3360-001-0001.

Item 3360-102-0001—For local assistance, Energy Resources, Conservation and Development Commission. I reduce this item from $1,342,000 to $600,000 by deleting:

(a) Ventura County Air Pollution Control District—Clean Fuel Vehicles ($250,000);
(e) Santa Cruz Metropolitan Transit District—Alternative Fuel Program ($100,000); and
(f) Kern County—Convert Traffic Pedestrian Light to LED ($392,000).

Although these projects may be meritorious, I am deleting the funding at this time for these three projects to ensure the State maintains a prudent reserve.

Item 3480-102-0001—For local assistance, Department of Conservation. I delete this item.

I am deleting the $150,000 legislative augmentation for a local assistance grant to the City of Irwindale for the Manning Pit Reclamation project. Funding the reclamation of this city-owned abandoned mining site is a local responsibility. Additionally, it is my understanding that not all of the funds to complete the project have been committed, and there may be significant costs in future years. I am concerned about the precedent of providing state funding for this potentially costly local responsibility.

Item 3540-001-0001—For support of Department of Forestry and Fire Protection. I revise this item by reducing:

(b) 300000-Operating expenses and equipment from $169,737,000 to $168,237,000; and
(o) Amount payable from the Forest Resources Improvement Fund (Item 3540-001-0928) from −$17,189,000 to −$15,689,000;

and by deleting Provisions 4 and 5.

I am deleting Provision 4 which directs the Department of Forestry and Fire Protection to reactivate a fire crew at the Delta Conservation Camp to perform fire prevention and presuppression activities in the East Bay. As part of the California Fire Plan, the Department already assists communities in identifying prefire management projects that reduce total costs and losses from a major fire. Consequently, I have sustained the legislative augmentation of $220,000 to allow the Department to begin an assessment of the need for more firecrews in the East Bay.

I am deleting Provision 5 which would authorize the Department to begin a site selection process for a new fire camp in the Santa Clara Ranger Unit. I am not aware of any critical need for a new fire camp in the Santa Clara Ranger Unit. Given that the Department is fully staffed for its initial attack efforts, I question the need for additional fire camps. Moreover, a statewide assessment of fire camp needs should be conducted prior to selecting sites for any new fire camps.

I am revising this item to conform to the action I have taken in Item 3540-001-0928.

Item 3540-001-0928—For support of Department of Forestry and Fire Protection. I reduce this item from $17,189,000 to $15,689,000 and revise Provision 5.

I am reducing this item by $1,500,000 which provides that a fuel load reduction program be carried out by the California Conservation Corps and certified local community conservation corps. The Department of Forestry and Fire Protection does not have an expenditure plan for the use of these funds. I believe, however, that there is some need to increase the Department's fuel load reduction efforts for fire prevention purposes. Consequently, I am sustaining $500,000 and directing the Department to address the most critical areas in need of fuel load reduction and, where possible, to use the services of the state and local conservation corpsmember crews.

I am also revising Provision 5 to conform with the reduction I have made in this item and because it is unnecessarily restrictive and hinders the ability of the Department to achieve its goals related to wildland fire suppression.

"5. Notwithstanding Section 4799.13 of the Public Resources Code, of the amount appropriated in this item, ~~$2,000,000~~ *$500,000* shall be available for a fuel load reduction program to reduce the damage from wildfires spreading into urban areas. ~~To carry out this program, the Department of Forestry and Fire Protection shall use up to $1,000,000 of these funds to contract for the services of the California Conservation Corps and not less than $1,000,000 for grants to certified community conservation corps.~~ "

Item 3560-001-0001—For support of State Lands Commission. I reduce this item from $11,407,000 to $11,342,000 by reducing:

(b) 20-Land Management from 6,803,000 to $6,738,000,

and by deleting Provision 3.

I am deleting the $65,000 legislative augmentation for the museum display of artifacts recovered from the Brother Jonathan shipwreck. Although this project may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am also deleting Provision 3 to conform to this action.

Item 3600-001-0001—For support of Department of Fish and Game. I reduce this item from $35,128,000 to $34,128,000.

I am deleting the legislative augmentation of $1,000,000 and five biologist positions and five botanist positions. No specific workload has been identified to support the need for these positions at this time. The Department has identified a significant number of vacancies in comparable classifications that will be filled in the near future. The 1998 Budget Act also provided $1.2 million to increase operational support for field biologists. The programmatic efficacy of the 1998–99 funding augmentation and filling the vacant positions should be assessed before consideration is given to any additional increases.

Item 3600-001-0200—For support of Department of Fish and Game. I revise this item by reducing:

(a) 20-Biodiversity Conservation Program from $73,641,000 to $72,641,000; and

(i) Amount payable from the General Fund (Item 3600-001-0001) from –$35,128,000 to –$34,128,000.

I am revising this item to conform to the action I have taken in Item 3600-001-0001.

Item 3600-102-0001—For local assistance, Department of Fish and Game. I reduce this item from $360,000 to $350,000 by deleting:

(2) 20.01-Calaveras County: New Hogan Lake Conservancy ($10,000).

Although this project may be meritorious, I am reducing the funding for it to ensure the State maintains a prudent reserve.

Item 3640-301-0001—For capital outlay, Wildlife Conservation Board. I reduce this item from $34,100,000 to $33,100,000 by reducing:

(2) 80.10-Wildlife Conservation Board Projects (Unscheduled) from $19,500,000 to $18,500,000.

I am strongly supportive of additional funding for acquisitions aimed at protecting wildlife habitat. However, I am making this modest reduction in the Board's funding to ensure the State maintains a prudent reserve. Overall, the Budget Act provides $158 million for wildlife habitat, land conservation, and public access to our State's natural resources.

Item 3680-101-0001—For local assistance, Department of Boating and Waterways. I delete this item and Provisions 1 and 2.

I am deleting the legislative augmentation of $3,500,000 for beach erosion control projects. This program activity is typically not funded from the General Fund. However, I am sustaining $500,000 from the Harbors and Watercraft Revolving Fund (Item 3680-101-0516) for this purpose.

I am deleting Provision 1 to conform to my action in this item.

I am also deleting the legislative augmentation of $12,000,000 for port dredging projects. The port and harbor authorities have the ability to generate operating revenue from their port activities. This legislative augmentation would constitute a subsidy for a revenue generating enterprise, which I do not believe is appropriate.

I am also deleting Provision 2 to conform to this action.

Item 3680-101-0516—For local assistance, Department of Boating and Waterways. I reduce this item from $58,254,000 to $55,134,000 by reducing:

(a) 10-Boating Facilities from $59,952,000 to $47,832,000 by revising and deleting the following subschedules:

Launching Facility Grants from (18,286,000) to (18,166,000)

(33) Kern County: Lake Isabella patrol boat dock and covering (120,000); Port Dredging Grants (12,000,000)

Port Dredging Grants (12,000,000)

(c) 30-Beach Erosion Control from $7,255,000 to $755,000;

by deleting:

(cx) Amount payable from the General Fund (Item 3680-101-0001) (–$15,500,000);

and by revising Provision 3.

I am reducing this item by $3,000,000 for the beach erosion control project and $120,000 for the Kern County Lake Isabella project due to inadequate revenues in the Harbors and Watercraft Revolving Fund to fund these projects. This action is necessary to continue funding for previously approved projects.

I am revising Provision 3 to conform to this action.

''3. Of the amount appropriated in Schedule (c), *$500,000* ~~$7,000,000~~ is for one-time funding of beach erosion control programs. ~~Of the amount specified in this provision, $3,500,000 is funded by the Harbors and Watercraft Revolving Fund, and $3,500,000 is funded by the General Fund.~~ Of the amount specified in this provision, 60 percent shall be available for allocation by the Department of Boating and Waterways for projects south of the point at which the Pacific Ocean meets the border between the County of San Luis Obispo and County of Monterey and 40 percent shall be available for allocation to projects located north of that point. Prior to the allocation of any of these funds, the department shall develop guidelines that include application requirements and criteria, consistent with the Resources Agency's policies for shoreline erosion protection.''

I am revising this item to conform to the action taken in Item 3680-101-0001.

Item 3760-302-0001—For capital outlay, State Coastal Conservancy. I reduce this item from $46,435,000 to $38,750,000 by reducing:

(1) 80.97.030-Conservancy Programs from $46,435,000 to $38,750,000,

and by revising Provision 3.

Since the State Budget includes approximately $158 million for conservancy programs and wildlife habitat preservation, I am deleting or reducing $7,685,000 in legislative augmentations from this item at this time to ensure the State maintains a prudent reserve. I am deleting funding for the following projects: Big Sur Scenic View Shed acquisition ($900,000), Capitola Wharf Public Access Project Rehabilitation ($285,000), and Monterey County Window by the Bay ($1,000,000). I am reducing the following projects: Elysian Valley from $5,000,000 to $1,500,000 and Mendocino Coast acquisitions from $5,000,000 to $3,000,000.

I am revising Provision 3 to conform to this action.

''3. The funds available in this item are available for activities consistent with Division 21 (commencing with Section 31000) of the Public Resources Code for the following projects: Association of Bay Area Governments: S.F. Bay Trail $2,500,000; City of Seal Beach: Ocean Water Quality Program, $150,000; City of Seal Beach planning, design, and construction of debris boom, $300,000; Bay Area Conservancy, $10,000,000; Palo Corona Ranch, $5,000,000; Union Point Park, $1,500,000; Otay River Valley acquisition, $3,250,000; Gaviota Coast acquisition, $5,000,000; City of Maywood: Maywood River Park, $1,800,000; Elysian Valley, ~~$5,000,000~~ *$1,500,000* ; Mendocino Coast acquisitions, ~~$5,000,000~~ *$3,000,000* ; Tijuana River Valley acquisition, $2,000,000; Bolina Lagoon restoration, $1,500,000; ~~Big Sur Scenic View Shed acquisition, $900,000~~ ; ~~Capitola: Wharf Public Access Project Rehabilitation, $285,000~~ ; Chollas Creek projects, $1,250,000; and ~~Monterey County: Window by the Bay, $1,000,000~~ .''

Item 3790-001-0001—For support of Department of Parks and Recreation. I reduce this item from $66,876,000 to $66,676,000 and delete Provision 1.

I am deleting the $200,000 legislative augmentation to undertake a study of the best ecological management of the Pescadero Marsh Natural Preserve. Although this project may be meritorious, I am deleting funding for it at this time to ensure the State maintains a prudent reserve.

I am deleting Provision 1 to conform to this action.

Item 3790-001-0392—For support of Department of Parks and Recreation. I revise this item by reducing:

(a) For support of the Department of Parks and Recreation from $194,219,000 to $194,019,000, and

(c) Amount payable from the General Fund (Item 3790-001-0001) from –$66,876,000 to –$66,676,000.

I am revising this item to conform to the action taken in Item 3790-001-0001.

Item 3790-101-0001—For local assistance, Department of Parks and Recreation. I reduce this item from $55,783,000 to $47,452,000 by reducing:

(a) 80.25-Recreational Grants from $55,783,000 to $47,452,000,

by deleting $6,106,000 for the following subschedules:

(3) City of Anaheim: Rehabilitate Hansen Park and School Children's Playground (150,000)

(4) City of Anaheim: Rehabilitate Maxwell Park's Playground (100,000)

(6) Antelope Valley High School District: Agricultural Vocational Center (350,000)

(11) City of Buena Park: Bellis Park Renovations (150,000)

(14) Carmichael Recreation and Park District: Renovation and Remodel for the Carmichael Park Swimming Pool (50,000)
(27) East Bay Regional Park District: Finish Iron Horse Trail (275,000)
(32) City of Folsom: Bicycle/Pedestrian Bridge (75,000)
(45) City of Garden Grove: Replace Marquee Sign at Garden Grove Gem Theater (25,000)
(47) City of Garden Grove: Upgrade Village Green Amphitheater (250,000)
(57) Highway 50 Association: Funding for Historic Wagon Train Activities (5,000)
(59) Jurupa Park and Recreation District: Memorial Park Swimming Pool Rehabilitation or Construction (200,000)
(60) Jurupa Park and Recreation District: Paramount Park (150,000)
(61) Jurupa Park and Recreation District: Rehabilitation of Memorial Park Community Center (200,000)
(70) City of Lancaster: National Soccer Center Activity Building (200,000)
(71) City of Lancaster: Antelope Valley Fairgrounds Exhibit Hall (800,000)
(72) City of Lancaster: Land Acquisition for YMCA/Lancaster Park (450,000)
(90) Los Angeles County: Hanson Dam Skateboard Park Construction (141,000)
(95) Mariposa County: Construction of paved walkways, parking, restrooms, and information outlets (125,000)
(102) City of Norco: Ingall Regional Park (200,000)
(104) North Highlands Recreation and Park District: Youth Center at McClellan Airbase (20,000)
(105) City of North Hollywood: Valley View Park Improvements (100,000)
(110) Orangevale Recreation and Park District: Upgrades and ADA Compliance to the Orangevale Community Park (65,000)
(113) City of Pomona: Community Center at Central Park-Funds for Design and Building (200,000)
(114) City of Pomona: Harrison Park (200,000)
(123) County of Sacramento: Bank Stabilization Project at Discovery Park (100,000)
(125) San Benito County: Veterans Memorial Park (100,000)
(126) San Benito Youth Services: Youth Center Land Acquisition (25,000)
(142) City of San Fernando: Renovation and Construction Projects at Brand Park (450,000)
(146) City and County of San Francisco: Edgehill Mountain Open Space Park acquisition (300,000)
(167) City of Scotts Valley: Civic Center renovation (25,000)
(173) Sunrise Park and Recreation District: Play Equipment and Surfacing Material at Antelope Station Park and Blue Oak Park (100,000)
(177) Tulare County: Creation of the Tulare Santa Fe Trail (250,000)
(178) Tuolumne County: Funding to Repair Check Dams in the Emigrant Wilderness Area (25,000)
(185) City of Yucaipa: Community Swimming Pool (250,000)

and by reducing $2,125,000 from the following subschedules:

(13) City of Campbell: Heritage Theater Restoration Project from $500,000 to $250,000;
(31) City of El Monte: Durfee Recreational Facility Project from $800,000 to $300,000;
(97) Mission San Juan Capistrano Preservation Society: Mission San Juan Capistrano Restoration from $2,000,000 to $1,000,000;

(106) City of Oakland: Conduct Engineering Study for the Concrete Walls Surrounding Lake Merritt from $750,000 to $500,000; and

(183) City of Westminster: Little Saigon Cultural Heritage Museum from $250,000 to $125,000.

Although these projects may be meritorious, I am deleting and reducing the funding for them to ensure the State maintains a prudent reserve. The reduction to subschedule (31) City of El Monte: Durfee Recreational Facility Project is to reflect an appropriate level of state participation in the project.

I am also deleting $100,000 for the City of Fresno: Replacement Underground Storage Tank of the Historic Van Ness Chevron (subschedule (39)) in Fresno because removal of underground storage tanks is the responsibility of the property owner. Additionally, by law, public and private property owners were required to remove underground storage tanks by December 1998.

Item 3790-301-0263—For capital outlay, Department of Parks and Recreation. I reduce this item from $10,815,000 to $10,814,000 by reducing:

(3) 90.RS.414-Guzman Ranch Project—Acquisition and Study from $5,305,000 to $5,304,000,

and by deleting Provision 3.

I am reducing this item by $1,000 and deleting Provision 3, which would require the Department of Parks and Recreation to notify the Legislature which property would be acquired for the Fresno Area Off-Highway Recreation Area not less than 30 days prior to the acquisition. The Budget already includes funding in this item to specifically purchase the Guzman property in Madera County for the Fresno Area Off-Highway Recreation Area. Therefore, this notification is redundant and unnecessary.

Item 3790-302-0001—For capital outlay, Department of Parks and Recreation. I reduce this item from $20,697,000 to $11,447,000 by reducing:

(1.1) 90.9H.120-Colonel Allensworth State Historic Park: Restorations—Preliminary plans, working drawings, and construction from $12,000,000 to $4,000,000;

(1.2) 90.CO.402-Henry W. Coe State Park: Mt. Hamilton—Acquisition from $2,000,000 to $1,000,000;

by deleting:

(1.3) 90.5N.411-Mount Diablo State Park: Open Space—Acquisition (250,000);

and by deleting Provision 1.

Although these projects may be meritorious, I am deleting or reducing $9,250,000 in legislative augmentations from this item to ensure the State maintains a prudent reserve.

Item 3860-002-0001—For support of Department of Water Resources. I reduce this item from $3,000,000 to $1,000,000 by reducing:

(a) 10-Continuing Formulation of the California Water Plan from $3,000,000 to $1,000,000,

and by revising Provision 1.

I am reducing this item because the multiyear appropriation provided in this augmentation is not consistent with Section 2 of the Budget Act, which provides that unless otherwise specified (such as capital outlay), the appropriations in the Budget Act are to be one year in nature. While I support the concept of updating the State's inventory of groundwater resources, and have retained $1,000,000 in this item to begin that process, I believe the Department of Water Resources should submit a comprehensive multiyear plan for the updating of Bulletin 118-80 that addresses the future year costs of this effort.

I am revising Provision 1 to conform to this action.

"1. Of the amount appropriated in this item, $1,000,000 shall be used ~~annually, in each of the 1999–00, 2000–01, and 2001–02 fiscal years,~~ to pay for the statewide update of the inventory of groundwater basins contained in Bulletin 118-80, which includes, but is not limited to, the following: the review and summary of boundaries and hydrographic features, hydrogeologic units, yield data, water budgets, well protection characteristics, and water quality and active monitoring data; development of a water budget for each groundwater basin; development of a format and procedures for publication of water budgets on the Internet; development of the model groundwater management ordinance; and development of guidelines for evaluating local groundwater management plans."

Item 3860-101-0001—For local assistance, Department of Water Resources. I reduce this item from $8,000,000 to $7,000,000 by reducing:

(a) 30.20-Flood Control Subventions from $2,000,000 to $1,000,000.

I am reducing the $2,000,000 legislative augmentation to fund local flood control projects authorized in the Flood Control Subventions Program to $1,000,000. I note that $44,000,000 is already appropriated for fiscal year 1999–00 for local flood control subventions and believe that additional state funding should include programmatic reforms that reexamine the State's role in funding these projects.

Item 3860-201-0001—For local assistance, Department of Water Resources. I reduce this item from $9,025,000 to $5,725,000 by deleting:

(e) City of Chico-Flood Study ($100,000),

(g) Colusa Basin Drainage District ($3,000,000),

and by reducing:

(i) Bethel Island Municipal District-Levees from $250,000 to $100,000,

Although these projects may be meritorious, I am deleting and reducing the funding for them to ensure the State maintains a prudent reserve.

I am also deleting the $50,000 legislative augmentation for the Anaheim Bay/Pacific Coast Highway debris removal project (Schedule (b)) because this is an issue which should be resolved between the City of Seal Beach and the California Department of Transportation. I am also directing the Department of Transportation to remove any debris for which it is responsible from the property at issue.

I delete Provision 1 to conform to this action.

Item 3900-001-0001—For support of State Air Resources Board. I reduce this item from $30,334,000 to $29,334,000 and revise Provision 3.

I am reducing $1,000,000 of the $6,000,000 legislative augmentation to provide grants for the purchase of new, low-emission technology for heavy-duty engines. Although this program is very important, this reduction is necessitated by the need to maintain a prudent reserve. Nevertheless, the $5 million sustained in this item, when combined with $14 million from a settlement with diesel engine manufacturers and $4 million in the Energy Commission's budget, provides a total of $23 million for the program. In addition, I am deleting language that would tie this augmentation to specific legislation. However, I am amenable to considering legislation that would establish this type of program in statute.

I am revising Provision 3 to conform to this action. This provision needs to be revised to conform the dollar amount and delete the language tying the money to legislation.

"3. Of the amount appropriated in this item, ~~$6,000,000~~ *$5,000,000* shall be used for the Diesel Emissions Incentives Program ~~, and shall only be available for expenditure if legislation that establishes the Carl Moyer Memorial Air Standards Program is enacted by January 1, 2000~~ ."

Item 3900-001-0044—For support of State Air Resources Board. I revise this item by reducing:

(a) 15-Mobile Source from $90,420,000 to $89,420,000

(f) Amount payable from the General Fund (Item 3900-001-0001) from –$30,334,000 to –$29,334,000.

I am revising the schedules in this item to conform to the actions I have taken in Item 3900-001-0001.

Item 3900-001-0115—For support of State Air Resources Board. I revise Provision 1.

I am revising Provision 1 because it would tie the expenditure of $14 million in this item to the enactment of specific legislation. Although the Air Resources Board already is implementing a diesel emissions incentive program under its basic statutory authority, I am willing to consider legislation that would establish this program specifically in statute.

''1. Of the amount appropriated in this item, $14,000,000 shall be used for the Diesel Emissions Incentives Program ~~, and shall be contingent on the availability of funds from a settlement with diesel engine manufacturers and the enactment of legislation by January 1, 2000, that establishes the Carl Moyer Memorial Air Standards Program~~ .''

Item 3900-101-0044—For local assistance, State Air Resources Board. I reduce this item from $15,111,000 to $7,511,000 by reducing:

(a) 35-Subvention from $15,111,000 to $7,511,000,

and by deleting Provision 1.

I am deleting the $7,600,000 legislative augmentation to provide additional financial assistance to local air pollution control districts for enforcement and compliance activities. Local air pollution control districts have the authority to charge fees to cover their administrative costs.

I am deleting Provision 1 to conform to this action.

Item 3930-001-0001—For support of Department of Pesticide Regulation. I reduce this item from $13,246,000 to $11,246,000 by reducing:

(b) 17-Enforcement, Environmental Monitoring and Data Management from $28,811,000 to $26,811,000,

and by revising Provision 1.

I am reducing $2,000,000 of the $3,000,000 legislative augmentation for the Pest Management Alliance Program, which provides grants for demonstration projects that promote reduced-risk pest management practices. The $1,000,000 sustained in this item, when combined with $500,000 budgeted in the Food Safety Account, will provide total program resources of $1,500,000, which equals the amount expended in each of the past two years. This action is necessary to ensure a prudent reserve

I am revising Provision 1 to conform to this action.

''1. Of the amount appropriated in this item, ~~$2,700,000~~ *$900,000* shall be used for grants administered through the Pest Management Alliance Program, and ~~$300,000~~ *$100,000* for administration of the program.''

Item 3940-001-0001—For support of State Water Resources Control Board. I reduce this item from $59,639,000 to $56,239,0000 by reducing:

(a) 10-Water Quality from $337,763,000 to $334,363,000,

and by deleting Provisions 3, 4, and 8 and revising Provision 7.

I am reducing $3,000,000 of the $4,000,000 legislative augmentation for ambient surface and groundwater quality monitoring in order to ensure a prudent reserve. This leaves a net augmentation of $1,000,000, which essentially doubles existing funding available for this meritorious effort.

I am revising Provision 7 to conform to this action.

''7. Of the amount appropriated in this item, ~~$1,000,000~~ *$250,000* shall be allocated to expand the existing toxicity testing program to test all priority watersheds identified by the State Water Resources Control Board in its annual priority watershed list where such testing would be beneficial ~~,~~ *;* ~~$1,000,000~~ *$250,000* shall be allocated to expand the existing Toxic Substances Monitoring Program, the State Mussel Watch Program, and the Coastal Fish Contamination Study ~~,~~ *;* and ~~$2,000,000~~ *$500,000* shall be allocated to contract with the United States Geological Service to monitor groundwater basins on a rotating basis.''

I am deleting the $400,000 legislative augmentation for completion of Phase I of the California Inland Waters Plan and the Bays and Estuaries Plan, because this activity already is being accomplished with existing resources.

I am deleting Provision 8 to conform to this action.

I am sustaining, on a one-time basis, the $3,000,000 legislative augmentation for the update and renewal of Waste Discharge Requirements and National Pollutant Discharge Elimination System permits and the $3,500,000 legislative augmentation for inspections of waste dischargers to address backlogs in these activities. Nevertheless, I am concerned about the use of the General Fund for these purposes since it appears appropriate that those who are regulated should pay for the cost of regulation under the ''polluter pays'' principle. Accordingly, I am asking the Water Resources Control Board to review the adequacy of the core regulatory program fee structure and future funding needs.

I am sustaining Provisions 6 and 9 to conform to this action.

I am deleting Provision 3 because it would prohibit the expenditure of $3,923,000 for TMDL activities prior to enactment of a statute that defines and codifies the Board's Impaired Water Bodies Restoration Program. The Board already has general statutory authority to implement this Program. Therefore, additional statutory authority is unnecessary.

I am deleting Provision 4 because it would condition the expenditure of one-third of the Board's budget on the adoption of legislation. This restriction is an infringement on the Executive Branch's ability to administer programs pursuant to existing law.

Item 3940-001-0890—For support of State Water Resources Control Board. I delete Provision 1.

I am deleting Provision 1 because it would prohibit the expenditure of $6,000,000 for TMDL activities prior to enactment of a statute that defines and codifies the Board's Impaired Water Bodies Restoration Program. The Board already has general statutory authority to implement this Program. Therefore, additional statutory authority is unnecessary.

Item 3940-011-0740—For transfer by the Controller from the 1984 State Clean Water Bond Fund to the State Water Pollution Control Revolving Fund. I delete Provision 1.

I am deleting Provision 1 because it would condition the expenditure of one-third of the Board's budget on the adoption of legislation. This restriction is an infringement on the Executive Branch's ability to administer programs pursuant to existing law.

Item 3940-101-0744—For local assistance, State Water Resources Control Board. I delete Provision 1.

I am deleting Provision 1 because it would condition the expenditure of one-third of the Board's budget on the adoption of legislation. This restriction is an infringement on the Executive Branch's ability to administer programs pursuant to existing law.

Item 3940-102-0001—For local assistance, State Water Resources Control Board. I delete this item.

I am deleting the $272,000 legislative augmentation for the forgiveness of a Water Quality Control loan obtained by Ventura County because the Board's statutory authority does not provide for the forgiveness of grants and loans issued for the building, replacement or modification of municipal wastewater collection and treatment systems. In addition, this augmentation would be inequitable to other similarly situated localities which retain a legal obligation for loan repayment.

Item 3960-001-0001—For support of Department of Toxic Substances Control. I reduce this item from $36,374,000 to $32,270,000 and delete Provisions 4 and 5.

I am deleting and setting aside the $1,000,000 legislative augmentation for the assessment of toxic exposure in schools. While the specific purposes of this augmentation were not delineated by the Legislature, the Site Mitigation program is currently addressing, on a priority basis, school sites with identified contamination problems. In addition, I applaud the efforts of local school districts to address this problem.

There is a need, however, to address the issue of possible toxic contamination in portable classrooms. Therefore, I am setting aside these funds and will be seeking legislation for that purpose.

I am deleting the $400,000 General Fund legislative augmentation to fund community assistance offices. Chapter 23, Statutes of 1999, which reestablished and revised the State Superfund Law, requires the Department to create two community service offices. Under the terms of Chapter 23, these offices are to be funded by a $400,000 annual appropriation from the Orphan Share Reimbursement Trust Fund; consequently, it would be inconsistent with statutory direction to fund the offices from the General Fund. It is my understanding that legislation has been introduced which would identify a source of funding for the Orphan Share Reimbursement Trust Fund, and the community assistance offices could be funded under the authority of that legislation upon enactment.

I am reducing $300,000 of the $500,000 legislative augmentation for increased inspection and enforcement at oil refineries. The net augmentation of $200,000 will increase inspection resources by over 70 percent, which I believe is an appropriate increase.

I am reducing $1,750,000 of the $2,000,000 legislative augmentation for increased hazardous waste management enforcement staff. I am concerned about the use of the General Fund for this purpose. It is appropriate that those who are regulated should pay for the cost of regulation under the ''polluter pays'' principle. Accordingly, I am asking the Director of the Department of Toxic Substances Control to review the adequacy of the Hazardous Waste Management Program fee structure and future funding needs.

I am deleting Provision 4 to conform to this action.

I am deleting the $654,000 legislative augmentation for new regulatory standards for unregulated chemicals. I believe that the enforcement of existing standards is a higher priority than developing new standards at this time. Also, I am concerned about the use of the General Fund for this purpose. It is appropriate that those who are regulated should pay for the cost of regulation under the ''polluter pays'' principle. Accordingly, I am asking the Director of the Department of Toxic Substances Control to review the adequacy of the Hazardous Waste Management Program fee structure and future funding needs.

I am deleting Provision 5 to conform to this action.

Item 3960-001-0014—For support of Department of Toxic Substances Control. I revise this item by reducing:

(a) 12-Site Mitigation from $74,077,000 to $72,677,000.

(b) 13-Hazardous Waste Management from $41,206,000 to $38,502,000.

(h) Amount payable from the General Fund (Item 3960-001-0001) from –$36,374,000 to –$32,270,000.

I am revising the schedules in this item to conform to the actions I have taken in Item 3960-001-0001.

Item 3980-001-0001—For support of Office of Environmental Health Hazard Assessment. I reduce this item from $11,262,000 to $9,162,000 by reducing:

(a) 10-Health Risk Assessment from $15,499,000 to $13,399,000,

and by deleting Provision 1.

I am reducing the $2,000,000 legislative augmentation for the scientific review of chemicals for various programs by $1,000,000 to ensure the State maintains a prudent reserve. I believe that a net augmentation of $1,000,000, combined with $2,000,000 of existing funding will be sufficient to address the most critical needs related to air toxic contaminants, public health goals, and bays and estuaries.

I am reducing $350,000 of the $700,000 legislative augmentation to develop regulations relating to pesticide worker safety, investigate reported illnesses, and provide physician training on pesticide-related illnesses due to lack of utilization of these funds in the past. In addition, investigating pesticide-related illnesses is the responsibility of the Department of Pesticide Regulation, and it would be inappropriate to transfer this responsibility to the Office of Environmental Health Hazard Assessment.

I am deleting the $500,000 legislative augmentation to develop guidelines for risk assessment procedures for chemical contaminants in food. While this is an important health issue the need for additional funds to incorporate new federal food safety requirements into dietary risk assessment guidelines has not been fully demonstrated and therefore this augmentation may not be necessary.

I am deleting the $250,000 legislative augmentation to evaluate exposure to diesel exhaust and develop related regulations. The state budget already contains $23,000,000 to address diesel exhaust. After extensive research, it is generally acknowledged that diesel exhaust constitutes a serious health risk. I believe that funds should be directed toward reducing exhaust emissions rather than more studies.

I am deleting Provision 1 to conform to this action.

Item 4140-001-0001—For support of Office of Statewide Health Planning and Development. I reduce this item from $2,006,000 to $826,000 by reducing:

30-Health Professions Development from $4,623,000 to $3,443,000,

and by deleting Provision 1.

I am deleting the $1,115,000 legislative augmentation to expand the Health Professions Career Opportunity Program and $65,000 and one position to expand the Song Brown Family Practice Residency Program. The 1999–00 Budget provides $9.7 million for health professions development, and given our other competing health care funding needs, I do not support this augmentation.

I am deleting Provision 1 to conform to this action.

Item 4140-101-0001—For local assistance, Office of Statewide Health Planning and Development. I am reducing this item from $7,420,000 to $7,235,000 by reducing:

(a) 30-Health Professions Development (Family Physician Training) from $6,820,000 to $6,635,000,

and by deleting Provision 2.

I am deleting the $185,000 legislative augmentation to expand the Song Brown Family Physician Program. The Song Brown Program has a base budget of $5.6 million, and given the need for funding in other health care priority programs, I do not support this augmentation.

I am deleting Provision 2 to conform with this action.

Item 4170-001-0001—For support of Department of Aging. I reduce this item from $3,892,000 to $3,742,000 by reducing:

(d) 40-Special Projects from $4,655,000 to $4,350,000; and

(g) Reimbursements from −$2,054,000 to −$1,899,000;

and by deleting Provision 1.

I am deleting the legislative augmentation of $150,000 and 3.8 personnel years to increase state staff for the Multipurpose Senior Services Program, which is administered by the Department of Aging but funded in the Medi-Cal budget. This conforms with my action to delete the augmentation for this program in Items 4260-101-0001 and 4260-101-0890.

I am also reducing reimbursements in this item by $155,000 to conform to the action taken in this item and in Item 4260-101-0890.

I am deleting Provision 1 to conform to actions taken in Item 4170-101-0001.

Item 4170-101-0001—For local assistance, Department of Aging. I reduce this item from $34,052,000 to $32,085,000 by reducing:

(a) 10-Nutrition from $65,980,000 to $64,980,000;

(c) 30-Supportive Services and Centers from $37,012,000 to $36,712,000; and

(d) 40-Special Projects from $22,755,000 to $22,088,000;

and by deleting Provision 3 and revising Provision 4.

I am sustaining the $4,196,000 legislative augmentation for the Linkages, Long-Term Care Ombudsman, Respite, Brown Bag, Senior Companion and Foster Grandparent programs. The Budget I am approving for the Nutrition Program includes an increase of $474,000 to meet increased demand for services; therefore, I am deleting the legislative augmentation of $1,000,000. Also, the Health Insurance Counseling and Advisory Program includes an increase of $501,000 to meet the increased demand for services, therefore I am deleting the $667,000 legislative augmentation.

I am deleting Provision 3 and revising Provision 4 to conform to this action.

''4. Of the funds appropriated in this item, ~~$3,196,000~~ *$2,196,000* shall be available for the expansion of community-based programs. These funds shall be allocated according to the following schedule: $1,500,000 for Linkages ~~,~~ ~~$1,000,000~~ ~~for the home -delivered meals nutrition program~~ , $200,000 for Brown Bag, $187,000 for Respite purchase of service, $183,000 for Senior Companion, and $126,000 for Foster Grandparents. Included in this funding are administrative costs for participating Area Agencies on Aging, as provided for in subdivision (b) of Section 9536 of the Welfare and Institutions Code. An Area Agency on Aging shall not quality [sic] for community-based service program expansions funded in this act for any program from which they have transferred funds as allowed by subdivision (e) of Section 9535 of the Welfare and Institutions Code.''

I am deleting the $300,000 legislative augmentation for the Westminster Senior Center to purchase passenger vans. The Budget allocates $31,514,000 to local Area Agencies on Aging for older adult supportive services. The Area Agencies on Aging may allocate their funding to senior centers and/or transportation assistance projects as part of the competitive grant process if these services are a local priority.

Item 4200-001-0001—For support of Department of Alcohol and Drug Programs. I reduce this item from $4,946,000 to $4,646,000 by reducing:

(a) 15-Alcohol and Other Drug Services Program from $29,144,000 to $28,844,000.

I am reducing the $300,000 legislative augmentation for the administrative costs associated with the expansion of Drug Courts to conform to action taken in item 4200-101-0001.

Item 4200-101-0001—For local assistance, Department of Alcohol and Drug Programs. I reduce this item from $38,028,000 to $32,328,000 by reducing:

(a) 15-Alcohol and Other Drug Services Program from $302,286,000 to $296,586,000.

I am deleting the $5,700,000 legislative augmentation to expand Drug Courts to include Juvenile, Dependency, Pre- and Post-Conviction Drug Courts. The 1999–00 Budget provides an increase of $8,000,000 for the Drug Court Partnership Program, a 200 percent increase above the base funding of $4,000,000. This increase for Drug Courts is provided as specified in Chapter 1007, Statutes of 1998.

Item 4260-001-0001—For support of Department of Health Services. I reduce this item from $188,357,000 to $183,217,000 by reducing:

(1) 10-Public and Environmental Health from $275,283,000 to $258,925,000;

(2) 20-Health Care Services from $397,402,000 to $397,042,000;

(25) Amount payable from the Health Education Account, Cigarette and Tobacco Products Surtax Fund (Item 4260-001-0231) from –$36,353,000 to –$25,045,000;

(43) Amount payable from the Federal Trust Fund (Item 4260-001-0890) from –$263,057,000 to –$262,787,000;

and by deleting Provisions 7 and 11.

I am reducing $2,500,000 of the $5,000,000 General Fund legislative augmentation for certain cancer research expansions. While I support this important program, the Budget contains approximately $32.5 million General Fund, including $25.0 million in recent increases and $2.5 million in 1999–00 for enhancing cancer-related services. The Budget also contains $5.0 million General Fund for a one-year breast cancer treatment program that will provide services through a contract to a nonprofit organization with prior successful experience administering such a program. I am deleting Provision 11 to conform to this action.

I am deleting the $2,400,000 General Fund legislative augmentation for the California Cancer Registry. While I am supportive of the services provided by this program, the Budget already contains approximately $6,700,000 ($4,000,000 General Fund) for the Cancer Registry and additional resources for expansions of other high-priority cancer-related services, as indicated above.

I am deleting the $150,000 General Fund legislative augmentation for evaluating the State's capacity to collect ethnicity data. The Budget includes $2,000,000 ($1,000,000 General Fund) to improve data collection and analysis efforts, including services for ethnic communities. I am deleting Provision 7 to conform to this action.

I am reducing the $13,308,000 legislative augmentation from the Cigarette and Tobacco Products Surtax Fund (CTPSF) litigation reserves by $11,308,000 for the anti-tobacco media campaign ($10,000,000) and program administration ($1,308,000). These reserves were originally set aside for the Americans for Non-Smokers Rights II v. State of California case. Additional state exposure exists in the related and outstanding Just Say No To Tobacco Dough Campaign et al. v. State of California case. Accordingly, these funds are being held in reserve to minimize fiscal exposure until a settlement has been reached in both cases.

I am deleting the $90,000 General Fund Legislative augmentation to review treatment authorization requests (TARs) at Southern California hospitals. This augmentation is unnecessary because the budget already includes sufficient funding to meet TAR workload. Further, the Department of Health Services already has the flexibility to redirect TAR review staff to hospital locations. In addition, I am deleting $270,000 from the Federal Trust Fund 4260-001-0890 to conform to this action.

Item 4260-001-0231—For support of Department of Health Services. I reduce this item from $36,353,000 to $25,045,000 by reducing:

I am reducing this item by $11,308,000 from the Cigarette and Tobacco Products Surtax Fund litigation reserves to conform to actions taken in Item 4260-001-0001.

Item 4260-001-0890—For support of Department of Health Services. I reduce this item from $263,057,000 to $262,787,000 by reducing:

I am reducing this item by $270,000 to conform with actions taken in Item 4260-001-0001.

Item 4260-101-0001—For local assistance, Department of Health Services. I reduce this item from $7,628,395,000 to $7,586,720,000 by reducing:

(a) 20.10.030-Benefits (Medical Care and Services) from $18,702,607,000 to $18,548,063,000;

(b) 20.10.010-Eligibility (County Administration) from $1,027,134,000 to $1,025,286,000;

(e) Amount payable from Federal Trust Fund (Item 4260-101-0890) from –$12,297,525,000 to –$12,182,808,000;

and by deleting Provisions 14,18, 20,21 and 22.

I am deleting the $2,000,000 General Fund legislative augmentation which requires the Department of Health Services (DHS) in conjunction with the University of California to conduct and evaluate pilot projects for dental care. Private foundation or Proposition 10 funds are a more appropriate funding source for this research.

I am reducing by $1,400,000 the $2,800,000 General Fund legislative augmentation to increase Medi-Cal optometry rates. The remaining augmentation is expected to provide Medi-Cal beneficiaries with greater access to optometry services. In addition, I am deleting $1,400,000 from the Federal Trust Fund, Item 4260-101-0890, to conform to this action.

I am deleting the $400,000 General Fund legislative augmentation for the Plaza Community Center organization to construct a teen center in the City Terrace neighborhood of Los Angeles. Because this augmentation is not for direct health care, it does not fit within the purposes of the Medi-Cal program. However, because this is a commendable endeavor, I would be willing to consider legislation appropriating General Fund for this project.

I am reducing by $2,000,000 the $4,000,000 General Fund legislative augmentation to increase Medi-Cal ambulance rates. The remaining augmentation along with the $4,000,000 General Fund for a rate increase in the 1998–99 budget, which increases rates over a two-year period by 53 percent, is sufficient to ensure the provision of critical ambulance services. In addition, I am deleting $2,000,000 from the Federal Trust Fund, Item 4260-101-0890, to conform to this action.

I am reducing by $175,000 the $262,000 General Fund legislative augmentation for a 30 percent increase in Medi-Cal and Family PACT rates for tubal ligations. In addition, I am deleting $1,331,000 from the Federal Trust Fund, Item 4260-101-0890, to conform to this action. The remaining increase of $753,000 will provide a 10 percent rate increase for tubal ligations in both programs, which is sufficient to maintain access to these important services.

I am deleting the $1,850,000 General Fund legislative augmentation to expand the Multipurpose Senior Services Program (MSSP), which is administered by the Department of Aging but funded in the Medi-Cal budget. The 1999–00 budget includes a 21 percent increase in MSSP funding without this augmentation. This reflects the full-year cost of the program expansion initiated in 1998–99 which provided a 54 percent increase in funding for the MSSP program. With this expansion, MSSP services are available to residents in all counties. In addition, I am deleting $2,000,000 from the Federal Trust Fund, Item 4260-101-0890, to conform to this action.

I am reducing by $5,100,000 the $5,600,000 General Fund legislative augmentation for therapeutic behavioral services to children eligible for early and periodic screening, diagnosis, and treatment. The known current population of children to be served in this program is five or fewer. Therefore, the amount of the augmentation is greater than necessary. However, upon resolution of a pending lawsuit, this program caseload and cost will likely increase. To the extent the magnitude of this increase can be estimated by next fall, I will include expanded funding in the 2000–01 proposed budget. In addition, I am deleting $5,100,000 from the Federal Trust Fund, Item 4260-101-0890, to conform to this action.

I am reducing by $26,700,000 the $67,700,000 General Fund legislative augmentation for expansion of Medi-Cal for low-income families which would have raised to 150 percent of poverty the maximum income levels for applicant families to be made eligible for Medi-Cal services. Instead, I am raising the maximum applicant income level to 100 percent of the federal poverty level which will allow over 250,000 additional persons to be covered by Medi-Cal. This action requires only $41,000,000 of the $67,700,000 augmentation. In addition, I am deleting $26,700,000 from the Federal Trust Fund, Item 4260-101-0890, to conform to this action.

I am reducing by $2,050,000 the $2,734,000 General Fund legislative augmentation to conform to the actions taken in Item 4260-111-0001 related to California Children's Services rates. In addition, I am deleting $2,050,000 from the Federal Trust Fund, Item 4260-101-0890, to conform to this action.

I am reducing by $65,150,000 the $91,035,000 legislative augmentation from the Federal Trust Fund, Item 4260-101-0890, to conform to action taken in Item 5180-111-0001 related to In-Home Supportive Services Public Authority State Share-of-Cost, Department of Social Services.

I am reducing by $8,986,000 the $10,276,000 legislative augmentation from the Federal Trust Fund, Item 4260-101-0890, to conform to action taken in Item 5180-151-0001 related to Adult Protective Services Program expansion, Department of Social Services.

I am deleting Provision 14, which would require the DHS to convene a workgroup comprised of county representatives, consumers, representatives of the Legislature, and children's groups to craft options for streamlining the Medi-Cal application process and related functions. This language is unnecessary as DHS already seeks input on these matters from such groups. Further, I am directing DHS to review the Medi-Cal application process and to develop proposals, with appropriate input, to streamline this process.

I am deleting Provision 18 which would require DHS and the Managed Risk Medical Insurance Board (MRMIB) to convene a workgroup of specified composition to discuss and craft options to implement a single point of entry for Medi-Cal and Healthy Families child enrollment and related functions. This language is unnecessary as DHS and MRMIB already confer with workgroups, as appropriate. However, I am supportive of cost-effective modifications and simplification in eligibility determination to reduce the burden on both applicants and county administration and am supportive of mail-in applications for eligibility determination by the counties and removal of the need for applicants to apply in person.

I am deleting Provision 20 which would require DHS to convene a work group including drug manufacturers, physicians, health care organizations, and Medi-Cal beneficiary advocates to discuss options to ''streamline'' the treatment authorization request (TAR) process and to improve patient access to prescription drugs. Additionally, the workgroup would consider authorizing physicians to self-approve their own TARs for prescriptions. The DHS would be required to report to the Legislature on the workgroup's recommendations by March 1, 2000. These requirements are unnecessary.

Turnaround time for processing pharmaceutical TARs is currently less than 24 hours. However, I am directing the DHS to consider further improvements to the treatment authorization process.

I am deleting Provision 21 which would require DHS to redirect budgeted resources to complete a public awareness survey to measure the effectiveness of Medi-Cal and Healthy Families Program outreach activities. This language is unnecessary and duplicative. Existing law requires a comprehensive annual outreach plan to be submitted to the Legislature, including results of the previous year's outreach efforts. The DHS has existing authority to conduct any necessary survey without this language.

I am deleting Provision 22 in Item 4260-101-0001 and Provision 14 in Item 4260-111-0001, which would require DHS to withhold the Los Angeles County share of any benefit from the reduction of the ''State Administrative Fee,'' and all funds under the Disproportionate Share Hospital (DSH) program, and the California Health Care for the Indigents Program until Los Angeles County submits plans to construct a 750-bed hospital, as certified by the Office of Statewide Health Planning and Development. There are no funds in Item 4260-101-0001 which represent benefit to the County resulting from the reduction in required contribution and which therefore could be withheld pursuant to this Provision. As Los Angeles County is statutorily required to contribute to the DSH program, such contributions without return may constitute a reimbursable state mandated local cost resulting in the General Fund repaying Los Angeles County. Further, notwithstanding language limiting the impact of this provision only to the ''LAC/USC Medical Center,'' the language would directly affect all private and public hospitals if Los Angeles County elected not to submit its corresponding intergovernmental transfer, substantially reducing the nonfederal portion of the entire DSH Program adversely. Finally, this language would put at risk hundreds of millions of Los Angeles County's health care funding, thereby jeopardizing the health of the residents of the county. I call upon the Los Angeles County Board of Supervisors and all interested parties to reach consensus on the appropriate size for this hospital prior to my submission of the 2000–01 State Budget.

I am sustaining the $36,000,000 General Fund and commensurate federal fund legislative augmentation to increase minimum nursing home staff-to-resident ratios and provide a five percent wage and benefits increase to direct care staff in these facilities. However, I am sustaining this augmentation with the expectation that the nursing home industry work with the Administration, the Legislature, and others to develop and approve meaningful nursing home reforms to accompany these rate increases.

I am sustaining the $500,000 General Fund augmentation for school-based health centers in Alameda County. However, this augmentation is for one-year only in order to allow Alameda County to pursue federal funds potentially available for this purpose or local school district funds.

I am sustaining the $200,000 General Fund augmentation for the South Coast Air Quality Management District (SCAQMD) to conduct face-to-face community educational outreach focused on at-risk children and activities related to chronic illness caused by air pollution. While the efforts of SCAQMD are commendable, this augmentation is for one-year only to allow SCAQMD time to seek funding through other, more appropriate sources such as private foundation or Proposition 10 funding for these activities.

I am sustaining the $250,000 General Fund augmentation for the Venice Dental Clinic. While these funds are to fill an unfunded deficit in this clinic's operational budget, to the extent these services are provided to those who are Medi-Cal eligible, these services are already funded. Clinic services for the medically indigent are an on-going responsibility of the county. Therefore, these funds are provided on a one-time basis.

Item 4260-101-0890—For local assistance, Department of Health Services. I reduce this item from $12,297,525,000 to $12,182,808,000.

I am reducing this item to conform to the action I have taken in Item 4260-101-0001.

Item 4260-111-0001—For local assistance, Department of Health Services. I reduce this item from $402,303,000 to $346,723,000 by reducing:

(5) 10.30.040-Chronic Diseases from $99,502,000 to $64,506,000;
(7) 10.30.060-AIDS from $232,872,000 to $229,397,000;
(8) 20.30-County Health Services from $124,555,000 to $94,553,000;
(9) 20.40-Primary Care and Family Health from $1,388,370,000 to $1,363,469,000;
(17) Amount Payable from the Health Education Account, Cigarette and Tobacco Products Surtax Fund (Item 4260-111-0231) from –$54,316,000 to –$35,116,000;
(19) Amount Payable from the Physician Services Account, Cigarette and Tobacco Products Surtax Fund (Item 4260-111-0233) from –$10,386,000 to –$7,974,000;
(20) Amount Payable from the Unallocated Account, Cigarette and Tobacco Products Surtax Fund (Item 4260-111-0236) from –$82,311,000 to –$68,129,000;
(26) Amount payable from the Federal Trust Fund (Item 4260-111-0890) from –$1,002,305,000 to –$1,000,305,000;

and by deleting Provisions 5, 6, 8, 9, 10, 11, 12 and 14.

While I am sustaining a $500,000 General Fund augmentation for osteoporosis prevention and treatment, this funding is provided on a one-time basis only for 1999–00.

I am reducing by $6,000,000 the $11,000,000 General Fund legislative augmentation for the following clinical services programs: Rural Health Clinics, Seasonal Agricultural and Migratory Worker Clinics, and Indian Health Clinics. I am also directing the Department of Health Services (DHS) to allocate the remaining $5,000,000 for the areas most in need, as determined by DHS, so that the 21 percent increase in total clinic funding can be used most effectively. I am also deleting Provisions 5, 6, and 8 to conform to this action.

I am reducing by $7,408,000 the $7,700,000 General Fund legislative augmentation for local public health staffing. The remaining $292,000 will provide for a total General Fund budget of $1 million, a 22 percent increase, to enhance local food safety, immunization assistance, and disease control efforts.

I am reducing by $10,102,000 the $18,000,000 General Fund legislative augmentation for Expanded Access to Primary Care (EAPC) clinics. The Budget increases the total program allocation by five percent in recognition of the important services it provides to vulnerable populations statewide. This increase assumes enactment of deficiency legislation which appropriates $1,653,000 Cigarette and Tobacco Products Surtax Fund (CTPSF) for the program, as I originally proposed.

I am deleting the $16,594,000 legislative augmentation from the CTPSF for the California Healthcare for Indigents Program (CHIP) and Rural Health Services. I will sign legislation appropriating the $16,594,000 CTPSF for Breast Cancer Early Detection Program (BCEDP) ($14,941,000) and EAPC ($1,653,000) as I had originally proposed in the Governor's Budget. Consistent with these reductions, I am deleting the $14,941,000 General Fund legislative augmentation to support the BCEDP as the Budget included CTPSF for BCEDP to fully address anticipated demand, without any General Fund expense. The BCEDP should continue to be supported from tobacco tax resources as a priority use of CTPSF, which is diminishing as a result of increased tobacco taxes enacted by Proposition 10 and higher wholesale tobacco prices imposed by the industry. Moreover, if the State obtains approval of federal funding for the BCEDP and Access for Infants and Mothers programs, additional CTPSF will be available to augment indigent health care programs at that time.

I am deleting the $6,000,000 General Fund legislative augmentation for CHIP. While the program provides valuable services, CTPSF is a diminishing fund source. Also, expansions of the Healthy Families and Medi-Cal programs will decrease the indigent health care burden at the local level. Lastly, increased local revenues (Proposition 10 and tobacco settlement funds, for example) are available at county discretion to augment the program.

I am deleting the $19,200,000 legislative augmentation for Competitive Grants from the CTPSF litigation reserves (Health Education Account) to conform with the actions taken in Item 4260-001-0001.

I am reducing $949,000 of the $1,266,000 General Fund legislative augmentation to increase California Children's Services (CCS) provider rates by 5 percent instead of the proposed 20 percent, to improve access to care. Rates and their impact on access to and quality of care can be better assessed when improved data from the newly implemented CCS management information system is available.

I am deleting the $355,000 General Fund legislative augmentation for a Parkinson's Disease outreach center. While the proposal has merit, resources should be allocated through a competitive process rather than directly to particular agencies. I am deleting Provision 9 to conform to this action.

I am sustaining the $2,500,000 General Fund augmentation to increase funds for the Battered Women's Shelter Program. I am deleting Provision 11, as it conflicts with current law exempting these allocations from the competitive bidding process and could hinder the department from effectively administering services and allocating resources expeditiously.

I am reducing by $500,000 the $2,000,000 General Fund legislative augmentation for Alzheimer's disease research, diagnosis, and treatment. The Budget provides a 44 percent increase in funding for those activities which will substantially enhance services without adding new special projects to the program budget. I am deleting Provision 12 to conform to this action.

I am deleting the $5,000,000 General Fund legislative augmentation to increase rates for the Adolescent Family Life Program. The proposal represents an approximate 40 percent rate increase, intended to expand access to services and address findings of a study indicating that reimbursement rates do not fully cover program costs. However, rates have been established recognizing that local participation is a requirement.

I am deleting the $850,000 General Fund legislative augmentation for the Farmer's Market Program. Chapter 294, Statutes of 1997, shifted authority for the program to DHS to enable continuation of the service without General Fund expense. Furthermore, nutritional services (including fresh fruits and vegetables in some instances) are currently available through other programs such as the Women, Infants, and Children Program, Food Stamps, the California Food Assistance program, and the Emergency Food Assistance Program. I am also reducing the Federal Trust Fund by $2,000,000 in item 4260-111-0890 to conform to this action.

I am sustaining the $4,156,000 General Fund legislative augmentation to reduce transmission of the AIDS virus in high-risk communities. In addition, the Budget (1) includes a $13.4 million General Fund increase for education, prevention, care and treatment services, (2) fully funds anticipated demand for the AIDS Drugs Assistance Program ($140.3 million, of which $46.2 million is General Fund) and (3) expands the Family, Planning, Access, Care and Treatment Program, which will benefit Californians with HIV/AIDS. These expansions will make a significant contribution toward preventing the transmission of HIV and in providing effective treatment. However, I am reducing by $3,475,000 the $6,931,000 General Fund legislative augmentation for HIV/AIDS services: anonymous testing ($1,600,000), partnership counseling ($1,000,000), early intervention ($375,000) and housing ($500,000). I am deleting Provision 10 to conform to this action.

I am deleting Provision 14 to conform with the action taken in Item 4260-101-0001.

Item 4260-111-0231—For local assistance, Department of Health Services. I reduce this item from $54,316,000 to $35,116,000 by reducing:

I am reducing this item by $19,200,000 for competitive grants from Cigarette and Tobacco Products Surtax Fund litigation reserves to conform to actions taken in Item 4260-001-0001.

Item 4260-111-0233—For local assistance, Department of Health Services. I reduce this item from $10,386,000 to $7,974,000 by reducing:

I am reducing this Item by $2,412,000 to conform to actions taken in Item 4260-111-0001.

Item 4260-111-0236—For local assistance, Department of Health Services. I reduce this item from $82,311,000 to $68,129,000 by reducing:

I am reducing this item by $14,182,000 to conform to actions taken in Item 4260-111-0001.

Item 4260-111-0890—For local assistance, Department of Health Services. I reduce this item from $1,002,305,000 to $1,000,305,000 and delete Provision 2.

I am reducing this item by $2,000,000 to conform with actions taken in Item 4260-111-0001.

Item 4280-101-0001—For local assistance, Managed Risk Medical Insurance Board. I delete Provision 2.

I am deleting Provision 2 to conform to action taken in Item 4260-101-0001.

Item 4300-003-0001—For support of Department of Developmental Services. I reduce this item from $53,805,000 to $52,305,000 by reducing:

(a) 20-Developmental Centers Program from $527,807,000 to $526,307,000,

and by deleting Provision 10.

I am deleting the $1,500,000 legislative augmentation which was intended to fund health benefits for janitorial staff at the Developmental Centers. The Developmental Centers have contracted for janitorial staff since January 1987. The contracts for these services have been awarded in accordance with existing State contract guidelines and policies which place responsibility for the provision of health benefits with the contractor, however, the level of benefits currently provided are in some cases inadequate. I will issue an Executive Order directing the Department of General Services to ensure that all state contracts, whether new or being re-bid, provide benefits comparable to those provided for state employees.

I delete Provision 10 to conform to this action.

Item 4440-001-0001—For support of Department of Mental Health. I reduce this item from $25,816,000 to $25,316,000 by reducing:

(a) 10-Community Services from $28,380,000 to $27,880,000,

and by deleting Provision 4.

I am deleting the $500,000 legislative augmentation requiring the Department of Mental Health to contract for the provision of workshops to teach volunteers to work with chronically and terminally ill persons. Counties are currently responsible for the design and implementation of treatment and other services to meet the needs of clients at the local level. Currently, counties have flexibility in the use of their State-Local realignment funds which would allow them to provide workshops for volunteers to work with this client population if they choose to do so.

I am deleting Provision 4 to conform to this action.

Item 4440-011-0001—For support of the State Hospitals Department of Mental Health. I reduce this item from $323,183,454 to $323,084,000 by reducing:

(a) 20.10-Long-Term Care Services - Lanterman-Petris-Short from $109,463,454 to $109,364,000; and

I am deleting the $99,454 legislative augmentation to increase the interagency agreement between the Department of Mental Health and the California Highway Patrol (CHP) for security services at Patton State Hospital. The Commissioner of the California Highway Patrol does not support this augmentation as the increased assessment costs for CHP coverage is funded on a statewide basis in the Budget, including funds for the assessments to the state hospitals.

Item 4440-101-0001—For local assistance, Department of Mental Health. I reduce this item from $64,756,000 to $51,356,000 by reducing:

(a) 10.25-Community Services—Other Treatment from $674,769,000 to $662,569,000;

(c) 10.47-Community Services—Children's Mental Health Services from $37,754,000 to $26,354,000;

(e) Reimbursements from –$668,607,000 to –$658,407,000;

and by deleting Provisions 5 and 7.

I am retaining the $10,000,000 augmentation on a one-time basis for local incentive grants and directing the Department of Mental Health to provide such funding to counties for existing successful programs for provision of integrated services to severely mentally ill adults who would otherwise be at risk of homelessness or incarceration. However, I am deleting provision 7 pertaining to the augmentation and encouraging service delivery rather than further program planning.

Given the augmentation above, I am deleting the $2,000,000 legislative augmentation to provide supportive housing for individuals with special needs. I also note that the Budget provides $1 million in the Department of Mental Health and $5 million in the Department of Housing and Community Development for supportive housing for CalWORKs recipients with special needs. Any augmentation for other special needs clients appears duplicative of existing support programs including health care, substance abuse treatment, education, and counseling which are currently provided through other State agencies.

I am reducing $11,400,000 of the $13,400,000 legislative augmentation for the Children's System of Care. The remaining $2,000,000 augmentation will allow for a expansion of the program. I am also deleting Provision 5 which specified the allocation of the funds in order to allow the Department of Mental Health to allocate the funds based on departmental policy.

I am reducing the legislative augmentation for the Early Periodic Screening, Diagnosis and Treatment (EPSDT) Therapeutic Behavioral Service by $10,200,000 to conform with actions taken in items 4260-101-0001 and 4260-101-0890.

I delete Provisions 1 and 2 to conform with this action.

Item 5100-101-0001—For local assistance, Employment Development Department. I sustain this item.

I am sustaining the $450,000 legislative augmentation for the California Youthbuild Program on a one-time basis only.

Item 5100-001-0185—For support of Employment Development Department. I reduce this item from $37,705,000 to $37,489,000.

I am deleting the $216,000 augmentation for the Innovation in Government Project to conform to action I have taken in Item 0650-001-0001. This action is consistent with the Legislature's intent to fund the project within existing resources.

Item 5100-001-0869—For support of state programs under the Job Training Partnership Act, Employment Development Department. I delete Provisions 4 and 5.

I am deleting Provision 4 which would require the Employment Development Department to use $1.8 million from the Job Training Partnership Act, Title III 40 Percent Governor's discretionary funds to conform current data collection and reporting, and performance management systems to federal Workforce Investment Act

requirements. No analysis has been performed to indicate the need to target these funds for data collection and reporting systems. I believe this Provision interferes with the Administration's ability to target funds for needed planning activities or local employment activities.

I am deleting Provision 5 which would require the Employment Development Department to use $5.4 million from the Job Training Partnership Act, Title III 40 Percent Governor's discretionary funds for local Service Delivery Areas or Local Workforce Investment Boards for transition activities related to implementation of the federal Workforce Investment Act. I am deleting this provision for the same reasons cited for Provision 4 above.

Item 5100-001-0870—For support of Employment Development Department. I revise this item by reducing:

(d) 30.01-General Administration from $48,616,000 to $48,400,000, and

(j) Amount payable from the Employment Development Contingent Fund (Item 5100-001-0185) from −$37,705,000 to −$37,489,000.

I am revising this item to conform to the reduction taken in Item 5100-001-0185.

Item 5180-001-0001—For support of Department of Social Services. I reduce this item from $80,991,000 to $79,775,000 by reducing:

(a) 16-Welfare Programs from $80,066,000 to $79,066,000;

(d) 60.01-Administration from $34,471,000 to $34,255,000;

and by revising Provision 4 and deleting Provision 8.

I am deleting the $216,000 augmentation for the Innovation in Government Project to conform to the action I have taken in Item 0650-001-0001. This action is consistent with the Legislature's intent to fund the Project within existing resources.

I am sustaining $1,000,000 of the $2,000,000 one-time legislative augmentation for the Emergency Food Assistance Program for local food bank programs to expand refrigeration space and purchase vehicles and other equipment that would be used directly for the purchase, delivery, or distribution of food. However, I am reducing the legislative augmentation for this program by $1,000,000, the amount to be used for food purchases, because the food purchases under this program traditionally have been 100 percent federally funded, and providing General Fund for this purpose could set a precedent for future General Fund support. Federal funding for this program, the federal Food Stamp program, the federal Women, Infants, and Children program, is available to provide food to qualifying individuals and households, as is the state funding for the California Food Assistance Program.

I am revising Provision 4 to conform to this action.

"4. Of the amount appropriated in this item, ~~$2,000,000~~ *$1,000,000* shall be allocated on a one-time basis ~~as follows: (a)~~ ~~$1,000,000~~ to local food bank programs to expand refrigeration space, purchase vehicles, or purchase other equipment that would be directly used for the purchase, delivery, or distribution of food products or for other uses that would allow food banks to increase the amount of food they can receive and distribute, with the allocation process for this $1,000,000 to be developed by the department in consultation with the Emergency Food Assistance Advisory Board ~~; (b) $900,000 to local food distribution programs; (c) $100,000 for regional and statewide efforts for food purchase or to aid in the collection of donated food~~ ."

I am deleting Provision 8, which would require the Department of Social Services to conduct a study of the key factors that affect the ability of those who owe child support to meet their obligations. Within the context of efforts to reform the child support program I have already directed the department to work with other appropriate state agencies to profile child support obligors in order to gain a better understanding of how the state may improve the collectability of child support obligations. Therefore, this provision is unnecessary.

Item 5180-101-0001—For local assistance, Department of Social Services. I reduce this item from $2,633,896,000 to $2,627,679,000 by reducing:

(a) 16.30-CalWORKs from $4,709,139,000 to $4,704,739,000;
(2) 16.30.020-Services from $507,867,000 to $504,367,000;
(4) 16.30.040-Child Care from $427,673,000 to $426,773,000;
(f) 16.60-Food Stamps from $66,397,000 to $61,080,000;
(i) Amount payable from the Federal Trust Fund (Item 5180-101-0890) from –$3,449,174,000 to –$3,445,674,000;

and by deleting Provision 11.

I am deleting the $3,500,000 Federal Trust Fund legislative augmentation and Provision 11, which would fund county costs of providing wage-based community service or subsidized jobs to CalWORKs recipients. Under current law, the counties have the option and sufficient funding to adopt various approaches for CalWORKs recipients to meet work requirements, including wage-based community service.

I am deleting the $900,000 General Fund legislative augmentation to exempt child care centers from the Department of Justice and Federal Bureau of Investigation fees for background checks and fingerprinting, effective January 1, 2000. The current Department of Justice fee structure includes a surcharge to cover the cost of community care providers who are exempted from paying the fee. I would support legislation to exempt child care volunteers from having to pay the fees for fingerprinting and background checks.

I am reducing the $11,543,000 General Fund legislative augmentation for an expansion of the California Food Assistance program by $5,317,000 to reflect revised cost estimates of the program and the effect of the October 1, 1999, start date of the one-year expanded program.

Item 5180-101-0890—For local assistance, Department of Social Services. I reduce this item from $3,449,174,000 to $3,445,674,000.

I am reducing this item by $3,500,000 to conform with actions taken Item 5180-101-0001 and Item 5180-111-0551.

Item 5180-111-0001—For local assistance, Department of Social Services. I reduce this item from $3,069,663,000 to $3,013,263,000 by reducing:

(b) 25.15-IHSS from $1,766,319,000 to $1,605,473,000;
(1) 25.15.010-Services from $1,625,029,000 to $1,464,183,000; and
(c) Reimbursements from –$1,053,279,000 to –$948,833,000.

I recognize the need for state participation in funding wage increases for IHSS providers and, as a result, I am sustaining $67,885,000, including reimbursements, to provide for a 50 cent wage increase for providers in public authority counties effective July l, 1999, with an 80 percent State/20 percent county share-of-cost for 1999–00 only. Consistent with this action, I am reducing the $90,000,000 General Fund legislative augmentation for a 100 percent state share-of-cost for In-Home Supportive Services (IHSS) provider wages above the minimum wage by $56,400,000 General Fund. The State has does not participate in IHSS provider wage and benefit negotiations and, therefore, would be unable to manage the program costs in which it would share under a 100 percent state funded increase. A county share-of-cost would provide the incentive for counties to contain program costs and control future major General Fund costs.

I am also reducing reimbursements in this item by $104,446,000 to conform to the action taken in this item and in Item 4260-101-0890.

Item 5180-111-0551—For transfer by the Controller from the federal Temporary Assistance for Needy Families Fund to the Federal Trust Fund. I reduce this item from ($4,149,096,000) to ($4,145,596,000).

I am reducing this item by $3,500,000 to conform with actions taken Item 5180-101-0001 and Item 5180-101-0890.

Item 5180-113-0551—For transfer by the Controller from the federal Temporary Assistance for Needy Families Fund to the Federal Trust Fund. I reduce this item from ($267,300,000) to ($257,300,000).

I am reducing this item by $10,000,000 to conform with actions taken in Item 6110-196-0001.

Item 5180-141-0001—For local assistance, Department of Social Services. I reduce this item from $341,397,000 to $341,291,000 by reducing:

(a) 16.80-County Administration from $843,948,000 to $843,842,000;

and by deleting Provision 8.

I am reducing the $363,000 General Fund legislative augmentation for a one-year expansion of the California Food Assistance program by $106,000 to conform to the action I have taken in Item 5180-101-0001.

I am deleting Provision 8, which removes the discretion of the State to request waivers from the United States Department of Agriculture and requires the department to request such waivers, whether a county has requested the department to do so. Currently, only two counties have requested such waivers, and both of those counties have the waivers in place. However, I am directing the Director of Social Services to evaluate whether a request for a blanket approval of waivers for work requirements would be expedient in order to have the flexibility to immediately issue waivers in times of disaster or emergency.

Item 5180-151-0001—For local assistance, Department of Social Services. I reduce this item from $661,451,000 to $639,251,000 by reducing:

(a) 25.25-Children's Services from $1,434,040,000 to $1,429,732,000;
  (1) 25.25.010-Child Welfare Services from $1,335,738,000 to $1,331,738,000;
  (2) 25.25.020-Adoptions from $67,181,000 to $66,873,000;
(b) 25.35-Special Programs from $171,227,000 to $142,241,000;
  (5) 25.35.050-County Services Block Grant from $125,801,000 to $96,815,000;
(d) Reimbursements from –$81,733,000 to –$72,747,000;
(f) Amount payable from the Federal Trust Fund (Item 5180-151-0890) from –$876,622,000 to –$874,514,000;

and by deleting Provision 11.

I am deleting the $2,000,000 General Fund and $2,000,000 Federal Trust Fund legislative augmentation for pilot projects to develop placement resources as an alternative to out-of-county/state placements. Current law already permits counties to enter into performance agreements with nonprofit agencies for innovative services delivery. While I am supportive of efforts in this area, the budget provides substantial augmentations for foster care rate increases which should promote expansion of the existing in-state capacity for foster youth.

I am deleting Provision 11 to conform to this action.

I am deleting the $200,000 General Fund and $108,000 Federal Trust Fund legislative augmentation for the Specialized Training for Adoptive Parents program. I am sustaining the reappropriation language in Item 5180-490, which would fully fund the costs of this worthwhile program in 1999–00.

I am reducing the $30,000,000 General Fund and $10,276,000 Reimbursements legislative augmentation for the Adult Protective Services (APS) program by $20,000,000 and by $8,986,000, respectively. The 1999–00 Governor's Budget included a $23,562,000 augmentation to fully fund the APS program based on a recent nationwide study on elder abuse released by American Public Human Services Association. Because unsubstantiated cases had been excluded from that national study, the May Revision included an $11,290,000 augmentation to fund costs relating to the

investigation of those cases. As a result, I am reducing APS funding to the level of funding included in the May Revision, and I am sustaining Provision 10 which requires the Department of Social Services to implement a claims processing, payment and reporting system to assess future program funding needs.

I am reducing reimbursements in this item by $8,986,000 to conform to the action taken in this item and in Item 4260-101-0890.

Item 5180-151-0890—For local assistance, Department of Social Services. I reduce this item from $876,622,000 to $874,514,000.

I am revising this item to conform to the actions taken in Item 5180-151-0001.

Item 5240-001-0001—For support of the Department of Corrections. I reduce this item from $3,812,955,000 to $3,812,740,000 by reducing:

(b) 22-Health Care Services Program from $537,431,947 to $537,256,947;

(c) 31-Community Correctional Program from $472,146,220 to $471,306,220;

and by deleting Provisions 9 and 21, and revising Provision 11.

I am deleting Provision 9 which requires that the Department of Corrections prospectively include a funding factor for the Preventing Parolee Crime Program in its population budget change proposal. I believe this provision is an intrusion on the Executive Branch's prerogative to develop future Governor's Budgets.

I am deleting $175,000 for treatment and services for inmates infected with Hepatitis B and C because the budget already includes significant additional funding for medical treatment for inmates which can be used for this purpose. I am revising Provision 11 to conform to this action.

''11. Of the funds appropriated in this item, ~~$500,000~~ *$325,000* shall be expended for prevention, education, treatment, and related tests, for inmates infected with hepatitis B and C. Any funds not used for these purposes shall revert to the General Fund.''

The Budget includes substantial increases in services for Parolees and Prevention of Parolee crime. Therefore, I am deleting the $840,000 legislative augmentation for the implementation of a mentoring program for parolees. I am also deleting Provision 21 to conform to this action.

I am also revising this item to correct a technical error in the Budget Bill.

As part of the 1999–00 State Budget, I am approving $38,654,000 in funding for various programs that provide treatment and services for state prison inmates and parolees to assist in their transition back into the community and to reduce recidivism. However, I strongly object to the $1,000,000 augmentation for the community punishment program intended to utilize intermediate sanctions for parole violators. I am directing the Director of Corrections not to use any funding in this item for that purpose. I note that Assembly Bill 1535, which I intend to approve, would authorize the transfer of monies between the programs delineated in the specified provisions of Item 5240-001-0001 in the Budget Act. I am, accordingly, directing the Director of Corrections to utilize these funds to implement or expand those programs that include elements or services that do not jeopardize public safety, while providing the best results in terms of reducing recidivism among the state parolee population.

Additionally, as part of this budget, I am sustaining 45.7 positions which were approved by the Legislature without funding. While the Legislature and I concur about the need for the 45.7 positions, I disagree with the Legislature's action to remove the funding for these positions. In order to fund these positions, the Department would have to redirect significant resources, negatively impacting the Department's ability to provide existing program services at a level consistent with current law. Therefore, I will seek the resources necessary to fully fund these positions through the deficiency process, as provided for in Control Section 27.00 of the 1999–00 Budget Act.

Item 5240-101-0001—For local assistance, Department of Corrections. I reduce this item from $48,583,000 to $48,433,000 by reducing:

(a) 21-Institutions Program from $15,282,000 to $15,132,000.

I am deleting the $150,000 legislative augmentation intended to address the costs incurred by counties for the transportation of prisoners to and between state prisons. The budget I proposed includes increased funding for this purpose, and the need for additional resources beyond that increase has not been demonstrated.

Item 5240-102-0001—For local assistance, Department of Corrections. I delete this item and Provision 1.

I am deleting the $400,000 legislative augmentation provided to Imperial County for the purpose of funding security improvements at the administrative building located in Brawley. Although this project may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am deleting Provision 1 to conform to this action.

Item 5240-103-0001—For local assistance, Department of Corrections. I delete this item and Provision 1.

I am deleting the $1,748,429 augmentation to the City of Coalinga. This funding is reflective of monies that the city might have received if it had continued as a plaintiff in litigation against the State. The provision of such funding would set an undesirable precedent with regard to other plaintiffs involved in litigation with the State.

I am deleting Provision 1 to conform to this action.

Item 5430-110-0001—For local assistance, Board of Corrections. I delete this item and Provision 1.

I am deleting the $2,000,000 legislative augmentation for expansion of existing jail facilities in Fresno County. The State should not embark upon a direct General Fund program for refurbishing local jail facilities. Additionally, funding for local detention facilities is available through the federally funded Violent Offender Incarceration/ Truth-in-Sentencing grant award program.

I am deleting Provision 1 to conform to this action.

Item 5430-111-0001—For local assistance, Board of Corrections. I reduce this item from $37,700,000 to $27,000,000, and revise Provision 1.

I am reducing this item by $10,700,000. While I am supportive of efforts to address issues related to crime committed by the mentally ill, I believe that a more modest expansion is prudent since this program is in the early stages of implementation and has not yet been evaluated.

''(1) Of the amount appropriated in this item, ~~$37,700,000~~ *$27,000,000* shall be allocated for Mentally Ill Offender Crime Reduction grants, pursuant to Chapter 501 of the Statutes of 1998, as set forth in priority order on the list of projects identified effective May 20, 1999, by the Board of Corrections. Further, no grant shall exceed $5,000,000. Notwithstanding the provisions of Chapter 501 of the Statutes of 1998, the board shall allocate $5,000,000 to the County of Los Angeles and $5,000,000 to the City and County of San Francisco for the purpose of demonstrating the effectiveness of interventions relating to mentally ill offenders who are likely to be committed to state prison.''

Item 5460-001-0001—For support of Department of the Youth Authority. I reduce this item from $266,390,000 to $265,390,000 by reducing:

(b) 30-Parole Services from $46,035,000 to $45,035,000

and by deleting Provision 3.

I am deleting the $1,000,000 legislative augmentation for tattoo removal. I believe additional resources are premature because funding provided in previous legislation is sufficient for operation of the existing program.

I am deleting Provision 3 to conform to this action.

Item 6110-001-0001—For support of Department of Education. I reduce this item from $37,748,000 to $35,677,000 by reducing:

(b) 20-Instructional Support from $57,350,000 to $55,279,000,

and by deleting Provisions 16, 20, 21, 23 and 26.

I am reducing Schedule (b) by reducing the augmentation of $221,000 which was proposed to support the Parent Involvement Program. This augmentation was intended to provide technical assistance for school districts that implemented a parent involvement program. Since I am deleting the funding for this program, pending the receipt of a revised legislative proposal, this augmentation is not necessary. I am deleting Provision 16 to conform to this action.

I am also reducing Schedule (b) of this item by eliminating the legislative augmentation of $250,000 for support of the English language learners program established pursuant to legislation enacted during the 1999–00 Regular Session that becomes operative on or before January 1, 2000. This augmentation was approved by the Legislature prior to the development and adoption of the program for English language learners and based on the assumption that the State Department of Education (SDE) would play a greater role in administering the program. However, given that the funding for this program is to be allocated based on a specified formula, state operations costs should be minimal. In addition, the SDE currently has 24 Bilingual Education Consultant positions that could be redirected to provide any necessary support services related to this program. I am deleting Provision 20 to conform to this action.

I am also reducing Schedule (b) by eliminating the legislative augmentation of $150,000 for the SDE to develop the appropriate project approval documents related to the California School Information Services System. These funds cannot be spent until the SDE conducts a management review of its existing data systems, and the Department of Information Technology and the Department of Finance review and approve that review. This funding for the project approval documents is premature because it is estimated that the management review will not be completed and approved to allow sufficient time to develop the project approval documents in the 1999–00 fiscal year. Furthermore, the SDE has not yet received an exemption from the Y2K Executive Order or necessary approval from the Department of Information Technology to develop the project approval documents for this project. I am deleting Provision 21 to conform to this action.

I am also reducing Schedule (b) by eliminating the legislative augmentation of $1,000,000 for a new intersegmental program to provide Advanced Placement (AP)/honors courses over the Internet. Of this funding, $700,000 was to have been for a sole-source contract to a specified contractor to provide training to high school teachers to become site coordinators for the delivery of the Internet AP/honors courses. The remaining $300,000 was to have been available to the SDE for administrative support of the program. This funding would have been premature since the University of California (UC) is still in the process of developing the AP/honors courses. Moreover, staff development might also be more appropriately provided by UC, and administrative costs of the program would exist primarily at the local level, resulting in minimal costs to the SDE. Finally, sole source contracts are permissible only on a by-exception basis. I am deleting Provision 23 to conform to this action.

I am also reducing Schedule (b) by eliminating the legislative augmentation of $450,000 for evaluations of programs administered by school districts and county offices of education. Requests for funding for evaluations should be submitted in the budget change proposal process with specific justification for the amount of funding requested. I am deleting Provision 26 to conform to this action.

Item 6110-103-0001—For local assistance, Department of Education (Proposition 98). I reduce this item from $10,696,000 to $9,508,000 and revise Provision 6.

I am reducing this item by $1,188,000 for growth funding to Apprentice programs. Over the past several years, the funding for the Apprentice programs has not been fully utilized, therefore, there is no indication that an increase in growth is necessary. However, I am maintaining $1,252,000 of the legislative augmentation for this item to provide a rate increase from $4.22 per hour to $4.86 per hour for Apprentice programs.

I am revising Provision 6 to conform to this action.

''6. Of the funds appropriated in this item, ~~$1,188,000 shall be used to provide an adjustment for growth of enrollment in apprenticeship programs operated by school districts and county offices of education and~~ $1,252,000 shall be used to provide a rate increase from $4.22 per hour, ~~as~~ specified in Provision 2 of this item, to a reimbursement rate of $4.86 per hour consistent with the requirements specified in Provision 2 of this item.''

Item 6110-114-0001—For local assistance, Department of Education (Proposition 98). I delete Provision 10.

I am deleting Provision 10 of this item which, requires any savings or unencumbered balances available in the budget year and requires it to be appropriated to reimburse desegregation program deficiencies. Desegregation claims are funded in accordance with an existing statutory formula, as limited by funding appropriated in the Budget Act. Based on these statutory provisions, there is no legal obligation to fund these programs beyond the amount provided in the annual Budget Act.

Item 6110-115-0001—For local assistance, Department of Education (Proposition 98). I delete Provision 11.

I am deleting Provision 11 of this item which, requires any savings or unencumbered balances available in the budget year and requires it to be appropriated to reimburse desegregation program deficiencies. Desegregation claims are funded in accordance with an existing statutory formula, as limited by funding appropriated in the Budget Act. Based on these statutory provisions, there is no legal obligation to fund these programs beyond the amount provided in the annual Budget Act.

Item 6110-120-0001—For local assistance, Department of Education (Proposition 98). I reduce this item from $22,102,000 to $19,202,000.

I am reducing a legislative augmentation of $7,900,000 for the expansion of the existing School-Based Pupil Motivation and Maintenance Program by $2,900,000. In reducing this augmentation, I am providing $5,000,000 to fund the backlog of 100 grant applicants. Prior to further expansion of the program, beyond the level authorized by this expansion, an evaluation of the current program's effectiveness is necessary.

Item 6110-195-0001—For local assistance, Department of Education. I delete this item and Provisions 1 and 2.

I am deleting the $29,000,000 legislative augmentation for high school academic block grants. While the provisional language in this item states legislative intent that funding received pursuant to this item be used to prepare high school students to pass the High School Exit Examination, significant flexibility has already been provided to school districts to utilize summer school and after school funding for this purpose. Moreover, the estimated statewide average high school revenue limit for 1999–00 is $4,614, versus $3,996 for unified schools and $3,840 for elementary schools.

Item 6110-196-0001—For local assistance, Department of Education (Proposition 98). I reduce this item from $904,750,000 to $854,750,000 by reducing:

(b) 30.10.020-Child Care Services from $1,281,964,000 to $1,221,964,000,

(5.2) 30.10.020.012-Special Program, Child Development, Alternative Payment Program-Stage 3 from $51,714,000 to $1,714,000,

(11) 30.10.020.901-Special Program, Child Development, Quality Improvement from $35,238,000 to $25,238,000,

(e) Amount Payable from the Federal Trust Fund (Item 6110-196-0890) from –$630,409,000 to –$620,409,000,

and by revising Provision 9 and deleting Provisions 7(c.2.) and Provision 20.

I am deleting $50,000,000 for CalWORKs Stage 3 child care and setting these funds aside for restoration upon enactment of legislation. This amount reflects a legislative augmentation to the proposed May Revision level of services which unnecessarily grants access to a continuous child care slot for some CalWORKs families who are still within their transitional period of entitlement to child care services. This creates an inequity between working poor families and CalWORKs families.

As I indicated in my May Revision proposal, the Administration's policy for increasing permanent child care capacity is to grant at least equal access, based on state level affordability, to working poor populations who must compete for child care benefits on the basis of lowest income. The remaining Stage 3 amount of $1,714,000 understates the remaining funding in Stage 3 due to a technical error that inadvertently shifted funds between Stages 2 and 3 during preparation of the budget bill. The correct amount should be $77,500,000 which will be amended through the technical revision process with the Controller. The remaining amounts are estimated to fully fund permanent slots for the first cohort of CalWORKs families who will exhaust their two year transitional benefit effective January 1, 2000.

While Stage 2 and the child care reserve provide sufficient funds for the estimated numbers of CalWORKs families still covered by the transitional entitlement, I recognize that the estimate is subject to error. I am therefore setting aside this $50 million for restoration upon enactment of legislation which would schedule it for Stage 2 child care with revised control language in Stage 3 developed by the Department of Finance which includes ''grandfathering'' into continuous care any families served under the current year appropriation who exhaust transitional benefits during the budget year if the new increment of $17.5 million budgeted in Stage 3 proves insufficient.

I am also revising Provision 9 as follows to conform to this action:

''9. $60,000,000 of the funds in Schedule (b)(5.2) are intended to be for families who have been receiving child care services pursuant to Section 8351 or 8353 of the Education Code and who are currently receiving cash assistance or have been off of cash assistance. Alternative payment providers shall continue to replace families receiving child care services through the alternative payment program as set forth in Section 8220.1 of the Education Code until all the federal funds described in this section have been committed to families who have been receiving child care services pursuant to Section 8351 or 8353 of the Education Code and meeting the conditions specified previously. ~~$67,500,000~~ $17,500,000 of the funds in Schedule (b)(5.2) of this item are reserved exclusively for child care for former CalWORKs recipients who have left cash aid, but still meet eligibility requirements for receipt of child care services.''

I am also deleting the $10,000,000 federal fund legislative augmentation for initiating a new program of direct state contributions for child care worker compensation. While turnover in the child care profession may create problems for certain communities in filling vacancies in a timely manner, I am not convinced that this approach is warranted. I am concerned with both introducing direct state subsidies into an occupation or profession which is subject to local market forces as well as establishing a costly new state responsibility that will grow rapidly over time. In addition, this augmentation results in an additional transfer from the TANF surplus which creates additional encroachment on General Fund resources in the future. Proposition 10 provides funding at local discretion to improve early childhood development programs. This source may be an alternative to the extent local commissions believe the problems

of staff turnover are of sufficient local priority. In any event, I believe local discretion is preferable to creation of a costly new statewide program.

I am deleting Provision 7(c.2) of this item and revising Provision 4 of subsidiary Item 6110-196-0890 to conform to this action.

Furthermore, I am deleting Provision 20, which specifies, among other activities, an intent that a new family fee schedule for child care be implemented through legislation. Current law already authorizes the Superintendent of Public Instruction to develop and revise the fee schedule. Legislation for this purpose is, therefore, not necessary. As I have indicated previously in both the Governor's Budget Summary and May Revision, reforming the family fee schedule in line with the recent recommendations of two multi-agency task forces is needed to more fairly distribute limited state subsidies and to diminish inappropriate incentives created by the current schedule. While I believe additional legislation is unnecessary, I support the remaining intent statements and encourage the Department of Education to both gather broad-based public input, including input from taxpayers and families on waiting lists, and to work with the Department of Social Services to develop a new schedule and secure the approval of the Secretary of Health and Human Services by April, 2000. It would then be appropriate for the Superintendent to implement the new schedule for the 2000–01 fiscal year.

Item 6110-196-0890—For local assistance, Department of Education. I reduce this item from $630,409,000 to $620,409,000 and revise Provision 4.

I am deleting $10,000,000 from this subsidiary item to conform to my action in Item 6110-196-0001 relative to child care worker compensation.

I am also revising Provision 4 of this item as follows to conform to that action since the additional transfer of funds from TANF is not necessary:

''4. Of the funds appropriated in this item, ~~$267,300,000~~ $257,300,000 is from the transfer of funds from the federal Temporary Assistance for Needy Families (TANF) Block Grant administered by the State Department of Social Services to the federal Child Care and Development Block Grants (CCDBG) for Stage 2 child care. This amount may be increased by transfer from the CalWORKs child care reserve pursuant to Items 5180-111-0551 and 5180-112-0551 of this act, except that funds shall not be first transferred to the Child Care Development Block Grant if those transfers result in an increase to the federal quality requirements beyond the level currently budgeted for quality activities.''

Item 6110-250-0001—For local assistance, Department of Education (Proposition 98). I reduce this item from $20,000,000 to $8,239,000, and delete Provision 1 and revise Provision 2:

I am reducing this item by eliminating the funding for the Parent Involvement Program. I am not satisfied that the budget proposal meets my goal of providing teachers the opportunity to visit their students' homes on weekends and evenings to meet with parents or guardians, as well as opening schools on weekends to allow working parents the opportunity to meet with their children's teachers as a means of becoming more involved with their children's education. I will consider legislation to achieve this objective.

The remainder of the funds in this item shall be used for the purpose of providing funds to compensate for the elimination of the transfer of unallocated Educational Revenue Augmentation Funds (ERAF) from Marin County for special education. However, I am reducing that amount by $5 million, and request legislation to cap the ERAF amount retained by Marin County at $8,239,000 for one year. This action is necessary to ensure that the State maintains a prudent reserve.

I am deleting Provision 1 and making the following changes to conform to this action:

"6110-250-0001-For local assistance, Department of Education, (Proposition 98), for transfer to Section A of the State School Funds, ~~Parent Involvement Grant Program~~..... ~~20,000,000~~ 8,239,000

1. ~~The funds appropriated in this item are available to fund the Parent Involvement Grant Program contingent upon the creation of that program pursuant to legislation enacted during the 1999–2000 Regular Session.~~
2. Of the funds appropriated in this item, not more than ~~$13,239,000~~ $8,239,000 may be used for the purpose of providing funds to compensate for the elimination of the remainder of unallocated Education Revenue Augmentation Funds (ERAF) from Marin County for Special Education."

Item 6110-490—Reappropriation, Department of Education. I revise this item by deleting language that is unnecessarily restrictive.

I am deleting language which would have required that specific portions of the reappropriated funds to the Fiscal Crisis and Management Assistance Team (FCMAT) be used for purposes of implementing the recovery plans at Compton Unified School District and for initiating audits of the San Francisco Unified School District and the Oakland Unified School District. FCMAT should have the flexibility to determine its priorities regarding the projects for which the additional funding will be used. Additionally, the education trailer bill specifically appropriates funds for the Oakland School District audit. However, I request that FCMAT conduct a comprehensive review of the San Francisco Unified School District's financial condition and submit a report to the Superintendent of Public Instruction, the Director of Finance, the Secretary for Education, and the district by October 30, 1999. The review should include an assessment on whether the district is capable of meeting its fiscal obligations for the current and two subsequent fiscal years. This review may begin immediately but shall incorporate data from the closing of the 1998–99 fiscal books.

Subdivision 1 is revised as follows:

"(1) The unencumbered balance as of June 30, 1999, from Schedule (c) of Item 6110-107-0001 of Section 2.00 of the Budget Act of 1996 (Ch. 162, Stats. 1996) and the unencumbered balance as of June 30, 1999, from Schedule (c) of Item 6110-107-0001 of Section 2.00 of the Budget Act of 1997 (Ch. 282, Stats. 1997) to augment Schedule (b) of Item 6110-107-0001 of Section 2.00 of this act, for allocation by the Controller directly to the county office of education that is selected pursuant to subdivision (a) of Section 42127.8 of the Education Code to oversee Fiscal Crisis and Management Assistance Team (FCMAT) responsibilities with respect to these funds and to meet the costs of participation under Section 42127.8 of the Education Code. ~~The funds shall be provided to the County Office Fiscal Crisis and Management Assistance Team for the following purposes:~~

~~1. $100,610 shall be provided for the purpose of implementing the recovery plans at Compton Unified School District pursuant to Chapter 767 of the Statutes of 1997.~~

~~2. $66,000 shall be provided for the purposes of initiating an audit of the Oakland Unified School District.~~

~~3. $66,000 shall be provided for the purpose of initiating an audit of the San Francisco Unified School District.~~ "

Item 6120-140-0001—For local assistance, California State Library. I am reducing this item from $937,000 to $400,000

I am reducing $537,000 of the $937,000 legislative augmentation for local library projects. While these projects are all meritorious, I am reducing the funding so that I can ensure the State maintains a prudent reserve.

I am revising Provision 1 to conform to this action.

"1. Funds appropriated in this item are for the purpose of funding local assistance projects at local public libraries. These funds are to be allocated on a one-time basis only.

~~(a) Of the funds appropriated in this item, $150,000 is for the purpose of funding computers and materials at Ventura City Library.~~

~~(b) Of the funds appropriated in this item, $48,000 is for the purpose of funding the Foster Library Homework Center at Ventura City Library.~~

~~(c) Of the funds appropriated in this item, $167,000 is for the purpose of funding a multimedia youth center at Anaheim Public Library.~~

(d) Of the funds appropriated in this item, $120,000 is for the purpose of funding homework materials at nine branch libraries of the San Diego County Library.

(e) Of the funds appropriated in this item, $140,000 is for the purpose of funding a library bookmobile at the Humboldt County Library.

(f) Of the funds appropriated in this item, $140,000 is for the purpose of funding improvements and renovation at McFadden Library.

~~(g) Of the funds appropriated in this item, $160,000 is for the purpose of funding renovation at Foresthill Library.~~

~~(h) Of the funds appropriated in this item, $12,000 is for the purpose of funding the Palmdale City Library~~ ."

Item 6120-221-0001—For local assistance, California State Library. I reduce this item from $58,870,000 to $56,870,000

I am reducing $2,000,000 of the $20,000,000 augmentation provided for the Public Library Foundation. I am very supportive of additional funding for local public libraries and see them as a key component to increasing literacy. With this augmentation, I am increasing the program by more than 45 percent. This amount, coupled with last year's augmentation, increases funding for public libraries by almost 150 percent over the two year period.

Item 6360-001-0407—For support of the Commission on Teacher Credentialing. I reduce this item from $15,091,000 to $14,582,000 by reducing:

(a) 10-Standards for Preparation and Licensing of Teachers from $15,091,000 to $14,582,000;

(b) 10.40.010-Departmental Administration from ($4,766,000) to ($4,257,000);

(c) 10.40.020-Distributed Departmental Administration from (−$4,766,000) to (−$4,257,000); and by deleting Provision 5.

I am deleting the $509,000 augmentation to fund two new information technology projects. The feasibility study reports for these two projects have been disapproved by the Department of Information Technology pending Year 2000 remediation efforts. In my Executive Order D-3-99, I have indicated that Year 2000 remediation is the State's highest priority for information technology for the upcoming year, and have directed the Department of Information Technology to develop and coordinate a comprehensive State solution. Consequently, all new non-Year 2000 computer projects not required by law are being deferred. Therefore, it would be premature to provide funding at this time.

I am deleting Provision 5 to conform to this action.

Item 6420-001-0001—For support of California Postsecondary Education Commission. I reduce this item from $3,397,000 to $2,973,000 by reducing:

(a) 100000-Personal Services from $2,846,000 to $2,629,000, and

(b) 300000-Operating Expenses and Equipment from $850,000 to $683,000.

I am deleting the $424,000 legislative augmentation to expand the scope of the Commission's higher education database to support studies of student progression and outcomes of higher education. It is premature to expand this database because the Commission has not submitted a proposal to the Department of Information Technology or Finance to determine the specific business need to be addressed and whether the proposed information technology project provides a viable solution. In addition, there are unresolved issues dealing with privacy laws and the use of social security numbers to track students. The reduction to Operating Expenses and Equipment is offset by a $40,000 increase that was necessary due to a technical error which occurred during budget bill preparation that inadvertently understated the Operating Expenses and Equipment schedule by $40,000.

Item 6440-001-0001—For support of University of California. I reduce this item from $2,548,853,000 to $2,541,403,000 by reducing:

(a) Support from $2,426,853,000 to $2,419,403,000,

and revising Provision 10 and deleting Provision 20.

I am sustaining the $25,000,000 augmentation for deferred maintenance ($7.1 million), instructional equipment ($7.1 million), educational technology ($7.1 million), and library materials ($3.7 million). Future funding for these purposes will be agreed upon with the University of California as part of the partnership agreement currently being negotiated. I expect the partnership agreement to encompass funding stability, negotiated goals, measurable performance objectives, and accountability.

I am deleting the $5,300,000 legislative augmentation to backfill a reduction in summer term fees, which is intended as an interim step in moving to year-round operations. I will be directing the Department of Finance to conduct a study on the feasibility and costs of year-round operations at the University of California and California State University. The study will include an analysis of the costs and benefits of fully utilizing existing facilities on a year-round basis. A reduction in summer fees prior to establishing year-round operations would not result in additional enrollment or course offerings, but would simply increase General Fund costs.

I am reducing the $2,000,000 legislative augmentation for professional school outreach by $500,000 to $1,500,000. This $1.5 million augmentation represents a 300 percent increase in funding for professional school outreach, bringing the total to $2,000,000, including the current base funding for this program. I am revising Provision 10 to reflect an allocation of $1,125,000, instead of $1,500,000, for medical school outreach and engineering and science doctoral program outreach. Due to a technical error during preparation of the budget bill, Provision 10 of this item reflects a $500,000 allocation for law school outreach, instead of reflecting $1 million. As reflected below, I am reducing this allocation from $l million to $750,000. I am revising Provision 10 to conform to the above actions.

''10. Of the amount appropriated in schedule (a), ~~$40,500,000~~ *$40,000,000* is provided for outreach to be used to fund new and existing programs that are aimed at improving the chances for pupils from a wide diversity of backgrounds to become eligible for the University of California, as follows:

(a) The following amounts are for pupil academic development and school partnership programs and shall be matched on a one-to-one basis by the participating schools:

(1) $15,000,000 is to expand pupil academic development programs, including MESA, Puente, and the Early Academic Outreach Program, so that these programs may increase the number of pupils who participate in the programs and may offer services such as college admissions test preparation programs, fee waivers for Advance Placement tests,

and an increased number of field trips for high school and middle school participants to visit college campuses.

(2) $15,000,000 is provided for the expansion of K–12 school partnership pro-grams to systemically reform partner schools in order to achieve long-term improvements in student success.

$1,000,000 is provided to expand both pupil academic development programs and K–12 partnership programs in the central valley.

(b) $3,500,000 is provided for expansion of services to community college students to promote transfer.

(c) $1,000,000 is provided for informational outreach to pupils, families, and K–12 teachers and counselors.

(d) $1,000,000 is provided for charter schools.

(e) $500,000 is provided for outreach by professional schools to be matched on a one-to-one basis by those professional schools.

(f) ~~$2,000,000~~ *$1,500,000* is provided for systemwide graduate and professional school outreach, to be matched by ~~$2,000,000~~ *$1,500,000* in university funds. Of these funds, ~~$1,500,000~~ *$1,125,000* shall be provided for medical school outreach, ~~$1,500,000~~ *$1,125,000* for engineering and science doctoral program outreach, and ~~$500,000~~ *$750,000* for law school outreach.

(g) $1,500,000 is provided for long-term evaluation of the effectiveness of outreach programs, including college graduation rates for pupils who participated in the K–12 programs, regardless of the college attended.''

I am sustaining $1,000,000 of the $2,000,000 legislative augmentation for liver and kidney transplant research for people with HIV, which will permit the San Francisco campus to examine organ transplants treatment options for individuals with HIV. Because this is a new undertaking, I am reducing this augmentation by $1,000,000, and asking the University to report to the Administration and the Legislature on the results of this research.

I am deleting the $600,000 legislative augmentation to provide funding for the New Teacher Center at the Santa Cruz campus. This Center should be funded through the University's budget for teacher preparation programs. Alternatively, the Center could charge fees for its services.

I am deleting the $50,000 legislative augmentation for student voter registration information. While voter registration is an important activity, it does not appear necessary to provide funding for an activity that could be easily undertaken by campus groups or other civic groups.

I am sustaining the $4 million legislative augmentation to implement advanced placement on-line courses. I am requesting the University to provide an ongoing evaluation of the program's effectiveness.

I am sustaining the $2,000,000 legislative augmentation for AIDS programs. I am deleting Provision 20 which provides that these funds be used for core infrastructure support for interdisciplinary coordination of AIDS research at University of California medical schools, and provides how funds are to be allocated among campuses. Instead, consistent with the its constitutional autonomy, I am requesting the University of California to appropriately allocate these funds specifically for AIDS research.

Although the Legislature deleted funding for the support of the Internet 2 project, I would support legislation appropriating $1 million for this effort.

Item 6440-001-0234—For support of University of California. I reduce this item from $38,726,000 to $36,726,000.

I am reducing the $9,000,000 legislative augmentation for tobacco use research by $2,000,000 to conform to my action in Items 4260-001-0001 and 4260-001-0231.

Item 6440-301-0574—For capital outlay, University of California. I reduce this item from $9,494,000 to $6,494,000 by deleting:

San Francisco Campus:

(2.2) 99.02.120-Mission Bay Research Building-Preliminary Plans ($3,000,000).

I am deleting the legislative augmentation of $3,000,000 for preliminary plans for the San Francisco Mission Bay Research Building project because it is more appropriately funded from revenue bonds. I am concerned about the use of higher education bond funds for a facility that is not instructionally based, because I believe that those limited bond resources should be utilized first for instructional and instructional support facilities. Because I am supportive of this proposal, however, I am sustaining the authorization provided in Item 6440-401 which will allow the University to construct the research facility at the Mission Bay site using ''Garamendi'' bonds, and I will propose the adoption of a resolution by the Regents authorizing that approach.

Item 6610-001-0001—For support of California State University. I reduce this item from $2,221,286,000 to $2,190,847,000 by reducing:

(a) Support from 2,977,761,000 to $2,947,422,000

and by revising Provision 10.

I am sustaining the $8,000,000 legislative augmentation to accelerate the development of California State University's (CSU) integrated technology strategy. This augments the $2,000,000 currently allocated to this project. I am also sustaining the $8,000,000 legislative augmentation for deferred maintenance. Future funding for these purposes will be agreed upon with the California State University as part of the partnership agreement currently being negotiated. I expect the partnership to encompass funding stability, negotiated goals, measurable performance objectives, and accountability.

I am deleting the $10,400,000 legislative augmentation to provide an average of four percent increase in employee compensation to all employees. This augmentation is unnecessary as the May Revision provided sufficient funds for the proposed increase.

I am deleting $9,559,000 in legislative augmentations to provide employee compensation increases above the four percent increase for all employees. The augmentations would provide additional compensation for skilled tradesworkers ($889,000), employees represented by the Statewide University Police Association ($270,000), and for employees represented by the California State Employees Association ($8,400,000) to fund additional raises of between 2 and 2.35 percent. Setting aside funds for salary increases for specific classifications would set an undesirable precedent. Specific increases should be negotiated with each bargaining unit, and I encourage the Trustees to continue collective bargaining negotiations with these employee groups.

I am deleting the $7,500,000 legislative augmentation to supplement high cost academic programs. Funding for the California State University's programs is based on a marginal cost formula that provides for an average student to faculty ratio of 18.9 to 1. While some programs may have lower student to faculty ratios, the University has the ability to offset these costs against programs that have higher student to faculty ratios. Since the University is able to make adjustments to account for the differential costs of various programs, it would be inappropriate to provide supplemental funding above the marginal-cost formula.

I am reducing the $2,000,000 legislative augmentation for the California Academic Partnership Program which supports California State University's participation in partnerships with K–12 schools and community colleges by $1 million. The remaining augmentation will double the existing program. Additionally, $15 million is provided to California State University for other outreach programs, which represents a 250 percent increase over the prior year.

I am revising Provision 10 of Schedule (a) to conform to this action and to correctly reference that a total of $15,000,000 is being provided for outreach. Due to a technical error during the preparation of the budget bill, the total outreach funds referenced in Provision 10 were understated by $12 million. I am revising Provision 10 as follows:

"10. Of the funds appropriated in Schedule (a), ~~$4,000,000~~ *$15,000,000* is provided for outreach to be used to fund new and existing programs that are aimed at improving the chances for K–12 pupils from a wide diversity of backgrounds to become eligible and prepared for the California State University. Of this total, $5,000,000 is provided for faculty-to-faculty alliance with high school teachers of English and mathematics, $4,000,000 is provided for learning assistance programs in high schools, and $2,000,000 is provided for the Precollegiate Academic Development Program at the California State University, $2,000,000 is for the California State University Educational Opportunity Program (Art. 6 (commencing with Sec. 89521), Ch. 2, Pt. 55, Ed. C.), and ~~$3,000,000~~ *$2,000,000* is for the California Academic Partnership Program (Ch. 11 (commencing with Sec. 11000), Pt. 7, Ed. C.)."

I am deleting the $1,300,000 legislative augmentation to backfill a shortfall in lease revenues at the Stockton Off-Campus Center. I am setting these funds aside for legislation to provide a loan as an interim measure until the redevelopment agency includes the Center within its redevelopment zone, and California State University is able to increase the number of tenants and lease revenue.

I am deleting the $380,000 augmentation for the Coachella Valley Off-Campus Center. Routine workload adjustments for internally adopted standards should be funded from within California State University's base funding.

I am deleting the $100,000 legislative augmentation for student voter registration information. While voter registration is an important activity, it does not appear necessary to provide funding for an activity that could be easily undertaken by campus groups or other civic groups.

I am deleting the $200,000 for new engineering equipment at the Pomona campus. Although the augmentation for this equipment may be meritorious, equipment purchases for standard University use should be funded from CSU's base funding.

I am also revising Schedule (a) of this item to correct a $100,000 understatement due to a technical error in the Budget Bill.

I am sustaining the $360,000 legislative augmentation to fund the Royball Institute for Applied Gerontology. However, this is a one-time augmentation, and the University needs to address the need for a reliable funding source for this program.

Item 6610-002-0001—For support of California State University. I reduce this item from $2,454,000 to $2,314,000 by reducing:

(f) Judicial Fellows from $341,000 to $201,000

I am deleting the $140,000 legislative augmentation to add five additional judicial fellows. This program currently supports five judicial fellows and there is no compelling need to expand the program at this time.

Item 6870-001-0001—For support of Board of Governors of the California Community Colleges. I reduce this item from $11,140,000 to $11,006,000 by reducing:

(b) 20-Special Services and Operations from $17,332,000 to $17,198,000.

I am reducing the legislative augmentation of $184,000 for the Student Senate by $134,000 including the two new permanent full time positions. I am willing to sustain $50,000 which will double the current budget for support of student representatives in the consultation process. Noting that the other higher education segments support similar activities from voluntary student assessments, the Student Senate may wish to promote this concept at their campuses if additional support for this function is desired.

Item 6870-101-0001—For local assistance, Board of Governors of the California Community Colleges (Proposition 98). I reduce this item from $2,259,249,000 to $2,236,714,000 by reducing:

(e) 20.10.005-Student Financial Aid Administration from $6,518,000 to $6,416,000
(f) 20.10.010-Extended Opportunity Programs and Services and Special Services from $76,577,000 to $70,077,000
(h) 20.10.040-Fund for Student Success from $18,578,000 to $15,218,000
(j) 20.10.060-Foster Care Education Program from $1,892,000 to $1,866,000
(n) 20.20.020-Academic Senate for the Community Colleges from $504,000 to $497,000
(o) 20.20.040-Faculty and Staff Diversity from $1,885,000 to $1,859,000
(p) 20.20.050-Part-Time Faculty Health Insurance from $1,000,000 to $500,000
(r) 20.30.010-Faculty and Staff Development from $5,307,000 to $5,233,000
(s) 20.30.011-Telecommunications and Technology Infrastructure from $28,220,000 to $28,000,000
(y) 20.40.035-Instructional Equipment and Library Materials Replacement from $44,620,000 to $44,000,000.

by deleting

(dx) 10.10.055-Full-Time Faculty ($10,600,000)
(zz) 20.40.047.002-College of the Desert ($500,000)

and by revising Provisions 8, 10, and 18

I am deleting the legislative augmentation of $10,600,000 in schedule (dx) for converting part-time faculty positions to full-time. While I am supportive of growth in full-time faculty, the community college system is utilizing part-time faculty in numbers consistent with the national average. Moreover, substantial growth in full-time hires is already taking place at district discretion through general purpose growth funding increases and augmentations for the Partnership for Excellence, both of which are substantially increased in this budget and which require accountability for increased student outcomes, consistent with my overall policy for the higher education segments.

I am supportive of improved working conditions for part-time faculty; therefore, I am deleting and setting aside the $500,000 legislative augmentation in schedule (p) for the Part-Time Faculty Health Benefits program for legislation designed to improve utilization of the state health benefit incentive, targeted at those part-time faculty members who do not have access to health coverage through another existing employer or their spouse's employer. I am also sustaining the $500,000 augmentation for the Part-Time Office Hours program to expand teacher-student interaction at community college campuses.

I am reducing the $2,000,000 legislative augmentation for the Cooperative Agencies Resources for Education (CARE) program in schedule (f) by $1,500,000 because, while this program is meritorious to the target population, the magnitude of this increase is inconsistent with the growth rate in the target population eligible for these services.

I am revising Provision 8 to conform to this action in context of other actions to schedule (f) described below.

I am deleting the $500,000 legislative augmentation for the Desert Community College District in schedule (zz). Although this additional augmentation may be meritorious, I am deleting the funding in this item to ensure the State maintains a prudent reserve.

I am deleting legislative augmentations totaling $8,360,000 in schedules (f) and (h) for Extended Opportunity Programs and Services ($5,000,000) and the Puente Program ($3,360,000), respectively. Partnership for Excellence funding has already been

augmented by $45 million in this budget, which provides resources for all districts to initiate and expand these successful categorical programs or any others which increase student outcomes at their discretion.

I am revising Provisions 8 and 10 as follows to conform with these actions:

"8. Of the funds appropriated in Schedule (f), ~~$64,720,000~~ $59,720,000 is for Extended Opportunity Programs and Services in accordance with Article 8 (commencing with Section 69640) of Chapter 2 of Part 42 of the Education Code; ~~$11,857,000~~ $10,357,000 is for funding, at all colleges, the Cooperative Agencies Resources for Education (CARE) program in accordance with Article 4 (commencing with Section 79150) of Chapter 9 of Part 48 of the Education Code. The board of governors shall allocate funds on a priority basis and to local programs on the basis of need for student services."

"10. The funds in Schedule (h), with the exception of the funds identified in subdivisions (c) and (d) of this provision, shall be used for competitive grants to increase student success based on an analysis of student outcomes. The funds used for these grants shall be available for a limited duration, after which colleges shall institutionalize the programs within their budgets. The chancellor shall develop criteria for allocation of the competitive grants. Of the funds appropriated in Schedule (h):

(a) $1,000,000 shall be available for small planning grants of up to one year duration.

(b) $8,985,000 shall be available for the initial year of two or three year projects where the state share shall be no greater than 75% of the costs of the first year and no more than 25 in the last.

(c) Up to ~~$4,304,000~~ $944,000 is for the Puente Project if these funds are matched by $100,000 of private funds and the participating community colleges and University of California campuses maintain their 1995–96 support level for the Puente Project. These funds are not required to be allocated on a temporary basis and may be allocated on a permanent basis to support a Puente Project that meets the conditions of the Puente Project contract agreement.

(d) Up to $2,489,000 is for the Mathematics, Engineering and Science Achievement/Minority Engineering (MESA/MEP) Programs. These funds are not required to be allocated on a temporary basis and maybe allocated on a permanent basis provided the conditions for receipt of funds continue to be met. For each dollar allocated, the recipient district shall provide one dollar in matching funds.

(e) No less than $1.8 million is reserved for expansion of middle colleges pursuant to the Governor's initiative. Of the funds provided herein, the chancellor shall have the discretion to extend the grant period beyond the normal pattern for the Fund for Student Success as necessary to meet the goals of the initiative.

(f) With the exception of special part-time students at the community colleges pursuant to Section 48802 of the Education Code, student workload based on participation in the Middle College High School Program shall not be eligible for community college state apportionment. As a condition of receipt of funds pursuant to Provision 15 (a) and (b), colleges must submit to the chancellor's office a yearly report including: an expenditure plan, a progress report detailing number of students served, and the ability of the college to increase student success based on an analysis of student outcomes. It is the intent that the chancellor's office submit an annual report to the Legislature and Department of Finance by November 1, of each year. The report shall include an analysis of the programs funded at

each campus, including the effects on student outcomes. The chancellor shall also identify any colleges which did not continue operation of the program after state funds have ceased and the reasons therefore.''

I am reducing the $1,075,000 legislative augmentation for seven specialized categorical programs in schedules (j), (r), (n), (o), (e), (s) and (y) for cost-of-living (COLA) increases. These programs are not primarily salary nor student-growth driven and, as such, do not present a compelling case for COLA adjustments.

I am revising Provision 18 to conform to this action as follows:

''18. (a) $15,600,000 of the funds provided in Schedule (s) shall be for the purpose of providing allocations to all districts. It is the intent that colleges receiving these funds shall maintain all of the capabilities specified in the 1996–97, 1997–98 and 1998–99 Budget Acts for the Telecommunications and Technology Infrastructure program. The funds appropriated in this item shall be allocated by the chancellor, shall not supplant existing funds used for technology and networking purposes, and shall be subject to established fiscal controls, annual reporting and accountability requirements specified by the chancellor. It is the intent that this allocation shall enable further development of networks. Therefore, colleges shall match maintenance and ongoing costs with other funds, after installation, for the following required purposes: (1) maintenance of communication lines, software and other costs associated with connecting to the collaborative California State University/California Community College telecommunications wide area network (C Net); (2) video conference connectivity, transport, maintenance, and training; (3) local planning and development for improving library technology including library automation, connections to college local area networks and connections to external data bases; (4) digital satellite systems and the following optional purposes: (A) the development and expansion of local area networks both within and between buildings:

(B) development of district-wide area networks for interconnecting multiple campuses and off-campus centers within a district; and

(C) implementation of local technology applications that are intended to improve student learning and other services.

The chancellor shall allocate the ~~$15,820,000~~ $15,600,000 by providing ~~$140,701~~ $138,645 for each of the 107 colleges and $45,000 for each of the 17 governing sites that are not colocated (sic) with the colleges. All provisions related to technology standards and telecommunication plans as specified in Provision 17(a) of Item 6870-101-0001 of Section 2.00 of the Budget Act of 1996 (Ch. 162, Stats. 1996) and Provision 14(a) of Item 6870-101-0001 of Section 2.00 of the Budget Act of 1997 (Ch. 282, Stats. 1997), shall apply.

(b) $6,400,000 of the funds provided in Schedule (s) of this item shall be for the purpose of supporting technical and application innovations and for coordination of activities that serve to maximize the utility of the technology investments of the community college system toward improving learning outcomes. Allocations shall be made by the chancellor, based on criteria and guidelines as developed by the chancellor, on a competitive basis through the RFA/RFP application process as follows:

(1) At least $700,000 shall be available for technical and application pilot projects that improve intercollege relationships in the areas of: (a) learning and instructional services; (b) student services; and (c) administrative services, however not more than 25 percent of the amount shall be allocated for this purpose.

(2) All provisions as specified in Provision 17(b)(2) of Item 6870-101-0001 of Section 2.00 of the Budget Act of 1996 (Ch. 162, Stats. 1996) shall apply to Provision (1) above.

Not more than $3,700,000 shall be available for centers to provide regional coordination for technical assistance and planning, cooperative purchase agreements, and faculty and staff development. All other provisions as specified in Provision 17( )b)(3) of Item 6870-101-0001 of Section 2.00 of the Budget Act of 1996 (Ch. 162, Stats. 1996) shall apply. The $1.5 million increase from the previous year for this subdivision is intended to fund the segment's share of upgrading the 4C Net backbone from an OC-3 to an OC-12 Network and shall be matched dollar for dollar by the CSU. If this condition is not met, the chancellor shall report the reasons the expenditure should still be made on any other use of the funds using the reporting provisions of the Section 28.00 process.

(4) $2,000,000, or as much as necessary, shall be available for a statewide digital uplink for the purpose of delivering statewide satellite services to system colleges and districts related to instruction, student support, and administration.

(c) $6,000,000 of the funds provided in Schedule (s), shall be for allocations to community college districts to fund faculty and staff training in the use of technology to assist learning (including distance education and online courses), expand access, and contribute to student success. The chancellor shall develop an allocation formula that reflects the number of faculty and provides a minimum grant for small sites. The disbursement of funds shall be contingent upon inclusion of a satisfactory staff development component by each district within its telecommunications and technology use plan, as specified by the chancellor. Districts may not use these funds to supplant existing training and staff development efforts related to technology; the chancellor shall ensure that these funds are used for additional training and development in the use of technology. The use of technology training allocations shall be included in reports required for this program.

(d) The chancellor shall submit an annual report to the Legislative Analyst, the budget and fiscal committees of the Legislature, and the Department of Finance no later than November 1, 1999, identifying any changes to the standards developed pursuant to the control provisions for this program in the Budget Act of 1997 (Ch. 282, Stats. 1997), the status of the implementation of the telecommunication and technology infrastructure program to date and any additional needs, including the reasons therefore.''

Item 7980-001-0001—For support of Student Aid Commission. I reduce this item from $9,256,000 to $8,006,000 by reducing:

(a) 15-Financial Aid Grants Program from $9,302,000 to $8,052,000,

and deleting Provision 1.

I am deleting the $250,000 legislative augmentation to fund the Commission's costs of adjusting its systems to provide Cal Grants for summer programs. I will be directing the Department of Finance to conduct a study on the feasibility and costs of year-round operations at the University of California and California State University. The study will include an analysis of the costs and benefits of fully utilizing existing facilities on a year-round basis. It would be premature to expand financial aid for year-round operations prior to completing this study. I am deleting Provision 1 to conform to this action.

I am deleting the $1,000,000 legislative augmentation to expand the College Making It Happen outreach program. This program is administered by the Intersegmental Coordinating Committee (ICC) of the California Education Roundtable. ICC activities are

currently funded by its members, which include the Association of Independent Colleges and Universities, the California Community Colleges, the California Department of Education, the California Postsecondary Education Commission, the California State University, and the University of California. I encourage members to continue funding ICC activities, such as College Making It Happen, and to raise additional private funds to expand ICC activities.

Item 7980-101-0001—For local assistance, Student Aid Commission. I reduce this item from $384,429,000 to $379,429,000 by reducing:

(a) 15-Financial Aid Grants Program from $393,656,000 to $388,656,000,

and by deleting Provision 6.

I am deleting the $5,000,000 legislative augmentation for additional Cal Grant T awards beginning in 1999–00. This program provides Cal Grants to individuals enrolled in teacher preparation programs. As an alternative, my Budget proposed, and the higher education trailer bill includes, authorization for an additional 1,000 awards under the Assumption Program of Loans for Education (APLE). APLE provides loan forgiveness for each year of teaching service in a recognized shortage area, up to a maximum of $11,000 for four years of teaching service. This provides a stronger incentive for individuals receiving financial aid to provide the required teaching service. I am deleting Provision 6 to conform to this action.

Item 8100-101-0001—For local assistance, Office of Criminal Justice Planning. I reduce this item from $75,661,000 to $71,581,000 by reducing:

(vx) 50.30.700-Special Projects-Public Safety from $6,218,000 to $2,138,000

and I am deleting Provisions 3 and 4.

I am reducing this item by $300,000 by deleting the augmentation to purchase a mobile emergency center for the City of Palmdale because providing equipment for law enforcement is primarily a local responsibility. In addition, the budget includes $30 million in order to address one-time local law enforcement equipment needs through competitive grants.

I am reducing this item by $1,265,000 by deleting the following legislative augmentations because these funds are proposed to fund ongoing programs that are local responsibilities and should be provided on a priority basis from local funds:

$500,000 for the Orange County Multi-Agency Task Force.

$500,000 for Ventura County Violence Prevention.

$150,000 for the Elk Grove Gang Prevention Program.

$115,000 for City of Oceanside ''Gangbusters.''

I am further reducing this item by $2,515,000 by deleting the following legislative augmentations. Although these programs may be meritorious, I am deleting the funding for them because these funds are proposed to fund programs that are local responsibilities and should be provided on a priority basis from local funds:

$1,850,000 for MUNI Cameras.

$500,000 for Antelope Valley Gang Prevention.

$100,000 for Antelope Valley Courthouse Security.

$50,000 for Anaheim Laboratory Design.

$15,000 for City of Danville Public Safety Equipment.

I am also deleting Provisions 3 and 4. Provision 3 would define ''violence prevention'' and ''violence prevention programs'' for the purposes of programs operated by the Office of Criminal Justice Planning. Provision 4 would require the Office of Criminal Justice Planning to evaluate its violence prevention programs. These provisions are unnecessarily restrictive and confusing, and would infringe upon the ability of the Executive Branch to properly prioritize and address its responsibilities.

Item 8260-103-0001—For local assistance, California Arts Council. I reduce this item from $35,347,000 to $26,187,000 by deleting or reducing allocations for various projects in this item.

Although these projects may be meritorious, I am reducing or deleting the funding for them to ensure that the State maintains a prudent reserve. I am deleting funding for the Children's Museum of La Habra Edwards Air Force Base Flight Test Museum, the Fender Museum and Education Center, the Historical Air Museum, the Los Angeles Children's Museum, the Miner's Foundry Cultural Center, the Northern Los Angeles County Historic Agricultural Museum, the Palmdale Historic Airpark and the Port San Luis Marine Institute. I am also reducing the appropriation for the Los Angeles Civic Center by $5,000,000 from $10,000,000 to $5,000,000.

I am revising Provision 1 to conform to this action.

''1. Of the funds appropriated in this item, the following allocations shall be made to museums and cultural institutions: $464,000 for the Armenian Film Foundation; $250,000 for Arte Americas; $1,600,000 for the Asian Art Museum; $162,000 for the Bonita Historical Museum; $500,000 for the Brava Theater Youth Outreach; ~~$410,000 for the Children's Museum of La Habra;~~ $1,000,000 for the Chinese-American Museum and Italian Hall; ~~$100,000 for the Edwards Air Force Base Flight Test Museum;~~ $750,000 for the El Pueblo de Los Angeles Historic Monument; ~~—$200,000 for the Fender Museum and Education Center;~~ $34,000 for the Harry Sweet Film Archives; $40,000 for the historic transportation system in Old Sacramento; ~~—$500,000 for the Historical Air Museum;~~ $1,000,000 for the Hollywood Entertainment Museum; $1,000,000 for the Japanese-American National Museum; $800,000 for the Latino Museum of History, Art and Culture; ~~$2,000,000 for the Los Angeles Children's Museum; $10,000,000~~ *$5,000,000* for the Los Angeles Civic Center; $250,000 for the Mexican-American Heritage Museum; $1,250,000 for the Mid-Peninsula Jewish Community Center; ~~$200,000 for the Miner's Foundry Cultural Center;~~ $250,000 for the Model Railroad Museum at Balboa Park; $540,000 for the Museum of Latin American Art; $1,500,000 for the Natural History Museum of Los Angeles County; ~~$200,000 for the Northern Los Angeles County Historic Agricultural Museum;~~ $1,000,000 for the Orange County Marine Institute ~~;~~ ~~$50,000 for the Palmdale Heritage Airpark; $350,000 for the Port San Luis Marine Institute~~ ; $145,000 for the Randall Museum; $72,000 for the Redding Old City Hall Arts Center; $200,000 for the San Bernardino County traveling museum exhibit; $500,000 for the San Diego Maritime Museum; $2,000,000 for the San Francisco Jewish Museum; $1,000,000 for the San Francisco Mexican Museum; $45,000 for the San Francisco Philharmonic; $35,000 for the Santa Clarita Historical Steam Engine; $200,000 for the Santa Maria Children's Museum; $2,000,000 for the Simon Weisenthal Center Museum of Tolerance; $2,000,000 for the Skirball Museum; and $400,000 for the Zimmer Museum.

I am also reducing the amount specified in Provision 5 for administrative costs of the Arts Council from $350,000 to $200,000 to reflect the fact that I am reducing from funding for these projects.

I am revising Provision 5 to conform to this action.

''5. Of the funds appropriated by this item, ~~$350,000~~ *$200,000* shall be used by the California Arts Council to defray it for support and related expenses for performing its responsibilities under this item. The council may enter into an interagency agreement to obtain personnel services relating to the review and approval of capital outlay expenditure plans.''

Item 8350-001-0001—For support of Department of Industrial Relations. I reduce this item from $141,265,000 to $140,765,000 by reducing:

(5) 36-Commission on Health and Safety and Workers' Compensation, from $1,169,000 to $981,000,

(8) 60-Promotion, Development, and Administration of Apprenticeship and other On-the-Job Training, from $4,983,000 to $4,483,000,

(19) Amount payable from the Workplace Health and Safety Revolving Fund (Item 8350-001-0222), from –$1,169,000 to –$981,000.

I am reducing the $1,000,000 legislative augmentation and 15 positions for the Division of Apprenticeship Standards by $500,000 and 7.5 positions. With this action I am approving additional resources to oversee the operation of apprenticeship programs in the state and ensure these programs are in compliance with the rules and regulations established by the California Apprenticeship Council.

I am revising this item to conform to the action taken in Item 8350-001-0222.

Item 8350-001-0222—For support of Department of Industrial Relations. I reduce this item from $1,169,000 to $981,000.

I am deleting the $188,000 legislative augmentation and three positions for the Commission on Health, Safety, and Workers' Compensation. The need for this augmentation has not been demonstrated.

Item 8570-101-0001—For local assistance, Department of Food and Agriculture. I reduce this item from $14,015,000 to $10,515,000 by reducing:

(a) 11-Agricultural Plant and Animal, Pest and Disease Prevention from $14,015,000 to $10,515,000.

I am reducing the $4,000,000 legislative augmentation to the County High Risk Pest Exclusion Program to $500,000. The Budget I submitted in January provided for a continuation of the $5 million legislative augmentation which had been included in the 1998 Budget Act. I believe that the additional $5.5 million, coupled with the apportionment to counties of approximately $17 million annually in unclaimed refundable gas tax revenues, which is designated for this and other county agricultural programs, provides an adequate level of state support for county pest exclusion activities.

Item 8570-103-0001—For local assistance, Department of Food and Agriculture. I delete this item.

This augmentation would provide a portion of the costs of building a horse arena at the Antelope Valley Polo Grounds, which is planned for construction in the City of Lancaster. Although this project may be meritorious, I am deleting the funding for it to ensure that the State maintains a prudent reserve and because it is primarily a local project that should be funded from local resources.

Item 8955-102-0001—For local assistance, Department of Veterans Affairs. I am reducing this item from $295,000 to $135,000 by deleting:

(c) Foresthill Veterans Hall ($160,000)

I am deleting the $160,000 Legislative augmentation for renovation of the veterans hall in Foresthill. Although this augmentation may be meritorious, it is a local project that should be funded from local resources.

Item 9210-115-0001—For local assistance, Local Government Financing. I reduce this item from $4,266,000 to $3,766,000 by reducing:

(2) City of Pacifica: Police Facility from $1,000,000 to $500,000.

I am reducing the $1,000,000 legislative augmentation for the City of Pacifica to construct a police facility by $500,000 because the funding for this project should include a matching local obligation. Police services are fundamentally a local responsibility. Thus, I am sustaining $500,000 of this augmentation on the assumption that the

City of Pacifica will fulfill its local government responsibility by providing for the remainder of the funds needed to complete the project.

Item 9210-116-0001—For local assistance, Local Government Financing. I reduce this item from $600,000 to $200,000 by deleting:

(1) Burbank-Glendale-Pasadena Airport Flight Path: Residential Acoustic Treatment Program ($400,000).

I am deleting this $400,000 legislative augmentation for Burbank-Glendale-Pasadena Airport Flight Path Residential Acoustic Treatment Program because this is a local federal matching issue that should be locally funded based on local priorities. Furthermore, this project has not been reviewed and evaluated in the context of competing needs for limited state resources.

Item 9210-117-0001—For local assistance, Local Government Financing, Local Services. I delete this item.

I am deleting the $120,000 legislative augmentation for the County of Imperial to fund the purchase of two ambulances and the $500,000 legislative augmentation for the County of Ventura to assist in the construction of two job training centers. I am deleting this item and its two legislative augmentations totaling $620,000 because these are local issues that should be locally funded based on local priorities.

SEC. 4.40—Federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). I delete this control section.

This language would prohibit use of funds in the budget to implement restrictions on eligibility of aliens for state and local benefit programs contained in the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. I am striking this language because it is inconsistent with federal law. Appropriate action by state agencies and departments should await the promulgation of relevant federal regulations.

SEC. 5.00—Reporting of Claims, Judgements, and Settlements. Legislative Claims and Settlement Reporting. I delete this control section.

I am deleting Control Section 5.00 because its reporting requirements are overly broad and duplicative.

As introduced, the Budget Bill proposed that state agencies prepare a schedule which includes each claim, judgment, compromise, and settlement, by category and fund for the 1998–99 fiscal year, for which the payment was the lesser of (1) $400,000 or more, or (2) five percent of the agency's 1998 Budget Act appropriation for the fund from which the payment was made. I am directing state agencies to comply with the reporting requirements that I had originally proposed. This action will result in reports concerning the more significant claims, judgments, compromises, and settlements to assist the Legislature in its oversight responsibilities.

SEC. 11.10—Deferred Information Technology Projects. I delete this control section.

I am deleting this control section because the language as modified by the Legislature is unduly restrictive and interferes with executive branch discretion regarding the implementation and continuation of new information technology projects. It remains my intention to require the completion of detailed departmental assessments of Year 2000 readiness and then, on a case by case basis, determine whether to allow critical new development projects to move forward.

SEC. 24.35—Allowable Uses for Lease Revenues. I delete this control section.

I am deleting Control Section 24.35 because it is unduly restrictive and interferes with executive branch discretion. This section is narrow in scope, recognizing only one of many possible uses for funds administered by the State Allocation Board. It is questionable whether the revenues derived from the lease of portable classrooms would be

used at all under the limitations contained in this control section. Therefore, in order to ensure that funds are available in the programs where they are most needed, I must delete this control section.

With the above deletions, revisions and reductions, I hereby approve Senate Bill 160.

GRAY DAVIS, Governor

2 [Ch. 78] I am signing Assembly Bill No. 1115, however, I am reducing the appropriations made in Section 65, 66, 70, 72 and 73 by a total of $15,526,000. These appropriations are being eliminated because I have specific concerns about the projects or to ensure the State maintains a prudent reserve. The specific reductions are as follows:

I am reducing the reappropriation in Section 65 by eliminating subdivision (b) which allocates $200,000 to the Julian Union School District for kitchen equipment needed for nutrition programs. Although this program may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am reducing the reappropriation in Section 65 by eliminating subdivision (c) which allocates $200,000 to the Grossmont Union High School District for construction of a swimming pool at Steele Canyon High School. Although this project may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am reducing the reappropriation in Section 65 by eliminating subdivision (d) which allocates $100,000 on a one-time basis to the San Diego County Office of Education to provide assistance for schools to secure health insurance for uninsured, low-income pupils. Although this program may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am reducing the reappropriation in Section 65 by $25,000 by reducing subdivision (e) from $27,500 to $2,500 for the Alta-Dutch Flat Union School District for afternoon school busing service. I am taking this action because to ensure the State maintains a prudent reserve.

I am reducing the reappropriation in Section 65 by eliminating subdivision (f) which allocates $100,000 on a one-time basis to the Los Gatos Union School District to support the expansion of science programs through the Youth Science Institute in the City of Los Gatos. Although this project may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am reducing the reappropriation in Section 65 by eliminating subdivision (g) which allocates $250,000 on a one-time basis to the Oak Park Unified School District for the purpose of purchasing computer equipment and materials for the library at Oak Park High School. I am taking this action because the budget currently includes $150.5 million which is allocated to all school districts on the basis of average daily attendance, which districts can use specifically for library materials and equipment.

I am reducing the reappropriation in Section 65 by eliminating subdivision (h) which allocates $175,000 to the Anaheim City School District for an after-school learning safe neighborhoods program. I am eliminating this project because the use of one-time Proposition 98 funding, for what appears to be an ongoing program, is not appropriate. Moreover, there is an existing grant program for this purpose, the After-School Learning and Safe Neighborhoods Partnerships program, which awards renewable grants and is increased by $35 million in the 1999 Budget Act for the 1999–2000 fiscal year. Local programs may compete for renewable grants for either purpose by applying through the Department of Education.

I am reducing the reappropriation in Section 65 by eliminating subdivision (i) which allocates $250,000 to the Rio Del Valle Elementary School District for construction of a gymnasium at Rio Del Valle Junior High School. Although this project may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am reducing the reappropriation in Section 65 by eliminating subdivision (k) which allocates $6,000 on a one-time basis to the San Juan Unified School District for the purchase of a computer, printer, and appropriate software for the Cottage Elementary School library. I am taking this action because the budget currently includes $158.5 million which is allocated to all school districts on the basis of average daily attendance, which districts can use specifically for library materials and equipment.

I am reducing the reappropriation in Section 65 by eliminating subdivision (*l*) which allocates $250,000 to the Saddleback Valley Unified School District for construction of a gymnasium at Laguna Hills High School. Although this project may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am reducing the reappropriation in Section 65 by eliminating subdivision (m) which allocates $100,000 to the Woodlake Union High School District for construction of a swimming pool. Although this project may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am reducing the appropriation in Section 65 by eliminating subdivision (n) which allocates $110,000 to the Sacramento City Unified School District to support the Sacramento START after-school program. I am eliminating this project because the use of one-time Proposition 98 funding, for what appears to be an ongoing program, is not appropriate. Moreover, there is an existing grant program for this purpose, the After-School Learning and Safe Neighborhoods Partnerships program, which awards renewable grants and is increased by $35 million in the 1999 Budget Act for the 1999–2000 fiscal year. Local programs may compete for renewable grants for either purpose by applying through the Department of Education.

I am reducing the reappropriation in Section 65 by eliminating subdivision (o) which allocates $30,000 on a one-time basis to the Galt Joint Union Elementary School District to support an education program using STAR test results to improve teaching. I am deleting this funding because I recently enacted legislation implementing the state wide accountability initiative to hold schools accountable for their performance and to reward high achieving and improving schools, therefore this proposal unnecessary.

I am reducing the reappropriation in Section 65 by eliminating subdivision (p) which allocates $10,000 to the Oak View Unified School District to repair the school blacktop area. Although this project may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am reducing the appropriation in Section 65 by eliminating subdivision (r) which allocates $30,000 to the ABC School District for an after school project at Hawaiian Gardens Elementary School. I am eliminating this project because the use of one-time Proposition 98 funding, for what appears to be an ongoing program, is not appropriate. Moreover, there is an existing grant program for this purpose, the After-School Learning and Safe Neighborhoods Partnerships program, which awards renewable grants and is increased by $35 million in the 1999 Budget Act for the 1999–2000 fiscal year. Local programs may compete for renewable grants for either purpose by applying through the Department of Education.

I am sustaining subdivision (z) of Section 65 which reappropriates $700,000 to the Superintendent of Public Instruction for allocation to the County Office Fiscal Crisis and Management Assistance Team (FCMAT) for distribution to the Compton Unified School District. However, I am requesting that these funds be used only for the specific purposes of implementing the school district's recovery plans. I also encourage the Compton Unified School District to fully avail itself of the existing program funding provided, including for summer school programs, after school programs, and the staff development day buy out program as appropriate, to assist the district in funding its reforms.

I am sustaining subdivision (aa) of Section 65 which reappropriates $1,500,000 to subsidize the costs of low-income children's participation in residential science camps. However, I note that this is a one-time appropriation; this program should develop alternative funding sources for the future.

I am reducing the reappropriation in Section 65 by eliminating subdivision (cc) which allocates $232,000 on a one-time basis to the Bilingual Foundation of the Arts to develop arts-based literacy skills in school age children. I am deleting the funding because the budget includes $6 million for Local Arts Education projects which can be used for this purpose.

I am reducing the reappropriation in Section 65 by eliminating subdivision (dd) which allocates $100,000 to the Los Angeles Unified School District to renovate the San Fernando High School Teen Health Clinic. Although this project may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am reducing the appropriation in Section 65 of this bill by eliminating subdivision (hh) which allocates $16,900 to replace funding reduced as a result of an audit exception at the North Cow Creek School District. An independent audit of the district's class size reduction funding determined that the district inappropriately claimed $16,900 of incentive funding during the 1996–97 school year for classes with excess enrollment. Since the purpose of the incentive funding is to reduce enrollment to no more than 20 students per teacher and the program does not permit waiver of the class size requirement, it would be inappropriate, and establish an undesirable precedent, to restore funding to the district.

I am reducing the reappropriation in Section 65 by eliminating subdivision (jj) which allocates $120,000 to the Golden Valley Unified School District for home-to-school transportation. I am taking this action because this augmentation provides funding on a one-time basis for costs that are ongoing.

I am reducing the reappropriation in Section 65 by eliminating subdivision (mm) which allocates $288,000 on a one-time basis to the Oxnard Unified School District for the Parent University Project. I am taking this action because this augmentation provides funding on a one-time basis for costs that are ongoing.

I am reducing the appropriation in Section 65 bill by eliminating subdivision (oo) which allocates $139,000 on a one-time basis to the Sacramento City Unified School District for the Center for Educational Excellence. This program provides local services and also disseminates the Center's language arts curricula and models statewide. This augmentation would reimburse the district for additional costs of statewide distribution. It is not clear why this school district is involved in a program that distributes materials on a statewide basis or whether the materials meet the standards established by the State Board of Education. The distribution function described for the Center is currently and appropriately performed by the State Department of Education.

I am sustaining subdivision (pp) of Section 65 which reappropriates $750,000 to the Superintendent of Public Instruction for allocation to the County Office Fiscal Crisis and Management Assistance Team (FCMAT) for an audit of the Oakland Unified School District. However, I am requesting that FCMAT conduct a comprehensive assessment of the District in its major operational areas and provide recommendations by January 31, 2000. FCMAT and the district, in consultation with the Department of Finance, should enter into a contract specifying the terms of the assessments and the responsibilities of each of the parties prior to allocation of the $750,000 to FCMAT.

I am reducing the reappropriation in Section 65 by eliminating subdivision (qq) which allocates $250,000 to the Capistrano Unified School District for a planning grant to develop a teacher training and development facility. Although this project may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am reducing the reappropriation in Section 65 by eliminating subdivision (ss) which allocates $500,000 to the Los Angeles Unified School District for renovation of the San Fernando Middle School Auditorium. Although this project may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am reducing the appropriation in Section 66 by eliminating subdivision (b) which allocates $500,000 to the Sacramento County Office of Education for a State Resource Center for the California Reading Initiative. Although this project may be meritorious, I am deleting the funding for it to ensure the State maintains a prudent reserve.

I am reducing the reappropriation in Section 70 by $2,820,000 by deleting subdivisions (a), (b), (c), (d)(1), (e) and (f), which would have provided for a variety of local projects for Community College districts. While voter registration is an important activity, I am reducing the $300,000 in schedule (c) for voter registration purposes because it does not appear necessary to provide funding for an activity that could be easily undertaken by campus groups or other civic groups. Although the other deleted projects may be meritorious, I am deleting the funding for them to ensure the state maintains a prudent reserve.

I am reducing the appropriation in Section 72 by eliminating subdivision (a) which appropriates $2,000,000 to the Department of Education for allocation by the Controller for reimbursement of Sacramento City Unified School District's 1998–99 voluntary desegregation audited claim. The state is not statutorily obligated to pay for any costs incurred for voluntary integration programs above the amount budgeted for that purpose. Desegregation claims are funded in accordance with an existing statutory formula, as limited by funding appropriated in the Budget Act. Based on these statutory provisions, there is no legal obligation to fund these programs beyond the amount provided in the annual Budget Act.

I am reducing the appropriation in Section 73 by eliminating subdivisions (a), (b), (c) and (d) which allocate a total of $6,724,100 to reimburse school districts desegregation program deficiencies for fiscal years 1994–95 and 1995–96. Desegregation claims are funded in accordance with an existing statutory formula, as limited by funding appropriated in the Budget Act. Based on these statutory provisions, there is no legal obligation to fund these programs beyond the amount provided in the annual Budget Act. In addition, the Legislature statutorily limited the funding formula for this program in the current year as well as in the past four years in the education trailer bills. The provisions statutorily limit the funding otherwise provided in statute for court-ordered desegregation and voluntary integration programs to the level of funding provided in the appropriation for these programs, consistent with all other programs funded through the mega-item appropriation. Finally, districts are advised of the amounts available for each fiscal year for these programs by the State Department of Education.

GRAY DAVIS, Governor

3 [Ch. 79] I am signing Assembly Bill No. 1662, relating to booking fees after vetoing subdivisions (c) and (d) of Section 29550.4 of the Government Code as added by this bill.

AB 1662 continuously appropriates up to $50 million annually from the General Fund to the Controller for allocation to cities for reimbursement of their actual booking and processing costs paid to counties. Under this bill, the amount appropriated from the General Fund would be increased annually by two percent beginning with the 2000–01 fiscal year. I am deleting the provisions authorizing this two percent annual adjustment because future increases in these reimbursements should be provided subject to the state's ability to fund these increases rather than automatically through a continuous appropriation.

GRAY DAVIS, Governor

4 [Ch. 811] I am signing Assembly Bill No. 756, however I am reducing the following item:

Item 3790-302-001—for relocation and restoration of Stilwell Hall in Monterey County, and for the stabilization and restoration of the Copperopolis Armory in Calaveras County. I reduce this item from $3,020,000 to $3,010,000 by deleting the funding for Copperopolis Armory.

This appropriation inappropriately diverts funding intended for high priority state park cultural heritage projects to a local project. This project should be funded from local resources.

The other budgetary augmentations and reallocations provided for in this bill are appropriate expenditures and have my full support.

GRAY DAVIS, Governor

5 [Ch. 950] I am signing AB 27, which requires the California Health and Human Services Agency to prepare a long term care information infrastructure blueprint.

However, I am deleting the $149,000 General Fund appropriation from the bill and instead directing the Secretary of Health and Human Services Agency to implement the provisions of AB 27 within existing resources.

GRAY DAVIS, Governor

6 [Ch. 956] I am signing Senate Bill No. 1131, encouraging the Department of Justice to investigate the practices of the motor vehicle fuel industry related to the production, distribution and pricing of gasoline and diesel fuel.

However, I am deleting the $1 million General Fund appropriation from the bill and instead ask the Attorney General to implement the provisions of SB 1131 within existing resources. The 1999 Budget Act contains $3.2 million for the Department of Justice's Antitrust workload, which includes a $667,000 General Fund augmentation to address such expected workload increases.

GRAY DAVIS, Governor

7 [Ch. 959] I am signing Senate Bill No. 213. However, I am deleting the $4,000,000 appropriation for the Puente Project and the Extended Opportunity Programs and Services (EOPS).

I previously vetoed augmentations of $3.36 million for the Puente Project and $5 million to EOPS from the Budget Act of 1999. In doing so, I noted that the $45 million augmentation to the Partnership for Excellence program could be used for these purposes at local discretion. While I appreciate the merits of these programs, I note that the state has recently made a significant investment of $145 million in the Partnership for Excellence, which allows each district to invest in these and other programs based on local need.

GRAY DAVIS, Governor

8 [Ch. 961] I am signing Assembly Bill 1168, which creates the Noxious Weed Management Account and establishes a new local mechanism to address the eradication of noxious weeds.

However, I am reducing the appropriation in the bill from $500,000 to $200,000 per year for the 1999–2000, 2000–01, and 2001–02 fiscal years.

GRAY DAVIS, Governor

9 [Ch. 965] I am signing Assembly Bill No. 1645; however, I am eliminating the $127,500 appropriation to the State Department of Education made in subdivision (a) of Section 2. The bill provides that this appropriation is for expenditure ''exclusively for staff.'' Appropriate funding levels for staff are typically determined in the annual budget change proposal process based on a workload analysis and in consideration of all other priorities. Given that the department has eight staff already devoted to this area, it should be able to implement this bill without additional staff.

I am, however, sustaining the one-time $300,000 appropriation which will be used to develop an agricultural education curriculum. Agriculture plays a vital role in California's culture and economy. This bill will help ensure that agriculture is given the appropriate emphasis in our curriculum so that out children grow up recognizing its value.

GRAY DAVIS, Governor

10 [Ch. 996] I am signing Senate Bill No. 334; however, I am deleting specified appropriations made by this bill as described below.

This bill establishes the School Safety and Violence Prevention Strategy and makes an appropriation therefore to the Superintendent of Public Instruction; repeals the January 1, 2000, sunset clauses in existing law for the development and implementation of school safety plans; makes an appropriation to the Board of Corrections to carry out the At-Risk Youth Early Intervention Program; makes several revisions to existing statutes relating to juvenile criminal procedure; requires the Department of the Youth Authority to develop a high school graduation plan for each ward who has not attained a high school diploma or equivalent certificate and to enroll that ward in an appropriate educational program; and makes appropriations to the Counties of Riverside, San Diego, and San Francisco for specified programs.

I approved a $100 million augmentation in the 1999 Budget Act for school safety to fund school district safety initiatives such as school counselors, school psychologists, fencing, and video cameras. Consequently, I am deleting the $5 million appropriation to the Superintendent of Public Instruction to carry out the School Safety Violence Protection Act program.

In addition, I am deleting the appropriations of $1.5 million to the Board of Corrections; $1.5 million to the County of Riverside to expand the Project Bridge Gang Crime Prevention Program; and $3 million in 1999–00 and an additional $1 million in both 2000–01 and 2001–02 to the County of San Diego for the purchase and operation of the San Pasqual Academy. I believe these appropriations should be considered within the context of the annual budget process, competing with other General Fund priorities.

However, I am sustaining the $1.8 million appropriation to the City and County of San Francisco to acquire and install surveillance cameras on its municipal railway public transit vehicles; this appropriation was erroneously deleted in the 1999 Budget Act.

GRAY DAVIS, Governor

11 [Ch. 1001] I am signing Senate Bill No. 1039, however I am deleting the $250,000 General Fund appropriation for Alumnae Resources.

This bill will allow the Newport-Mesa Unified School District to submit a placeholder application to the State Allocation Board for facilities funding from Proposition 1A.

GRAY DAVIS, Governor

12 [Ch. 1010] I am signing Senate Bill No. 204 which provides resources for local treatment to control and eradicate the Red Imported Fire Ant (RIFA). However, I am reducing the appropriation by $7,500,000 leaving $2 million for these purposes.

I included in my 1999–2000 budget $8,800,000 for statewide eradication efforts. Additionally, the California Department of Food and Agriculture's multi-year action plan for control and eradication of this pest calls for additional funds in each of the next four budget years. I will review the need for these additional funds during the budget process.

In order to assist local jurisdictions with eradication efforts, I am directing the Secretary of Food and Agriculture to redirect $4,000,000 from existing statewide funds for local treatment efforts.

Responsibility for eradication efforts must be borne primarily by the areas impacted, and funding for local treatment programs must reflect that responsibility. Therefore, I am directing the Secretary of Food and Agriculture to seek additional funds from both the federal government and local entities for these efforts.

GRAY DAVIS, Governor

13 [Ch. 1021] I am signing Senate Bill No. 735, however, I am reducing augmentations and reappropriations made to various items by a total of $523,000 General Fund.

This bill would appropriate $4,981,000 General Fund, reduce existing special fund appropriations by $2 million, and reappropriate $5,725,000 General Fund for programs and projects as a supplement to the Budget Act of 1999 (Chapter 50, Statutes of 1999) as follows: $250,000 appropriation to the Department of Trade and Commerce for the California Institute for Federal Policy Research; $1.5 million reappropriation to the State Coastal Conservancy for Elysian Valley and Arroyo Seco projects; $3,275,000 to the Department of Parks and Recreation (DPR) for reappropriation of 10 local projects; $950,000 reappropriation to DPR for Rancho San Andres Castro Adobe as a capital outlay project; $1,150,000 appropriation to DPR for four new projects including $400,000 for a teen center and a senior center for the Plaza Community Center; $31,000 to Sacramento County for Street and Traffic Lighting; $50,000 to the Employment Development Department for a grant to the Vallejo Cadet Project; $31,000 to Sacramento County for Street and Traffic Lighting; Plaza Community Center, $31,000 to Sacramento County for Street and Traffic Lighting; $50,000 to the Employment Development Department for a grant to the Vallejo Cadet Project; $1 million to the University of California (UC) for the Welfare Policy Research Project; $2.5 million to UC for Internet 2; and $2 million special fund reduction to the Department of Industrial Relations related to the Uninsured Employers Fund. The bill would also add provisional language for the following; the California Energy Commission, the Public Utilities Commission, and the Electricity Oversight Board regarding a report on electricity reliability issues; the Department of Water Resources regarding road repair; the Department of Corrections regarding the reimbursement of local costs for detention and parole revocation proceedings; and the California Arts Council for the Japanese American National Museum.

I am deleting funding for the $250,000 appropriation for the California Institute for Federal Policy Research because the State already maintains an office in Washington, DC which is the appropriate voice for California's positions on federal policy issues.

I am deleting the $31,000 appropriation for the Sacramento County Street and Traffic Lighting. While this project may have merit, it is not of sufficient priority to fund and maintain a prudent General Fund reserve.

I am reducing the Internet2 appropriation to the University of California from $2.5 million to $2.25 million. I support this appropriation to allow the University of California to make progress toward completing this information technology project.

I am reducing the appropriation to DPR for the Plaza Community Center from $400,000 to $399,000 and deleting a reference to a senior citizen center for the Plaza Community Center project. This is necessary in order to correct a drafting error.

I am sustaining the reappropriation for a capital outlay project at the Rancho San Andres Castro Adobe, the historic home of Jose Joaquin Castro, only because DPR indicates that there is an excellent prospect that the facility could be operated as a concession agreement without state funding. My sustaining this reappropriation also reflects my position that the $950,000 appropriation would represent the State's full commitment to the restoration project.

GRAY DAVIS, Governor

14 [Ch. 1022] I am signing Assembly Bill No. 403; however, I am deleting the $200,000 General Fund appropriation contained in Section 1.5.

AB 403 would appropriate $200,000 from the General Fund to the Department of Justice (DOJ) for training local law enforcement on the enforcement of firearm laws at gun shows.

Having recently signed legislation tightening regulation of gun shows, I support the need for additional training. However, primary responsibility of law enforcement at gun shows is a local responsibility, and I believe the Commission on Peace Officers Standards an Training is the appropriate state agency to provide training for local law enforcement officers.

If the Commission desires to contract with the Department of Justice to provide such training, I will provide the necessary funding in the budget process.

This bill would also require local law enforcement agencies to make available to a victim one copy of domestic violence incident report within a specific period of time.

I believe this is an important measure that will help victims of domestic violence obtain the documentation they need to secure restraining orders as quickly as possible.

GRAY DAVIS, Governor

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491	571	646	832	839	14
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1559	927	1634	144	1679	643
1564	596	1635	605	1682	90
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1571	923	1637	930	1686	873
1573	647	1638	929	1687	453
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35	150	177	774	330	799
36	201	185	343	331	455
41	538	186	140	332	815
42	603	187	512	333	182
45	991	188	900	334	996
47	23	189	542	339	776
49	2	196	152	340	786
50	158	198	96	341	901
55	37	199	984	342	365
56	340	204	1010	349	544
59	539	205	543	350	791
60	415	207	773	351	323
63	168	208	417	355	659
64	540	209	998	357	118
69	580	210	344	359	111
72	454	211	797	361	688
77	358	213	959	363	183
84	137	216	789	364	47
93	8	218	662	366	735
94	931	219	202	367	514
96	510	223	59	374	868
97	155	227	560	377	806
98	36	231	19	378	456
100	18	232	266	380	159
103	265	233	267	382	324
104	10	240	652	387	687
105	341	243	775	390	686
108	11	246	988	391	953
110	581	248	345	392	184
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490	418	641	187	816	749
491	742	645	952	819	151
493	398	649	1019	820	428
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515	600	654	475	828	889
516	551	656	973	829	351
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2	79	32	19	68	110
3	1	34	18	69	140
4	68	35	82	71	50
5	49	36	17	72	60
6	9	38	38	73	116
7	13	39	41	76	106
9	6	40	42	77	89
10	14	46	25	78	83
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4	70	16	105	26	103
6	58	17	77	27	90
7	100	18	102	31	122
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9	84	26	93	41	130
10	4	27	33	43	131
11	51	28	34	45	143
12	55	29	43	46	132
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SENATE JOINT RESOLUTIONS

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U

NOTE: Citations are to chapter numbers; resolution chapters are indicated in *italics*. First Extraordinary Session chapter or resolution numbers are followed by (1X).

V

NOTE: Citations are to chapter numbers; resolution chapters are indicated in *italics*. First Extraordinary Session chapter or resolution numbers are followed by (1X).

W

NOTE: Citations are to chapter numbers; resolution chapters are indicated in *italics*. First Extraordinary Session chapter or resolution numbers are followed by (1X).

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NOTE: Citations are to chapter numbers; resolution chapters are indicated in *italics*. First Extraordinary Session chapter or resolution numbers are followed by (1X).

Y

NOTE: Citations are to chapter numbers; resolution chapters are indicated in *italics*. First Extraordinary Session chapter or resolution numbers are followed by (1X).

Z

STATUTORY RECORD

1999

STATUTORY RECORD

1999

Abbreviations

Ad	=Added
Ad(RN)	=Added by Renumbering
Am	=Amended
Art.	=Article
Ch.	=Chapter
Div.	=Division
Inc. Ref.	=Incorrect Reference
Pt.	=Part
R	=Repealed
Am & RN	=Amended and Renumbered
S	=Supplemented (See below)
Sec.	=Section
Stats.	=Statutes
*	=Urgency
1X	=First Extraordinary Session

SUPPLEMENTS

CODIFIED SECTIONS	''S'' denotes a placeholder for superior notes. This is not the latest amended form.
STATS OTHER THAN CODES	If the ''S'' has a superior note attached it is a placeholder for the superior note reference to an effect on a new or existing law.
BUDGET	A reference to an augmentation, reappropriation, or reversion. This is not the latest amended form.

BUSINESS AND PROFESSIONS CODE

Section	Affected By Year	Chapter	Effect
22	1999	656	Am
27	1999	655	Am
	1999	784*	Am [82]
30	1999	652	Am (by Sec. 1.5 of Ch.)
101	1999	655	Am
101.1	1999	983	Am
138	1999	67*	Am
139	1999	67*	Ad
511.1	1999	545	Ad [56]
651	1999	631	Am (by Sec. 1 of Ch.)
	1999	856	Am (by Sec. 2 of Ch.)
680	1999	411	Am
681	1999	748	Ad
704	1999	631	Am
730	1999	83	Am (as ad by Stats. 1997, Ch. 400) & RN [30]
730.5	1999	83	Ad(RN) [30]
800	1999	252	Am
	1999	655	Am
805	1999	252	Am
805.5	1999	655	Am
808.5	1999	655	Ad
1206.5	1999	70	Am
1220.5	1999	748	Ad
1242	1999	695	Am
1242.5	1999	695	Am
1246	1999	695	Am
1247.4	1999	979	Am
1247.63	1999	979	Am [3613]
1247.64	1999	979	Am [3613]
1247.66	1999	979	Am [3613]
1247.95	1999	979	R
1265	1999	70	Am
1269	1999	695	Am
1288.3	1999	748	Ad [25]
1300	1999	70	Am
	1999	979	Am [113]
1601	1999	655	Am
1618.5	1999	525	Am [112]
1626.5	1999	655	Ad
1640	1999	655	Am
1640.1	1999	655	Ad
1640.2	1999	655	Ad
1641	1999	655	Am
1642	1999	655	Am
1646.7	1999	177	Am (as am by Sec. 1, Stats. 1998, Ch. 505) [5] Am (as ad by Sec. 2, Stats. 1998, Ch. 505) [8]
1646.9	1999	177	Am [5]
1684	1999	655	Ad
1686	1999	655	Am
1701.1	1999	655	Ad
1701.5	1999	655	Am
1753	1999	655	Am
2027	1999	784*	Am
2079	1999	177	Am [5]
2083	1999	631	Am
2085	1999	655	Am
2089	1999	403	Am
2103	1999	655	Am
2107	1999	655	Am
2111	1999	655	Am
2113	1999	655	Am
2119	1999	655	R
2168.2	1999	655	Am
2178	1999	655	R
2185	1999	655	R
2216.1	1999	944	Ad
2216.2	1999	944	Ad
2240	1999	944	Ad
2244	1999	922	Ad
2245	1999	177	Am [5]
2259.7	1999	631	Ad
2277	1999	655	Am
2442	1999	631	Ad
2475	1999	655	Am (as am by Sec. 19 and Sec. 20, Stats. 1998, Ch. 736)
2499.5	1999	655	Am
	1999	977	Am
2506	1999	655	Am
2512.5	1999	655	Am
2513	1999	655	Am
2520	1999	655	Am
2530.2	1999	83	Am [30]
	1999	436	Am
2530.5	1999	436	Am
2531	1999	436	Am [21 20]
2532.3	1999	655	Am
2532.6	1999	436	Am
2532.7	1999	436	Ad
2532.8	1999	436	Ad
2538.1	1999	655	Am
2565	1999	655	Am
2566	1999	655	Am
2566.1	1999	655	Am
2725.1	1999	83	Am [30]
	1999	914	Am
2725.3	1999	945	Ad
2770.11	1999	655	Am
2770.12	1999	655	R & Ad
2770.13	1999	655	Am
2770.14	1999	655	Am
2770.2	1999	655	Am
2770.8	1999	655	Am
2815.1	1999	146*	Am [20]
	1999	149*	Am [13]
2836.1	1999	749	Am
2836.2	1999	749	Am
2843	1999	655	Am

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

BUSINESS AND PROFESSIONS CODE—Continued

Section	Affected By Year	Chapter	Effect
2895	1999	655	Am
2960	1999	655	Am
2960.05	1999	459	Ad
3303	1999	440	Am
3321	1999	440	Am
3325	1999	440	Am
3502.1	1999	749	Am
3750.51	1999	459	Ad
4009	1999	190	Ad
4022	1999	655	Am
4040	1999	749	Am
4040.5	1999	655	Ad
4043	1999	655	Am
4052	1999	83	Am [30]
	1999	375	Am
4052.5	1999	784*	Ad [148]
			R [25]
4056	1999	900*	Am
4057	1999	655	Am
4060	1999	749	Am
4061	1999	914	Am
4074	1999	900*	Am
4076	1999	914	Am
4078	1999	655	Am
4102	1999	655	Am
4112	1999	73	Am
4115	1999	900*	Am
4115.5	1999	655	Am
4116	1999	900*	Am
4170	1999	914	Am
4174	1999	749	Am
4175	1999	914	Am
4200.5	1999	655	Am
4202	1999	655	Am
4382	1999	525	Am [112]
4402	1999	655	Am
4425	1999	946	Ad & R [20]
4426	1999	946	Ad & R [20]
4427	1999	946	Ad & R [20]
4518	1999	655	Am
4548	1999	655	Am
4827	1999	83	Am [30]
4857	1999	418	Ad
4927	1999	655	Am
4929	1999	655	Am
4929.5	1999	655	Am
4930	1999	655	Am
4931	1999	655	Am
4933	1999	655	Am
4934	1999	655	Am
4935	1999	655	Am
4938	1999	67*	Am
4940	1999	655	Am
4941	1999	655	Am
4944	1999	655	Am
4946	1999	655	Am
4947	1999	655	Am
4955	1999	655	Am
4956	1999	655	Am
4959	1999	655	Am
4960.5	1999	655	Am
4961	1999	655	Am
4963	1999	655	Am
4964	1999	655	Am
4965	1999	655	R (as am by Sec. 18, Stats. 1991, Ch. 983) Am (as ad by Sec. 19, Stats. 1991, Ch. 983)
4966	1999	655	Am
4967	1999	655	Am
4972	1999	655	Am
4973	1999	655	Am
4975	1999	655	Am
4977	1999	655	Am
4979	1999	655	Am
4980.41	1999	406	Am
4980.45	1999	657	Am
4982	1999	657	Am
4982.05	1999	459	Ad
4984.9	1999	655	Ad
4986.70	1999	657	Am
4987.5	1999	657	Am
4987.6	1999	657	R & Ad
4987.7	1999	657	R & Ad(RN)
4987.8	1999	657	Am & RN & Ad(RN)
4987.9	1999	657	Am & RN
4988.1	1999	657	Am
4988.2	1999	657	Am
4990.5	1999	655	Am
	1999	657	Am
4992.3	1999	657	Am
4992.31	1999	459	Ad
4992.8	1999	655	Ad
4996.21	1999	657	Am
4996.8	1999	655	Am
4998	1999	657	Am
4998.1	1999	657	R & Ad
4998.2	1999	657	R & Ad(RN)
4998.3	1999	657	Am & RN & Ad(RN)
4998.4	1999	657	Am & RN & Ad(RN)
4998.5	1999	657	Am & RN & Ad(RN)
4998.6	1999	657	Am & RN & Ad(RN)
4998.7	1999	657	Am & RN
4999	1999	535	Ad
4999.1	1999	535	Ad
4999.2	1999	535	Ad
4999.3	1999	535	Ad
4999.4	1999	535	Ad
4999.5	1999	535	Ad
4999.6	1999	535	Ad
4999.7	1999	535	Ad
4999.8	1999	535	Ad
4999.9	1999	535	Ad

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

BUSINESS AND PROFESSIONS CODE—Continued

Section	Affected By Year	Chapter	Effect
5000	1999	656	Am [21 20]
	1999	657	Am [21 20]
5015.6	1999	656	Am [21 20]
5030	1999	657	Am
5070.5	1999	657	Am
5070.6	1999	657	Am
5133	1999	657	Am
5273.5	1999	818	Ad
5408.7	1999	320	Ad [66] R [67]
5440	1999	280	Am
5442.9	1999	280	Ad
5510	1999	982	Am
5536.1	1999	982	Am
5536.25	1999	982	Am
5582.1	1999	982	Am
5616	1999	982	Am
6008.6	1999	342	Ad
6031.5	1999	342	Ad
6068	1999	221	Am
	1999	342	Am
6070	1999	342	Am
6079.1	1999	221	Am R & Ad [51]
6085	1999	221	Am
	1999	342	Am
6086.65	1999	221	Am R & Ad [51]
6095.1	1999	221	Ad
6140	1999	342	Ad & R [24]
6140.05	1999	342	Ad
6141.1	1999	342	Am
6145	1999	342	R & Ad
6175	1999	454	Ad
6175.3	1999	454	Ad
6175.4	1999	454	Ad
6175.5	1999	454	Ad
6175.6	1999	454	Ad
6176	1999	454	Ad
6301.1	1999	344*	Am
6400	1999	892	Am (as ad by Sec. 3, Stats. 1998, Ch. 1079)
6401	1999	892	Am (as ad by Sec. 5, Stats. 1998, Ch. 1079)
6401.6	1999	892	Am
6405	1999	892	Am
6411	1999	892	Am (as am by Sec. 21, Stats. 1998, Ch. 1079)
6710	1999	656	Am [4 5]
6714	1999	656	Am [4 5]
6762.5	1999	983	Ad
6787	1999	983	Am
6799	1999	983	Am
6980.18	1999	318	Am
6980.42	1999	318	Am
7000.5	1999	656	Am [4 5]
7003	1999	983	Am
7011	1999	656	Am [4 5]
7026	1999	708	Am
7058	1999	708	Am
7058.1	1999	708	Ad
7071.10	1999	795	Am
7071.11	1999	795	Am
7071.5	1999	795	Am
7137	1999	982	Am
7141	1999	982	Am
7159	1999	982	Am
7159.2	1999	512	Am
7215.6	1999	983	Am
7343	1999	983	R
7426.5	1999	983	Ad
7500.3	1999	456	Am
7502.1	1999	456	Am
7502.2	1999	456	Am
7503.1	1999	318	Am
7503.10	1999	456	Am
7504	1999	456	Am
7506.11	1999	456	Am
7506.13	1999	456	Am
7506.14	1999	456	Am
7506.3	1999	456	Am
7506.5	1999	318	Am (by Sec. 4 of Ch.)
	1999	456	Am (by Sec. 6.5 of Ch.)
7506.9	1999	456	Am
7507.13	1999	991	Am [96 114]
7507.2	1999	456	Am
7510.1	1999	456	Am
7511	1999	456	Am
7522	1999	123	Am
7525.1	1999	318	Am
7582.22	1999	665	Am
7582.7	1999	318	Am
7583.9	1999	318	Am
7593.1	1999	318	Am
7598.4	1999	318	Am
7622.3	1999	241	R
7651	1999	241	R
7685.2	1999	657	Am
7685.3	1999	657	Am
7735	1999	241	Am
8016	1999	983	Am
8024.2	1999	983	Am
8024.3	1999	983	Am
8024.4	1999	983	Am
8024.6	1999	983	Am
8025	1999	983	Am
8031	1999	983	Am
8516	1999	983	Am
8516.1	1999	983	Am
8518	1999	983	Am
8519.5	1999	983	Am
8550	1999	257	Am
8556	1999	983	Am
8614	1999	983	R

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

BUSINESS AND PROFESSIONS CODE—Continued

Section	Affected By Year	Chapter	Effect
8615	1999	983	R
8617	1999	983	Am
8652	1999	983	Am
8656	1999	983	Am
8662	1999	983	Am
8674	1999	983	Am
8674.5	1999	983	Am
8698	1999	982	Am [95]
	1999	983	Am [95]
8698.1	1999	982	Am [95]
	1999	983	Am [95]
8698.2	1999	982	S [95]
	1999	983	S [95]
8698.3	1999	982	S [95]
	1999	983	S [95]
8698.5	1999	982	Am [95]
	1999	983	Am [95]
8698.6	1999	982	Am [95]
	1999	983	Am [95]
8710	1999	656	Am [4 5]
8730	1999	125	Am
8747.5	1999	983	Ad
8761	1999	608	Am
8765	1999	608	Am
8773.1	1999	608	Am
8773.4	1999	608	Am
8780	1999	983	Am
8792	1999	983	Am
8805	1999	983	Am
9884	1999	983	Am
10133.1	1999	407	Am
10145	1999	83	Am [30]
10151.5	1999	1000	Am
10177	1999	83	Am [30]
10229	1999	83	Am [30]
10232	1999	83	Am [30]
10236.4	1999	41	Am
11018.12	1999	83	Am [30]
11341	1999	974	Am
11360	1999	974	Am
11404	1999	974	Am
11405	1999	974	Am
11411	1999	974	Am
11412	1999	974	Am
12531	1999	364	R & Ad
12532	1999	364	R & Ad
12533	1999	364	R & Ad
12534	1999	364	R & Ad
12535	1999	364	R & Ad
12536	1999	364	R & Ad
12537	1999	364	R & Ad
12538	1999	364	R
12539	1999	364	R
12540	1999	364	R & Ad
12541	1999	364	R & Ad
12542	1999	364	R & Ad
12543	1999	364	R & Ad
12544	1999	364	R & Ad
12545	1999	364	R
12546	1999	364	R
12547	1999	364	R
12548	1999	364	R
12701	1999	815	Am
13651	1999	583	Am
13700	1999	494	Am
13710	1999	494	Am
13710.5	1999	494	Am [20]
14233	1999	1000	Am
14250	1999	1000	Am
14260	1999	1000	Am
14427	1999	1000	Am
14461	1999	1000	Am
14483	1999	1000	Am
14492.5	1999	1000	R
17210	1999	354	Ad
17537.11	1999	907	Ad
17539.15	1999	83	Am [30]
17550.14	1999	83	Am [30]
17550.16	1999	83	Am [30]
17550.23	1999	83	Am [30]
17550.41	1999	83	Am [30]
18896.8	1999	1000	Am
19549	1999	218	Am
19554	1999	170	Am
19556	1999	170	Am
19596.1	1999	28*	Am
19596.2	1999	219*	Am
19618	1999	127	Am
19618.1	1999	127	Ad
19630	1999	370	Am
19846	1999	351*	Ad(RN)
19846A	1999	351*	Am & RN
19853.5	1999	351*	Am
19950.2	1999	83	Am [30]
21140.2	1999	523	Am
21140.3	1999	523	Am
21148	1999	523	Am
21701.1	1999	83	Am [30]
22250	1999	983	Am
22251	1999	983	Am
22253	1999	983	Am
22254	1999	983	Am
22255	1999	983	Am
22350	1999	892	Am
22351	1999	892	Am
22351.5	1999	892	Am
22353	1999	892	Am
22357	1999	892	Am
22442.4	1999	336	Ad
22443.1	1999	336	Am [13]
22445	1999	336	Am
22911	1999	991	Am [96 114]
22912	1999	991	Am [96 114]
22914	1999	991	Am [96 114]
22916	1999	991	Am [96 114]
22917	1999	991	Am [96 114]
22921	1999	991	Am [96 114]
22922	1999	991	Am [96 114]
22940	1999	343	Ad
22941	1999	343	Ad
23104.2	1999	83	Am [30]
23320.6	1999	288	Am

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

BUSINESS AND PROFESSIONS CODE—Continued

Section	Affected By Year	Chapter	Effect
23355.1	1999	699	Am
23399	1999	699	Am
23800	1999	499	Am
23805	1999	499	Am
24045.5	1999	699	Am
24071.2	1999	699	Am
25000.6	1999	860	Ad
25354	1999	787	Am
25502.1	1999	666	Ad
25503.2	1999	699	Am
25503.6	1999	937*	Am
25503.8	1999	937*	Am
25612.5	1999	787	Am
25658	1999	786	Am
	1999	787	Am
25658.1	1999	786	Am
25658.4	1999	786	Am
25658.5	1999	787	Am
25661	1999	787	Am
25662	1999	787	Am

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

CIVIL CODE

Section	Affected By Year	Chapter	Effect
43.98	1999	525	Am [112]
51.11	1999	324	Am
51.2	1999	324	Am
51.3	1999	324	Am
51.5	1999	591	Am
51.9	1999	964	Am
52	1999	964	Am (by Sec. 2 of Ch.)
56.05	1999	526	Am
56.10	1999	526	Am
56.101	1999	526	Ad
56.104	1999	527	Ad (by Sec. 3 of Ch.)
56.11	1999	526	Am
56.12	1999	526	Am
56.14	1999	526	Am
56.17	1999	311	Am
	1999	525	Am [112]
56.30	1999	526	Am
56.31	1999	766	Ad
56.35	1999	527	Am
56.36	1999	526	Am
56.37	1999	526	Am
798.25	1999	323	Am
798.44	1999	326	Ad
798.75.5	1999	517	Ad
846.1	1999	775	Am
954.5	1999	991	Am [96 114]
955	1999	991	Am [96 114]
955.1	1999	991	Am [96 114]
990	1999	998	Am & RN
	1999	1000	Am & RN (by Sec. 9.5 of Ch.)
1092	1999	608	Am
1102	1999	517	Am
1102.1	1999	517	Am
1102.17	1999	876	Ad
1102.2	1999	119	Am
	1999	517	Am (by Sec. 4.5 of Ch.)
1102.3a	1999	517	Ad
1102.6c	1999	83	Am [30]
	1999	876	R
1102.6d	1999	517	Ad
1102.9	1999	517	Am
1103	1999	876	Ad
1103.1	1999	876	Ad
1103.10	1999	876	Ad
1103.11	1999	876	Ad
1103.12	1999	876	Ad
1103.13	1999	876	Ad
1103.14	1999	876	Ad
1103.2	1999	876	Ad
1103.3	1999	876	Ad
1103.4	1999	876	Ad
1103.5	1999	876	Ad
1103.7	1999	876	Ad
1103.8	1999	876	Ad
1103.9	1999	876	Ad
1180	1999	20	Am
1181	1999	20	Am
1352.5	1999	589	Ad
1365	1999	898	Am
1365.5	1999	898	Am
1633	1999	213*	Ad
1633.1	1999	428	Ad
1633.10	1999	428	Ad
1633.11	1999	428	Ad
1633.12	1999	428	Ad
1633.13	1999	428	Ad
1633.14	1999	428	Ad
1633.15	1999	428	Ad
1633.16	1999	428	Ad
1633.17	1999	428	Ad
1633.2	1999	428	Ad
1633.3	1999	428	Ad
1633.4	1999	428	Ad
1633.5	1999	428	Ad
1633.6	1999	428	Ad
1633.7	1999	428	Ad
1633.8	1999	428	Ad
1633.9	1999	428	Ad
1714.21	1999	163	Ad
1739.7	1999	83	Am [30]
1747.06	1999	423	Ad [56]
1747.9	1999	423	Ad [76]
1748.30	1999	244	Ad
1748.31	1999	244	Ad
1748.9	1999	171	Ad [56]
1749.60	1999	586	Ad [56]
1749.61	1999	586	Ad [56]
1749.63	1999	586	Ad [56]
1749.64	1999	586	Ad [56]
1749.65	1999	586	Ad [56]
1782	1999	1000	Am
1785.31	1999	836	Am
1785.35	1999	836	Am
1788	1999	319	Am
1788.17	1999	319	Ad
1793.22	1999	83	Am [30]
	1999	448	Am
1798.16	1999	784*	Am
1799.100	1999	991	Am [96 114]
1799.103	1999	991	Am [96 114]
1804.1	1999	512	Am
1812.53	1999	1024	Am
1812.54	1999	1024	Am
1812.601	1999	991	Am [96 114]
1812.64	1999	1024	Am
1812.66	1999	1024	R
1812.69	1999	1024	Am
1815	1999	83	Am [30]
1865	1999	354	Ad
1936.5	1999	760	Ad
1942.6	1999	590	Ad
1954.53	1999	590	Am
1954.535	1999	590	Ad
2079.10a	1999	876	Am
2870	1999	720	Ad
	1999	721	Am (as ad by Stats. 1999, Ch. 720)

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

CIVIL CODE—Continued

Section	Affected By Year	Chapter	Effect
2871	1999	720	Ad
	1999	721	Am (as ad by Stats. 1999, Ch. 720)
2924	1999	974	Am
2924c	1999	974	Am
2924f	1999	974	Am
	1999	991	Am [96 114]
2924j	1999	974	Am
2924k	1999	974	Am
2924l	1999	974	Am
2934a	1999	974	Am (as ad by Sec. 2.5, Stats. 1993, Ch. 754)
2944	1999	991	Am [96 114]
2955.5	1999	412	Am [56]
2981	1999	212	Am
2982	1999	212	Am
2982.2	1999	212	R
2983.8	1999	991	Am [96 114]
2991	1999	235	Ad [25]
3071	1999	376	Am
3072	1999	376	Am
3089	1999	795	Am
3097	1999	795	Am
3098	1999	795	Am
3111	1999	795	Am
3111.5	1999	795	R
3260.1	1999	982	Am
3269	1999	83	Am [30]
3272	1999	698	Ad [4]
3272.1	1999	698	Ad [4]
3272.2	1999	698	Ad [4]
3272.3	1999	698	Ad [4]
3272.4	1999	698	Ad [4]
3272.7	1999	698	Ad [4]
3272.9	1999	698	Ad [4]
3296	1999	525	Am [112]
3343.5	1999	991	Am [96 114]
3344.1	1999	998	Ad(RN)
	1999	1000	Ad(RN)
3428	1999	536	Ad
3439.08	1999	991	Am [96 114]
3440.1	1999	991	Am [96 114]
3440.5	1999	991	Am [96 114]
3482.6	1999	329	Am

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

CODE OF CIVIL PROCEDURE

Section	Affected By Year	Chapter	Effect
77	1999	344*	Am
	1999	853	Am (by Sec. 1.5 of Ch.)
87	1999	344*	Ad
88	1999	344*	Ad
116.220	1999	982	Am
116.950	1999	344*	Am
128	1999	508	Am
185	1999	662	Am
340.1	1999	120	Am
354.5	1999	827*	Am
354.6	1999	216*	Ad
Pt. 2, Title 4, heading (Sec. 392 et seq.)	1999	344*	Am
Pt. 2, Title 4, Ch. 1, heading (Sec. 392 et seq.)	1999	344*	Am
395.9	1999	344*	R
399.5	1999	344*	R
400	1999	344*	Am
403.010	1999	344*	Ad
403.020	1999	344*	Ad
403.030	1999	344*	Ad
403.040	1999	344*	Ad
403.050	1999	344*	Ad
403.060	1999	344*	Ad
403.070	1999	344*	Ad
403.080	1999	344*	Ad
403.090	1999	344*	Ad
Pt. 2, Title 4, Ch. 2, heading (Sec. 404 et seq.)	1999	344*	Am & RN
Pt. 2, Title 4, Ch. 3, heading (Sec. 404 et seq.)	1999	344*	Ad(RN)
411.35	1999	176	Am
422.30	1999	344*	Am
425.16	1999	960*	Am
481.020	1999	991	Am [96 114]
481.030	1999	991	Am [96 114]
481.040	1999	991	Am [96 114]
481.080	1999	991	Am [96 114]
481.090	1999	991	Am [96 114]
481.115	1999	991	Am [96 114]
481.117	1999	991	Am [96 114]
481.207	1999	991	Am [96 114]
481.220	1999	991	Am [96 114]
488.375	1999	991	Am [96 114]
488.385	1999	991	Am [96 114]
488.405	1999	991	Am [96 114]
488.500	1999	991	Am [96 114]
527.6	1999	661	Am
527.8	1999	661	Am
631	1999	83	Am [30]
680.120	1999	991	Am [96 114]
680.130	1999	991	Am [96 114]
680.140	1999	991	Am [96 114]
680.170	1999	991	Am [96 114]
680.180	1999	991	Am [96 114]
680.210	1999	991	Am [96 114]
680.220	1999	991	Am [96 114]
680.340	1999	991	Am [96 114]
680.350	1999	991	Am [96 114]
697.530	1999	991	Am [96 114]
697.580	1999	991	Am [96 114]
697.590	1999	991	Am [96 114]
697.610	1999	991	Am [96 114]
697.640	1999	991	Am [96 114]
697.650	1999	991	Am [96 114]
697.660	1999	991	Am [96 114]
697.730	1999	991	Am [96 114]
697.740	1999	991	Am [96 114]
697.750	1999	991	Am [96 114]
697.920	1999	991	Am [96 114]
701.040	1999	991	Am (as am by Sec. 17, Stats. 1998, Ch. 932 and as ad by Sec. 1.5, Stats. 1990, Ch. 1125) [96 114]
703.140	1999	98	Am
704.115	1999	98	Am
708.780	1999	652	Am [153]
726.5	1999	60	Am
730.5	1999	991	Am [96 114]
736	1999	60	Am
871.3	1999	344*	Am
904.1	1999	960*	Am
917.7	1999	346	Am
995.710	1999	892	Am
998	1999	353	Am
1005	1999	43	Am
1010.6	1999	514	Ad
1014	1999	344*	Am
1018	1999	1000	R
1068	1999	344*	Am
1085	1999	344*	Am
1094.5	1999	446*	Am
1094.7	1999	446*	R
1094.8	1999	49*	Ad
1103	1999	344*	Am
1167.3	1999	83	Am [30]
	1999	344*	Am
1204	1999	202	Am (by Sec. 1 of Ch.)
1250.410	1999	102	Am
1258.220	1999	102	Am
1260.250	1999	892	Am
1513	1999	835	Am

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

CODE OF CIVIL PROCEDURE—Continued

Section	Affected By Year	Chapter	Effect
1730	1999	67*	Ad & R [19]
1731	1999	67*	Ad & R [19]
1732	1999	67*	Ad & R [19]
1733	1999	67*	Ad & R [19]
1734	1999	67*	Ad & R [19]
1735	1999	67*	Ad & R [19]
1736	1999	67*	Ad & R [19]
1737	1999	67*	Ad & R [19]
1738	1999	67*	Ad & R [19]
1739	1999	67*	Ad & R [19]
1740	1999	67*	Ad & R [19]
1741	1999	67*	Ad & R [19]
1742	1999	67*	Ad & R [19]
1743	1999	67*	Ad & R [19]
1776	1999	720	Ad
1777	1999	720	Ad
1778	1999	720	Ad
	1999	721	Am (as ad by Stats. 1999, Ch. 720)
1779	1999	720	Ad
1780	1999	720	Ad
1781	1999	720	Ad
1782	1999	720	Ad
1783	1999	720	Ad
1784	1999	720	Ad
1800	1999	202	Am
1985.3	1999	444	Am
1985.6	1999	444	Am
2020	1999	444	Am
2025	1999	892	Am
2031	1999	48	Am
2103	1999	991	Am [96 114]
2104	1999	1000	Am

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

COMMERCIAL CODE

Section	Affected By Year	Chapter	Effect
1105	1999	991	Am [96 114]
1201	1999	991	Am [96 114]
1206	1999	991	Am [96 114]
2103	1999	991	Am [96 114]
2210	1999	991	Am [96 114]
2326	1999	991	Am [96 114]
2502	1999	991	Am [96 114]
2716	1999	991	Am [96 114]
4210	1999	991	Am [96 114]
5118	1999	991	Am [96]
6102	1999	991	Am [96 114]
6103	1999	991	Am [96 114]
7503	1999	991	Am [96 114]
8103	1999	991	Am [96 114]
8106	1999	991	Am [96 114]
8110	1999	991	Am [96 114]
8301	1999	991	Am [96 114]
8302	1999	991	Am [96 114]
8510	1999	991	Am [96 114]
8603	1999	991	Am [96 114]
9101	1999	991	R & Ad [96 114]
9102	1999	991	R & Ad [96 114]
9103	1999	991	R & Ad [96 114]
9104	1999	991	R & Ad [96 114]
9105	1999	991	R & Ad [96 114]
9106	1999	991	R & Ad [96 114]
9107	1999	991	R & Ad [96 114]
9108	1999	991	R & Ad [96 114]
9109	1999	991	R & Ad [96 114]
9110	1999	991	R & Ad [96 114]
9112	1999	991	R [96 114]
9113	1999	991	R [96 114]
9114	1999	991	R [96 114]
9115	1999	991	R [96 114]
9116	1999	991	R [96 114]
9201	1999	991	R & Ad [96 114]
9202	1999	991	R & Ad [96 114]
9203	1999	991	R & Ad [96 114]
9204	1999	991	R & Ad [96 114]
9205	1999	991	R & Ad [96 114]
9206	1999	991	R & Ad [96 114]
9207	1999	991	R & Ad [96 114]
9208	1999	991	R & Ad [96 114]
9209	1999	991	Ad [96 114]
9210	1999	991	Ad [96 114]
9301	1999	991	R & Ad [96 114]
9302	1999	991	R & Ad [96 114]
9303	1999	991	R & Ad [96 114]
9304	1999	991	R & Ad [96 114]
9305	1999	991	R & Ad [96 114]
9306	1999	991	R & Ad [96 114]
9307	1999	991	R & Ad [96 114]
9308	1999	991	R & Ad [96 114]
9309	1999	991	R & Ad [96 114]
9310	1999	991	R & Ad [96 114]
9311	1999	991	R & Ad [96 114]
9312	1999	991	R & Ad [96 114]
9313	1999	991	R & Ad [96 114]
9314	1999	991	R & Ad [96 114]
9315	1999	991	R & Ad [96 114]
9316	1999	991	R & Ad [96 114]
9317	1999	991	R & Ad [96 114]
9318	1999	991	R & Ad [96 114]
9319	1999	991	Ad [96 114]
9320	1999	991	Ad [96 114]
9321	1999	991	Ad [96 114]
			R & Ad [22 114]
9322	1999	991	Ad [96 114]
9323	1999	991	Ad [96 114]
9324	1999	991	Ad [96 114]
9325	1999	991	Ad [96 114]
9326	1999	991	Ad [96 114]
9327	1999	991	Ad [96 114]
9328	1999	991	Ad [96 114]
9329	1999	991	Ad [96 114]
9330	1999	991	Ad [96 114]
9331	1999	991	Ad [96 114]
9332	1999	991	Ad [96 114]
9333	1999	991	Ad [96 114]
9334	1999	991	Ad [96 114]
9335	1999	991	Ad [96 114]
9336	1999	991	Ad [96 114]
9337	1999	991	Ad [96 114]
9338	1999	991	Ad [96 114]
9339	1999	991	Ad [96 114]
9340	1999	991	Ad [96 114]
9341	1999	991	Ad [96 114]
9342	1999	991	Ad [96 114]
9401	1999	991	R & Ad [96 114]
9402	1999	991	R & Ad [96 114]
9403	1999	991	R & Ad [96 114]
	1999	1000	Am
9403.1	1999	991	R [96 114]
9403.5	1999	991	R [96 114]
9404	1999	991	R & Ad [96 114]
	1999	1000	Am
9405	1999	991	R & Ad [96 114]
	1999	1000	Am
9406	1999	991	R & Ad [96 114]
	1999	1000	Am
9407	1999	991	R & Ad [96 114]
9407.1	1999	991	R [96 114]
9407.2	1999	991	R [96 114]
9407.3	1999	991	R [96 114]
9408	1999	991	R & Ad [96 114]
9409	1999	991	R & Ad [96 114]
	1999	1000	Am
9501	1999	991	R (as am by Sec. 25, Stats. 1998, Ch. 932 and as am by Sec. 7, Stats. 1992, Ch. 1095) & Ad [96 114]

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

COMMERCIAL CODE—Continued

Section	Affected By Year	Chapter	Effect
9502	1999	991	R (as am by Sec. 26, Stats. 1999, Ch. 932 and as ad by Sec. 3.5, Stats. 1990, Ch. 1125) & Ad [96 114]
9503	1999	991	R & Ad [96 114]
9504	1999	991	R (as am by Sec. 27, Stats. 1998, Ch. 932 and as ad by Sec. 4.5, Stats. 1990, Ch. 1125) & Ad [96 114]
9505	1999	991	R & Ad [96 114]
9506	1999	991	R & Ad [96 114]
9507	1999	991	R & Ad [96 114]
9508	1999	991	R & Ad [96 114]
9509	1999	991	Ad [96 114]
9510	1999	991	Ad [96 114]
9511	1999	991	Ad [96 114]
9512	1999	991	Ad [96 114]
9513	1999	991	Ad [96 114]
9514	1999	991	Ad [96 114]
9515	1999	991	Ad [96 114]
9516	1999	991	Ad [96 114]
9517	1999	991	Ad [96 114]
9518	1999	991	Ad [96 114]
9519	1999	991	Ad [96 114]
9520	1999	991	Ad [96 114]
9521	1999	991	Ad [96 114]
9522	1999	991	Ad [96 114]
9523	1999	991	Ad [96 114]
9524	1999	991	Ad [96 114]
9525	1999	991	Ad [96 114]
9526	1999	991	Ad [96 114]
9527	1999	991	Ad [96 114]
9528	1999	991	Ad [96 114]
9601	1999	991	Ad [96 114]
9602	1999	991	Ad [96 114]
9603	1999	991	Ad [96 114]
9604	1999	991	Ad [96 114]
9605	1999	991	Ad [96 114]
9606	1999	991	Ad [96 114]
9607	1999	991	Ad [96 114]
9608	1999	991	Ad [96 114]
9609	1999	991	Ad [96 114]
9610	1999	991	Ad [96 114]
9611	1999	991	Ad [96 114]
9612	1999	991	Ad [96 114]
9613	1999	991	Ad [96 114]
9614	1999	991	Ad [96 114]
9615	1999	991	Ad [96 114]
9616	1999	991	Ad [96 114]
9617	1999	991	Ad [96 114]
9618	1999	991	Ad [96 114]
9619	1999	991	Ad [96 114]
9620	1999	991	Ad [96 114]
9621	1999	991	Ad [96 114]
9622	1999	991	Ad [96 114]
9623	1999	991	Ad [96 114]
9624	1999	991	Ad [96 114]
9625	1999	991	Ad [96 114]
9626	1999	991	Ad [96 114]
9627	1999	991	Ad [96 114]
9628	1999	991	Ad [96 114]
9629	1999	991	Ad [96 114]
9701	1999	991	Ad [96 114]
9702	1999	991	Ad [96 114]
9703	1999	991	Ad [96 114]
9704	1999	991	Ad [96 114]
9705	1999	991	Ad [96 114]
9706	1999	991	Ad [96 114]
9707	1999	991	Ad [96 114]
9708	1999	991	Ad [96 114]
10103	1999	991	Am [96 114]
10303	1999	991	Am [96 114]
10307	1999	991	Am [96 114]
10309	1999	991	Am [96 114]
13102	1999	991	Am [96 114]
13105	1999	991	Am [96 114]
14106	1999	991	Am [96 114]

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

CONSTITUTIONAL AMENDMENTS PASSED BY LEGISLATURE IN 1999

Sub-division	*Affected By Year*	*Res. Ch.*	*Effect*	*Sub-division*	*Affected By Year*	*Res. Ch.*	*Effect*
Art. IV				(c)	1999	142	Am
Sec. 19	1999	123	Am	(e)	1999	123	Am
	1999	142	Am	(f)	1999	123	Ad
(a)	1999	142	Am		1999	142	Ad

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

CORPORATIONS CODE

Section	Affected By Year	Chapter	Effect
160	1999	437	Am
168	1999	437	Am
174.5	1999	437	Am
175	1999	437	Am
181	1999	437	Am
1001	1999	437	Am
1100	1999	437	Am
1101	1999	437	Am
1101.1	1999	437	Am
1107.5	1999	1000	Ad
1109	1999	437	Am
1113	1999	437	Am
1200	1999	437	Am
1201	1999	437	Am
1300	1999	470	Am
1502	1999	1000	Am
1905	1999	1000	Am
2105	1999	896	Am
2117	1999	1000	Am
2205	1999	1000	Am
5008.6	1999	1000	Am
5063.5	1999	437	Ad
5064.5	1999	437	Ad
5222	1999	453	Am
5237	1999	453	Am
5819	1999	453	Am
5913	1999	850	Am
5915	1999	850	Am
5916	1999	850	Am
5919	1999	850	Am
5920	1999	850	Ad
5921	1999	850	Ad
5922	1999	850	Ad
5923	1999	850	Ad
5924	1999	850	Ad
5925	1999	850	Ad
6010	1999	437	Am
6018	1999	453	Am
6019.1	1999	437	Ad
6020	1999	437	Am
6021	1999	437	Am
6022	1999	437	Am
6210	1999	1000	Am
6211	1999	453	Am
6325	1999	453	Ad
6611	1999	453	Am
7122.3	1999	453	Ad
7222	1999	453	Am
7236	1999	453	Am
8010	1999	437	Am
8011	1999	453	Am
8018	1999	453	Am
8019.1	1999	437	Ad
8020	1999	437	Am
8021	1999	437	Am
8022	1999	437	Am
8210	1999	1000	Am
8211	1999	453	Am
8325	1999	453	Ad
8611	1999	453	Am
8723	1999	453	Am
9222	1999	453	Am
9245	1999	453	Am
9640	1999	437	Am
10251	1999	145	Am
10821	1999	525	Am [112]
12242.5	1999	437	Ad
12242.6	1999	437	Ad
12302.1	1999	453	Ad
12362	1999	453	Am
12376	1999	453	Am
12530	1999	437	Am
12531	1999	453	Am
12539	1999	453	Am
12540.1	1999	437	Ad
12550	1999	437	Am
12551	1999	437	Am
12552	1999	437	Am
12571	1999	453	Am
12594	1999	453	Ad
12631	1999	453	Am
12662	1999	453	Am
13401	1999	657	Am
13408.5	1999	525	Am [112]
15677.1	1999	250	Ad
15677.2	1999	250	Ad
15677.3	1999	250	Ad
15677.4	1999	250	Ad
15677.5	1999	250	Ad
15677.6	1999	250	Ad
15677.7	1999	250	Ad
15677.8	1999	250	Ad
15677.9	1999	250	Ad
15679.1	1999	250	Am
	1999	437	Am (by Sec. 26.5 of Ch.)
15800	1999	1000	Am
16101	1999	250	Am
16901	1999	250	Am
	1999	437	Am
16903	1999	250	Am
16905	1999	250	Am
16906	1999	250	Am
16907	1999	250	Am
16911	1999	250	Am
	1999	437	Am
16914	1999	250	Am
	1999	437	Am
16915	1999	250	Am
	1999	437	Am
16916	1999	250	Am
	1999	437	Am
16953	1999	1000	Am
16954	1999	1000	Am
16959	1999	1000	Am
16960	1999	1000	Am
16962	1999	1000	Am
17001	1999	490	Am
17050	1999	490	Am
17060	1999	1000	Am
17101	1999	490	Am

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

CORPORATIONS CODE—Continued

Section	Affected By Year	Chapter	Effect
17356	1999	1000	Am
17375	1999	1000	Ad
17540.1	1999	250	Ad
17540.2	1999	250	Ad
17540.3	1999	250	Ad
17540.4	1999	250	Ad
17540.5	1999	250	Ad
17540.6	1999	250	Ad
17540.7	1999	250	Ad
17540.8	1999	250	Ad
17540.9	1999	250	Ad
17600	1999	250	Am
	1999	437	Am (by Sec. 32.5 of Ch.)
17654	1999	1000	Am
17700	1999	1000	R
17701	1999	1000	R
17702	1999	1000	R
17703	1999	1000	R
17704	1999	1000	R
17705	1999	1000	R
21304	1999	1000	Am
24003	1999	1000	Am
24004	1999	1000	Am
25102	1999	83	Am [30]
25219	1999	470	Am
28956	1999	83	Am [30]
31108	1999	325	Ad

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

EDUCATION CODE

Section	Affected By Year	Chapter	Effect
200	1999	587	Am
220	1999	587	Am
220.5	1999	587	Ad(RN)
221	1999	587	Am & RN
241	1999	587	Ad
313	1999	678	Ad
400	1999	71	Ad
402	1999	71	Ad
404	1999	71	Ad
406	1999	71	Ad
408	1999	71	Ad
410	1999	71	Ad
1209	1999	838	Ad
1279	1999	838	Ad
1280	1999	838	Ad
1281	1999	838	Ad
1302	1999	838	Ad
1317	1999	646	Am
1982.3	1999	152*	Am
2550	1999	680	Am
2551	1999	680	Am [12]
			R [1]
2558.45	1999	78*	Am
2567	1999	680	Ad
5322	1999	667	Am
5324	1999	667	Am
5325	1999	667	Am
5361	1999	667	Am
5362	1999	667	Am
8201	1999	823	Am
8202	1999	823	Am (by Sec. 4 of Ch.)
8203.3	1999	78*	Am
8208	1999	646	Am
8212	1999	823	Am
8215	1999	548	Am [36 13]
8222.5	1999	882	Am
8226	1999	823	Ad
8261.5	1999	646	Ad
8277.5	1999	492	Am
8277.6	1999	492	Am
8359	1999	646	Am
8447	1999	78*	Am
8482.3	1999	78*	Am
8482.8	1999	872*	Ad
8483	1999	872*	Am
8483.7	1999	872*	Am
8484.6	1999	108	Ad
8660	1999	78*	Am [57]
8661	1999	78*	Am [57]
8662	1999	78*	Am [57]
8663	1999	78*	Am [57]
8664	1999	78*	Am [57]
8665	1999	78*	R
8666	1999	78*	Am [57]
8667	1999	78*	Am [57]
8668	1999	78*	Am [57]
8669	1999	78*	Am [57]
8669.1	1999	78*	Am [57]
8669.2	1999	78*	R
8927	1999	83	Am [30]
8980	1999	965	Ad
8981	1999	965	Ad
8982	1999	965	Ad
10554	1999	646	Am [14]
11020	1999	78*	Am
11021	1999	78*	Am
14002	1999	78*	Am [21]
			R [34]
			Ad [35]
15100	1999	667	Am
15120	1999	646	Am
15140	1999	667	Am
15146	1999	667	Am
15150	1999	667	Ad
15205	1999	667	Ad
15340	1999	858	Am
15341	1999	858	R
17009.5	1999	858	Am
17070.15	1999	858	Am
17070.50	1999	992	Am
17070.75	1999	858	Am
17071.10	1999	857	Am
	1999	858	Am
17071.25	1999	858	Am
17071.75	1999	858	Am
17072.10	1999	858	Am [147]
17072.13	1999	992	Ad
17072.17	1999	858	Ad
17072.20	1999	858	Am
17072.25	1999	178	Am
17074.10	1999	858	Am
17076.10	1999	858	Am
17076.11	1999	133	Ad
17077.10	1999	709	Ad
	1999	981	Ad
17096	1999	709	Ad
17150	1999	646	Am
17180	1999	718*	Am
17199.1	1999	718*	Am
17210	1999	1002	Ad
17210.1	1999	1002	Ad
17213.1	1999	1002	Ad
17213.2	1999	992	Ad
17213.3	1999	992	Ad
17215	1999	837	Am
17268	1999	992	Am
17284.5	1999	304	Ad
17317	1999	622	Ad
17578	1999	646	Am
17584	1999	390	Ad(RN)
17584.1	1999	390	Ad (by Sec. 3 of Ch.)
17620	1999	300	Am
18181	1999	646	Am
18182	1999	646	Am
18185	1999	646	Ad
18200	1999	78*	Ad
18201	1999	78*	Ad
18202	1999	78*	Ad

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

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Section	Affected By Year	Chapter	Effect
18203	1999	78*	Ad
19985	1999	726*	Ad [165]
19985.5	1999	726*	Ad [165]
19986	1999	726*	Ad [165]
19987	1999	726*	Ad [165]
19988	1999	726*	Ad [165]
19989	1999	726*	Ad [165]
19990	1999	726*	Ad [165]
19991	1999	726*	Ad [165]
19992	1999	726*	Ad [165]
19993	1999	726*	Ad [165]
19994	1999	726*	Ad [165]
19995	1999	726*	Ad [165]
19996	1999	726*	Ad [165]
19997	1999	726*	Ad [165]
19998	1999	726*	Ad [165]
19999	1999	726*	Ad [165]
20000	1999	726*	Ad [165]
20001	1999	726*	Ad [165]
20002	1999	726*	Ad [165]
20003	1999	726*	Ad [165]
20004	1999	726*	Ad [165]
20005	1999	726*	Ad [165]
20006	1999	726*	Ad [165]
20007	1999	726*	Ad [165]
20008	1999	726*	Ad [165]
20009	1999	726*	Ad [165]
20010	1999	726*	Ad [165]
20011	1999	726*	Ad [165]
22000	1999	939	Am [30]
22007	1999	939	Am [30]
22008	1999	939	Am [30]
22104.5	1999	939	Ad [30]
22106.1	1999	939	Ad [30]
22106.2	1999	939	Ad [30]
22109.5	1999	939	Ad [30]
22115.2	1999	939	Ad [30]
22115.5	1999	939	Ad [30]
22119.2	1999	939	Am [30]
22128	1999	939	Am [30]
22134	1999	939	Am [30]
22135	1999	939	Am [30]
22136	1999	939	Am [30]
22138.5	1999	939	Am [30]
22147.5	1999	939	Am [30]
22148	1999	939	Am [30]
22156.1	1999	939	Ad [30]
22156.2	1999	939	Ad [30]
22156.5	1999	939	Ad [30]
22161	1999	939	Am [30]
22163	1999	939	Am [30]
22164	1999	465	Ad
22170.5	1999	939	Ad [30]
22306	1999	939	Am [30]
22315	1999	465	R
22316	1999	465	R
22317	1999	465	R
22327	1999	939	Am [30]
22360	1999	939	Am [30]
22360.5	1999	939	Ad [30]
22400	1999	939	Am [30]
22455.5	1999	939	Am [30]
22457	1999	939	Am [30]
22458	1999	939	Am [30]
22459	1999	939	Am [30]
22502	1999	939	Am [30]
22503	1999	939	Am [30]
22504	1999	939	Am [30]
22508	1999	939	Am [30]
22508.5	1999	939	Am [30]
22514	1999	939	Am [30]
22516	1999	939	Am [30]
22601.5	1999	939	Am [30]
22602	1999	939	Am [30]
22604	1999	939	Am [30]
22664	1999	939	Am [30]
22713	1999	939	Am [30]
22714	1999	939	Am [30]
22717	1999	939	Am [30]
22718	1999	939	Am [30]
22724	1999	939	Ad [30]
22801	1999	939	Am [30]
22803	1999	939	Am [30]
22805	1999	939	Am [30]
22820	1999	939	Am [30]
22823	1999	939	Am [30]
22826	1999	939	Am [30]
22955	1999	939	Am [30]
23003	1999	939	Am [30]
23004	1999	939	Am [30]
23006	1999	939	Am [30]
23201	1999	939	Am [30]
23702	1999	939	Am [30]
23805.5	1999	939	Ad [30]
23812	1999	432	Ad
23851	1999	939	Am [30]
24101.5	1999	939	Am [30]
24201	1999	939	Am [30]
24203.5	1999	939	Am [30]
24205	1999	939	R & Ad [30]
24211	1999	939	Am [30]
24212	1999	939	Am [30]
24213	1999	939	Am [30]
24216.5	1999	40*	Am
24250	1999	465	Ad
24255	1999	465	Ad
24260	1999	465	Ad
24270	1999	465	Ad
24275	1999	465	Ad
24300	1999	939	Am (as ad by Sec. 2, Stats. 1998, Ch. 349) [30]
24305.5	1999	939	Am [30]
24306	1999	939	Am (as ad by Sec. 4, Stats. 1998, Ch. 349) [30]

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

EDUCATION CODE—Continued

Section	Affected By Year	Chapter	Effect
24307	1999	939	Am (as ad by Sec. 7, Stats. 1998, Ch. 349)[30]
24410.5	1999	632	Ad
24600	1999	939	Am (as am by Sec. 204, Stats. 1998, Ch. 965)[30]
24615	1999	939	Am[30]
24975	1999	740*	Ad(RN)
24976	1999	740*	Ad(RN)
25000	1999	740*	Am & RN & Ad
25001	1999	740*	Am & RN
25100	1999	740*	Ad
25110	1999	740*	Ad
25115	1999	740*	Ad
25120	1999	740*	Ad
25125	1999	740*	Ad
26135	1999	939	Am[30]
26202	1999	939	Am[30]
26215	1999	939	Am[30]
26301	1999	939	Am[30]
26303	1999	939	Am[30]
26401.5	1999	939	Am[30]
26504	1999	939	Am[30]
26603	1999	939	Am[30]
26604	1999	939	Am[30]
27410	1999	939	Am[30]
Title 1, Div. 1, Pt. 19, Ch. 2, Art. 3.6, heading (Sec. 32228 et seq.)	1999	86	Am (as ad by Stats. 1999, Ch. 51)
	1999	645*	Am (as ad by Stats. 1999, Ch. 51)
32228	1999	51*	Ad
32228.1	1999	51*	Ad
	1999	86	Am (as ad by Stats. 1999, Ch. 51)
	1999	645*	Am (as ad by Stats. 1999, Ch. 51)
	1999	646	Am (as ad by Stats. 1999, Ch. 51)
32228.2	1999	51*	Ad
	1999	646	Am (as ad by Stats. 1999, Ch. 51)
32228.3	1999	645*	Ad
32228.5	1999	646	Ad
32239.5	1999	51*	Ad
	1999	86	Am (as ad by Stats. 1999, Ch. 51)
32270.5	1999	872*	Ad
32320	1999	689	Am
33328	1999	1009*	Ad
35021.2	1999	476	Ad
35041.3	1999	189	Ad
35160.5	1999	389	Am
35182.5	1999	374	Ad
35254	1999	646	Am
35294.1	1999	996	Am
35294.10	1999	996	Ad
35294.11	1999	996	Ad
35294.12	1999	996	Ad
35294.13	1999	996	Ad
35294.14	1999	996	Ad
35294.15	1999	996	Ad
35294.2	1999	996	R (as ad by Sec. 4, Stats. 1997, Ch. 736) Am (as ad by Sec. 3, Stats. 1997, Ch. 736)[13]
35294.5	1999	996	Am
35294.6	1999	996	Am
35294.7	1999	996	Am
35294.8	1999	996	Am
35294.9	1999	996	Am
35400	1999	295*	Ad & R[24]
35401	1999	295*	Ad & R[24]
35556	1999	205	Am
37252	1999	78*	Am (as am by Stats. 1999–2000 (1st Ex. Sess.), Ch. 1)[1]
	1X 1999–2000	1	Am
37252.5	1999	78*	Am
37253	1999	78*	Am
38020	1999	646	R
38021	1999	646	R
38022	1999	646	R
38023	1999	646	R
38024	1999	646	R
38025	1999	646	R
38026	1999	646	R

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

EDUCATION CODE—Continued

Section	Affected By Year	Chapter	Effect
38027	1999	646	R
38028	1999	646	R
38029	1999	646	R
38030	1999	646	R
38040	1999	646	R
38045	1999	646	R
38046	1999	646	R
38047	1999	646	R
38047.5	1999	648	Ad
38048	1999	646	R
	1999	647*	Am & RN (by Sec. 1 of Ch.) Ad(RN) (by Sec. 1 of Ch.)
	1999	648	Am & RN (by Sec. 2.5 of Ch.)
38049	1999	646	R
38050	1999	646	R
38051	1999	646	R
38052	1999	646	R
38053	1999	646	R
38054	1999	646	R
38055	1999	646	R
38056	1999	646	R
38057	1999	646	R
38058	1999	646	R
38059	1999	646	R
38060	1999	646	R
38065	1999	646	R
38139	1999	832	Am
38150	1999	646	R
38155	1999	646	R
38156	1999	646	R
38157	1999	646	R
38158	1999	646	R
38159	1999	646	R
38160	1999	646	R
38161	1999	646	R
38162	1999	646	R
38163	1999	646	R
38164	1999	646	R
38165	1999	646	R
38166	1999	646	R
38167	1999	646	R
38168	1999	646	R
39619	1999	390	Am & RN
39800	1999	646	Ad
39801	1999	646	Ad
39801.5	1999	646	Ad
39802	1999	646	Ad
39803	1999	646	Ad
39805	1999	646	Ad
39806	1999	646	Ad
39807	1999	646	Ad
39807.5	1999	646	Ad
39808	1999	646	Ad
39809.5	1999	646	Ad
39820	1999	646	Ad
39830	1999	646	Ad
39830.1	1999	646	Ad
39831	1999	646	Ad
39831.5	1999	646	Ad [82]
	1999	648	Ad(RN) (by Sec. 2.5 of Ch.)
39832	1999	646	Ad
39833	1999	646	Ad
39834	1999	646	Ad
39835	1999	646	Ad
39836	1999	646	Ad
39837	1999	646	Ad
39837.5	1999	646	Ad
39838	1999	646	Ad
39839	1999	646	Ad
39840	1999	646	Ad
39841	1999	646	Ad
39842	1999	646	Ad
39860	1999	646	Ad
40070	1999	646	Ad
40080	1999	646	Ad
40081	1999	646	Ad
40082	1999	646	Ad
40083	1999	646	Ad
40084	1999	646	Ad
40084.5	1999	646	Ad
40085	1999	646	Ad
40085.5	1999	646	Ad
40086	1999	646	Ad
40087	1999	646	Ad
40088	1999	646	Ad
40089	1999	646	Ad
40090	1999	646	Ad
40090.5	1999	646	Ad
41023	1999	646	Am
41203.1	1999	78*	Am
41204.1	1999	84*	Am [29]
41344	1999	78*	Ad
41344.2	1999	646	Ad
41365	1999	736*	Am
41380	1999	646	R
41852	1999	646	Am
41857	1999	78*	Ad
42101	1999	646	R
42238	1999	78*	Am
	1999	646	Am (as am by Stats. 1999, Ch. 78) [164]
42238.1	1999	78*	Am
42238.145	1999	78*	Am
42238.95	1999	83	Am [30]
42239	1999	78*	Am
42239.1	1999	78*	Am
	1X 1999–2000	2*	Ad
42239.2	1X 1999–2000	2*	Ad
42247.5	1999	78*	Am
42269	1999	154	Ad
42285.3	1999	191*	Am [21 20]
44010	1999	281	Am
44015.1	1999	286	Ad
44225.6	1999	381	Ad
44225.7	1999	381	Ad
44227	1999	623*	Am
44235	1999	78*	Am

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

EDUCATION CODE—Continued

Section	Affected By Year	Chapter	Effect
44252.5	1999	704	Am
44252.9	1999	704	Ad
44253	1999	623*	Am
44253.10	1999	685	Am
44253.8	1999	737	Am
44259	1999	623*	Am
44259.3	1999	83	Am [30]
44259.5	1999	711	Ad
44259.8	1999	737	Ad & R [18]
44275.3	1999	623*	Am
44277	1X 1999–2000	2*	Am
44283.2	1999	623*	Am
44302	1999	400*	Ad
44305	1999	623*	Am
44332	1999	281	Am
44346.1	1999	281	Am
	1999	710	Am
44403	1999	83	Am [30]
44424	1999	281	Am
	1999	710	Am
44490	1X 1999–2000	4	S [4 5]
44491	1X 1999–2000	4	S [4 5]
44492	1X 1999–2000	4	S [4 5]
44492.3	1X 1999–2000	4	S [4 5]
44493	1X 1999–2000	4	S [4 5]
44494	1999	939	Am [30]
	1X 1999–2000	4	S [4 5]
44495	1X 1999–2000	4	S [4 5]
44496	1X 1999–2000	4	S [4 5]
44497	1X 1999–2000	4	S [4 5]
44498	1999	646	Am
	1X 1999–2000	4	Ad [4]
			R [8]
44500	1X 1999–2000	4	Ad
44501	1X 1999–2000	4	Ad
44502	1X 1999–2000	4	Ad
44503	1999	646	Am
	1X 1999–2000	4	Ad
44504	1999	646	Am
	1X 1999–2000	4	Ad
44505	1999	646	Am
	1X 1999–2000	4	Ad
44506	1999	646	Am
	1X 1999–2000	4	Ad
44507	1999	646	Am
	1X 1999–2000	4	Ad
44508	1X 1999–2000	4	Ad
44579.1	1999	78*	Am
44579.4	1999	83	Am [30]
	1999	646	Am
44650	1999	52*	Ad
44651	1999	52*	Ad
44652	1999	52*	Ad
44653	1999	52*	Ad
44654	1999	52*	Ad
44661.5	1999	279	Ad
44662	1X 1999–2000	4	Am
44664	1X 1999–2000	4	Am
44695	1999	646	Am
44695.7	1999	646	Am
44731	1999	83	Am [30]
44810	1999	1013	Am
44811	1999	1013	Am
44831	1999	623*	Am
44930	1999	80	Am
45023.4	1999	53*	Ad
	1999	646	Am (as ad by Stats. 1999, Ch. 53)
45048	1999	287	Am
45049	1999	287	Am
45125	1999	78*	Am
45201	1999	80	Am
46300	1999	78*	Am
47605	1999	828	Am
Title 2, Div. 4, Pt. 26.8, Ch. 3, heading (Sec. 47610 et seq.)	1999	78*	Am
47611	1999	939	Am [30]
47611.5	1999	828	Ad
47612	1999	78*	Am
47612.5	1999	162	Ad
47613	1999	78*	R & Ad(RN)
47613.1	1999	646	Ad
47613.5	1999	78*	R
47613.7	1999	78*	Am & RN
Title 2, Div. 4, Pt. 26.8, Ch. 5, Art. 1, heading (Sec. 47620 et seq.)	1999	828	Ad
47626	1999	828	Ad
47630	1999	78*	Ad
47630.5	1999	78*	Ad
47631	1999	78*	Ad
47632	1999	78*	Ad
	1999	646	Am (as ad by Stats. 1999, Ch. 78) [164]
47632.5	1999	78*	Ad
47633	1999	78*	Ad
47634	1999	78*	Ad
	1999	646	Am (as ad by Stats. 1999, Ch. 78) [164]
47634.3	1999	646	Ad [164]
47634.5	1999	78*	Ad
47635	1999	78*	Ad
47636	1999	78*	Ad
	1999	646	Am (as ad by Stats. 1999, Ch. 78) [164]
47638	1999	78*	Ad
47640	1999	78*	Ad
47641	1999	78*	Ad

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

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Section	Affected By Year	Chapter	Effect
47642	1999	78*	Ad
	1999	646	Am (as ad by Stats. 1999, Ch. 78)[164]
47643	1999	78*	Ad
47644	1999	78*	Ad
47645	1999	78*	Ad
47646	1999	78*	Ad
	1999	646	Am (as ad by Stats. 1999, Ch. 78)[164]
47647	1999	78*	Ad
47650	1999	78*	Ad
47651	1999	78*	Ad
47652	1999	646	Ad[164]
47660	1999	78*	Ad
	1999	646	Am (as ad by Stats. 1999, Ch. 78)[164]
47661	1999	78*	Ad
	1999	736*	Am (as ad by Stats. 1999, Ch. 78)
47662	1999	78*	Ad
47663	1999	78*	Ad
47664	1999	78*	Ad
47763.5	1999	78*	Am
47771.5	1999	78*	Am
48205	1999	312	Am
48209	1999	397	S[73 19]
48209.1	1999	397	S[73 19]
48209.10	1999	397	S[73 19]
48209.11	1999	397	S[73 19]
48209.12	1999	397	S[73 19]
48209.13	1999	397	S[73 19]
48209.14	1999	397	S[73 19]
48209.15	1999	397	S[73 19]
48209.16	1999	397	Am[73 19]
48209.17	1999	397	Ad[73] R[22]
48209.2	1999	397	S[73 19]
48209.3	1999	397	S[73 19]
48209.4	1999	397	S[73 19]
48209.5	1999	397	S[73 19]
48209.6	1999	397	S[73 19]
48209.7	1999	397	S[73 19]
48209.9	1999	397	S[73 19]
48660	1999	646	Ad[164]
48661	1999	646	Am
48664	1999	78*	Am
48900.3	1999	646	Am
48916.1	1999	646	Am
48918	1999	332	Am
48980	1X 1999–2000	1	Am
49068.6	1999	832	Ad
49080	1999	78*	Ad
49080.5	1999	78*	Ad
49081	1999	78*	Ad
49082	1999	78*	Ad
49082.5	1999	78*	Ad
49083	1999	78*	Ad
49370	1999	1013	Ad
49545.5 Title 2, Div. 4, Pt. 28, Ch. 1.5, Art. 1, heading (Sec. 51100 et seq.)	1999	78*	Ad
Title 2, Div. 4, Pt. 28, Ch. 1.5, Art. 2, heading (Sec. 51120 et seq.)	1999	734	Am (as ad by Stats. 1999, Ch. 78)
51120	1999	78*	Ad
51121	1999	78*	Ad
	1999	734	R (as ad by Stats. 1999, Ch. 78) & Ad
51122	1999	78*	Ad
	1999	734	R (as ad by Stats. 1999, Ch. 78) & Ad
51123	1999	734	Ad
51130	1999	734	Ad
51131	1999	734	Ad
51132	1999	734	Ad
51133	1999	734	Ad
51140	1999	734	Ad
51141	1999	734	Ad
51142	1999	734	Ad
51143	1999	734	Ad
51201.5	1999	83	Am[30]
51215	1X 1999–2000	1	S[11 2]
51216	1X 1999–2000	1	S[11 2]
51217	1X 1999–2000	1	S[11 2]
51217.5	1X 1999–2000	1	S[11 2]
51217.7	1X 1999–2000	1	S[11 2]
51218	1X 1999–2000	1	S[11 2]
51553	1999	234	Am
	1999	853	Am (by Sec. 2.5 of Ch.)
51554	1999	83	Am[30]
51555	1999	83	Am[30]
51747.3	1999	162	Am
51795	1999	713	Ad
51796	1999	713	Ad
51797	1999	713	Ad
51798	1999	713	Ad
51870	1999	830	Ad
51871	1999	83	Am[30]
51871.3	1999	830	Ad
51871.4	1999	830	Ad
51871.5	1999	830	Ad
51872	1999	830	Am

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

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Section	Affected By Year	Chapter	Effect
52050	1X 1999–2000	3	Ad
52050.5	1X 1999–2000	3	Ad
52051	1X 1999–2000	3	Ad
52051.5	1X 1999–2000	3	Ad
52052	1X 1999–2000	3	Ad
52052.5	1X 1999–2000	3	Ad
52053	1X 1999–2000	3	Ad
52053.5	1X 1999–2000	3	Ad
52054	1X 1999–2000	3	Ad
52054.5	1X 1999–2000	3	Ad
52055	1X 1999–2000	3	Ad
52055.5	1X 1999–2000	3	Ad
52056	1X 1999–2000	3	Ad
52056.5	1X 1999–2000	3	Ad
52057	1X 1999–2000	3	Ad
52058	1X 1999–2000	3	Ad
52084	1999	78*	Am
52086	1999	78*	Am
52122	1999	83	Am [30]
52244	1999	646	Am
52853	1999	646	Am
53025	1X 1999–2000	2*	Ad
53027	1X 1999–2000	2*	Ad
53029	1X 1999–2000	2*	Ad
53031	1999	78*	Am
	1X 1999–2000	2*	Ad
53050	1X 1999–2000	2*	Ad
53053	1X 1999–2000	2*	Ad
53055	1X 1999–2000	2*	Ad
53057	1X 1999–2000	2*	Ad
53075	1X 1999–2000	2*	Ad
54444.5	1999	691*	Ad
54685	1999	955	Am [70 18]
54685.1	1999	955	S [70 18]
54685.2	1999	955	Am [70 18]
54685.3	1999	955	Am [70 18]
54685.6	1999	955	S [70 18]
54685.7	1999	955	Am [70 18]
54685.8	1999	955	S [70 18]
54685.9	1999	955	Am [70 18]
54686	1999	955	Am [70 18]
54686.2	1999	955	Am [70 18]
54745	1999	83	Am [30]
54748	1999	83	Am [30]
54761.3	1999	83	Am [30]
56044	1999	78*	Ad
56045	1999	78*	Ad
	1999	646	Am (as ad by Stats. 1999, Ch. 78)
56195.1	1999	78*	Am
56203	1999	78*	Ad
56207.5	1999	78*	Ad
56375	1999	392	Ad
56376	1999	392	Ad
56377	1999	392	Ad
56378	1999	392	Ad
56836.06	1999	78*	Am
56836.08	1999	78*	Am
56836.15	1999	78*	Am
58000	1999	646	R
58001	1999	646	R
58002	1999	646	R
58010	1999	646	R
58011	1999	646	R
58012	1999	646	R
58013	1999	646	R
58014	1999	646	R
58015	1999	646	R
58016	1999	646	R
58017	1999	646	R
58018	1999	646	R
58019	1999	646	R
58020	1999	646	R
58021	1999	646	R
58022	1999	646	R
58023	1999	646	R
58024	1999	646	R
58025	1999	646	R
58026	1999	646	R
58027	1999	646	R
58028	1999	646	R
58040	1999	646	R
58041	1999	646	R
58050	1999	646	R
58051	1999	646	R
58060	1999	646	R
58061	1999	646	R
60045	1999	276	Am
60048	1999	276	Ad
60119	1999	646	Am
60200	1999	276	Am
60200.2	1999	276	Ad
60451	1999	15*	Am
60603	1999	83	Am [30]
60605	1999	78*	Am
	1999	735*	Am (as am by Stats. 1999, Ch. 78)
60605.5	1999	735*	Ad
60640	1999	78*	Am
	1999	83	Am [30]
	1999	735*	Am (as am by Stats. 1999, Ch. 78)
60641	1999	735*	Am (by Sec. 4 of Ch.)
60643	1999	78*	Am
	1999	735*	Am (by Sec. 5 of Ch., as am by Stats. 1999, Ch. 78)
60643.1	1999	735*	Ad [129]
60643.5	1999	78*	Ad
60644	1999	735*	Am
60646	1999	735*	R
60810	1999	78*	Am
60811	1999	78*	Am
60812	1999	678	Ad
60850	1X 1999–2000	1	Ad
60851	1X 1999–2000	1	Ad
60852	1X 1999–2000	1	Ad

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

EDUCATION CODE—Continued

Section	Affected By Year	Chapter	Effect
60853	1X 1999–2000	1	Ad
60855	1X 1999–2000	1	Ad
60856	1X 1999–2000	1	Ad
66025	1999	72*	Am
66251	1999	587	Am
66270	1999	587	Am
66270.5	1999	587	Ad(RN)
66271	1999	587	Am & RN
66602	1999	251	Am
66750	1999	688	S [19]
66751	1999	688	S [19]
66752	1999	688	S [19]
66752.5	1999	688	S [19]
66753	1999	688	S [19]
66753.5	1999	688	S [19]
66754	1999	688	S [19]
66755	1999	688	Am [19]
66756	1999	688	Am [19]
66903	1999	916	Am
67302	1999	379	Ad
68120	1999	953*	Am
			R & Ad [8]
68121	1999	953*	R
69505	1999	471*	Ad
69522	1999	636	Am
69529	1999	636	Am
69612	1999	650	Am (by Sec. 1 of Ch.)
	1999	651	Am (by Sec. 1.5 of Ch.)
69612.5	1999	650	Am (by Sec. 2 of Ch.)
	1999	651	Am (by Sec. 2.5 of Ch.)
69613	1999	650	Am (by Sec. 3 of Ch.)
	1999	651	Am (by Sec. 3.5 of Ch.)
69613.1	1999	650	Am (by Sec. 4 of Ch.)
	1999	651	Am (by Sec. 4.5 of Ch.)
69613.15	1999	904	Ad
69613.55	1999	650	R (as ad by Stats. 1998, Ch. 545)
69615.4	1999	650	Am (by Sec. 6 of Ch.)
	1999	651	Am (by Sec. 5.5 of Ch.)
69615.6	1999	72*	Am
	1999	650	Am (by Sec. 7 of Ch., as am by Stats. 1999, Ch. 72)
	1999	651	Am (by Sec. 6.5 of Ch., as am by Stats. 1999, Ch. 72)
69618.1	1999	72*	Am
69618.2	1999	72*	Am
69618.3	1999	72*	Am
69621	1999	83	Am [30]
69761	1999	636	Am
69763	1999	636	Am
69766	1999	636	Am
69766.1	1999	636	Am
69767	1999	636	Am
69768	1999	636	Am
69980	1999	664	Am
69981	1999	664	Am
69982	1999	664	Am
69983	1999	664	Am
69984	1999	664	Am
69985	1999	664	Am
69986	1999	664	Am
69989	1999	664	Am
69993.5	1999	664	Am
69993.7	1999	664	Ad
74265	1999	82*	Am
74265.5	1999	82*	Ad
76300	1999	72*	Am
81149	1999	179	Am
84750	1999	78*	Am
87482.4	1999	738	Ad
87861	1999	738	Am [84]
87863	1999	738	Am [85]
87865	1999	738	R
87883	1999	738	Am [86]
87884	1999	738	Am
89010	1999	83	Am [30]
89260	1999	593*	Ad
89260.3	1999	593*	Ad
89260.5	1999	593*	Ad
89260.7	1999	593*	Ad
89440	1999	285	Ad
89450	1999	1020	Ad
89451	1999	1020	Ad
89452	1999	1020	Ad
89538	1999	283	Am
89539	1999	283	Am
92850	1X 1999–2000	2*	Ad
92851	1X 1999–2000	2*	Ad
92855	1X 1999–2000	2*	Ad
92856	1X 1999–2000	2*	Ad
99220	1X 1999–2000	2*	Ad
99221	1X 1999–2000	2*	Ad
100420	1999	858	Am
125704	1999	819	Ad
125710	1999	819	Ad

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

ELECTIONS CODE

Section	Affected By Year	Chapter	Effect
9	1999	312	Am
13.5	1999	550*	Am [1]
1000	1999	2*	Am
	1999	6*	Am
1003	1999	858	Am
2150	1999	312	Am
2187	1999	312	Am
3018	1999	368	Am
6020	1999	791*	Am
6022	1999	791*	Am
6023	1999	791*	Am
6041	1999	791*	Am
6042	1999	312	Am
	1999	791*	Am
6081	1999	791*	Am
6084	1999	791*	Am
6086	1999	791*	Am
6101	1999	791*	Am
6108	1999	790	Am
6120	1999	790	R
6121	1999	790	R
6122	1999	790	Am
	1999	791*	Am
6123	1999	790	Am
6140	1999	790	Am
6160	1999	312	Am
	1999	791*	Am
6180	1999	312	Am
6201	1999	791*	Am
6202	1999	791*	Am
6203	1999	791*	Am
6204	1999	791*	Am
6221	1999	791*	R
6300	1999	159*	Am
6341	1999	312	Am
6342	1999	312	Am
6365	1999	790	Am
6380	1999	790	R
6381	1999	790	R
6382	1999	790	Am
6383	1999	790	Am
6400	1999	790	Am
6521	1999	312	Am
6522	1999	312	Am
6560	1999	790	Am
6586	1999	790	Am
6587	1999	790	Am
6588	1999	790	R
6589	1999	790	R
6590	1999	790	R
6591	1999	790	Am
6592	1999	790	Am
6593	1999	790	Am
6723	1999	312	Am
6724	1999	312	Am
6760	1999	790	Am
6786	1999	790	Am
6787	1999	790	Am
6788	1999	790	R
6789	1999	790	R
6790	1999	790	R
6791	1999	790	Am
6792	1999	790	Am
6797	1999	790	Am
6951	1999	312	Am
6953	1999	312	Am
6954	1999	312	Am
7420	1999	159*	Am
7441	1999	159*	Am
	1999	791*	Am
7443	1999	159*	Am
7772.1	1999	312	Ad
8041	1999	790	Am
8042	1999	790	R
8065	1999	790	Am
8066	1999	790	Am
8150	1999	312	Am
8409	1999	790	Am
8450	1999	790	R
8451	1999	790	Am
8452	1999	790	Am
8453	1999	790	R
8454	1999	790	Am
8500	1999	790	Am
8602	1999	790	Am
9085	1999	312	Ad
9105	1999	312	Am
9203	1999	312	Am
9204	1999	312	Am
9237.5	1999	312	Ad
10262	1999	83	Am [30]
13001	1999	790	Am (as am by Stats. 1996, Ch. 1102)[18]
			Am (as am by Sec. 2, Stats. 1996, Ch. 1102)[63]
13107	1999	312	Am
13112	1999	312	Am
13300.5	1999	312	Ad
15111	1999	697	Am
15112	1999	83	Am [30]
15151	1999	18*	Am
	1999	83	Am [30]
15321	1999	697	Ad & R [24]
15375	1999	18*	Am
15500	1999	18*	Am
21000	1999	697	Am
21500.1	1999	429	Ad
21601.1	1999	429	Ad
21620	1999	429	Am

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

EVIDENCE CODE

Section	Affected By Year	Chapter	Effect	Section	Affected By Year	Chapter	Effect
1380	1999	383	Ad	1561	1999	444	Am
1560	1999	444	Am	1563	1999	444	Am

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

FAMILY CODE

Section	Affected By Year	Chapter	Effect
126	1999	980	Ad
145	1999	661	Am
215	1999	980	Am
243	1999	980	Am
297	1999	588	Ad
298	1999	588	Ad
298.5	1999	588	Ad
299	1999	588	Ad
299.5	1999	588	Ad
299.6	1999	588	Ad
771	1999	940	Am
911	1999	991	Am [96 114]
2040	1999	118	Am
3011	1999	980	Am
3020	1999	980	Am
3021	1999	980	Am
3027.5	1999	985	Ad
3044	1999	445	Ad
3046	1999	980	Ad
3110.5	1999	932	Ad
3111	1999	932	Am
3135	1999	867	Ad
Div. 8, Pt. 2, Ch. 13, heading (Sec. 3200 et seq.)	1999	1004	Am
3201	1999	985	Ad
	1999	1004	Ad
3202	1999	1004	Ad
3203	1999	1004	Ad
3204	1999	1004	Ad
3400	1999	867	R & Ad
3401	1999	867	R
3402	1999	867	R & Ad
3403	1999	867	R & Ad
3404	1999	867	R & Ad
3405	1999	867	R & Ad
3406	1999	867	R & Ad
3407	1999	867	R & Ad
3408	1999	867	R & Ad
3409	1999	867	R & Ad
3410	1999	867	R & Ad
3411	1999	867	R & Ad
3412	1999	867	R & Ad
3413	1999	867	R
3414	1999	867	R
3415	1999	867	R
3416	1999	867	R
3417	1999	867	R
3418	1999	867	R
3419	1999	867	R
3420	1999	867	R
3421	1999	867	R & Ad
3422	1999	867	R & Ad
3423	1999	867	R & Ad
3424	1999	867	R & Ad
3425	1999	867	R & Ad
3426	1999	867	Ad
3427	1999	867	Ad
3428	1999	867	Ad
3429	1999	867	Ad
3430	1999	867	Ad
3441	1999	867	Ad
3442	1999	867	Ad
3443	1999	867	Ad
3444	1999	867	Ad
3445	1999	867	Ad
3446	1999	867	Ad
3447	1999	867	Ad
3448	1999	867	Ad
3449	1999	867	Ad
3450	1999	867	Ad
3451	1999	867	Ad
3452	1999	867	Ad
3453	1999	867	Ad
3454	1999	867	Ad
3455	1999	867	Ad
3456	1999	867	Ad
3457	1999	867	Ad
3461	1999	867	Ad
3462	1999	867	Ad
3465	1999	867	Am
Div. 9, Pt. 1, Ch. 6, heading (Sec. 3650 et seq.)	1999	653	Am
3652	1999	653	Am
3653	1999	653	Am
3654	1999	653	Am
3680.5	1999	652	Ad
3690	1999	653	Ad (by 2nd text)
3691	1999	653	Ad
3692	1999	653	Ad
3693	1999	653	Ad
4009	1999	653	Am (by Sec. 8 of Ch.)
4065	1999	980	Am
4071.5	1999	653	R
4252	1999	83	Am [30]
4320	1999	284	Am
	1999	846	Am (by Sec. 1.5 of Ch.)
4330	1999	846	Am
4351	1999	83	Am [30]
4508	1999	980	Am
4901	1999	83	Am [30]
5000	1999	980	Ad
5001	1999	980	Ad
5002	1999	980	Ad
5005	1999	652	Ad
5208	1999	480	Am
5212	1999	480	Am
5234	1999	480	Am
5246	1999	480	Am
	1999	652	Am [82]
6221	1999	661	Am
6228	1999	1022	Ad
6240	1999	659	Am

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

FAMILY CODE—Continued

Section	Affected By Year	Chapter	Effect
6250	1999	561	Am
6250.5	1999	659	Ad
6251	1999	561	Am
6252	1999	561	Am
6304	1999	662	Am
6341	1999	980	Am
6343	1999	662	Am
6380	1999	83	Am [30]
	1999	561	Am (by Sec. 4 of Ch.)
	1999	661	Am (by Sec. 5.5 of Ch.)
6380.5	1999	661	Am (by Sec. 6 of Ch.)
	1999	662	Am (by Sec. 4.5 of Ch.)
6381	1999	661	Am
6383	1999	661	Am
6389	1999	662	Am
6750	1999	940	Am
6751	1999	940	Am
6752	1999	940	R & Ad
6753	1999	940	R & Ad
7500	1999	940	Am
7551.5	1999	652	Ad
7552.5	1999	652	Am
7571	1999	652	Am (by Sec. 8 of Ch.)
7572	1999	83	Am [30]
	1999	652	Am (by Sec. 10 of Ch.)
7575	1999	83	Am [30]
	1999	652	Am (by Sec. 11 of Ch.)
	1999	653	Am (by Sec. 10.5 of Ch.)
7642	1999	653	Am
7810	1999	275 *	Ad
7911	1999	881 *	Am
7911.1	1999	881 *	Am
10003	1999	652	Am
10004	1999	652	Am
10005	1999	652	Am
10013	1999	652	Ad
10014	1999	652	Ad
10015	1999	652	Ad
10100	1999	1004	R
10101	1999	1004	R
10102	1999	1004	R
15000	1999	886	S [19]
15010	1999	886	Am [19]
15012	1999	886	Am [19]
17000	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17200	1999	478	Ad
17202	1999	478	Ad
17204	1999	478	Ad
17206	1999	478	Ad
17208	1999	478	Ad
17210	1999	478	Ad
17211	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17212	1999	478	Ad
	1999	653	Am (as ad by Stats. 1999, Ch. 478)
17300	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17302	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17303	1999	478	Ad
17304	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17305	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17306	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17308	1999	478	Ad
17309	1999	478	Ad
17310	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17312	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17314	1999	478	Ad
17316	1999	478	Ad
17318	1999	478	Ad
17320	1999	478	Ad
17400	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
	1999	980	Am (by Sec. 14.2 of Ch., as ad by Stats. 1999, Ch. 478)
17400.5	1999	653	Ad
17401	1999	653	Ad
	1999	803	Ad
17402	1999	478	Ad
	1999	653	Am (as ad by Stats. 1999, Ch. 478)
17404	1999	478	Ad

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

FAMILY CODE—Continued

Section	Affected By Year	Chapter	Effect
17404 (Cont.)			
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17405	1999	652	Ad
17406	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17407	1999	652	Ad
17408	1999	478	Ad
17410	1999	478	Ad
17412	1999	478	Ad
17414	1999	478	Ad
17415	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17416	1999	478	Ad
17418	1999	478	Ad
17420	1999	478	Ad
17422	1999	478	Ad
17424	1999	478	Ad
17428	1999	478	Ad
17430	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
	1999	652	Am (as am by Stats. 1999, Ch. 480)
17432	1999	478	Ad
17433	1999	653	Ad
17434	1999	478	Ad
17500	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17501	1999	480	Ad
17502	1999	478	Ad
17504	1999	478	Ad
17505	1999	478	Ad
17506	1999	478	Ad
	1999	652	Am (as ad by Stats. 1999, Ch. 478)
17508	1999	478	Ad
	1999	652	Am (as ad by Stats. 1999, Ch. 478)
17509	1999	652	Ad
17510	1999	478	Ad
17512	1999	478	Ad
17514	1999	478	Ad
17516	1999	478	Ad
17518	1999	478	Ad
17520	1999	478	Ad
	1999	652	Am (as ad by Stats. 1999, Ch. 478)
	1999	654	R (as ad by Stats. 1999, Ch. 478) Ad (by Sec. 3.5 of Ch.)
17521	1999	653	Ad
17522	1999	478	Ad
17523	1999	980	Ad
17524	1999	478	Ad
17525	1999	654	Ad
17526	1999	478	Ad
17528	1999	478	Ad
17530	1999	653	Ad
17600	1999	478	Ad [117]
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17602	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17604	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17700	1999	480	Ad
17702	1999	478	Ad [118]
17704	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17706	1999	478	Ad
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17708	1999	478	Ad
17710	1999	478	Ad
	1999	479*	Am (as ad by Stats. 1999, Ch. 478)[1]
	1999	480	Am (as ad by Stats. 1999, Ch. 478)
17712	1999	478	Ad
17714	1999	478	Ad
17800	1999	803	Ad
17801	1999	803	Ad
17802	1999	803	Ad
17803	1999	803	Ad
17804	1999	803	Ad

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

FINANCIAL CODE

Section	Affected By Year	Chapter	Effect
205	1999	513	Ad & R [5]
1561.1	1999	130	Am
3371	1999	57	Am
5805	1999	1000	R
14157	1999	385	Am
14160	1999	385	Ad & R [24]
17004.5	1999	441	Ad
17005.3	1999	441	Ad(RN)
17005.5	1999	441	Am & RN & Ad
17005.6	1999	441	Am
17200	1999	441	Am
17215	1999	441	Ad
17312	1999	253	Am
17345.1	1999	486	Am
17400	1999	441	Am
17401	1999	441	R
17403.1	1999	441	Am
17403.2	1999	441	Am
17403.3	1999	441	Am
17403.4	1999	441	Am
17409	1999	253	Am
18003.7	1999	345	Ad
18210	1999	345	Am
18321	1999	345	Am
18437	1999	345	Am
18608	1999	428	Am
22203	1999	347	Am
22251	1999	347	Am
22305	1999	347	Am
22330	1999	347	Am
22337	1999	991	Am [96 114]
22467	1999	347	Am
22551	1999	347	Am
50700	1999	407	S [74]
50701	1999	407	S [74]
50702	1999	407	S [74]
50703	1999	407	S [74]
50704	1999	407	R
50705	1999	407	S [74]
50706	1999	407	S [74]
50707	1999	407	Am [74]

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

FISH AND GAME CODE

Section	Affected By Year	Chapter	Effect
99	1999	483	Am
103	1999	483	Am
105	1999	483	Am
200	1999	483	S [20]
201	1999	483	S [20]
202	1999	483	S [20]
203	1999	483	S [20]
203.1	1999	483	S [20]
204	1999	483	S [20]
205	1999	483	S [20]
206	1999	483	S [20]
207	1999	483	S [20]
208	1999	483	S [20]
209	1999	483	S [20]
210	1999	483	S [20]
211	1999	483	S [20]
215	1999	483	S [20]
217.5	1999	483	S [20]
217.6	1999	483	S [20]
218	1999	483	S [20]
219	1999	483	S [20]
220	1999	483	S [20]
221	1999	483	Am [20]
309	1999	483	Am
1586	1999	66*	Am
2850	1999	1015	Ad
2851	1999	1015	Ad
2852	1999	1015	Ad
2853	1999	1015	Ad
2854	1999	1015	Ad
2855	1999	1015	Ad
2856	1999	1015	Ad
2857	1999	1015	Ad
2858	1999	1015	Ad
2859	1999	1015	Ad
2860	1999	1015	Ad
2861	1999	1015	Ad
2862	1999	1015	Ad
2863	1999	1015	Ad
4801	1999	435*	Am
5521.6	1999	483	Ad
6420	1999	83	Am [30]
6430	1999	185	S [19]
6431	1999	185	S [19]
6432	1999	185	S [19]
6433	1999	185	S [19]
6434	1999	185	S [19]
6435	1999	185	S [19]
6436	1999	185	S [19]
6437	1999	185	S [19]
6438	1999	185	S [19]
6439	1999	185	Am [19]
7000	1999	483	R
7005	1999	483	R
7010	1999	483	R
7011	1999	483	R
7015	1999	483	R
7020	1999	483	R
7022	1999	483	R
7025	1999	483	R
7030	1999	483	R
7057	1999	483	Ad
7059	1999	483	Am
7065	1999	483	Am
7066	1999	483	Am
7071	1999	483	Am
7072	1999	483	Am
7073	1999	483	Am
7074	1999	483	Am
Div. 6, Pt. 1.7, Ch. 8, heading (Sec. 7090 et seq.)	1999	483	Am
7090	1999	483	Am
7151	1999	83	Am [30]
7704	1999	483	Am
7710	1999	483	Am
7712	1999	483	Am
8043.2	1999	502*	Ad
8100	1999	483	Am
8101	1999	483	Am
8226	1999	502*	Am
8552.6	1999	502*	Am
8585.5	1999	483	Am
8586	1999	483	Am
8587	1999	483	Am
8587.1	1999	483	R & Ad
8587.2	1999	483	R
8598	1999	483	Am
Div. 6, Pt. 3, Ch. 2, Art. 20, heading (Sec. 8599 et seq.)	1999	483	Am
8599.4	1999	483	Ad
8681.5	1999	483	Am
8693.5	1999	483	R
8695.5	1999	483	R
8780.1	1999	483	Ad
8837	1999	483	Am
10502.7	1999	502*	Ad
10656	1999	502*	Ad

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

FOOD AND AGRICULTURAL CODE

Section	Affected By Year	Chapter	Effect
221	1999	83	Am [30]
224	1999	890*	Am
			R & Ad [96]
2282	1999	890*	Ad & R [39]
			Am (as am by Sec. 5, Stats. 1998, Ch. 870)[56]
2282.5	1999	890*	Ad [45]
			R [25]
2287	1999	890*	Ad
4101.2	1999	67*	Ad
4155	1999	370	Am
5852	1999	83	Am [30]
6723	1999	450	Am [79]
			R [80]
			Ad [81]
7270	1999	961	Ad
7271	1999	961	Ad [37]
7272	1999	961	Ad
7273	1999	961	Ad
7274	1999	961	Ad
9562	1999	447	Am
10704	1999	447	Ad
10721	1999	447	Am
10782	1999	447	Am & RN
			Ad
10783	1999	447	Am & RN
			Ad
10784	1999	447	Ad
10785	1999	447	Ad(RN)
10786	1999	447	Ad(RN)
11480	1999	609	Ad
11481	1999	609	Ad
11482	1999	609	Ad
11483	1999	609	Ad
11484	1999	609	Ad
11485	1999	609	Ad
11517	1999	609	Am
11518	1999	889	Ad
12798.1	1999	627*	Ad & R [18]
13000	1999	609	Am
14651	1999	83	Am [30]
19213	1999	329	Am
19300	1999	329	Am
19300.5	1999	329	Ad
19302	1999	329	Am
19304	1999	329	Am
19305	1999	329	Am
19306	1999	329	Am
19447	1999	329	Am
20797	1999	83	Am [30]
21855	1999	991	Am [96 114]
27522	1999	197	Ad
27523	1999	197	Ad
27571	1999	197	Am
27644	1999	197	Am
31753	1999	83	Am [30]
31755	1999	81*	Ad & R [39]
42801	1999	240	S [18]
42802	1999	240	S [18]
42803	1999	240	S [18]
42804	1999	240	S [18]
42805	1999	240	S [18]
42806	1999	240	S [18]
42807	1999	240	S [18]
42808	1999	240	S [18]
42809	1999	240	S [18]
42810	1999	240	S [18]
42811	1999	240	S [18]
42812	1999	240	S [18]
42813	1999	240	S [18]
42814	1999	240	S [18]
42815	1999	240	Am [18]
42943	1999	452	Am
44975	1999	609	Am
46003	1999	609	Am
46003.5	1999	609	Am
46008	1999	609	R
47000	1999	833	Am
47001	1999	833	Am
47002	1999	833	R & Ad
47003	1999	833	Am
47004	1999	833	Am
47004.1	1999	833	Ad
47010	1999	833	S [57]
47011	1999	833	Am [57]
47012	1999	833	S [57]
47013	1999	833	Am [57]
47014	1999	833	R
47020	1999	833	R (as ad by Sec. 1.5 (2nd text), Stats. 1966, Ch. 606) Am (as ad by Sec. 1.5 (1st text), Stats. 1996, Ch. 606)[13]
47021	1999	833	Ad & R [18]
47025	1999	833	S [18]
47026	1999	833	Am [18]
48002	1999	507*	Am
48002.5	1999	507*	Ad
55484.75	1999	198	Am
55523	1999	198	Am
55601.5	1999	199	Am
55702	1999	991	Am [96 114]
55861	1999	143	Am
55862	1999	198	Am
56183.5	1999	198	Am
56185.75	1999	198	Am
56572	1999	198	Am
57405	1999	991	Am [96 114]
57408	1999	991	Am [96 114]
57409	1999	991	Am [96 114]
57411	1999	991	Am [96 114]
57516	1999	991	Am [96 114]
57517	1999	991	Am [96 114]
57519	1999	991	Am [96 114]
57530	1999	991	Am [96 114]

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

FOOD AND AGRICULTURAL CODE—Continued

Section	Affected By Year	Chapter	Effect
57531	1999	991	Am [96 114]
57540	1999	991	Am [96 114]
57567	1999	991	Am [96 114]
57568	1999	991	Am [96 114]
57570	1999	991	Am [96 114]
57581	1999	991	Am [96 114]
57582	1999	991	Am [96 114]
57590	1999	991	Am [96 114]
58897	1999	609	Ad
61581	1999	682	Ad & R [5]
61582	1999	682	Ad & R [5]
61583	1999	682	Ad & R [5]
61584	1999	682	Ad & R [5]
61585	1999	682	Ad & R [5]
61586	1999	682	Ad & R [5]
61587	1999	682	Ad & R [5]
76341.7	1999	29*	Ad
77002	1999	609	Am
77003.5	1999	609	Ad
77003.6	1999	609	Ad
77007.5	1999	609	Am
77008	1999	609	Am
77030	1999	609	Am
77032	1999	609	Am
77034	1999	609	Am
77090	1999	609	Am
77091	1999	609	Am
77093	1999	609	Am
77095	1999	609	Am
77096	1999	609	Am
77097	1999	609	Am
77123	1999	609	Am

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

GOVERNMENT CODE

Section	Affected By Year	Chapter	Effect
402	1999	416	Am
911.4	1999	620	Am
927.2	1999	784*	Am
927.5	1999	784*	Am
1091	1999	349	Am
1091.5	1999	349	Am
1156	1999	971	Am
1322	1999	525	Am [112]
1780	1999	312	Am
1997.53	1999	446*	R
3307.5	1999	338	Ad
3508	1999	157	Am
3513	1999	918	Am
3517.6	1999	446*	Am
3517.65	1999	83	Am [30]
	1999	446*	R
3540.1	1999	828	Am (by Sec. 5 of Ch.)
3562	1999	971	Am
3566	1999	971	Am
3579	1999	971	Am
3583	1999	952	Am
3583.5	1999	952	Ad
3584	1999	952	Ad
3585	1999	952	Am
4420	1999	521*	R & Ad
4420.5	1999	521*	Am
4460	1999	386	Ad
4560	1999	83	Am [30]
6159	1999	514	Am
6166	1999	203	Ad
6253	1999	83	Am [30]
6253.2	1999	804*	Ad
6253.4	1999	525	Am [112]
6254.22	1999	769	Ad
6254.4	1999	312	Am
6254.5	1999	525	Am [112]
6277	1999	784*	Ad [149]
			R [8]
6500	1999	649	Am
6505.5	1999	83	Am [30]
6516.6	1999	649	Am
6518	1999	1000	Am
6588	1999	649	Am
7060	1999	968	Am
7060.2	1999	968	Am
7060.4	1999	968	Am
7060.7	1999	968	Am
7073	1999	83	Am [30]
7074	1999	137*	Am
7074.5	1999	137*	Ad
7078	1999	61	Am (as ad by Stats. 1996, Ch. 955)
7153	1999	991	Am [96 114]
7154	1999	991	Am [96 114]
7157	1999	991	Am [96 114]
7159	1999	991	Am [96 114]
7170	1999	991	Am [96 114]
7222	1999	991	Am [96 114]
7226	1999	991	Am [96 114]
7260	1999	83	Am [30]
7262.5	1999	83	Am [30]
7513.5	1999	341	Ad
8169.5	1999	625*	Am
8175	1999	732*	Ad [31]
			R [34]
8205	1999	658	Am [56]
8331	1999	784*	Am
8333	1999	405	Ad [71]
8334	1999	405	Ad [71]
8547	1999	673	Am
8547.1	1999	673	R & Ad
8547.10	1999	673	Am
8547.12	1999	673	Am
8547.2	1999	673	Am
8547.3	1999	673	Am
8547.8	1999	673	Am
8557	1999	784*	Am
8558	1999	784*	Am
8587.7	1999	294	Ad
8588.7	1999	356	Ad
8588.8	1999	784*	Ad
8589.3	1999	876	Am
8589.4	1999	876	Am
8609	1999	784*	Ad
8609.1	1999	784*	Ad
8609.2	1999	784*	Ad
8655.5	1999	239	Am
8670.32	1999	687*	Am
			R & Ad [25]
8670.35	1999	613	Am
8690.6	1999	67*	Am [21 20]
8869.83	1999	637	Am
9149.21	1999	156	Ad
9149.22	1999	156	Ad
9149.23	1999	156	Ad
9191.5	1999	20	Am
9357.3	1999	307	Am
9358	1999	897	Am
9359.01	1999	83	Am [30]
9380	1999	307	R
9381	1999	307	R
9382	1999	307	R
9383	1999	307	R
9384	1999	307	R
9385	1999	307	R
11006.5	1999	784*	Ad
11015.5	1999	784*	Am
11018.5	1999	784*	Am
11042	1999	768	Am
11125	1999	393	Am [71]
11125.4	1999	393	Am [71]
11125.5	1999	393	Am [71]
11126	1999	735*	Am
11130	1999	393	Am
11130.3	1999	393	Am
11139	1999	591	Am
11517	1999	339	R & Ad
11552	1999	525	Am [112]

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

GOVERNMENT CODE—Continued

Section	Affected By Year	Chapter	Effect
11552 (Cont.)			
	1999	918	Am
11700	1999	873	R
			Ad [21]
			R [31]
11701	1999	873	R
			Ad [21]
			R [34]
11702	1999	873	R
			Ad [21]
			R [34]
11710	1999	873	R
			Ad [21]
			R [34]
11711	1999	873	R
			Ad [21]
			R [34]
11712	1999	873	R
			Ad [21]
			R [34]
11713	1999	873	R
			Ad [21]
			R [34]
11714	1999	873	R
			Ad [21]
			R [34]
11720	1999	873	R
			Ad [21]
			R [34]
11725	1999	873	R
			Ad [21]
			R [34]
11726	1999	873	R
			Ad [21]
			R [34]
11730	1999	873	R
			Ad [21]
			R [34]
11735	1999	873	R
			Ad [21]
			R [34]
11736	1999	873	R
			Ad [21]
			R [34]
11737	1999	873	R
			Ad [21]
			R [34]
11738	1999	873	R
			Ad [21]
			R [34]
11739	1999	873	R
			Ad [21]
			R [34]
11751	1999	873	R
			Ad [21]
			R [34]
11752	1999	873	R
			Ad [21]
			R [34]
11753	1999	873	R
			Ad [21]
			R [34]
11754	1999	873	R
			Ad [21]
			R [34]
11754.1	1999	67*	Ad
	1999	873	R
			Ad [21]
			R [34]
11755	1999	873	R
			Ad [21]
			R [34]
11770	1999	873	R
			Ad [21]
			R [34]
11771	1999	873	R
			Ad [21]
			R [34]
11772	1999	873	R
			Ad [21]
			R [34]
11773	1999	873	R
			Ad [21]
			R [34]
11774	1999	873	R
			Ad [21]
			R [34]
11775	1999	873	R
			Ad [21]
			R [34]
11780	1999	873	R
			Ad [21]
			R [34]
11785	1999	873	R
			Ad [21]
			R [34]
12012.25	1999	874	Ad
12012.75	1999	874	Ad
12012.85	1999	874	Ad
12164.5	1999	1000	R
12164.7	1999	1000	R
12168.5	1999	1000	Am
12174	1999	416	Am
12175	1999	1000	Ad
12176	1999	1000	Ad
12177	1999	1000	Ad
12178	1999	1000	Ad
12178.1	1999	1000	Ad
12179	1999	1000	Ad
12179.1	1999	1000	Ad
12180	1999	1000	R & Ad
12181	1999	1000	R
12182	1999	1000	R
			Ad (by Sec. 54.5 of Ch.)
12182.1	1999	1000	Ad
12182.5	1999	1000	R
12183	1999	1000	R & Ad

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

GOVERNMENT CODE—Continued

Affected By			
Section	*Year*	*Chapter*	*Effect*
12184	1999	1000	R
12185	1999	1000	R & Ad
12186	1999	1000	R & Ad
12187	1999	1000	Ad
12188	1999	1000	R & Ad
12189	1999	1000	Ad
12190	1999	1000	R & Ad
12191	1999	1000	R & Ad
12192	1999	1000	R & Ad
12193	1999	1000	R & Ad
12194	1999	1000	R & Ad
12195	1999	1000	R & Ad
12196	1999	1000	R
12197	1999	1000	R & Ad
12197.1	1999	1000	R
12199	1999	1000	R
12200	1999	1000	R
12201	1999	1000	R
12202	1999	1000	R
12203.7	1999	1000	R
12204	1999	1000	R
12205	1999	1000	R
12206	1999	1000	R
12207	1999	1000	R
12208	1999	999	Am
	1999	1000	R
12209	1999	1000	R
12210	1999	1000	R
12210.5	1999	1000	R
12211	1999	1000	R
12212	1999	1000	R
12213	1999	1000	R
12214	1999	1000	R
12215	1999	1000	R
12236	1999	360	Ad
12529	1999	655	Am
12529.5	1999	655	Am
12652	1999	83	Am [30]
12803	1999	478	Am
12803.2	1999	895	Ad & R [75]
12812.2	1999	65	Ad
12812.3	1999	65	Ad
12814	1999	784*	Ad
12920	1999	592	Am
12921	1999	591	Am
	1999	592	Am (by Sec. 2.5 of Ch.)
12922	1999	913	Ad
12926	1999	311	Am
	1999	591	Am (by Sec. 5.1 of Ch.)
	1999	592	Am (by Sec. 3.7 of Ch.)
12926.2	1999	913	Ad
12927	1999	591	Am
12928	1999	797	Ad
12930	1999	591	Am
	1999	592	Am (by Sec. 4.5 of Ch.)
12931	1999	592	Am
12935	1999	592	Am
12940	1999	591	Am
	1999	592	Am (by Sec. 7.5 of Ch.)
12941.1	1999	222	Ad
12944	1999	592	Am
12945	1999	591	Am
12948	1999	591	Am
12955	1999	589	Am (by Sec. 2 of Ch.) [162]
	1999	590	Am (by Sec. 4 of Ch.) & R [18]
			Ad (by Sec. 5 of Ch.) [63]
	1999	591	Am & R (by Sec. 11.4 of Ch.) [162 18]
			Ad (by Sec. 11.5 of Ch.) [63]
	1999	592	Am & R (by Sec. 9.7 of Ch.) [162 18]
			Ad (by Sec. 9.83 of Ch.) [63]
12955.8	1999	592	Am
12956.1	1999	589	Ad
12960	1999	797	Am
12965	1999	591	Am
12970	1999	591	Am
12989.2	1999	591	Am
12989.3	1999	591	Am
12993	1999	592	Am
13100	1999	606	R & Ad
13101	1999	606	R & Ad
13101.5	1999	606	R
13101.6	1999	606	R
13102	1999	606	R & Ad
13103	1999	606	R & Ad
13104	1999	606	R & Ad
13340	1999	50*	Am
13940	1999	95*	Ad
13941	1999	95*	Ad
13942	1999	95*	Ad
13943	1999	95*	Ad
13943.1	1999	95*	Ad
13943.2	1999	95*	Ad
13961.1	1999	584	Am
13965	1999	584	Am (as am by Sec. 3.5 and as ad by Sec. 3.7, Stats. 1998, Ch. 895)
13965.2	1999	83	Am [30]
13968.5	1999	584	Ad & R [19]
13975	1999	525	Am [112]
13975.2	1999	525	Ad [112]
14007.5	1999	783*	Ad [62] R [22]
14035	1999	103	Am
14035.55	1999	458	Ad

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GOVERNMENT CODE—Continued

Section	Affected By Year	Chapter	Effect
14036	1999	373	Am
14053	1999	783*	Ad
14076.2	1999	724	Am
14451	1999	724	R
14529.01	1999	783*	Ad
14529.11	1999	783*	Ad
14529.17	1999	572	Ad
14529.19	1999	572	Ad
14529.23	1999	572	Ad
14529.3	1999	783*	Ad
14529.6	1999	783*	Ad
Title 2, Div. 3, Pt. 5.3, Ch. 4, heading (Sec. 14550 et seq.)	1999	862	R & Ad
Title 2, Div. 3, Pt. 5.3, Ch. 4, Art. 1, heading (Sec. 14550 et seq.)	1999	862	R & Ad
14550	1999	862	Ad
14552	1999	862	Ad
14552.2	1999	862	Ad
14552.4	1999	862	Ad
14552.6	1999	862	Ad
14553	1999	862	Ad
14553.2	1999	862	Ad
14553.4	1999	862	Ad
14553.6	1999	862	Ad
14553.7	1999	862	Ad
14553.8	1999	862	Ad
14553.9	1999	862	Ad
14554	1999	862	Ad
14554.2	1999	862	Ad
14554.4	1999	862	Ad
14554.6	1999	862	Ad
14554.8	1999	862	Ad
14555	1999	862	Ad
14555.2	1999	862	Ad
14555.4	1999	862	Ad
14555.6	1999	862	Ad
14555.8	1999	862	Ad
14555.9	1999	862	Ad
14666.6	1999	676	Ad
14666.7	1999	676	Ad & R [18]
14669.14	1999	293	Ad
14669.16	1999	147*	R
14669.7	1999	951	Ad & R [24]
14672	1999	243*	Am
14735	1999	991	Am [96 114]
14838.5	1999	83	Am [30]
15301	1999	67*	Am
15318	1999	519	Ad & R [5]
15330.05	1999	515	Ad & R [5]
15331	1999	431	Am
15346	1999	425	Ad & R [75]
15346.1	1999	425	Ad & R [75]
15346.10	1999	425	Ad & R [75]
15346.12	1999	425	Ad & R [75]
15346.13	1999	425	Ad & R [75]
15346.2	1999	425	Ad & R [75]
15346.3	1999	425	Ad & R [75]
15346.4	1999	425	Ad & R [75]
15346.5	1999	425	Ad & R [75]
15346.8	1999	425	Ad & R [75]
15346.9	1999	425	Ad & R [75]
15365.11	1999	598	Ad
15365.30	1999	141	Ad
15365.31	1999	141	Ad
15365.40	1999	565	Ad
15365.41	1999	565	Ad
15365.42	1999	565	Ad
15365.43	1999	565	Ad
15365.44	1999	565	Ad
15365.45	1999	565	Ad
15365.46	1999	565	Ad
15373.100	1999	597	Ad
15373.101	1999	597	Ad
15373.102	1999	597	Ad
15373.103	1999	597	Ad
15373.104	1999	597	Ad
15373.105	1999	597	Ad
15373.106	1999	597	Ad
15373.107	1999	597	Ad
15373.108	1999	597	Ad
15373.109	1999	597	Ad
15373.110	1999	597	Ad
15373.111	1999	597	Ad
15373.112	1999	597	Ad
15373.113	1999	597	Ad
15373.114	1999	597	Ad
15379.20	1999	78*	S [36 24]
15379.21	1999	78*	S [36 24]
15379.21.5	1999	78*	S [36 24]
15379.21.6	1999	78*	S [36 24]
15379.21.7	1999	78*	S [36 24]
15379.21.8	1999	78*	S [36 24]
15379.22	1999	78*	S [36 24]
15379.23	1999	78*	S [36 24]
15379.24	1999	78*	S [36 24]
15379.25	1999	78*	S [36 24]
15379.26	1999	78*	S [36 24]
15379.27	1999	78*	S [36 24]
15379.28	1999	78*	S [36 24]
15379.30	1999	78*	S [36 24]
15379.33	1999	78*	S [36 24]
15379.35	1999	78*	S [36 24]
15379.40	1999	78*	S [36 24]
15379.50	1999	78*	S [36 24]
15379.51	1999	78*	S [36 24]
15379.52	1999	78*	S [36 24]
15379.60	1999	78*	S [36 24]
15379.61	1999	78*	S [36 24]
15379.62	1999	78*	S [36 24]
15379.650	1999	78*	S [36 24]
15379.651	1999	78*	S [36 24]

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

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Section	Affected By Year	Chapter	Effect
15379.652	1999	78*	S [36 24]
15379.653	1999	78*	S [36 24]
15379.655	1999	78*	S [36 24]
15379.656	1999	78*	S [36 24]
15379.657	1999	78*	S [36 24]
15379.658	1999	78*	S [36 24]
15379.70	1999	78*	S [36 24]
15379.71	1999	78*	S [36 24]
15379.80	1999	78*	Am [36 24]
15379.90	1999	78*	S [36 24]
15399.10	1999	516	S [5]
15399.11	1999	516	S [5]
	1999	812	Am
15399.12	1999	516	S [5]
15399.13	1999	516	S [5]
15399.14	1999	516	S [5]
	1999	812	Am
15399.15	1999	812	Ad
15399.15.1	1999	812	Ad
15399.15.2	1999	812	Ad
15399.16	1999	516	S [5]
15399.17	1999	516	S [5]
	1999	812	Am
15399.18	1999	516	S [5]
15399.19	1999	516	S (as ad by Stats. 1989, Ch. 1442 and Stats. 1995, Ch. 814)[5]
	1999	812	Am (as ad by Sec. 6, Stats. 1995, Ch. 814) & RN
15399.19.1	1999	812	Ad(RN)
15399.20	1999	516	S [5]
15399.21	1999	516	Am [5]
15399.45	1999	596	Ad & R [20]
15399.46	1999	596	Ad & R [20]
15399.47	1999	596	Ad & R [20]
15399.48	1999	596	Ad & R [20]
15438	1999	842	Am
15439	1999	842	Am
15620.5	1999	929	Ad
15814.15	1999	981	Am [18]
15817.5	1999	147*	R
15819.295	1999	54*	Ad
15819.90	1999	728*	Am [88]
16142	1999	1019	Am
16142.1	1999	1019	Ad
16201	1999	991	Am [96 114]
16262.5	1999	90*	Am
16301.6	1999	95*	R
16301.7	1999	95*	R
16301.8	1999	95*	R
16302.1	1999	95*	Am
16365.5	1999	466	Ad
16404.5	1999	917	Ad
16430	1999	468	Am
16731	1999	522	Am
16733	1999	522	Am
16753	1999	468	Am
16754	1999	468	Am
16754.3	1999	468	Am (by Sec. 4 of Ch.)
	1999	522	Am (by Sec. 3.5 of Ch.)
16781	1999	522	Am
17521	1999	643	Am
17553	1999	643	Am
17559	1999	643	Am
17561	1999	643	Am
17564	1999	643	Am
17571	1999	643	Am
18523.1	1999	446*	Am
18523.3	1999	83	Am [30]
18670	1999	446*	Am
18670.2	1999	446*	R
18672	1999	310	Am
18680	1999	310	Am
18710	1999	310	Am
18717	1999	457*	Am
18903	1999	3*	Am
	1999	446*	Am
18903.2	1999	446*	R
18935	1999	806	Am
18939	1999	310	Am
18979	1999	404	Am
19056.5	1999	446*	Am
19056.6	1999	446*	R
19063	1999	310	Am
19063.1	1999	310	Am
19063.2	1999	310	Am
19063.5	1999	310	Am
19063.8	1999	310	Am
19141	1999	446*	Am
19141.3	1999	83	Am [30]
	1999	446*	R
19142	1999	446*	Am
19142.2	1999	446*	R
19144	1999	310	Am
19170.1	1999	3*	Am
	1999	446*	Am
19170.3	1999	446*	R
19173.3	1999	446*	R
19175.6	1999	83	Am [30]
	1999	446*	R
19253.5	1999	310	Am
19401	1999	310	Am
19402	1999	310	Am
19403	1999	310	Am
19404	1999	310	R
19405	1999	310	Am
19406	1999	310	Am
19570.3	1999	446*	R
19572.1	1999	446*	Am
19572.3	1999	446*	R
19574	1999	446*	Am
19574.6	1999	446*	R
19576.2	1999	446*	R
19576.4	1999	446*	R
19576.5	1999	83	Am [30]
19582	1999	446*	Am

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

GOVERNMENT CODE—Continued

Section	Affected By Year	Chapter	Effect
19582.1	1999	446*	Am
19582.2	1999	446*	R
19582.3	1999	83	Am [30]
	1999	446*	R
19582.6	1999	446*	Am
19582.7	1999	446*	R
19585	1999	310	Am
19605	1999	357	Am
19683	1999	806	Am
19702	1999	446*	Am
19702.7	1999	446*	R
19786	1999	446*	Am
19786.2	1999	446*	R
19798	1999	446*	Am
19798.2	1999	446*	R
19815	1999	918	Am
19815.41	1999	446*	Am
19815.42	1999	446*	R
19816.2	1999	446*	Am
19816.20	1999	457*	Am
19816.22	1999	446*	R
19816.23	1999	457*	R
19817	1999	446*	Am
	1999	926*	Am
19817.10	1999	926*	Ad
19817.8	1999	446*	R
19818.11	1999	446*	Am
19818.15	1999	446*	R
19818.7	1999	446*	Am
19818.8	1999	457*	Am
19822.7	1999	770*	Ad
19826.1	1999	446*	Am
19827.3	1999	926*	Ad
19828.2	1999	446*	R
19829	1999	446*	Am
19829.2	1999	446*	R
19832	1999	446*	Am
19832.2	1999	446*	R
19834	1999	446*	Am
19834.2	1999	446*	R
19835	1999	446*	Am
19835.2	1999	446*	R
19836.1	1999	446*	Am
19841	1999	446*	Am
19841.2	1999	446*	R
19849.15	1999	926*	Ad
19849.18	1999	792*	Ad
19849.9	1999	272*	Am
19853.1	1999	446*	Am
19853.3	1999	446*	R
19854	1999	446*	Am
19854.2	1999	446*	R
19858.3	1999	457*	Am
19858.4	1999	457*	Am
19858.5	1999	457*	Am
19858.6	1999	457*	R
19863.1	1999	457*	Am
19871.2	1999	272*	Am
19991.15	1999	784*	Ad & R [5]
19991.16	1999	784*	Ad & R [5]
19991.17	1999	784*	Ad & R [5]
19991.18	1999	784*	Ad & R [5]
19991.19	1999	784*	Ad & R [5]
19994	1999	446*	Am
19994.1	1999	446*	Am
19994.2	1999	446*	Am
19994.6	1999	446*	R
19994.7	1999	446*	R
19994.8	1999	446*	R
19995.5	1999	446*	Ad
	1999	630*	Ad
19997	1999	446*	Am
19997.11	1999	446*	Am
19997.13	1999	446*	Am
19997.3	1999	446*	Am
19997.4	1999	446*	Am
19997.40	1999	446*	R
19997.43	1999	446*	R
19997.44	1999	446*	R
19997.45	1999	446*	R
19997.46	1999	446*	R
19997.47	1999	446*	R
19997.48	1999	446*	R
19997.5	1999	446*	Am
19997.51	1999	446*	R
19997.53	1999	446*	R
19997.6	1999	446*	Am
19997.7	1999	446*	Am
19997.8	1999	446*	Am
20035.5	1999	555	Ad
20068.2	1999	83	Am [30]
	1999	457*	R
20225.5	1999	474	Ad
20303	1999	474	Am
20350	1999	785	Am
20391	1999	555	Am (by Sec. 2 of Ch.)
	1999	785	Am (by Sec. 2.5 of Ch.)
20392	1999	555	Am
20393	1999	555	Am
20394	1999	971	Am
20395	1999	555	Am
20397	1999	555	Am
20398	1999	555	Am
20400	1999	457*	Am
20405.1	1999	457*	Am
	1999	555	Am
20405.2	1999	446*	Ad
20405.3	1999	457*	R
	1999	555	Am
20407	1999	555	Am
20409	1999	555	Am
20417	1999	785	R
20480	1999	259	Ad & R [5]
20636	1999	971	Am
20639	1999	939	Am [30]
20677	1999	83	Am [30]
	1999	555	Am (by Sec. 12 of Ch.)
20677.1	1999	630*	Ad
20683	1999	555	Am

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

GOVERNMENT CODE—Continued

Section	Affected By Year	Chapter	Effect
20687	1999	555	Am
20694	1999	778*	Ad
20720	1999	307	R
20721	1999	307	R
20722	1999	307	R
20723	1999	307	R
20724	1999	307	R
20725	1999	307	R
20736	1999	785	R
20801	1999	778*	Am
20815.5	1999	474	Ad
20822	1999	555	Am
20894	1999	474	Am
20903	1999	684	Ad
20963.1	1999	770*	Ad
20992	1999	785	R
21023.5	1999	834	Ad
21028	1999	83	Am [30]
21070	1999	555	Am [169]
21070.5	1999	555	Ad [127]
21070.6	1999	555	Ad [127]
21071	1999	555	Am [77 169]
21072	1999	555	Am [77 169]
21073	1999	555	Am [77 169]
21073.1	1999	555	Ad [127]
21073.5	1999	555	Am [169]
	1999	785	Am [82]
21073.7	1999	555	Ad [127]
21077	1999	555	Am
21130	1999	555	Am
21201	1999	785	Am
21251.13	1999	555	Ad
	1999	800	Am (as ad by Stats. 1999, Ch. 555)
21328	1999	555	Ad
21337	1999	555	Am (by Sec. 29 of Ch.)
21353	1999	555	Am
21353.5	1999	555	Am [77 169]
21354.1	1999	555	Ad [127]
21357	1999	785	Am
21362	1999	555	Am (by Sec. 33 of Ch.)
	1999	633	Am (by Sec. 1.5 of Ch.)
21362.1	1999	3*	Ad
21362.2	1999	555	Ad [127]
21363	1999	555	Am (by Sec. 35 of Ch.)
	1999	633	Am (by Sec. 2 of Ch.)
	1999	785	Am (by Sec. 9.6 of Ch.)
21363.1	1999	555	Ad [127]
21363.2	1999	778*	Ad
21363.5	1999	555	Am
	1999	800	Am (as am by Stats. 1999, Ch. 555)
21363.6	1999	555	R
21363.7	1999	778*	Ad
21369	1999	555	Am (by Sec. 39 of Ch.)
	1999	633	Am (by Sec. 3.5 of Ch.)
21369.1	1999	555	Ad [127]
21370	1999	633	Am (by Sec. 4 of Ch.)
	1999	785	Am (by Sec. 10.5 of Ch.)
21372	1999	555	Am
21373	1999	555	Am
21374	1999	555	Am
21389	1999	633	Ad
21403	1999	555	Am
21407	1999	555	Am
21419.5	1999	310	Ad
21461	1999	785	Am
21465	1999	785	Am
21465.5	1999	3*	Am
21497	1999	785	Am
21507	1999	785	Am
21541	1999	800	Am
21546	1999	800	Am
21547	1999	457*	Am
21547.5	1999	457*	Ad
21548	1999	800	Am
21550	1999	800	R
21551	1999	800	Am
21571	1999	800	Am
21572	1999	555	Am (by Sec. 46 of Ch.)
	1999	800	Am (by Sec. 7.1 of Ch.)
21573	1999	555	Am (by Sec. 47 of Ch.)
	1999	800	Am (by Sec. 8 of Ch.)
	1999	801	Am (by Sec. 1.3 of Ch.)
21573.5	1999	3*	Ad
	1999	555	R
21574	1999	800	Am
	1999	801	Am (by Sec. 2.1 of Ch.)
21574.5	1999	801	Ad
21574.7	1999	555	Ad & R [38]
21581	1999	555	Am (by Sec. 50 of Ch.)
	1999	801	Am (by Sec. 4.1 of Ch.)
21624	1999	800	Am
21629	1999	800	Am
21630	1999	800	Am
21635	1999	800	Am
21661	1999	525	Am [112]
21751	1999	785	Am
21754	1999	474	Am
22013.77	1999	785	Ad
22200	1999	83	Am [30]

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GOVERNMENT CODE—Continued

Section	Affected By Year	Chapter	Effect
22209	1999	83	Am [30]
22754	1999	272*	Am (by Sec. 3 of Ch.)
	1999	446*	Am
	1999	457*	Am
22754.11	1999	446*	R
22754.5	1999	83	Am [30]
	1999	446*	R
22754.7	1999	446*	R
22774	1999	785	Am
22810.5	1999	971	Am
22811.6	1999	457*	R
22825.01	1999	743	R Ad [142]
22825.3	1999	446*	Am
22867	1999	588	Ad
22868	1999	588	Ad
22869	1999	588	Ad
22871	1999	588	Ad
22871.1	1999	588	Ad
22871.2	1999	588	Ad
22871.3	1999	588	Ad
22872	1999	588	Ad
22873	1999	588	Ad
22874	1999	588	Ad
22875	1999	588	Ad
22876	1999	588	Ad
22877	1999	588	Ad
22955	1999	272*	Am
22955.1	1999	3*	Ad
22955.55	1999	457*	Ad
22957.5	1999	457*	R
22970	1999	307	Ad
22970.1	1999	307	Ad
22970.10	1999	307	Ad
22970.11	1999	307	Ad
22970.12	1999	307	Ad
22970.13	1999	307	Ad
22970.14	1999	307	Ad
22970.15	1999	307	Ad
22970.16	1999	307	Ad
22970.17	1999	307	Ad
22970.18	1999	307	Ad
22970.19	1999	307	Ad
22970.2	1999	307	Ad
	1999	785	Am (as ad by Stats. 1999, Ch. 307)
22970.20	1999	307	Ad
22970.21	1999	307	Ad
22970.22	1999	307	Ad
22970.23	1999	307	Ad
22970.24	1999	307	Ad
22970.25	1999	307	Ad
22970.26	1999	307	Ad
22970.3	1999	307	Ad
22970.30	1999	307	Ad
22970.31	1999	307	Ad
22970.32	1999	307	Ad
22970.33	1999	307	Ad
22970.40	1999	307	Ad
22970.41	1999	307	Ad
22970.42	1999	307	Ad
22970.43	1999	307	Ad
22970.44	1999	307	Ad
22970.50	1999	307	Ad
22970.55	1999	307	Ad
22970.56	1999	307	Ad
22970.57	1999	307	Ad
22970.60	1999	307	Ad
22970.61	1999	307	Ad
22970.62	1999	307	Ad
22970.63	1999	307	Ad
22970.64	1999	307	Ad
22970.65	1999	307	Ad
22970.66	1999	307	Ad
22970.70	1999	307	Ad
22970.71	1999	307	Ad
22970.72	1999	307	Ad
22970.75	1999	307	Ad
22970.76	1999	307	Ad
22970.77	1999	307	Ad
22970.78	1999	307	Ad
22970.80	1999	307	Ad
22970.81	1999	307	Ad
22970.82	1999	307	Ad
22970.83	1999	307	Ad
22970.84	1999	307	Ad
22970.85	1999	307	Ad
22970.86	1999	307	Ad
22970.87	1999	307	Ad
22970.88	1999	307	Ad
22970.89	1999	307	Ad
23713	1999	643	Am
25536	1999	643	Am
26603.1	1999	641*	R
26666	1999	335	R
	1999	641*	R
26669	1999	138*	R
	1999	641*	R
26670	1999	641*	R
26826.3	1999	115	Ad & R [38]
26826.4	1999	150	Ad
26863	1999	344*	Am
27000.8	1999	550*	Am [1]
27000.9	1999	550*	Am [1]
27063	1999	550*	Am [1]
27132.3	1999	32	Am
27282	1999	991	Am [96 114]
29550.4	1999	79*	Ad [37]
30063	1999	550*	Am [1]
31461.4	1999	7*	Ad [10]
31469.5	1999	116	Am
31596	1999	771	Am
31625.2	1999	27	Am
31646.5	1999	271	Ad
31678.1	1999	42	Am
31696.1	1999	525	Am [112]
31720.6	1999	160	Ad
31760.2	1999	161	Am [55]
31785.1	1999	161	Am [55]
31786.1	1999	161	Am [55]

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

GOVERNMENT CODE—Continued

Section	Affected By Year	Chapter	Effect
31874.5	1999	39	Ad
34460	1999	643	Am
37361	1999	550*	Am [1]
37615.1	1999	525	Am [112]
45308.5	1999	470	Am
50088	1999	201	Ad
51183.5	1999	876	Am
51201	1999	1018	Am
51230	1999	1018	Am
51230.2	1999	967	Ad
51234	1999	1018	Am
51238	1999	967	Am
51238.5	1999	967	Am
51256	1999	994	Am
	1999	1018	Am
51256.1	1999	994	Ad
	1999	1018	Ad
51256.2	1999	994	Ad
51257	1999	1018	Am
51282.3	1999	1018	Am
51283	1999	1018	Am
51291	1999	1018	Am
51291.5	1999	1018	Ad
51292	1999	1018	Am
51296	1999	1018	Am
	1999	1019	Am
51298	1999	24*	Am
53084	1999	462	Ad & R [18]
53114.1	1999	677	Am
53270	1999	305	Am
53292	1999	394	Am
53395.9	1999	59	Ad
53398	1999	773	Ad
53398.1	1999	773	Ad
53398.10	1999	773	Ad
53398.11	1999	773	Ad
53398.12	1999	773	Ad
53398.13	1999	773	Ad
53398.14	1999	773	Ad
53398.15	1999	773	Ad
53398.16	1999	773	Ad
53398.17	1999	773	Ad
53398.18	1999	773	Ad
53398.19	1999	773	Ad
53398.2	1999	773	Ad
53398.20	1999	773	Ad
53398.21	1999	773	Ad
53398.3	1999	773	Ad
53398.30	1999	773	Ad
53398.31	1999	773	Ad
53398.4	1999	773	Ad
53398.40	1999	773	Ad
53398.41	1999	773	Ad
53398.42	1999	773	Ad
53398.43	1999	773	Ad
53398.44	1999	773	Ad
53398.45	1999	773	Ad
53398.46	1999	773	Ad
53398.47	1999	773	Ad
53398.5	1999	773	Ad
53398.6	1999	773	Ad
53398.7	1999	773	Ad
53398.8	1999	773	Ad
53508.7	1999	667	Am
53571	1999	649	Am
53583	1999	649	Am
53601	1999	643	Am
	1999	644	Am (by Sec. 1.5 of Ch.)
53601.2	1999	217	Ad
53635	1999	643	Am
	1999	644	Am (by Sec. 2.5 of Ch.)
53635.2	1999	217	Ad
53635.7	1999	217	Am
53895	1999	442	Am
54906	1999	269	Ad
54953	1999	83	R (as ad by Sec. 2, Stats. 1998, Ch. 399) [30]
54956.87	1999	769	Ad
54957.5	1999	769	Am
54975	1999	83	Am [30]
54985	1999	991	Am [96 114]
54988	1999	681	Ad
55704.5	1999	56	Ad
55707	1999	56	Am
56113	1999	921	Am
56133	1999	779*	Am
56332	1999	550*	Am [1]
56375	1999	921	Am
56657	1999	924	Ad & R [5]
56853	1999	550*	Am [1]
56857	1999	550*	Am [1]
57080	1999	921	Am
57087.3	1999	921	Am
61107	1999	550*	Am [1]
61601.18	1999	132*	Ad
63010	1999	936	Am (by Sec. 1 of Ch.)
63025.2	1999	84*	Ad
63035.5	1999	84*	Ad
63041	1999	84*	Am
63041.5	1999	84*	Ad
Title 6.7, Div. 1, Ch. 2, Art. 5, heading (Sec. 63043 et seq.)	1999	83	Am [30]
65009	1999	968	Am
65040.12	1999	690	Ad
65055	1999	596	R
	1999	597	R
65055.5	1999	596	R
	1999	597	R
65080	1999	1007	Am (by Sec. 1 of Ch.)

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Section	Affected By Year	Chapter	Effect
65091	1999	460	Am
65307	1999	550*	Am [1]
65580	1999	967	Am
65583	1999	967	Am
65588	1999	107*	Am
65589.5	1999	966	Am [82]
	1999	968	Am
65850	1999	550*	Am [1]
65850.4	1999	550*	Am [1]
65863.10	1999	26*	Am
65863.11	1999	26*	Am
65915	1999	968	Am
65950	1999	967	Am [82]
	1999	968	Am
65956	1999	550*	Am [1]
65964	1999	812	Ad & R [20]
65995.5	1999	858	Am
65995.6	1999	858	Am
Title 7, Div. 1, Ch. 10, heading (Sec. 66100 et seq.)	1999	83	Ad(RN)[30]
66100	1999	83	Ad(RN)[30]
66101	1999	83	Ad(RN)[30]
66102	1999	83	Ad(RN)[30]
66103	1999	83	Ad(RN)[30]
Title 7, Div. 1, Ch. 6, heading (Sec. 66400 et seq.)	1999	83	Am & RN [30]
66400	1999	83	Am & RN [30]
66401	1999	83	Am & RN [30]
66402	1999	83	Am & RN [30]
66403	1999	83	Am & RN [30]
66451.2	1999	550*	Am [1]
66458	1999	550*	Am [1]
66474.4	1999	1018	Am
66498.1	1999	550*	Am [1]
66498.2	1999	550*	Am [1]
66498.3	1999	550*	Am [1]
66519	1999	1011	R
66540	1999	1011	Ad
66540.1	1999	1011	Ad
66540.10	1999	1011	Ad
66540.12	1999	1011	Ad
66540.14	1999	1011	Ad
66540.16	1999	1011	Ad
66540.18	1999	1011	Ad
66540.2	1999	1011	Ad
66540.20	1999	1011	Ad
66540.22	1999	1011	Ad
66540.23	1999	1011	Ad
66540.24	1999	1011	Ad
66540.26	1999	1011	Ad
66540.28	1999	1011	Ad
66540.30	1999	1011	Ad
66540.32	1999	1011	Ad
66540.34	1999	1011	Ad
66540.36	1999	1011	Ad
66540.38	1999	1011	Ad
66540.4	1999	1011	Ad
66540.40	1999	1011	Ad
66540.42	1999	1011	Ad
66540.44	1999	1011	Ad
66540.46	1999	1011	Ad
66540.48	1999	1011	Ad
66540.50	1999	1011	Ad
66540.52	1999	1011	Ad
66540.54	1999	1011	Ad
66540.56	1999	1011	Ad
66540.58	1999	1011	Ad
66540.6	1999	1011	Ad
66540.60	1999	1011	Ad
66540.62	1999	1011	Ad
66540.64	1999	1011	Ad
66540.68	1999	1011	Ad
66540.70	1999	1011	Ad
66540.72	1999	1011	Ad
66540.8	1999	1011	Ad
66605	1999	774	Am
68511.3	1999	892	Am
68547	1999	891	Am (as am by Sec. 245.4, Stats. 1998, Ch. 931)[24]
			Am (as am by Sec. 245.5, Stats. 1998, Ch. 931)[25]
68616	1999	67*	Am R & Ad [22]
68617	1999	67*	Ad
68660	1999	853	Am [144]
68661	1999	853	Am [144]
68806	1999	891	Am
68926	1999	78*	Am
68926.3	1999	78*	Am [18]
69508	1999	344*	Am
69508.5	1999	344*	Am
69894	1999	891	Am
69894.1	1999	891	Am (as am by Sec. 1.5, Stats. 1998, Ch. 973)[1 39]
			Am (as am by Sec. 1.6, Stats. 1998, Ch. 973)[25]
			Am (as am by Sec. 1.7, Stats. 1998, Ch. 973)[56 24]
69899.5	1999	891	Am
69915	1999	641*	Ad
70140.5	1999	891	Ad
70214.5	1999	891	Ad

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Section	Affected By Year	Chapter	Effect
70214.6	1999	891	Ad
70217	1999	891	Am
71042.6	1999	344*	Am
72114	1999	335	R
	1999	641*	R
72114.2	1999	335	Ad
	1999	641*	Ad [92]
72115	1999	138*	R & Ad
72190.5	1999	891	Ad
72608	1999	891	Am
72635	1999	891	Am
72708.5	1999	891	Am
73399	1999	891	R & Ad
73433	1999	891	Am
73433.1	1999	891	Am
73433.4	1999	891	R
73434	1999	891	Am
73435	1999	891	Am
73436	1999	891	Am
73436.1	1999	891	Am
73436.2	1999	891	Am
73665	1999	891	Am
73757	1999	891	R & Ad
73758	1999	891	Ad(RN)
73803	1999	641*	R
74000	1999	891	R
74001	1999	891	R
74001.5	1999	891	R
74002	1999	891	R
74004	1999	891	R
74005	1999	891	R
74007	1999	891	R
74361	1999	335	R
	1999	641*	R
74362	1999	335	R
	1999	641*	R
74363	1999	335	R
	1999	641*	R
74364	1999	335	R
	1999	641*	R
74365	1999	335	R
	1999	641*	R
74366	1999	335	R
	1999	641*	R
74367	1999	335	R
	1999	641*	R
74368	1999	335	R
	1999	641*	R
74369	1999	335	R
	1999	641*	R
74370	1999	335	R
	1999	641*	R
74371	1999	335	R
	1999	641*	R
74372	1999	335	R
	1999	641*	R
75071	1999	671	Am
75080	1999	671	Am
75094	1999	671	Ad
75101	1999	785	Am
75520	1999	785	Am
75521	1999	785	Am
75523	1999	785	Am
75590	1999	671	Am
75758	1999	891	Am & RN
76104	1999	674	Am
76104.5	1999	475	Am
77202.5	1999	550*	R [1]
77212.5	1999	138*	Am (by Sec. 4 of Ch.)
	1999	641*	Am
83111.5	1999	225*	Ad
83113	1999	855	Am
83116.3	1999	297	Ad
84200.3	1999	158*	Ad
	1999	433*	Am (as ad by Stats. 1999, Ch. 158)
84200.4	1999	158*	Ad
84200.5	1999	158*	Am
	1999	855	Am (by Sec. 2 of Ch.)
84602	1999	433*	Am
84602.5	1999	208	Ad
84603	1999	433*	Am
84604	1999	433*	Am
84605	1999	433*	Am
84606	1999	433*	Am
84610	1999	433*	Am
85603	1999	433*	Am
86109.5	1999	855	Ad
87406	1999	10*	Am
88002.5	1999	312	Ad
91007	1999	577*	Am
91503	1999	61	Am
91520	1999	61	Am
91533	1999	61	Am
91558.5	1999	863	Ad & R [18]
91559	1999	863	Ad
91559.1	1999	863	Ad
91559.2	1999	863	Ad
91559.3	1999	863	Ad
91559.4	1999	863	Ad
91560	1999	61	Am
95000	1999	146*	S [57]
95001	1999	146*	S [57]
95001.5	1999	146*	S [57]
95002	1999	146*	S [57]
95003	1999	146*	S [57]
95004	1999	146*	S [57]
95006	1999	146*	S [57]
95007	1999	146*	S [57]
95008	1999	146*	S [57]
95009	1999	146*	S [57]
95012	1999	146*	S [57]
95014	1999	146*	S [57]
95016	1999	146*	S [57]
95018	1999	146*	S [57]
95020	1999	146*	S [57]
95022	1999	146*	S [57]

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

GOVERNMENT CODE—Continued

Section	Affected By Year	Chapter	Effect	Section	Affected By Year	Chapter	Effect
95024	1999	146*	S [57]	95029	1999	146*	S [57]
95026	1999	146*	S [57]	95030	1999	146*	R
95028	1999	146*	S [57]				

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

HARBORS AND NAVIGATION CODE

Section	Affected By Year	Chapter	Effect
69.5	1999	798	Ad [87]
69.6	1999	798	Ad [87]
69.8	1999	798	Ad [87]
69.9	1999	798	Ad [87]
71.4	1999	66*	Am
76.8	1999	66*	Am
85.2	1999	66*	Am
601	1999	1000	R
602	1999	1000	R
603	1999	1000	R
604	1999	1000	R
668	1999	500	Am
1163	1999	261	Am
1164	1999	261	Am
1170.3	1999	470	Am
1190	1999	261	Am
1191	1999	261	Am

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

HEALTH AND SAFETY CODE

Section	Affected By Year	Chapter	Effect
150	1999	146*	Ad
151	1999	146*	Ad
152	1999	146*	Ad
475	1999	765	Ad
900	1999	731	Ad
1179.3	1999	146*	Am [36 13]
1206	1999	83	Am [30]
1248.15	1999	944	Am
1254.7	1999	403	Ad
1260.1	1999	850	Ad
1261	1999	588	Ad
1261.5	1999	83	Am [30]
1261.6	1999	83	Am [30]
1276.4	1999	945	Ad
1276.5	1999	146*	Am
1278.5	1999	155	Ad
1300	1999	83	Am [30]
1317.1	1999	544	Am
1317.2a	1999	525	Am [112]
1317.6	1999	525	Am [112]
1337.3	1999	719	Am (by Sec. 3 of Ch.)
1337.6	1999	719	Am
1338.2	1999	719	Ad
1341	1999	525	R & Ad [112]
1341.1	1999	525	Ad [112]
1341.10	1999	525	Ad [112]
1341.11	1999	525	Ad [112]
1341.12	1999	525	Ad [112]
1341.13	1999	525	Ad [112]
1341.14	1999	525	Ad [112]
1341.2	1999	525	Ad [112]
1341.3	1999	525	Ad [112]
1341.4	1999	525	Ad [112]
1341.5	1999	525	Ad [112]
1341.6	1999	525	Ad [112]
1341.7	1999	525	Ad [112]
1341.8	1999	525	Ad [112]
1341.9	1999	525	Ad [112]
1342	1999	525	Am [112]
1342.3	1999	525	Ad [112]
1342.5	1999	525	Am [112]
1343	1999	525	Am [112]
1344	1999	525	Am [112]
1345	1999	525	Am [112]
	1999	528	Am
1346	1999	525	Am [112]
1346.4	1999	525	Am [112]
1346.5	1999	525	Am [112]
1347	1999	525	Am [112]
1347.1	1999	525	Ad [112]
1347.15	1999	529	Ad
1348	1999	525	Am [112]
1348.8	1999	535	Ad
1349	1999	525	Am [112]
1349.2	1999	525	Am [112]
1349.3	1999	529	Ad & R [5]
	1999	530	Ad & R [5]
1351	1999	525	Am [112]
1351.1	1999	525	Am [112]
1351.2	1999	83	Am [30]
	1999	525	Am [112]
1352	1999	525	Am [112]
1352.1	1999	525	Am [112]
1353	1999	525	Am [112]
1354	1999	525	Am [112]
1355	1999	525	Am [112]
1356	1999	525	Am [112]
1356.1	1999	525	Am [112]
1357	1999	434	Am
1357.03	1999	525	Am [112]
1357.09	1999	83	Am [30]
	1999	525	Am [112]
1357.10	1999	525	Am [112]
1357.11	1999	525	Am [112]
1357.15	1999	525	Am [112]
1357.16	1999	525	Am [112]
1357.17	1999	525	Am [112]
1357.50	1999	83	Am [30]
	1999	434	Am
1357.51	1999	83	Am [30]
1357.53	1999	525	Am [112]
1357.54	1999	525	Am [112]
1358	1999	525	Am [112]
1358.1	1999	525	Am [112]
1358.10	1999	525	Am [112]
1358.11	1999	525	Am [112]
1358.12	1999	525	Am [112]
1358.14	1999	525	Am [112]
1358.15	1999	525	Am [112]
1358.16	1999	525	Am [112]
1358.18	1999	525	Am [112]
1358.19	1999	525	Am [112]
1358.2	1999	525	Am [112]
1358.20	1999	716	Am
1358.21	1999	525	Am [112]
1358.24	1999	716	Ad [82]
1358.4	1999	525	Am [112]
1358.6	1999	525	Am [112]
1358.9	1999	525	Am [112]
1359	1999	525	Am [112]
1360.1	1999	525	Am [112]
1361	1999	525	Am [112]
1363	1999	525	Am (as am by Sec. 2, Stats. 1998, Ch. 994) [112]
1363.5	1999	539	R & Ad
1364	1999	525	Am [112]
1364.5	1999	526	Ad
1365	1999	525	Am [112]
1365.5	1999	525	Am [112]
1366.4	1999	525	Am [112]
1367	1999	525	Am [112]
1367.01	1999	539	Ad
1367.02	1999	525	Am [112]
1367.10	1999	525	Am [112]
1367.15	1999	525	Am [112]
1367.24	1999	83	Am [30]
	1999	525	Am [112]
1367.25	1999	532	Ad
1367.3	1999	525	Am [112]

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

HEALTH AND SAFETY CODE—Continued

Section	Affected By Year	Chapter	Effect
1367.35	1999	525	Am [112]
1367.51	1999	540	Ad
1367.6	1999	537	R & Ad
1367.65	1999	537	Am
1367.665	1999	543	Ad
1367.695	1999	525	Am [112]
1368	1999	542	Am
			R & Ad [25]
1368.01	1999	542	Am
1368.02	1999	525	Am (as am by Sec. 3, Stats. 1998, Ch. 377)[112]
1368.03	1999	542	Am
			R & Ad [25]
1368.04	1999	542	Am
			R & Ad [25]
1368.2	1999	528	Ad
1370	1999	525	Am [112]
1370.4	1999	542	Am
			R & Ad [25]
1371.4	1999	525	Am [112]
1372	1999	525	Am [112]
1373	1999	525	Am [112]
1373.95	1999	525	Am [112]
1374.26	1999	525	Am [112]
1374.27	1999	525	Am [112]
1374.28	1999	525	Am [112]
1374.30	1999	533	Ad
1374.31	1999	533	Ad
1374.32	1999	533	Ad
1374.33	1999	533	Ad
1374.34	1999	542	Ad (purports to add Sec. 13933)
1374.35	1999	533	Ad
1374.36	1999	542	Ad [25]
1374.56	1999	541	Ad
1374.60	1999	525	Am [112]
1374.64	1999	525	Am [112]
1374.66	1999	525	Am [112]
1374.67	1999	525	Am [112]
1374.68	1999	525	Am [112]
1374.69	1999	525	Am [112]
1374.7	1999	311	Am
1374.71	1999	525	Am [112]
1374.72	1999	534	Ad
1374.9	1999	525	Am [112]
1375.1	1999	525	Am [112]
1375.4	1999	529	Ad
1375.5	1999	529	Ad
1375.6	1999	529	Ad
1376	1999	525	Am [112]
1377	1999	525	Am [112]
1380	1999	525	Am [112]
1380.1	1999	525	Am [112]
1380.3	1999	525	Am [112]
1381	1999	525	Am [112]
1382	1999	525	Am [112]
1383.15	1999	531	Ad
1384	1999	525	Am [112]
1385	1999	525	Am [112]
1386	1999	525	Am [112]
	1999	526	Am
1387	1999	525	Am [112]
1388	1999	525	Am [112]
1389	1999	525	Am [112]
1389.1	1999	525	Am [112]
1389.2	1999	525	Am [112]
1391	1999	525	Am [112]
1391.5	1999	525	Ad [112]
1392	1999	525	Am [112]
1393	1999	525	Am [112]
1393.5	1999	525	Am [112]
1393.6	1999	525	Am [112]
1394	1999	525	Am [112]
1394.1	1999	525	Am [112]
1394.3	1999	525	Am [112]
1394.5	1999	525	Am [112]
1394.7	1999	525	Am [112]
1394.8	1999	525	Am [112]
1395.5	1999	525	Am [112]
1395.6	1999	545	Ad [56]
1396	1999	525	Am [112]
1397	1999	525	Am [112]
1397.5	1999	525	Am [112]
1397.6	1999	525	Am [112]
1398	1999	525	Am [112]
1399	1999	525	Am [112]
1399.1	1999	525	Am [112]
1399.70	1999	525	Am [112]
1399.71	1999	525	Am [112]
1399.72	1999	525	Am [112]
1399.73	1999	525	Am [112]
1399.74	1999	525	Am [112]
1399.75	1999	525	Am [112]
1422.5	1999	430	Am
1442.5	1999	83	Am [30]
1502.6	1999	83	Am [30]
1507.3	1999	410	Ad
1522	1999	83	Am [30]
	1999	881*	Am
1569.156	1999	658	Am [56]
1569.17	1999	359	Am
	1999	881*	Am (by Sec. 4 of Ch.)[77]
			Am (by Sec. 4.5 of Ch.)[1]
1569.73	1999	114*	Am
1584	1999	658	Am [56]
1596.653	1999	772	Ad
1596.7927	1999	851*	Ad & R [5]
1596.859	1999	823	Am
1596.871	1999	881*	Am
1596.8713	1999	147*	Am
	1999	934	Am
1596.8714	1999	934	Ad
1596.890	1999	823	Am
1599.73	1999	658	Am [56]
1647	1999	87	Ad
1746	1999	83	Am [30]
1771	1999	949	Am
1771.11	1999	949	Ad

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

HEALTH AND SAFETY CODE—Continued

Section	Affected By Year	Chapter	Effect
1771.5	1999	949	Am
1771.9	1999	83	Am [30]
	1999	949	Am
1779	1999	949	Am
1788	1999	949	Am
1792.2	1999	470	Am
1797.172	1999	549*	Am
1797.191	1999	83	Am [30]
1797.196	1999	163	Ad
1797.98b	1999	679	Am
1798.200	1999	549*	Am
4730.6	1999	550*	Am [1]
6590	1999	696	Ad
6591	1999	696	Ad
6592	1999	696	Ad
6593	1999	696	Ad
6594	1999	696	Ad
6595	1999	696	Ad
7055	1999	657	Am
7100	1999	657	Am
	1999	658	Am (as am by Sec. 5.5 of Ch.)[56]
7151	1999	658	Am [56]
7185	1999	658	R [56]
7185.5	1999	658	R [56]
7186	1999	658	R [56]
7186.5	1999	658	R [56]
7187	1999	658	R [56]
7187.5	1999	658	R [56]
7188	1999	658	R [56]
7189	1999	658	R [56]
7189.5	1999	658	R [56]
7190	1999	658	R [56]
7190.5	1999	658	R [56]
7191	1999	658	R [56]
7191.5	1999	658	R [56]
7192	1999	658	R [56]
7192.5	1999	658	R [56]
7193	1999	658	R [56]
7193.5	1999	658	R [56]
7194	1999	658	R [56]
7194.5	1999	658	R [56]
8279	1999	207	Ad
8961.13	1999	207	Am
9513	1999	207	Ad
11026	1999	749	Am
11055	1999	975	Am (by Sec. 1 of Ch.)
11100	1999	975	Am (by Sec. 2 of Ch.)
	1999	978	Am (by Sec. 1.5 of Ch.)
11106	1999	978	Am
11150	1999	749	Am
11165	1999	655	Am [73 19]
11167	1999	853	Am [144]
11362.9	1999	750	Ad [87]
11364.7	1999	762	Am
11377	1999	975	Am
11474	1999	787	Am
11758.47	1999	525	Am [112]
11837	1999	22*	Am (as am by Sec. 2.5, Stats. 1998, Ch. 756)[16]
11837.1	1999	22*	Am (as am by Sec. 3, Stats. 1998, Ch. 756)[16]
11875	1999	717	Am
11876	1999	717	Am
11876.1	1999	717	Ad
11877.14	1999	717	Am
11877.6	1999	717	Am
11877.7	1999	717	Am
11877.8	1999	717	Am
11970	1999	147*	Am
11970.1	1999	147*	Ad & R [18]
11970.2	1999	147*	Ad & R [18]
11970.3	1999	147*	Ad & R [18]
11970.4	1999	147*	Ad & R [18]
13114.2	1999	550*	Am
13132.7	1999	380	Am
13890	1999	550*	Am [1]
13933	1999	542	Ad (Inc. Ref.)[25]
17959.3	1999	643	Am [36 13]
17980	1999	391	Am
17980.6	1999	391	Am
18020	1999	83	Am [30]
18025	1999	517	Am
18025.5	1999	83	Am [30]
18035	1999	991	Am [96 114]
18035.2	1999	991	Am [96 114]
18037.5	1999	991	Am [96 114]
18046	1999	517	Am
18075.5	1999	520*	Am
18080.7	1999	991	Am [96 114]
18093	1999	991	Am [96 114]
18105	1999	991	Am [96 114]
18106	1999	991	Am [96 114]
18122	1999	991	Am [96 114]
18400.1	1999	520*	Am [1 75]
18400.2	1999	520*	Ad [1]
18400.3	1999	520*	Ad
18400.4	1999	520*	Ad [1]
18420	1999	520*	Am [1 75]
18421	1999	520*	S [1 75]
18423	1999	520*	S [1 75]
18424	1999	520*	Am [1 75]
18502	1999	520*	Am (as am by Sec. 3, Stats. 1998, Ch. 773)[175]
			Am (as am by Sec. 4, Stats. 1998, Ch. 773)[100]
19825	1999	982	Am
24179.5	1999	658	Am [56]
24530	1999	920	Ad

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

HEALTH AND SAFETY CODE—Continued

Section	Affected By Year	Chapter	Effect
24531	1999	920	Ad
24532	1999	920	Ad
24533	1999	920	Ad
24534	1999	920	Ad
24535	1999	920	Ad
24536	1999	920	Ad
24537	1999	920	Ad
24538	1999	920	Ad
25112.5	1999	470	Am
25141.6	1999	420	Ad
25142.5	1999	629	Ad
25160	1999	745	Am
25160.1	1999	401	Am
25165	1999	745	Am
25170.5	1999	420	R
25175	1999	745	Am
25189.5	1999	706*	Am
25189.6	1999	706*	Am
25189.7	1999	706*	Am
25205.9	1999	941	Am
25249.7	1999	599	Am
25250.26	1999	745	Ad
25250.8	1999	745	Am
25281	1999	328	Am
25284.1	1999	812	Ad
25288	1999	812	Am
25292.4	1999	812	Ad
25299	1999	812	Am
25299.10	1999	328	Am
25299.11.5	1999	328	Ad
25299.13	1999	328	Am
25299.18	1999	812	Ad
25299.23.1	1999	328	Am
25299.24	1999	328	Am
25299.30	1999	812	S [111]
25299.31	1999	812	S [111]
25299.32	1999	812	S [111]
25299.33	1999	812	S [111]
25299.34	1999	812	S [111]
25299.37	1999	328	Am
25299.37.1	1999	812	Am
25299.38	1999	328	R
25299.38.1	1999	812	Ad
25299.39	1999	328	Am
25299.39.1	1999	328	Am
25299.39.2	1999	328	Am
25299.40	1999	812	S [111]
25299.41	1999	812	S [111]
25299.42	1999	812	S [111]
25299.43	1999	812	S [111]
25299.50	1999	812	Am [111]
25299.51	1999	328	Am
	1999	812	Am [111]
25299.52	1999	328	Am
	1999	812	Am [111]
25299.53	1999	328	Am
	1999	812	S [111]
25299.54	1999	328	Am
	1999	812	S [111]
25299.55	1999	812	S [111]
25299.56	1999	328	R & Ad
	1999	812	S [111]
25299.57	1999	328	Am
	1999	812	Am [111]
25299.58	1999	812	S [111]
25299.59	1999	328	Am
	1999	812	Am [111]
25299.60	1999	812	S [111]
25299.61	1999	328	S [111]
25299.62	1999	328	Ad
25299.63	1999	328	Ad
25299.70	1999	812	S [111]
25299.72	1999	812	S [111]
25299.73	1999	812	S [111]
25299.74	1999	812	S [111]
25299.75	1999	812	S [111]
25299.76	1999	812	S [111]
25299.77	1999	812	S [111]
25299.78	1999	812	S [111]
25299.79	1999	812	S [111]
25299.80	1999	812	S [111]
25299.81	1999	812	Am [111]
25299.90	1999	812	S [111]
25299.91	1999	812	S [111]
25299.92	1999	812	S [111]
25299.93	1999	812	S [111]
25299.94	1999	812	Am [111]
25299.95	1999	812	S [111]
25299.96	1999	812	S [111]
25299.97	1999	812	S (as ad by Sec. 7, Stats. 1997, Ch. 814 and Sec. 1, Stats. 1997, Ch. 815)[111]
25299.99.1	1999	812	S [38]
25299.99.2	1999	812	Am [38]
25299.99.3	1999	812	Ad & R [38]
25300	1999	23*	R & Ad
25301	1999	23*	R & Ad
25310	1999	23*	R & Ad
25311	1999	23*	R & Ad
25312	1999	23*	R & Ad
25313	1999	23*	R & Ad
25313.5	1999	23*	R
25314	1999	23*	R & Ad
25315	1999	23*	R & Ad
25316	1999	23*	R & Ad
25317	1999	23*	R & Ad
25317.5	1999	23*	R
25318	1999	23*	R
25318.5	1999	23*	R & Ad
25319	1999	23*	R & Ad
25319.5	1999	23*	R & Ad
25319.6	1999	23*	Ad
25320	1999	23*	R & Ad
25321	1999	23*	R & Ad
25322	1999	23*	R & Ad
25322.1	1999	23*	R & Ad
25322.2	1999	23*	R & Ad
25323	1999	23*	R & Ad

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

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Section	Affected By Year	Chapter	Effect
25323.1	1999	23*	R & Ad
25323.3	1999	23*	Ad
25323.5	1999	23*	R & Ad
25323.6	1999	23*	R
25323.9	1999	23*	Ad
25324	1999	23*	R & Ad
25325	1999	23*	R & Ad
25326	1999	23*	R & Ad
25326.5	1999	23*	R & Ad
25326.6	1999	23*	R
25327	1999	23*	R & Ad
25330	1999	23*	R & Ad
25330.2	1999	23*	R & Ad
25330.4	1999	23*	R & Ad
25330.5	1999	23*	R & Ad
25330.6	1999	66*	Ad
25331	1999	23*	R & Ad
25334	1999	23*	R & Ad
25334.5	1999	23*	R
25334.6	1999	23*	R
25334.7	1999	23*	R & Ad
25335	1999	23*	R
25336	1999	23*	R & Ad
25337	1999	23*	R & Ad
25342	1999	23*	R & Ad
25343	1999	23*	R & Ad
25350	1999	23*	Ad
25351.1	1999	23*	Ad
25351.2	1999	23*	Ad
25351.5	1999	23*	Ad
25351.6	1999	23*	Ad
25351.7	1999	23*	Ad
25351.8	1999	23*	Ad
25352	1999	23*	Ad
25353	1999	23*	Ad
25354	1999	23*	R & Ad
25354.5	1999	23*	R & Ad
25355	1999	23*	R & Ad
25355.2	1999	23*	Ad
25355.5	1999	23*	Ad
25355.6	1999	23*	Ad
25355.7	1999	23*	Ad
25355.8	1999	23*	R & Ad
25356	1999	23*	Ad
25356.1	1999	23*	Ad
25356.1.3	1999	23*	Ad
25356.1.5	1999	23*	Ad
25356.10	1999	23*	Ad
25356.2	1999	23*	Ad
25356.3	1999	23*	Ad
25356.4	1999	23*	Ad
25356.5	1999	23*	Ad
25356.6	1999	23*	Ad
25356.7	1999	23*	Ad
25356.8	1999	23*	Ad
25356.9	1999	23*	Ad
25357	1999	23*	Ad
25357.5	1999	23*	Ad
25358	1999	23*	Ad
25358.1	1999	23*	Ad
25358.2	1999	23*	Ad
25358.3	1999	23*	Ad
25358.4	1999	23*	Ad
25358.5	1999	23*	Ad
25358.6	1999	23*	Ad
25358.7	1999	23*	Ad
25358.7.1	1999	23*	Ad
25358.7.2	1999	23*	Ad
25358.8	1999	23*	Ad
25358.9	1999	23*	Ad
25359	1999	23*	Ad
25359.1	1999	23*	Ad
25359.2	1999	23*	Ad
25359.3	1999	23*	Ad
25359.4	1999	23*	Ad
25359.4.5	1999	23*	Ad
25359.5	1999	23*	Ad
25359.6	1999	23*	Ad
25359.7	1999	23*	Ad
25360	1999	23*	R & Ad
25360.1	1999	23*	R & Ad
25360.2	1999	23*	R & Ad
25360.3	1999	23*	R & Ad
25360.4	1999	23*	R & Ad
25360.6	1999	23*	Ad
25361	1999	23*	R & Ad
25362	1999	23*	R & Ad
25363	1999	23*	R & Ad
25364	1999	23*	R & Ad
25364.1	1999	23*	R & Ad
25364.7	1999	23*	R & Ad
25365	1999	23*	R & Ad
25365.6	1999	23*	R & Ad
25366	1999	23*	R & Ad
25366.5	1999	23*	R & Ad
25367	1999	23*	R & Ad
25368	1999	23*	Ad
25368.1	1999	23*	Ad
25368.2	1999	23*	Ad
25368.3	1999	23*	Ad
25368.4	1999	23*	Ad
25368.5	1999	23*	Ad
25368.6	1999	23*	Ad
25368.7	1999	23*	Ad
25368.8	1999	23*	Ad
25369	1999	23*	Ad
25370	1999	23*	Ad
25372	1999	23*	Ad
25373	1999	23*	Ad
25374	1999	23*	Ad
25375	1999	23*	Ad
25375.5	1999	23*	Ad
25376	1999	23*	Ad
25377	1999	23*	Ad
25378	1999	23*	Ad
25379	1999	23*	Ad
25380	1999	23*	Ad
25381	1999	23*	Ad
25382	1999	23*	Ad
25385	1999	23*	R & Ad

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

HEALTH AND SAFETY CODE—Continued

Section	Affected By Year	Chapter	Effect
25385.1	1999	23*	R & Ad
25385.2	1999	23*	R & Ad
25385.3	1999	23*	R & Ad
25385.4	1999	23*	R & Ad
25385.5	1999	23*	R & Ad
25385.6	1999	23*	R & Ad
25385.7	1999	23*	R & Ad
25385.8	1999	23*	R & Ad
25385.9	1999	23*	R & Ad
25386	1999	23*	R & Ad
25386.1	1999	23*	R & Ad
25386.2	1999	23*	R & Ad
25386.25	1999	23*	R & Ad
25386.3	1999	23*	R & Ad
25386.4	1999	23*	R & Ad
25386.5	1999	23*	R & Ad
25386.6	1999	23*	R
25390	1999	23*	Ad [17]
25390.1	1999	23*	Ad [17]
25390.2	1999	23*	Ad [17]
25390.3	1999	23*	Ad [17]
25390.4	1999	23*	Ad [17]
25390.5	1999	23*	Ad [17]
25390.6	1999	23*	Ad [17]
25390.7	1999	23*	Ad [17]
25390.8	1999	23*	Ad [17]
25390.9	1999	23*	Ad [17]
25395	1999	23*	R
25395.1	1999	23*	Ad
25395.10	1999	23*	Ad
25395.11	1999	23*	Ad
25395.12	1999	23*	Ad
25395.13	1999	23*	Ad
25395.14	1999	23*	Ad
25395.15	1999	23*	Ad
25395.2	1999	23*	Ad
25395.3	1999	23*	Ad
25395.4	1999	23*	Ad
25395.5	1999	23*	Ad
25395.6	1999	23*	Ad
25395.7	1999	23*	Ad
25395.8	1999	23*	Ad
25395.9	1999	23*	Ad
25405	1999	1014	R
25534.06	1999	1014	Ad
25989.1	1999	83	Am [30]
32121	1999	525	Am [112]
32121.7	1999	151	Ad
32121.8	1999	151	Ad
33080.1	1999	442	Am
33080.2	1999	362	Am
	1999	442	Am (by Sec. 3.5 of Ch.)
33080.8	1999	362	Ad
33121.5	1999	442	Ad
33298	1999	83	R [30]
33333.6	1999	17*	Am
33334.12	1999	442	Am
33392	1999	83	Am [30]
33426.7	1999	462	Ad & R [18]
33492.140	1999	38	Ad
33492.22	1999	83	Am [30]
33492.86	1999	611	Am
33672.5	1999	442	Am
34943	1999	525	Am [112]
39047.2	1999	477	Ad
39606	1999	731	Am
39612	1999	66*	Am [13]
39617.5	1999	731	Ad
39660	1999	731	Am
39669.5	1999	731	Ad
40448.5	1999	36*	Am
40448.5.1	1999	36*	Am
40451	1999	477	Am (by Sec. 2 of Ch.)
	1999	731	Am (by Sec. 7.5 of Ch.)
40451.5	1999	477	Ad
40457	1999	506	Ad
40471	1999	477	Ad
40925.3	1999	451	Ad
41865.5	1999	640	Ad
41960.2	1999	501	Am
42302	1999	643	Am
42302.1	1999	643	Am
43013.1	1999	812	Ad
43013.3	1999	812	Ad
43024	1999	814	Ad
43830.8	1999	812	R & Ad
	1999	813	R & Ad
44000.1	1999	67*	Ad
44011	1999	67*	Am
44015	1999	83	Am [30]
	1999	355	Am R & Ad [8]
44017.1	1999	67*	Am
44024.5	1999	273	Am
44060	1999	67*	Am
44062.1	1999	67*	Am
44091.2	1999	67*	Ad
44094	1999	67*	Am
44096	1999	209	Ad
44241	1999	204	Am [59]
44275	1999	923*	Ad
44280	1999	923*	Ad
44281	1999	923*	Ad
44282	1999	923*	Ad
44283	1999	923*	Ad
44284	1999	923*	Ad
44285	1999	923*	Ad
44286	1999	923*	Ad
44287	1999	923*	Ad
44288	1999	923*	Ad
44290	1999	923*	Ad
44291	1999	923*	Ad
44295	1999	923*	Ad
44296	1999	923*	Ad [155]
44297	1999	923*	Ad & R
44299	1999	923*	Ad
44299.1	1999	923*	Ad

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

HEALTH AND SAFETY CODE—Continued

Section	Affected By Year	Chapter	Effect
44508	1999	756*	Am
44535	1999	756*	Am
44559.1	1999	756*	Am
44559.8	1999	756*	Ad
50199.10	1999	893	S [103 13]
50199.11	1999	893	S [103 13]
50199.12	1999	893	S [103 13]
50199.13	1999	893	S [103 13]
50199.14	1999	893	S [103 13]
50199.15	1999	893	S [103 13]
50199.16	1999	893	S [103 13]
50199.17	1999	893	S [103 13]
50199.18	1999	893	Am [103 13]
50199.20	1999	893	S [103 13]
50199.21	1999	893	S [103 13]
50199.22	1999	893	S [103 13]
50199.4	1999	893	S [103 13]
50199.5	1999	893	S [103 13]
50199.6	1999	893	S [103 13]
50199.7	1999	893	S [103 13]
50199.8	1999	893	S [103 13]
50199.9	1999	893	S [103 13]
50514.5	1999	83	Ad(RN)[30]
50518	1999	83	Am & RN [30]
50675	1999	637	Ad
50675.1	1999	637	Ad
50675.10	1999	637	Ad
50675.11	1999	637	Ad
50675.2	1999	637	Ad
50675.3	1999	637	Ad
50675.4	1999	637	Ad
50675.5	1999	637	Ad
50675.6	1999	637	Ad
50675.7	1999	637	Ad
50675.8	1999	637	Ad
50675.9	1999	637	Ad
50710.1	1999	308*	Am
50780	1999	473	Am
50781	1999	473	Am
50783	1999	473	Am
50784	1999	473	Am
50785	1999	473	Am
50786	1999	473	Am
50786.5	1999	473	Am
50832	1999	596	Am
50834	1999	596	Am
50880	1999	67*	Am [32]
	1999	637	Am
50881	1999	67*	Am [32]
	1999	637	Am
50881.5	1999	67*	Am [32]
	1999	637	Am
50882	1999	67*	Am [32]
	1999	637	Am
50884	1999	67*	R [32]
50887	1999	67*	Am [32]
	1999	637	R
50888.3	1999	67*	Am [32]
	1999	637	Am
50888.5	1999	67*	Am [32]
	1999	637	R
50888.7	1999	67*	Am [32]
	1999	637	R
50889.5	1999	67*	Am [32]
	1999	637	R
50890	1999	67*	Am [32]
50893.5	1999	67*	Am [32]
	1999	637	R
50893.7	1999	67*	Am [32]
	1999	637	R
50893.9	1999	67*	Am [32]
	1999	637	R
50895	1999	67*	R & Ad [32]
51350	1999	264	Am
51450	1999	67*	S [20]
51451	1999	67*	Am [20]
51452	1999	67*	Am [20]
51453	1999	67*	R
51454	1999	67*	S [20]
51455	1999	67*	Am [20]
52514.5	1999	987*	Am
100236	1999	847	Ad
100825	1999	372	Am
100830	1999	372	Am
100831	1999	372	Ad
100832	1999	382	Ad
100835	1999	372	Am
100837	1999	372	Am
100840	1999	372	Am
100845	1999	372	Am
100847	1999	372	Ad
100850	1999	372	Am
100851	1999	372	Ad
100852	1999	372	Am
100855	1999	372	Am
100860	1999	372	Am
100862	1999	372	Ad
100863	1999	372	Ad
100865	1999	372	Am
100870	1999	372	Am
100872	1999	372	Ad
100880	1999	372	Am
100885	1999	372	Am
100890	1999	372	Am
100895	1999	372	Am
100907	1999	372	Ad
100910	1999	372	Am
100915	1999	372	Am
101087	1999	925	Ad
101800	1999	950	Am & RN
101805	1999	950	Am & RN
101810	1999	950	Am & RN
101815	1999	950	Am & RN
101820	1999	950	Am & RN
101825	1999	899	Ad
101827	1999	899	Ad
101828	1999	899	Ad
101829	1999	899	Ad
101830	1999	899	Ad
101831	1999	899	Ad
101832	1999	899	Ad
101833	1999	899	Ad

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

HEALTH AND SAFETY CODE—Continued

Section	Affected By Year	Chapter	Effect
101834	1999	899	Ad
101835	1999	899	Ad
101836	1999	899	Ad
101837	1999	899	Ad
101838	1999	899	Ad
101839	1999	899	Ad
101840	1999	899	Ad
101841	1999	899	Ad
101842	1999	899	Ad
101843	1999	899	Ad
101844	1999	899	Ad
101845	1999	899	Ad
101845.1	1999	899	Ad
101845.2	1999	899	Ad
101846	1999	899	Ad
101847	1999	899	Ad
101848	1999	899	Ad
101848.1	1999	899	Ad
101848.10	1999	899	Ad
101848.11	1999	899	Ad
101848.2	1999	899	Ad
101848.3	1999	899	Ad
101848.4	1999	899	Ad
101848.45	1999	899	Ad
101848.5	1999	899	Ad
101848.6	1999	899	Ad
101848.7	1999	899	Ad
101848.8	1999	899	Ad
101848.9	1999	899	Ad
101849	1999	899	Ad
101849.1	1999	899	Ad
101849.2	1999	899	Ad
101849.3	1999	899	Ad
101849.4	1999	899	Ad
101950	1999	950	Ad [37]
101980	1999	950	Ad(RN)
101983	1999	950	Ad(RN)
101985	1999	950	Ad(RN)
101987	1999	950	Ad(RN)
101989	1999	950	Ad(RN)
102910	1999	525	Am [112]
104160	1999	146*	Ad & R [39]
104161	1999	146*	Ad & R [39]
104162	1999	146*	Ad & R [39]
104163	1999	146*	Ad & R [39]
104164	1999	146*	Ad & R [39]
104181.5	1999	751	Ad
104182.5	1999	751	Ad
104182.7	1999	751	Ad
104187	1999	751	Am
104187.5	1999	751	Ad
104190	1999	668	Ad
104191	1999	668	Ad
104192	1999	668	Ad
104193	1999	668	Ad
104550	1999	693	Ad
104551	1999	693	Ad
104552	1999	693	Ad
104555	1999	780	Ad
104556	1999	780	Ad
104557	1999	780	Ad
Div. 104, Pt. 1, Ch. 4, Art. 3, heading (Sec. 106875 et seq.)	1999	755	Am
106875	1999	755	Am
106876	1999	755	Am
106880	1999	755	Am
106885	1999	755	Am
106890	1999	755	Am
106892	1999	755	Ad
106895	1999	755	Am
106896	1999	755	Ad
106897	1999	755	Ad
106900	1999	755	Am
106905	1999	755	R
106910	1999	755	Am
109947	1999	915	Ad
110005	1999	915	Am
110050	1999	915	Am
110460	1999	915	R & Ad
110461	1999	915	Ad(RN)
110462	1999	915	Ad(RN)
110466	1999	915	Ad
110467	1999	915	Ad
110470	1999	915	R & Ad
110472	1999	915	Ad
110473	1999	915	Ad
110474	1999	915	Ad
110475	1999	915	Am
110480	1999	915	Am
110485	1999	915	Am [20]
110661	1999	915	Ad
110780	1999	915	Am & RN
110785	1999	915	Am & RN
110820	1999	609	Am
110835	1999	609	Am
110935	1999	609	Am
110958	1999	609	Am
111940	1999	83	Am [30]
112040	1999	915	Am
112115	1999	915	Am
113355	1999	915	Am
113745	1999	833	Am
113823	1999	879	Am
113870	1999	180	Am
113996	1999	879	Am [13]
113997	1999	197	Am
	1999	879	Am
114020	1999	879	Am
114060	1999	879	Am
114086	1999	879	R
114145	1999	290*	Am
114265	1999	879	Am
114285	1999	879	R & Ad
114286	1999	879	Ad
114287	1999	879	Ad
114288	1999	879	Ad
114289	1999	879	Ad

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

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Section	Affected By Year	Chapter	Effect
114290	1999	879	R & Ad
114291	1999	879	Ad
114292	1999	879	Ad
114293	1999	879	Ad
114294	1999	879	Ad
114295	1999	879	R & Ad
114296	1999	879	Ad
114297	1999	879	Ad
114298	1999	879	Ad
114299	1999	879	Ad
114299.5	1999	879	Ad
114300	1999	879	R & Ad
114301	1999	879	Ad
114302	1999	879	Ad
114303	1999	879	Ad
114304	1999	879	Ad
114305	1999	879	R
114317	1999	879	Am
114321	1999	879	Am
114322	1999	879	Am
114325	1999	879	Am
114332.2	1999	879	Am
114332.3	1999	879	Am
114332.6	1999	879	R
115730	1999	712	Am
115735	1999	712	Am
115810	1999	712	Ad [73] R [22]
115811	1999	712	Ad [73] R [22]
115812	1999	712	Ad [73] R [22]
115813	1999	712	Ad [73] R [22]
115814	1999	712	Ad [73] R [22]
115815	1999	712	Ad [73] R [22]
115816	1999	712	Ad [73] R [22]
116275	1999	755	Am
116365	1999	777	Am
116555	1999	755	Am
116775	1999	969	Am
116780	1999	969	Am
116785	1999	969	Am
116786	1999	969	Ad [34]
116900	1999	755	R
116905	1999	755	R
116910	1999	755	R
116915	1999	755	R
116920	1999	755	R
116950	1999	755	R
118215	1999	139	Am
120325	1999	747	Am
120335	1999	747	Am [154]
120390	1999	146*	Ad
120390.5	1999	146*	Ad
120390.7	1999	146*	Ad
120440	1999	83	Am [30]
120580	1999	695	Am
120966	1999	497	Ad
120968	1999	497	Ad
121690	1999	418	Am
123280	1999	21*	Am
123302	1999	763	Ad
123310	1999	21*	Am
123315	1999	21*	Am
123870	1999	146*	Am
123900	1999	146*	Am
123940	1999	146*	Am
124250	1999	146*	Am
124251	1999	662	Am
124555	1999	744*	R & Ad [56]
124570	1999	744*	Ad [56]
124710	1999	744*	R & Ad [56]
124715	1999	744*	Am [56]
124725	1999	744*	Am [56]
124735	1999	744*	Am [56]
124745	1999	744*	Ad [56]
124960	1999	1025	Ad [73] R [22]
124961	1999	1025	Ad [73] R [22]
124962	1999	1025	Ad [73] R [22]
124963	1999	1025	Ad [73] R [22]
124964	1999	1025	Ad [73] R [22]
124965	1999	1025	Ad [73] R [22]
124966	1999	1025	Ad [73] R [22]
124967	1999	1025	Ad [73] R [22]
124968	1999	1025	Ad [73] R [22]
124980	1999	83	Am [30]
125700	1999	819	Ad
125701	1999	819	Ad
125702	1999	819	Ad
125703	1999	819	Ad
127174	1999	848	Am
127580	1999	525	Am [112]
128230	1999	149*	Am
128280	1999	149*	Am
Div. 107, Ch. 5, heading (Sec. 128330 et seq.)	1999	149*	Am
Div. 107, Ch. 5, Art. 1, heading (Sec. 128330 et seq.)	1999	149*	Am
128330	1999	149*	Am
128335	1999	149*	Am
128345	1999	149*	Am
128350	1999	149*	Am

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

HEALTH AND SAFETY CODE—Continued

Section	Affected By Year	Chapter	Effect
128355	1999	149*	Am
128375	1999	146*	S [20]
	1999	149*	Am [57]
128380	1999	146*	S [20]
	1999	149*	S [57]
128385	1999	146*	S [20]
	1999	149*	Am [57]
128390	1999	146*	S [20]
	1999	149*	S [57]
128395	1999	146*	S [20]
	1999	149*	Am [57]
128400	1999	146*	S [20]
	1999	149*	Am [57]
128405	1999	146*	Am [20]
	1999	149*	R
128425	1999	149*	S [57]
128430	1999	149*	S [57]
128435	1999	149*	Am [57]
128440	1999	149*	S [57]
128445	1999	149*	Am [57]
128450	1999	149*	Am [57]
128455	1999	149*	R
128725	1999	525	Am [112]
129010	1999	848	Am
129020	1999	848	Am
129025	1999	848	R
129035	1999	848	Am
129040	1999	848	Am
129045	1999	848	Ad
129048	1999	825	Ad
129049	1999	825	Ad
129050	1999	848	Am
129051	1999	848	Ad
129055	1999	848	Am
129065	1999	848	Am
129075	1999	848	R & Ad
129080	1999	848	Am
129087	1999	848	Ad
129090	1999	848	Am
129092	1999	848	Ad
129100	1999	848	Am
129105	1999	848	Am
129152	1999	848	Ad
129173	1999	848	Am
129200	1999	848	Am
129210	1999	848	Am
129220	1999	848	Ad
129221	1999	848	Ad
129820	1999	83	Am [30]
130000	1999	192*	R [24]
130005	1999	192*	R [24]
130010	1999	192*	R [24]
130015	1999	192*	R [24]
130020	1999	192*	R [24]
130021	1999	192*	Ad & R [24]
130025	1999	192*	R [24]
Div. 108, heading (Sec. 130100 et seq.)	1999	126*	Am
130100	1999	126*	Am
130105	1999	126*	Am
130110	1999	126*	Am
130140	1999	126*	Am
130155	1999	126*	Am

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

INSURANCE CODE

Section	Affected By Year	Chapter	Effect
48	1999	255	Ad
116.5	1999	238	Ad
384	1999	255	Am
661	1999	309	Am
663.5	1999	313	Am
675	1999	313	Am
740	1999	525	Am [112]
742.20	1999	317	S [19]
742.21	1999	317	S [19]
742.215	1999	317	S [19]
742.22	1999	317	S [19]
742.23	1999	317	S [19]
742.24	1999	317	S [19]
742.25	1999	317	S [19]
742.26	1999	317	S [19]
742.27	1999	317	S [19]
742.28	1999	317	S [19]
742.29	1999	317	S [19]
742.30	1999	317	S [19]
742.31	1999	317	Am [19]
742.32	1999	317	S [19]
742.33	1999	317	S [19]
742.34	1999	317	S [19]
742.35	1999	317	S [19]
742.36	1999	317	S [19]
742.37	1999	317	S [19]
742.38	1999	317	S [19]
742.39	1999	317	S [19]
742.40	1999	317	S [19]
742.405	1999	317	S [19]
742.407	1999	317	S [19]
	1999	525	Am [112]
742.41	1999	317	S [19]
742.42	1999	317	S [19]
742.425	1999	317	S [19]
742.43	1999	317	S [19]
742.435	1999	317	Ad & R [19]
742.44	1999	317	Am [19]
769	1999	753	Am
778.3	1999	388	Ad
779.36	1999	413	Am
791.02	1999	525	Am [112 114]
	1999	526	Am
1033	1999	868	Am
1035	1999	768	Am
1063.1	1999	721	Am
1063.6	1999	83	Am [30]
1065.3	1999	782	Am
1068	1999	525	Am [112]
1068.1	1999	525	Am [112]
1192.8	1999	470	Am
1490	1999	314	R
1600	1999	808	Am
1603	1999	808	Am
1620	1999	498	R (as ad by Sec. 2, Stats. 1996, Ch. 687) Am (as am by Sec 1, Stats. 1996, Ch. 687) [13]
1669	1999	782	Am
1723	1999	782	Ad
1727	1999	782	Am
1742.2	1999	782	Ad
1748	1999	782	Am
1748.5	1999	782	Am
1749.3	1999	186	Am
1758.8	1999	618	Ad
1758.81	1999	618	Ad
1758.82	1999	618	Ad
1758.83	1999	618	Ad
1758.84	1999	618	Ad
1758.85	1999	618	Ad
1758.851	1999	618	Ad
1758.86	1999	618	Ad
1758.861	1999	618	Ad
1758.87	1999	618	Ad
1758.88	1999	618	Ad
1758.891	1999	618	Ad
1762	1999	255	Ad
1765.1	1999	83	Am [30]
	1999	255	Am
1785.89	1999	618	Ad
1810.7	1999	426	Am
1861.025	1999	22*	Am [16]
	1999	853	Am [144]
1861.16	1999	309	Am
1871.7	1999	885	Am
1872.4	1999	885	Am
1872.45	1999	885	Ad
1872.8	1999	885	Am
1872.81	1999	884	Ad & R [75]
1872.91	1999	721	Ad
1872.95	1999	885	Am
1874.8	1999	884	Ad & R [75 167]
	1999	885	Ad & R [75]
1874.81	1999	885	Ad & R [75]
10089.27	1999	715	Am
			R & Ad [22]
10089.39	1999	715	Am
10089.40	1999	715	Am
10089.70	1999	796*	Am [18]
10089.71	1999	796*	S [18]
10089.72	1999	796*	S [18]
10089.73	1999	796*	S [18]
10089.74	1999	796*	S [18]

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

INSURANCE CODE—Continued

Section	Affected By Year	Chapter	Effect
10089.75	1999	796*	S [18]
10089.76	1999	796*	S [18]
10089.77	1999	796*	S [18]
10089.78	1999	796*	S [18]
10089.79	1999	796*	S [18]
10089.80	1999	796*	S [18]
10089.81	1999	796*	S [18]
10089.82	1999	796*	S [18]
10089.83	1999	796*	S [18]
10089.84	1999	796*	Am [18]
10095	1999	83	Am [30]
10116.5	1999	83	Am [30]
10123.135	1999	88	Ad
	1999	539	Ad
10123.196	1999	538	Ad
10123.20	1999	543	Ad
10123.3	1999	311	Am
10123.35	1999	525	Am [112 114]
10123.68	1999	531	Ad
10123.8	1999	537	R & Ad
10123.81	1999	537	Am
10123.89	1999	541	Ad
10134	1999	742	Ad
10135	1999	742	Ad
10136	1999	742	Ad
10137	1999	742	Ad
10138	1999	742	Ad
10139	1999	742	Ad
10140	1999	742	Ad
10140.1	1999	525	Am [112 114]
10141	1999	742	Ad
10144.5	1999	534	Ad
10145.3	1999	542	Am & R [124]
			Ad [25]
10147	1999	311	Am
10169	1999	533	Ad
10169.1	1999	533	Ad
10169.2	1999	533	Ad
10169.3	1999	533	Ad
10169.5	1999	533	Ad
10176.61	1999	540	Ad
10178.3	1999	545	Ad [56]
10192.24	1999	716	Ad [82]
10194.8	1999	83	Am [30]
	1999	716	Am
10196	1999	525	Am [112 114]
10232.1	1999	947	Am
10232.2	1999	947	Am
10232.3	1999	947	Am
10232.4	1999	947	Am
10232.8	1999	83	Am [30]
10232.92	1999	947	R & Ad
10232.97	1999	947	Ad
10233.2	1999	947	Am
10233.5	1999	947	Am
10234.6	1999	669	Ad
10234.95	1999	669	Am
10235.2	1999	947	Am
10235.30	1999	947	Am
10235.40	1999	947	Am
10235.50	1999	947	Am
10235.52	1999	947	Am
10235.8	1999	947	Am
10235.94	1999	947	Ad
10237.1	1999	947	Am
10237.4	1999	947	Am
10237.5	1999	947	Am
10270.98	1999	525	Am [112 114]
10273.4	1999	83	Am [30]
10279	1999	535	Ad
10489.94	1999	868	Ad
10509.970	1999	868	S [57]
10509.971	1999	868	S [57]
10509.972	1999	868	S [57]
10509.973	1999	868	S [57]
10509.974	1999	868	S [57]
10509.975	1999	868	S [57]
10509.976	1999	868	R
10700	1999	83	Am [30]
	1999	434	Am
10704	1999	525	Am [112 114]
10733	1999	525	Am [112 114]
10734	1999	525	Am [112 114]
10810	1999	525	Am [112 114]
10820	1999	525	Am [112 114]
10841	1999	83	Am [30]
10856	1999	525	Am [112]
11535.1	1999	868	Am
11537.3	1999	868	Am
11538	1999	868	Am
11580.011	1999	183	Ad
11580.02	1999	183	Ad
11580.1	1999	313	Am
11629.7	1999	794	Ad & R [19]
11629.71	1999	794	Ad & R [19]
11629.72	1999	794	Ad & R [19]
11629.73	1999	794	Ad & R [19]
11629.74	1999	794	Ad & R [19]
11629.75	1999	794	Ad & R [19]
11629.76	1999	794	Ad & R [19]
11629.77	1999	794	Ad & R [19]
11629.78	1999	794	Ad & R [19]
11629.79	1999	794	Ad & R [19]
11629.8	1999	794	Ad & R [19]
11629.81	1999	794	Ad & R [19]
11629.82	1999	794	Ad & R [19]
11629.83	1999	794	Ad & R [19]
11629.84	1999	794	Ad & R [19]
11629.9	1999	807	Ad & R [19]
11629.91	1999	807	Ad & R [19]
11629.92	1999	807	Ad & R [19]
11629.93	1999	807	Ad & R [19]
11629.94	1999	807	Ad & R [19]
11629.95	1999	807	Ad & R [19]
11629.96	1999	807	Ad & R [19]
11629.97	1999	807	Ad & R [19]
11629.98	1999	807	Ad & R [19]
11629.99	1999	807	Ad & R [19]
11629.991	1999	807	Ad & R [19]
11629.992	1999	807	Ad & R [19]
11629.993	1999	807	Ad & R [19]
11629.994	1999	807	Ad & R [19]

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

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Affected By			
Section	*Year*	*Chapter*	*Effect*
11629.995	1999	807	Ad & R [19]
12383	1999	187	Am
12394	1999	187	Am
12693.02	1999	146*	Am
12693.06	1999	146*	Am
12693.17	1999	146*	Ad
12693.21	1999	146*	Am
12693.36	1999	525	Am [112 114]
12693.365	1999	525	Am [112 114]
12693.37	1999	525	Am [112 114]
12693.41	1999	146*	Am
12693.43	1999	146*	Am
12693.62	1999	146*	Am
12693.69	1999	146*	Ad
12693.70	1999	146*	Am
12693.73	1999	146*	Am
12693.76	1999	146*	Ad
12693.91	1999	146*	Am
12693.96	1999	83	Ad(RN)[30]
	1999	146*	Ad(RN)
12693.97	1999	83	Ad(RN)[30]
12695.18	1999	525	Am [112 114]
12698	1999	782	Ad
12921.8	1999	260	Ad
12963.96	1999	83	Am & RN [30]
	1999	146*	Am & RN
12963.97	1999	83	Am & RN [30]
12967	1999	85	Am
12978	1999	884	Am
13800	1999	827*	Ad
13801	1999	827*	Ad
13802	1999	827*	Ad
13803	1999	827*	Ad
13804	1999	827*	Ad
13805	1999	827*	Ad
13806	1999	827*	Ad
13807	1999	827*	Ad

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

LABOR CODE

Section	Affected By Year	Chapter	Effect
62.5	1999	746	Ad
62.9	1999	469	Am [13]
96	1999	692	Am
98.7	1999	615	Am
106	1999	306	Am [43]
138.4	1999	83	Am [30]
139	1999	977	Am
201.5	1999	83	Am [30]
230	1999	340	Am
233	1999	164	Ad
500	1999	134	Ad
510	1999	134	Am
511	1999	134	Ad
512	1999	134	Ad
513	1999	134	Ad
514	1999	134	Ad
515	1999	134	Ad [46]
516	1999	134	Ad
517	1999	134	Ad
554	1999	134	Am
556	1999	134	Am
558	1999	134	Ad
1102.1	1999	592	R
1138	1999	616	Ad
1138.1	1999	616	Ad
1138.2	1999	616	Ad
1138.3	1999	616	Ad
1138.4	1999	616	Ad
1138.5	1999	616	Ad
1182.1	1999	134	Am
1182.10	1999	134	Am & R [39]
1182.2	1999	134	Am & R [39]
1182.3	1999	134	Am & R [39]
1182.9	1999	134	Am & R [39]
1183.5	1999	134	R
1186	1999	190	Ad
1198.7	1999	878	Ad [82]
1696.4	1999	556*	Am
1701	1999	626	Ad
1701.1	1999	626	Ad
1701.10	1999	626	Ad
1701.12	1999	626	Ad
1701.13	1999	626	Ad
1701.15	1999	626	Ad
1701.16	1999	626	Ad
1701.17	1999	626	Ad
1701.18	1999	626	Ad
1701.19	1999	626	Ad
1701.2	1999	626	Ad
1701.20	1999	626	Ad
1701.4	1999	626	Ad
1701.5	1999	626	Ad
1701.8	1999	626	Ad
1720.3	1999	220	Am
1736	1999	302	Ad
1771.5	1999	83	Am [30]
1773	1999	30	Am
1773.1	1999	30	Am
1773.8	1999	30	R
1773.9	1999	30	Ad
1777.5	1999	903	Am
1777.7	1999	903	Am
2671	1999	554	Am
2673.1	1999	554	Ad
2675	1999	554	Am
2675.5	1999	554	Am
2677	1999	554	Am
2680	1999	554	Am
2684	1999	554	Ad
3070	1999	903	Am
3073.1	1999	903	Ad
3073.2	1999	903	Ad & R [20]
3075	1999	903	Am
3080	1999	903	Am
3098	1999	903	Ad
3099	1999	781	Ad
3212.1	1999	595	Am
3700.5	1999	553	Am
3702.8	1999	721	Am
3716.2	1999	83	Am [30]
3762	1999	766	Am
3800	1999	982	Am
4055.2	1999	444	Am
4600.4	1999	124	Ad
4600.5	1999	525	Am [112 114]
4603.2	1999	124	Am
4609	1999	545	Ad [56]
4707	1999	83	Am [30]
4850	1999	270	Am
	1999	970	Am (by Sec. 1.5 of Ch.)
4850.5	1999	970	Am
5406	1999	358	Am
5406.6	1999	358	Ad
5433	1999	83	Am [30]
6304.5	1999	615	Am
6309	1999	615	Am
6394	1999	366	Am
6394.5	1999	366	Ad & R [20]
6400	1999	615	Am
6423	1999	615	Am
6425	1999	615	Am
6428	1999	615	Am
6429	1999	615	Am
6430	1999	615	Am
6432	1999	615	Am
6434	1999	615	Am
6719	1999	615	Ad
7920	1999	585	Ad
7921	1999	585	Ad
7922	1999	585	Ad
7923	1999	585	Ad
7924	1999	585	Ad
7925	1999	585	Ad
7926	1999	585	Ad
7927	1999	585	Ad

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

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Affected By				Affected By			
Section	*Year*	*Chapter*	*Effect*	*Section*	*Year*	*Chapter*	*Effect*
7928	1999	585	Ad	7931	1999	585	Ad
7929	1999	585	Ad	7932	1999	585	Ad
7930	1999	585	Ad				

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

MILITARY AND VETERANS CODE

Section	Affected By Year	Chapter	Effect
73.5	1999	894	Ad
73.6	1999	894	Ad
73.7	1999	894	Ad
79.1	1999	839	Am [13]
79.2	1999	511	Ad
891	1999	404	R (as ad by Sec. 2, Stats. 1996, Ch. 822) Am (as am by Sec. 1, Stats. 1996, Ch. 822)[13]
999	1999	767	Am
999.11	1999	767	Ad
999.12	1999	767	Ad
999.2	1999	767	Ad
999.5	1999	767	Am
999.7	1999	767	Am
1011.7	1999	810	Ad & R [5]
1012	1999	194	Am
1012.4	1999	194	Ad
1023	1999	902	Am
1023.5	1999	902	R
1047	1999	902	Am
1048	1999	902	Am
1049	1999	902	Am
1100	1999	728*	Ad [89]
1102	1999	728*	Ad [89]
1103	1999	728*	Ad [89]
1104	1999	728*	Ad [89]
1105	1999	728*	Ad [89]
1106	1999	728*	Ad [89]
1107	1999	728*	Ad [89]
1108	1999	728*	Ad [89]
1109	1999	728*	Ad [89]
1110	1999	728*	Ad [89]
1111	1999	728*	Ad [89]
1112	1999	728*	Ad [89]
1113	1999	728*	Ad [89]
1114	1999	728*	Ad [89]
1115	1999	728*	Ad [89]
1116	1999	728*	Ad [89]
1117	1999	728*	Ad [89]
Div. 6, heading (Sec. 1170 et seq.)	1999	604*	Am
1400	1999	604*	Ad
1401	1999	604*	Ad

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

PENAL CODE

Section	Affected By Year	Chapter	Effect
96.5	1999	853	Am [144]
136.2	1999	83	Am [30]
	1999	661	Am
148	1999	853	Am [144]
148.10	1999	83	Am [30]
152	1999	396	Ad
166	1999	662	Am
166.5	1999	653	Ad (by Sec. 20 of Ch.)
171b	1999	247	Am
189	1999	694	Am
190.03	1999	566	Ad
193.7	1999	22*	Am [16]
217.1	1999	853	Am [144]
237	1999	706*	Am
243	1999	660	Am
245	1999	129	Am
261.5	1999	853	Am [144]
264	1999	853	Am [144]
273.5	1999	660	Am (by Sec. 2 of Ch.)
	1999	662	Am (by Sec. 9.5 of Ch.)
273.55	1999	662	R
273.56	1999	662	R
273.6	1999	561	Am (by Sec. 5 of Ch.)
	1999	662	Am (by Sec. 12.5 of Ch.)
273d	1999	662	Am
289	1999	706*	Am
289.6	1999	806	Am
290	1999	83	Am [30]
	1999	576	Am (by Sec. 1 of Ch.)
	1999	730	Am (by Sec. 1 of Ch.)
	1999	901	Am (by Sec. 1.5 of Ch.)
290.4	1999	730	Am (by Sec. 2 of Ch.)
290.5	1999	576	Am
290.7	1999	475	Am
296	1999	475	Am
297	1999	475	Am
298	1999	83	Am [30]
299	1999	83	Am [30]
299.5	1999	475	Am
299.6	1999	83	Am [30]
	1999	475	Am
330.9	1999	642	Ad
350	1999	83	Am [30]
365	1999	354	Am
369b	1999	841	Am
399.5	1999	265	Am
417.25	1999	438	Am
	1999	621	Am
417.26	1999	438	Ad
417.27	1999	621	Ad
451.5	1999	518	Am [116]
457.1	1999	518	Am
480	1999	254	Am
502	1999	254	Am
502.01	1999	254	Am
504b	1999	991	Am [96 114]
538	1999	991	Am [96 114]
550	1999	83	Am [30]
574	1999	991	Am [96 114]
594	1999	83	Am (as am by Sec. 1.5 and as ad by Sec. 1.6, Stats. 1998, Ch. 853) [30]
597s	1999	303	Am
626.1	1999	853	R [144]
626.9	1999	83	Am [30]
628.2	1999	646	Am
633.6	1999	367	Ad
636.5	1999	853	Am [144]
646.91	1999	659	Am
646.93	1999	703	Ad
647	1999	231	Am
653m	1999	83	Am [30]
653t	1999	853	Am [144]
666.5	1999	706*	Am
666.7	1999	706*	Am
667.70	1999	706*	Am
667.72	1999	706*	R
667.9	1999	569	Am
668	1999	350*	Am
668.5	1999	350*	Ad
790	1999	83	Am [30]
803	1999	706*	Am (by Sec. 10 of Ch.)
	1999	983	Am
830.11	1999	1005	Am
830.14	1999	1007	Am
830.2	1999	917	Am
	1999	918	Am (by Sec. 4.5 of Ch.)
830.29	1999	840*	Ad [21] R [34]
830.3	1999	525	Am [112]
	1999	840*	Am
830.36	1999	891	Am
830.7	1999	331	Am
831.4	1999	112	Am
831.5	1999	83	Am (as am by Sec. 8 and as ad by Sec. 8.5, Stats. 1998, Ch. 606) [30]
	1999	635*	Am (as am by Sec. 8 and as ad by Sec. 8.5, Stats. 1998, Ch. 606)
832.3	1999	852	Am
832.6	1999	111*	Am

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PENAL CODE—Continued

Section	Affected By Year	Chapter	Effect
834c	1999	268	Ad
836	1999	661	Am (by Sec. 10 of Ch.)
	1999	662	Am
977.2	1999	888	Am [13]
1048.1	1999	382	Am
1050	1999	382	Am (by Sec. 2 of Ch.)
	1999	580	Am (by Sec. 2 of Ch.)
1166	1999	570	Am
1170.11	1999	706*	Am (by Sec. 11 of Ch.)
1170.17	1999	996	Ad
1170.19	1999	996	Ad
1192.7	1999	298	Am
1192.8	1999	706*	Am
1202.4	1999	121	Am
	1999	584	Am (as am by Stats. 1999, Ch. 121)
1202.41	1999	888	Am
1202.46	1999	888	Ad
1203.049	1999	706*	Am
1203.073	1999	853	Am [144]
1203.097	1999	83	Am [30]
1208.2	1999	113	Ad
1208.3	1999	113	Ad
1214	1999	344*	Am (as ad by Sec. 8, Stats. 1998, Ch. 587)
1238	1999	344*	Am
1269b	1999	83	Am [30]
1270.1	1999	703	Am
1299	1999	426	Ad & R [18]
1299.01	1999	426	Ad & R [18]
1299.02	1999	426	Ad & R [18]
1299.04	1999	426	Ad & R [18]
1299.05	1999	426	Ad & R [18]
1299.06	1999	426	Ad & R [18]
1299.07	1999	426	Ad & R [18]
1299.08	1999	426	Ad & R [18]
1299.09	1999	426	Ad & R [18]
1299.10	1999	426	Ad & R [18]
1299.11	1999	426	Ad & R [18]
1299.12	1999	426	Ad & R [18]
1299.13	1999	426	Ad & R [18]
1305	1999	570	Am
1305.4	1999	570	Am
1308	1999	570	Am
1328	1999	662	Am
1347	1999	83	Am (as am by Sec. 1.5 and as ad by Sec. 1.6, Stats. 1998, Ch. 670) [30]
1382	1999	344*	Am
1424	1999	363	Am
1463.12	1999	841	Ad
1464	1999	1023	Am
1464.2	1999	610	Ad
1524.2	1999	896	Ad
2962	1999	16*	Am
3003	1999	83	Am [30]
3058.4	1999	957	Ad
3058.6	1999	957	Am
3058.9	1999	957	Ad
3060.5	1999	475	Am
4536.5	1999	83	Am [30]
4852.03	1999	576	Am
5066	1999	83	Am [30]
6051	1999	83	Am [30]
	1999	918	Am
6065	1999	83	Am [30]
6126	1999	83	Am [30]
	1999	918	Am
6126.3	1999	918	Ad
6126.4	1999	918	Ad
6126.5	1999	918	Ad
6126.6	1999	918	Ad
6127	1999	918	R
6127.1	1999	918	Ad
6127.3	1999	918	Ad
6127.4	1999	918	Ad
6128	1999	918	Am
6129	1999	806	R & Ad
11105.03	1999	31	Am
11105.6	1999	33	Am
11106	1999	571	Am (by Sec. 1 of Ch.)
11163.3	1999	662	Am
11163.6	1999	662	Ad
11166.9	1999	1012	Am [122]
11170	1999	475	Am
11170.6	1999	851*	Ad
11198	1999	707	Ad
11415	1999	563	Ad
11416	1999	563	Ad
11417	1999	563	Ad
11418	1999	563	Ad
11418.5	1999	563	Ad
11419	1999	563	Ad
12001	1999	129	Am
12001.1	1999	976	Ad
12002	1999	112	Am
12020	1999	111*	Am
	1999	129	Am (by Sec. 3.5 of Ch.)
12021	1999	662	Am
12022	1999	129	Am
12022.5	1999	129	Am
12025	1999	571	Am [138]
12028.5	1999	659	Am
	1999	662	Am (by Sec. 18.5 of Ch.)
12031	1999	571	Am [139]
12050	1999	142	Am
12071	1999	83	Am [30]
	1999	128	Am
12071.1	1999	247	Am

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

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Section	Affected By Year	Chapter	Effect
12071.4	1999	247	Ad
12072	1999	128	Am
12076	1999	128	Am
12077	1999	128	Am
12079	1999	129	Ad
12085	1999	83	Am [30]
12086	1999	83	Am [30]
12087	1999	245	Ad
	1999	246	Ad
12087.5	1999	245	Ad
	1999	246	Ad
12088	1999	245	Ad
	1999	246	Ad
12088.1	1999	245	Ad
	1999	246	Ad
12088.2	1999	245	Ad
	1999	246	Ad
12088.3	1999	245	Ad
	1999	246	Ad
12088.4	1999	245	Ad
	1999	246	Ad
12088.5	1999	245	Ad
	1999	246	Ad
12088.6	1999	245	Ad
	1999	246	Ad
12088.7	1999	245	Ad
	1999	246	Ad
12088.8	1999	245	Ad
	1999	246	Ad
12088.9	1999	245	Ad
	1999	246	Ad
12125	1999	248	Ad
12126	1999	248	Ad
12127	1999	248	Ad
12128	1999	248	Ad
12129	1999	248	Ad
12130	1999	248	Ad
12131	1999	248	Ad
12131.5	1999	248	Ad
12132	1999	248	Ad
12133	1999	248	Ad
12276.1	1999	129	Ad
12280	1999	129	Am
12285	1999	129	Am
12287	1999	129	Am
12289	1999	129	Am
12370	1999	83	Am [30]
12403.5	1999	852	Am
	1999	853	Am [144]
13500	1999	702	Am
13510	1999	301	Am
13515.55	1999	83	Am [30]
13519	1999	659	Am
13526.2	1999	301	Ad
13602	1999	83	Am [30]
13700	1999	659	Am
13701	1999	661	Am
13710	1999	659	Am
13711	1999	661	Am
13848	1999	427	S [20]
13848.2	1999	427	S [20]
13848.4	1999	427	S [20]
13848.6	1999	427	S [20]
13848.7	1999	427	Am [20]
14108	1999	727*	Ad [160]
14108.1	1999	727*	Ad [160]
14108.10	1999	727*	Ad [160]
14108.11	1999	727*	Ad [160]
14108.12	1999	727*	Ad [160]
14108.13	1999	727*	Ad [160]
14108.14	1999	727*	Ad [160]
14108.2	1999	727*	Ad [160]
14108.3	1999	727*	Ad [160]
14108.4	1999	727*	Ad [160]
14108.5	1999	727*	Ad [160]
14108.6	1999	727*	Ad [160]
14108.7	1999	727*	Ad [160]
14108.8	1999	727*	Ad [160]
14108.9	1999	727*	Ad [160]
14109	1999	727*	Ad & R [38 160]
14109.1	1999	727*	Ad & R [38 160]
14109.2	1999	727*	Ad & R [38 160]
14109.5	1999	727*	Ad [160]
14170	1999	564	Ad [31]
			R [25]
14171	1999	564	Ad [31]
			R [25]
14172	1999	564	Ad [31]
			R [25]
14173	1999	564	Ad [31]
			R [25]
14174	1999	564	Ad [31]
			R [25]
14175	1999	564	Ad [31]
			R [25]
14205	1999	579	Am
14206	1999	579	Am

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

PROBATE CODE

Section	Affected By Year	Chapter	Effect
104.5	1999	263	Ad
825	1999	175	Ad
1063	1999	145	Am
1214	1999	263	Ad
1218	1999	263	R
1302	1999	658	Am [56]
1302.5	1999	658	Ad [56]
2105	1999	658	Am [56]
2340	1999	424	Am
2341	1999	424	Am
2342	1999	424	Am
2355	1999	658	Am [56]
2356	1999	658	Am [56]
2357	1999	175	Am
2580	1999	175	Am
2850	1999	409	Ad
2851	1999	409	Ad
2852	1999	409	Ad
2853	1999	409	Ad
2854	1999	409	Ad
2855	1999	409	Ad
2856	1999	409	Ad
2942	1999	866	Am
Div. 4, Pt. 7, heading (Sec. 3200) et seq.)	1999	658	Am [56]
3200	1999	658	Am [56]
3201	1999	658	Am [56]
3203	1999	658	Am [56]
3204	1999	658	Am [56]
3206	1999	658	Am [56]
3207	1999	658	Am [56]
3208	1999	658	Am [56]
3208.5	1999	658	Ad [56]
3210	1999	658	Am [56]
3211	1999	658	Am [56]
3212	1999	658	Ad [56]
3722	1999	658	Am [56]
4050	1999	658	Am [56]
4100	1999	658	Am [56]
4121	1999	658	Am [56]
4122	1999	658	Am [56]
4123	1999	658	Am [56]
4128	1999	658	Am [56]
4203	1999	658	Am [56]
4206	1999	658	Am [56]
4260	1999	658	Am [56]
4265	1999	658	Am [56]
4500	1999	658	Ad [56]
4501	1999	658	Ad [56]
4502	1999	658	Ad [56]
4503	1999	658	Ad [56]
4504	1999	658	Ad [56]
4505	1999	658	Ad [56]
4520	1999	658	Ad [56]
4521	1999	658	Ad [56]
4522	1999	658	Ad [56]
4523	1999	658	Ad [56]
4540	1999	658	Ad [56]
4541	1999	658	Ad [56]
4542	1999	658	Ad [56]
4543	1999	658	Ad [56]
4544	1999	658	Ad [56]
4545	1999	658	Ad [56]
4600	1999	658	R & Ad [56]
4603	1999	658	R & Ad [56]
4605	1999	658	Ad [56]
4606	1999	658	R [56]
4607	1999	658	Ad [56]
4609	1999	658	R & Ad [56]
4611	1999	658	Ad [56]
4612	1999	658	R [56]
4613	1999	658	Ad [56]
4615	1999	658	R & Ad [56]
4617	1999	658	Ad [56]
4618	1999	658	R [56]
4619	1999	658	Ad [56]
4621	1999	658	R & Ad [56]
4623	1999	658	Ad [56]
4625	1999	658	Ad [56]
4627	1999	658	Ad [56]
4629	1999	658	Ad [56]
4631	1999	658	Ad [56]
4633	1999	658	Ad [56]
4635	1999	658	Ad [56]
4637	1999	658	Ad [56]
4639	1999	658	Ad [56]
4641	1999	658	Ad [56]
4643	1999	658	Ad [56]
4650	1999	658	R & Ad [56]
4651	1999	658	R & Ad [56]
4652	1999	658	R & Ad [56]
4653	1999	658	R & Ad [56]
4654	1999	658	R & Ad [56]
4655	1999	658	R & Ad [56]
4656	1999	658	Ad [56]
4657	1999	658	Ad [56]
4658	1999	658	Ad [56]
4659	1999	658	Ad [56]
4660	1999	658	Ad [56]
4665	1999	658	Ad [56]
4670	1999	658	Ad [56]
4671	1999	658	Ad [56]
4672	1999	658	Ad [56]
4673	1999	658	Ad [56]
4674	1999	658	Ad [56]
4675	1999	658	Ad [56]
4676	1999	658	Ad [56]
4677	1999	658	Ad [56]
4678	1999	658	Ad [56]
4680	1999	658	Ad [56]
4681	1999	658	Ad [56]
4682	1999	658	Ad [56]
4683	1999	658	Ad [56]
4684	1999	658	Ad [56]
4685	1999	658	Ad [56]
4686	1999	658	Ad [56]
4687	1999	658	Ad [56]
4688	1999	658	Ad [56]
4689	1999	658	Ad [56]

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

PROBATE CODE—Continued

Section	Affected By Year	Chapter	Effect
4690	1999	658	Ad [56]
4695	1999	658	Ad [56]
4696	1999	658	Ad [56]
4697	1999	658	Ad [56]
4698	1999	658	Ad [56]
4700	1999	658	R & Ad [56]
4701	1999	658	R & Ad [56]
4702	1999	658	R [56]
4703	1999	658	R [56]
4704	1999	658	R [56]
4711	1999	658	Ad [56]
4714	1999	658	Ad [56]
4715	1999	658	Ad [56]
4720	1999	658	R [56]
4721	1999	658	R [56]
4722	1999	658	R [56]
4723	1999	658	R [56]
4724	1999	658	R [56]
4725	1999	658	R [56]
4726	1999	658	R [56]
4727	1999	658	R [56]
4730	1999	658	Ad [56]
4731	1999	658	Ad [56]
4732	1999	658	Ad [56]
4733	1999	658	Ad [56]
4734	1999	658	Ad [56]
4735	1999	658	Ad [56]
4736	1999	658	Ad [56]
4740	1999	658	Ad [56]
4741	1999	658	Ad [56]
4742	1999	658	Ad [56]
4743	1999	658	Ad [56]
4750	1999	658	R & Ad [56]
4751	1999	658	R & Ad [56]
4752	1999	658	R & Ad [56]
4753	1999	658	R & Ad [56]
4754	1999	658	Ad [56]
4755	1999	658	Ad [56]
4760	1999	658	Ad [56]
4761	1999	658	Ad [56]
4762	1999	658	Ad [56]
4763	1999	658	Ad [56]
4765	1999	658	Ad [56]
4766	1999	658	Ad [56]
4767	1999	658	Ad [56]
4768	1999	658	Ad [56]
4769	1999	658	Ad [56]
4770	1999	658	R & Ad [56]
4771	1999	658	R & Ad [56]
4772	1999	658	R [56]
4773	1999	658	R [56]
4774	1999	658	R [56]
4775	1999	658	R [56]
4776	1999	658	R [56]
4777	1999	658	R [56]
4778	1999	658	R [56]
4779	1999	658	R [56]
4780	1999	658	Ad [56]
4781	1999	658	Ad [56]
4782	1999	658	Ad [56]
4783	1999	658	Ad [56]
4784	1999	658	Ad [56]
4785	1999	658	Ad [56]
4786	1999	658	Ad [56]
4800	1999	658	R & Ad [56]
4801	1999	658	R & Ad [56]
4802	1999	658	R & Ad [56]
4803	1999	658	R & Ad [56]
4804	1999	658	R & Ad [56]
4805	1999	658	R & Ad [56]
4806	1999	658	R [56]
4900	1999	658	R [56]
4901	1999	658	R [56]
4902	1999	658	R [56]
4903	1999	658	R [56]
4904	1999	658	R [56]
4905	1999	658	R [56]
4920	1999	658	R [56]
4921	1999	658	R [56]
4922	1999	658	R [56]
4923	1999	658	R [56]
4940	1999	658	R [56]
4941	1999	658	R [56]
4942	1999	658	R [56]
4943	1999	658	R [56]
4944	1999	658	R [56]
4945	1999	658	R [56]
4946	1999	658	R [56]
4947	1999	658	R [56]
7200	1999	175	R
9053	1999	263	Am
9100	1999	263	Am
9201	1999	987*	Am
9203	1999	987*	Am
9250	1999	263	Am
10531	1999	145	Am
15604	1999	424	Ad
16300	1999	145	R
16301	1999	145	R
16302	1999	145	R
16303	1999	145	R
16304	1999	145	R
16305	1999	145	R
16306	1999	145	R
16307	1999	145	R
16308	1999	145	R
16309	1999	145	R
16310	1999	145	R
16311	1999	145	R
16312	1999	145	R
16313	1999	145	R
16314	1999	145	R
16315	1999	145	R
16320	1999	145	Ad
16321	1999	145	Ad
16322	1999	145	Ad
16323	1999	145	Ad
16324	1999	145	Ad
16325	1999	145	Ad
16326	1999	145	Ad
16327	1999	145	Ad
16328	1999	145	Ad

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

PROBATE CODE—Continued

Section	Affected By Year	Chapter	Effect	Section	Affected By Year	Chapter	Effect
16335	1999	145	Ad	16360	1999	145	Ad
16336	1999	145	Ad	16361	1999	145	Ad
16337	1999	145	Ad	16362	1999	145	Ad
16338	1999	145	Ad	16363	1999	145	Ad
16339	1999	145	Ad	16364	1999	145	Ad
16340	1999	145	Ad	16365	1999	145	Ad
16341	1999	145	Ad	16366	1999	145	Ad
16345	1999	145	Ad	16367	1999	145	Ad
16346	1999	145	Ad	16370	1999	145	Ad
16347	1999	145	Ad	16371	1999	145	Ad
16350	1999	145	Ad	16372	1999	145	Ad
16351	1999	145	Ad	16373	1999	145	Ad
16352	1999	145	Ad	16374	1999	145	Ad
16355	1999	145	Ad	16375	1999	145	Ad
16356	1999	145	Ad	17200	1999	175	Am
16357	1999	145	Ad	17351	1999	145	Am
16358	1999	145	Ad	21524	1999	145	Am

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

PUBLIC CONTRACT CODE

Section	Affected By Year	Chapter	Effect
1103	1999	972	Ad
1104	1999	875	Ad
4107	1999	972	Am
10295	1999	457*	Am
10344.1	1999	457*	Am
12156	1999	910	Ad
12162	1999	816	Am [13]
12205	1999	816	Am [13]
12305.5	1999	816	Am [13]
12310	1999	816	Am [13]
20101	1999	972	Ad
20133	1999	258	Am
20216	1999	101	Am
20217	1999	101	Ad
20231	1999	1007	R
Div. 2, Pt. 3, Ch. 1, Art. 16, heading (Sec. 20300 et seq.)	1999	724	Am
20300	1999	724	Am
20301.5	1999	109	Ad
20321	1999	1007	Am
20341	1999	1007	Am
21251	1999	779*	Am
22350	1999	784*	Ad
22351	1999	784*	Ad
22352	1999	784*	Ad
22353	1999	784*	Ad
22355	1999	784*	Ad

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

PUBLIC RESOURCES CODE

Section	Affected By Year	Chapter	Effect
2207	1999	869	Am
2621.9	1999	876	Am
2694	1999	876	Am
2715.5	1999	869	Ad [157]
			R [156]
2773.2	1999	869	Ad [157]
2774.6	1999	869	R
3744	1999	223	Am
4136	1999	876	Am
4554.5	1999	582	Am
			R & Ad [25]
4601.1	1999	582	Ad
4601.2	1999	582	Ad
4601.3	1999	582	Ad
4601.4	1999	582	Ad
4601.5	1999	582	Ad
4612	1999	582	Am
5006.49	1999	66*	Ad
5029.5	1999	759	Ad
5080.23	1999	66*	Am
5080.28	1999	66*	Ad
5080.50	1999	733	Ad
5080.51	1999	733	Ad
5080.52	1999	733	Ad
5080.53	1999	733	Ad
5080.54	1999	733	Ad
5080.55	1999	733	Ad
5080.56	1999	733	Ad
5093.54	1999	1016	Am
	1999	1017	Am (as am by Stats. 1999, Ch. 1016)[99]
5093.545	1999	1016	Am
	1999	1017	Am (as am by Stats. 1999, Ch. 1016)[105]
5096.300	1999	461*	Ad [90]
5096.301	1999	461*	Ad [90]
5096.302	1999	461*	Ad [90]
5096.303	1999	461*	Ad [90]
5096.306	1999	461*	Ad [90]
5096.307	1999	461*	Ad [90]
5096.3075	1999	461*	Ad [90]
5096.308	1999	461*	Ad [90]
5096.309	1999	461*	Ad [90]
5096.310	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.320	1999	461*	Ad [90]
5096.322	1999	461*	Ad [90]
5096.323	1999	461*	Ad [90]
5096.324	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.331	1999	461*	Ad [90]
5096.332	1999	461*	Ad [90]
5096.333	1999	461*	Ad [90]
5096.334	1999	461*	Ad [90]
5096.335	1999	461*	Ad [90]
5096.336	1999	461*	Ad [90]
5096.337	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.338	1999	461*	Ad [90]
5096.339	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.340	1999	461*	Ad [90]
5096.341	1999	461*	Ad [90]
5096.342	1999	461*	Ad [90]
5096.343	1999	461*	Ad [90]
5096.344	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.345	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.346	1999	461*	Ad [90]
5096.347	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.348	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.350	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.351	1999	461*	Ad [90]
5096.352	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.353	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.354	1999	461*	Ad [90]
5096.355	1999	461*	Ad [90]
5096.356	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.357	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.358	1999	461*	Ad [90]
5096.360	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.361	1999	461*	Ad [90]
5096.362	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.363	1999	461*	Ad [90]
5096.364	1999	461*	Ad [90]
5096.365	1999	461*	Ad [90]
5096.366	1999	461*	Ad [90]
5096.367	1999	461*	Ad [90]
5096.367.5	1999	461*	Ad [90]
5096.368	1999	461*	Ad [90]
	1999	638*	Ad [110]
5096.369	1999	461*	Ad [90]
5096.370	1999	461*	Ad [90]
5096.371	1999	461*	Ad [90]
5096.372	1999	461*	Ad [90]
5096.400	1999	461*	Ad
5540.5	1999	321	Am
5546	1999	321	Am
5549	1999	135	Am
5782.5.1	1999	96*	Ad
5842.5	1999	104	Ad
10200	1999	503	Am
10211	1999	503	Am
10212	1999	503	Am
10216	1999	503	Am
10218	1999	83	Am [30]
10222	1999	503	Am
10224	1999	503	Ad
10230	1999	503	Am
10231	1999	503	Am

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

PUBLIC RESOURCES CODE—Continued

Section	Affected By Year	Chapter	Effect
10231.5	1999	503	Ad
10234	1999	503	Am
10235.5	1999	503	Ad
10236	1999	503	Am
10239	1999	503	Am
10240	1999	503	Am
10241	1999	503	Am
10242	1999	503	Am
10243	1999	503	Am
10251	1999	503	Am
10252	1999	503	Am
10254	1999	503	Am
10260.5	1999	503	Ad
10261	1999	503	Am
10262.1	1999	503	Ad
10276	1999	503	Am
14504	1999	815	Am [77]
			R [25]
			Ad [1]
14513.4	1999	815	Am
14514.4.1	1999	815	Ad
14514.7	1999	815	Ad
14515.5	1999	815	Am
14519.5	1999	815	Ad
14525.5.1	1999	815	Ad
14536	1999	815	Am
14542	1999	815	R
14549	1999	815	Am
14549.1	1999	815	Ad & R [78]
	1999	817	R (as ad by Stats. 1999, Ch. 815) & Ad
14549.5	1999	815	Am
			R & Ad [25]
14549.6	1999	815	Am
14549.7	1999	815	Ad & R [19]
14550	1999	815	Am
	1999	817	Am
14551	1999	815	Am
14551.5	1999	815	R & Ad
14560	1999	815	R & Ad
14560.5	1999	815	Am
	1999	817	Am
14561	1999	815	Am
	1999	817	Am
14571	1999	815	Am
14571.8	1999	815	Am
14573	1999	815	Am
14573.5	1999	815	Am
14574	1999	815	Am
14575	1999	1*	R (as am by Sec. 26, Stats. 1995, Ch. 624) & Ad
			R & Ad [160]
	1999	83	Am [30]
	1999	815	R (as ad by Sec. 3, Stats. 1999, Ch. 1) & Ad
	1999	817	R (as ad by Stats. 1999, Ch. 815) & Ad
14580	1999	815	Am
14581	1999	1*	Am
	1999	815	Am (as am by Sec. 4, Stats. 1999, Ch. 1)
	1999	817	Am
14585	1999	1*	Ad & R [40]
	1999	815	Ad
14588	1999	815	Ad
14588.1	1999	815	Ad
14588.2	1999	815	Ad
14591.1	1999	815	Am
21178	1999	812	Ad & R [20]
25008.5	1999	981	Am [18]
25009	1999	581	Ad
25305	1999	581	Am
25308.5	1999	581	Am
25309	1999	581	Am
25309.3	1999	581	Ad
25310.5	1999	812	Ad
25520	1999	581	Am
25523	1999	581	Am
25523.5	1999	581	R
25524	1999	581	Am
25525	1999	581	Am
25540.6	1999	581	Am
25541	1999	581	Am
25541.5	1999	581	Ad
25543	1999	581	Ad
29725	1999	422	Am
30609.5	1999	822	Ad
30610.9	1999	491	Ad
31164	1999	639	Am
32600	1999	788	Ad
	1999	789	Ad
32601	1999	788	Ad
	1999	789	Ad
32602	1999	788	Ad
	1999	789	Ad
32603	1999	788	Ad
32604	1999	789	Ad
32605	1999	789	Ad
32606	1999	789	Ad
32607	1999	789	Ad
32608	1999	789	Ad
32609	1999	789	Ad
32611	1999	789	Ad
32612	1999	789	Ad
32613	1999	789	Ad
32614	1999	789	Ad
32614.5	1999	789	Ad
32615	1999	789	Ad
32616	1999	789	Ad
32620	1999	788	Ad
32621	1999	788	Ad

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

PUBLIC RESOURCES CODE—Continued

Section	Affected By Year	Chapter	Effect
33001	1999	83	Am [30]
33204.4	1999	377	Ad
33213	1999	182	Am
33500	1999	419	Am
33501	1999	419	Am
33502	1999	419	Am
33503	1999	419	Am
33601	1999	419	Am
33700	1999	419	Am
33702	1999	419	Am
40106	1999	439	Am
40148	1999	764	Ad
40183	1999	600	Am
40184	1999	600	Am
40196.3	1999	764	Ad
40511	1999	815	Ad
40973	1999	600	Am
41730	1999	600	Am
41731	1999	600	Am
41821.2	1999	764	Ad
42002	1999	467	Am
42010	1999	467	Am
42023.1	1999	467	Ad [98] R [100]
42023.2	1999	467	Ad [98] R [100]
42023.3	1999	467	Ad [98] R [100]
42023.4	1999	467	Ad [98] R [100]
42023.5	1999	467	Ad [98] R [100]
42023.6	1999	467	Ad [98] R [100]
42701	1999	816	Am
42846.5	1999	292	Ad
42886	1999	941	Am
42886.1	1999	941	Ad
42889.1	1999	292	Ad
42920	1999	764	Ad
42921	1999	764	Ad
42922	1999	764	Ad & R [43]
42923	1999	764	Ad & R [43]
42924	1999	764	Ad
42925	1999	764	Ad
42926	1999	764	Ad
42927	1999	764	Ad & R [43]
42928	1999	764	Ad & R [43]
45014	1999	892	Am
48007	1999	600	Am R & Ad [8]
48020	1999	496	Am
48021	1999	496	Am
48028	1999	496	Am
71040	1999	65	Ad
71045	1999	65	Ad & R [5]
71046	1999	65	Ad & R [5]
71047	1999	65	Ad & R [5]
71200	1999	849	Ad & R [19]
71201	1999	849	Ad & R [19]
71201.5	1999	849	Ad & R [19]
71202	1999	849	Ad & R [19]
71203	1999	849	Ad & R [19]
71204	1999	849	Ad & R [19]
71205	1999	849	Ad & R [19]
71206	1999	849	Ad & R [19]
71207	1999	849	Ad & R [19]
71210	1999	849	Ad & R [19]
71211	1999	849	Ad & R [19]
71212	1999	849	Ad & R [19]
71213	1999	849	Ad & R [19]
71215	1999	849	Ad & R [19]
71216	1999	849	Ad & R [19]
71271	1999	849	Ad & R [19]
72000	1999	690	Ad
72001	1999	690	Ad

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

PUBLIC UTILITIES CODE

Section	Affected By Year	Chapter	Effect
3	1999	1005	R
218.3	1999	1005	Ad
224.8	1999	1005	Ad
248	1999	1005	Ad
270	1999	677	Ad
271	1999	677	Ad
273	1999	677	Ad
274	1999	677	Ad
275	1999	677	Ad
276	1999	677	Ad
277	1999	677	Ad
278	1999	677	Ad
279	1999	677	Ad
280	1999	677	Ad
281	1999	677	Ad
305	1999	509	R & Ad
307	1999	509	Am
308	1999	509	Am
308.5	1999	1005	Am
309.1	1999	509	Am
			R & Ad [34]
309.5	1999	1005	Am (as ad by Sec. 3, Stats. 1996, Ch. 856)
309.6	1999	1005	Am
311	1999	1005	R (as ad by Sec. 2.5, Stats. 1998, Ch. 886)
			Am (as am by Sec. 2, Stats. 1998, Ch. 886) [13]
311.1	1999	67 *	Ad
311.4	1999	327	Ad
311.5	1999	784 *	Am
314.5	1999	1005	Am
321.7	1999	322	Ad
327	1999	700	Ad
328	1999	909	R & Ad
328.1	1999	909	Ad
328.2	1999	909	Ad
335	1999	510	Am
337	1999	510	Am
338	1999	510	Am
339	1999	510	Am
341.5	1999	510	Ad
359	1999	510	R & Ad
366.5	1999	214	Am
367.7	1999	408	Ad
374.5	1999	909	Ad
381.5	1999	700	Ad
394	1999	1005	Am
394.1	1999	1005	Am
394.2	1999	1005	Am
394.25	1999	1005	Am
394.3	1999	1005	Am
394.4	1999	1005	Am
394.5	1999	1005	Am
394.8	1999	1005	Am
396	1999	1005	Am
421	1999	1005	Am
426	1999	1005	Ad
454	1999	1005	Am
454.2	1999	1005	Am
454.5	1999	1005	R
457	1999	1005	R
458	1999	1005	Am
459	1999	1005	Am
460	1999	1005	R
461	1999	1005	R
461.5	1999	1005	Am
486	1999	1005	Am
488	1999	1005	Am
491	1999	1005	Am
493	1999	1005	Am
494	1999	1005	Am
496	1999	1005	R
526	1999	1005	R
527	1999	1005	Am
530	1999	1005	Am
556	1999	1005	Am
557	1999	1005	R
559	1999	1005	Am
616.1	1999	774	Ad
625	1999	774	Ad
626	1999	774	Ad
703	1999	1005	Am
706	1999	1005	R
707	1999	1005	R
709.7	1999	714	Ad
728.5	1999	1005	Am
730	1999	1005	Am
731	1999	1005	R
732	1999	1005	Am
733	1999	1005	Am
739.9	1999	1005	R
740.8	1999	1005	Am
746	1999	1005	R
747	1999	1005	R
763	1999	1005	Am
763.1	1999	1005	R
764	1999	1005	R
765	1999	1005	R
765.5	1999	1005	Am
769	1999	1005	R
769.5	1999	1005	R
788	1999	1005	Am
843	1999	991	Am [96 114]
844	1999	991	Am [96 114]
846.2	1999	683	Ad
853	1999	1005	Am
874	1999	1005	Am
882	1999	1005	Am
1201.1	1999	841	Ad
1701.1	1999	1005	Am
1708.5	1999	568	Ad
1823	1999	1005	R
1824	1999	1005	R
1904	1999	1005	Am
2739	1999	1005	R

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

PUBLIC UTILITIES CODE—Continued

Section	Affected By Year	Chapter	Effect
2740	1999	1005	R
2741	1999	1005	R
2742	1999	1005	R
2743	1999	1005	R
2744	1999	1005	R
2745	1999	1005	R
2750	1999	1005	R
2751	1999	1005	R
2752	1999	1005	R
2753	1999	1005	R
2754	1999	1005	R
2754.1	1999	1005	R
2755	1999	1005	R
2756	1999	1005	R
2757	1999	1005	R
2758	1999	1005	R
2759	1999	1005	R
2761	1999	1005	R
2762	1999	1005	R
2763	1999	1005	R
2764	1999	1005	R
2765	1999	1005	R
2766	1999	1005	R
2767	1999	1005	R
2768	1999	1005	R
2769	1999	1005	R
2769.5	1999	1005	R
2790	1999	700	Am
2851	1999	1005	R
2881	1999	1005	Am
2881.1	1999	1005	Am
2882	1999	1005	R
2882.5	1999	1005	R
2889.4	1999	384	Ad
2889.8	1999	1005	Am
2890	1999	1005	Am (as ad by Sec. 2 and Sec. 3, Stats. 1998, Ch. 1041)
2894	1999	256	Am
3950	1999	1005	Ad
4006	1999	1005	Am
4007	1999	1005	Am
4021	1999	1005	Am
4458	1999	1005	Am
5001.5	1999	1005	Am
5002	1999	1005	Am
5003.2	1999	1005	Am
5009	1999	1005	Am
5012	1999	1005	Am
5102	1999	1005	Am
5109	1999	1005	Am
5112	1999	1005	Am
5113	1999	1005	Am
5133	1999	1005	Am
5135	1999	1005	Am
5137	1999	1005	Ad
5191	1999	1005	Am
5195	1999	1005	R
5259.5	1999	1005	Am
5285.6	1999	1006	Am
5326	1999	1005	Am
5328	1999	1005	Am
5329	1999	1005	Am
5331	1999	1005	Am
5363	1999	1005	Ad
5371.2	1999	1005	Am
7531.5	1999	1005	Am
7532	1999	1005	R
7532.5	1999	1005	R
7711	1999	1005	Am
7902	1999	1005	R
7902.5	1999	1005	R
7934	1999	809*	Ad
7935	1999	809*	Ad
7936	1999	809*	Ad
7937	1999	809*	Ad
7938	1999	809*	Ad
7939	1999	809*	Ad
7940	1999	809*	Ad
9202	1999	1005	Am
12751	1999	55	Am
12751.5	1999	55	Ad & R [20]
21414	1999	1000	R
21687	1999	105	Am
28748.8	1999	724	Am
29010.3	1999	624	Ad
99315.5	1999	278	Ad [62]
			R [22]
99315.7	1999	1007	Ad
99400.7 Div. 10, Pt. 12, heading (Sec. 100000 et seq.)	1999	729	Ad
100000	1999	724	Am
100002	1999	724	Ad
100011	1999	724	Am
100130.5	1999	624	Ad
102222	1999	1007	Am
102223	1999	1007	Ad
103113	1999	724	Am
103240.5	1999	624	Ad
120102.5	1999	729	Am
120265	1999	729	Am
130232	1999	1007	Am
131268	1999	724	Am
180051	1999	1007	Am

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

REVENUE AND TAXATION CODE

Section	Affected By Year	Chapter	Effect
62.2	1999	603*	Am
63.1	1999	941	Am
64	1999	83	Am [30]
66	1999	941	Am
69.4	1999	941	Ad
70	1999	352*	Am
74	1999	200*	Am
74.5	1999	504	Am [13]
75.51	1999	941	Am
96.18	1999	824*	Ad
96.27	1999	567	Ad
96.52	1999	567	Ad
96.6	1999	184	Am
97.2	1999	34	Am
	1999	78*	Am [101]
	1999	464	Am (as am by Stats. 1999, Ch. 78)
	1999	643	Am [82]
	1999	646	Am (as am by Stats. 1999, Ch. 78)
97.3	1999	78*	Am
	1999	646	Am (as am by Stats. 1999, Ch. 78)
	1999	649	Am (as am by Stats. 1999, Ch. 78)
97.39	1999	567	Ad
97.43	1999	84*	Ad [29]
98.02	1999	550*	Am [1]
99	1999	550*	Am [1]
100.7	1999	611	Ad
168.5	1999	941	Ad
194.2	1999	387*	Am
194.4	1999	387*	Am
194.5	1999	387*	Am
194.6	1999	387*	R
195.1	1999	387*	Am
195.83	1999	165*	Ad
195.84	1999	165*	Ad
195.85	1999	165*	Ad
211	1999	291*	Am
214	1999	927*	Am [121]
214.15	1999	927*	Ad [121]
237	1999	941	Ad
254.5	1999	927*	Am [121]
401.15	1999	83	Am [30]
402.9	1999	941	Am
441	1999	334	Am
463	1999	334	Am
531.2	1999	941	Am
531.8	1999	941	Am
602	1999	941	Am
995.2	1999	83	Am [30]
1612.5	1999	941	Ad
1612.7	1999	941	Ad
1622.6	1999	941	Am
1624	1999	941	Am
	1999	942	Am
1624.01	1999	942	Am
1624.02	1999	942	Am
1624.05	1999	941	Am
	1999	942	Am
1624.3	1999	941	Ad
1636.2	1999	941	Ad
1636.5	1999	941	Ad
2512	1999	941	Am
2610.5	1999	941	Am
2613	1999	941	Am
2910.1	1999	941	Am
3437	1999	941	Am
3440	1999	941	R
3692	1999	941	Am
3772.5	1999	83	Am [30]
4222.5	1999	941	Am
4837.5	1999	941	Am
4985	1999	941	Am
4986.3	1999	550*	Am
5108	1999	274	Am [20]
6010.30	1999	799*	Ad [64]
6010.40	1999	361*	Ad
6066.3	1999	908	Ad & R [19]
6066.4	1999	908	Ad & R [19]
6203	1999	865	Am
6358	1999	289*	Am [64]
6364	1999	758*	Am [64]
6452	1999	865	Am
6454	1999	865	Am
6471	1999	484	Am (as ad by Stats. 1985, Ch. 106)
6472	1999	484	Am
6477	1999	484	Am (as ad by Sec. 5, Stats. 1983, Ch. 337)
6479.3	1999	865	Am
6479.31	1999	865	Ad
6480.1	1999	865	Am
6480.16	1999	865	Am
6480.6	1999	865	Am
6592	1999	865	Am
6703	1999	991	Am [96 114]
6832.5	1999	929	Ad
6902.4	1999	929	Ad
7063	1999	443	Ad & R [18]
7232	1999	1005	Am (by Sec. 96 of Ch.)
	1999	1007	Am (by Sec. 12 of Ch.)
7273	1999	865	Am
7285.5	1999	643	Am
7286.56	1999	110	Ad
7354	1999	865	Am
7658.1	1999	929	Ad
7855	1999	991	Am [96 114]
8101	1999	865	Am

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

REVENUE AND TAXATION CODE—Continued

Affected By			
Section	*Year*	*Chapter*	*Effect*
8106.7	1999	865	Ad
8127.6	1999	865	Ad
8174	1999	929	Ad
8262	1999	929	Am
8269	1999	929	Am
8503	1999	724	Am
8504	1999	724	Am
8877	1999	941	Am
8878.5	1999	929	Ad
8957	1999	991	Am [96 114]
9033	1999	929	Ad
9184	1999	929	Ad
9262	1999	929	Am
9269	1999	929	Am
9272.1	1999	929	Ad
9275	1999	929	Am
10753	1999	724	Am (as am by Sec. 139, Stats. 1997, Ch. 17)[24]
			Am (as am by Sec. 140, Stats. 1997, Ch. 17)[25]
10754	1999	74*	Am
10754.1	1999	76*	Ad
10781.1	1999	911	Ad
11005	1999	550*	Am [1]
11253	1999	929	Ad
11254	1999	929	Ad
11409	1999	929	Ad
11452	1999	991	Am [96 114]
11925	1999	75	Am
12208	1999	808	Ad
12209	1999	821*	Ad & R [145]
17013	1999	987*	R
17039	1999	930*	Am
17052.12	1999	77*	Am
17053.45	1999	987*	Am [134]
17053.47	1999	58	Am
17053.49	1999	987*	Am [136]
17053.5	1999	931*	Am [6]
17054.5	1999	987*	Am
17071	1999	987*	Am
17073	1999	987*	Am
17074	1999	987*	Am
17075	1999	987*	Am
17076	1999	987*	Am
17077	1999	987*	Am
17077.5	1999	987*	R
17083	1999	987*	Am
17084	1999	987*	R
17085	1999	987*	Am
17085.5	1999	987*	R
17085.7	1999	931*	Ad
17087	1999	987*	Am
17132.5	1999	987*	R
17134.5	1999	987*	R
17139	1999	987*	R
17140	1999	987*	Am
17140.3	1999	987*	Am
17142.5	1999	987*	Am
17143	1999	987*	Am
17144	1999	987*	Am
17156	1999	619*	Ad [106]
17156.5	1999	471*	Ad
17207	1999	165*	Am
17218	1999	987*	R
17250	1999	987*	Am
17268	1999	987*	Am
17270	1999	987*	Am
17273	1999	117*	Am
	1999	146*	Am
17274	1999	987*	Am
17275.6	1999	83	Am [30]
	1999	987*	R
17276.5	1999	987*	Am
17287	1999	987*	Am
17330	1999	987*	R
17507.6	1999	8*	Am [6]
17551	1999	987*	Am
17551.5	1999	987*	R
17552	1999	987*	Am
17553	1999	987*	Am
17563	1999	987*	R
17639	1999	987*	Am
17640	1999	987*	Am
17651	1999	987*	Am
17671	1999	987*	Am
17732	1999	987*	Am
17851	1999	987*	Am
17852	1999	987*	R
17853	1999	987*	Am
17857	1999	987*	Am
17859	1999	987*	R
17860	1999	987*	R
17935	1999	987*	Am
18152.5	1999	69*	Am
18501	1999	196	Am [47]
18521	1999	605	Am
18533	1999	931*	Am
18534	1999	931*	Am
18601	1999	987*	Am
18604	1999	987*	Am
18605	1999	987*	R
18622	1999	987*	Am
18624	1999	931*	Am
18662	1999	987*	Am
18671	1999	991	Am [96 114]
18673	1999	931*	Ad
18711	1999	987*	Am
18721	1999	228	S [60]
	1999	987*	Am
18722	1999	228	S [60]
18723	1999	228	S [60]
18724	1999	228	Am [60]
18741	1999	987*	Am
18761	1999	315	S [65]
18762	1999	315	S [65]
18763	1999	315	S [65]

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

REVENUE AND TAXATION CODE—Continued

Section	Affected By Year	Chapter	Effect
18763 (Cont.)			
	1999	987*	Am
18764	1999	315	S [65]
18765	1999	315	S [65]
18766	1999	315	Am [65]
18782	1999	987*	Am
18793	1999	987*	Am
18801	1999	987*	Am
	1999	988	Am [43]
18802	1999	988	S [43]
18803	1999	988	Am [43]
18804	1999	988	Am [43]
18805	1999	215	Ad & R [58]
18806	1999	215	Ad & R [58]
18807	1999	215	Ad & R [58]
18808	1999	215	Ad & R [58]
18812	1999	987*	Am
18821	1999	987*	Am
	1999	989	S [152]
18822	1999	989	S [152]
18823	1999	989	S [152]
18824	1999	989	Am [152]
18841	1999	987*	Am
18851	1999	987*	Am
18861	1999	398	Ad & R [72]
18862	1999	398	Ad & R [72]
18863	1999	398	Ad & R [72]
18864	1999	398	Ad & R [72]
18865	1999	398	Ad & R [72]
18871	1999	987*	Am
19005	1999	203	Am
19008	1999	931*	Am
19023	1999	987*	Am
19034	1999	931*	Am
19041	1999	931*	Am
19041.5	1999	463	Ad
19045	1999	931*	Am
19052	1999	931*	R [6]
19053	1999	987*	R
19057	1999	83	Am [30]
19059	1999	987*	Am
19060	1999	987*	Am
19064	1999	931*	Am
19067	1999	931*	Am
19084	1999	931*	Am
19089	1999	987*	Am
19104	1999	203	Am
19106	1999	987*	Am
19109	1999	931*	Am
19116	1999	931*	Am
19117	1999	931*	Ad
19141.6	1999	83	Am [30]
19145	1999	987*	Am
19151	1999	987*	Am
19187	1999	931*	Ad
19225	1999	348	Ad
19226	1999	931*	Ad
19236	1999	931*	Ad
19271	1999	83	Am [30]
	1999	478	Am
	1999	480	Am (as am by Stats. 1999, Ch. 478)
19271.5	1999	478	R
19271.6	1999	980	Am [96]
19272	1999	480	Am
	1999	980	Am (by Sec. 17.5 of Ch.)
19273	1999	980	Am
19275	1999	480	Ad
19280	1999	344*	Am
19306	1999	614	Am
19311	1999	987*	Am
19323	1999	931*	Am
19347	1999	605	Am
19384	1999	605	Am
19411	1999	987*	Am
19443	1999	931*	Ad
19504	1999	931*	Am
19504.5	1999	931*	Ad
19504.7	1999	931*	Ad
19533	1999	478	Am
19542.3	1999	931*	Ad
19546.5	1999	931*	Ad
19548	1999	478	Am
19556	1999	67*	R
19705	1999	931*	Am
19717	1999	931*	Am
20508.1	1999	928	Ad
20583.1	1999	928	Ad
21013	1999	931*	Am (by Sec. 34 of Ch.)
21015.5	1999	348	Ad
21016	1999	931*	Am
23038.5	1999	83	Am [30]
23043	1999	987*	R
23153	1999	64*	Am
	1999	987*	Am (as am by Stats. 1999, Ch. 64)
23221	1999	64*	Am
			R & Ad [25]
	1999	987*	Am (as am by Sec. 2, Stats. 1999, Ch. 64)
23305.5	1999	249	Am [61]
23335	1999	987*	Am
23609	1999	77*	Am
23610.5	1999	83	Am [30]
23612.2	1999	987*	Am
23622.7	1999	987*	Am
23622.8	1999	58	Am
23645	1999	987*	Am [135]
23649	1999	987*	Am [136]
23701c	1999	987*	Am
23701q	1999	987*	R
23701t	1999	83	Am [30]
23701y	1999	675*	Ad

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

REVENUE AND TAXATION CODE—Continued

Section	Affected By Year	Chapter	Effect
23704	1999	83	Am [30]
23704.5	1999	987*	Am
23704.6	1999	987*	Am
23731	1999	987*	Am
23736.1	1999	987*	Am
23740	1999	987*	Am
23776	1999	987*	Am
23777	1999	987*	Am
23778	1999	987*	Am
24347.5	1999	165*	Am
24357.6	1999	987*	Am
24410	1999	987*	Am (by Sec. 97 of Ch.)[137]
24416.2	1999	83	Am [30]
	1999	987*	Am
24416.5	1999	987*	Am
24436.5	1999	987*	Am
25106	1999	987*	Am
25114	1999	987*	Am (by Sec. 102 of Ch.)
30103.5	1999	941	Am
Div. 2, Pt. 13, Ch. 2, Art. 3, heading (Sec. 30131 et seq.)	1999	126*	Am
30131	1999	126*	Am
30131.3	1999	126*	Am
30131.4	1999	126*	Am
30163	1999	935*	Am
30188	1999	941	Am
30283.5	1999	929	Ad
30315	1999	991	Am [96 114]
30354	1999	929	Ad
30384	1999	929	Ad
30436	1999	935*	Am
	1999	941	Am
30458.2	1999	929	Am
30458.9	1999	929	Am
30459.2A	1999	929	Ad
30459.5	1999	929	Am
32256.5	1999	929	Ad
32387	1999	991	Am [96 114]
32389	1999	929	Ad
32432	1999	929	Ad
32462	1999	929	Am
32469	1999	929	Am
32472.1	1999	929	Ad
32475	1999	929	Am
38455	1999	929	Ad
38503	1999	991	Am [96 114]
38504	1999	929	Ad
38505	1999	929	Ad
38621	1999	929	Am
38624	1999	929	Ad
38631	1999	941	Am
40103.5	1999	929	Ad
40155	1999	991	Am [96 114]
40167	1999	929	Ad
40202	1999	929	Am
40209	1999	929	Am
40212.5	1999	929	Ad
40215	1999	929	Am
41097.5	1999	929	Ad
41123.5	1999	991	Am [96 114]
41127.6	1999	929	Ad
41136	1999	83	Am [30]
41162	1999	929	Am
41169	1999	929	Am
41172.5	1999	929	Ad
41175	1999	929	Am
43010.1	1999	941	Am
43011.1	1999	941	Am
43158.5	1999	929	Ad
43444.2	1999	991	Am [96 114]
43448	1999	929	Ad
43484	1999	929	Ad
43513	1999	929	Am
43520	1999	929	Am
43523.5	1999	929	Ad
43526	1999	929	Am
45156.5	1999	929	Ad
45605	1999	991	Am [96 114]
45609	1999	929	Ad
45752	1999	929	Ad
45858	1999	929	Am
45865	1999	929	Am
45868.5	1999	929	Ad
45871	1999	929	Am
46157.5	1999	929	Ad
46406	1999	991	Am [96 114]
46464	1999	929	Ad
46544	1999	929	Ad
46613	1999	929	Am
46620	1999	929	Am
46623.5	1999	929	Ad
46626	1999	929	Am
50112.2	1999	929	Am
50112.4	1999	929	Ad
50136	1999	991	Am [96 114]
50138.6	1999	929	Ad
50150.5	1999	929	Ad
50156.15	1999	929	Am
50156.17	1999	929	Ad
50156.2	1999	929	Am
50156.9	1999	929	Am
50159	1999	941	Am
55046	1999	929	Ad
55205	1999	991	Am [96 114]
55209	1999	929	Ad
55262	1999	929	Ad
55323	1999	929	Am
55330	1999	929	Am
55333.5	1999	929	Ad
55336	1999	929	Am
60212	1999	929	Ad
60407	1999	991	Am [96 114]
60493	1999	929	Ad
60564	1999	929	Ad
60623	1999	929	Am

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

REVENUE AND TAXATION CODE—Continued

Section	Affected By Year	Chapter	Effect	Section	Affected By Year	Chapter	Effect
60630	1999	929	Am	60633.2	1999	929	Ad
60632.1	1999	929	Ad	65004	1999	83	Am [30]
60633.1	1999	929	Ad				

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

STREETS AND HIGHWAYS CODE

Section	Affected By Year	Chapter	Effect
72.1	1999	559	Ad
97	1999	169*	Am [19]
104.18	1999	724	Am
149.1	1999	481	Am [5]
164.56	1999	739	Am
182.6	1999	783*	Am
182.7	1999	783*	Am
188.15	1999	628	Ad
217	1999	378*	Ad [70]
			R [63]
217.2	1999	378*	Ad [70]
			R [63]
217.4	1999	378*	Ad [70]
			R [63]
217.6	1999	378*	Ad [70]
			R [63]
217.8	1999	378*	Ad [70]
			R [63]
253.1	1999	724	Am
253.7	1999	724	Am
318	1999	724	Am
319	1999	172	Am [48]
			R [49]
			Ad [50]
344	1999	724	Am
354	1999	99*	Am
366	1999	724	Am
383	1999	724	Am
391.3	1999	724	Ad
	1999	1007	Ad
401	1999	559	Am
442	1999	724	Am
444	1999	99*	Am & R [41]
460	1999	172	Am
517.1	1999	1007	Ad
559	1999	724	Am
574	1999	724	R
603	1999	724	Ad(RN)
630	1999	724	Am & RN
635	1999	724	Am
760	1999	546*	Am
891.5	1999	262	Ad
1162.6	1999	269	Ad
2104	1999	724	Am
2331	1999	663	Am
			R & Ad [8]
2333	1999	663	Am
			R & Ad [8]
2333.5	1999	663	Ad & R [5]
2551	1999	262	Am
2601	1999	47*	R [22]
2602	1999	47*	R [22]
2602.5	1999	47*	Ad & R [19]
2602.7	1999	47*	Ad & R [19]
30796.10	1999	729	Am
30796.7	1999	729	Am
36615	1999	871	Am
36621	1999	871	Am
36623	1999	871	Am
36624	1999	871	R & Ad(RN)
36625	1999	871	R & Ad
36626	1999	871	Am & RN & Ad
36626.5	1999	871	R
36626.6	1999	871	R
36626.7	1999	871	R
36627	1999	871	R & Ad
36631	1999	871	Am
36633	1999	871	Am
36635	1999	871	Am
36641	1999	871	Am
36642	1999	871	Am
36650	1999	871	Am
36651	1999	871	Am

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

UNEMPLOYMENT INSURANCE CODE

Section	Affected By Year	Chapter	Effect
329	1999	306	Am [43]
1088	1999	144	Am
1088.8	1999	478	Ad [56]
	1999	480	Am (as ad by Stats. 1999, Ch. 478)[25]
1095	1999	83	Am [30]
1185	1999	987 *	Am
1252.3	1999	9 *	Ad & R [7]
	1999	147 *	Am
1279.1	1999	9 *	Ad & R [7]
1281.5	1999	558 *	Ad & R [130]
1611.5	1999	147 *	Am
1755	1999	991	Am [96 114]
2655	1999	973	Am
9800	1999	829	Ad [107]
9801	1999	829	Ad [107]
9802	1999	829	Ad [107]
9802.5	1999	829	Ad [107]
9803	1999	829	Ad [107]
9805	1999	829	Ad [107]
9806	1999	829	Ad [107]
9807	1999	829	Ad [107]
9808	1999	829	Ad [107]
9809	1999	829	Ad [107]
9809.5	1999	829	Ad [107]
10003	1999	551	Am
10006	1999	551	Ad
13009.5	1999	144	Ad
13021	1999	144	Am
13028	1999	144	Am
13050	1999	144	Am

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

VEHICLE CODE

Section	Affected By Year	Chapter	Effect
28	1999	1007	Am
221	1999	316	Am
246	1999	1007	Am
385.5	1999	140	Ad
407.5	1999	722	Ad
	1999	724	Ad
465	1999	1008	Am
615	1999	456	Am
666	1999	1008	Am
1661	1999	22*	Am
1680	1999	880	R
1803	1999	22*	Am (as am by Sec. 4, Stats. 1998, Ch. 756)[16]
	1999	722	Am
	1999	723	Am
1803.4	1999	22*	Am
1806	1999	885	Am
1808	1999	489	Am
1808.24	1999	880	Ad
1808.47	1999	880	Am
1810	1999	489	Am
2429	1999	557*	Ad
2429.5	1999	556*	Ad
2478	1999	83	Am[30]
2503	1999	1008	Am
2800	1999	724	Am
2810	1999	83	Am[30]
2930	1999	610	S[57]
2931	1999	610	S[57]
2932	1999	610	S[57]
2933	1999	610	S[57]
2934	1999	610	S[57]
2935	1999	610	S[57]
2936	1999	610	Am[57]
2937	1999	610	R
2938	1999	610	R
4000.37	1999	880	R & Ad
4000.38	1999	880	Ad
4023	1999	140	Ad
4154	1999	557*	Ad
4453.2	1999	557*	Ad
4454	1999	106	Am
4466	1999	83	Am[30]
4604.5	1999	724	Am[13]
4750	1999	880	Am
5002.7	1999	724	Am
5073	1999	594	Ad
5101.2	1999	988	Am
5101.3	1999	612	Am
5101.4	1999	612	Am
5101.8	1999	612	Am
5201	1999	1007	Am
5205.5	1999	330	Ad & R[68]
6701	1999	100	Am
9104.5	1999	911	Ad
9250.11	1999	36*	R
			Ad & R[18]
9250.14	1999	232	Am[18]
9255	1999	1007	Am
9553	1999	22*	Am[16]
9564	1999	316	Am
11202.5	1999	282	Am
11614	1999	83	Am[30]
11704.5	1999	230	Am
11713.1	1999	230	Am
11713.10	1999	140	Ad
11713.11	1999	672	Am
11713.14	1999	672	Ad
11729	1999	672	Am
12517.3	1999	229*	Am
12517.5	1999	1007	Am
12800.5	1999	489	Am
12800.7	1999	1008	Am
12802.5	1999	22*	Am[16]
12804.9	1999	722	Am (as am by Sec. 54.5 and Sec. 55, Stats. 1998, Ch. 877)
12811	1999	1008	Am (as ad by Sec. 7, Stats. 1998, Ch. 887)
12814.8	1999	206	Ad & R[19]
12815	1999	1008	Am
13000	1999	1008	Am
13003	1999	1008	Am
13005.5	1999	489	Am
13102	1999	724	Am
13106	1999	22*	Am[16]
13350	1999	22*	Am[16]
13350.5	1999	22*	Am[16]
13352	1999	22*	Am[16]
13352.4	1999	22*	Am (as am by Stats. 1998, Ch. 756)[16]
13352.5	1999	22*	Am (as ad by Sec. 7, Stats. 1998, Ch. 756)[16]
13353.2	1999	22*	Am (as am by Sec. 3.12, Stats. 1998, Ch. 118)[16]
13386	1999	22*	Ad(RN)[16]
13551.1	1999	1008	R
14104.5	1999	724	Am
14105	1999	724	Am
14105.5	1999	724	Am
14601.10	1999	877	Ad & R[19]
14601.2	1999	22*	Am (as am by Sec. 10, Stats. 1998, Ch. 756)[16]
14601.3	1999	22*	Am[16]
14601.9	1999	122	Ad & R[19]

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

VEHICLE CODE—Continued

Section	Affected By Year	Chapter	Effect
14908	1999	1008	R
15275	1999	224	Am
15278	1999	224	Am
15300	1999	724	Am
15302	1999	724	Am
15309	1999	724	Ad
15310	1999	1008	R
15311	1999	724	Ad
15320	1999	724	Ad
16020	1999	880	R (as ad by Sec. 5, Stats. 1996, Ch. 1126) Am (as am by Sec. 10, Stats. 1997, Ch. 652)[13]
16020.1	1999	794	Ad
16020.2	1999	807	Ad
16025	1999	880	Am
16028	1999	880	Am[13]
16029	1999	880	Am[13]
16030	1999	880	Am[13]
16033	1999	880	Am[13]
16054	1999	183	Am
16070	1999	880	R (as ad by Sec. 11, Stats. 1996, Ch. 1126) Am (as am by Sec. 10, Stats. 1996, Ch. 1126)[13]
16071	1999	880	R (as ad by Sec. 13, Stats. 1996, Ch. 1126) Am (as am by Sec. 12, Stats. 1996, Ch. 1126)[13]
16457	1999	880	R (as ad by Sec. 15, Stats. 1996, Ch. 1126) Am (as am by Sec. 14, Stats. 1996, Ch. 1126)[13]
16560	1999	1007	Am
20001	1999	854*	Am
20002	1999	421	Am
21059	1999	1007	Am
21100.4	1999	724	R
21115	1999	140	Am
21115.1	1999	140	Am
21200.5	1999	22*	Am
21211	1999	1007	Am
21220	1999	722	Ad
21220.5	1999	722	Ad
21221	1999	722	Ad
21221.5	1999	722	Ad
21223	1999	722	Ad
21224	1999	722	Ad
21225	1999	722	Ad
21227	1999	722	Ad
21228	1999	722	Ad
21229	1999	722	Ad
21230	1999	722	Ad
21235	1999	722	Ad
21250	1999	140	Ad
21251	1999	140	Ad
21252	1999	140	Ad
21253	1999	140	Ad
21254	1999	140	Ad
21260	1999	140	Ad
21266	1999	140	Ad
21450	1999	277	Am R & Ad[63]
21456.2	1999	277	Ad & R[18]
21456.3	1999	277	Ad & R[18]
21655.12	1999	168	Ad[4] R[8]
21655.9	1999	330	Ad & R[68]
21753	1999	724	Am
21810	1999	482	Ad & R[20]
21960	1999	722	Am
22110	1999	1008	Am
22112	1999	647*	Am
22349	1999	724	Am
22406	1999	724	Am
22411	1999	722	Ad
22454	1999	647*	Am
22522	1999	1007	Am
22651	1999	22*	Am (as am by Sec. 11.5, Stats. 1998, Ch. 118)[16]
22658	1999	1007	Am (by Sec. 23 of Ch.)
22850.5	1999	456	Am
23113	1999	421	Am
23157	1999	22*	Am & RN[16]
23160	1999	22*	Am (as am by Sec. 11, Stats. 1998, Ch. 756) & RN[16]
23161	1999	22*	Am (as am by Sec. 12, Stats. 1998, Ch. 756) & RN[16]
23166	1999	22*	Am (as am by Sec. 13.5, Stats. 1998, Ch. 756) & RN[16]

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

VEHICLE CODE—Continued

Section	Affected By Year	Chapter	Effect
23186	1999	22*	Am (as am by Sec. 15, Stats. 1998, Ch. 756) & RN [16]
23198	1999	22*	R Ad & R [15]
23203	1999	22*	Am (as am by Sec. 17, Stats. 1998, Ch. 756) & RN [16]
23204	1999	22*	Am (as am by Sec. 19, Stats. 1998, Ch. 756) & RN [16]
23221	1999	723	Am
23223	1999	723	Am
23225	1999	723	Am
23226	1999	723	Am
23235	1999	22*	Am (as am by Sec. 19, Stats. 1998, Ch. 756) & RN [16]
Div. 11, Ch. 12, Art. 4.5, heading (Sec. 23246 et seq.)	1999	22*	R [16]
23246	1999	22*	Am (as am by Sec. 21, Stats. 1998, Ch. 756) & RN [16]
23247	1999	22*	Am (as am by Sec. 22, Stats. 1998, Ch. 756)[16]
23249.52	1999	22*	Am & RN [16]
23249.53	1999	22*	Am & RN [16]
23249.54	1999	22*	Am (as am by Sec. 6 and as ad by Sec. 7, Stats. 1998, Ch. 656) & RN [16]
23249.55	1999	22*	Am & RN [16]
23330	1999	722	Am
23522	1999	22*	R [16]
23524	1999	22*	R [16]
23536	1999	22*	Ad(RN)[16]
23538	1999	22*	Ad(RN)[16]
23542	1999	22*	Ad(RN)[16]
23546	1999	22*	Am [16]
23550	1999	22*	Am [16]
23550.5	1999	22*	Am [16]
	1999	706*	Am
23552	1999	22*	Am [16]
23558	1999	706*	Am
23562	1999	22*	Ad(RN)[16]
23566	1999	22*	Am [16]
23568	1999	22*	Am [16]
23572	1999	22*	Am [16]
23575	1999	22*	Ad(RN)[16]
23577	1999	22*	Am [16]
23590	1999	22*	R [16]
23596	1999	22*	R Ad [16]
23600	1999	22*	Am [16]
23602	1999	22*	Am [16]
23612	1999	22*	Ad(RN)[16]
	1999	853	Am [144]
	1999	854*	Am
23620	1999	724	Am
23640	1999	22*	Am [16]
23646	1999	22*	Ad(RN)[16]
23647	1999	22*	Ad(RN)[16]
23648	1999	22*	Ad(RN) (by Sec. 31 and Sec. 32 of Ch.)[16]
23649	1999	22*	Ad(RN)[16]
23650	1999	22*	Am [16]
23655	1999	22*	Am [16]
23660	1999	22*	Ad(RN)[16]
23662	1999	22*	Ad(RN)[16]
23665	1999	22*	Am [16]
24607	1999	140	Am
Div. 12, Ch. 5, Art. 3, heading (Sec. 27302 et seq.)	1999	449	Am
27315	1999	557*	Am
27316	1999	648	R & Ad
27317	1999	449	Ad
27907	1999	456	Am
29004	1999	724	Am (by Sec. 45 of Ch.)
31401	1999	556*	Am
31401.5	1999	557*	Ad
31404	1999	556*	Am
31405	1999	557*	Ad
31408	1999	556*	Ad
34500	1999	724	Am
34501.12	1999	1008	Am
34501.13	1999	1007	Am
34501.5	1999	1008	Am
34505.6	1999	1005	Am
	1999	1006	Am
34520	1999	724	Am
34520.5	1999	1007	Am
34601	1999	1005	Am (by Sec. 98 of Ch.)

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

VEHICLE CODE—Continued

Section	Affected By Year	Chapter	Effect
34601 (Cont.)			
	1999	1008	Am (by Sec. 15.5 of Ch.)
34622	1999	1005	Am
34623	1999	1006	Am
34631.5	1999	724	Am
35106	1999	724	Am
			R & Ad [8]
35401.7	1999	911	Ad & R [5]
35402	1999	181	Am
38010	1999	1008	Am
38246	1999	1008	Am
39004	1999	277	Am
40000.13	1999	330	Am
			R & Ad [69]
40000.15	1999	83	Am [30]
40000.5	1999	316	Am
40001	1999	724	Am
40303	1999	724	Am
40611	1999	880	R (as ad by Sec. 17, Stats. 1996, Ch. 1126)
			Am (as am by Sec. 16, Stats. 1996, Ch. 1126)[13]
40802	1999	1008	Am
41501	1999	1008	Am
42001	1999	841	Am
42001.1	1999	724	Am
42001.16	1999	841	Ad
42005	1999	724	Am
42007	1999	679	Am
42007.4	1999	841	Ad
42010	1999	169*	Am [19]
42205	1999	85	Am
42271.5	1999	85	Ad & R [27]

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

WATER CODE

Section	Affected By Year	Chapter	Effect
1011	1999	938	Am
1014	1999	938	Ad
1015	1999	938	Ad
1016	1999	938	Ad
1017	1999	938	Ad
1062	1999	83	Am [30]
1707	1999	938	Am
1726	1999	938	R & Ad
1727	1999	938	R & Ad
1728	1999	938	Am
1732	1999	938	R & Ad
1812.6	1999	725*	Ad & R [24]
10004	1999	210	Am
10004.5	1999	210	Ad
10752	1999	779*	Am
12260	1999	779*	S [5]
12261	1999	779*	S [5]
12262	1999	779*	S [5]
12263	1999	779*	S [5]
12264	1999	779*	S [5]
12265	1999	779*	S [5]
12266	1999	779*	S [5]
12267	1999	779*	S [5]
12268	1999	779*	S [5]
12269	1999	779*	S [5]
12270	1999	779*	S [5]
12271	1999	779*	S [5]
12272	1999	779*	S [5]
12273	1999	779*	Am [5]
12310	1999	779*	Am
13178	1999	488	Ad
13191	1999	495	Ad
13192	1999	495	Ad
13263.3	1999	92	Ad
	1999	93	Ad [40]
13263.6	1999	92	Ad
	1999	93	Ad [40]
13269	1999	686	Am
13327	1999	779*	Am
13350	1999	686	Am
13362	1999	92	Ad
	1999	93	Ad [40]
13369	1999	560	Ad
13385	1999	92	Am
	1999	93	Am
13480	1999	725*	Am
13580.5	1999	173	Am
13580.7	1999	173	Am
13752	1999	812	Am
14058	1999	725*	Am [123]
30547	1999	853	Am [144]
31013.5	1999	166	Ad
31483	1999	779*	Am [20]
35470.5	1999	779*	Am
39034	1999	779*	Ad
39035	1999	779*	Ad
41307	1999	779*	Am
46796	1999	779*	Ad
46797	1999	779*	Ad
71631.7	1999	779*	Am [18]
78621	1999	725*	Am [123]
78626	1999	725*	R & Ad [123]
78648.12	1999	725*	R & Ad [123]
78675	1999	725*	R & Ad [123]
79000	1999	725*	Ad [123]
79005	1999	725*	Ad [123]
79006	1999	725*	Ad [123]
79007	1999	725*	Ad [123]
79008	1999	725*	Ad [123]
79009	1999	725*	Ad [123]
79010	1999	725*	Ad [123]
79011	1999	725*	Ad [123]
79012	1999	725*	Ad [123]
79013	1999	725*	Ad [123]
79019	1999	725*	Ad [123]
79020	1999	725*	Ad [123]
79021	1999	725*	Ad [123]
79022	1999	725*	Ad [123]
79022.5	1999	725*	Ad [123]
79022.7	1999	725*	Ad [123]
79023	1999	725*	Ad [123]
79024	1999	725*	Ad [123]
79025	1999	725*	Ad [123]
79026	1999	725*	Ad [123]
79030	1999	725*	Ad [123]
79031	1999	725*	Ad [123]
79033	1999	725*	Ad [123]
79033.2	1999	725*	Ad [123]
79033.4	1999	725*	Ad [123]
79033.6	1999	725*	Ad [123]
79035	1999	725*	Ad [123]
79036	1999	725*	Ad [123]
79037	1999	725*	Ad [123]
79038	1999	725*	Ad [123]
79039	1999	725*	Ad [123]
79040	1999	725*	Ad [123]
79041	1999	725*	Ad [123]
79042	1999	725*	Ad [123]
79043	1999	725*	Ad [123]
79044	1999	725*	Ad [123]
79044.5	1999	725*	Ad [123]
79044.6	1999	725*	Ad [123]
79044.7	1999	725*	Ad [123]
79044.9	1999	725*	Ad [123]
79045	1999	725*	Ad [123]
79046	1999	725*	Ad [123]
79047	1999	725*	Ad [123]
79048	1999	725*	Ad [123]
79049	1999	725*	Ad [123]
79050	1999	725*	Ad [123]
79051	1999	725*	Ad [123]
79052	1999	725*	Ad [123]
79055	1999	725*	Ad [123]
79056	1999	725*	Ad [123]
79057	1999	725*	Ad [123]
79060	1999	725*	Ad [123]
79061	1999	725*	Ad [123]
79062	1999	725*	Ad [123]
79062.5	1999	725*	Ad [123]
79065	1999	725*	Ad [123]
79065.2	1999	725*	Ad [123]
79065.4	1999	725*	Ad [123]

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

WATER CODE—Continued

Section	Affected By Year	Chapter	Effect
79065.6	1999	725*	Ad [123]
79065.8	1999	725*	Ad [123]
79067	1999	725*	Ad [123]
79067.2	1999	725*	Ad [123]
79067.4	1999	725*	Ad [123]
79068	1999	725*	Ad [123]
79068.10	1999	725*	Ad [123]
79068.12	1999	725*	Ad [123]
79068.14	1999	725*	Ad [123]
79068.16	1999	725*	Ad [123]
79068.18	1999	725*	Ad [123]
79068.2	1999	725*	Ad [123]
79068.20	1999	725*	Ad [123]
79068.4	1999	725*	Ad [123]
79068.6	1999	725*	Ad [123]
79068.8	1999	725*	Ad [123]
79069	1999	725*	Ad [123]
79069.10	1999	725*	Ad [123]
79069.12	1999	725*	Ad [123]
79069.2	1999	725*	Ad [123]
79069.4	1999	725*	Ad [123]
79069.6	1999	725*	Ad [123]
79069.8	1999	725*	Ad [123]
79070	1999	725*	Ad [123]
79071	1999	725*	Ad [123]
79075	1999	725*	Ad [123]
79076	1999	725*	Ad [123]
79077	1999	725*	Ad [123]
79078	1999	725*	Ad [123]
79079	1999	725*	Ad [123]
79079.5	1999	725*	Ad [123]
79080	1999	725*	Ad [123]
79081	1999	725*	Ad [123]
79082	1999	725*	Ad [123]
79083	1999	725*	Ad [123]
79084	1999	725*	Ad [123]
79085	1999	725*	Ad [123]
79085.5	1999	725*	Ad [123]
79086	1999	725*	Ad [123]
79087	1999	725*	Ad [123]
79088	1999	725*	Ad [123]
79090	1999	725*	Ad [123]
79091	1999	725*	Ad [123]
79092	1999	725*	Ad [123]
79093	1999	725*	Ad [123]
79094	1999	725*	Ad [123]
79100	1999	725*	Ad [123]
79101	1999	725*	Ad [123]
79102	1999	725*	Ad [123]
79103	1999	725*	Ad [123]
79103.2	1999	725*	Ad [123]
79103.4	1999	725*	Ad [123]
79104	1999	725*	Ad [123]
79104.100	1999	725*	Ad [123]
79104.102	1999	725*	Ad [123]
79104.104	1999	725*	Ad [123]
79104.106	1999	725*	Ad [123]
79104.108	1999	725*	Ad [123]
79104.110	1999	725*	Ad [123]
79104.114	1999	725*	Ad [123]
79104.20	1999	725*	Ad [123]
79104.200	1999	725*	Ad [123]
79104.202	1999	725*	Ad [123]
79104.204	1999	725*	Ad [123]
79104.206	1999	725*	Ad [123]
79104.22	1999	725*	Ad [123]
79104.24	1999	725*	Ad [123]
79104.26	1999	725*	Ad [123]
79104.30	1999	725*	Ad [123]
79104.32	1999	725*	Ad [123]
79104.34	1999	725*	Ad [123]
79105	1999	725*	Ad [123]
79106	1999	725*	Ad [123]
79110	1999	725*	Ad [123]
79111	1999	725*	Ad [123]
79112	1999	725*	Ad [123]
79113	1999	725*	Ad [123]
79114	1999	725*	Ad [123]
79114.2	1999	725*	Ad [123]
79114.3	1999	725*	Ad [123]
79114.5	1999	725*	Ad [123]
79115	1999	725*	Ad [123]
79116	1999	725*	Ad [123]
79117	1999	725*	Ad [123]
79120	1999	725*	Ad [123]
79121	1999	725*	Ad [123]
79122	1999	725*	Ad [123]
79122.2	1999	725*	Ad [123]
79122.4	1999	725*	Ad [123]
79123	1999	725*	Ad [123]
79124	1999	725*	Ad [123]
79125	1999	725*	Ad [123]
79126	1999	725*	Ad [123]
79127	1999	725*	Ad [123]
79128	1999	725*	Ad [123]
79128.5	1999	725*	Ad [123]
79129	1999	725*	Ad [123]
79130	1999	725*	Ad [123]
79131	1999	725*	Ad [123]
79132	1999	725*	Ad [123]
79133	1999	725*	Ad [123]
79135	1999	725*	Ad [123]
79136	1999	725*	Ad [123]
79137	1999	725*	Ad [123]
79138	1999	725*	Ad [123]
79139	1999	725*	Ad [123]
79140	1999	725*	Ad [123]
79141	1999	725*	Ad [123]
79142	1999	725*	Ad [123]
79142.2	1999	725*	Ad [123]
79142.4	1999	725*	Ad [123]
79142.6	1999	725*	Ad [123]
79142.8	1999	725*	Ad [123]
79143	1999	725*	Ad [123]
79144	1999	725*	Ad [123]
79145	1999	725*	Ad [123]
79146	1999	725*	Ad [123]
79147	1999	725*	Ad [123]
79148	1999	725*	Ad [123]
79148.10	1999	725*	Ad [123]
79148.12	1999	725*	Ad [123]
79148.14	1999	725*	Ad [123]

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

WATER CODE—Continued

Section	Affected By Year	Chapter	Effect
79148.15	1999	725*	Ad [123]
79148.16	1999	725*	Ad [123]
79148.2	1999	725*	Ad [123]
79148.4	1999	725*	Ad [123]
79148.6	1999	725*	Ad [123]
79148.7	1999	725*	Ad [123]
79148.8	1999	725*	Ad [123]
79149	1999	725*	Ad [123]
79149.10	1999	725*	Ad [123]
79149.12	1999	725*	Ad [123]
79149.14	1999	725*	Ad [123]
79149.16	1999	725*	Ad [123]
79149.2	1999	725*	Ad [123]
79149.3	1999	725*	Ad [123]
79149.4	1999	725*	Ad [123]
79149.6	1999	725*	Ad [123]
79149.8	1999	725*	Ad [123]
79150	1999	725*	Ad [123]
79151	1999	725*	Ad [123]
79152	1999	725*	Ad [123]
79153	1999	725*	Ad [123]
79154	1999	725*	Ad [123]
79155	1999	725*	Ad [123]
79155.5	1999	725*	Ad [123]
79156	1999	725*	Ad [123]
79157	1999	725*	Ad [123]
79158	1999	725*	Ad [123]
79161	1999	725*	Ad [123]
79161.5	1999	725*	Ad [123]
79162	1999	725*	Ad [123]
79162.2	1999	725*	Ad [123]
79162.4	1999	725*	Ad [123]
79163	1999	725*	Ad [123]
79164	1999	725*	Ad [123]
79165	1999	725*	Ad [123]
79166	1999	725*	Ad [123]
79170	1999	725*	Ad [123]
79171	1999	725*	Ad [123]
79172	1999	725*	Ad [123]
79173	1999	725*	Ad [123]
79174	1999	725*	Ad [123]
79175	1999	725*	Ad [123]
79176	1999	725*	Ad [123]
79177	1999	725*	Ad [123]
79178	1999	725*	Ad [123]
79179	1999	725*	Ad [123]
79180	1999	725*	Ad [123]
79181	1999	725*	Ad [123]
79182	1999	725*	Ad [123]
79183	1999	725*	Ad [123]
79190	1999	725*	Ad [123]
79191	1999	725*	Ad [123]
79192	1999	725*	Ad [123]
79193	1999	725*	Ad [123]
79194	1999	725*	Ad [123]
79195	1999	725*	Ad [123]
79196	1999	725*	Ad [123]
79196.5	1999	725*	Ad [123]
79197	1999	725*	Ad [123]
79198	1999	725*	Ad [123]
79199	1999	725*	Ad [123]
79200	1999	725*	Ad [123]
79201	1999	725*	Ad [123]
79201.5	1999	725*	Ad [123]
79202	1999	725*	Ad [123]
79203	1999	725*	Ad [123]
79205.10	1999	725*	Ad [123]
79205.12	1999	725*	Ad [123]
79205.14	1999	725*	Ad [123]
79205.16	1999	725*	Ad [123]
79205.2	1999	725*	Ad [123]
79205.4	1999	725*	Ad [123]
79205.6	1999	725*	Ad [123]
79205.8	1999	725*	Ad [123]
79210	1999	725*	Ad [123]
79211	1999	725*	Ad [123]
79212	1999	725*	Ad [123]
79213	1999	725*	Ad [123]
79214	1999	725*	Ad [123]
79215	1999	725*	Ad [123]
79216	1999	725*	Ad [123]
79217	1999	725*	Ad [123]
79218	1999	725*	Ad [123]
79219	1999	725*	Ad [123]
79220	1999	725*	Ad [123]
79221	1999	725*	Ad [123]

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

WELFARE AND INSTITUTIONS CODE

Section	Affected By Year	Chapter	Effect
202	1999	997	Am (by Sec. 1 of Ch.)
213.5	1999	661	Am (by Sec. 13 of Ch.)
	1999	980	Am (by Sec. 19.5 of Ch.)
217	1999	233	Am
300.2	1999	346	Am
305.5	1999	275*	Ad
319	1999	83	Am [30]
319.1	1999	892	Am
355.1	1999	417*	Am
360.6	1999	275*	Ad
361.21	1999	881*	Am
361.5	1999	399	Am (by Sec. 1 of Ch.)
	1999	805	Am (by Sec. 1.2 of Ch.)
366	1999	887	Am
366.21	1999	399	Am (by Sec. 2 of Ch.)
	1999	805	Am (by Sec. 2.2 of Ch.)
366.22	1999	399	Am
366.23	1999	997	Am
366.24	1999	887	Ad
366.25	1999	887	Ad
366.26	1999	83	Am [30]
	1999	997	Am
366.3	1999	887	Am (by Sec. 2 of Ch.)
369.5	1999	552	Ad
396	1999	620	Am
602	1999	996	Am
602.5	1999	996	Ad
606	1999	996	Am
625.3	1999	996	Am
628	1999	997	Am
628.1	1999	996	Am
629	1999	996	Am
635	1999	997	Am
636	1999	997	Am
636.1	1999	997	Ad
652	1999	997	Am
653.5	1999	997	Am
656.2	1999	996	Am
658	1999	997	Am
660	1999	997	Am
676	1999	996	Am
676.5	1999	996	Am
706.5	1999	997	Am
706.6	1999	997	Ad
725.1	1999	996	Ad
726.4	1999	997	Ad
727.1	1999	881*	Am
727.2	1999	995	Ad
	1999	997	Ad
727.3	1999	997	Ad
727.31	1999	997	Ad
727.4	1999	997	Ad
730.7	1999	996	Ad
781	1999	83	Am [30]
781.5	1999	167	Ad & R [52]
827	1999	984	Am
	1999	985	Am (by Sec. 3 of Ch.)
	1999	996	Am (by Sec. 22.3 of Ch.)
827.1	1999	996	Am (as ad by Stats. 1996, Ch. 422) & RN
827.5	1999	996	Am
827.6	1999	996	R & Ad
827.7	1999	996	Ad(RN)
1120.1	1999	996	Am
1120.2	1999	78*	Am
1700	1999	333	Am
1787	1999	83	Ad(RN) [30]
1788	1999	83	Ad(RN) [30]
1789	1999	83	Ad(RN) [30]
1789.5	1999	83	Ad(RN) [30]
1790	1999	83	Am & RN [30]
1791	1999	83	Am & RN [30]
1792	1999	83	Am & RN [30]
1793	1999	83	Am & RN [30]
1801	1999	83	Am [30]
4353	1999	1023	S [18]
4354	1999	1023	Am [18]
4354.5	1999	1023	Ad & R [18]
4355	1999	1023	Am [18]
4356	1999	1023	R
			Ad & R [18]
4357	1999	1023	Am [18]
4357.1	1999	1023	Ad & R [18]
4357.2	1999	1023	Ad & R [18]
4358	1999	1023	S [18]
4358.5	1999	1023	Ad & R [18]
4359	1999	1023	Am [18]
4441.5	1999	146*	Ad
4640.6	1999	146*	Am
4647	1999	146*	Am
4669.2	1999	369	S [57]
4669.75	1999	369	S [57]
4669.8	1999	369	R
4681.3	1999	146*	Am
5701.1	1999	146*	Ad
5768.5	1999	83	Am [30]
5777	1999	525	Am [112 114]
5802	1999	617*	Am
5806	1999	617*	Am
5814	1999	617*	Am
5814.5	1999	617*	Ad [45]
			R [25]
6501	1999	146*	Ad
6600	1999	350*	Am
	1999	995	Am (by Sec. 2.2 of Ch.)
6601	1999	136*	Am
6601.1	1999	136*	Ad & R [20]
6609.1	1999	83	Am [30]

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

WELFARE AND INSTITUTIONS CODE—Continued

Section	Affected By Year	Chapter	Effect
8103	1999	578*	Am
9101.5	1999	948	Ad
9541	1999	525	Am [112 114]
9560	1999	859	Am
9563	1999	859	Am
9564	1999	147*	Am
	1999	859	Am
9710.5	1999	943	Ad
9712	1999	943	Am
9740	1999	943	Am
9745	1999	943	Ad
10072	1999	371	Am
10080	1999	479*	R & Ad
10081	1999	479*	R & Ad
10082	1999	479*	R & Ad
10083	1999	479*	R & Ad
10084	1999	479*	R & Ad
10085	1999	479*	R
			Ad [119 120]
10086	1999	479*	R & Ad
10087	1999	479*	R & Ad
10088	1999	479*	R & Ad
10089	1999	479*	R
10090	1999	479*	R & Ad
10091	1999	479*	R & Ad
10092	1999	479*	R & Ad
10093	1999	479*	R & Ad
10094	1999	479*	R
10095	1999	479*	R
10096	1999	479*	R
10097	1999	479*	R
10554	1999	887	Am
10609.4	1999	147*	Ad
10950	1999	803	Am [82]
10951	1999	803	Am [82]
10963	1999	803	Am [82]
10980	1999	83	Am [30]
11008.17	1999	471*	Am
11008.19	1999	83	Am (as ad by Sec. 2, Stats. 1998, Ch. 962) & RN [30]
11008.20	1999	83	Ad(RN) [30]
11265.1	1999	826	Am [131]
			R [140]
11265.2	1999	826	R
			Ad [132]
			R [63]
11325.9	1999	919	Ad
11325.91	1999	919	Ad
11325.93	1999	919	Ad
11325.95	1999	919	Ad
11350	1999	478	R
	1999	653	Am [82]
11350.1	1999	478	R
11350.2	1999	478	R
11350.3	1999	478	R
11350.4	1999	478	R
11350.5	1999	478	R
11350.6	1999	478	R
	1999	652	Am [82]
	1999	654	Am (by Sec. 5 of Ch.)
11350.61	1999	653	Ad [82]
11350.7	1999	478	R
11350.75	1999	980	Ad [82]
11350.8	1999	478	R
11350.9	1999	478	R
11351	1999	478	R
11352	1999	478	R
11354	1999	478	R
11355	1999	478	R
	1999	652	Am [82]
11356	1999	478	R
11356.2	1999	653	Ad [82]
11357	1999	478	R
11358	1999	653	Ad [82]
11360	1999	147*	S [1]
11361	1999	147*	S [1]
11362	1999	147*	S [1]
11363	1999	147*	S [1]
11364	1999	147*	R
			Ad [1]
11365	1999	147*	S [1]
11366	1999	147*	S [1]
11367	1999	147*	S [1]
11368	1999	147*	S [1]
11369	1999	83	Am [30]
	1999	147*	R
			Ad [1]
11370	1999	147*	Am [1]
11371	1999	147*	Ad [1]
11372	1999	147*	Ad [1]
11373	1999	147*	Ad [1]
11401	1999	83	Am [30]
11404.1	1999	887	Am
11450	1999	147*	Am
11450.16	1999	147*	Am
11461	1999	147*	Am
11462	1999	147*	Am
11462.07	1999	634	Ad
11463	1999	147*	Am
11465	1999	147*	Am
11466.21	1999	881*	Am
11475	1999	478	R
11475.1	1999	478	R
	1999	980	Am [82]
11475.12	1999	653	Ad [82]
11475.14	1999	653	Ad [82]
11475.15	1999	478	R
11475.3	1999	478	R (as ad by Stats. 1994, Ch. 906) Am (as ad by Stats. 1997, Ch. 270)
11475.4	1999	478	R
11475.5	1999	478	R
11475.6	1999	652	Ad [82]
11475.8	1999	478	R
11476	1999	478	R

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

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Section	Affected By Year	Chapter	Effect
11476.1	1999	478	R
11476.3	1999	654	Ad [82]
11476.6	1999	478	Am
11477	1999	478	Am
11477.02	1999	478	Am
11477.04	1999	478	Am
11478	1999	478	R
11478.1	1999	653	Ad [82]
11478.2	1999	478	R
11478.3	1999	652	Ad [82]
11478.5	1999	478	R
	1999	652	Am [82]
11478.51	1999	478	R
	1999	652	Am [82]
11478.52	1999	652	Ad [82]
11478.6	1999	478	R
11478.7	1999	478	R
11478.8	1999	478	R
11478.9	1999	478	R
11479	1999	478	Am
11479.5	1999	478	R
11479.6	1999	478	R
11485	1999	478	Am
11488	1999	478	R
11489	1999	478	R
11490	1999	478	R
11491	1999	478	R
11492	1999	478	R
11492.1	1999	478	R
12200.018	1999	147*	R
12301.3	1999	90*	Ad
12301.4	1999	90*	Ad
12301.6	1999	90*	Am
	1999	91*	R (as am by Stats. 1999, Ch. 90) & Ad [42]
12301.8	1999	90*	Ad
	1999	91*	R (as ad by Stats. 1999, Ch. 90)
12302.25	1999	90*	Ad
12302.3	1999	83	Am [30]
12302.7	1999	90*	R
12303.4	1999	90*	Am
12306.1	1999	91*	Ad
12554	1999	906	Ad
14005.30	1999	146*	Am
	1999	148*	Am (as am by Stats. 1999, Ch. 146)
14006.3	1999	227	Am
14006.4	1999	227	Am
14007.5	1999	146*	Am
14007.65	1999	146*	Ad
	1999	148*	R (as ad by Stats. 1999, Ch. 146) & Ad
14007.7	1999	146*	Ad
14007.9	1999	820	Ad [146] R [80]
14008.85	1999	146*	Ad [44]
14011.15	1999	146*	Ad
14018.5	1999	146*	Ad
14043	1999	146*	Ad
14043.1	1999	146*	Ad
14043.15	1999	146*	Ad
14043.2	1999	146*	Ad
14043.25	1999	146*	Ad
14043.3	1999	146*	Ad
14043.35	1999	146*	Ad
14043.36	1999	146*	Ad
14043.37	1999	146*	Ad
14043.4	1999	146*	Ad
14043.45	1999	146*	Ad
14043.5	1999	146*	Ad
14043.55	1999	146*	Ad
14043.6	1999	146*	Ad
14043.65	1999	146*	Ad
14043.7	1999	146*	Ad
14043.75	1999	146*	Ad
14051	1999	887	Am [163]
14053	1999	146*	Am
14053.1	1999	146*	Ad
	1999	148*	Am (as ad by Stats. 1999, Ch. 146) & R [39]
14067	1999	146*	Am
14085.5	1999	701	Am
14085.7	1999	146*	Am [45 24]
14085.8	1999	146*	Am [45 24]
14085.9	1999	226	Ad
14087.301	1999	146*	Ad
14087.32	1999	525	Am [112 114]
14087.36	1999	525	Am [112 114]
14087.37	1999	525	Am [112 114]
14087.38	1999	525	Am [112 114]
14087.4	1999	525	Am [112 114]
14087.41	1999	539	Ad
14087.9705	1999	525	Am [112 114]
14088.19	1999	525	Am [112 114]
14089	1999	525	Am [112 114]
14089.4	1999	525	Am [112 114]
14094.3	1999	146*	Am
14100.75	1999	993	Ad
14105.26	1999	757	Ad [168]
14105.31	1999	146*	Am [24]
14105.33	1999	146*	Am [24]
14105.337	1999	190	Ad
14105.35	1999	146*	Am [24]
14105.37	1999	146*	Am [24]
14105.38	1999	146*	Am [24]
14105.39	1999	146*	Am [24]
14105.4	1999	146*	Am (as am by Sec. 90, Stats. 1998, Ch. 310)[24] Am (as am by Sec. 91, Stats. 1998, Ch. 310)[25]

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

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Affected By			
Section	*Year*	*Chapter*	*Effect*
14105.405	1999	146*	Am [24]
14105.41	1999	146*	Am (as am by Sec. 93, Stats. 1998, Ch. 310)[24]
			Am (as am by Sec. 94, Stats. 1998, Ch. 310)[25]
14105.42	1999	146*	Am (as am by Sec. 95, Stats. 1998, Ch. 310)[24]
14105.91	1999	146*	Am [25]
14105.915	1999	146*	Am [25]
14105.916	1999	146*	Am
14105.98	1999	44*	Am
14105.981	1999	146*	Am [24]
14107.11	1999	146*	Ad
14110.55	1999	845	Ad
14110.6	1999	146*	Am
14110.7	1999	146*	Am (as am by Sec. 3, Stats. 1990, Ch. 502)
14110.8	1999	658	Am [56]
14132	1999	146*	Am [53]
14132.22	1999	146*	Am [24]
14132.47	1999	831*	Am
14132.90	1999	147*	Am
14132.95	1999	90*	Am
14133.12	1999	845	Ad [93]
14139.13	1999	525	Am [112 114]
14163	1999	146*	Am
14170.8	1999	993	Am
14171.6	1999	993	Am
14251	1999	525	Am [112 114]
14308	1999	525	Am [112 114]
14456	1999	525	Am [112 114]
14457	1999	525	Am [112 114]
14459	1999	525	Am [112 114]
14460	1999	525	Am [112 114]
14482	1999	525	Am [112 114]
14495.10	1999	845	Ad & R [20]
14499.71	1999	525	Am [112 114]
15200.6	1999	478	R
15200.75	1999	478	R
15200.81	1999	147*	Am
	1999	478	R
	1999	480	R (as am by Sec. 34, Stats. 1999, Ch. 147)
15200.92	1999	478	R
15200.95	1999	478	R
	1999	479*	Am & R [2]
15200.96	1999	478	R
15200.97	1999	478	R
15200.98	1999	478	R
15204.3	1999	147*	Am
15630	1999	236	Am
15655	1999	414	Ad
15657.03	1999	561	Ad
15763	1999	670	Am [94]
15766	1999	147*	Ad
16010	1999	552	Am
16118	1999	83	Am [30]
	1999	547	Am
16119	1999	547	Am
	1999	905*	Am (by Sec. 1 of Ch.)[77]
			Am (by Sec. 2 of Ch.)[1]
16120.05	1999	547	Am
16121.05	1999	547	Am
16121.2	1999	887	Ad
16122	1999	905*	Am
16164	1999	147*	Am
16170	1999	887	Ad
16171	1999	887	Ad
16172	1999	887	Ad
16173	1999	887	Ad
16174	1999	887	Ad
16175	1999	887	Ad
16176	1999	887	Ad
16177	1999	887	Ad
16206	1999	211	Am
16500.1	1999	634	Ad
16501.1	1999	83	Am [30]
	1999	887	Am
16501.3	1999	147*	Ad
16809	1999	146*	Am (as am by Sec. 1, Stats. 1997, Ch. 669)
16946	1999	741	Am
17012.5	1999	83	R (as ad by Sec. 2, Stats. 1997, Ch. 283)[30]
			Am (as ad by Sec. 2, Stats. 1997, Ch. 284)[30]
17600	1999	90*	Am
17600.110	1999	90*	R
18205	1999	480	Am (as ad by Stats. 1997, Ch. 606) & RN
	1999	980	Am & RN (by Sec. 22.5 of Ch.)
18205.5	1999	480	Ad(RN)
	1999	980	Ad(RN) (by Sec. 22.5 of Ch.)
18242	1999	803	Am
18243	1999	803	Am
18246	1999	803	R
18247	1999	803	Am
18358.30	1999	147*	Am
18910	1999	826	Ad

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

WELFARE AND INSTITUTIONS CODE—Continued

Section	Affected By Year	Chapter	Effect
18930	1999	147*	Am (as ad by Sec. 34, Stats. 1998, Ch. 329)
18930.5	1999	147*	Am [36 13]
18931	1999	147*	S [36 13]
18932	1999	147*	Am [36 13]
18933	1999	147*	S [36 13]
18934	1999	147*	Am [36 13]
18935	1999	147*	Ad
18937	1999	147*	S [36 13]
18938	1999	147*	Am [36 13]
18939	1999	147*	S [36 13]
18940	1999	147*	Am [36 13]
	1999	148*	Am (as am by Stats. 1999, Ch. 147)
18941	1999	147*	S [36 13]
18942	1999	147*	S [36 13]
18943	1999	147*	S [36 13]
18944	1999	147*	Am [36 13]
18986.86	1999	705	Ad & R [18]
18986.87	1999	705	Ad & R [18]
18986.88	1999	705	Ad & R [18]
18993	1999	146*	S [45 24]
18993.1	1999	146*	S [45 24]
18993.2	1999	146*	S [45 24]
18993.3	1999	146*	S [45 24]
18993.4	1999	146*	S [45 24]
18993.5	1999	146*	S [45 24]
18993.6	1999	146*	S [45 24]
18993.7	1999	146*	S [45 24]
18993.8	1999	146*	S [45 24]
18993.9	1999	146*	Am [45 24]
	1999	754*	Am
19091	1999	147*	Am
19092	1999	147*	Am
19355.5	1999	147*	Am
19356.6	1999	147*	Am [45 24]
19356.7	1999	147*	Am [45 24]
19801	1999	493	Am
19806	1999	147*	Am
19820	1999	861	Ad & R [20]
19821	1999	861	Ad & R [20]
19822	1999	861	Ad & R [20]
19823	1999	861	Ad & R [20]
22000	1999	802	Am
22001	1999	802	Am
22002	1999	802	Am
22003	1999	802	Am
22004	1999	802	Am
22005	1999	525	Am [112 114]
	1999	802	R & Ad
22005.1	1999	802	Ad
22006	1999	802	Am
22007	1999	802	Am
22008	1999	802	Am
22008.5	1999	802	Am
22009	1999	802	Am
22010	1999	525	Am [112 114]
	1999	802	R & Ad(RN)
22011	1999	802	R
22013	1999	802	Am & RN
24000	1999	146*	S [54 57]
24001	1999	146*	Am [54 57]
24003	1999	146*	S [54 57]
24003.2	1999	146*	Ad
24003.5	1999	146*	Ad
24005	1999	146*	Am [54 57]
24007	1999	146*	S [54 57]
24007.5	1999	146*	Ad
24009	1999	146*	S [54 57]
24011	1999	146*	S [54 57]
24013	1999	146*	S [54 57]
24015	1999	146*	S [54 57]
24017	1999	146*	S [54 57]
24021	1999	146*	S [54 57]
24023	1999	146*	S [54 57]
24027	1999	146*	R & Ad
25000	1999	990	Ad
25001	1999	990	Ad
25002	1999	990	Ad
25003	1999	990	Ad

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

STATUTES OTHER THAN CODES

Statute Affected Chapter	*Affected By Year*	*Chapter*	*Effect*
1943			
545	1999	62	Am 13
	1999	83	Am 8.2 (as am by Stats. 1998, Ch. 812)[30]
	1999	97	Am 8
1951			
1544	1999	89	R 7 Am 3, 5, 12, 13, 13.1 Ad 12.1
1952 (1st Ex. Sess.)			
10	1999	779*	Am 8.2, 54
1961			
1654	1999	96*	Ad 76.5
1963			
1982	1999	96*	R 106, 107, 108 Am 105
1969			
209	1999	46	Am 132
	1999	415	Ad 126.5, 126.7, 130.5, 130.7
	1999	524	Ad & R 127[18]
1982			
1005	1999	174*	Am 1
1989			
620	1999	870	R 10
1991			
625	1999	870	Am 2 (as am by Stats. 1998, Ch. 731), 3 (as am by Stats. 1994, Ch. 391)
1995			
899	1999	796*	Am 3
1996			
204	1999	152*	Am 31
953	1999	63	Am 31[5]
1997			
299	1999	152*	Am 39
867	1999	351*	Am[62]
928	1999	152*	Am 44
1998			
21	1999	83	Am 2[30]
310	1999	83	Am 111[30]
	1999	831*	Am 111
328	1999	67*	Am 3[23]
330	1999	78*	Am 56
	1999	152*	Am 53
652	1999	83	Am 3[30]
722	1999	83	Am 1[30]
760	1999	83	Am 11, 12[30]
868	1999	153*	Am 1
946	1999	670	Am 14
948	1999	78*	Am 2
969	1999	83	Am 10[30]
1051	1999	573*	Am 1
1080	1999	365	Am 3, 4, 7[24] S 1, 2, 5, 6[24]
1999			
50	1999	800	Am 3.60
66	1999	66*	Ad 10, 11[31] R 10, 11[25]
67	1999	67*	S 43[33]
78	1999	78*	S 65, 66, 70, 72, 73[37]
	1999	646	Am 65
84	1999	84*	S 9[29]
	1999	86	Am 7
85	1999	85	R 4, 5, 6[28]
	1999	86	S 8[82], 9[82] R 8, 9
152	1999	646	Am 6
521	1999	521*	S 4[115]
562	1999	562	R 1[104]
811	1999	811*	S 2[37]
956	1999	956*	S 2[37]
959	1999	959	S 1[37]
963	1999	963	R 2[133]
965	1999	965	S 2[37]
996	1999	996	S 28[37]
999	1999	999	R 2[143]
1000	1999	1000	R 54.6[161]
1001	1999	1001*	S 2[37]
1010	1999	1010*	S 2[37]
1021	1999	1021*	S 2, 15, 17, 21[37]
1022	1999	1022	S 1.5[37]
1999–2000 (1st Ex. Sess.)			
1	1X 1999–2000	1	S 1[1]
2	1X 1999–2000	2*	S 9[9]
3	1999	646	Am 2

NOTE: Superior numbers appear as a separate section at the end of the Statutory Record. For Budget Item references, see section titled "BUDGET ITEMS" following "STATUTES OTHER THAN CODES".

BUDGET ITEMS

Section	Affected By Year	Chapter	Effect
1986, Ch. 186			
2660-101-046	1999	50*	S
1987, Ch. 135			
2660-001-890	1999	50*	S
1988, Ch. 313			
2660-001-890	1999	50*	S
1989, Ch. 93			
2660-001-890	1999	50*	S
2660-101-046	1999	50*	S
2660-301-042	1999	50*	S
1990, Ch. 467			
2660-001-890	1999	50*	S
2660-101-042	1999	50*	S
2660-101-046	1999	50*	S
2660-101-890	1999	50*	S
2660-301-042	1999	50*	S
2660-302-046	1999	50*	S
2660-325-042	1999	50*	S
1991, Ch. 118			
2660-001-890	1999	50*	S
2660-101-042	1999	50*	S
2660-101-046	1999	50*	S
2660-301-042	1999	50*	S
2660-325-042	1999	50*	S
1992, Ch. 587			
2660-001-890	1999	50*	S
2660-101-853	1999	50*	S
2660-101-890	1999	50*	S
2660-125-042	1999	50*	S
2660-125-046	1999	50*	S
2660-301-890	1999	50*	S
2660-302-046	1999	50*	S
1993, Ch. 55			
2660-001-890	1999	50*	S
2660-101-890	1999	50*	S
2660-125-042	1999	50*	S
2660-125-046	1999	50*	S
2660-301-042	1999	50*	S
2660-302-046	1999	50*	S
2660-325-042	1999	50*	S
5240-303-0746	1999	888	S
1994, Ch. 139			
1760-101-768	1999	50*	S
2660-001-890	1999	50*	S
2660-101-890	1999	50*	S
2660-125-042	1999	50*	S
2660-125-046	1999	50*	S
2660-302-046	1999	50*	S
2660-325-056	1999	50*	S
3125-101-0001	1999	50*	S
3790-101-733	1999	50*	S
1995, Ch. 303			
1760-301-768	1999	50*	S
2660-101-045	1999	50*	S
2660-125-042	1999	50*	S
2660-125-183	1999	50*	S
1996, Ch. 162			
2660-101-0045	1999	50*	S
2660-125-0183	1999	50*	S
2660-301-0890	1999	50*	S
2660-325-0042	1999	50*	S
3540-301-0001	1999	50*	S
3760-101-0001	1999	50*	S
3790-301-0001	1999	50*	S
3790-301-0235	1999	50*	S
3790-301-0263	1999	50*	S
6110-107-0001	1999	50*	S
6870-101-0001	1999	50*	S
6870-301-0658	1999	50*	S
8940-301-0001	1999	50*	S
8940-301-0890	1999	50*	S
1997, Ch. 282			
0820-001-0001	1999	50*	S
0820-301-0660	1999	50*	S
3680-301-0516	1999	50*	S
3790-301-0001	1999	50*	S
4200-101-0001	1999	50*	S
4200-102-0001	1999	50*	S
6110-001-0890	1999	50*	S
6110-107-0001	1999	50*	S
6110-113-0001	1999	50*	S
6110-156-0001	1999	152*	S
6870-101-0001	1999	50*	S
6870-301-0658	1999	50*	S
1998, Ch. 324			
0160-001-0001	1999	50*	S
0450-101-0932	1999	50*	S
0690-301-0660	1999	50*	S
0820-301-0001	1999	50*	S
1100-301-0001	1999	50*	S
1100-301-0890	1999	50*	S
1730-301-0001	1999	50*	S
1760-101-0022	1999	50*	S
1760-101-0768	1999	50*	S
1760-301-0002	1999	50*	S
1760-301-0768	1999	50*	S
1920-001-0835	1999	50*	S
2660-311-0042	1999	50*	S
2720-301-0001	1999	50*	S
2920-101-0001	1999	50*	S
3340-301-0001	1999	50*	S
3540-301-0001	1999	50*	S
3600-301-0200	1999	50*	S
3680-301-0001	1999	50*	S
3680-301-0516	1999	50*	S
3690-001-0014	1999	50*	S
3790-301-0001	1999	50*	S
3790-301-0545	1999	50*	S
3790-302-0001	1999	50*	S
3860-001-0001	1999	50*	S
3860-301-0001	1999	50*	S
4170-101-0001	1999	50*	S
4200-101-0001	1999	50*	S
4200-102-0001	1999	50*	S
4260-001-0001	1999	50*	S
4260-001-0823	1999	50*	S
4300-101-0001	1999	50*	S
4300-301-0001	1999	50*	S
4440-011-0001	1999	50*	S
4440-111-0001	1999	50*	S
4700-001-0890	1999	50*	S
4700-101-0890	1999	50*	S

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

BUDGET ITEMS—Continued

Section	Affected By Year	Chapter	Effect
5100-001-0870	1999	50*	S
5160-101-0001	1999	50*	S
5180-001-0001	1999	50*	S
5180-001-0890	1999	50*	S
5180-101-0001	1999	50*	S
5180-101-0890	1999	50*	S
5180-102-0001	1999	50*	S
5180-151-0001	1999	50*	S
5240-001-0001	1999	50*	S
5240-002-0001	1999	50*	S
5240-004-0001	1999	50*	S
5240-301-0001	1999	50*	S
	1999	888	S
5240-302-0001	1999	50*	S
5240-303-0001	1999	50*	S
5460-301-0001	1999	50*	S
6110-001-0001	1999	37*	S
	1999	78*	S
6110-011-0001	1999	50*	S
6110-106-0001	1999	50*	S
6110-112-0001	1999	50*	S
6110-113-0001	1999	50*	S
6110-191-0001	1999	50*	S
6110-196-0001	1999	50*	S
6110-200-0001	1999	50*	S
6110-212-0001	1999	50*	S
6110-232-0001	1999	50*	S
6110-295-0001	1999	50*	S
6360-001-0408	1999	50*	S
6440-001-0001	1999	50*	S
6440-301-0574	1999	50*	S
6600-001-0001	1999	50*	S
6610-001-0001	1999	50*	S
6610-001-0498	1999	50*	S
6870-101-0001	1999	50*	S
6870-103-0001	1999	50*	S
6870-301-0574	1999	50*	S
6870-302-0574	1999	50*	S
8260-001-0001	1999	50*	S
8570-001-0001	1999	50*	S
8840-001-0001	1999	50*	S
8940-301-0001	1999	50*	S
8940-301-0890	1999	50*	S
8960-301-0001	1999	50*	S
9800-001-0001	1999	12*	S
9800-002-0494	1999	12*	S
9800-011-0001	1999	12*	S
9840-001-0001	1999	50*	S
	1999	68*	S
9840-001-0494	1999	50*	S
	1999	68*	S
9840-001-0988	1999	50*	S
	1999	68*	S
9840-011-0001	1999	68*	S
1999, Ch. 50			
1730-001-0001	1999	479*	S
2240-105-0001	1999	793*	S
2920-101-0001	1999	1021*	S [37]
3360-102-0001	1999	1003	S
3600-102-0001	1999	811*	S
3680-101-0516	1999	1003	S
3760-302-0001	1999	1003	S
	1999	1021*	S
3790-002-0001	1999	811*	S [37]
3790-101-0001	1999	1003	S
	1999	1021*	S [37]
3790-302-0001	1999	811*	S [37]
3860-101-0001	1999	811*	S
3860-201-0001	1999	1003	S
4260-001-0001	1999	148*	S
4260-111-0001	1999	146*	S
4260-111-0233	1999	744*	S
4260-111-0236	1999	831*	S
4440-001-0001	1999	617*	S
4440-101-0001	1999	617*	S
5100-101-0001	1999	1021*	S
5180-001-0001	1999	479*	Am
5180-101-0001	1999	479*	S
5180-141-0001	1999	479*	S
5240-102-0001	1999	1003	Ad
5240-103-0001	1999	888	Ad
5240-493	1999	888	Ad
6110-122-0001	1999	646	Am
6110-186-0001	1999	646	Am
6110-495	1999	646	Am
6110-498	1999	646	Am
6120-140-0001	1999	1003	S
6440-001-0001	1999	1021*	S [37]
6870-101-0001	1999	738	S
	1999	959	S [37]
8100-101-0001	1999	1003	S
8260-103-0001	1999	602*	Am
8350-001-0001	1999	1021*	S
8350-001-0571	1999	1021*	S
8350-011-0001	1999	1021*	S
8940-001-0001	1999	793*	S
9210-117-0001	1999	1003	S
9650-001-0001	1999	800	Am
9800-001-0001	1999	776*	S
9800-001-0494	1999	776*	S
9800-001-0988	1999	776*	S

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

1999 Superior Numbers

* Effective immediately.
1 Operative January 1, 2000.
2 Repeal operative January 1, 2000.
3 Contingent effect.
4 Inoperative July 1, 2001.
5 Repeal operative January 1, 2002.
6 Operative for taxable years beginning on or after January 1, 1998.
7 Repeal operative August 7, 1999.
8 Operative January 1, 2002.
9 Paragraphs (1) to (3), inclusive, of subdivision (b) shall not become operative unless and until the Regents of the University of California adopt a resolution within the meaning of Sections 92851, 92856, and 99221 of the Education Code.
10 Operative when Los Angeles County Board of Supervisors, by resolution adopted by majority vote, makes provisions of this section applicable in the county.
11 Inoperative July 31, 1999.
12 Inoperative July 1, 1999.
13 Repeal deleted by amendment.
14 Inoperative January 1, 2001.
15 Repeal operative July 1, 1999.
16 Operative July 1, 1999.
17 Operative pursuant to the provisions of Sec. 25390.9 of the Health and Safety Code, as added by Ch. 23, Stats. 1999.
18 Repeal operative January 1, 2005.
19 Repeal operative January 1, 2004.
20 Repeal operative January 1, 2003.
21 Inoperative July 1, 2002.
22 Operative January 1, 2004.
23 In effect until the effective date of the Budget Act of 2000 or June 30, 2000, whichever occurs later.
24 Repeal operative January 1, 2001.
25 Operative January 1, 2001.
27 Repeal operative on June 30, 2000, or on the day following the execution of the transfers required under Sections 4, 5, and 6 of Chapter 85 of the Statutes of 1999, whichever date is first.
28 Operative on June 30, 2000, or on the day following the execution of the transfers required under Sections 4, 5, and 6 of Chapter 85 of the Statutes of 1999, whichever date is first.
29 Not operative unless an amendment to the California Constitution is placed on the ballot by the Legislature and is approved by the statewide electorate during the 2000 calendar year, that would do as specified in Sec. 11 of act.
30 Any section of any act enacted by the Legislature during the 1999 calendar year that takes effect on or before January 1, 2000, and that amends, amends and renumbers, adds, repeals and adds, or repeals a section that is amended, amended and renumbered, repealed and added, or repealed by this act, shall prevail over this act, whether that act is enacted prior to, or subsequent to, the enactment of this act. The repeal, or repeal and addition, of any article, chapter, part, title, or division of any code by this act shall not become operative if any section of any other act that is enacted by the Legislature during the 1999 calendar year and takes effect on or before January 1, 2000, amends, amends and renumbers, adds, repeals and adds, or repeals any section contained in that article, chapter, part, title, or division.
31 Inoperative June 30, 2000.

32 Operative only if an appropriation is made for its purposes in the Budget Act of 1999, or in another statute enacted during the first calendar year of the 1999–2000 Regular Session, and shall be funded exclusively with funds appropriated thereby.
33 Effective only until the effective date of the Budget Act of 2000 or July 1, 2000, whichever occurs later.
34 Operative January 1, 2003.
35 Operative July 1, 2002.
36 Inoperative date deleted by amendment.
37 See Governor's Item Veto Message.
38 Repeal operative January 1, 2010.
39 Repeal operative July 1, 2000.
40 This section prevails over the same-numbered section as added to the Water Code by Ch. 92, Stats. 1999.
41 Repealed as of the date the relinquishment authorized under subd. (b) becomes effective.
42 Subdivision (m), paragraph (1) shall become inoperative when the State Department of Health Services has obtained all necessary federal approvals pursuant to Welfare and Institutions Code Section 14132.95, subdivision (j), paragraph (3).
43 Repeal operative January 1, 2006.
44 Operative March 1, 2000.
45 Inoperative July 1, 2000.
46 Subdivision (b), paragraph (1) shall become inoperative January 1, 2005.
47 The changes to subdivision (c) made by the act adding this subdivision shall apply to each taxable year beginning on or after January 1, 1999.
48 Inoperative on the effective date of the relinquishment by the California Transportation Commission to the City of Downey of the portion of Route 19 located between Gardendale Street and Telegraph Boulevard within the city.
49 Operative January 1 following the effective date of the relinquishment by the California Transportation Commission to the City of Downey of the portion of route 19 located between Gardendale Street and Telegraph Boulevard within the city.
50 Operative as of the effective date of the relinquishment by the California Transportation Commission to the City of Downey of the portion of Route 19 located between Gardendale Street and Telegraph Boulevard within the city, pursuant to subdivision (c) of Section 319, as that section read on the day before it was repealed pursuant to the act that added this section during the 1999–2000 Regular Session.
51 Operative November 1, 2000.
52 Repeal operative on effective date of a final judgment based on a claim under California or United States Constitution holding that evidence that is relevant, reliable, and material may not be considered for purposes of a judicial determination of factual innocence under this section.
53 In the event that the Department of Finance determines that the program operated under the authority of the waiver described in subd. (aa), para. (2) is no longer cost-effective, subd. (aa) shall become inoperative on the first day of the first month following the issuance of a 30-day notification of that determination in writing by the Department of Finance to the chairperson in each house that considers appropriations, the chairpersons of the committees, and the appropriate subcommittees in each house that considers the State Budget, and the Chairperson of the Joint Legislative Budget Committee.
54 Inoperative date repealed.
55 Not operative in any county until the time the board of retirement, by a majority vote, makes this section applicable in the county.

56 Operative July 1, 2000.
57 Termination date repealed.
58 Repeal operative January 1, 2006. However, if, in any calendar year the Franchise Tax Board estimates by September 1 that contributions described in this article (RTC Art. 9.5 (Sec. 18805 et seq.)) made on returns filed in that calendar year will be less than $250,000, or the adjusted amount specified in RTC 18808(c), as may be applicable, then this section is repealed with respect to taxable years beginning on and after January 1 of the calendar year.
59 Inoperative date for para. (9) of subd. (b) deleted by amendment.
60 Repeal operative January 1, 2005. However, if the Franchise Tax Board estimates by September 1 that contributions described in this article (RTC Art. 3 (Sec. 18721 et seq.)) made on returns filed in that calendar year will be less than $250,000 for taxable years beginning in 2001, or the adjusted amount specified in RTC 18724(c) for any subsequent taxable year, as may be applicable, then this section is repealed with respect to taxable years beginning on or after January 1 of that calendar year.
61 The changes made to RTC 23305.5 by this act shall apply to taxable years beginning on or after January 1, 1997.
62 Inoperative June 30, 2003.
63 Operative January 1, 2005.
64 The provisions of this act shall become operative on the first day of the first calendar quarter commencing more than 90 days after the effective date of this act.
65 Repeal operative January 1, 2005. If, in any calendar year, the Franchise Tax Board estimates by September 1 that contributions described in this article (RTC Art. 6 (Sec. 18761 et seq.)) made on returns filed in that calendar year will be less than $250,000 for taxable years beginning in 2000, or the adjusted amount specified in RTC 18766(c) for subsequent taxable years, as may be applicable, then this section is repealed with respect to taxable years beginning on and after January 1 of that calendar year.
66 Inoperative not later than 60 days from the date the Director of Transportation receives notice from the United States Secretary of Transportation that future operation of this section will result in a reduction of the state's share of federal highway funds pursuant to Section 131 of Title 23 of the United States Code.
67 Operative on January 1 immediately following the date the Secretary of State receives the notice required under paragraph (2) of this section.
68 Repeal operative January 1, 2008.
69 Operative January 1, 2008.
70 Inoperative July 1, 2004.
71 Amendments to section not implemented until July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99.
72 Repeal operative January 1 of the fifth taxable year following the first appearance of the Birth Defects Research Fund on the tax return or January 1, 2007, whichever occurs first. If, in any calendar year after the first taxable year the Birth Defects Research Fund appears on the tax return, the Franchise Tax Board estimates by September 1 that contributions described in this article made on returns filed in that calendar year will be less than two hundred fifty thousand dollars ($250,000), or the adjusted amount specified in subd. (c), RTC Sec. 18865 for subsequent taxable years, as may be applicable, then this section is repealed with respect to taxable years beginning on or after January 1 of that calendar year.
73 Inoperative July 1, 2003.
74 Repeal operative June 30, 2005.
75 Repeal operative January 1, 2007.

76 Operative January 1, 2001, with respect to any cash register or other machine or device that electronically prints receipts for credit card transactions that is first put into use on or after January 1, 2001; operative January 1, 2004, with respect to any cash register or other machine or device that electronically prints receipts for credit card transactions that is in use before January 1, 2001.
77 Inoperative January 1, 2000.
78 Repeal operative January 1 of an unspecified year.
79 Inoperative July 1, 2005.
80 Operative January 1, 2006.
81 Operative July 1, 2005.
82 Not operative.
84 The changes made to subdivision (b) during the 1999 portion of the 1999–2000 Regular Session of the Legislature shall be operative in any fiscal year only if funds are appropriated for purposes of those changes in the annual Budget Act or in another measure.
85 The changes made to subdivision (a) during the 1999 portion of the 1999–2000 Regular Session of the Legislature shall be operative in any fiscal year only if funds are appropriated for purposes of those changes in the annual Budget Act or in another measure.
86 The change made to subdivision (c) during the 1999 portion of the 1999–2000 Regular Session of the Legislature shall be operative in any fiscal year only if funds are appropriated for purposes of that change in the annual Budget Act or in another measure.
87 Operative only if there is an appropriation in the Budget Act to fund the provisions of this act.
88 Operative only if the voters approve the Veterans' Homes Bond Act of 2000, as set forth in Section 2 of this act (M&VC Ch. 2 (Sec. 1100 et seq.)), at the March 7, 2000, statewide primary election.
89 Effective upon the adoption by the voters of the Veterans' Homes Bond Act of 2000, as set forth in Section 2 of this act (M&VC Ch. 2 (Sec. 1100 et seq.)).
90 Effective upon adoption by the voters of the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000, as set forth in Section 1 of this act, (PRC Ch. 1.692 (Sec. 5096.300 et seq.)).
92 Operative in the County of San Diego when the board of supervisors adopts a resolution declaring this section operative.
93 Operative only if the federal waiver identified under Section 14495.10 of the Welfare and Institutions Code is approved by the federal Health Care Financing Administration.
94 Paragraphs (2) and (3) of subdivision (b) inoperative January 1, 2001.
95 Repeal operative July 1, 2003.
96 Operative July 1, 2001.
98 Inoperative July 1, 2006.
99 Subdivision (g) operative January 1, 2001.
100 Operative January 1, 2007.
101 Clause (iv), of subparagraph (B), of paragraph (4), of subdivision (d), of this section shall be operative for the 1999–2000 fiscal year only to the extent that moneys are appropriated for purposes of that clause in the Budget Act of 1999 by an appropriation that specifically references that clause.
103 In effect as long as Section 42 of the Internal Revenue Code, relating to low-income housing credits, remains in effect.
104 Operative June 1, 2001.
105 Subdivision (*l*) operative January 1, 2001.
106 Applicable to taxable years beginning on or after January 1, 1999.
107 Operative only when funds are specifically appropriated for the purposes of the California YouthBuild Act.

110 Prevails over and supersedes Chapter 461, Statutes of 1999, Reg. Sess., with regard to this section. Secretary of State shall submit section to voters at March 7, 2000, statewide general election as part of the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000, in place of same numbered section as added by Chapter 461, Statutes of 1999, Reg. Sess.
111 Repeal operative January 1, 2011.
112 This act shall become effective on January 1, 2000, and shall become operative on the date that the Governor, by executive order, establishes the Department of Managed Care or July 1, 2000, whichever occurs first.
113 Inoperative date for subdivision (p) deleted by amendment.
114 Any section of any act enacted by the Legislature during the 1999 calendar year that takes effect on or before January 1, 2000, and that amends, amends and renumbers, adds, repeals and adds, or repeals a section that is amended, amended and renumbered, repealed and added, or repealed by this act, shall prevail over this act, whether that act is enacted prior to, or subsequent to, the enactment of this act.
115 Operative as of the date of approval by the governing board of the Los Angeles Unified School District of the contract to provide air-conditioning to 150 schools within the district.
116 Subdivision (a), paragraph (2) is repealed on January 1, 2005.
117 Operative only for as long as Fam C Sec. 17704 requires participating counties to report data to the department.
118 Operative July 1, 1998.
119 Paragraph (1) subd. (a) inoperative January 1, 2000. Paragraph (2) subd. (a) operative January 1, 2000.
120 Paragraph (1) subd. (c) inoperative January 1, 2000. Paragraph (2) subd. (c) operative January 1, 2000.
121 Applicable on and after the property tax lien date on January 1, 2000.
122 Subdivision (e) of this section shall become operative on July 1, 2000, and shall be implemented only to the extent that funds are appropriated for its purposes in the Budget Act.
123 Effective upon voter approval of the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act.
124 This section shall remain in effect only until the operative date of the independent review process established by Chapter 533 of the Statutes of 1999, and as of that date is repealed.
127 Not operative unless the Board of Administration of the Public Employees' Retirement System adopts a resolution that does both of the following: (A) employs, for the June 30, 1998, valuation, 95 percent of the market value of assets of the state employer as the actuarial value of the assets; and (b) amortizes the June 30, 1998, excess assets over a period of 20 years, beginning July 1, 1999.
129 Subdivision (a) shall only become operative upon a determination by the Director of Finance that funds are available to make an adjustment pursuant to subdivision (h) of EDC Sec. 60640.
130 Repeal operative August 1, 2000.
131 Inoperative on the date that the director executes a declaration stating that Section 11265.2 of the Welfare and Institutions Code, as added by the act adding this subdivision, is fully implemented statewide, and shall be repealed on January 1 of the year following the year in which it becomes inoperative.
132 Paragraph (2) of subdivision (a) inoperative January 1, 2004.
133 Inoperative July 1, 2000, and repealed January 1, 2001, if all of the events described in Section 901 of the Pajaro River Watershed Flood Prevention Authority Act (Stats. 1999, Ch. 963) occur.
134 Applicable to taxable years beginning on or after January 1, 1998.
135 Applicable to income years beginning on or after January 1, 1998.

136 Applicable to taxable or income years beginning on or after January 1, 1998.
137 The amendments made to subdivision (a) shall apply to all income years for which the Franchise Tax Board may propose an assessment or allow a claim for refund.
138 Subdivision (h) shall remain operative until January 1, 2005, and as of that date shall be repealed.
139 Subdivision (m) shall remain operative only until January 1, 2005.
140 Operative on January 1 of the year following the year in which it becomes inoperative.
142 Inoperative January 1, 2005, or on such earlier date as the Board of Administration of the Public Employees' Retirement System makes a formal determination that HMOs are no longer the most cost-effective health care plans offered by the board.
143 Repealed as of January 1 following the Secretary of State's submittal to the Legislature of the report regarding the special handling fee charged for preclearance documents and expedited filings provided for in Gov. C. Sec. 12208.
144 Any section of any act enacted by the Legislature during the 1999 calendar year that takes effect on or before January 1, 2000, and that amends, amends and renumbers, adds, repeals and adds, or repeals any one or more of Sections 3 to 18, inclusive, of this act shall prevail over this act, whether that act is enacted prior to, or subsequent to, the enactment of this act. The repeal, or repeal and addition, of any article, chapter, part, title, or division of any code by this act shall not become operative if any section of any other act that is enacted by the Legislature during the 1999 calendar year and takes effect on or before January 1, 2000, amends, amends and renumbers, adds, repeals and adds, or repeals any section contained in that article, chapter, part, title, or division.
145 Repeal operative December 31, 2002.
146 Inoperative April 1, 2005.
147 Subdivision (e) of this section shall be operative only until January 1, 2003.
148 Inoperative February 1, 2000.
149 Inoperative June 30, 2001.
152 Repealed on January 1 of the fifth taxable year following the notification required under subd. (a) of Sec. 18821, RTC, unless a later enacted statute, which is enacted before that date, deletes that date. However, if, in any calendar year, beginning in the year 2001, the Franchise Tax Board estimates by September 1 that contributions described in Art. 11, Ch. 3, Pt. 10.2, Div. 1 (Sec. 18821 et seq.) RTC, made on returns filed in that calendar year will be less than $250,000 then this section is repealed with respect to taxable years beginning on and after January 1 of that calendar year.
153 Subdivision (c) of this section inoperative December 31, 2001.
154 Subd. (b), paragraph (10) shall be operative only to the extent that funds for purposes of paragraph (10) are appropriated in the annual Budget Act.
155 Repeal operative April 1, 2000.
156 Operative December 31, 2003.
157 Not operative until the State Mining and Geology Board approves the County of Yolo implementing ordinance governing in-channel noncommercial extraction activities carried out pursuant to the Cache Resource Management Plan and notifies the Secretary of State in writing of that approval.
160 Shall take effect upon adoption by the voters at the March 7, 2000, primary election, of the Hertzberg-Polanco Crime Laboratories Construction Bond Act of 1999, as set forth in Section 1 of this act.
161 Repealed as of January 1 following the Secretary of State's submittal to the Legislature of the report regarding the special handling fee charged for preclearance documents and expedited filings provided for in Gov. C. Sec. 12182.
162 Second paragraph of subdivision (*l*) operative January 1, 2001.
163 Subparagraph (A) shall become inoperative on October 1, 2002.

164 Applicable to the entire 1999–2000 fiscal year, regardless of the effective date of act.

165 Operative upon adoption by the voters of the California Library Construction and Renovation Bond Act of 2000, as set forth in Section 1 of this act (Ed. C. Ch. 12 (Sec. 19985 et seq.)).

166 This section shall prevail over Section 1874.8 of the Insurance Code as added by Chapter 884 of the Statutes of 1999 to the extent that it provides for the allocation and distribution of funds under the program established to target organized fraud activity.

167 Section 1874.8 of the Insurance Code as added by Chapter 885 of the Statutes of 1999 shall prevail to the extent that it provides for the allocation and distribution of funds under the program established to target organized fraud activity.

168 Section is inoperative if federal approval is not obtained for its implementation. Section shall also become immediately inoperative in the event there is a final judicial determination by any court of appellate jurisdiction or a final determination by the administrator of the federal Health Care Financing Administration that the supplemental reimbursement provided in this section must be made to any facility not described therein.

169 Amendments not operative unless the Board of Administration of the Public Employees' Retirement System adopts a resolution that does both of the following: (A) employs, for the June 30, 1998, valuation, 95 percent of the market value of assets of the state employer as the actuarial value of the assets; and (B) amortizes the June 30, 1998, excess assets over a period of 20 years, beginning July 1, 1999.

APPENDIX

COUNTY, CITY, AND CITY AND COUNTY CHARTERS AND CHARTER AMENDMENTS

as transmitted by the Secretary of State for inclusion in the official statutes in accordance with Section 3, Article XI, of the California Constitution as amended by vote of electors on November 5, 1974.

CHARTER AMENDMENTS—1999

Charter Chapter Number	City—County	Date of Election	Date of Filing
1	County of Santa Clara	Nov. 3, 1998	March 4, 1999
2	City of Napa	March 2, 1999	March 25, 1999
3	City of Modesto	Nov. 3, 1998	April 14, 1999
4	City of Santa Monica	April 24 & 25, 1999	June 15, 1999
5	City of Los Angeles	June 8, 1999	June 24, 1999
6	City and County of San Francisco	Nov. 2, 1999	Dec. 15, 1999

Charter Chapter 1—County of Santa Clara

Amendments to the Charter of the County of Santa Clara

[Filed with the Secretary of State March 4, 1999.]

ARTICLE VII, SECTION 712 is amended to read:

Except as otherwise provided in this Charter, elective and appointive officers and employees serving with compensation are prohibited from engaging in any private practice or business during the regular business hours specified for the performance of their duties and during such hours they shall devote all their time to the duties of their respective positions. This section shall not apply to members of the Board of Supervisors or to officers or employees exempted by the administrative code.

ARTICLE III, SECTION 301 is amended to read:

The Board of Supervisors shall:

(a) Adopt a statement of the goals of the county reflecting the quality and direction of the activities of county government for the enhancement of human and physical resources of the county. The board shall annually review the adopted goals and may modify them as necessary.

(b) Encourage cooperation among local public agencies both within Santa Clara County and the San Francisco Bay Area. When appropriate recommend and promote solutions to regional issues of mutual concern to Santa Clara County and other agencies.

(c) Appoint, suspend, or remove subject to the provisions of this Charter the County Executive, County Counsel, Public Defender, Clerk of the Board of Supervisors, Chief of Correction, and members of boards and commissions.

(d) Adopt an administrative code by ordinance which shall prescribe the powers and duties of appointive departments and officers and the procedures and rules of operation of all departments and officers of the county.

(e) Provide for the number and compensation of all officers and employees.

(f) Adopt such ordinances as may be necessary to establish and carry into effect the provisions of this Charter.

ARTICLE V, SECTION 507 is deleted in its entirety.

ARTICLE II, SECTION 202: The term of office of supervisor is four years. The term of office commences at noon on the first Monday in January.

The elections for members of the Board of Supervisors shall be staggered so that the Supervisor for the Second, Third and Fifth Districts shall be elected in the same general election as the Presidential election, and Supervisor for the First and Fourth Districts shall be elected in the same general election as the Gubernatorial election.

A candidate is elected who receives a majority of all votes cast at the primary election. When no candidate is so elected, the two candidates who received the highest number of votes shall be the candidates at the November election.

No charge shall be imposed for a candidate statement of qualifications to be included in the voter's pamphlet. In all other respects the elections shall be conducted pursuant to general law.

No person elected or appointed as a Supervisor may serve as such for more than three successive four year terms. Any person appointed to the office of Supervisor to complete in excess of two years of a four year term shall be deemed, for the purpose of this section, to have served one full term upon the expiration of that term. No person having served three successive four year terms may serve as a Supervisor, either by election or appointment, until at least four years after the expiration of the third successive term in office. Any Supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purpose of this Section, to have serviced a full four year. The above shall not disqualify any person from running for election to the Board of Supervisors for any term or terms which are not successive.

ARTICLE II, SECTION 208: Nothing in this Charter shall preclude the Board of Supervisors from authorizing an instant run-off voting system for the November general election, which eliminates the need for run-off elections, when such technology is available to the County.

Certified to be a true copy by Pete McHugh, Chairperson of the Board, and Phyllis A. Perez, Clerk.

Date of Municipal Election: November 3, 1998.

Charter Chapter 2—City of Napa

Amendments to the Charter of the City of Napa

[Filed with the Secretary of State on March 25, 1999.]

Section 76.1 F(1) (Personnel system.) is amended to read as follows:

(1) If appointment is to be made from employment or promotional lists, the names of persons willing to accept such appointments shall be certified by the Personnel Director in the order in which they appear on the lists, provided that eligibles on promotional lists for any particular class shall be certified before eligibles on open lists. Appointment shall be made from the eligibles standing highest on the employment list or lists for the class whenever a position in the classified service is to be filled. If at least one current regular employee is on the list, the number of eligibles certified shall not exceed by more than two (2) the number of vacancies to be filled. If no current regular employee is on the list, the number of eligibles certified shall not exceed by more than five (5) the number of vacancies to be filled.

Section 180 is added to read as follows:

Rural Urban Limit Line

Section 180.

A. There is hereby established a Rural Urban Limit line, which shall also be referred to as the "RUL." The RUL shall be as set forth and delineated in the 1982 General Plan of the City of Napa, as amended by the City Council prior to March 1999. The RUL shall not be amended or modified, and no urban development shall be permitted in any area outside the RUL except as approved by the City's voters, following approval by the City's Planning Commission and City Council as a General Plan amendment. Notwithstanding the foregoing, the RUL may be changed, modified or amended as a General Plan amendment by four-fifths (4/5) vote of the City Council, without approval by the voters, where necessary to comply with state or federal law, or to allow any community or recreational facilities, parks, public service facilities including, but not limited to, fire and police stations and substations, or similar facilities sponsored or developed by the City of Napa, the Napa Valley Unified School District, or other public educational facilities. No amendment or modification to the RUL, either by voter approval or by four-fifths (4/5) City Council vote, shall be permitted unless the City Council first has determined that such amendment or modification is consistent with the criteria contained in Chapter 9 of the draft General Plan Update, known as Envision Napa 2020, approved by the Napa Planning Commission in June 1998.

B. Except as expressly provided herein, no City of Napa water service shall be provided for any area or site outside the RUL. The City of Napa shall provide City water service to all properties within the incorporated area of the City of Napa and may, in its sole discretion, provide City water service for areas or sites outside the RUL and outside the incorporated area of the City of Napa as of March 1999 as follows:

(1) To be used for municipal purposes by any other incorporated city or municipality;

(2) To be used for community facilities, recreational facilities, parks, public service facilities including, but not limited to, fire and police stations and substations, any similar facilities, as well as any public school facilities sponsored or developed by the City of Napa, the Napa Valley Unified School District or other public educational bodies;

(3) If such area or site qualifies for interruptible surplus agricultural water service pursuant to Napa Municipal Code Section 13.04.050 as the same may be amended from time to time;

(4) For existing uses which have been provided with City of Napa water prior to the effective date of this charter amendment;

(5) As necessary to fulfill any contractual obligation existing prior to the effective date of this charter amendment;

(6) For any other uses approved by four-fifths (4/5) vote of the City Council.

Certified to be a true copy by Ed Henderson, Mayor, and Pamyla Nigliazzo, City Clerk.

Date of Municipal Election: March 2, 1999.

Charter Chapter 3—City of Modesto

Amendment to the Charter of the City of Modesto

[Filed with the Secretary of State April 14, 1999.]

SECTION 1206. IMPARTIAL ARBITRATION FOR POLICE AND FIRE DEPARTMENT EMPLOYEE DISPUTES.

(a) Impartial Arbitration—Declaration of Policy. It is hereby declared to be the policy of the City of Modesto that strikes by police officers and firefighters are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.

(b) Prohibition Against Strikes. No City of Modesto police officer or firefighter shall wilfully engage in a strike against the City. Any such employee against whom the City brings charges of failing to report for work as part of a strike shall be subject to dismissal from his or her employment in the event the charges are sustained upon conclusion of the proceedings that are required by law for the imposition of disciplinary action upon said employee.

(c) Obligation to Negotiate in Good Faith. The City, through its duly authorized representatives, shall negotiate in good faith with recognized employee organizations which represent sworn members of the City of Modesto Police Department or the City of Modesto Fire Department on all matters relating to the wages, hours and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of any negotiated agreement. Unless and until agreement is reached through negotiations between the City and a recognized employee organization for the police department or fire department bargaining unit, or a determination is made through the arbitration procedure hereafter provided, no existing benefits or conditions of employment for said police department or fire department employees shall be eliminated or changed.

(d) Impasse Resolution Procedures. All disputes or controversies pertaining to wages, hours or terms and conditions of employment which remain unresolved after good faith negotiations between the City and the recognized police department or fire department employee organization involved in the dispute shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization.

Representatives designated by the City and representatives of the recognized employee organization involved in the dispute shall each appoint one (1) arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the two (2) arbitrators selected by the City and the employee organization, and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the arbitrators selected by the City and the employee organization cannot agree upon the selection of the

third arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, then either party may request the State of California Mediation and Conciliation Service to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the arbitrators selected by the City and the employee organization cannot agree within three (3) days after receipt of such list on one (1) of the seven (7) to act as third arbitrator, they shall alternately strike names from the list of nominees until one (1) name remains and that person shall then become the third arbitrator and chairperson of the Arbitration Board.

Any arbitration proceeding convened pursuant to this article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure. The Arbitration Board shall hold public hearings, receive evidence from the parties and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately with the parties and mediate or mede-arb issues in dispute. The Arbitration Board may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

At the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Arbitration Board may establish, a last offer of settlement on each of the issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms with those factors traditionally taken into consideration in the determination of wages, hours, and other terms and conditions of public and private employment, including, but not limited to, changes in the average consumer price index for goods and services, the wages, hours, and other terms and conditions of employment of other employees performing similar services, and the financial condition of the City and its ability to meet the cost of the award.

After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten (10) day period the parties may meet privately, attempt to resolve their differences, and by mutual agreement amend or modify any of the decisions of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board, incorporating any amendments or modifications agreed to by the parties, shall be publicly disclosed and shall be binding upon the parties. The City and the recognized employee organization shall take whatever action is necessary to carry out and effectuate the final Arbitration Board award (incorporating any amendments or modifications agreed to by the parties as provided above).

The expenses of any arbitration convened pursuant to this article, including the fee for the services of the Chairperson of the Arbitration Board, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.

Certified to be a true copy by Richard A. Lang, Mayor, and Jean Zahr, City Clerk.

Date of Municipal Election: November 3, 1998.

Charter Chapter 4—City of Santa Monica

Amendments to the Charter of the City of Santa Monica

[Filed with the Secretary of State June 15, 1999.]

Section 1806 of the City Charter of the City of Santa Monica is amended to read as follows:

1806. Eviction.

No landlord shall take action to terminate any tenancy including service of any notice to quit or other eviction notice or bring any action to recover possession or be granted recovery of possession of a controlled rental unit unless:

(a) The tenant has failed to pay the rent to which the landlord is entitled under the rental housing agreement and this Article.

(b) The tenant has committed a material and substantial breach of an obligation or covenant of his or her tenancy which the landlord has not waived either expressly or impliedly through the landlord's conduct and which the landlord is not estopped from asserting, other than the obligation to surrender possession upon proper notice, and the tenant has failed to cure such violation after having received written notice thereof from the landlord in the manner required by law.

(c) The tenant is committing or expressly permitting a nuisance in, or is causing substantial damage to, the controlled rental unit, or is creating a substantial interference with the comfort, safety, or enjoyment of the landlord or other occupants or neighbors of the same.

(d) The tenant is convicted of using or expressly permitting a controlled rental unit to be used for any illegal purpose.

(e) The tenant, who had a rental housing agreement which had terminated, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration and in such terms as are not inconsistent with or violative of any provisions of this Article and are materially the same as in the previous agreement.

(f) The tenant has refused the landlord reasonable access to the controlled rental unit for the purposes of making necessary repairs or improvements required by the laws of the United States, the State of California or any subdivision thereof or for the purpose of showing the rental housing to any prospective purchaser or mortgagee.

(g) The tenant holding at the end of the term of the rental housing agreement is a subtenant not approved by the landlord.

(h) The landlord seeks to recover possession in good faith for use and occupancy by herself or himself, or her or his children, parents, grandparents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law. For purposes of evictions under this Subsection:

(1) A "landlord" shall be defined as a natural person who has at least a fifty (50) percent ownership interest in the property.

(2) No eviction may take place if any landlord or enumerated relative already occupies one unit on the property, or if a vacancy already exists on the property and the vacant unit is comparable to the unit for which eviction is sought. Where the vacant unit is determined not to be comparable, thereby permitting eviction under this Subsection, the evicted tenant or tenants shall be first given the right to occupy the vacant unit and the rent thereof shall be the lesser of the maximum allowable rent for the vacant unit and the maximum allowable rent of the unit from which the tenant or tenants are evicted. The Rent Control Board shall promulgate regulations defining when a unit is comparable for purposes of this paragraph.

(3) The notice terminating tenancy shall contain the name, address and relationship to the landlord of the person intended to occupy.

(4) The landlord or enumerated relative must intend in good faith to move into the unit within thirty (30) days after the tenant vacates and to occupy the unit as a primary residence for at least one year. The Board may adopt regulations governing the determination of good faith.

(5) If the landlord or relative specified on the notice terminating tenancy fails to occupy the unit within thirty (30) days after the tenant vacates, the landlord shall:

(i) Offer the unit to the tenant who vacated it.

(ii) Pay to said tenant all reasonable expenses incurred in moving to and/or from the unit.

(6) No eviction pursuant to this Subsection shall be allowed in any condominium or stock cooperative unit which has been converted from an apartment or other rental unit after April 10, 1979, unless the Rent Control Board has issued a removal permit or declared a vested right for said unit. As used in this subpart, a unit shall be deemed converted after April 10, 1979, if on April 10, 1979, the recorded tract map or parcel map for the property showed the unit as included in the property.

(i) The landlord seeks to recover possession to demolish or otherwise remove the controlled rental unit from rental residential housing use after having obtained all proper permits from the City of Santa Monica.

Notwithstanding the above provisions, possession shall not be granted if it is determined that the eviction is in retaliation for the tenant reporting violations of this Article, for exercising rights granted under this Article, including the right to withhold rent upon authorization of the Board under Section 1803(q) or Section

1809 or for organization other tenants. In any notice purporting to terminate tenancy the landlord shall state the cause for the termination, and in any action brought to recover possession of a controlled rental unit, the landlord shall allege and prove compliance with this Section.

Any violation of this Section shall render the landlord liable to the tenant in a civil action for actual and punitive damages. The prevailing party in an action based upon this Section shall recover costs and attorneys fees.

Certified to be a true copy by Pam O'Connor, Mayor, and Maria M. Stewart, City Clerk.

Date of Municipal Election: April 24 & 25, 1999.

Charter Chapter 5—City of Los Angeles

Charter of the City of Los Angeles

[Filed with the Secretary of State June 24, 1999.]

PREAMBLE

We the people of the City of Los Angeles, in order to establish a responsive, effective and accountable government through which all voices in our diverse society can be heard; to provide fair representation and distribution of government resources and a safe, harmonious environment based on principles of liberty and equality, do enact this Charter.

ARTICLE I
INCORPORATION AND POWERS

Sec. 100. Incorporation.

The City of Los Angeles shall continue to be a municipal corporation under the same name and possessed of all the property and interests of which it was possessed at the time the Charter takes effect. The boundaries of the City shall be the boundaries as established at the time the Charter takes effect, or as may later be changed in the manner authorized by law.

Sec. 101. Powers of the City.

The City of Los Angeles shall have all powers possible for a charter City to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in the Charter, subject only to the limitations contained in the Charter.

Sec. 102. Relationship to Other Governmental Entities.

(a) The City may, by ordinance, transfer or consolidate functions of the City government to or with appropriate functions of the state or county government or other governmental entities, or make use of functions of the state or county government or other governmental entities. The Charter provisions providing for the function of the City government transferred or consolidated may, by ordinance, be

suspended during the continuation of the transfer or consolidation. Any transfer or consolidation may be repealed by ordinance, which repeal will terminate the suspension of the Charter provisions providing for the transferred or consolidated functions. Nothing in this section shall be construed as affecting transfers or consolidations approved prior to the operative date of the Charter.

(b) The City may exercise any of its powers or perform any of its functions and may participate in the financing of its efforts, jointly or in cooperation, by contract or otherwise, with one or more other cities, states, or other governmental bodies, the United States or any of its agencies.

Sec. 103. Delivery of Services.

Every City office and department, and every City official and employee, is expected to perform their functions with diligence and dedication on behalf of the people of the City of Los Angeles. In the delivery of City services and in the performance of its tasks, the government shall endeavor to perform at the highest levels of achievement, including efficiency, accessibility, accountability, quality, use of technologically advanced methods, and responsiveness to public concerns within budgetary limitations. Every analysis and review of the performance of the government and its officers shall seek to ascertain whether these high standards are being met, and if not, shall recommend methods of improvement.

Sec. 104. Restrictions on the Powers of the City.

The rights and powers granted by the Charter shall be subject to the restrictions set forth in this section or elsewhere in the Charter.

(a) Mortgaging of Property. The City shall have no power to mortgage its property for any purpose, but may buy property subject to mortgage.

(b) License Taxes. It shall require an ordinance adopted by a two-thirds vote of the Council to levy a license tax. No discrimination in the amount of license tax shall be made between persons engaged in the same business, other than by proportioning the tax to the amount of business done, except that the Council by ordinance may provide for license tax exemptions and decreases to promote City economic development under the following circumstances. Any incentives shall be limited to predefined areas of the City, such as redevelopment areas, enterprise zones, employment and economic incentive areas, or revitalization zones, where other federal, state, or local economic incentive areas have been established by the Council, by ordinance or by other method required by state or federal law. In addition, any business tax exemptions or reductions shall require the adoption of an ordinance by the Council specifying the amount of the exemption or reduction; the period of time for which the exemption or reduction will be allowed; the specific business tax classification, or classifications, which will be eligible for the exemption or reduction; and the geographical boundaries within which the exemption or reduction will be applicable.

(c) Sale of Public Utilities. No public utility owned by the City shall be sold, leased or otherwise transferred without the assent of two-thirds of the registered voters of the City voting on the proposition. However, with the authorization of the

Council by ordinance, the Board of Water and Power Commissioners shall have the power and authority to sell, lease, transfer or dispose of the public utility water distribution facilities owned by the City of Los Angeles located in the communities of Big Pine, Lone Pine, Independence and Laws in Inyo County, California, together with sufficient water or water rights to supply the service areas of those communities, to public agencies or utilities in those communities, without a vote of the people.

(d) Use of Los Angeles River Bed. The bed of the Los Angeles River, or any part of it, as now or hereafter defined and located, shall not ever be sold, granted, leased, transferred or alienated in any way, but shall be kept at all times for municipal purposes, free and clear of all encumbrances and obstructions, except as follows:

(1) Franchises or rights may be granted by ordinance for crossings over or under the riverbed to railways, pipelines or other public utilities, plants or equipment, as long as they do not obstruct the flow of the Los Angeles River in times of flood, nor conflict with any longitudinal use of the riverbed by the City itself or other uses authorized in this section.

(2) Franchises may be granted for the construction and operation of railroad tracks longitudinally along the riverbed only when such construction and operation is required in connection with a grade crossing plan for the elimination of grade crossings and the unification of all public terminal rail facilities, other than street and interurban railways, after the grade crossing plan has been approved by two-thirds of the voters voting on the question at a general or special election.

(3) The City may grant permits for the removal of sand and gravel from the riverbed, so long as the removal of sand and gravel does not jeopardize or injure any structures authorized by this section.

(e) Floor Area Restriction. The total floor area contained in all the buildings on any one building site shall not exceed 13 times the buildable area of the site as such buildable area is defined by ordinance. The Council, by ordinance, may define and implement the provisions of this subsection and may further restrict and regulate the total floor area, height or bulk of buildings or structures.

(f) Municipal Newspaper. The City shall not appropriate any public money for the printing, publication, sale or distribution of a commercial municipal newspaper.

(g) Business Enterprises. The City shall not engage in any purely commercial or industrial enterprise, except upon a majority vote of the voters of the City voting on the question, unless the enterprise was engaged in by the City at the time the Charter becomes effective, or unless engaging in the enterprise is elsewhere specifically authorized in the Charter.

(h) Rail Transit Assessments.

(1) In the exercise of any powers it may have under any state, federal or other law, the City shall not approve the boundaries or the method of assessment of, or otherwise approve, an assessment district proposed to assess properties for

benefits from a rail transit system or stations if assessments are to be made on properties in residential use before April 9, 1985, or under construction before that date for residential use in that district or any zone thereof.

For purposes of this subsection, a "residential use" of property shall include use as a single-family residence, a multi-family residence, a retirement home, or other property improved with a structure designed and used for housing a person or family, including property improved with a residential building which is temporarily vacant as well as property with a residential building under construction, but shall not include use as a hotel, motel or similar transient housing facility. In the event a property is in both residential and non-residential use, assessment may be approved, but shall be calculated only on the non-residential portion.

(2) Neither the Council nor any City board, officer or employee in the exercise of any power or authority it may have shall authorize or approve any grant of funds for a rail transit project unless the district, agency or entity proposing to initiate or implement the project has first entered into a contract with the City which binds the district, agency or entity:

(A) to not levy any assessments on any property in residential use or under construction prior to April 9, 1985, as that term is defined in subsection (h)(1) of this section, to pay in whole or in part for the acquisition, construction, development, joint development, operation, maintenance or repair of the project or stations connected therewith; and

(B) to pay or fully refund to the payors thereof any assessments required by law to be levied thereon.

(i) Non-discrimination. In the employment of persons in the service of the City, there shall be no discrimination in selection or compensation on account of race, religion, national origin, ancestry, sex, sexual orientation, age, disability, or marital status.

Sec. 105. Title to Property.

The title to all property of the City of Los Angeles, now owned or hereafter acquired, including all property in the name of any officer, board, commission or department of the City, shall be vested and held in the name of the City of Los Angeles.

Sec. 106. Definitions.

(a) Days. If this Charter requires an act to be performed within a specified number of days, it shall mean consecutive calendar days unless otherwise stated. When the last day to perform an act falls on a weekend or City holiday, the period shall extend to the next business day.

(b) Notice. Unless otherwise provided by this Charter or ordinance, if this Charter requires notice to be given to an individual, that notice shall be deemed given on the date of personal service, or upon deposit in the mail, certified or first class mail, to the last known address. Unless otherwise provided by this Charter or ordinance, if notice is mailed, the time by which the recipient must take any action required under the Charter shall commence five days after this notice is mailed.

Sec. 107. Effect of Invalidity in Part.

If any section, subsection, sentence, clause or phrase of this Charter, or any amendment thereto, is for any reason held to be unconstitutional or otherwise invalid, that decision shall not affect the validity of the remaining portions of this Charter. The people of the City of Los Angeles hereby declare that they would have ratified and adopted this Charter and each section, subsection, sentence, clause and phrase thereof, and any amendment thereto, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, phrases or amendment be declared unconstitutional or otherwise invalid.

TRANSITION PROVISIONS

Sec. 108. Intent of Voters.

Except with respect to the provision establishing the size of the City Council, it is the intent of voters adopting this Charter that it not be amended at the same election at which it is adopted other than by a conflicting measure that receives more votes than those received for this Charter.

Sec. 109. Adoption Date; Operative Date.

The Adoption Date of this Charter shall be that date upon which the adopted Charter is filed in accordance with state law. The Operative Date of this Charter shall be July 1, 2000, except that Article IX, Department of Neighborhood Empowerment shall be in effect and operative on the Adoption Date. In addition, the Council, Mayor, City officers and employees shall take those actions set forth in Section 118 after the Adoption Date of this Charter and prior to its Operative Date as prescribed in that section.

Sec. 110. Effect of Enactment on Existing Law and Offices.

(a) Until July 1, 2000, the City and its departments, boards, offices and employees shall continue to exercise and have the powers, duties and obligations provided in the Charter of the City immediately prior to the Adoption Date of this Charter, unless amended or repealed by Charter amendment, regardless of any conflict with the provisions of this Charter.

(b) On or after the Operative Date, to the extent the provisions of this Charter are the same in terms or in effect as provisions of the Charter prior to the Operative Date, they shall be construed and applied as a continuation of those provisions.

(c) On or after the Operative Date, all City ordinances, resolutions and other regulations in force on the Operative Date and not inconsistent with this Charter shall remain in force until changed or repealed by the proper authority and in accordance with the provisions of this Charter. Ordinances, resolutions and other regulations in effect on the Operative Date, regardless of the method or manner of adoption, are repealed and superseded to the extent inconsistent with the provisions of this Charter.

Sec. 111. Obligations of Contract Not Impaired.

All rights, claims, actions, orders, obligations, proceedings, bond authorizations, contracts, franchises, leases and agreements existing on the Operative Date

of this Charter shall not be affected by adoption of this Charter. To the extent functions, powers and duties have been reassigned, the office, agency or department to which functions, powers, and duties have been reassigned shall have charge of the matter.

Sec. 112. Previous Charter Sections Treated as Ordinance.

The following sections of the Charter as they existed immediately prior to the Operative Date of this Charter shall be treated as if enacted into ordinance, and may be amended, repealed or replaced by ordinance after the Operative Date of this Charter. To the extent of conflict or inconsistency between the provisions treated as if enacted into ordinance under this section and this Charter, this Charter shall prevail.

Sec. 37	Sec. 295.2	Sec. 385.1
Sec. 38	Sec. 297	Sec. 386
Sec. 49	Sec. 301	Sec. 390
Sec. 90	Sec. 302	Sec. 391
Sec. 92	Sec. 303	Sec. 501.1
Sec. 93	Sec. 304	Sec. 502
Sec. 155	Sec. 309	Sec. 503
Sec. 272	Sec. 310	Sec. 507
Sec. 273	Sec. 315	Sec. 508
Sec. 275	Sec. 316	Sec. 508.1
Sec. 285	Sec. 317	Sec. 509
Sec. 288	Sec. 318	Sec. 509.1
Sec. 290.1	Sec. 321	Sec. 510
Sec. 290.2	Sec. 324	Sec. 510.1
Sec. 291	Sec. 334	Sec. 511
Sec. 291.1	Sec. 335	Sec. 511.1
Sec. 291.2	Sec. 336	Sec. 511.2
Sec. 292.1	Sec. 338	Sec. 512
Sec. 292.2	Sec. 356	Sec. 512.1
Sec. 293	Sec. 363	Sec. 512.2
Sec. 295.1	Sec. 364	Sec. 513

Sec. 113. Effect on Pension and Retirement Benefits.

The adoption of this Charter is not intended in any way to diminish the benefits of any pension or retirement system of the City.

Sec. 114. Changes in City Offices.

(a) City Administrative Officer. On the Operative Date of this Charter, the person then serving as City Administrative Officer shall be deemed to be appointed to the position of Director of the Office of Administrative and Research Services. That office shall perform those duties assigned to it by the Charter.

(b) City Engineer; Purchasing Agent. On the Operative Date of this Charter, the positions of City Engineer and Purchasing Agent shall continue to exist to the extent provided by ordinance.

Sec. 115. Changes in City Departments.

After the Operative Date of this Charter, the departments of Animal Regulation and Building and Safety, which are no longer included in the Charter, shall continue to exist, and to perform the powers and duties prescribed for them in the Charter immediately prior to the Operative Date, until the departments, powers or duties are changed or eliminated by ordinance.

The adoption of this Charter is not intended to affect the powers and duties of the Department of Cultural Affairs or Department of Transportation or their respective commissions. Those powers and duties shall continue until changed or eliminated by ordinance.

Sec. 116. Status of Incumbent Officers and Employees.

(a) No change in the appointment process for any City officer or employee shall affect the status of any person serving as a City officer or employee as of the Operative Date of this Charter. Changes in the process for removal of any City officer or employee shall be effective upon the Operative Date of this Charter.

(b) Individuals in civil service positions that become exempt through the enactment of this Charter shall not have civil service standing as to the newly exempt positions, but will retain their civil service status as to their prior position in accordance with Section 1001(e).

(c) Any City officer or employee in the service of the City on the Operative Date of this Charter, whose position becomes part of the classified civil service by reason of the enactment of this Charter, shall continue in his or her present position with the full seniority and other rights he or she would have if he or she had been under the classified civil service from the commencement of his or her City service.

Sec. 117. Changes in Civil Service Discipline Provisions.

Changes in the civil service discipline provisions of Section 1016 shall not affect any proceeding or action that has been commenced prior to the Operative Date of this Charter.

Sec. 118. Actions to be Taken Prior to Operative Date.

(a) Changes in Boards. After the Adoption Date of this Charter, the Council and Mayor shall take all steps necessary to:

(1) Create Area Planning Commissions as prescribed in Section 552, and appoint the members of those boards whose terms shall commence July 1, 2000.

(2) Define the residency requirement for two members of the Airport Commission provided in Section 630 of this Charter, and appoint two additional members, whose terms shall commence July 1, 2000, so that commission composition satisfies the residency requirements.

(3) Define the residency requirement for the member of the Harbor Commission provided in Section 650 of this Charter prior to July 1, 2000. The Mayor shall appoint a member to the Commission satisfying the residency requirements of that ordinance if not otherwise satisfied, upon the first vacancy to occur in the Harbor Commission on or after July 1, 2000.

(4) Establish the procedures for the election process to elect two additional members to the Board of Fire and Police Pension Commissioners provided in Section 1104(a) so that the terms of the two additional members may commence on July 1, 2000.

(5) The Mayor shall appoint a City Employee Retirement System retiree to the first opening in a term of a commissioner of the Board of Administration for the Los Angeles City Employees Retirement System appointed by the Mayor, occurring on or after July 1, 2000.

(6) The Board of Water and Power Commissioners shall appoint a department retiree to replace one of the Water and Power Commissioners serving on the Board of Administration of the Water and Power Employees Retirement System, so that the term of that member may commence July 1, 2000.

(b) Rules, Regulations and Codes. After the Adoption Date of this Charter, and prior to its Operative Date:

(1) Each officer, department, agency, and board responsible for promulgating rules and regulations of the City under this Charter shall review all rules and regulations for which it is responsible, and amend and adopt rules and regulations consistent with this Charter to become effective July 1, 2000. The rules and regulations shall be submitted to the City Attorney sufficiently in advance of that date to permit City Attorney review.

(2) The City Attorney, City Administrative Officer and City Clerk shall review all provisions of the Administrative, Municipal, and Election Codes and report to the Mayor and propose to the Council the adoption of ordinances or amendments consistent with this Charter, to become effective July 1, 2000.

(c) Each department shall assess whether any changes in personnel or resources will be needed in light of changed duties under the new Charter, and make recommendations to the Mayor and Council.

Sec. 119. Repeal of Former Charter.

The provisions of the Charter of the City of Los Angeles, operative immediately prior to July 1, 2000, are hereby repealed except to the extent and for the purposes that this Charter expressly continues them in effect.

Sec. 120. Increase in Council Size.

If Section 241 of this Charter concerning Council size is amended through approval by the voters of a separate ballot measure at the same election at which this Charter appears on the ballot, Section 204(g) shall read as follows, rather than as stated in Section 204(g) in Article II of this Charter: "(g) Effective Date of Redistricting; Terms. The Council members elected in the election held in 2001 shall serve two-year terms. The Council districts adopted by ordinance in 2002 shall first become effective beginning with the election held in 2003, at which time, the entire Council shall be elected. The Council members elected in 2003 from the even-numbered districts shall initially serve two-year terms and the members elected in 2003 from odd-numbered districts shall serve four-year terms. Members of the Council elected in 2005 from the even-numbered districts shall

serve four-year terms, and thereafter all Council members shall serve four-year terms. The two-year terms contained in this section shall not constitute a term of office for purposes of the term limits contained in Section 206 unless a member serves two two-year terms or the member has served two terms of office prior to initiation of the two-year term."

Sec. 121. Effect of New Charter on Board of Education.

In the event that this Charter is adopted by the qualified voters of the City of Los Angeles at the election held on June 8, 1999, but the provisions of Article IV and Article III relating to the Board of Education of the Los Angeles Unified School District are not approved by a majority of the qualified voters of that district voting at the election held on June 8, 1999, the provisions of Article IV shall be effective for elections of officers of the City only, and not for members of the Board of Education. In that event, the provisions of the Charter of the City of Los Angeles in effect immediately prior to July 1, 2000, shall remain in effect with respect to the Board of Education until amended.

Sec. 122. Elimination of Transition Provisions.

In the event any of the sections included in these Transition Provisions become obsolete in the judgment of the City Attorney, by virtue of the completion of all acts required under the section, the section shall be deemed expired and the City Clerk shall secure removal of that section from the next printing of the Charter.

ARTICLE II
OFFICERS OF THE CITY

GENERAL PROVISIONS RELATED TO OFFICERS

Sec. 200. City Officers.

All officers of the City, both elected and appointed, shall be subject to recall as provided in Article IV. The officers of the City shall be:

A Mayor

The Members of the Council

A City Attorney

A City Clerk

A Controller

A Treasurer

The members of the boards or commissions of the departments and the chief administrative officer of each department and office

An Executive Director of the Board of Police Commissioners

Other officers as prescribed by ordinance

Sec. 201. City Offices.

The City Offices shall be:

Office of the Mayor

Office of the City Council

Office of the City Attorney

Office of the Controller

Office of Administrative and Research Services

Office of the City Clerk
Office of Finance

Sec. 202. Election of Officers at Large.

The following officers of the City shall be elected by the electors of the City, at large:

Mayor
City Attorney
Controller

Sec. 203. Appointment and Removal of Officers.

Except as otherwise provided in the Charter, City officers shall be appointed by the Mayor, subject to confirmation by the Council. Except as otherwise provided in the Charter, the appointing power shall have the power of removal.

Sec. 204. Election of City Council Members; Redistricting.

(a) Redistricting by Ordinance. Commencing in 2002, the Council shall by ordinance redraw district lines to be used for all elections of Council members, including their recall, and for filling any vacancy in the office of member of the Council, after the effective date of the redistricting ordinance. Districts so formed shall each contain, as nearly as practicable, equal portions of the total population of the City as shown by the Federal Census immediately preceding the formation of districts.

(b) Redistricting Commission. There shall be a Redistricting Commission to advise the Council on drawing of Council district lines. The Commission members shall be appointed in the following manner: one by each Council member except that the Council President shall appoint two members, three by the Mayor, one by the City Attorney, and one by the Controller. No City officer or employee shall be eligible to serve on the Commission. The Redistricting Commission shall appoint a director and other personnel, consistent with budgetary approval, which positions shall be exempt from the civil service provisions of the Charter.

(c) Redistricting Process. The Redistricting Commission shall be appointed no later than the date by which the Census Bureau is to release decennial census data. A new Commission shall be appointed to advise the Council prior to each subsequent redistricting. The Commission shall begin the redistricting process at any time after the necessary data are obtained from the most recent Federal Census, but no later than January 1, 2002, and each subsequent tenth anniversary of that date. The Commission shall seek public input throughout the redistricting process. The Commission shall present its proposal for redistricting to the Council no later than a date prescribed by ordinance.

The Council shall adopt a redistricting ordinance no later than July 1, 2002, and each subsequent tenth anniversary of that date. Nothing in this section shall prohibit the Council from redistricting with greater frequency provided that districts so formed each contain, as nearly as practicable, equal portions of the total population of the City as shown by the Federal Census immediately preceding the formation of districts or based upon other population reports or estimates determined by the Council to be substantially reliable.

(d) Criteria for Redistricting. All districts shall be drawn in conformance with requirements of state and federal law and, to the extent feasible, shall keep neighborhoods and communities intact, utilize natural boundaries or street lines, and be geographically compact.

(e) Effect of Redistricting on Incumbents. No change in the boundary or location of any district by redistricting shall operate to abolish or terminate the term of office of any member of the Council prior to expiration of the term of office for which the member was elected.

(f) Annexation or Consolidation. Any territory annexed to or consolidated with the City shall, prior to or concurrently with completion of the proceedings therefor, be added to an adjacent district or districts by the Council by ordinance, which addition shall be effective upon completion of the annexation or consolidation proceedings notwithstanding any other provision of the Charter to the contrary.

(g) Terms. The terms of office for those members of the Council elected from odd-numbered districts shall commence during each fourth anniversary of the year 1997 and for the members elected from even-numbered districts shall commence during each fourth anniversary of the year 1999.

Sec. 205. Term of Office.

The Mayor, City Attorney, Controller and members of the Council shall hold their offices for a term of four years. The terms of all those officials shall commence on the first day of July next succeeding their election. Except where a vacancy in office is created pursuant to Section 207, the incumbents of the elected and appointed offices shall hold office until their successors have qualified.

Sec. 206. Term Limits.

No person may serve more than two terms of office as Mayor. No person may serve more than two terms of office as City Attorney. No person may serve more than two terms of office as Controller. No person may serve more than two terms of office as member of the City Council. These limitations on the number of terms of office shall not apply to any unexpired term to which a person is elected or appointed if the remainder of the term is less than one-half of the full term of office.

Sec. 207. Vacancy in City Offices.

An office becomes vacant when:

(a) the incumbent dies, retires, resigns, is adjudged insane, pleads guilty or no contest to or is convicted of a felony, is removed from office or fails to qualify within ten days from the time he or she receives his or her certificate of election or appointment;

(b) the incumbent ceases to be a registered voter or resident of the City, where being a registered voter or City residency is a qualification for the office;

(c) the incumbent is convicted of an offense involving a violation of official duties, including, without limitation, a violation of the conflict of interest and government ethics provisions of the Charter or City ordinances. However, removal

from office for violating conflict of interest or governmental ethics provisions shall be required only if a court determines that the seriousness of the offense and degree of culpability of the officer so warrant;

(d) the incumbent has been absent from the City without the consent of the Council for more than 60 consecutive days. Absence from the City of the incumbent of an elected office shall be deemed to be with the consent of the Council if the absence was caused by illness, injury or other reason, and if the incumbent could not reasonably have been expected to have returned to the City under the circumstances;

(e) the incumbent of an elected office, or the Chief of Police has ceased to discharge the duties of the office for 90 consecutive days, except when prevented by illness, injury, or other reasonable cause; or

(f) the incumbent of an elected office, or the Chief of Police is found by a court to be incapacitated according to the criteria contained in Section 208.

Sec. 208. Determination of Incapacity.

(a) For purposes of Section 207(f), an elected office and the office of Chief of Police become vacant when, in a quo warranto action or other applicable proceeding as may be established by state law, a court has found that:

(1) the incumbent is physically or mentally incapacitated due to illness, injury or other reason such that he or she cannot perform the duties of the office;

(2) the incumbent was so incapacitated for at least 90 consecutive days prior to the filing of the application with the Office of the California Attorney General for leave to sue in quo warranto or, if the application was not legally required, any other act commencing litigation under this subsection; and

(3) there is reasonable cause to believe that the incumbent will not be able to perform the duties of the office for the remainder of the term of office.

(b) If the City Clerk, after investigation, has reason to believe that all of the conditions set forth in subsection (a) exist, the City Clerk, on behalf of the City, shall initiate, or cause to be initiated, litigation by filing an application for leave to sue in quo warranto with the Office of the California Attorney General or by following any other applicable procedure as may be established by state law. Litigation under this section, in quo warranto or as otherwise provided by state law, may also be brought by any person authorized to do so by state law.

Sec. 209. Code of Conduct of Elected Officials; Censure.

All elected officials of the City are expected to conform to the highest standards of personal and professional conduct. The Council shall have the power to adopt, by a two-thirds vote, a resolution of censure with respect to any member of the Council whose actions constitute a gross failure to meet such high standards, even if the action does not constitute a ground for removal from office under the Charter.

Sec. 210. Acting Incumbency in City Offices.

The City Controller, City Attorney, Treasurer, City Clerk and Director of the Office of Administrative and Research Services shall each designate an assistant

or deputy, who shall become the acting incumbent in case of any vacancy in the office. The designation of acting incumbent shall be made in writing filed with the City Clerk, and may be changed from time to time. Upon a vacancy, the acting incumbent shall serve until the office is filled in accordance with Sections 409, 508(b) or 508(c). Any person so designated must possess the qualifications prescribed for the office and shall take the oath prescribed by the Charter before assuming his or her duties as acting incumbent. If a vacancy in the office occurs, and no acting incumbent has been designated, or if the designated acting incumbent is unable to serve, the Council may designate the acting incumbent for the office.

Sec. 211. Suspension Pending Trial.

Pending trial, the Council may suspend any elected officer, and the appointing power may suspend any appointed officer, against whom felony criminal proceedings, or criminal misdemeanor proceedings related to a violation of official duties as described in Section 207(c). The temporary vacancy shall be filled in accordance with the Charter.

Sec. 212. Prohibition on Council Member Serving in Other Capacity.

No member of the Council shall, during the term for which he or she has been elected, serve in any other office, if the position is appointed by or subject to confirmation by the Council.

Sec. 213. Additional Powers and Duties of Officers and Employees.

In addition to the powers and duties prescribed by the Charter, the officers, employees, and boards of the City shall have such other powers and perform such other duties as may be prescribed by the laws of the State of California, or by ordinance, not in conflict with the Charter, or by resolution adopted by the Council, not in conflict with the provisions of the Charter or ordinance.

Sec. 214. Creation of Additional Departments and Officers.

The Council may by ordinance create additional departments, offices and boards, and consistent with the Charter, provide for the election or appointment of officers other than those designated in the Charter, whenever the public necessity or convenience may require. The Council may by ordinance prescribe the duties of those officers, provided that those duties shall not include any of the duties of any officer designated in the Charter, except as authorized under Section 514.

Sec. 215. Oath of Office.

Every officer provided for in the Charter shall, before entering upon the discharge of the duties of office, take the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California and the Charter of the City of Los Angeles, and that I will faithfully discharge the duties of the office of (here inserting the name of the office) according to the best of my ability."

Sec. 216. Annual Report.

Every officer or board of the City government shall make and present to the Mayor and Council an annual report relating to their work, and any other reports as may be required by the Charter or by the Council, by ordinance.

Sec. 217. Investigations and Proceedings.

(a) Administration of Oaths. The Mayor, Controller, Treasurer, the Zoning Administrator, and each member of the Council and of each board provided for in the Charter, and the secretary of each of those boards, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of those officers or bodies, or concerning any demand on the City Treasury, and the City Clerk shall have the power to administer all oaths and affirmations required by the Charter.

(b) Witnesses and Subpoenas. The Mayor, Controller, Treasurer, the Zoning Administrator, Council, and each board provided for in the Charter shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before them. Upon the request of the Mayor, Controller, Treasurer, President of the Council, or the presiding officer of any board, the City Clerk shall issue subpoenas in the name of the City, attested with the corporate seal, requiring the attendance and testimony of the witness or production of documents at a specified time and place before the Mayor, Controller, Treasurer, Council, or board requesting the subpoena. Nothing in this section shall require Council, any board or officer, or the Zoning Administrator to provide for examination of witnesses under oath in any particular proceeding.

(c) Penalties and Procedure. The Chief of Police, or other officer designated by ordinance, shall cause all such subpoenas to be served. The Council shall prescribe by ordinance suitable penalties for disobedience of subpoenas, and the refusal of witnesses to testify or produce evidence.

(d) Board Examiners. Under procedures prescribed by ordinance:

(1) Each board of commissioners may appoint one or more examiners, or may designate one or more of its members to serve as examiners, whenever, under the Charter or by any law, a right of appeal or protest to the board is given, or where it is required to conduct any investigation or hearing;

(2) Each board may adopt, reject or modify the report of any examiner in whole or in part, or may reconsider the matter in whole or in part;

(3) Each examiner shall have power to administer oaths and require the City Clerk to issue subpoenas; and

(4) Reference to an examiner shall not extend or curtail the time within which the action of any board must be taken, as required by the Charter, any other law or by ordinance.

Sec. 218. Compensation of Elected Officers and Limitation on Outside Activities.

(a) Compensation. The Mayor, City Attorney, Controller and members of the Council shall receive compensation for their services only as provided in this section and shall not receive any other compensation for those services.

(1) Salaries. Members of the City Council shall be paid a salary equal to that prescribed by law for judges of the Municipal Court of the Los Angeles Judicial District or its successor in the event that court is dissolved or reconstituted.

The Controller shall be paid a salary that is 10% more than that of a Council member. The City Attorney shall be paid a salary that is 20% more than that of a Council member. The Mayor shall be paid a salary that is 30% more than that of a Council member.

The Controller shall be responsible for ascertaining the salary of Municipal Court judges and for setting and adjusting the salaries of elected officers in accordance with this section. Salaries shall be paid in bi-weekly increments unless the Council, by ordinance, prescribes otherwise.

(2) Other Benefits. The Council may, by ordinance, subject to referendum as specified in Article IV of the Charter, confer benefits other than salary upon elected officers as additional compensation for their services. However, benefits from the Los Angeles City Employees' Retirement System may not be provided for elected officers that would exceed benefits generally provided to members of the System who are non-represented officers or employees of the City or, if there are no non-represented officers or employees, that would exceed benefits generally provided to other members of the System.

(3) Operative Date of Changes in Salaries. The salaries of elected officers shall be adjusted in the manner provided in this section upon the effective date of any change in the salaries of Municipal Court judges.

(b) Restrictions on Outside Activities. The Mayor, City Attorney, Controller, and members of the Council shall devote their entire time to duties related to their offices. They shall not receive any compensation, including honoraria, for their services other than that provided in this section, except that which may be provided for their serving on governmental entities where payment is authorized for other governmental officers or employees serving in that capacity.

Sec. 219. Salary Setting.

The Council shall set salaries for all officers and employees of the City, including those officers and employees provided for in departments having control of their own definite revenues and funds, except for salaries specifically set or otherwise provided for by the Charter. Salaries shall be set by ordinance, unless otherwise set through collective bargaining agreements approved by the Council and entered into in accordance with the provisions of state law. Collective bargaining shall be conducted in accordance with procedures established by ordinance; provided, however, the ordinance shall provide an opportunity for the Mayor to participate in a committee established to give advice and instructions with respect to the City's bargaining position in the meet and confer process. This committee shall also advise with respect to salaries set by ordinance.

Sec. 220. Restrictions on Compensation of Officers.

No officer of the City shall be compensated by fees or commissions. No officer of the City shall retain any fee, recompense or compensation received by him or her for the discharge of any duty of office from any person other than the City, but shall immediately pay over to the Treasurer all money received.

Sec. 221. Surety Bonds.

The Council shall by ordinance fix the amounts and terms of the official bonds of all officers and employees of the City who are required by the Charter or by ordinance to give a bond. These bonds shall be approved by the City Attorney as to form, and shall be filed with and remain in the keeping of the Office of the City Clerk. The City shall pay the premium on any official bond required by the Charter or ordinance.

Sec. 222. Conflicts of Interest; Board of Referred Powers.

(a) City Attorney Opinion. Any board, board member, officer or employee of the City may request the City Attorney to render an opinion concerning the obligation of the board, board member, officer (other than a member of the Council), or employee under applicable laws to refrain from voting or acting upon any matter, contract, sale or transaction to which the board, board member, officer or employee may be a party, or concerning any situation where it would violate state law or where it may not be in the public interest for the board, board member, officer or employee to act in a particular matter, contract, sale or transaction. Likewise, any elected City officer may request an opinion with respect to any board member.

If the City Attorney receives such a request, the City Attorney shall render a written opinion. If the request is made by an elected City officer concerning a board member, the opinion shall be rendered within ten days of the City Attorney's receipt of the request; provided, however, that if the City Attorney determines that the request does not contain sufficient information upon which to render an opinion, the City Attorney shall notify the person making the request, and the time within which the City Attorney must render the opinion shall not commence until that information has been provided to the City Attorney.

(b) Transfer to the Board of Referred Powers. If the City Attorney renders an opinion concluding that the board, board member, officer or employee is disqualified from acting under applicable law, or that it is not in the public interest for the board, board member, officer or employee to act in the matter, contract, sale or transaction involved, the board, board member, officer or employee shall be disqualified from acting on or in any way attempting to influence action on the matter. Except as otherwise provided in this section, the matter shall be transferred for action to the Board of Referred Powers, which is hereby created. In the event that one or more members of a board, but less than a quorum, are disqualified from acting pursuant to the opinion of the City Attorney, the member or members so disqualified shall not act on the matter, but the matter shall not be transferred to the Board of Referred Powers. If state law makes it unlawful for the board to act in the matter by reason of the disqualification of one or more members, the matter shall be transferred for action to the Board of Referred Powers.

Unless a transfer is prohibited by applicable state law, the Board of Referred Powers is vested with the same power to act upon any matter, contract, sale or transaction transferred to it with the same force and effect as if acted upon by the

board, officer or employee from whom the matter, contract, sale or transaction was transferred. The Council shall provide by ordinance for all matters relating to number of members, appointment and functioning of the Board of Referred Powers and the procedure applicable in referring matters to it for its determination.

EXECUTIVE BRANCH

Sec. 230. Mayor.

Except as otherwise provided in the Charter, management authority shall be vested in the Mayor who shall be the Chief Executive Officer of the City and shall devote his or her entire time to the duties of the office. The Mayor shall execute and uphold all laws and ordinances of the City.

Sec. 231. Powers and Duties.

The Mayor shall have the power and duty to:

(a) exercise management authority over all departments, agencies and appointed offices of the City, except where the Charter provides otherwise;

(b) appoint and remove staff as may be needed to perform the duties and carry out the responsibilities of the Mayor's office, subject only to budgetary appropriation;

(c) unless provided otherwise in the Charter, appoint chief administrative officers of City departments and appointed offices, and the members of the boards of commissioners created by the Charter, each subject to Council confirmation as provided in the Charter;

(d) unless otherwise provided in the Charter, appoint the members of standing commissions and boards created by ordinance that are advisory to or manage a department or appointed office, or perform regulatory functions, subject to Council confirmation as provided in the Charter;

(e) remove from office any chief administrative officer or commissioner, except where otherwise provided in the Charter;

(f) publicly address the Council on the state of the City, annually prior to the submission of the proposed budget;

(g) prepare and submit the Mayor's proposed annual budget to the Council for consideration in accordance with Article III of the Charter;

(h) represent the City in intergovernmental relations in accordance with City policy and supervise the City's intergovernmental relations function;

(i) declare a local emergency and coordinate the City's emergency response activities in accordance with procedures established by ordinance, and supervise emergency preparedness activities in the various departments and offices, including the Mayor's office, in a manner consistent with City policy;

(j) establish procedures and implement policies not inconsistent with the Charter or ordinance as are necessary to effectively manage and supervise the responsibilities entrusted to the Mayor through the issuance of executive direc-

tives, which, in the absence of conflicting provisions in the Charter or ordinance, and until revised or rescinded by the Mayor, shall be binding on all departments, commissions, appointed officers and employees of the City. Executive directives shall be filed with the City Clerk and be published in the manner described in Section 251. Executive directives shall take effect 15 days after publication;

(k) certify in writing to the Council, for each appointment that requires Council confirmation, that in the Mayor's opinion the appointee is especially qualified by reason of training and experience for the position, and that the appointment is made solely in the interest of the City; and

(*l*) perform other duties and have other powers as are provided elsewhere in the Charter or by ordinance.

Sec. 232. Executive Budget.

There shall be an executive budget division within the office of the Mayor with the power and duty to:

(a) assist the Mayor in the preparation and submission to the Council of a proposed budget and executive summary in accordance with Article III; and

(b) review and monitor departmental budgets and expenditures to ensure that departmental expenditures do not exceed budgeted appropriations for that department.

The Mayor may request the assistance in these duties from other City departments and offices.

Sec. 233. Temporary Transfer of Employees.

The Mayor may make temporary transfers of employees, not to exceed 120 days in any calendar year, from one appointed office or department to another, except the Proprietary Departments, to relieve temporary shortages in personnel, or to meet temporary demands for additional employees caused by temporary or seasonal requirements in any office or department. The Mayor shall notify the City Clerk at the time the transfer of employees is made, and the City Clerk shall notify the President of the Council, the Director of the Office of Administrative and Research Services and the Board of Civil Service Commissioners of the transfer. The compensation of employees so transferred shall be a charge upon the office or department to which the employees are transferred for the period of the transfer. In the event of objection in writing to the temporary transfer by any of the appointing authorities involved, the Mayor shall determine whether or not the transfer shall be made.

Sec. 234. Joint Labor-Management Partnerships.

The City shall encourage joint labor-management partnerships to set goals, encourage agreements, solve problems, create incentives for outstanding individual or team performance and encourage flexibility and innovation. Collective bargaining and discipline shall not be within the jurisdiction of these partnerships.

LEGISLATIVE BRANCH

Sec. 240. Legislative Power.

All legislative power of the City except as otherwise provided in the Charter is vested in the Council and shall be exercised by ordinance, subject to the power of veto or approval by the Mayor as set forth in the Charter. Other action of the Council may be by order or resolution, not inconsistent with the duties and responsibilities set forth in the Charter or ordinance. Except as otherwise specifically provided in the Charter, the Council shall have full power to pass ordinances upon any subject of municipal concern.

Sec. 241. Council Size.

The Council shall consist of 15 members, elected by districts as provided elsewhere in the Charter.

Sec. 242. Conduct of Business.

The Council shall be the sole judge of the election and qualification of its members. Meetings and records of the proceedings of the Council and of the committees of the Council shall be open to the public, except that closed sessions may be held as permitted by law. The Council shall have the exclusive power to organize its business, prescribe the rules of its proceedings and preserve order at its meetings, subject to the following:

(a) The Council shall hold regular meetings at least three days each week. Meetings may be held in City Hall or elsewhere in the City. By resolution, the Council may establish periods during which the Council or its committees will be in recess. The Council and its committees may also each hold special meetings with proper notice.

(b) The Council, by ordinance or resolution, shall establish a sufficient number of committees to enable it to carry out its duties. The duty of the Council and its committees is to become fully informed of the business of the City so as to oversee all the functions of the City government, and to report to the Council any information or recommendations necessary to enable the Council to properly legislate. Committees shall have the power of investigation, but shall have no administrative control over the various functions of the City government. The administration of the City government shall be vested in the officials designated in the Charter to perform those functions. The President of the Council shall appoint the members and the chair of the committees and each Council member shall be appointed to at least one committee.

Sec. 243. President and President Pro Tempore.

(a) The Council shall elect one of its members as presiding officer, who shall be called the President of the Council. In case of any vacancy in the office of Mayor pending appointment and qualification of a successor, or in case of unavailability due to sickness, absence from the state, or disability of the Mayor, the President of the Council shall act as Mayor of the City. The President of the Council, while acting as Mayor, shall not lose his or her rights as a member of the Council.

(b) The Council shall elect one of its members "President Pro Tempore" who shall act as presiding officer in the absence of the President of the Council and, in case of vacancy in the office of President of the Council, or in the case of unavailability due to sickness, absence from the state or disability of the President of the Council, shall exercise the powers and duties of the President of the Council under the provisions of this section.

(c) The Council shall provide by ordinance for the succession from among its members to the powers and duties of the President Pro Tempore in case of unavailability due to sickness, absence from the state or disability of the President Pro Tempore, or in the case of a vacancy in that office.

Sec. 244. Quorum and Vote Necessary to Take Action.

Two-thirds of the members of the Council shall constitute a quorum for the transaction of business. Nothing in the Charter shall prevent a smaller number from transacting business by a majority vote of members present to the extent necessary to fill vacancies in the membership of the Council in the manner provided in Article IV, where no quorum can be assembled except by filling the vacancies. Except as otherwise provided in the Charter, action by the Council shall be taken by a majority vote of the entire membership of the Council. Whenever in the Charter a certain proportion of the Council is required for the performance of any act, it shall mean that proportion of the entire membership of the Council.

Sec. 245. City Council Veto of Board Actions.

Actions of boards of commissioners shall become final at the expiration of the next five meeting days of the Council during which the Council has convened in regular session, unless the Council acts within that time by two-thirds vote to bring the action before it or to waive review of the action, except that as to any action of the Board of Police Commissioners regarding the removal of the Chief of Police, the time period within which the Council may act before the action of the Board shall become final shall be ten meeting days during which the Council has convened in regular session.

(a) Action by Council. If the Council timely asserts jurisdiction over the action, the Council may, by two-thirds vote, veto the action of the board within 21 calendar days of voting to bring the matter before it, or the action of the board shall become final. Except as provided in subsection (e), the Council may not amend, or take any other action with respect to the board's action.

(b) Waiver. The Council may, by ordinance, waive review of classes or categories of actions, or, by resolution, waive review of an individual anticipated action of a board. The Council may also, by resolution, waive review of a board action after the board has acted. Actions for which review has been waived are final upon the waiver, or action of the board, as applicable.

(c) Effect of Veto. An action vetoed by the Council shall be remanded to the originating board, which board shall have the authority it originally held to take action on the matter.

(d) Exempt Actions. The following actions are exempt from Council review under this section:

(1) actions of the Ethics Commission;

(2) actions of the Board of Fire and Police Pension Commissioners;

(3) actions of the Board of Administration for Los Angeles City Employees Retirement System;

(4) actions of the Board of Administration of Water and Power Employees Retirement Plan;

(5) quasi-judicial personnel decisions of the Board of Civil Service Commissioners;

(6) actions of a board organized under authority of the Meyers-Milias Brown Act for administration of employer-employee relations;

(7) individual personnel decisions of boards of commissioners other than the Board of Police Commissioners; and

(8) actions which are subject to appeal or review by the Council pursuant to other provisions of the Charter, ordinance or other applicable law.

(e) Exceptions for Actions of City Planning Commission and Area Planning Commissions. The Council shall not be limited to veto of actions of the City Planning Commission or Area Planning Commissions, but, subject to the time limits and other limitations of this section, after voting to bring the matter before it, shall have the same authority to act on a matter as that originally held by the City Planning Commission or Area Planning Commission.

Sec. 246. Provision of Quarters; Creation of Positions.

Except as to those departments given control of their own revenues or funds, the Council shall provide suitable quarters, equipment and supplies for the various departments and offices of the City government. It shall create the necessary positions in addition to those created by the Charter in those departments and offices, authorize the necessary deputies, assistants and employees, and provide the necessary funds for carrying on the work of the departments and offices. Upon request from any department given control of its own revenues or funds, the Council may assist the department in the performance of its functions with appropriations of money or otherwise.

Sec. 247. Public Improvements.

The City shall have power to provide for public improvements by contract or by the direct employment of labor and purchase of materials. The Council may cause the costs and expenses of the improvements, including any damages to private property caused thereby, to be paid from the General Fund or a special fund of the City, or may make those costs and expenses, including incidental expenses and damages, a lien upon the abutting property, or upon property in districts according to benefits. The Council may establish, by ordinance, an assessment process, the priority of the lien and the method for enforcement, and may levy and collect or cause to be levied and collected assessments upon property according to frontage or upon property in districts according to benefits, to pay the cost of the improve-

ments. The City may cause to be issued and sold bonds, notes and other evidences of indebtedness, bearing interest, extending over a period not exceeding such time as permitted by state law, to represent any or all the assessments in accordance with requirements and procedures to be established by ordinance.

Sec. 248. Issuance of Housing Revenue Bonds.

In accordance with a procedure established by ordinance, the Council may issue or authorize the issuance of revenue bonds, notes and other evidences of indebtedness from time to time, the proceeds of which may be used for the purpose of acquiring, developing, constructing and rehabilitating, and for the purpose of making loans for the financing or refinancing of the acquisition, development, construction and rehabilitation of, single family and multi-family residential housing developments, including low and moderate-income housing developments and market rate housing developments. The City may cooperate with and receive aid from other agencies of government in accomplishing the purposes described in this section, but shall make no contributions to the payment of interest or principal due on any of these revenue bonds, notes or other evidences of indebtedness, from taxes imposed by the City.

Sec. 249. Ordinances—Enacting Clause.

The enacting clause of all ordinances shall be substantially as follows:

"The People of the City of Los Angeles do ordain as follows:"

Sec. 250. Procedure for Adoption of Ordinances.

(a) Introduction and Passage. No ordinance shall be passed finally on the day it is introduced, but it shall be held over for one week, unless approved by unanimous vote of all the members of the Council present, provided there is not less than three-fourths of all the members present.

(b) Presentation to Mayor. Every ordinance passed by the Council shall, before it becomes effective, be signed by the City Clerk or other person authorized by the Council, and be presented to the Mayor for approval and signature. If the Mayor does not approve the ordinance, the Mayor shall endorse on it the date of its presentation to him or her, and return it to the City Clerk with a written statement of objections to the ordinance. The City Clerk shall endorse on the ordinance the date of its return to him or her. If the Mayor does not approve or veto an ordinance in accordance with this section within ten days after its presentation to him or her, the ordinance shall be as effective as if signed by the Mayor.

(c) Override by Council. The City Clerk shall present the ordinance, with the objections of the Mayor, at the first Council meeting after the Clerk has received the Mayor's objections. The Council may pass any ordinance over the veto of the Mayor within 45 days after the objections of the Mayor are presented to the Council, by two-thirds vote of the Council or by three-fourths vote where two-thirds vote or more was required for passage of the original ordinance.

Sec. 251. Publication or Posting of Ordinances.

All ordinances finally adopted under the provisions of the Charter shall be published in the English language at least once in some daily newspaper circu-

lated in the City of Los Angeles, or publicized by some other method authorized by ordinance. No ordinance shall be valid or take effect until that publication or satisfaction of other method authorized by ordinance. As used in the Charter, publication of an ordinance shall mean compliance with this section.

Sec. 252. Effective Date of Ordinances, Orders and Resolutions.

Orders and resolutions shall take effect upon their passage unless requiring Mayoral approval, in which case they shall take effect upon Mayoral approval or override of Mayoral veto. An ordinance shall go into effect 31 days from its publication, except for urgency ordinances adopted pursuant to Section 253, and except for the following ordinances, which shall take effect upon their publication:

(a) an ordinance ordering, or otherwise relating to an election;

(b) an ordinance ordering or otherwise relating to the levying or collection of the annual City taxes;

(c) an ordinance which provides for or changes any of the following with respect to streets, boulevards, alleys, courts or other public places: name, curb lines, grade, improvement, opening, widening, straightening or extension;

(d) an ordinance relating to the construction of sewers or storm drains;

(e) an ordinance relating to the bringing or conduct of suits or actions or the levying or collection of local assessments upon private property for any of the purposes referenced in subsections (c) and (d);

(f) an ordinance relating to the condemnation of lands for parks, boulevards or playgrounds under laws or ordinances providing for the payment of the expense thereof by local assessment upon private property;

(g) an ordinance relating to creating classes of positions, setting salaries, authorizing the employment of personnel or prescribing conditions of employment;

(h) an ordinance establishing Council or Board of Education districts;

(i) an ordinance establishing pension or retirement benefits in accordance with Article XI of the Charter;

(j) an ordinance making or authorizing any contract, other than an ordinance granting any franchise, right or privilege; and

(k) any ordinance making or authorizing the sale or issuance of bonds of the City or of any district within the City.

Sec. 253. Urgency Ordinances.

The Council may adopt an urgency ordinance that shall take effect upon its publication. An urgency ordinance may only be adopted if required for the immediate preservation of the public peace, health or safety. Any urgency ordinance shall contain a specific statement showing its urgency, and must be passed by a three-fourths vote of the Council. No grant of any franchise, right or privilege shall ever be construed to be an urgency measure.

Sec. 254. Legislation Pending Before State and Federal Government.

The Council, by resolution, may establish the official position of the City with respect to legislation proposed to or pending before the state or federal government. The resolution shall be subject to veto by the Mayor, and override of the

Mayor's veto by a two-thirds vote of the Council. The Council, by ordinance, shall adopt procedures to implement the provisions of this section, which procedures shall set the time periods for Council and Mayoral action.

CONTROLLER

Sec. 260. Auditor and General Accountant.

The Controller shall be the auditor and general accountant of the City and shall exercise a general supervision over the accounts of all offices, departments, boards and employees of the City charged in any manner with the receipt, collection or disbursement of the money of the City. The Controller shall be elected as provided in Section 202.

Sec. 261. Powers and Duties.

The Controller shall:

(a) appoint assistants, deputies, clerks and other persons as the Council shall prescribe by ordinance;

(b) prescribe the method of keeping all accounts of the offices, departments, boards or employees of the City in accordance with generally accepted accounting principles, except that any change of the system of accounting shall first be authorized by the Council;

(c) regularly review the accounting practices of offices and departments and upon finding serious failings in accounting practices, be empowered to take charge of the accounting function, and thereafter assist the office or department in implementing appropriate accounting standards and practices;

(d) maintain a complete set of accounts which shall be deemed the official books and accounts of the City, which shall show at all times the financial condition of the City, the state of each fund, including funds of departments responsible for managing their own funds, the source from which all money was derived and for what purposes all money has been expended;

(e) in compliance with generally accepted government auditing standards, audit all departments and offices of the City, including proprietary departments, where any City funds are either received or expended; be entitled to obtain access to all department records and personnel in order to carry out this function; establish an auditing cycle to ensure that the performance, programs and activities of every department are audited on a regular basis, and promptly provide completed audit reports to the Mayor, Council, and City Attorney and make those reports available to the public;

(f) maintain a reconciliation between the accounts in all offices and departments with the accounts in the Controller's office, and from time to time, verify the condition of all City funds in the City Treasury, and report to the Mayor and Council thereon;

(g) allocate among the several respective funds all public money at any time in the City Treasury not otherwise specifically allocated and appropriated by law or ordinance, and promptly notify the Treasurer of the allocation or appropriation;

(h) report to the Mayor and Council, at times established by law, the condition of each fund, and make other reports as the Mayor or Council requests;

(i) maintain each fund on a parity with its obligations at all times by transferring from the Reserve Fund as a loan to any fund which may become depleted through tardy receipt of revenues, and upon receipt of revenues sufficient to make an allocation as will restore each fund to parity, retransfer the amount of the loan to the Reserve Fund;

(j) monitor the level of debt incurred by the City and report periodically to the Mayor and Council on City debt; and

(k) conduct performance audits of all departments and may conduct performance audits of City programs, including suggesting plans for the improvement and management of the revenues and expenditures of the City. Nothing in this subsection shall preclude the Mayor or Council from conducting management studies or other review of departmental operations.

Sec. 262. Approval of Demands on Treasury.

(a) The Controller shall, prior to approval of any demand, make inspection as to the quality, quantity and condition of services, labor, materials, supplies or equipment received by any office or department of the City, and approve before payment all demands drawn upon the Treasury if the Controller has adequate evidence that:

(1) the demand has been approved by every board, officer or employee whose approval is required by the Charter or ordinance;

(2) the goods or services have been provided, except that advance payment may be authorized by ordinance for specified categories of goods and services;

(3) the payment is lawful;

(4) the appropriation for the goods or services has been made;

(5) the prices charged are reasonable;

(6) the quantity, quality and prices correspond with the original specifications, orders or contracts; and

(7) any additional criteria established by ordinance have been satisfied.

(b) Notwithstanding subsection (a), the Controller shall delegate to the various offices and departments the duties of inspection of goods and services and approval of demands, in accordance with methods for inspection and approval established by the Controller, but the Controller may suspend the authority delegated pursuant to this subsection upon a finding of abuse of that authority or on a determination that the office or department lacks adequate controls to exercise that authority properly. In the event of suspension of the authority delegated pursuant to this subsection, the Controller shall assist the office or department to achieve adequate controls and standards prior to reinstatement of that authority to the office or department.

(c) The Controller shall withhold approval of any demand, in whole or in part, if there is a question as to whether it is improper, illegal, or unauthorized, and immediately file a report with the Mayor and Council stating the objections to

the demand. The Council shall promptly consider the report and may overrule or sustain the objections of the Controller.

(d) The Controller shall keep a record of all demands on the Treasury approved by the Controller and of all demands to which objections have been made and overruled.

Sec. 263. Approval of Expenses of Controller.

All demands for the expenses of the office of the Controller shall, before payment, be presented to the Mayor, who shall have the same powers as to approval or disapproval as are exercised by the Controller in the case of other demands. The action of the Mayor shall be subject to review by the Council.

Sec. 264. Reduction of Demand on Treasury.

No demand upon the Treasury shall be allowed by the Controller in favor of any person or entity indebted to the City without first deducting the amount of the indebtedness, to the extent permitted by law.

Sec. 265. Payment of Bonds.

Nothing in this Article shall be construed as interfering with or preventing the payment by the Treasurer of principal and interest on bonds payable by the City in accordance with the California Constitution, laws and ordinances authorizing the issuance and payment of those bonds.

Sec. 266. Periodic Surveys of Proprietary Departments.

(a) The Controller, Council and Mayor shall jointly cause, at least once in every five years, an industrial, economic and administrative survey to be made of the business and property of each of the Harbor, Water and Power and Airports Departments and shall select an independent qualified industrial engineer or organization specializing in such surveys to conduct the survey. The cost of each survey shall be paid for from the funds of the surveyed department.

(b) Each survey shall be made in consultation with the Mayor and City Council to ascertain if the surveyed department is operating in the most efficient and economical manner.

(c) A copy of the report of each survey shall be transmitted to the Mayor, Council, and board of the surveyed department and shall be made available to the public.

CITY ATTORNEY

Sec. 270. Qualifications.

The City Attorney must be qualified to practice in all the courts of the state, and must have been so qualified for at least five years immediately preceding his or her election. The City Attorney shall devote his or her entire time to the duties of the office.

Sec. 271. Powers and Duties.

The powers and duties of the City Attorney shall be as follows:

(a) The City Attorney shall represent the City in all legal proceedings against the City. The City Attorney shall initiate appropriate legal proceedings on behalf of the City.

(b) The City Attorney shall be the legal advisor to the City, and to all City boards, departments, officers and entities. The City Attorney shall give advice or opinion in writing when requested to do so by any City officer or board.

(c) The City Attorney shall prosecute on behalf of the people all criminal cases and related proceedings arising from violation of the provisions of the Charter and City ordinances, and all misdemeanor offenses arising from violation of the laws of the state occurring in the City.

(d) The City Attorney shall approve in writing the form of all surety or other bonds required by the Charter, or by ordinance, before the bonds are submitted to the proper body, board or officer for final approval, and no such bond shall be approved without approval as to form by the City Attorney. Except as otherwise provided in the Charter, the City Attorney shall approve in writing the form of all contracts before the contracts are entered into by or on behalf of the City.

(e) The City Attorney shall keep records of all actions and proceedings in which the City or any officer or board is an interested party, and copies of all written opinions given by the City Attorney's office. The City Attorney shall comply with all requests for information from the Mayor or Council, and shall report on a regular basis to the Mayor and Council on all matters of litigation, in a form and at times specified by ordinance. In all litigation involving potential financial liability of the City, the City Attorney shall keep the Mayor and Council informed as to the status and progress of litigation.

Sec. 272. Control of Litigation.

The civil client of the City Attorney is the municipal corporation, the City of Los Angeles. The City Attorney shall defend the City in litigation, as well as its officers and employees as provided by ordinance. The City Attorney may initiate civil litigation on behalf of the City or the People of the State of California, and shall initiate civil litigation on behalf of the City when requested to do so by the authority having control over the litigation as set forth below. The City Attorney shall manage all litigation of the City, subject to client direction in accordance with this section, and subject to the City Attorney's duty to act in the best interests of the City and to conform to professional and ethical obligations. In the course of litigation, client decisions, including a decision to initiate litigation, shall be made by the Mayor, the Council, or boards of commissioners in accordance with this section. However, the decision to settle litigation shall be made in accordance with Section 273.

(a) Council. The Council shall make client decisions in litigation involving matters over which the Charter gives the Council responsibility.

(b) Mayor. The Mayor shall make client decisions in litigation involving matters over which the Charter gives the Mayor responsibility.

(c) Boards. The boards of the Proprietary Departments, the Ethics Commission, the Board of Fire and Police Pension Commissioners, the Board of Administration of the Los Angeles City Employees' Retirement System, and the Board of Administration of the Water and Power Employees' Retirement System

shall make client decisions in litigation exclusively involving the policies and funds over which the Charter gives those boards control.

(d) Interpretation of Section. The City Attorney shall have the authority to make the determination regarding who is authorized to make client decisions on behalf of the City in accordance with the principles of this section and accepted principles of representation of municipal entities.

Sec. 273. Settlement of Litigation.

(a) Boards. The boards of the Proprietary Departments, the Ethics Commission, the Board of Fire and Police Pension Commissioners, the Board of Administration of the Los Angeles City Employees' Retirement System and the Board of Administration of the Water and Power Employees' Retirement System shall have the authority to approve or reject settlement of litigation exclusively involving the policies and funds over which the Charter gives those boards control. The settlement of all other litigation shall be in accordance with subsections (b) and (c) of this section.

(b) Settlements Involving Only Money Damages.

(1) The Mayor shall have authority to approve or reject settlements involving only the payment or receipt of money damages not exceeding an amount set by ordinance, and shall make client decisions with respect to settlement of such litigation. The Mayor may delegate this authority to the City Attorney.

(2) A claims board comprised of the Mayor as chair, the President of the Council and the City Attorney, or their designees, shall have the authority to approve or reject settlement of litigation involving only the payment or receipt of money damages exceeding the amount that is within the Mayor's authority under the preceding subsection, and below an amount set by ordinance. The claims board shall make client decisions with respect to settlement of such litigation.

(3) The Council shall have the authority to approve or reject settlement of litigation that involves only the payment or receipt of money damages exceeding the amount that is within the authority of the claims board under the preceding subsection, subject to veto of the Mayor, and Council override of the Mayor's veto by a two-thirds vote of the Council. The Council shall make client decisions with respect to settlement of such litigation. The claims board shall make recommendations to the Council concerning settlement of litigation within the scope of this subsection.

(c) Other Settlements. The Council shall have the authority to approve or reject settlement of litigation that does not involve only the payment or receipt of money, subject to veto of the Mayor, and Council override of the Mayor's veto by a two-thirds vote of the Council.

Sec. 274. Employment of Assistants.

The City Attorney may appoint assistants, deputies, clerks and other persons as the Council shall prescribe by ordinance. Each Assistant City Attorney must, at the time of appointment, be qualified to practice in all courts of the state and

must have been so qualified for at least two years immediately preceding the appointment. Employment in the City Attorney's office shall be subject to Section 1050 of Article X of the Charter.

Sec. 275. Employment of Other Legal Counsel.

Upon recommendation of a board enumerated in Section 272(c), and the written consent of the City Attorney, the City may contract with attorneys outside of the City Attorney's Office to assist the City Attorney in providing legal services to that department. The City may otherwise contract with outside legal counsel to assist the City Attorney in the discharge of his or her duties under the Charter only upon written approval of the Council and the City Attorney, and consistent with budgetary appropriations.

CITY CLERK

Sec. 280. Appointment and Removal.

The City Clerk shall be appointed and removed by the Mayor, subject in both appointment and removal to confirmation by the Council.

Sec. 281. Powers and Duties.

(a) The City Clerk shall be the custodian of the City seal, the City ordinances, contracts, records, including a complete record of the real estate holdings of the City, and other City documents entrusted to the Clerk's care.

(b) The City Clerk shall keep all ordinances, contracts, records and documents properly indexed and, when not in actual use, open during regular office hours to public inspection.

(c) The City Clerk shall be present at each meeting of the Council and keep a record of its proceedings.

(d) The City Clerk shall administer all oaths and affirmations except as otherwise provided by the Charter.

(e) The City Clerk shall superintend elections as provided in the Charter.

(f) The City Clerk shall devote his or her entire time to the duties of the office.

(g) The City Clerk shall keep a record and have custody of all official bonds, and place and renew all corporate surety bonds of officers or employees provided that the reliability of corporate sureties has been approved by the Council.

OFFICE OF ADMINISTRATIVE AND RESEARCH SERVICES

Sec. 290. Appointment and Removal; Qualifications; Assistants.

The Director of the Office of Administrative and Research Services shall be appointed and removed as provided in Section 508. The Director shall have administrative and executive ability as demonstrated by five years experience at the executive or administrative level within ten years immediately preceding appointment to the position of Director. The Director may appoint and remove as many assistants as may be authorized by the Charter and ordinance.

Sec. 291. Powers and Duties.

The Director shall have the power and duty to:

(a) keep the Mayor and the Council advised of the condition, finances and future needs of the City, and make recommendations as are appropriate;

(b) assist in the preparation of the annual budget in accordance with policies prescribed by the Mayor;

(c) develop work programs and standards required in the proper planning of the budget;

(d) prepare reports on revenue and costs and, throughout the year, conduct studies and investigations that will assist in the preparation of the budget;

(e) assist the Council in the review of the proposed budget;

(f) assist the Mayor and Council in the consideration of any appropriations subsequent to the adoption of the budget, as set forth elsewhere in the Charter;

(g) plan and direct a system of budgetary administration to assure the proper and effective expenditure of funds;

(h) subject to the approval of the Mayor, prescribe rules and standards governing the matters under the jurisdiction of the Office of Administrative and Research Services with which all officers and departments of the City must comply;

(i) furnish the Mayor or Council aid, information or recommendation as requested in writing by the Mayor, the Council, or Council Committee; and

(j) perform other duties assigned to the office in the Charter.

Except as provided in Section 292, the powers and duties of the Director of the Office of Administrative and Research Services set forth in this section shall not apply to the Proprietary Departments.

Sec. 292. Administrative Management Research.

The Director of the Office of Administrative and Research Services shall conduct research in administrative management for the improvement of the organization, policies and practices of all appointed offices, departments and other agencies of City government, including, without limitation, the Proprietary Departments, for the purpose of evaluating programs and developing performance measures concerning the duties of the various positions, the methods and the standards of efficiency. The Director of the Office of Administrative and Research Services shall recommend to the Mayor, Council and the respective departments and agencies those changes that will promote economy and efficiency in the conduct of City government.

Sec. 293. Additional Responsibilities.

Notwithstanding Section 213, additional responsibilities related to management-employee relations or other responsibilities that are not the responsibility of other departments, offices and commissions may be assigned to the Office of Administrative and Research Services by ordinance. Responsibilities of other departments, offices and commissions may be transferred to the Office of Administrative and Research Services only pursuant to Section 514.

ARTICLE III
FINANCE, BUDGET AND CONTRACTS

OFFICE OF FINANCE

Sec. 300. Director of Finance; Powers and Duties of Office.

The chief administrative officer of the Office of Finance shall be the Director of Finance, who shall be appointed and removed as provided in Section 508. The Office of Finance shall have the power and duty to:

(a) develop and implement the City's revenue policy consistent with the Charter and ordinance, and develop guidelines for the collection of outstanding receivables;

(b) collect revenues and issue those licenses, permits and tax registration certificates not issued by the City officers or departments; and

(c) make recommendations to the Mayor and Council concerning the efficient organization of the revenue collection functions performed by City offices and departments.

Sec. 301. Treasury; Treasurer.

The official depository of the City shall be known as the City Treasury, which shall be under the direction and control of the Treasurer who shall be appointed and removed by the Mayor, subject in both appointment and removal to confirmation by the Council.

The Treasurer shall have the following powers and duties:

(a) The Treasurer shall be the custodian of all money deposited in the City Treasury. Money in the Treasury shall only be paid out upon the presentation of warrants or other forms of communication prescribed by the Controller, after demands for payment have been approved by the Controller in the manner provided elsewhere in the Charter or by ordinance, except that no warrants shall be required for payment of the principal and interest of bonds or other evidence of indebtedness payable by the City when due.

(b) When warrants presented to the Treasurer have all the signatures required by law, and are countersigned by the Controller, those signatures shall be prima facie evidence of the legality of the warrants. The Treasurer may, in the event of the authenticity of any warrant being questioned, fully investigate and satisfy himself or herself regarding the authenticity before paying.

(c) The Treasurer shall transmit to the Controller, at the end of each business day, a detailed statement showing the receipts and disbursements credited or debited to each fund or account.

(d) The Treasurer shall, at the end of each fiscal year, submit to the Mayor and Council a detailed statement of the receipts, disbursements and balances of the Treasury.

(e) The Treasurer shall be the custodian of all securities bought by the City. Upon sale of any bonds by the City, the Treasurer shall deliver the bonds, receive and credit the proceeds to the proper fund or accounts, and report the action to the Council.

(f) The Treasurer shall assist any officer of the City who is authorized by the Charter or ordinance to inspect the records and deposits in the Office of the Treasurer to make an inspection.

(g) The Treasurer shall perform those duties imposed upon City treasurers by any law of the state applicable to the City, and shall furnish a bond for the faithful performance of duties.

(h) The Treasurer shall assist the Controller and outside auditors as requested in the audits of the City's finances.

Sec. 302. Funds.

All money paid into the City Treasury shall be credited to and kept in separate funds in accordance with the provisions of the Charter, ordinance or other applicable law. In addition to funds established elsewhere in the Charter for departments controlling their own funds, the following funds are hereby established: General Fund, Reserve Fund, and bond funds, interest funds, sinking funds, trust funds and other funds as may be required by law or ordinance. For the purposes of the Charter, the General Fund is established as a medium of control of and accounting for municipal activities other than activities authorized or contemplated by special funds. All revenues and receipts which are not by law or Charter pledged or encumbered for special purposes shall be credited to the General Fund.

Sec. 303. Investments.

(a) The Treasurer may deposit the money held in the Treasury in the institutions and upon terms provided by law.

(b) Notwithstanding other provisions of the Charter, the boards of the Proprietary Departments, and of the Departments of Recreation and Parks and Library may grant to the Treasurer the authority to combine money in funds under their respective control with other City money for the purpose of investment. Earnings from the investment of the money of these departments shall be paid by the Treasurer to the department fund from which the money was derived in proportion to the share of the total investment supplied by that fund. The computation of the proportionate shares shall be by a method proposed by the Treasurer, subject to the approval of each of the above boards.

GENERAL BUDGET

Sec. 310. Fiscal Year.

The fiscal year of the City shall begin on July 1 of each year and shall end on June 30 of the following year.

Sec. 311. Budget Estimates to Mayor; Statement of Budget Priorities.

(a) At the time the Mayor prescribes, but not later than January 1 of each year, each board or officer at the head of any department or office, or other City governmental activity, other than those departments having control of their own funds, shall submit to the Mayor, with copies to the Council and the Director of the Office of Administrative and Research Services, on forms and in the manner prescribed by the Mayor, a detailed estimate of the money required for the next fiscal year for the proper operation of their departments and offices. These esti-

mates shall contain uniform budget classifications and shall clearly set forth the functions performed and the items and services required for such performance. Summaries, schedules and supporting data shall be attached to the estimates. Any department head or officer requesting an increase over the prior year's appropriation shall indicate which classifications need the increase and rank the order of immediate need for each classification. After consultation with an officer or head of a department, the Mayor may refer the estimate back with instructions to prepare a revised estimate on the basis of a maximum sum for the department, office or activity, that maximum sum to be fixed by the Mayor, or with further qualification as the Mayor shall determine. The officer or head of department shall present the revised estimate to the Mayor, with a duplicate to the Council and to the Director of the Office of Administrative and Research Services, at a date fixed by the Mayor.

(b) On or before February 1, the Mayor shall publish his or her budget priorities for the next fiscal year in order to facilitate public comment.

(c) On or before March 1 of each year the Controller shall submit to the Mayor, with a duplicate to the Council and to the Director of the Office of Administrative and Research Services, a detailed statement of the money that the Controller estimates will be required for the interest and sinking funds and for all outstanding bonded indebtedness and other lawful obligations of the City or of special districts and an estimate of the revenue to be derived from fines, licenses and other sources.

Sec. 312. Mayor's Proposed Budget.

On or before April 20 of each year, the Mayor shall submit to the Council a budget for the next ensuing fiscal year setting forth in summary and in detail:

(a) estimates of the expenditures and appropriations necessary for the support of the required work programs of the City government for the ensuing fiscal year, including interest and sinking funds or payments of principal on the bonded indebtedness of the City and of special districts;

(b) detailed estimates of the receipts of the City during the ensuing fiscal year, under laws existing at the time the budget is transmitted, and also under the revenue proposals, if any, contained in the budget;

(c) the expenditures and receipts of the City government during the last completed fiscal year;

(d) estimates of the expenditures and receipts of the City government during the fiscal year in progress;

(e) the amount of annual, permanent or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress, as of June 30 of such year;

(f) balanced statements of:

(1) the condition of the Treasury at the end of the last completed fiscal year;

(2) the estimated condition of the Treasury at the end of the fiscal year in progress; and

(3) the estimated condition of the Treasury at the end of the ensuing fiscal year in case the financial proposals contained in the budget are adopted.

(g) all essential facts regarding the bonds, notes and other lawful obligations of the City;

(h) other financial statements and data necessary or desirable in order to make known in all practical detail the financial condition of the City government;

(i) an Unappropriated Balance, which shall be available for appropriations later in the ensuing fiscal year to meet contingencies as they arise; and

(j) a statement of resources of the Reserve Fund which shall be carried over to the next ensuing fiscal year to meet the cash requirements of the City for the portion of the next ensuing fiscal year prior to the receipt of taxes, or for appropriations to the Unappropriated Balance as provided in the Charter.

Sec. 313. Council Consideration of Budget.

After receiving the budget submitted by the Mayor, and prior to taking action on the budget, the Council shall hold a noticed public hearing. On or before June 1, the Council shall:

(a) approve the budget as submitted by the Mayor; or

(b) modify the budget by disapproving in whole or in part any items, or by increasing or decreasing any item, or by adding new items, and return the budget as modified by the Council to the Mayor. Any action taken by the Council under this section shall be taken by a majority vote of its members.

Upon failure of the Council to return the budget to the Mayor as provided in this section, the budget as submitted by the Mayor to the Council shall be signed by the City Clerk and thereupon become the general City budget for the ensuing fiscal year.

Sec. 314. Mayor's Veto.

The budget as adopted by the Council shall not be held for reconsideration but shall be promptly transmitted by the City Clerk to the Mayor upon whose approval and signature it shall become effective. If the Mayor shall fail to act upon the budget within five days, excluding Saturdays, Sundays and legal holidays, after its adoption by the Council, it shall be signed by the City Clerk and shall thereupon become effective. If the Mayor disapproves of any increase, decrease, omission or insertion of any item of the budget by the Council, the Mayor may veto, restore or otherwise change any item to the amount originally proposed by the Mayor or to any amount between that originally proposed by the Mayor and that adopted by the Council. The Mayor, however, shall have no power to change any description or limitation made applicable to an item by the Council, except to veto the change or to restore the description or limitation to the condition originally proposed by the Mayor. Upon completion of these changes, the Mayor shall within the five day period return the budget to the Council with a statement of action taken.

Sec. 315. Council Consideration of Mayor's Veto Message; Final Adopted Budget.

Upon receipt by the Council of the budget veto message from the Mayor, the Council shall have five days, excluding Saturdays, Sundays and legal holidays,

within which to overcome the action of the Mayor relative to any item or items of the budget. Any item or items of the budget which shall have been vetoed, or otherwise changed by the Mayor, and which shall not be, by a two-thirds vote of all of the members of the Council, either readopted notwithstanding the objections of the Mayor or changed to an amount between that as originally adopted by the Council and that as changed by the Mayor, shall remain as modified by the Mayor.

Where the Mayor has changed any description or limitation applicable to an item, the Council, in its action pursuant to this section, shall have no power to alter the description or limitation other than to restore it to the condition in which it was originally adopted by the Council.

Upon the expiration of the Council's five day period, or sooner if the Council by majority vote so directs, the budget as returned by the Mayor, and to the extent modified thereafter by the Council, shall become the general City budget for the ensuing fiscal year and shall not be held for reconsideration but shall be promptly transmitted to the City Clerk, signed by the City Clerk and filed in the office of the Controller.

EXPENDITURES

Sec. 320. Expenditure Programs.

Each office and department provided for in the general City budget, and the Departments of Library and Recreation and Parks to the extent that they are assisted by appropriations from the General Fund, shall have authority to expend, in the manner provided by law, the funds appropriated for its support during the ensuing fiscal year, but only in accordance with a program of planned expenditures which shall be prepared, filed and modified from time to time, as provided by law. No department, bureau, or office of the City government shall make expenditures or incur liabilities in excess of the amount appropriated therefor.

DEBT

Sec. 325. Debt Impact Statements.

Prior to the adoption of any ordinance or resolution authorizing the incurring of any indebtedness by the City or the placing of any debt authorization on the ballot, the Mayor and Council shall have prepared a debt impact statement. The debt impact statement shall analyze the effect of the new debt on the City's finances and indicate the amount of additional funds required to be budgeted for debt service.

TAXATION

Sec. 330. Use of County System of Assessment and Taxation.

Until otherwise provided by ordinance, the City shall continue to use, for purposes of municipal taxation, the county system of assessment and tax collection. Should the City resume the work of assessment and tax collection, the procedure shall be fixed by ordinance and, so far as applicable, shall be substantially the same as provided at the time by law for county taxes in the County of Los Angeles.

Sec. 331. Tax Levy.

Not earlier than the month of June, but not later than the last day of the month in which the statement of property valuations within the City as required by law is received, the Council shall adopt an ordinance levying upon the assessed valuation of the property in the City, in accordance with the provisions of law, a rate of taxation upon each one hundred dollars ($100) of valuation, which, with the amounts, if any, transferred from the Reserve Fund in or for the current fiscal year subsequent to the adoption of the annual budget and the amount estimated to be received from fines, licenses and other sources of revenue, will be sufficient to raise the amount appropriated in the annual budget.

Sec. 332. Tax Levy—Alternate Method.

If the Council fails to levy a rate of taxation at the time and in the manner provided by the Charter, the Controller shall add to the budget the amount required to meet maturing portions of principal and interest on the bonded indebtedness of the City and of special districts in the City, and any special taxes lawfully imposed, and shall calculate a rate of taxation as provided in Section 331, not exceeding the limit provided by law. The Controller shall give public notice of the rate of taxation by publication in a newspaper of general circulation in the City or by other means provided by ordinance, and the tax rate calculated by the Controller shall be the rate of taxation of the City. The Controller is hereby vested with all necessary legislative power to carry out the provisions of this section.

TRANSFERS

Sec. 340. Transfers Between Funds; Temporary Transfers.

(a) It shall not be lawful to transfer money from one fund to another or to use the money in one fund in payment of demands upon another fund, except in the case of the Unappropriated Balance and the Reserve Fund, or except as specifically provided in the Charter.

(b) Notwithstanding subsection (a), the Treasurer and the Controller, when authorized and directed by the Council by resolution, shall make temporary transfers, in accordance with procedures established by law, from the funds of the City as may be necessary to provide funds for meeting obligations of the City. The amount of any temporary transfers shall not at any one time exceed 85% of the ad valorem property taxes accruing to the City, shall not be made after the last Monday in April of the current fiscal year, and shall be replaced from the taxes accruing to the City before any other obligation of the City is met from those taxes.

Sec. 341. Transfers from Reserve Fund; Appropriations from Unappropriated Balance.

Transfers may be made from the Reserve Fund after adoption of the annual budget to meet in whole or in part any appropriated item of the annual budget, or may be made to the General Fund or the Unappropriated Balance. These transfers

and any appropriations from the Unappropriated Balance may be made after adoption of the budget, as follows:

(a) upon recommendation of the Mayor, approved by a majority vote of the Council;

(b) upon a majority vote of the Council, subject to the approval of the Mayor, or passage by the Council over the Mayor's veto by a two-thirds vote.

If any order making a transfer or appropriation is not returned to the City Clerk by the Mayor for presentation to the Council, with objections in writing, within ten days after it has been presented, it shall become effective and be as valid as if the Mayor had approved and signed it.

Sec. 342. Transfers of Appropriated Funds.

Funds appropriated in the general City budget or thereafter by the Council for expenditure by any officer, board or department may be transferred to the Reserve Fund or the Unappropriated Balance, or appropriated for the same or other purposes by other authorized officers, boards or departments and the budget or other spending authority amended accordingly:

(a) for transfers not in excess of an amount established by ordinance, on the approval of the Mayor, provided that the Mayor shall give notice of such transfer at the time it is made to the City Clerk who shall notify the President of the Council, the Controller and the Director of the Office of Administrative and Research Services of the transfer;

(b) for transfers in excess of an amount established by ordinance, on the approval of the Mayor and a majority vote of the Council; or

(c) for transfers in excess of an amount established by ordinance, on the majority vote of the Council, subject to the approval of the Mayor, or passage by the Council over the Mayor's veto by a two-thirds vote.

If any order making a transfer is not returned to the City Clerk by the Mayor, for presentation to the Council, with objections in writing, within ten days after it has been presented, it shall become effective and be as valid as if the Mayor had approved and signed it.

Sec. 343. Intra-Departmental Transfer.

(a) Departments Not Controlling Their Own Funds. The head of any department not having control of its own funds may make application in writing to the Mayor for a transfer of amounts from one appropriated item to another in the budget allowance of the department or to a new item created after adoption of the annual budget. On the approval of the Mayor, the Controller shall make the transfer, but no transfer of an amount exceeding either thirty-five thousand dollars ($35,000) or other amount established by ordinance shall be made unless approved by a majority vote of the Council. Notwithstanding the above, for transfers within the Council's budget, the President of the Council shall be authorized to approve transfers.

(b) Departments Controlling Their Own Funds. The general manager of any department having control of its own funds may make application in writing to

the board having control and management over the department for a transfer of amounts from one budget item to another in the annual budget of the department, or to a new item created after adoption of the annual budget. On the approval of the board, the Controller shall make the transfer, but no transfer of an amount exceeding thirty-five thousand dollars ($35,000) or other amount established by ordinance shall be made unless approved in writing by the Mayor.

(c) Increase in Limit. The monetary limitations of thirty-five thousand dollars ($35,000) in subsections (a) and (b) above shall commence at the beginning of the City's 1999–2000 fiscal year and shall be subject in subsequent fiscal years to an annual adjustment at the beginning of the fiscal year based upon the Consumer Price Index for all urban consumers for the Los Angeles area published by the United States Department of Labor, Bureau of Labor Statistics.

(d) Notice. At the time any transfer of funds pursuant to this section is made, the authority approving the transfer shall give notice to the City Clerk, who shall notify the President of the Council, the Controller and the Director of the Office of Administrative and Research Services of the transfer.

Sec. 344. Transfer of Surplus to Reserve Fund.

At the close of each fiscal year, the Controller and Treasurer shall transfer all surplus money remaining in each fund over and above the amount of outstanding demands and liabilities payable out of the fund to the Reserve Fund, except surplus money in the several bond funds, interest and sinking funds, trust funds, pension and retirement funds, Harbor Revenue Fund, Library Fund, Recreation and Parks Fund, Power Revenue Fund, Water Revenue Fund, Airport Revenue Fund and other funds as provided by the Charter or ordinance. The Council may, by ordinance, direct that surplus money in the Harbor Revenue Fund, the Power Revenue Fund or the Water Revenue Fund be transferred to the Reserve Fund with the consent of the board in charge of the fund, but not otherwise. Surplus money may be transferred from the Airport Revenue Fund only as provided in Section 635.

CLAIMS

Sec. 350. Claims Against City.

(a) Claim Required. No suit shall be brought on any claim for money or damages against the City, or any officer or board of the City, until a claim has been filed with the City Clerk, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Claim procedures and requirements shall be governed by state law or ordinance not inconsistent with state law. Except in those cases where a shorter period of time is otherwise provided by state law, all claims for damages against the City must be presented within six months for personal injury and within one year for property damage after the occurrence from which the damages arose, or after the last item of the account or claim accrued.

(b) Action on Claim. In all cases, the claim shall be approved or rejected in writing and the date given. Failure to act upon any claim within 45 days from the date the claim is filed with the City Clerk or, if amended, within 45 days after the

amended claim is filed with the City Clerk, or within any greater period provided by state law, shall be deemed to be a rejection.

(c) Applicability. The requirements of this section shall not apply to claims for payment upon presentation and surrender of any bonds, notes or other evidences of indebtedness authorized by the Charter or state law and payable solely from any revenue fund or other special fund.

MISCELLANEOUS FINANCE

Sec. 360. Payment into Treasury.

Except as provided by ordinance, all public money collected by any officer, employee of the City or other person shall immediately be paid into the City Treasury, without any deduction on account of any claim for fees, commissions or any other cause.

Sec. 361. Law Governing Bonded Indebtedness.

Except for revenue bonds issued pursuant to Section 609 or related ordinance or other bonded indebtedness issued pursuant to other procedural ordinance, the laws of the State of California establishing the procedure for the creation of bonded indebtedness in force at the time any bonded indebtedness is created by the City shall, so far as applicable, be followed.

Sec. 362. Annual Audit.

At the end of each fiscal year, the Council shall require the income and expenditures of each department and office of the City to be audited by one or more certified public accountants, who are not connected with the department to be audited. The accountants shall make their report directly to the Council and send copies to the Mayor and Controller. The Council shall determine the extent of the audit as to each of the departments, and may provide for the taking of the audit by resolution.

CONTRACTS

Sec. 370. Contracts Required to be in Writing and Signed.

Every contract involving consideration reasonably valued at more than an amount specified by ordinance shall, except in cases of urgent necessity for the preservation of life, health or property as provided in Section 371(e)(5), be made in writing, or other manner as provided by ordinance. The draft of the contract shall be approved by the board, officer or employee authorized to make the contract. Every contract must be approved by the City Attorney as to form, except for contracts or classes of contracts involving consideration reasonably valued at less than an amount set by ordinance.

The contract shall be signed on behalf of the City by:

(a) the Mayor; or

(b) the board, officer or employee authorized to enter into the contract; or

(c) in the case of a contract authorized by Council, the person authorized by the Council.

The City shall not be, and is not, bound by any contract unless it complies with the requirements of this section and all other applicable requirements of the Charter.

Sec. 371. Competitive Bidding; Competitive Sealed Proposals.

(a) Competitive Bidding. Except as provided in subsection (e) below, the City shall not be, and is not, bound by any contract unless the officer, board or employee authorized to contract has complied with the procedure for competitive bidding or submission of proposals established by this section and ordinance.

Contracts shall be let to the lowest responsive and responsible bidder furnishing satisfactory security for performance. This determination may be made on the basis of the lowest ultimate cost of the items in place and use. Where the items are to constitute a part of a larger project or undertaking, consideration may be given to the effect on the aggregate ultimate cost of the project or undertaking. Notwithstanding the provision of this subsection requiring award to the lowest responsive and responsible bidder, a bid preference can be allowed in the letting of contracts for California or Los Angeles County firms, and the bid specifications can provide for a domestic content and recycled content requirement. The extent and nature of the bid preference, domestic content and recycled content requirement and any standards, definitions and policies for their implementation shall be provided by ordinance.

(b) Competitive Sealed Proposals. As an alternative to an award pursuant to open and competitive bidding, a contract can be let pursuant to a competitive sealed proposal method, in accordance with criteria established by ordinance adopted by at least a two-thirds vote of the Council. The competitive sealed bid proposal system may permit negotiations after proposals have been opened to allow clarification and changes in the proposal. Adequate precautions shall be taken to treat each proposer fairly. No award may be made pursuant to this alternative method to a proposer whose final proposal is higher as to the ultimate cost to the City, as above defined, than any other responsive proposal submitted. The contracting authority, in order to utilize this alternative method, must make a written finding supported by a written statement of facts that adherence to the rule that the award be made to the lowest responsive and responsible bidder is not practicable or advantageous and shall also state in writing the reason for the particular award.

Consistent with competitive bidding requirements, design-build or other appropriate project delivery systems may be used when justified by the type of project and approved by the contracting authority.

(c) Right to Reject. The City shall reserve the right to reject any and all bids or proposals and to waive any informality in the bid or proposal when to do so would be to the advantage of the City. The City may also reject the bid or proposal of any bidder or proposer who has previously failed to timely and satisfactorily perform any contract with the City.

(d) Notice. The Council, board, officer or employee authorized to contract shall cause notice inviting bids or proposals to be published at least once in a daily newspaper circulated in the City, or to be given by other method prescribed by ordinance, inviting bids or proposals. All bids and proposals shall comply with additional requirements provided by ordinance, including, but not limited to, the furnishing of a bid bond, performance bond and affidavit of non-collusion. Further procedures for competitive bidding shall be prescribed by ordinance.

(e) Exceptions. The restrictions of this section shall not apply to:

(1) Contracts involving consideration reasonably valued at less than an amount specified by ordinance.

(2) Contracts, as determined by the contracting authority, for the performance of professional, scientific, expert, technical, or other special services of a temporary and occasional character for which the contracting authority finds that competitive bidding is not practicable or advantageous.

(3) Contracts for the furnishing of articles covered by letters patent granted by the government of the United States.

(4) Contracts for leasing as lessee or purchasing real property when approved by majority vote of the Council.

(5) Contracts for repairs, alterations, work or improvements declared in writing by the contracting officer or board, or its designee, to be of urgent necessity for the preservation of life, health or property. The declaration shall give the reasons for the urgent necessity and must be approved by the Council or its designee. Approval may be conditioned upon compliance with one or more of the requirements of this section.

(6) Contracts entered into during time of war or national, state or local emergency declared in accordance with federal, state or local law, where the Council, by resolution adopted by two-thirds vote and approved by the Mayor, suspends any or all of the restrictions of this section or their applicability to specific boards, officers or employees.

(7) Contracts for equipment repairs or parts obtained from the manufacturer of the equipment or its exclusive agent.

(8) Contracts for cooperative arrangement with other governmental agencies for the utilization of the purchasing contracts and professional, scientific, expert or technical services contracts of those agencies and any implementing agreements, even though the contracts and implementing agreements were not entered into through a competitive bid process.

(9) New, long-term concession agreements with the existing merchants as of the Adoption Date of the Charter on Olvera Street negotiated by the City department responsible for administering the El Pueblo de Los Angeles Historical Monument.

(10) Subject to the requirements of Section 1022, contracts (including without limitation those, as determined by the contracting authority, for the performance

of professional, scientific, expert, technical or other special services), where the contracting authority finds that the use of competitive bidding would be undesirable, impractical or impossible or where the common law otherwise excuses compliance with competitive bidding requirements.

Sec. 372. Competitive Proposals Preferred.

Except as otherwise provided by ordinance, in all cases where bids are not required by the Charter, competitive proposals or bids shall be obtained as far as reasonably practicable and compatible with the City's interests. In all cases, a public record of these proposals and agreements shall be kept. The right to reject any and all proposals or bids shall be reserved in all cases.

Sec. 373. Long Term Contracts; Approval by Council.

Except as otherwise provided in the Charter, no board, officer or employee shall make any type of contract, as specified by ordinance, obligating the City or any department to make or receive payments of money or other valuable consideration for a period longer than such period as provided by ordinance, unless such contract shall have been first approved by the Council. The ordinance shall set a time period for review by the Council, and may further define what constitutes a term of more than the specified period. If the Council does not approve the contract, the Council shall not modify the contract, but shall return it to the contracting authority for reconsideration and resubmission to Council. This section shall not apply to contracts entered into with the United States government, or other governmental agencies, or as specifically authorized in Sections 605 through 607.

Sec. 374. Contract or Direct Employment.

Whenever any board, officer or employee is given authority in the Charter to construct any public work or improvement, that authority shall include the right to proceed either by contract or by the direct employment of labor and purchase of materials, in accordance with the Charter.

Sec. 375. Prequalification of Bidders.

Nothing in this Article shall prevent the prequalification of bidders in accordance with criteria provided by ordinance if the process is clearly described in the bid specifications or request for proposals, and the contracting authority makes a written finding that utilization of such process would benefit the City.

Sec. 376. Change Orders.

Upon the award of any contract, the contracting authority may delegate the approval of change orders to a department employee, but that delegation shall specify the dollar amount that can be approved without further authorization by the contracting authority.

Sec. 377. Prevailing Wage.

The provisions of California Labor Code Section 1770 et. seq. regarding prevailing wages on public works and related regulations, as now existing and as may be amended, are accepted and made applicable to the City, its departments, boards, officers, agents and employees.

Sec. 378. Living Wage.

The City shall require that a living wage be provided to the employees of those doing business with the City in a manner to be prescribed by ordinance.

PURCHASES

Sec. 380. Purchases.

The City shall prescribe by ordinance the process for purchases of materials and supplies, equipment and equipment rental, repair and maintenance, consistent with the requirements of the Charter.

SALES

Sec. 385. Sale of City Property.

Any real or personal property owned by the City that is no longer needed may, subject to the limitations elsewhere prescribed in the Charter, be sold under terms and conditions prescribed by ordinance. However, any real or personal property under the control of any board authorized by the Charter or by law to acquire, hold or control the property shall not be sold without the approval of the board or officer having the management of the department. Except as otherwise provided by law, the proceeds of the sale shall be paid into the City Treasury and placed in the fund of the department having control of the property.

FRANCHISES

Sec. 390. Franchises.

(a) Granting of Franchises. The City may grant franchises for fixed terms, permits or privileges (Franchises) for the construction and operation of plants or works necessary or convenient for furnishing the City and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage, or any other public utility or service (Public Utility Service). The Council may prescribe the terms and conditions of the grant, and shall prescribe by ordinance the procedure for making these grants, subject to the limitations provided in the Charter and applicable law.

(b) Award of Franchise. Before granting any Franchise, the Council shall advertise its intention to grant the Franchise and shall award the Franchise to the highest responsible and responsive bidder after competitive bidding, in accordance with the procedures prescribed by ordinance governing the granting of Franchises.

(c) Term of Franchises. No Franchise for the construction and operation of plants or works necessary or convenient for the furnishing of the City and its inhabitants with Public Utility Service shall be made for a period exceeding 21 years, except Franchises for the construction and operation of subways, elevated railways and grade separated railways, which shall be granted for a period not exceeding 40 years for the original Franchise. No grant for the extension of facilities of an existing utility operating under a Franchise granted by the City or county shall be made for a period beyond the expiration date of the Franchise under which the utility, or the portion of the utility with which the extension is to be connected, is operated.

The City may, by ordinance, five years or less prior to the expiration of any Franchise, grant to the holder of the Franchise a new Franchise to replace the expiring Franchise. The term of the replacement Franchise shall not exceed ten years from the date of expiration of the Franchise it replaces, except that any replacement cable television Franchise may be granted for a period not to exceed 15 years. Each replacement Franchise shall comply with the ordinances governing the granting of Franchises in force at the time the replacement Franchise is granted, and shall carry all the conditions required in the original Franchise.

(d) Terms and Conditions of Franchises.

(1) Power to Order Extensions of Facilities. Every Franchise shall provide that the board designated by ordinance to have such authority shall have the power to order extensions of the facilities authorized in the Franchise, after a hearing as provided by ordinance.

(2) Right to Purchase. Except as otherwise provided in the Charter, every Franchise shall reserve to the City the right to purchase the property of the Public Utility Service, or find a purchaser therefor, upon one year's written notice, either at an agreed price or a price to be determined in a manner prescribed in the grant.

(3) Price for Purchase. In fixing in any Franchise the price to be paid by the City for any utility, no allowance shall be made for Franchise value, good will, going concern, earning power, increased cost of reproduction, severance damage or increased value of right of way.

(4) Assumption of Bonds. Every Franchise shall provide that when purchasing the property of the grantee, the City, if and when permitted by the California Constitution, may assume the obligations of the grantee for the payment of the bonds then outstanding against the property, not exceeding in aggregate par value the valuation of the property purchased, as determined in accordance with this section. In this case, the par value of the bonds shall be deducted from the valuation of the property, and the excess, if any, of the valuation of the property over the par value of the bonds assumed shall be the net purchase price to be paid to the grantee.

(5) Consolidated or Annexed Territory. Every Franchise shall provide that in case of consolidation with or annexation to the City of any territory not now included in the City, any Franchise to operate the Public Utility Service or any part thereof, held or claimed by the holder of the Franchise in or for any portion of territory consolidated or annexed to the City shall automatically be surrendered to the City, and the rights and obligations of the Franchise shall automatically extend to the additional territory.

(e) Resettlement Franchises. A resettlement Franchise may be granted to a public utility operating in the City under more than one Franchise issued for different periods, and for different expiration dates for different parts of its system, which resettlement Franchise shall be in lieu of all other Franchises held by the grantee within the City.

(f) Applicability. Nothing in this section shall apply to the granting of Franchises by the Departments of Harbor and Airports.

ARTICLE IV
ELECTIONS

GENERAL PROVISIONS RELATING TO ELECTIONS

Sec. 400. Types of Elections.

Municipal elections held in the City of Los Angeles shall be classified as primary nominating elections, general municipal elections and special elections.

Sec. 401. Election Days—City of Los Angeles and Board of Education.

For City offices and elections of the Board of Education, primary nominating elections shall be held on the second Tuesday in April in every odd-numbered year, and general municipal elections shall be held on the first Tuesday after the first Monday in June in every odd-numbered year. However, if holding the election on that day would conflict with a significant event or occurrence, and the Council finds that holding the election on that day would substantially reduce voter participation, the Council may set the election on a specific alternate day not earlier than the previous Tuesday nor later than the subsequent Tuesday from the regularly scheduled election day. The Council may set the alternate day only if it finds that holding the election on such alternate day would not substantially reduce voter participation. Any action setting an alternate election day must be adopted by the Council by resolution no later than six months before the date on which the affected election would otherwise take place.

Sec. 402. Ordinance Ordering the Holding of an Election.

The Council shall, by ordinance, order the holding of all elections. The ordinance ordering the election shall specify the object and time of holding the election, shall establish election precincts, designate polling places, and name officers of election for each precinct. That ordinance may do so by making reference to other enactments or documents. Any ordinance ordering the holding of an election may also order the holding of a run-off election, to be held if necessary.

Sec. 403. Officers of Election.

Officers of election shall be registered voters of the City, or of the School District in the case of Board of Education elections, and shall be selected and appointed in accordance with procedures set forth in the City Election Code. No candidate who has taken out papers for nomination, nor a member of his or her immediate family, shall be permitted to act as an election officer, nor shall the polling place be held in his or her residence.

Sec. 404. Returns of Election.

The returns of every election shall be delivered to the City Clerk, who shall, within 14 days after any election, canvass the returns and certify them to the Council, who shall declare the result and order the issuance of certificates of nomination or election as appropriate. The Council shall be the judge of the qualifications of all of the elected officers. When any municipal election is consolidated

with any state or county election, after the Board of Supervisors or Registrar of Voters of Los Angeles County has canvassed the returns and certified the result of the canvass of all municipal questions submitted at the election to the Council, the Council shall declare the result. Any act in relation to the conduct of the election required by the Charter to be performed by an officer or employee of the City may be performed by the proper officer or employee of the county.

Sec. 405. Employment of Additional Persons.

Whenever requested by the City Clerk, the Council shall authorize the Clerk to employ those persons, in addition to the persons regularly employed in the Clerk's office, as may be necessary to assist in the performance of any duty imposed upon the Clerk in connection with the conduct of any election. The provisions of the Charter respecting the classified civil service of the City shall not apply to the persons so specially employed.

Sec. 406. Recounts.

(a) Applicability. This section governs recounts of all primary nominating, general municipal, and special elections of the City of Los Angeles and any elections of other jurisdictions consolidated with those elections. Nothing in this section shall be construed to prevent any person from contesting the results of any election by judicial proceedings authorized by law.

(b) Procedure. Within five days after the Council's declaration of the results of an election, any registered voter of the City, or of the School District in the case of Board of Education elections, may file with the City Clerk a written request to recount all of the votes cast at that election for candidates for any office, or for and against any measure. The request shall comply with the requirements of the City Election Code. The recount shall be conducted publicly and shall commence not more than seven calendar days after the City Clerk's acceptance of the recount request. No person who is an interested party to the recount shall be involved in the recount. The recount shall otherwise be conducted in accordance with procedures set forth in the City Election Code.

(c) Results of Recount. Upon completion of the recount, the Council shall declare the result. If any person who had not been declared nominated or elected is found upon the recount to be entitled to nomination or election, the Council shall so declare and direct that the proper certificate of nomination or election be issued to that person. If by the recount it is determined that the result of a ballot measure election is different than as already declared, the Council shall so declare.

(d) Costs of Recount. Any request for recount shall be accompanied by a bond or cash deposit in a sum specified by ordinance, in a form satisfactory to the City Clerk. The bond or deposit shall be payable to the City of Los Angeles in the event that the recount does not change the result of the election. If the result of an election is changed by the recount, the expense of the recount shall be borne by the City, and the bond or cash deposit shall be returned to the elector who requested the recount. The results of an election are considered changed if the identity of any person who had been declared nominated or elected is changed, or if the approval or disapproval of any ballot measure is changed.

Sec. 407. Eligibility for Office.

(a) Election. To be eligible for nomination or election to any office under the Charter, a person must be a registered voter of the City or of the School District in the case of candidates for the Board of Education, at the time of his or her nomination and election, and have been a resident of the City, in the case of candidates for Mayor, Controller, or City Attorney, or of the Council district or Board district from which he or she is nominated or elected in the case of candidates for City Council and Board of Education, for at least 30 days immediately preceding the first day upon which candidates could file a Declaration of Intention to run for office at that election. When an election is to be held to fill a vacancy in an elected office and the Charter does not require the filing of a Declaration of Intention to run for that office, the 30 day residency requirement shall be measured from and precede the first day upon which candidates are permitted to secure Nominating Petitions for that office from the City Clerk.

(b) Appointment. The eligibility requirements of subsection (a) shall also apply to persons appointed to fill a vacancy in an elected office; however, the 30 day residency requirement shall be measured from and precede the date of appointment.

(c) Disqualification. No person shall be eligible to file a Declaration of Intention to run for City office or for election or appointment to any elected City office, who, within the prior five years:

(1) was convicted of a felony or entered a plea of guilty or no contest to a felony charge; or

(2) was convicted of a violation of the conflict of interest or governmental ethics provisions of the Charter, City ordinances, or state or federal law, unless the court at the time of sentencing specifically determines that this provision shall not apply.

(d) Any person disqualified under these provisions from seeking election or appointment to an elected City office shall likewise be ineligible for the same period of time to hold any appointed position in the City government.

Sec. 408. Eligibility to Vote.

To be eligible to vote at any of the elections held under the Charter, a person must be registered in the manner and have the qualifications required by the general laws of this state respecting the registration and qualification of voters for state and county elections.

Sec. 409. Filling Vacancies in the Offices of Mayor, City Attorney, Controller and Member of the City Council.

Vacancies in the offices of Mayor, City Attorney, Controller and members of the City Council shall be filled by either appointment or election in the manner set forth in this section.

(a) Appointment. The Council may fill a vacancy by appointing a person to hold the office for the portion of the unexpired term remaining through the next June 30 of an odd-numbered year. If any portion of the term remains after that date,

the Council shall also call a special election or elections to fill the remainder of the term, and shall consolidate the election with the primary nominating election and general municipal election next following the appointment. If a vacancy is filled by appointment after the first date fixed by law for filing a Declaration of Intention to become a candidate at the next primary nominating election, the person appointed shall hold the office for the remainder of the unexpired term.

(b) Special Election. Instead of filling a vacancy by appointment, the Council may call a special election, and special runoff election, if necessary, by ordinance for the purpose of filling the vacancy for the remainder of the unexpired term. The Council shall provide in the ordinance for the consolidation of the election with any other election and for the procedure for nominating candidates, including the amount of the filing fee, if any, to be paid by candidates and other matters pertaining to the election. In the case of a tie vote, the Council shall decide which candidate receiving an equal number of votes is elected to fill the vacancy.

(c) Recall. Any person appointed or elected to fill a vacancy may be removed from office by the recall in the same manner as if he or she had been elected to office.

Sec. 410. Filling Vacancies in the Office of Members of the Board of Education.

Vacancies in the office of Members of the Board of Education shall be filled by either appointment or election in the manner set forth in this section.

(a) Appointment. The Board of Education may fill a vacancy by appointing a person to hold the office for the portion of the unexpired term remaining through the next June 30 of an odd-numbered year. If any portion of the term remains after that date, the Board shall also contract with the City of Los Angeles for the calling and conducting of a special election or elections to fill the remainder of the term, and the Council shall consolidate the election with the primary nominating election and general municipal election next following the appointment. If a vacancy is filled by appointment after the first date fixed by law for filing a Declaration of Intention to become a candidate at the next primary nominating election, the person appointed shall hold the office for the remainder of the unexpired term.

(b) Special Election. Instead of filling a vacancy by appointment, the Board of Education may contract with the City of Los Angeles for the calling and conducting of a special election or elections for the purpose of filling the vacancy for the remainder of the unexpired term. The contract shall be subject to approval by the City Council, and shall contain a provision that the Los Angeles Unified School District shall pay for all costs incurred in conducting the special election or elections. Unless otherwise specified in the contract, within 30 days of the Council's approval of the contract, the Council shall adopt a resolution calling a special election, and special runoff election, if necessary, for the purpose of filling the vacancy and provide in that ordinance the time for holding the election, whether consolidation with any other scheduled election will be sought; the pro-

cedures for nominating candidates, including the amount of the filing fee, if any, to be paid by candidates; and other matters pertaining to the election.

(c) Recall. Any person appointed or elected to fill a vacancy may be removed from office by the recall in the same manner as if he or she had otherwise been elected to office.

Sec. 411. Substantial Compliance with Election Requirements.

Substantial compliance with the provisions of this Article shall be sufficient for the holding of any election, and for the approval or rejection of any ordinance, order or resolution submitted to a vote of the electors of the City.

Sec. 412. City Election Code; Amendments.

All elections, unless otherwise provided in the Charter, shall be conducted and held in accordance with the provisions of the City Election Code. No amendment to the City Election Code shall affect any election, petition, or other election-related proceeding occurring within six months following the publication of the ordinance effecting the amendment.

PRIMARY NOMINATING AND GENERAL MUNICIPAL ELECTIONS

Sec. 420. Candidate's Filing Fee.

The Council may by ordinance provide for a filing fee to be paid to the City Clerk by each candidate for elected office, provided that the ordinance also allows the requirement to be satisfied by a substitute means other than fee payment.

Sec. 421. Declaration of Intention.

(a) Form and Timing. Each candidate for nomination to any elected office shall sign and file with the City Clerk a sworn Declaration of Intention to become a candidate for the office designated in the Declaration. The Declaration of Intention must be made on a form furnished by the City Clerk, and shall include an affidavit by the candidate that he or she possesses all necessary legal qualifications to be a candidate for the designated office. The Declaration of Intention shall be filed not earlier than 90 days, nor later than 85 days prior to the primary nominating election.

(b) Restrictions; Withdrawal. A candidate may not file a Declaration of Intention to become a candidate for more than one office at the same primary nominating election. Prior to the issuance of a Nominating Petition, a candidate may withdraw the Declaration of Intention to become a candidate for the office designated therein by filing a written statement with the City Clerk. In that case, a candidate may file a new Declaration of Intention to become a candidate for another office not later than 85 days prior to the primary nominating election.

(c) Statement of Economic Interests. Each candidate for Mayor, City Attorney, Controller and member of the City Council shall file a Statement of Economic Interests that itemizes investments, interests in real property and income, except for gifts, received in the previous 12 month period. The Statement shall be filed with the City Ethics Commission no later than the final filing date for filing

the Declaration of Intention. A Declaration of Intention shall not be valid unless a Statement of Economic Interests has been submitted by the final filing date for the Declaration of Intention.

Sec. 422. Nominating Petition.

(a) Form and Requirements. The City Clerk shall prepare and furnish a Nominating Petition to each candidate who has filed a valid Declaration of Intention. The Nominating Petition shall specify the name of the office and the name of the candidate to be nominated, and shall otherwise comply with the requirements of the City Election Code. In order to qualify a candidate for placement on the primary nominating ballot, the Nominating Petition shall be signed by at least 500 registered voters of the City, in the case of nomination to an office elected at large, or of the Council district or Board district in the case of nomination to the City Council or Board of Education. Only signatures of registered voters living within the Council district or Board district, as the case may be, shall be counted in determining the sufficiency of those petitions. Voters may sign more than one petition for a candidate for the same office. A petition presented to the City Clerk shall not be valid if it contains blanks for more than one thousand signatures.

(b) Filing and Certification. Nominating Petitions shall be filed with the City Clerk not more than 80 days and not less than 65 days prior to the primary nominating election. No Nominating Petition shall be filed with the City Clerk until any filing fee requirement has been satisfied. The City Clerk shall examine the Nominating Petition, and determine whether it contains the requisite number of signatures of qualified registered voters, in accordance with procedures contained in the City Election Code. When the City Clerk has completed the examination of the petition, the Clerk shall prepare a dated certificate showing the result of the examination.

(c) Supplementing the Petition. The City Election Code shall govern the process by which and circumstances under which an insufficient Nominating Petition may be supplemented. However, no supplement to a Petition shall be allowed after the expiration of the time for filing the Nominating Petition set forth in the Charter, and no signature may be withdrawn from a Nominating Petition after its presentation to the Clerk.

Sec. 423. Withdrawal of Nominating Petition.

Within three days after the expiration of the time for filing a Nominating Petition, any person for the nomination of whom a petition has been filed, may cause his or her name to be withdrawn from nomination by filing a request in writing with the City Clerk. No name so withdrawn shall be printed on the primary nominating election ballot. If after a withdrawal, or by the death or other disqualification of any person for the nomination of whom a petition has been filed, only one candidate remains for any given office, then other nominations for that office may be made by filing petitions within ten days after the expiration of the time for the filing of Nominating Petitions, but no supplement to any Petition shall be allowed.

Sec. 424. Primary Nominating Election Ballot.

(a) Order of Placement. The names of candidates who have qualified for placement on the ballot, except candidates who have withdrawn or died or otherwise been disqualified, together with any measures or propositions as ordered by the Council or otherwise required by law, shall appear on the ballot. The offices to be filled shall be arranged on the ballot as follows: Mayor, City Attorney, Controller, member of the Council, member of the Board of Education, followed by any other offices to be filled in the order determined by the Council. Measures and propositions shall appear on the ballot in the order determined by the Council.

(b) Nonpartisan Ballot. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

(c) Write-in Candidates. Each ballot shall provide an opportunity for voters to write-in, for each office on the ballot, the name of any person whose name does not appear on the ballot and for whom the voter wishes to vote.

Sec. 425. Results of Primary Nominating Election.

(a) In the event that any candidate receives a majority of the votes cast for an office at the primary nominating election, that candidate shall be elected to the office.

(b) In the event no candidate receives a majority of the votes cast for an office, the two candidates receiving the highest number of votes for the office shall be the candidates, and the only candidates, for that office whose names shall appear on the ballots to be used at the general municipal election.

(c) In the event that two or more persons receive an equal number of votes as candidates for an office at the primary nominating election, so that the result of the election does not determine which of the persons are entitled to be nominated as candidates, the Council shall draw lots to determine which of the persons shall be the candidate or candidates for the office. The lots shall be drawn at the next regular Council meeting occurring later than five days after the declaration of the result of the election, in the manner the Council prescribes. However, if a recount of the ballots with respect to the office in question is timely requested, lots shall not be drawn until and unless the recount also fails to result in a determination of which persons are entitled to be nominated as candidates for the office.

Sec. 426. General Election Ballot.

The ballot for any general election shall be in the same general form as for the primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

Sec. 427. Death or Disqualification of Candidate.

In the event of the death, resignation or other disqualification of any candidate nominated at a primary nominating election, the person who received the next highest number of votes for that office at the primary nominating election shall be deemed a candidate and, if practicable, his or her name shall be printed on the ballot to be used at the general municipal election.

RECALL

Sec. 430. Subject of Recall.

Any incumbent of an elected office, whether elected by vote of the people or appointed to fill a vacancy, may be removed from office by the registered voters of the City of Los Angeles, or the registered voters of the School District in the case of removal of a member of the Board of Education. The removal of the incumbent shall be known as the recall.

Sec. 431. Recall Petition.

A recall petition shall comply with the provisions of the Charter and the City Election Code. The following shall apply to all recall petitions:

(a) To qualify for presentation to the City Council, a recall petition shall be signed by registered voters equal in number to at least 15% of the registered voters eligible to vote for the office, the incumbent of which is sought to be removed. The 15% shall be computed upon the number of registered voters on the date of filing with the City Clerk of the Notice of Intention to circulate the petition described in subsection (b) of this section. If the recall petition concerns removal of a member of Council, or member of the Board of Education, the 15% shall be computed upon the total number of registered voters within the Council district or Board district from which the Council member, or member of the Board of Education was elected. Only signatures of registered voters living within the Council district or Board district, as the case may be, shall be counted in computing the 15%, and only voters residing within the district shall be entitled to vote at the election. All names signed to a petition must have been secured within the time period described in subsection (d), and any signature affixed outside of this time period shall not be counted in determining the sufficiency of the petition.

(b) Before submitting a recall petition for signatures, its proponents shall publish a Notice of Intention and a Statement of Reasons (Statement) for the proposed recall. No such notice shall be effective if published: (1) before the officer has held his or her current term of office for three months, or (2) within six months of the expiration of the current term of office, or (3) within six months after a recall election at which the officer was retained in office. The Statement shall be served on the officer to be recalled and on the City Clerk, and shall otherwise comply with requirements of the City Election Code. The sufficiency of the Statement shall not be subject to review by the Council; however, the petition, when circulated, shall have attached to it an affidavit of one or more of the proponents that all of the facts contained in the Statement are true.

(c) The officer whose recall is sought, or anyone acting upon his or her behalf, may publish an Answer to the Statement (Answer) in accordance with the requirements of the City Election Code. If an Answer is published, it shall be served on the proponent of the recall and on the City Clerk, and shall otherwise comply with requirements of the City Election Code. The Statement and Answer are intended solely for the information of the voters and no insufficiency in their form or substance shall affect in any manner the validity of the proceedings taken under the Charter.

(d) Within the time after the publication and service of the Statement as provided in the City Election Code, the petition demanding the recall of the officer may be circulated for signatures. The petition shall contain a copy of the Statement and any Answer, and shall otherwise be in a form prescribed by the City Election Code. Signatures shall be secured and the petition filed within 120 days from the first day to circulate.

(e) Except as otherwise provided, the provisions of this Article relating to the form and to the mode of signing initiative petitions, and to the filing, examining, certifying, supplementing, presenting to the Council and the retaining thereof, shall apply to any petition filed with the City Clerk under this section. The sufficiency or insufficiency of any recall petition shall not be subject to review by the Council.

Sec. 432. Action by Council on Recall Petition.

When a recall petition is presented to the Council by the City Clerk, the Council shall within 20 days, by order or ordinance, call for the holding of a special election, and if necessary a special runoff election, for the purpose of submitting to the voters of the City at large, of the Council district, or of the Board district, as the case may be, the question of whether the officer shall be recalled, and if recalled, for the election of his or her successor. The special election shall be held not less than 60 days nor more than 110 days after the date of Council action on the petition; provided, however, that if any other election for any purpose at which all the qualified voters of the City, of the Council District, or of the Board District, as the case may be, are entitled to vote, is to occur during that time period, the Council shall order the holding of the recall election and the consolidation thereof with such other election.

Sec. 433. Supporting and Opposing Arguments.

Any incumbent of an office whose removal is sought may file with the City Clerk an Argument Opposing the Recall, justifying the incumbent's course in office. The person filing the recall petition, or the person or organization on whose behalf a recall petition was filed, shall have the right to present to the City Clerk an Argument Supporting the Recall. These Arguments shall comply with the requirements of the City Election Code with respect to form and time for filing. The costs of printing the Arguments supporting and opposing the recall in the voter information pamphlet shall be paid by the City.

Sec. 434. Prohibition on Reappointment.

No person who has been removed from an elected office by the recall, or who has resigned from office while recall proceedings were pending, shall be appointed to any office under the Charter for two years after that removal or resignation.

Sec. 435. Recall Ballot.

In addition to the question of whether the incumbent shall be removed from office, each recall ballot shall also list the names of all persons who have been nominated as candidates to succeed the person whose removal is sought. No vote cast for any candidate shall be counted unless the voter also voted on the question of recall of the incumbent. The name of the incumbent shall not appear on the

ballot as a candidate for the office. If a majority of the registered voters voting on the matter vote in favor of the recall, then the incumbent shall be removed from office effective on the date the successor qualifies.

Sec. 436. Nomination of Candidates to Replace Recalled Officer.

Any candidate to be voted for at a recall election, other than the incumbent sought to be removed, may be nominated by petition, which petition shall conform to the provisions of the Charter, so far as applicable, relating to nominating petitions at primary nominating elections. Nominating petitions may be circulated upon the City Clerk's certificate of sufficiency of the recall petition. Each nominating petition must be filed with the City Clerk within the time established in the ordinance calling the special election. The City Clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters of the City, Council district, or Board district, as the case may be, in accordance with the requirements of the Charter and the City Election Code. The City Election Code shall govern the circumstances under which and process by which insufficient petitions may be supplemented.

Sec. 437. Election of Candidate to Succeed Recalled Officer.

If the vote at any recall election shall recall an officer of the City of Los Angeles, or a member of the Board of Education, then the candidate who receives a majority of the votes cast for candidates to succeed the officer removed shall be declared elected for the remainder of the term. If no candidate receives a majority of the votes cast, the two candidates receiving the highest number of votes at the recall election shall be candidates at a special runoff election, and whichever candidate receives the majority vote at that election shall be elected to succeed the recalled officer.

Sec. 438. Removal of Appointed Officers.

In addition to any other process for removal provided by law, the incumbent of any appointed office provided for in the Charter or created by ordinance under the authority thereof may be removed at any time after the expiration of three months from appointment by the registered voters of the City. The procedure to effect the removal of the incumbent of an appointive office shall be the same as that for the removal of the incumbent of an elected office by the recall, with the following exceptions:

(a) The petition for the removal of the incumbent of an appointed office shall be signed by registered voters equal in number to at least 20% of the entire vote cast for the office of Mayor at the last preceding general municipal election, or primary nominating election, at which a Mayor was elected.

(b) If a majority of the registered voters voting on the question vote in favor of the removal of the appointed officer, the officer shall be removed from office upon the declaration of the result of the election by the Council, and the office shall thereupon become vacant. The vacancy shall be filled by the appointing power in the same manner as other vacancies, but any appointed officer so removed shall not be eligible to any appointed or elected office under the Charter until the expiration of two years after removal.

Sec. 439. Resignation or Vacancy Pending Removal.

In the event that any appointed officer whose removal is sought resigns at any time after the filing of a removal petition with the City Clerk, or a vacancy from any other cause occurs in that office, at any time prior to two days before the election, the election shall be held, but the incumbent shall not be eligible to any appointed or elected office under the Charter until the expiration of two years from the date of resignation or removal.

Sec. 440. Removal of the City Clerk.

In the event that the City Clerk is the officer whose removal is sought by petition, all powers and duties prescribed in this Article for the City Clerk shall be performed by the City Attorney and not by the City Clerk.

INITIATIVE

Sec. 450. Subject of Initiative.

(a) Any proposed ordinance which the Council itself might adopt may be submitted to the Council by a petition filed with the City Clerk, requesting that the ordinance be adopted by the Council or be submitted to a vote of the electors of the City. Any proposed ordinance amending or repealing an ordinance previously adopted by a vote of the electors may be submitted to the Council by a petition filed with the City Clerk requesting that the ordinance be submitted to a vote of the electors of the City.

(b) Petitions to amend the Charter shall be governed by provisions of the California Constitution and applicable provisions of state law concerning Charter amendments.

Sec. 451. Initiative Petition.

Any petition submitting a proposed ordinance to the Council as provided in this Article shall comply with the provisions of the Charter and the City Election Code. The following shall apply to all initiative petitions:

(a) Prior to the circulation of any initiative petition, the proponents of the petition shall submit a draft of the petition to the City Clerk, setting forth the proposed ordinance in full. In accordance with procedures contained in the City Election Code, the City Attorney shall prepare an official title and summary of the petition provisions of the proposed ordinance. The official title and summary shall be incorporated into and appear on all copies of the initiative petition circulated for signatures and filed with the City Clerk.

(b) All names signed to a petition must have been secured not more than 120 days prior to the date of filing. Any signature affixed outside of this time period shall not be counted in determining the sufficiency of the petition. To qualify for presentation to the Council, an initiative petition shall be signed by registered voters of the City in a number equal to 15% of the total number of votes cast for all candidates for the office of Mayor at the last general municipal election, or primary nominating election, at which a Mayor was elected prior to the filing of the petition. In order to be accepted for filing with the City Clerk, the petition must on its face purport to have the requisite number of signatures appended to it.

(c) The City Clerk shall examine the petition and determine whether it contains the requisite number of signatures of registered voters, in accordance with procedures contained in the City Election Code. When the City Clerk has completed the examination of the petition, the Clerk shall prepare a dated certificate showing the result of the examination, and shall notify the sponsors of the petition of either the sufficiency or insufficiency of the petition without delay.

(d) The City Election Code shall govern the process by which and circumstances under which an insufficient petition may be supplemented, the process by which a certificate of insufficiency may be contested, and the process by which and circumstances under which the signer of a petition may withdraw his or her name.

(e) If, by the certificate of the City Clerk, the petition is shown to be sufficient, the City Clerk shall present the petition to the Council without delay. The sufficiency or insufficiency of the petition shall not be subject to review by the Council.

(f) No amendments, changes, alterations or corrections of any kind, clerical or otherwise, shall be permitted to be made in any petition after it has been filed with and approved by the City Clerk.

Sec. 452. Action by Council on Initiative Petition Requesting Adoption of Ordinance.

When an initiative petition requesting the adoption by the Council of a proposed ordinance is presented to the Council by the City Clerk, the Council must take one of the following actions within 20 days after the presentation:

(a) adopt the proposed ordinance, without alteration;

(b) call a special election to be held not earlier than 110 days nor more than 140 days after Council action on the petition to submit the proposed ordinance, without alteration, to a vote of the electors of the City; and

(c) determine to submit the proposed ordinance, without alteration, to a vote of the electors of the City at the earlier of the following two elections that occurs more than 110 days from the date of Council action on the petition:

(1) the next regular City election; or

(2) a special election consolidated with the next election conducted by the County of Los Angeles occurring wholly or partially within the same area, provided that the voters eligible to vote in the County-conducted election comprise 100% of all the voters eligible to vote on the measure.

Any ordinance proposed by initiative petition, adopted by the Council and approved by the Mayor, or adopted over the Mayor's veto, shall be subject to a referendary vote as provided in Section 460 in the same manner as other ordinances adopted by the Council.

Sec. 453. Action by Council on Initiative Petition Requesting Amendment or Repeal of Ordinance.

When an initiative petition requesting the submission of a proposed ordinance amending or repealing an ordinance previously adopted by a vote of the electors is

presented to the Council by the City Clerk, the Council must submit the proposed ordinance to a vote of the electors of the City at the next election for any purpose at which all the qualified voters of the City are entitled to vote, that shall be held at any time after 90 days from the date of the certification of the petition to the Council by the City Clerk.

Sec. 454. Supporting and Opposing Arguments.

Any person or persons filing an initiative petition or the person or organization on whose behalf the petition is filed, shall have the right to file with the City Clerk, within the time specified by ordinance, an argument favoring the proposed ordinance. The Council shall have the right to present, or permit to be presented and filed with the City Clerk within the same limit of time, an argument opposing the ordinance. Arguments supporting and opposing the ordinance proposed by initiative shall be submitted in accordance with the requirements of the City Election Code. All arguments submitted in connection with any particular measure shall be printed in the voter information pamphlet. The costs of printing supporting and opposing arguments shall be paid by the City.

Sec. 455. Adoption of Ordinances by Initiative.

If a majority, or other percentage as required by law, of the voters voting on any ordinance proposed by initiative petition vote in favor, the ordinance shall become an ordinance of the City upon the declaration by the Council of the result of the election.

REFERENDUM

Sec. 460. Subject of Referendum.

Any ordinance adopted by the Council, except an ordinance taking effect upon its publication or passage as provided in Section 252, is subject to a referendary petition as set forth in this Article.

In addition, the Council is authorized to submit to a vote of the registered voters of the City, at any election for any purpose at which all the registered voters of the City are entitled to vote, any proposed ordinance, order or resolution, that the Council itself might adopt.

Sec. 461. Referendary Petition.

Any referendary petition shall comply with the provisions of the Charter and the City Election Code. The following shall apply to all referendary petitions:

(a) The referendary petition circulated for signature shall contain the full text of the subject ordinance. All names signed to a petition must have been secured within 30 days after publication of the ordinance. Any signature affixed outside of this time period shall not be counted in determining the sufficiency of the petition. To qualify for presentation to the Council, a referendary petition must be signed by registered voters of the City in an amount equal to 10% of the total number of votes cast for all candidates for the office of Mayor at the last general municipal election, or primary nominating election at which a Mayor was elected prior to the filing of the petition.

(b) The provisions of the Charter and the City Election Code relating to filing, examination, certification, supplementation and amendment of initiative petitions, the processing of supporting and opposing arguments, and the presentation of initiative petitions to the Council by the City Clerk, shall apply to referendary petitions.

(c) If a referendary petition is filed, and the City Clerk certifies that the petition is sufficient, the subject ordinance, order or resolution shall not take effect until adoption by a vote of the electors and declaration by the Council of the result of the election. If the City Clerk certifies that the petition is insufficient, the ordinance shall take effect upon the date of the certificate, but in no event earlier than 30 days from publication of the ordinance.

(d) If more than one petition is filed with respect to the same ordinance, all signatures on all those petitions shall be counted in determining the sufficiency of the petition, as though all the names had been appended to a single petition.

Sec. 462. Action by City Council on Referendary Petition.

When a referendary petition is presented to the City Council by the City Clerk, the Council must take one of the following actions within 20 days of the presentation:

(a) repeal the ordinance;

(b) call a special election to be held not earlier than 110 days nor more than 140 days after action by the Council on the petition to submit the ordinance to a referendary vote; or

(c) determine to submit the ordinance to a vote of the qualified electors of the City for approval or rejection at the next regular City election to be held more than 110 days from date of certification of such petition.

Sec. 463. Conflict Between Measures.

If the provisions of two or more ordinances, orders or resolutions adopted at the same election by vote of the qualified electors of the City conflict, then the ordinance, order or resolution receiving the highest affirmative vote shall prevail.

Sec. 464. Amendment and Repeal of Ordinances Adopted by Initiative and Referendum.

(a) Initiative. Any ordinance adopted by a vote of the electors of the City pursuant to an initiative petition cannot be amended or repealed, except by an ordinance proposed either by petition or by the Council at its own instance and adopted by a vote of the electors, or by an amendment of the Charter superceding the ordinance.

(b) Referendum. Any ordinance, order or resolution adopted by referendum shall be subject to amendment or repeal as provided in subsection (a). In addition, any ordinance, order or resolution shall be subject to amendment or repeal by the Council at any time, but amendment or repeal shall not be made within six months after adoption, except by unanimous vote of the Council, and the amendment or repeal shall be subject to a referendary vote as provided in this Article.

CAMPAIGN FINANCE

Sec. 470. Limitations on Campaign Contributions in City Elections.

(a) Purpose. The purpose of this section is to encourage a broader participation in the political process by placing limits on the amount any person may contribute or otherwise cause to be available to candidates for election to the offices of Mayor, City Attorney, Controller and City Council of the City of Los Angeles and by regulating the disposition of unexpended contributions received by or on behalf of such candidates.

This section is intended to supplement the Political Reform Act of 1974.

(b) Definitions.

(1) The definitions set forth in the Political Reform Act of 1974 as amended (Government Code Sections 82000 through 82055) shall govern the interpretation of this section, unless otherwise specified herein.

(2) The term elected City office, as used herein, shall mean the offices of Mayor, City Attorney, Controller and member of the City Council.

(3) The term election shall include a primary nominating election, a general municipal election, a special election and a recall election.

(c) Campaign Contribution Limitations.

(1) No intended candidate for any elected City office, and no committee acting on behalf of such candidate, shall solicit or accept, or cause to be solicited or accepted, any contribution for use in any election for such office unless and until such candidate shall have filed a Declaration of Intent to Solicit and Receive Contributions in connection with candidacy for a specific elected City office. That declaration shall be filed with the City Ethics Commission on a form prescribed by the City Ethics Commission. Once the election takes place, the declaration is thereafter void. No person may file such declaration for more than one elected City office nor have more than one such declaration on file at the same time. A candidate may, however, file a form canceling one declaration and may thereafter file a new declaration.

(2) The candidate and the treasurers of the candidate's controlled committees shall file with the City Ethics Commission on a form prescribed by the City Ethics Commission a statement under oath that the candidate and the treasurers have read and understood Section 470. This statement shall be filed concurrent with the filing of the Declaration of Intent to Solicit and Receive Contributions.

(3) No person shall contribute a total of more than five hundred dollars ($500) to any candidate for City Council and to his or her controlled committee for a single election. A candidate for City Council and his or her controlled committee shall not accept any contribution or contributions totaling more than five hundred dollars ($500) from any person for a single election. Nothing in this section is intended to limit the amount a candidate may contribute to his or her campaign for City Council from his or her personal funds.

(4) No person shall contribute a total of more than one thousand dollars ($1,000) to any candidate for Mayor, City Attorney or Controller and to his or her

controlled committee for a single election. A candidate for Mayor, City Attorney or Controller, and or his or her controlled committee, shall not accept any contribution or contributions totaling more than one thousand dollars ($1,000) from any person for a single election. Nothing in this section is intended to limit the amount a candidate can contribute to his or her candidacy for Mayor, City Attorney or Controller from his or her personal funds.

(5) No person shall make to any committee (other than the candidate's controlled committee) which supports or opposes any candidate for Mayor, City Attorney, Controller or City Council, and no such committee shall accept from any such person, a contribution or contributions totaling more than five hundred dollars ($500) in any calendar year.

(6) No person shall make a contribution in connection with a single election for an elected City office which would cause the aggregate amount of such contributions by that person to exceed a sum equal to five hundred dollars ($500) multiplied by the number of City Council offices appearing on the ballot at that election plus one thousand dollars ($1,000) multiplied by the number of City-wide offices appearing on the ballot at that election, but in no case less than one thousand dollars ($1,000), in connection with all candidates in that election seeking election to all elected City offices; provided, however, that a candidate shall not be limited by this subsection (6) in the amount he or she may contribute or expend in connection with his or her own campaign, subject to the provisions of subsection (c) (10) of this section.

(7) Contributions From Persons Other than Individuals.

(A) No candidate for City Council, together with the controlled committee of such candidate, shall accept more than a total of one hundred fifty thousand dollars ($150,000) in contributions from persons, other than individuals, in connection with any election.

(B) No candidate for City Attorney or Controller, together with the controlled committee of such candidate, shall accept more than a total of four hundred thousand dollars ($400,000) in contributions from persons, other than individuals, in connection with any election.

(C) No candidate for Mayor, together with the controlled committee of such candidate, shall accept more than a total of nine hundred thousand dollars ($900,000) in contributions from persons, other than individuals, in connection with any election.

(D) If a candidate for elected City office declines matching funds and receives contributions or spends an amount exceeding the applicable expenditure ceilings, this subsection shall not apply to any of the candidates for the same office.

(8) No person shall make, and no person or candidate shall solicit or accept any loan of more than five hundred dollars ($500) for use in connection with an election for City Council, or of more than one thousand dollars ($1,000) for use in connection with an election for Mayor, City Attorney or Controller. Further, no person shall make, and no person or candidate shall solicit or accept any loan

for use in connection with an election for City office for a period of more than 30 days. Loans to a candidate or to a candidate's controlled committees shall be counted against the contribution limitations applicable to the candidate. A candidate is not prohibited from obtaining a personal loan of any amount from a licensed financial lending institution in the regular course of business, unless the loan is made for political purposes. This subsection (8) shall not limit the amount or duration of loans from the candidate to his or her own campaign.

(9) Any contributions solicited or accepted pursuant to this section shall be expended only in connection with the candidacy for the office specified in the candidate's Declaration of Intent to Solicit and Receive Contributions. Contributions solicited or accepted pursuant to this section for one individual shall not be expended for the candidacy of any other individual seeking City office or in support of or in opposition to any City ballot measure. No candidate, committee controlled by a candidate, or elected City officer shall use contributed funds to make any contribution to any other candidate running for office or to any committee supporting or opposing a candidate for office. Provided, however, a candidate shall not be prohibited from making a contribution from his or her own personal funds to his or her own candidacy, to the candidacy of any other candidate for elected City office or in support of or in opposition to any City ballot measure.

(10) No candidate shall expend or contribute more than thirty thousand dollars ($30,000) in personal funds in connection with his or her campaign for elected City office unless and until the following conditions are met.

(A) Notice of the candidate's intent to so expend or contribute shall be provided by registered mail to all opponents and to the City Ethics Commission at least 30 days in advance of the election, specifying the amount intended to be expended or contributed.

(B) All personal funds to be expended or contributed by the candidate in excess of thirty thousand dollars ($30,000) shall first be deposited in the candidate's campaign contribution checking account at least 30 days before the election.

Each opponent of any candidate who has complied with the above conditions shall be permitted to solicit and receive, and contributors to each such opponent may make, contributions in excess of the limitations established in subsections (c)(3) and (4) until such opponent has raised contributions in amounts above such limits equal to the amount of personal funds deposited by the candidate in his or her campaign contribution checking account.

(d) Cash Contributions. No person shall make, and no candidate or committee shall solicit or accept, any cash contribution in excess of twenty-five dollars ($25).

(e) Anonymous Contributions. Total anonymous contributions to a candidate or committee which exceed in the aggregate two hundred dollars ($200) with respect to a single election shall not be used by the candidate or committee for whom such contributions were intended, but instead, such excess shall be paid promptly to the City Treasurer for deposit in the General Fund of the City.

(f) Adjustment of Limits. The amounts specified in subsections (c) and (d) of this section may be modified from time to time by ordinance to reflect changes in the consumer price index for the Los Angeles-Long Beach metropolitan statistical area.

(g) Campaign Contribution Checking Account. No more than one campaign contribution checking account shall be established by each candidate for elected City office, and by each committee supporting or opposing such candidate. The account shall be established at an office of a bank or savings and loan institution located in the City of Los Angeles. Upon opening such account, the candidate shall file with the City Ethics Commission within ten days of opening the campaign bank account, the name of the bank or savings and loan institution and the account number. Funds shall only be disbursed from such account by checks signed by the candidate, treasurer or designated agent of the treasurer. A candidate, treasurer or designated agent of the treasurer shall deposit into the campaign checking account all contributions received in connection with a City election. A candidate, treasurer or designated agent of the treasurer shall pay all campaign expenditures for a City election with monies from this campaign checking account.

If a candidate has other controlled committees and such committees have checking accounts, the candidate shall notify the City Ethics Commission in writing of these committees and the names and addresses of the banks or savings and loan institutions and the account numbers of any such accounts. A candidate shall notify the City Ethics Commission of these committees, the banks or savings and loan institutions, and the account numbers concurrent with the filing of the Declaration of Intent to Solicit and Receive Contributions. If committees are thereafter formed or accounts thereafter opened, then the candidate shall notify the City Ethics Commission on the next regular business day on which the office is open. No contribution shall be commingled with the personal funds of the candidate or any other person.

This subsection shall not prohibit the establishment of savings accounts or certificates of deposit, provided that no campaign expenditures may be made therefrom.

(h) Treasurer. A candidate having campaign committees for elected City office shall appoint a treasurer of each committee. No expenditure shall be made by or on behalf of a committee without the authorization of the treasurer or that of his or her designated agents. No contribution or expenditure shall be accepted or made by or on behalf of a committee at a time when there is a vacancy in the office of treasurer. It shall be the duty of the candidate and the treasurer to approve and authorize such payments and to retain such authorizations, detailed accounts, records, bills and receipts.

(i) Accountability. The candidate and the treasurer shall maintain such detailed accounts, records, bills and receipts as are necessary to prepare campaign statements. The candidate and the treasurer shall retain the detailed accounts, records, bills and receipts for the periods specified in the Political Reform Act

of 1974 as amended. Every candidate and committee shall make available on demand to any public officer having legal authority to enforce this section, details of checking and financial accounts of each committee controlled by the candidate and all records supporting such details.

(j) Petty Cash Fund. Subsection (g) notwithstanding, a candidate, campaign treasurer and other designated agents authorized to issue checks on a campaign contribution checking account may disburse to the candidate or committee establishing the checking account an amount not greater than fifty dollars ($50) per week to be used for petty cash purposes by the candidate or committee.

(k) Assumed Name Contributions. No contribution shall be made, directly or indirectly, by any person or combination of persons, acting jointly in a name other than the name by which they are identified for legal purposes, nor in the name of another person or combination of persons. No person shall make a contribution in his, her or its name of anything belonging to another person or received from another person on the condition that it be used as a contribution. In the event it is discovered by a candidate or committee treasurer that a contribution has been received in violation of this subsection, the candidate or treasurer shall promptly pay the amount received in violation of this subsection to the City Treasurer for deposit in the General Fund of the City.

(*l*) Campaign Expenditures—Uncontrolled by Candidate or Committee. Persons or organizations not subject to the control of a candidate or committee but who make independent expenditures for or against a candidate or committee shall indicate clearly on any material published, displayed or broadcast that it was not authorized by a candidate or a committee controlled by a candidate.

(m) Suppliers of Goods and Services—Disclosure of Records Required. No person who supplies goods or services or both goods and services to a candidate or committee for use in connection with the campaign for an elected City office shall knowingly refuse to divulge or disclose to the City Ethics Commission or to any public officer having legal authority to enforce this section, the details and the records supporting such details of any expenditures made by the candidate or committee in payment for such goods or services or both.

(n) Duties of City Ethics Commission. The City Ethics Commission shall administer the provisions of this section. In addition to other duties required under the terms of this section, the City Ethics Commission shall:

(1) Report apparent violations of this section and applicable state law to the City Attorney.

(2) Conduct audits and investigations of reports and statements filed by candidates and committees supporting or opposing candidates for City offices as required under both the Political Reform Act of 1974 as amended and this section. The City Ethics Commission shall employ investigators where necessary to fully investigate candidate spending and reporting.

(3) Enforce or cause to be enforced the provisions of this section pursuant to Section 90002(c) of the Government Code. The City Ethics Commission may

subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items necessary to the audit and investigation of candidates for election to City office.

(o) Enforcement.

(1) Criminal Enforcement—Any person who knowingly or willfully violates any provisions of this section is guilty of a misdemeanor. Any person who causes any other person to violate any provision of this section, or who aids and abets any other person in the violation of any provision of this section, shall be liable under the provisions of this section. Prosecution for violation of any provision of this section must be commenced within two years after the date on which the violation occurred.

(2) Civil Enforcement.

(A) Any person who intentionally or negligently violates any provision of this section shall be liable in a civil action brought by the City Attorney or by a person residing within the City. Where no specific civil penalty is provided, a person may be liable for an amount up to two thousand dollars ($2,000) for each violation.

(B) Any person who intentionally or negligently makes or receives a contribution, or makes an expenditure, in violation of any provision of this section shall be liable in a civil action brought by the City Attorney or by a person residing within the City for an amount up to three times the amount of the unlawful contribution or expenditure.

(C) If two or more persons are responsible for any violation, they shall be jointly and severally liable.

(D) Any person, before filing a civil action pursuant to this subsection, must first file with the City Attorney a written request for the City Attorney to commence the action. The request shall contain a statement of the grounds for believing a cause of action exists. The City Attorney shall respond within 40 days after receipt of the request, indicating whether the City Attorney intends to file a civil action. If the City Attorney indicates in the affirmative, and files suit within 40 days thereafter, no other action may be brought unless the action brought by the City Attorney is dismissed without prejudice.

(E) Not more than one judgment on the merits with respect to any violation may be obtained under this subsection. Actions brought for the same violation or violations shall have precedence for purposes of trial in the order of the time filed. Such actions shall be dismissed once judgment has been entered or a settlement approved by the court in a previously filed action. The court may dismiss a pending action without prejudice to any other action for failure of the plaintiff to proceed diligently and in good faith. The action may be so dismissed on motion by the City Attorney or any plaintiff in an action based on the same violation.

(F) In determining the amount of liability under this subsection, the court may take into account the seriousness of the violation and the degree of culpability of the defendant.

(i) No civil action alleging a violation of subsection (c) of this section, in connection with a contribution or expenditure shall be filed more than four years after an audit could begin as set forth in the Political Reform Act of 1974 as amended.

(ii) No civil action alleging a violation of any provisions of this section other than subsection (c) of this section shall be filed more than four years after the date of the violation.

(p) Effect of Violation on Outcome of Election.

(1) If a candidate is convicted of a misdemeanor violation of any provision of this section, the court shall make a determination as to whether the violation had a material effect on the outcome of the election. If the court finds such a material effect, then:

(A) if such conviction becomes final before the date of the election, the votes for such candidate shall not be counted, and the election shall be determined on the basis of the votes cast for the other candidates in that race;

(B) if such conviction becomes final after the date of the election, and if such candidate was declared to have been elected, then such candidate shall not assume office, the office shall be deemed vacant and shall be filled as otherwise provided in the Charter;

(C) if such conviction becomes final after the candidate has assumed office, then the candidate shall be removed from office, the office shall be deemed vacant and shall be filled as otherwise provided in the Charter; and

(D) the person so convicted shall be ineligible to hold any elected City office for a period of five years after the date of such conviction.

(2) The City Clerk shall not issue any certificate of nomination or election to any candidate until his or her pre-election campaign statements required by the Political Reform Act of 1974, as amended, or if no campaign statement is required, the written declaration permitted under Section 84205 of the Government Code, have been filed in the form and at the place required by the Political Reform Act of 1974.

(q) Verification. All declarations, reports and statements filed under this section shall be signed and verified by the filer under penalty of perjury. The candidate and any person signing declarations, reports and statements under this provision shall read, know and understand the contents of all such declarations, reports and statements.

(r) Injunction. The City Attorney on behalf of the people of the City of Los Angeles or any person residing in the City of Los Angeles may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this section. The Court may award a plaintiff or defendant who prevails his or her costs of litigation, including reasonable attorney's fees; provided, however, that no such award may be granted against the City of Los Angeles.

(s) Severability. If any provision or portion of this section is for any reason held to be invalid or unconstitutional by the decision of any court, such decision shall not affect the remaining portions of this section.

Sec. 471. Public Matching Funds and Campaign Expenditure Limitations.

(a) Findings and Purposes.

(1) Monetary contributions to political campaigns are a legitimate form of participation in the American political process, but the financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates.

(2) Therefore, this section is enacted to accomplish the following purposes:

(A) To assist serious candidates in raising enough money to communicate their views and positions adequately to the public without excessive expenditures or contributions, thereby promoting public discussion of the important issues involved in political campaigns.

(B) To limit overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign funds for defensive purposes, beyond the amount necessary to communicate reasonably with voters.

(C) To provide a source of campaign financing in the form of limited public matching funds.

(D) To substantially restrict fund-raising in non-election years.

(E) To increase the value to candidates of smaller contributions.

(F) To reduce the excessive fund-raising advantage of incumbents and thus encourage competition for elective office.

(G) To help restore public trust in governmental and electoral institutions.

(b) Matching Funds and Expenditure Limitations Authorization. The City shall also adopt by ordinance limitations on campaign expenditures by candidates for elected City office who qualify for and accept public matching funds. The City shall adopt by ordinance regulations concerning the use of public funds to partially finance campaigns for elected City office through a system of matching public funds for qualifying campaign contributions. Such ordinances may be amended to further the purposes of this section of the Charter.

(c) Appropriation of Funds.

(1) The City Council shall appropriate two million dollars ($2,000,000) per fiscal year for public matching funds, subject to the limitations in subsection 2, below. The Council shall appropriate such funds for each following fiscal year. The amount of such appropriation shall be adjusted for cost of living changes based on the percentage increase or decrease in the Consumer Price Index (for all items other than housing) for the Los Angeles-Long Beach metropolitan statistical area.

(2) All such funds shall be appropriated into a trust fund established by the Council by ordinance with interest accruing to the fund. The amount in the trust fund shall not exceed eight million dollars ($8,000,000) in any fiscal year, and the amount otherwise required herein to be appropriated annually to that fund shall be reduced by the amount estimated as necessary to comply with such limitation. Such amount shall be adjusted for cost of living changes based on the percentage increase or decrease in the Consumer Price Index (for all items other than housing) for the Los Angeles-Long Beach metropolitan statistical area.

(3) If there are insufficient funds to provide the maximum matching funds available to a candidate in any election, as specified by ordinance, the limitations on total contributions from persons other than individuals imposed by Section 470 shall not apply to any of the candidates for the same office.

(4) The funds used to make payments for matching funds shall come exclusively from City sources of revenues.

ARTICLE V
DEPARTMENTS

GENERAL PROVISIONS RELATED TO DEPARTMENTS

Sec. 500. Creation and Management of Departments.

(a) There shall be the following departments each of which shall be under the control and management of a board of commissioners that shall be the head of the department:

Fire
Fire and Police Pensions
Library
Los Angeles City Employees' Retirement System
Police
Public Works
Recreation and Parks

(b) There shall be the following departments each of which shall be under the control and management of a chief administrative officer, who shall be the head of the department:

City Planning
Personnel

(c) The phrase "departments having control of their own special funds" and "departments which have control of definite revenue or funds" and other substantially equivalent terms used in the Charter shall mean the departments of Fire and Police Pensions, Los Angeles City Employees' Retirement System, Library, Recreation and Parks, and the Proprietary Departments.

Sec. 501. Boards of Commissioners.

(a) Creation. Each department created in the Charter shall have a board of commissioners consisting of five commissioners, unless some other number is provided in the Charter for a specific board.

Each board shall be known as the Board of (insert name of department) Commissioners, except that the Board of the Personnel Department shall be known as the Board of Civil Service Commissioners.

(b) Attendance Fees. The Council shall, by ordinance adopted by a two-thirds vote, establish the amount of attendance fees to be paid to commissioners. Attendance fee ordinances shall be adopted no more frequently than once a year.

(c) Term. A commissioner term shall be five years, beginning on July 1. The terms of the commissioners shall be designated so that as much as possible the

terms of office are staggered. The period of the term of each commissioner shall be designated in the appointment. An appointment to fill an unexpired term on any board shall be for the period of the unexpired term.

(d) Qualifications. No person shall be appointed to a Charter created commission who is not a registered voter of the City. This requirement shall also apply to standing commissions created by ordinance that are advisory to a department or office. This requirement does not apply to commissioners who are elected or who serve ex officio.

(e) Diversity. Unless otherwise provided in the Charter, the Mayor, Council or other appointing authority shall strive to make his or her overall appointments to appointed boards, commissions or advisory bodies established by the Charter or ordinance reflect the diversity of the City, including, but not limited to, communities of interest, neighborhoods, ethnicity, race, gender, age and sexual orientation.

Sec. 502. Appointment and Removal of Commissioners.

(a) Appointment. Unless otherwise provided in the Charter, commissioners of Charter created boards and of standing commissions created by ordinance that are advisory to, or manage a department or appointed office, or perform regulatory functions, shall be appointed by the Mayor, subject to the approval of the Council. The Mayor shall appoint the commissioners of all other ordinance created commissions, unless otherwise provided in the ordinance.

Within 45 days of a vacancy created by the expiration of a term of office or otherwise, the Mayor shall submit to the Council for its approval the name of the Mayor's appointee to serve for the next ensuing term or remainder of the unexpired term created by the vacancy.

If the Council does not disapprove the appointment within 45 days after its submission to the Council, the appointment shall be deemed approved. If the Council disapproves an appointment, the Mayor shall make and submit to the Council a new appointment within 45 days of Council disapproval. Each subsequent Council disapproval of a mayoral appointment shall create a new 45 day period.

(b) Appointment by President of the Council. In the event the Mayor fails to submit an appointment to the Council within any of the 45 day periods provided in this section, the President of the Council shall, within an additional 45 days, submit an appointment for that office to the Council for its approval. If the Council does not disapprove the appointment made by the President of the Council within 45 days after submission, the appointment shall be deemed approved by the Council.

If the Council disapproves the appointment made by the President of the Council within the 45 day period, the President of the Council shall make a new appointment to the office involved within 45 days of the disapproval of the previous appointment. Each subsequent disapproval of an appointment made by the President of the Council shall create a new 45 day period.

(c) Appointment by Council Resolution. Upon failure of the President of the Council to submit an appointment to the Council for its approval as provided in this section, that appointment shall be made by the Council, by resolution, within 45 days from the expiration of the 45 day period within which the President of the Council failed to act.

(d) Removal. Members of a board or commission, other than the City Ethics Commission and the Police Commission, who are appointed by the Mayor subject to approval by the Council, may be removed by the Mayor without Council confirmation. Members of the Police Commission may be removed by the Mayor, but a removed member may, within ten calendar days of the removal, appeal the action to the Council. Within ten Council meeting days of receipt of the appeal, the Council may reinstate the commissioner by a two-thirds vote of the Council. Failure of the Council to reinstate the commissioner during this time period shall constitute a denial of the appeal. Action on an appeal shall be by an action separate from the approval of the appointment of a successor to the removed member. Members of the City Ethics Commission may be removed in accordance with Section 700.

Sec. 503. Organization of the Board.

(a) Officers. Each of the boards created in the Charter shall elect one of its members President and one Vice-President. Officers shall hold office for one year and until their successors are elected, unless their membership on the board expires sooner. Elections shall be held during its last meeting in July of each year, but the board may fill the unexpired term of any vacancy occurring in the office of President or Vice-President at any meeting.

(b) Meetings. Each board shall hold a regular meeting at least twice a month. All meetings shall be in a municipal or other facility open to the public.

(c) Action. Each board shall exercise the powers conferred upon it by the Charter by order or resolution adopted by a majority of its members. Action of the board shall be attested by the signatures of the President or Vice-President, or two members of the board, and by the signature of the secretary of the board.

Sec. 504. Secretary and Chief Accounting Employee.

(a) Secretary to the Board. The head of each department shall appoint an employee of the department other than a member of the board, to serve as secretary to the board. The secretary shall perform those duties imposed upon him or her by the Charter, ordinance or order of the board.

(b) Chief Accounting Employee. The head of each department shall appoint an employee of the department, other than a member of the board or the chief administrative officer, to serve as chief accounting employee. The chief accounting employee shall perform those duties imposed upon him or her by the Charter, by ordinance, or by the board.

(c) Appointment Subject to Civil Service. Appointments made under this section are subject to the civil service provisions of the Charter. The Council

may provide by ordinance for combining the positions of secretary and chief accounting employee with other positions in the civil service.

Sec. 505. Approval by Chief Accounting Employee of Use of Funds.

The written approval of the chief accounting employee shall be required for the withdrawal of money from any fund of any department created by the Charter under the control and management of a board of commissioners. However, this requirement does not apply to withdrawals made for the purpose of purchases through a centralized City purchasing system.

Sec. 506. Powers of the Board and the Head of the Department.

Subject to the provisions of the Charter, and to any ordinances as are not in conflict with the grants of power made to each department in the Charter:

(a) Management. The head of each department shall have power to supervise, control, regulate and manage the department.

(b) Rules and Regulations. The head of each department shall have the power to make and enforce all rules and regulations necessary for the exercise of the powers conferred upon the department by the Charter. The board of each department under the control and management of a general manager shall have the power to make and enforce all rules and regulations necessary for the exercise of powers and the performance of the duties conferred upon that board by the Charter. Every order or resolution adopting a rule of general application to be followed by the public shall be published once in a daily newspaper and shall take effect upon publication. Those rules, when adopted by order of a general manager who is the head of a department, shall be subject to the approval of the Mayor.

(c) Acquisition of Real Property; Approval of Contracts. Subject to Section 373, any action by a department created in the Charter authorizing the acquisition or sale of real property, approving of contracts which obligate the City for a longer period of time than as provided by ordinance, or which involve consideration reasonably valued in excess of such monetary limitation as provided by ordinance, shall be taken by the head of the department by order or resolution.

(d) Police Power. No grant of power by the Charter to any department or board of City government shall be construed to restrict the power of the Council to enact ordinances under the police power of the City, except as otherwise specifically provided in the Charter.

Sec. 507. Chief Administrative Officers.

Other than the elected offices, each department and office established by the Charter or created by ordinance, and each of the Public Works bureaus of Contract Administration, Engineering, Sanitation, Street Lighting, and Street Services shall have a chief administrative officer. In departments under the control and management of a board of commissioners, the chief administrative officer administers the affairs of the department. In departments and offices not under the control and management of a board of commissioners, the chief administrative officer has full charge and control of all work of the department or office. Elsewhere in the Charter and in the Los Angeles Administrative Code, chief administrative officers may have different position titles including general manager and director.

Sec. 508. Appointment and Removal of Chief Administrative Officers.

(a) Applicability. Subsections (a) through (e) of this section shall apply to all chief administrative officers, except the Chief of Police, the Executive Officer of the City Ethics Commission, the Executive Director of the Employee Relations Board, the general managers of the Fire and Police Pensions and the Los Angeles City Employees Retirement System, and the general managers of the Proprietary Departments. The following shall also be considered chief administrative officers for the purposes of this section: the Treasurer; the Executive Director of any City commission or agency created by ordinance that performs regulatory functions; and the executive director of all other ordinance created commissions or agencies unless the ordinance creating the commission or agency provides otherwise. The provisions of this section shall not apply to the Chief Legislative Analyst.

(b) Appointment. Each chief administrative officer to whom this section applies shall be appointed by the Mayor, subject to confirmation by the Council. If the Council does not disapprove the appointment within 45 days after its submission to the Council, the appointment shall be deemed approved. The Mayor may, but shall not be required to, use the assistance of the Personnel Department in the recruitment and selection of candidates for appointment. No chief administrative officer appointed under this section shall acquire any property interest in employment in that position.

(c) Temporary Appointments. The Mayor must fill any vacancy in the position of chief administrative officer within ten days of the vacancy. The Mayor may appoint a temporary chief administrative officer for six months, which period may be extended with the consent of Council for an additional six months. If no permanent appointment has been submitted to the Council during the initial or extended period, the temporary appointment shall be deemed submitted as a permanent appointment, and the time period for Council approval or disapproval shall commence as of that date.

(d) Annual Review. The Mayor shall evaluate each chief administrative officer annually. The Mayor shall set or adjust the amount of compensation for the chief administrative officer within the guidelines established by Council, after recommendations concerning those guidelines have been made to the Council by the Director of the Office of Administrative and Research Services.

(e) Removal. The Mayor may remove, by written notice, the City Clerk and the Treasurer, subject to approval by the Council. The Mayor may remove, by written notice, all other chief administrative officers to whom this section applies without Council confirmation. However, those removals may be appealed to the Council in accordance with this subsection. Within ten calendar days of the removal, the chief administrative officer may appeal the removal to the Council. Within 10 Council meeting days of receipt of the appeal, the Council may reinstate the chief administrative officer by a two-thirds vote of the Council. Failure of the Council to reinstate the chief administrative officer during this time period shall constitute a denial of the appeal.

(f) Chief Administrative Officers Appointed by a Commission. Any chief administrative officer or executive director that is appointed by a Commission pursuant to ordinance shall be annually reviewed by the appointing commission. That commission shall set or adjust the compensation for the chief administrative officer or executive director within the salary guidelines established by Council, after recommendations concerning those guidelines have been made to the Council by the Director of the Office of Administrative and Research Services. The commission shall forward a copy of the evaluation and salary determination to the Mayor and Council for information.

Sec. 509. Powers of Chief Administrative Officer of Department Under the Control of a Board of Commissioners.

Subject to the provisions of the Charter, the rules of the department and the instruction of his or her board, the chief administrative officer of a department or bureau under the control and management of a board of commissioners, except the Police Department, shall:

(a) administer the affairs of the department or bureau as its chief administrative officer;

(b) appoint, discharge, suspend, or transfer the employees of the department or bureau, other than the secretary of the board and the chief accounting employee of the department, all subject to the civil service provisions of the Charter;

(c) issue instructions to employees, in the line of their duties, all subject to the civil service provisions of the Charter;

(d) expend the funds of the department or bureau in accordance with the provisions of the budget appropriations or of appropriations made after adoption of the budget;

(e) recommend to the board of the department prior to the beginning of each fiscal year an annual departmental budget covering the anticipated revenues and expenditures of the department or bureau, conforming so far as practicable to the forms and dates provided in Article III in relation to the general City budget;

(f) certify all expenditures of the department or bureau to the chief accounting employee;

(g) file with the board and the Mayor a written report on the work of the department or bureau on a regular basis and as requested by the Mayor or board; and

(h) exercise any further powers in the administration of the department as may be conferred upon him or her by the board of the department.

Sec. 510. Powers of Chief Administrative Officer of Department Under the Management and Control of Chief Administrative Officer.

Each chief administrative officer who is the head of the department shall:

(a) have full charge and control of all work of the department;

(b) be responsible for the proper administration of its affairs;

(c) appoint, discharge, suspend or transfer all employees of the department, subject to the civil service provisions of the Charter;

(d) issue instructions to employees in the line of their duties, all subject to the civil service provisions of the Charter;

(e) as authorized by ordinance, assign employees of the department as are required for the carrying out of the powers and duties of the board of commissioners, if any;

(f) provide technical assistance and information as requested in writing by the board of commissioners of the department, if any;

(g) prior to the beginning of each fiscal year submit an annual budget covering the anticipated revenues and expenditures of the department, including, pursuant to the instructions of the board of commissioners, if any, the money required for the proper conduct of the board's affairs;

(h) expend the funds of the department in accordance with the provisions of the budget appropriations or of appropriations made after adoption of the budget, including those appropriated for the board of commissioners, if any;

(i) file with the board and the Mayor a written report on the work of the department on a regular basis and as requested by the Mayor or board; and

(j) exercise any further powers as may be conferred upon him or her.

Sec. 511. Responsibilities of Boards of Departments Controlling Their Own Funds.

In addition to the other powers and duties imposed upon them by the Charter, the board of each department having control over its own special funds shall:

(a) provide suitable quarters, equipment and supplies for the department, create the necessary positions in the department, authorize the necessary deputies, assistants and employees and fix their duties, and may require bonds of any or all the department's employees for the faithful performance of their duties; and

(b) prior to the beginning of each fiscal year, adopt an annual departmental budget and make an annual department budget appropriation, covering the anticipated revenues and expenditures of the department. The departmental budget shall conform as far as practicable, to the forms and times provided in Article III for the general City budget. Each departmental budget shall contain a sum to be known as the Unappropriated Balance, which sum shall be available for appropriation by the board later in the ensuing fiscal year to meet contingencies as they may arise. A copy of the budget when adopted, and of every resolution subsequently adopted making appropriation from the Unappropriated Balance shall promptly be filed with the Mayor and Controller. No expenditure shall be made or financial obligations incurred by the department except as authorized by the annual departmental budget appropriation, or appropriations made after the adoption of the annual budget, or as otherwise provided in the Charter.

Sec. 512. Temporary Absence or Inability to Act.

Wherever the Charter provides for the discharge of specific duties by a specific appointee other than the Chief of Police, the appointing power may designate an employee in the same department to act in case of the appointee's temporary absence or other inability to act, or upon the written request of such appointee.

Sec. 513. Relationship of General Provisions to Specific Departmental Provisions.

The provisions of this Article shall be subject to any modifications specifically set forth in the sections of the Charter dealing with specific departments.

Sec. 514. Transfer of Powers.

(a) Charter Created Powers and Duties. The Mayor may propose the transfer of any of the powers, duties and functions of the departments, offices and boards of the City set forth in the Charter to another department, office or board created by the Charter or by ordinance. The transfer shall be effective if approved by ordinance adopted by a two-thirds vote of the Council, or if the Council fails to disapprove the matter within 45 days after submittal by the Mayor of all documents necessary to accomplish the transfer, including the proposed ordinance transferring powers, duties or functions, and any related ordinances or resolutions concerning personnel or funds affected by the transfer. The Council on its own initiative may, by ordinance, adopted by a two-thirds vote of the Council, subject to the veto of the Mayor or by a three-fourths vote of the Council over the veto of the Mayor, make any such transfer.

(b) Exceptions. The power of the Mayor and Council to act as provided in this section shall not extend to:

(1) Elected Offices;

(2) Proprietary Departments;

(3) Los Angeles City Employees' Retirement System;

(4) Department of Fire and Police Pensions;

(5) City Ethics Commission;

(6) The disciplinary functions of the Fire Department and the Police Department as contained in Sections 1060 and 1070; and

(7) The Police Department and the Fire Department, if the transfer or consolidation would significantly alter or affect the primary purpose or character of the departments.

(c) Ordinance Created Powers and Duties. Powers, duties and functions established by ordinance may be transferred or eliminated by an ordinance proposed by the Mayor or Council. If the Mayor proposes a transfer or elimination, the action shall be effective if approved by ordinance adopted by a majority vote of the Council, or if the Council fails to disapprove the matter within 45 days after submittal by the Mayor of all documents necessary to accomplish the transfer or elimination, including the proposed ordinance transferring powers, duties or functions, and any related ordinances or resolutions concerning personnel or funds affected by the transfer or elimination.

FIRE DEPARTMENT

Sec. 520. Powers and Duties of the Department.

The Fire Department shall have the power and duty to:

(a) control and extinguish injurious or dangerous fires and to remove that which is liable to cause those fires;

(b) enforce all ordinances and laws relating to the prevention or spread of fires, fire control and fire hazards within the City, and the waters under the jurisdiction of the City, and vessels or structures thereon, provided however that nothing herein shall require the Fire Department to provide services to, on, in, or for the benefit of any lands, waters, properties or waterfront under the control of the Harbor Department, except pursuant to an agreement by the Board of Harbor Commissioners to reimburse the General Fund for the costs of those services;

(c) conduct fire investigations; and

(d) protect lives and property in case of disaster or public calamity. The scope and extent of those emergency powers and duties and the manner of their exercise shall be prescribed by ordinance consistent with Section 231(i).

Sec. 521. Authority of Officers.

The officers of the Fire Department who are in charge at the scene of any fire or emergency shall have full power and authority to direct the operation of controlling and containing the fire or emergency. The officers may prohibit approach to the fire or emergency site and may remove any person, vehicle, vessel or thing not needed in controlling and containing the fire or emergency or preserving property in the vicinity.

This section shall not limit the authority of the master or officers of any vessel requiring Fire Department response, subject to the Fire Department's authority to control the operations in protection of the public interest.

Sec. 522. Fire Chief.

The chief administrative officer of the Fire Department shall be known as the Fire Chief and shall be appointed and removed as provided in Section 508.

LIBRARY DEPARTMENT

Sec. 530. Powers and Duties of the Department.

The Library Department shall have the power and duty to:

(a) establish, manage, control, and operate a central library and branch libraries within the City, and to acquire and take by purchase, lease, condemnation, gift, in trust, or otherwise, and to hold for the City, any and all property necessary or convenient for those purposes; and

(b) design, construct, alter, and maintain all buildings, structures and grounds devoted to purposes of the department, from any funds under its control and available for those purposes, notwithstanding other provisions of the Charter.

Sec. 531. Financial Support.

(a) For the financial support of the Library Department, there shall be appropriated an annual sum of not less than 0.0175% of assessed value of all property in the City as assessed for City taxes.

(b) Additional appropriations may be made from the General Fund.

(c) All money derived from (a) or (b) plus sums received by the Library Department from fines, sales, gifts or otherwise in connection with the operation of the library, shall be placed to the credit of the Library Department in a fund to be known as the Library Fund.

Except as provided in Section 342 with regard to funds appropriated from the General Fund to the Library Fund, money in the Library Fund shall be used only for the financial support of the Library Department.

Sec. 532. Board of Library Commissioners.

The Board of Library Commissioners shall control, appropriate and expend all money coming into the Library Fund for the purposes of the department. The board may authorize the Treasurer to invest any surplus funds under its control in accordance with Section 303(b).

Sec. 533. City Librarian.

The chief administrative officer of the Library Department shall be known as the City Librarian and shall be appointed and removed as provided in Section 508.

Sec. 534. Library Property.

Acquisition of real property by the City for library sites shall first be approved by the Board of Library Commissioners. The board shall have full control over all library sites and none of these sites shall be devoted to any other purpose in whole or in part without permission from the board.

Sec. 535. Subsurface Parking Structures.

The Board of Library Commissioners may lease subsurface property under its control in accordance with requirements and proceedings similar to Section 596. Any revenue from these leases shall be credited to the Library Fund. The board may design, construct and operate subsurface parking structures under lands within its control, subject to similar requirements as found in Section 596(a)(1) and (2).

PERSONNEL DEPARTMENT

Sec. 540. Powers and Duties of the Department.

The Personnel Department shall have the power and duty to administer the civil service system in accordance with the civil service provisions of Article X of the Charter and the civil service rules established by the Board of Civil Service Commissioners, and perform any other employment related duties as may be prescribed by ordinance.

Sec. 541. Board of Civil Service Commissioners.

The Board of Civil Service Commissioners shall have the power and duty to make and enforce the civil service rules and to establish and maintain the civil service system in accordance with the civil service provisions of Article X of the Charter.

Sec. 542. Chief Administrative Officer.

The chief administrative officer of the Personnel Department shall be the head of the department and have the powers and duties of general managers set forth in Section 510, except those expressly reserved to the Board of Civil Service Commissioners as provided in the civil service provisions of Article X of the Charter.

CITY PLANNING DEPARTMENT

Sec. 550. Powers and Duties of the Department.

The Department of City Planning shall have and exercise all the powers and duties provided for it in the Charter or by ordinance.

Sec. 551. City Planning Commission.

The Board of Commissioners of the City Planning Department shall be known as the City Planning Commission and shall consist of nine members. It shall:

(a) give advice and make recommendations to the Mayor, Council, Director of Planning, municipal departments and agencies with respect to City planning and related activities and legislation;

(b) make recommendations concerning amendment of the General Plan and proposed zoning ordinances in accordance with Sections 555 and 558;

(c) make reports and recommendations to the Council and to other governmental officers or agencies as may be necessary to implement and secure compliance with the General Plan; and

(d) perform other functions prescribed by the Charter or ordinance.

Sec. 552. Area Planning Commissions.

The Council shall adopt an ordinance creating not less than five separate bodies to be known as Area Planning Commissions. The ordinance shall establish the boundaries of the area to be served by each Area Planning Commission, which shall be drawn so that all areas of the City are served by an Area Planning Commission. Each Area Planning Commission shall consist of five members. Members shall be appointed and removed in the same manner as members of the City Planning Commission, except that residency in the area served by the Area Planning Commission shall be a qualification for appointment. Except as provided in subsection (d), Area Planning Commissions are quasi-judicial agencies.

Each Area Planning Commission, with respect to matters concerning property located in the area served by the Area Planning Commission, shall have and exercise the power to:

(a) hear and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by a Zoning Administrator;

(b) hear and make determinations on any matter normally under the jurisdiction of a Zoning Administrator when that matter has been transferred to the jurisdiction of the Area Planning Commission because the Zoning Administrator has failed to act within the time limits prescribed by ordinance;

(c) hear and determine applications for, or appeals related to, conditional use permits and other similar quasi-judicial approvals, in accordance with procedures prescribed by ordinance;

(d) make recommendations with respect to zone changes or similar matters referred to it from the City Planning Commission pursuant to Section 562; and

(e) hear and determine other matters delegated to it by ordinance.

Sec. 553. Director of Planning.

(a) The chief administrative officer of the Department of City Planning shall be known as the Director of Planning and shall be appointed and removed as provided in Section 508. The Director shall be chosen on the basis of administrative and technical qualifications, with special reference to actual experience in and knowledge of accepted practice in the field of City planning.

(b) The Director of Planning or his or her designee shall:

(1) prepare the proposed General Plan of the City and proposed amendments to the General Plan;

(2) prepare all proposed zoning and other land use regulations and requirements, including maps of all proposed districts or zones;

(3) make investigations and act on the design and improvement of all proposed subdivisions of land as the advisory agency under the State Subdivision Map Act; and

(4) have those additional powers and duties provided by ordinance.

Sec. 554. General Plan—Purpose and Contents.

The General Plan shall be a comprehensive declaration of goals, objectives, policies and programs for the development of the City and shall include, where applicable, diagrams, maps and text setting forth those and other features.

(a) Purposes. The General Plan shall serve as a guide for:

(1) the physical development of the City;

(2) the development, correlation and coordination of official regulations, controls, programs and services; and

(3) the coordination of planning and administration by all agencies of the City government, other governmental bodies and private organizations and individuals involved in the development of the City.

(b) Content. The General Plan shall include those elements required by state law and any other elements determined to be appropriate by the Council, by resolution, after considering the recommendation of the City Planning Commission.

Sec. 555. General Plan—Procedures for Adoption.

Procedures pertaining to the preparation, consideration, adoption and amendment of the General Plan, or any of its elements or parts, shall be prescribed by ordinance, subject to the requirements of this section.

(a) Amendment in Whole or in Part. The General Plan may be amended in its entirety, by subject elements or parts of subject elements, or by geographic areas, provided that the part or area involved has significant social, economic or physical identity.

(b) Initiation of Amendments. The Council, the City Planning Commission or the Director of Planning may propose amendments to the General Plan. The Director of Planning shall make a report and recommendation on all proposed amendments. Prior to Council action, the proposed amendment shall be referred to the City Planning Commission for its recommendation and then to the Mayor for his or her recommendation.

(c) Commission and Mayoral Recommendations. The City Planning Commission shall hold a public hearing before making any recommendation on a proposed amendment to the General Plan and shall act within the time specified by ordinance. If the Commission recommends disapproval of an amendment initiated by the Commission, it shall report its decision to the Council and Mayor. After the Commission recommends approval of an amendment initiated by the Commission, or takes action concerning an amendment initiated by the Director or the Council, the Commission shall forward its recommendation to the Mayor. The Mayor shall have 30 days to forward his or her recommendation to the Council regarding the proposed amendment to the General Plan. If either the City Planning Commission or the Mayor does not act within the time specified, the Commission or Mayor shall be deemed to have recommended approval of the proposed amendment.

(d) Council Action. The Council shall conduct a public hearing before taking action on a proposed amendment to the General Plan.

If the Council proposes any modification to the amendment approved by the City Planning Commission, that proposed modification shall be referred to the City Planning Commission and the Mayor for their recommendations. The City Planning Commission and the Mayor shall review any modification made by the Council and shall make their recommendation on the modification to the Council in accordance with subsection (c) above.

If no modifications are proposed by the Council, or after receipt of the Mayor's and City Planning Commission's recommendations on any proposed modification, or the expiration of their time to act, the Council shall adopt or reject the proposed amendment by resolution within the time specified by ordinance.

(e) Votes Necessary for Adoption. If both the City Planning Commission and the Mayor recommend approval of a proposed amendment, the Council may adopt the amendment by a majority vote. If either the City Planning Commission or the Mayor recommends the disapproval of a proposed amendment, the Council may adopt the amendment only by a two-thirds vote. If both the City Planning Commission and the Mayor recommend the disapproval of a proposed amendment, the Council may adopt the amendment only by a three-fourths vote. If the Council proposes a modification of an amendment, the recommendations of the Commission and the Mayor on the modification shall affect only that modification.

Sec. 556. General Plan Compliance.

When approving any matter listed in Section 558, the City Planning Commission and the Council shall make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. If the Council does not adopt the City Planning Commission's findings and recommendations, the Council shall make its own findings.

Sec. 557. General Plan Areas.

For the purpose of reviewing or amending the General Plan, the City Planning Commission shall make its recommendations to the Council relative to the division

of the entire City into areas and the Council, after considering the recommendations of the City Planning Commission, shall adopt a resolution providing for those General Plan areas. To the extent feasible, general plan areas shall be drawn to keep areas geographically compact, to keep neighborhoods and communities intact, and to utilize natural boundaries and street lines.

Sec. 558. Procedure for Adoption, Amendment or Repeal of Certain Ordinances, Orders and Resolutions.

(a) The requirements of this section shall apply to the adoption, amendment or repeal of ordinances, orders or resolutions by the Council concerning:

(1) the creation or change of any zones or districts for the purpose of regulating the use of land;

(2) zoning or other land use regulations concerning permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements, including specific plan ordinances;

(3) private street regulations;

(4) public projects; and

(5) the acquisition of, change of area or alignment to, abandonment of, or vacation of any public right of way, park, playground, airport, public building site or other public way, ground or open space, but not including easements for sewers, storm drains or slopes, nor the temporary transfer of jurisdiction over any portion of a street to another local agency.

(b) Procedures for the adoption, amendment or repeal of ordinances, orders or resolutions described in subsection (a) shall be prescribed by ordinance, subject to the following limitations:

(1) Initiation. An ordinance, order or resolution may be proposed by the Council, the City Planning Commission, or Director of Planning or by application of the owner of the affected property if authorized by ordinance.

(2) Recommendation of the City Planning Commission. After initiation, the proposed ordinance, order or resolution shall be referred to the City Planning Commission for its report and recommendation regarding the relation of the proposed ordinance, order or resolution to the General Plan and, in the case of proposed zoning regulations, whether adoption of the proposed ordinance, order or resolution will be in conformity with public necessity, convenience, general welfare and good zoning practice. The City Planning Commission shall act within the time specified by ordinance. After the City Planning Commission has made its report and recommendation, or after the time for it to act has expired, the Council may consider the matter. Failure to act within the time prescribed by ordinance shall be deemed to be a recommendation of approval by the City Planning Commission of the proposed ordinance, order or resolution.

(3) Action by the Council. Before adopting a proposed ordinance, order or resolution, the Council shall make the findings required in subsection (b)(2) of this section.

(A) Planning Commission Recommendation of Approval. If the City Planning Commission recommends approval of the proposed ordinance, order or resolution, the Council may adopt an ordinance, order or resolution conforming to the Commission recommendation by majority vote.

(B) Planning Commission Recommendation Against Approval. If the City Planning Commission recommends against approval of the proposed ordinance, order or resolution, and the matter has been initiated by the filing of an application, the City Planning Commission action shall be final, subject to appeal to the Council in accordance with procedures prescribed by ordinance. The Council shall review the action of the Commission appealed from and may adopt an ordinance, order or resolution contrary to the recommendation of the Commission only by a two-thirds vote. If the City Planning Commission recommends against approval of the proposed ordinance, order, or resolution, and the matter has been initiated by the Council, the Council may take action on the matter without an appeal. The Council may adopt the proposed ordinance, order or resolution only by a two-thirds vote.

(C) Failure of Planning Commission to Act. If the Commission fails to make any recommendation within the time specified by ordinance, an ordinance, order or resolution in conformity with that which was initiated by the Council or by application shall be prepared and presented to the Council, and may be adopted by majority vote.

Sec. 559. Delegation of Authority.

The City Planning Commission may authorize the Director of Planning to approve or disapprove for the Commission any ordinance, order or resolution or modification thereto which is subject to the provisions of Sections 555 or 558. In exercising that authority, the Director must make the same findings as would have been required for the City Planning Commission to act on the same matter. An action of the Director under this authority shall be subject to the same time limits and shall have the same effect as if the City Planning Commission had acted directly.

Sec. 560. Hearings and Investigations.

The City Planning Commission and Area Planning Commissions may authorize the Director of Planning or his or her designee to conduct hearings on behalf of the commission. The Director of Planning shall make investigations relative to all matters provided for in Sections 555 and 558 as the City Planning Commission may direct and shall file reports with the City Planning Commission.

Sec. 561. Office of Zoning Administration.

There shall be a quasi-judicial agency known as the Office of Zoning Administration. The duties of this office shall be performed by one or more Zoning Administrators as authorized by the Council, who shall be appointed by the Director of Planning subject to the civil service provisions of the Charter. If more than one Zoning Administrator is authorized, a position of Chief Zoning Administrator shall be established, the appointment to which shall be made by the Director

of Planning, and the others shall be Associate Zoning Administrators. Subject to rules and regulations as may be prescribed by ordinance, the Office of Zoning Administration shall investigate and determine all applications for variances from any of the regulations and requirements of the zoning ordinances, and shall have other powers and duties with respect to zoning and land use as prescribed by ordinance.

The Council shall by ordinance provide time limits within which a Zoning Administrator must act for each type of case under his or her jurisdiction. If no determination is made by a Zoning Administrator within the prescribed time, the applicant may request that the matter be transferred to the jurisdiction of an Area Planning Commission or other board as prescribed by ordinance.

The Chief Zoning Administrator may adopt rules necessary to carry out the requirements prescribed by ordinance and which are not in conflict or inconsistent with those ordinances. All rules and regulations shall be available for inspection in the Office of Zoning Administration.

Sec. 562. Variances.

The Council shall prescribe by ordinance the procedures for the granting of variances subject to the following:

(a) Initial Hearing and Determination. All applications for variances shall be heard and determined by a Zoning Administrator except as otherwise provided in Section 564.

(b) Appeals Process. An aggrieved person may appeal a variance decision of the Zoning Administrator to the Area Planning Commission. The grant of a variance by the Area Planning Commission may be further appealed to the City Planning Commission or Council as prescribed by ordinance. There shall be no further appeal from the decision of the Area Planning Commission to deny a variance. However, that action of the Area Planning Commission is subject to Council review pursuant to Section 245.

(c) Findings for Granting a Variance. The following findings shall be made before a variance may be granted:

(1) that the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;

(2) that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity;

(3) that the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;

(4) that the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and

(5) that the granting of the variance will not adversely affect any element of the General Plan.

The grant of a variance may include conditions that will remedy a disparity of privileges and that are necessary to protect the public health, safety or welfare and assure compliance with the objectives of the General Plan and the purpose and intent of the zoning ordinance. A variance shall not be used to grant a special privilege or to permit a use substantially inconsistent with the limitations upon other properties in the same zone and vicinity. The Zoning Administrator may deny a variance if the conditions creating the need for the variance were self-imposed.

Sec. 563. Conditional Use Permits and Other Approvals.

(a) Subdivisions. The procedure for the approval of parcel maps, subdivision maps and other approvals granted pursuant to the State Subdivision Map Act shall be prescribed by ordinance.

(b) Conditional Use Permits and Other Similar Quasi-Judicial Approvals. The Council shall prescribe by ordinance the procedure for the granting of conditional use permits and similar quasi-judicial approvals subject to the following:

(1) Initial Determination. Applications for conditional use permits and similar quasi-judicial land use approvals shall be heard and determined either by the Zoning Administrator or Area Planning Commission as provided by ordinance. However, the City Planning Commission may adopt rules and regulations, subject to approval by ordinance, that identify classes or categories of quasi-judicial approvals that have citywide impact, and provide for those approvals to be heard and determined by the City Planning Commission instead of an Area Planning Commission.

(2) Appeals Process. An aggrieved person may appeal a decision of the Zoning Administrator with respect to a conditional use permit or similar quasi-judicial approval to the Area Planning Commission. Decisions of an Area Planning Commission, except those decisions made by the Area Planning Commission on appeal from a decision of the Zoning Administrator, may be appealed either to the City Planning Commission or Council, as provided by ordinance. However, the process for the approval of conditional use permits and similar quasi-judicial approvals may not include more than one level of appeal from the decision of a decision-making official or body. For purposes of this restriction:

(A) The use of hearing examiners or other methods by which recommendations are made to a decision-making official or body does not preclude an appeal from the decision of the decision-making official or body.

(B) If the Council is acting as the appellate body, the Council's action may be subject to Mayoral approval and Council override of Mayoral disapproval by a two-thirds vote of the Council, if so provided by ordinance.

(C) Council review of an action under Charter Section 245 shall not be considered an appeal for purposes of this section.

(D) The restrictions on appeals do not apply to any legislative actions.

Sec. 564. Projects Requiring Multiple Approvals.

If a project requires approvals by both the Zoning Administrator and either an Area Planning Commission or the City Planning Commission, those approvals that would otherwise be heard and determined by the Zoning Administrator shall be heard and determined by the Area Planning Commission or City Planning Commission, whichever has jurisdiction over the other approvals required for the project. Approvals for a project that requires both quasi-judicial and legislative actions shall be heard and determined by the City Planning Commission, except as provided in Section 565.

Sec. 565. Delegation of Legislative Authority to Area Planning Commissions.

The City Planning Commission may adopt rules and regulations, subject to approval by ordinance, identifying classes or categories of legislative actions for projects determined not to have citywide impact, and provide for action on those projects to be taken by an Area Planning Commission in lieu of the City Planning Commission.

Sec. 566. Time Limits.

The Council shall by ordinance establish time limits by which action shall be taken on all requests for quasi-judicial approvals and proposed zone changes initiated by application of the affected property owner.

POLICE DEPARTMENT

Sec. 570. Powers and Duties of the Department.

The Police Department shall have the power and duty to enforce the penal provisions of the Charter, City ordinances and state and federal law. In the discharge of these powers and duties, the members of the department shall have the powers and duties of peace officers as defined by state law. The officers and employees of the Police Department shall have the power and duty to protect lives and property in case of disaster or public calamity. The scope and extent of those emergency powers and duties and the manner of their exercise shall be prescribed by ordinance consistent with Section 231(i).

Sec. 571. Board of Police Commissioners.

(a) Members of the Board of Police Commissioners shall serve for a maximum of two five-year terms, except that a member may serve up to two years of an unexpired term plus two terms of five years. A member of the Board of Police Commissioners shall be limited to two consecutive one-year terms as President of the Board of Police Commissioners.

(b) The Board of Police Commissioners shall have the power to:

(1) issue instructions to the Chief of Police concerning the exercise of the authority conferred on the Chief of Police by the Charter, other than the disciplinary authority conferred by Section 1070;

(2) evaluate the Chief of Police annually, set or adjust the compensation for the Chief of Police within the salary guidelines established by Council after recommendations concerning those guidelines have been made to the Council by

the Director of the Office of Administrative and Research Services; and forward a copy of the evaluation and salary determination to the Mayor and Council for information;

(3) appoint and remove an Executive Director whose position shall be exempt from the civil service provisions of the Charter and who shall not be a member of the Police Department; and

(4) appoint and remove an Inspector General of the Police Department subject to Section 245, whose position shall be exempt from the civil service provisions of Article X of the Charter and who shall not be a member of the Police Department.

Sec. 572. Executive Director of the Board of Police Commissioners.

Subject to the provisions of the Charter, the rules of the Police Department, and the instruction of the Board of Police Commissioners, the Executive Director of the Board of Police Commissioners shall have the power and duty to:

(a) administer the affairs of the Board of Police Commissioners as its chief administrative officer;

(b) appoint, discharge, discipline, transfer and issue instructions to employees appointed as independent staff of the Board of Police Commissioners, except for employees under the direction of the Inspector General, all subject to the civil service provisions of Article X of the Charter;

(c) expend the funds designated by budgetary appropriations or appropriations made after adoption of the budget for expenditure by the Board of Police Commissioners or its staff, in accordance with the provisions of those appropriations;

(d) recommend to the Board of Police Commissioners prior to the beginning of each fiscal year a budget covering the anticipated revenues and expenditures of the board and its staff, conforming so far as practicable to the forms and dates provided in the Charter in relation to the general City budget;

(e) certify the expenditures of the Board of Police Commissioners and its staff to the chief accounting employee; and

(f) exercise further powers in the administration of the Board of Police Commissioners conferred upon the Executive Director by the board.

The authority of the Executive Director shall not extend to authority over the Chief of Police nor encroach upon the authority of the Chief of Police to administer the affairs of the Police Department as its general manager and chief administrative officer.

Sec. 573. Inspector General.

The Inspector General shall report to the Board of Police Commissioners and shall have the same access to Police Department information as the Board of Police Commissioners. The Inspector General shall have the power and duty to:

(a) under rules established by the Board of Police Commissioners, audit, investigate and oversee the Police Department's handling of complaints of misconduct by police officers and civilian employees and perform other duties as may be assigned by the board;

(b) conduct any audit or investigation requested by majority vote of the board;

(c) initiate any investigation or audit of the Police Department without prior authorization of the Board of Police Commissioners, subject to the authority of the board by majority vote to direct the Inspector General not to commence or continue an investigation or audit;

(d) keep the board informed of the status of all pending investigations and audits; and

(e) appoint, discharge, discipline, transfer and issue instructions to employees under his or her direction.

Sec. 574. Powers and Duties of the Chief of Police.

The chief administrative officer of the Police Department shall be known as the Chief of Police. Subject to the provisions of the Charter, the rules of the Police Department, and the instruction of the Board of Police Commissioners, the Chief of Police shall have the power and duty to:

(a) suppress all riots, disturbances and breaches of the peace, and to that end may call on any person for aid. The Chief may pursue and arrest, within the limits of the City, any person fleeing from justice, and shall without delay bring all persons arrested by the department before a judge of the proper court for trial or examination. The Chief may receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from places outside the City;

(b) administer the affairs of the department as its chief administrative officer, except as to matters under the control of the Executive Director of the Board of Police Commissioners;

(c) appoint, discharge, discipline, transfer and issue instructions to the employees of the department, other than the Secretary of the Board, the chief accounting employee of the department, the Inspector General of the Police Department and his or her staff, the Executive Director of the Board and his or her staff, all subject to the civil service provisions of the Charter;

(d) expend the funds of the department, except those funds under the control of the Executive Director, in accordance with the provisions of the budget appropriations or of appropriations made after adoption of the budget;

(e) recommend to the Board of Police Commissioners prior to the beginning of each fiscal year an annual departmental budget covering the anticipated revenues and expenditures of the department, except the anticipated revenues and expenditures under the control of the Executive Director, and conforming so far as practicable to the forms and dates provided in the Charter for the general City budget;

(f) certify all expenditures of the department to the chief accounting employee, except those expenditures under the control of the Executive Director;

(g) exercise further powers in the administration of the department conferred upon the Chief of Police by the Board of Police Commissioners; and

(h) execute, personally or by deputy, and return all writs and processes issued by any court having jurisdiction of criminal cases arising upon violations of the provisions of the Charter or ordinance. The Chief's jurisdiction and that of his or her deputies in the service of process in all criminal cases, and in cases of violation of City ordinances, shall be co-extensive with that of the County of Los Angeles.

Sec. 575. Appointment and Removal of the Chief of Police.

The Chief of Police shall be appointed, shall serve, and shall be removed in accordance with the following provisions:

(a) Recruitment and Selection. The recruitment and selection of qualified candidates for the position of Chief of Police shall be administered by the general manager of the Personnel Department, in cooperation with the Board of Police Commissioners, through a system of open competition based on professionally accepted recruitment and selection standards. The general manager of the Personnel Department shall refer a group of at least six highly qualified candidates to the Board of Police Commissioners, which shall then provide a list of three recommended candidates, in ranked order, to the Mayor for review and for appointment of one of them to the Office of Chief of Police. At the request of the Mayor, the Board of Police Commissioners shall provide the Mayor with an additional list of three candidates, in ranked order, from the group of candidates previously provided by the general manager of the Personnel Department. The Mayor's appointee shall be subject to confirmation by the Council. Should the Council fail to confirm the appointee, and if any additional candidates remain, the Mayor may request and receive from the Board of Police Commissioners one additional candidate, who will be selected from the group of candidates previously provided by the general manager of the Personnel Department. The Mayor may appoint that candidate or one of the candidates on the list or lists previously provided to the Mayor by the Board of Police Commissioners, subject to Council confirmation.

(b) Term. The Chief of Police shall serve a five-year term and may be appointed, in the manner described below, to a second five-year term. No person shall serve as Chief of Police for more than ten years altogether. Time accrued as Acting Chief of Police or as a temporary Chief of Police shall not be included in calculating the ten years.

(c) Reappointment. If the Chief of Police wishes to be considered for appointment to a second term, he or she shall apply to the Board of Police Commissioners for that appointment at least 180 days prior to the expiration of the first term. At least 90 days prior to the expiration of the first term, the Board of Police Commissioners shall, in its discretion, respond affirmatively or negatively to that application. If the Board of Police Commissioners acts, affirmatively or negatively, on the application for appointment, that action shall be subject to the provisions of Section 245 and the Council may assert its jurisdiction over the matter of the application for appointment. Should that jurisdiction be asserted,

any affirmative or negative action on the appointment shall be final. If the Board of Police Commissioners fails to respond to the application within 90 days prior to the expiration of the first term, the Mayor shall, at least 60 days prior to the expiration of the first term, act in lieu of the Board. Should the Mayor so act, the Council, by two-thirds vote, may act within 30 days thereafter to override the Mayor's action. If the Council does not act within 30 days to override the Mayor's action, the action shall be final. If the request of the Chief of Police for appointment to a second term is not approved as provided in this section, there shall be no reappointment and a vacancy in the Office of the Chief of Police shall occur at the expiration of the first term.

(d) Removal by Board. The Chief of Police shall serve at the pleasure of the City, as set forth herein, and shall not attain any property interest in the position of Chief of Police. The Board of Police Commissioners may remove the Chief of Police from office at any time prior to the expiration of a first or second five-year term. Should the Board of Police Commissioners so act to remove the Chief of Police, it shall promptly notify the Mayor of its action. If the Council has not asserted its jurisdiction over the matter of the removal of the Chief of Police as permitted under Section 245, the Mayor shall have five days from the last date on which the Council could have asserted jurisdiction to reverse the action of the Board of Police Commissioners. Upon the Mayor's failure to act within that period, the removal shall become effective. By a letter received by the City Clerk within five days of the effective date of the removal, the removed Chief of Police may request a hearing on the removal before the Council which, by two-thirds vote, may override the removal and restore the Chief of Police to office. If the Council asserts jurisdiction over the matter of the removal of the Chief of Police and acts to retain the Chief, the action shall be final. If the action of the Council is to remove the Chief of Police, the removal shall be effective immediately. Should the provision of an appeal from the removal be required by law, the Council shall, by ordinance, provide an appellate procedure in conformance with the law. The Chief of Police may request an appeal by letter to the City Clerk within five days of the effective date of the removal.

(e) Removal by Council. The Council may remove the Chief of Police from office in accordance with the following procedures. The Council, by two-thirds vote, may initiate removal proceedings by giving ten days written notice of a public hearing on the proposed removal to the Mayor, the Board of Police Commissioners and the Chief of Police. At the hearing, the Mayor and the Board of Police Commissioners shall appear to discuss with the Council whether the Chief of Police should be removed from office. The views of the Chief of Police shall be heard and considered at his or her request. Thereafter, the Council, by two-thirds vote, may act to remove the Chief of Police from office, and the removal shall be effective immediately. Should the provision of an appeal from the removal be required by law, the Council shall, by ordinance, provide an appellate procedure in conformance with the law. The Chief of Police may request an appeal by letter to the City Clerk within five days of the effective date of the removal.

Sec. 576. Acting and Temporary Chief of Police.

(a) The Chief of Police, by a letter to the Board of Police Commissioners, shall designate a person or persons who shall serve as Acting Chief of Police for those periods of time that the Chief of Police is out of the City or is temporarily unable to perform the duties of the office.

(b) The Board of Police Commissioners is authorized to appoint a temporary Chief of Police during a vacancy in the office and pending the regular appointment of a Chief of Police. The person appointed as temporary Chief of Police shall be entitled to compensation appropriate to the position of Chief of Police for the duration of the appointment. The length of the temporary appointment shall not exceed 12 months and shall terminate when a regular appointment is made. The appointment of a temporary Chief of Police shall terminate the authority of an Acting Chief of Police.

PUBLIC WORKS DEPARTMENT

Sec. 580. Public Works Department Powers and Duties.

The Department of Public Works shall have the following powers and duties:

(a) design, construct, excavate and maintain streets and public works improvements including but not limited to bridges, public parkways and rights-of-way, sanitary sewers and storm drains, water and sewer treatment facilities, landfills and public rights-of-way lighting facilities owned by the City;

(b) design and construct public buildings belonging to the City, except those under the jurisdiction of the Proprietary Departments and the Department of Recreation and Parks;

(c) dispose of solid waste; and

(d) perform other duties as may be assigned by ordinance, if not inconsistent with Section 514.

Sec. 581. Board of Public Works.

Members of the Board of Public Works shall devote their entire time to the duties of office. Subject to the Charter and applicable ordinances and law, the board shall have the power and duty to:

(a) set policy for and manage the Department of Public Works;

(b) establish procedures for the examination, consideration and preparation of requests for proposals or bids, and for the advertisement and establishment of the amount of the required bond, all as provided by Sections 370 through 378 and related ordinances, for any work or improvements;

(c) approve the award of contracts;

(d) fix the time when work shall be commenced and completed in accordance with applicable law;

(e) exercise the power of eminent domain, subject to Council authorization, and lease or purchase property on behalf of the City for the construction and maintenance of public works projects;

(f) exercise the powers and duties imposed by law or delegated by the Council relating to the award of contracts for work specified in Section 580 and the determination of benefits, damages and costs incident to a proposed change or improvement of any public place, right-of-way or property belonging to the City and the making and levying of assessments upon property to cover the damages and costs;

(g) conduct hearings and hear appeals as authorized by ordinance relating to the work of the department, including hearings pertaining to special assessments;

(h) on its own initiative or upon complaint, investigate departmental operations and acts of employees and report findings to the Director of Public Works, the Mayor and the Council;

(i) approve specifications for public works construction projects;

(j) accept completed public works projects, provided that the board may delegate to the Director of Public Works the authority to accept projects involving less than one hundred thousand dollars ($100,000) or such other amount prescribed by the board;

(k) make recommendations about short- and long-range public works plans and programs to the Mayor and Council; and

(*l*) annually present to the Council at its meeting in the second week of July, a report for the previous fiscal year stating the amount of proceeds from the sale of bonds, the purposes for which those proceeds have been expended, the amount expended, the balance in each bond fund and other information and suggestions as it deems appropriate.

The Board of Public Works shall have power to proceed with all such construction and maintenance, and to carry out any of the purposes herein mentioned from any funds under its control and available for such purposes; provided, that nothing in this section shall be construed to abridge the power of the Council to order any work or improvements and to provide the manner of paying therefor, such work or improvement, however, to be done under the superintendence and control of the Board of Public Works.

Sec. 582. Director of Public Works

There shall be a chief administrative officer of the Department of Public Works, known as the Director of Public Works, who shall be appointed and removed as provided in Section 508. Instead of those powers and duties set forth in Section 509, the director shall have the power and duty to:

(a) enforce all orders, rules and regulations adopted by the board;

(b) administer contracts;

(c) supervise and manage construction and maintenance work authorized by the board;

(d) approve those public works contracts within the authority delegated to the Director by the board or by ordinance;

(e) grant street encroachment and other permits necessary for the temporary use of City rights-of-way;

(f) make recommendations to the board about short- and long-range public works plans and programs;

(g) oversee the functions of departmental accounting and management-employee services including any bureaus charged with performing those functions, and issue instructions to, appoint, discharge, suspend and transfer the employees that perform those functions, all subject to the civil service provisions of the Charter;

(h) recommend to the board prior to the beginning of each fiscal year an annual departmental budget covering the anticipated revenues and expenditures of the department, conforming so far as practicable to the forms and dates provided in Article III in relation to the general City budget; and

(i) file with the board and the Mayor a written report on the work of the department on a regular basis as requested by the Mayor or board.

RECREATION AND PARKS DEPARTMENT

Sec. 590. Powers and Duties of the Department.

The Department of Recreation and Parks shall have the power and duty:

(a) to establish, construct, maintain, operate and control, wherever located:

(1) all parks of the City of Los Angeles;

(2) all recreational facilities, museums, observatories, municipal auditoriums, sports centers and all lands, waters, facilities or equipment set aside or dedicated for recreational purposes and public enjoyment; and

(3) all property acquired by it or assigned to its jurisdiction for public recreation.

(b) to design, construct and operate, lease, rent or sell concessions or privileges to be exercised for the benefit, education, amusement, convenience or enjoyment of the public, in connection with any function, site or facility under the jurisdiction of the department;

(c) to establish schedules of charges for special services;

(d) to promote public recreation and cooperate with other public agencies and organizations for that purpose; and

(e) to establish, maintain and operate playgrounds or other recreational facilities upon portions of public streets, under terms and conditions provided by ordinance.

Sec. 591. Board of Recreation and Park Commissioners.

The Board of Recreation and Park Commissioners shall have power:

(a) to control all recreation and park sites;

(b) to control, appropriate and expend all money in the Recreation and Parks Fund and authorize the City Treasurer to invest any surplus funds under its control in accordance with Section 303(b); and

(c) to organize the work of the department into divisions and to appoint an administrative officer for each division or for any group of divisions.

Sec. 592. Chief Administrative Officer of Recreation and Parks.

The chief administrative officer of the Department of Recreation and Parks shall be appointed and removed as provided in Section 508.

Sec. 593. Financial Support.

(a) For the financial support of the Department of Recreation and Parks, there shall be appropriated an annual sum of not less than 0.0325% of assessed value of all property as assessed for City taxes.

(b) Additional appropriations may be made from the General Fund.

(c) All money derived from (a) or (b), plus all other sums received by the department shall be placed to the credit of the Recreation and Parks Fund.

Except as provided in Section 342 with regard to funds appropriated from the General Fund to the Recreation and Parks Fund, money in the Recreation and Parks Fund shall be used only for the financial support of the Department of Recreation and Parks.

Sec. 594. Control and Management of Recreation and Park Lands.

(a) Management and Control. The Department of Recreation and Parks shall operate, manage and control all property now or hereafter owned or controlled by the City for public recreation, including parks, and shall have power in the name of the City to acquire and take by purchase, lease, condemnation, gift, in trust or otherwise, any and all property necessary or convenient for recreation, including park purposes.

(b) Acquisition of Property. No real property shall be acquired by the City for recreation sites, including parks, unless first approved by the Board of Recreation and Park Commissioners.

(c) Restrictions on Transfer of Dedicated Parks. All lands heretofore or hereafter set apart or dedicated as a public park shall forever remain for the use of the public inviolate; but the board may authorize use of the lands for any park purpose, and for:

(1) Easements or rights-of-way for any work, improvement or structure necessary and convenient for giving service to the City or its inhabitants in connection with any public utility owned by the City. Under similar circumstances, similar permission may be given to any private public utility holding a franchise, and limited to the life of the franchise. These easements or rights-of-way shall be subject to regulation by ordinance.

(2) Leases to the County of Los Angeles or the State of California or the United States for periods not to exceed 50 years, of sites in any public park for the erection and maintenance of public buildings consistent with public park purposes.

(3) Taking and disposal of molding sand, or other natural resources under terms as the board may prescribe and in a manner as to work no substantial impairment of public use and enjoyment of the premises.

(4) Opening, establishment and maintenance of streets or other public ways in and through the park lands controlled by the board.

(d) Transfer to Purposes other than Recreation and Park Purposes. No sites under the management and control of the department shall be devoted or transferred to any other purpose in whole or in part, except in compliance with all of the following:

(1) Procedure. Any transfer shall require a resolution of the board, approved by the Council by ordinance, incorporating the prescribed terms and conditions to be observed by the permitee. However, Council approval shall not be required for the granting of leases of property not immediately needed for the purposes of the department for a term not to exceed three years.

(2) Restrictions on Transfer. No transfer shall be permitted if it would violate the provisions of subsection (c) of this section, or in any case where the proposed use violates a specific trust or dedication upon which the property was acquired.

(3) Requirement of Equivalent Property or Funds. If property to be transferred to another use has been acquired from funds specifically provided for the Department of Recreation and Parks or its predecessors, the department shall be assigned the equivalent in property or funds as a condition of transfer of the property from its control, when required by the board.

(e) Remaining Land Unsuitable for Park Use. Where lands forming a portion of an existing public park have been removed from the jurisdiction of the board by reason of their dedication or use for public purposes incompatible with park use, the remaining lands, or any portion thereof, within the park shall not be subject to the provisions of subsection (c) of this section in the event that:

(1) the board and Council find and determine that the remaining lands, or specific portion thereof, are unsuitable for further use as a public park; and

(2) lands of an area at least equal to the lands found to be unsuitable for further use as a public park are acquired in the same portion of the City and set apart or dedicated as a public park.

Sec. 595. Lease of Facilities.

The Board of Recreation and Park Commissioners may lease for recreational purposes any municipal auditoriums, arenas, sports centers or related facilities subject to the following conditions:

(a) The term of the lease shall not exceed 35 years. Leases in excess of five years shall be approved by the Council by ordinance.

(b) The public must be entitled to use and enjoy the property or facility for the purposes for which it was acquired, constructed or completed and any lease shall require the lessee to operate the property or facility so as to furnish the public with that use and enjoyment.

(c) The board may enter into the lease without inviting bids and may prescribe other terms and conditions as it deems appropriate.

Sec. 596. Leasing of Subsurface Space.

(a) Notwithstanding the provisions of Section 595, the Board of Recreation and Park Commissioners may lease, to the highest responsive and responsible bidder in accordance with Section 371, subsurface space under any public park or public grounds under its control subject to the following conditions:

(1) The use will not breach the conditions under which the land has been deeded to the City.

(2) The board finds that the works to be constructed will not result in material detriment to the purpose for which the land was dedicated or set aside by the City. The board's finding will become final and conclusive upon Council approval by ordinance.

(3) The lease shall not exceed a term of 50 years.

(4) The lease is for the construction and operation of a public parking structure, subway or subway station. The operation of a public parking structure shall include related incidental facilities and functions. The retail sale of gasoline, oil and accessories and the provision of service to private vehicles shall be prohibited except at the Pershing Square subterranean parking structure. This prohibition shall apply to the department and its lessees, sub-lessees, partners and franchisees.

(5) The board shall prescribe the terms and conditions of the lease, and the proceeds shall be paid into the Recreation and Parks Fund.

(6) The lease shall be approved by the Council by ordinance.

(b) The board may design, construct and operate subsurface parking structures under lands within its control, subject to subsection (a)(1) and (2) of this section. The revenue derived from the operation of the parking structures shall be paid into the Recreation and Parks Fund.

Sec. 597. Location of Police Training Facility.

Notwithstanding any other provisions of the Charter or ordinance, jurisdiction over that portion of Elysian Park described in Council File 70-5114 and supplements, containing approximately 21.464 acres which was used as of July 1, 1972, primarily as a police training facility, is transferred to the Department of Public Works for use as public buildings and grounds, including use as police training facilities and related purposes. Such portion shall, upon abandonment of the site as a police training facility, be transferred to the Department of Recreation and Parks and shall be dedicated as a public park.

ARTICLE VI
PROPRIETARY DEPARTMENTS

GENERAL PROVISIONS FOR PROPRIETARY DEPARTMENTS

Sec. 600. Creation of Proprietary Departments and Boards.

(a) Departments Created. The following departments, which shall be known as the Proprietary Departments, are created:

Airports

Harbor

Water and Power

(b) Head of Department. Each Proprietary Department shall be under the control and management of a board of commissioners that shall be the head of the department.

(c) Applicability. Each Proprietary Department shall be governed by the following:

(1) provisions specific to each department set forth in this Article;

(2) these General Provisions for Proprietary Departments;

(3) the General Provisions for Departments contained in Article V, to the extent not inconsistent with this Article; and

(4) other provisions of the Charter applicable to departments and boards to the extent not inconsistent with this Article.

Sec. 601. Departmental Purposes.

The boards and general managers shall operate the Proprietary Departments for the following purposes, which shall be known as the Departmental Purposes:

Airports: In connection with, or for the promotion and accommodation of air commerce and air navigation.

Harbor: In connection with, or for the promotion and accommodation of maritime commerce, navigation, and fishery.

Water and Power: In connection with, or for the production and delivery of water and electric power, and for the promotion of the conservation of water and power resources.

Sec. 602. Possession, Management and Control of Assets.

The board of each Proprietary Department shall have possession, management and control of all property and rights of every kind whatsoever:

(a) conferred upon the department by the Charter;

(b) purchased with funds under its control; or

(c) received through ordinance, or with approval of the board, through other action of the Council or from any other source, if consistent with Departmental Purposes.

Sec. 603. Control of Departmental Funds.

(a) Special Funds. Each Proprietary Department shall have one or more special funds including accounts or subaccounts for the purpose of segregating its revenues from other money of the City.

(b) Expenditures. The board of each Proprietary Department shall have control over its special funds, consistent with other provisions of the Charter. For Departmental Purposes, a board shall have the power to appropriate and expend all money in the department's special revenue funds and of all money derived from the sale of bonds of the department.

Sec. 604. General Managers.

(a) Appointing Authority. The board of each Proprietary Department shall appoint the general manager subject to confirmation by the Mayor and Council, and shall remove the general manager subject to confirmation by the Mayor. A general manager removed pursuant to the provisions of this section may appeal the removal to the Council in the manner provided in Section 508(e).

(b) Annual Review. The board of each Proprietary Department shall evaluate its general manager at least annually and shall set or adjust the compensation of

the general manager within guidelines established by Council, after recommendations concerning those guidelines have been made to the Council by the Director of the Office of Administrative and Research Services. The board shall forward a copy of its performance evaluation and salary determination to the Mayor and Council.

(c) Powers and Duties. The powers and duties of general managers contained in Section 509 shall apply to general managers of the Proprietary Departments. Additionally, the board of each Proprietary Department may authorize its general manager to contract on behalf of the department where the contract does not involve payment or receipt of money or consideration reasonably valued in excess of a monetary limit provided by ordinance.

Sec. 605. Power to Grant Franchises, Concessions, Permits and Licenses and Enter Into Leases.

(a) For Departmental Purposes. Subject to any limitations imposed upon a specific proprietary board in this Article, each board shall have the power to grant and set the terms and conditions for any franchise, concession, permit, license, or lease concerning any property under its control that will further Departmental Purposes or anything incidental to those purposes and, with respect to the Harbor Department, will not be inconsistent with any trust upon lands held by the City.

(b) For Non-Departmental Purposes. The board of each Proprietary Department shall have the power to grant a license or to enter into a lease concerning property under its control for purposes other than Departmental Purposes, if the board finds in writing that:

(1) the property to be licensed or leased is not presently needed for Departmental Purposes;

(2) the grant of the license or lease will not interfere with Departmental Purposes; and

(3) with respect to the Harbor Department, the license or lease is not inconsistent with any trust upon lands held by the City.

Sec. 606. Process for Granting Franchises, Permits, Licenses and Entering Into Leases.

Board action granting franchises, concessions, permits and licenses or approving leases shall be taken by order or resolution. If the board's order or resolution grants a franchise, permit or license or approves a lease for a term greater than five years, it shall be submitted to Council for its approval or disapproval. The Council may, by ordinance, further define what constitutes a term of more than five years. Unless Council takes action disapproving the franchise, permit, license or lease within 30 days after submission of it to Council, the franchise, permit, license or lease shall be deemed approved. If Council does not approve the franchise, permit, license or lease, Council shall return it to the originating board for reconsideration and resubmission. Any order or resolution granting a franchise for a term of more than five years shall be published once in the same manner as ordinances of the City and shall take effect 30 days after publication.

Sec. 607. Limitations on Franchises, Concessions, Permits, Licenses and Leases.

Franchises, concessions, permits, licenses and leases shall be subject to further limitations specified in this Article for each Proprietary Department and the following:

(a) Length. The term shall not exceed 30 years or the term specified by applicable federal or state law, whichever is less. If Council makes a finding that a term longer than 30 years would be in the best interest of the City, Council may, by a two-thirds vote, subject to Mayoral veto, or three-fourths vote over the veto of the Mayor, authorize a term up to 50 years, or the maximum period allowed by any federal or state law, whichever is less.

(b) Compensation Adjustments. Every franchise, concession, permit, license, or lease shall include a procedure to adjust the compensation periodically but in no case shall the period between adjustments exceed five years.

Sec. 608. Harbor and Airport Regulation of Public Service and Public Utilities.

To the extent not preempted by federal or state law, the Board of Airport Commissioners and Board of Harbor Commissioners have the power to:

(a) regulate and control all public service and public utilities operated in connection with Departmental Purposes;

(b) to fix the proper franchise or license fees to be paid to the department by any public service or utility; and

(c) to fix and regulate the rates, tolls and charges to be charged and collected for services furnished by any public service or utility.

The board shall have the right to have reasonable access to and to examine all records showing the transactions, and financial condition of the operators of a public service or utility and to require reports from the operators as the board may prescribe. The amounts of the franchise or license fees to be paid to the department by any operator of a public service or utility, and the rates, tolls and charges to be charged and collected for services furnished or supplied by a public service or utility shall be fixed by the board by order, subject to approval or modification by the Council by ordinance.

Sec. 609. Revenue Bonds and Other Obligations.

(a) Power to Issue Debt. Each Proprietary Department shall have the power to borrow money and to issue bonds, refunding bonds, notes and other evidences of indebtedness (collectively referred to in this section as "Revenue Bonds") for any lawful purpose relating to the department payable from the revenues of the department and from any other money lawfully available to the department or under its control, in the form and manner approved by the board of the department. The Council shall adopt procedural ordinance(s) (each a "Procedural Ordinance") which shall set forth the procedures under which Revenue Bonds may be issued. The Procedural Ordinance(s) shall require that a resolution of the board authorizing the issuance of Revenue Bonds be transmitted to the Council and Mayor for their approval or disapproval in the manner set forth in the Procedural Ordinance(s).

(b) No Obligation of the General Revenues of the City. No Revenue Bond issued or incurred by any department under this section shall constitute or evidence an indebtedness of the City or a lien or charge on any property or the general revenues of the City, but shall constitute and evidence an obligation of the applicable department payable only from the specified revenues and other money of the applicable department and the face of each Revenue Bond shall contain a legend to this effect.

(c) Payment of Revenue Bonds. As long as any Revenue Bonds issued or incurred under this section and payable out of all or a portion of the revenue of a department shall be outstanding and unpaid, the board of the department shall fix rates for service from the municipal works to which that revenue pertains. It shall collect charges to provide revenue which, together with the other available funds of the department, shall be at least sufficient to pay, as the same shall become due, the principal and interest on all Revenue Bonds so outstanding payable out of revenue, including premiums, if any, due upon the redemption of any of the Revenue Bonds, in addition to paying, as it shall become due, the necessary expenses of operating and maintaining the works, and all other obligations and indebtedness payable out of the revenue of the department. If at any time during the life of Revenue Bonds issued under this section, the Council is required to review any rates adopted by a board, the Council shall approve rates in an amount sufficient to meet all the revenue requirements of this section.

(d) Competitive Bidding or Private Sale. Revenue Bonds shall be sold pursuant to a competitive bidding process; however, Revenue Bonds may be sold by private sale or in any other manner acceptable to the department and the Council as authorized by a Procedural Ordinance, subject to the following conditions:

(1) The board of a department has authorized the sale of Revenue Bonds pursuant to private sale after written recommendation of the chief financial officer of the department stating the reasons why a private sale will benefit the department.

(2) Council, after receiving a report of the Director of the Office of Administrative and Research Services, has approved the private sale.

(3) Council has been provided an opportunity, as set forth in a Procedural Ordinance, to disapprove the selection by a department of the underwriting firm(s) for the private sale of Revenue Bonds.

(e) Prohibition of Underwriter Gifts and Political Contributions.

(1) No underwriting firm which, within the prior 12 months, made one or more gifts totaling fifty dollars ($50) or more, or one or more political contributions totaling one hundred dollars ($100) or more, to the Mayor, the City Attorney, any member of the Council, any member of the board of the department whose bonds are the subject of the sale, or any other City official having the authority to make or participate in making decisions concerning the sale, shall be selected by the Council or by a department as the underwriter for a sale of Revenue Bonds where the selection of the underwriting firm is made on a basis other than by competitive bidding (referred to hereafter as “noncompetitive sale”). An underwriting firm

seeking selection shall cause one of its officers to certify under oath that no such gifts or contributions were made. That certification shall be filed with the City Clerk prior to the date on which a selection is made. If the selected underwriting firm made any of the gifts or contributions specified above, but the certification was nevertheless made, the underwriting firm and any other person responsible for the error in the certification shall be subject to the penalties provided for violation of Section 470.

(2) No underwriting firm selected as the underwriter for a noncompetitive sale of Revenue Bonds shall make one or more gifts totaling fifty dollars ($50) or more, or one or more political contributions totaling one hundred dollars ($100) or more, to any official referenced in subsection (e)(1) during the 12 months after being so selected. Any person violating the provisions of this subsection shall be subject to the penalties provided for violations of Section 470.

(3) A gift or contribution shall be considered as having been made by an underwriting firm if that gift or contribution was made by the firm itself; by any other business entity related to the firm as a parent, subsidiary or other related business entity; by any political action committee controlled or primarily financed by the firm or by a business entity related to the firm as a parent, subsidiary or other related business entity; by the president, chairperson of the board, chief executive officer, or chief operating officer of the firm; by any vice president, assistant vice president or managing director employed in the public finance unit of the firm; by any other employee of the firm who communicates with one or more City officers or employees for the purpose of influencing the City's selection of an underwriter for a particular bond issue; or by any person owning a 10% or greater investment in the firm.

(4) A contribution shall be considered as having been made to any of the officials referenced in subsection (e)(1) if it is made to the official or to any controlled committee of the official.

(5) Any term used herein which is defined in the California Political Reform Act of 1974, as amended, or in the regulations of the California Fair Political Practices Commission, as amended, shall have the meaning set forth in those provisions.

(6) No provision of subsection (e) shall require any person to do or refrain from doing any act which would violate federal law.

(f) Investment of Proceeds. Proceeds of the Revenue Bonds may be invested in those obligations set forth in the applicable financing documents, if those obligations are authorized for the investment of money of the City, as provided in a Procedural Ordinance.

(g) Effect of Section on Issuance of Bonds.

(1) Complete Authority to Issue Bonds. This section and the Procedural Ordinance shall be complete authority for the issuance of Proprietary Department Revenue Bonds. No action or proceeding other than those required by this section or the Procedural Ordinance shall be necessary for the valid authorization and issuance of the Revenue Bonds.

(2) No Council Veto. After the Council and Mayor approve the issuance of Revenue Bonds for a department as described in subsection (a), and subject to Council disapproval of a department's selected underwriter for a noncompetitive sale as provided in subsection (d), the issuance of Revenue Bonds for a Proprietary Department shall not be subject to any further Council review including the veto provided in Section 245.

(3) Validity of Revenue Bonds. The validity of Revenue Bonds reciting that they have been issued pursuant to this section shall not be affected by any provision or limitation contained in any other section of the Charter. Any required signatures to the Revenue Bonds issued pursuant to this section may be by facsimile or by autograph. Charter Sections 146, 146.1, 229, 229.1 and 239 existing on June 1, 1996 shall remain in full force and effect after the adoption of this section until the Council has adopted the Procedural Ordinance(s) provided for in this section.

(4) Section Applies Only to Proprietary Revenue Bonds. The provisions of this section apply only to Revenue Bonds issued by Proprietary Departments under authority of this section.

Sec. 610. Debt Accountability and Capital Improvement Plan.

Every two years, in conjunction with submittal of its annual budget, each Proprietary Department shall submit a debt accountability and major capital improvement plan to the Mayor, Council and Controller.

DEPARTMENT OF AIRPORTS

Sec. 630. Board Composition.

The Board of Airport Commissioners shall consist of seven members appointed and removed as provided in Section 502. At least one member shall reside within the area surrounding Los Angeles International Airport and at least one member shall reside within the area surrounding Van Nuys Airport, as those areas are defined by ordinance.

Sec. 631. Possession, Management and Control of Airport Assets.

The Board of Airport Commissioners shall have the possession, management and control of all airports, airport sites and all equipment, accommodations and facilities for aerial navigation, flight, instruction and commerce belonging to the City. The lands, property, facilities, and interests therein, under the management, supervision and control of the board shall be known as the Airport Assets.

Sec. 632. Powers and Duties of the Board.

The board shall have the power and duty to:

(a) Rates and Charges. Fix and collect rates and charges for the use of the Airport Assets and any other service provided by the department.

(b) Rules and Regulations. Subject to the powers of then United States respecting commerce, make and enforce all necessary rules and regulations governing the use and control of City owned or controlled airports located inside and outside of the City and the use of airways and waterways proximate to these

airports incident to aerial navigation. Regulations adopted by the board shall be approved by ordinance that shall prescribe the penalties for the violation of these rules and regulations. These rules and regulations may include, but are not limited to, the following subjects:

(1) the ascent, landing, mooring, movement, maintenance, operation or use of all apparatus for aerial navigation and flight, or convenient or necessary in connection with those operations; and

(2) the design, construction, maintenance, use, condition and operation of any utility, machine, building, structure or improvement on any airport, and control of excavation, obstructions and traffic on or in the airports.

(c) Development of the Airports. Purchase, lease, acquire, condemn, design, erect, maintain, improve, repair and operate all property, improvements, utilities, equipment, supplies or facilities as it may deem necessary or convenient for Departmental Purposes. The power of condemnation shall only be exercised with approval of the Council.

Sec. 633. Powers and Duties of the General Manager.

In addition to those powers and duties prescribed in Section 604, the general manager of the Department of Airports shall have the power and duty to:

(a) enforce all orders, rules and regulations adopted by the board;

(b) supervise and manage the design, construction, maintenance and operation of all work or improvements authorized or ordered by the board;

(c) designate and assign space for the use of aircraft at the established rates or charges and subject to the rules and regulations of the department;

(d) designate and assign space in any warehouse, shop, field, runway, hangar or like facility at the established rates or charges and subject to the rules and regulations of the department;

(e) revoke any assignment made under subsection (c) or (d) of this section, in accordance with Section 634(b); and

(f) carry out all powers and duties of the department delegated by the board.

Sec. 634. Limitations upon Permits and Licenses.

In addition to the limitations set forth in Section 607, permits or licenses shall be subject to the following:

(a) Reservation for Departmental Purposes. Every assignment of space shall reserve to the department the right to use the space or facility for Departmental Purposes when the space is not required for the use of the grantee.

(b) Revocation Upon Notice. Every assignment of space shall be revocable without compensation to the grantee, upon notice.

(c) Common Use Requirement. Every assignment of space shall include a provision that use of airport facilities shall be in common with others, but only to the extent necessary to exercise the rights granted by the permit or license.

Sec. 635. Airport Revenue Fund.

(a) Creation of Fund. All fees, charges, rentals and revenue from every source collected by the Department of Airports in connection with its possession, man-

agement and control of the Airport Assets shall be deposited in the City Treasury to the credit of the Airport Revenue Fund. However, there shall be excluded from the Airport Revenue Fund any revenues received or to be received for the payment of any special purpose indebtedness of the Department payable solely out of the monies received or collected by the Department for the use or operation of special purpose facilities. This fund shall be exempt from the end of year transfer provisions of Section 344.

The Board may create for each airport, heliport and related facility operated by the Department, one or more separate revenue and expense accounts within the Airport Revenue Fund. The Board may place in said account all or a portion of the revenues, income and expenses derived from or allocated to one or more airports owned, operated or controlled by the Department. If separate accounts are created in the Airport Revenue Fund, the Board may create corresponding separate accounts in the Maintenance and Operation Reserve Fund. With respect to one or more airports, the Board may choose to fund Maintenance and Operation Reserve Fund and to pay debt service and maintenance and operations expenses attributable to said airport or airports solely from the monies placed in a specified account or accounts in the Airport Revenue Fund or may choose to pay such amounts and expenses from any monies held in the Airport Revenue Fund or in any account or subaccount thereof, all in such manner as the Board shall determine. Notwithstanding anything to the contrary herein, if separate accounts are created in the Airport Revenue Fund and/or Maintenance and Operation Reserve Fund, the Board shall have the power to direct that such monies can be used solely for a specified purpose related to the airport, heliport and related facility from which such monies are derived or to which such monies have been allocated. The implementation or subsequent modification of any of the foregoing provisions of this paragraph shall be subject to approval by ordinance.

(b) Use of Funds. The money in the Airport Revenue Fund may not be appropriated or expended for any purpose except the following:

(1) Operation and Maintenance. For the necessary expenses of operating the Department of Airports, including the operation, promotion and maintenance of the Airport Assets for Departmental Purposes.

(2) Development of Assets. For the acquisition, construction, completion and maintenance of airport improvements, works, utilities, facilities, services and aircraft for Departmental Purposes, and for the acquisition or taking by purchase, lease, condemnation or otherwise of any property, real or personal, or other interest necessary or convenient for Departmental Purposes.

(3) Payment of Debt. For the payment of the principal and interest of bonds issued by the department or by the City for Departmental Purposes.

(4) Pension Contributions. For defraying the expenses of any pension or retirement system applicable to the employees of the department.

(5) Reimbursements. For reimbursement to another department or office of the City on account of services rendered, or materials, supplies or equipment furnished to support Departmental Purposes.

(6) Discretionary Transfer to General Fund. For transfer to the General Fund of money determined by the board to be surplus, but only to the extent not inconsistent with federal or state law, regulation or contractual obligations.

Sec. 636. Airport Police.

The Airport Police shall remain under the independent and autonomous control of the Department of Airports.

HARBOR DEPARTMENT

Sec. 650. Board Composition.

The Board of Harbor Commissioners shall consist of five members appointed and removed as provided in Section 502. The board shall include at least one member who resides within the area surrounding the Harbor District, as that area is defined by ordinance.

Sec. 651. Possession, Management and Control of the Harbor Assets.

(a) The Board of Harbor Commissioners shall have the possession, management and control of all navigable waters and all tidelands and submerged lands, whether filled or unfilled, situated below the line of mean high tide northerly and easterly of the United States government breakwater at Los Angeles Harbor and within the limits of the City of Los Angeles; and all harbor and port improvements, works, utilities, facilities and watercraft owned, controlled or operated by the department, as well as those properties referred to in Section 602(b) and (c).

The lands and waters, and interests therein, under the possession, management and control of the Board of Harbor Commissioners shall be known as the Harbor District. The Harbor District and all harbor and port improvements, works, utilities, facilities and watercraft owned, controlled, or operated by the department shall be known as the Harbor Assets.

(b) Prohibition of Sale. The City of Los Angeles and the Harbor Department shall not grant, sell, convey, alienate, transfer or otherwise dispose of any of the right, title or interest of the City in and to the tidelands and submerged lands of the Harbor District, or any part thereof; except that grants of these lands may be made to the State of California or to the United States for public purposes, when approved by a majority vote of the registered voters of the City voting upon the question.

(c) Public Use of Water Frontage.

(1) Reserved Space. Not less than ten thousand feet of the water frontage of Los Angeles Harbor, linear measurement, measured along the United States harbor lines, together with the necessary coterminous and adjacent tidelands and submerged lands as may be determined by the board and approved by the Council by ordinance, owned or controlled by the City, are hereby forever reserved for public use to be improved, controlled, maintained and operated by the City.

(2) Included Public Uses. The following uses are considered consistent with the public use requirement of subsection (c)(1) above:

(A) The assignment of berths or landings for the use of vessels at any wharf located in the reserved portion of the Harbor District if the assignment reserves to

the City the right to use the wharf or other facility when the assigned space is not required for the use of the permitee or licensee.

(B) The assignment of space in any warehouse, elevator, or like facility operated by the City, located in the Harbor District at the established rates for the use of these facilities.

Sec. 652. Powers and Duties of the Board.

The board shall have the power and duty to:

(a) Rules and Regulations. Make and enforce all necessary rules and regulations governing the maintenance, operation and use of the Harbor District, and enforce penalties for the violation of those rules and regulations.

(b) Harbor Traffic. Regulate and control the piloting, anchoring, mooring, towing and docking of all vessels and watercraft in the Harbor District.

(c) Control Over Harbor Facilities. Regulate and control the construction, maintenance, operation and use of any railroad, wharf, warehouse or other facility, utility, structure or improvement used in connection with the Harbor District.

(d) Dredging. Regulate and control all dredging, filling and excavating in the Harbor District.

(e) Rates. Fix and collect rates and charges for the use of the Harbor Assets, pilotage and towage, and any other service provided by the department.

(f) Development of the Harbor District. Acquire, provide for, construct, maintain and operate all improvements, utilities, structures, watercraft, facilities and services for Departmental Purposes and to acquire and take, by purchase, lease, condemnation or otherwise, in the name of the City, any property, real or personal, or any interest therein, and to designate the site for any public buildings, structures or facilities in the Harbor District. The power of condemnation shall only be exercised with the approval of Council.

Sec. 653. Rates, Rules and Regulations.

(a) Council Approval. The board, by order, shall make and enforce rules and regulations of general application, and fix, regulate and collect rates and charges. These orders must be approved by the Council by ordinance before they become effective.

(b) Temporary Rules or Rates. Notwithstanding subsection (a), the board shall have the power to enact, suspend or modify any rule, regulation, rate or charge, without Council approval, for a period not to exceed 90 days.

(c) Penalties. The Council shall, by ordinance, prescribe penalties for violation of the provisions of a rule or regulation adopted under this section. The Council may provide that violation constitutes a misdemeanor, and may declare penalties that include a fine not to exceed the maximum amount provided by the general laws of the state or imprisonment not exceeding six months or both.

Sec. 654. Limitations on Franchises, Permits, Licenses or Leases.

In addition to the limitations set forth in Section 607, franchises, permits, licenses or leases shall be subject to the following:

(a) Maximum Use of Water Frontage.

(1) Board Approval Required. Unless approved by a four-fifths vote of the board and approved by a two-thirds vote of Council, no franchise, permit, license or lease shall be made to any one person, firm or corporation to use in excess of 3,000 feet of the water frontage, linear measurement, measured along United States harbor lines of the Harbor District.

(2) Automatic Termination for Violation. No assignment, transfer, gift, hypothecation, or grant of control of a franchise, permit, license, or lease shall be valid for any purpose unless first approved by the board. Any franchise, permit, license or lease shall be terminated by operation of law if the holder of it attempts to assign, transfer, sublease, give, hypothecate or grant it and the result would be any usage by another person, firm or corporation of more than the 3,000 foot limitation described in subsection (a)(1).

(b) Prohibition on Leasing Harbor Property as Excess. No wharf, dock, pier, mole or transit shed owned or controlled by the City shall ever be leased for non-departmental purposes under Section 605(b).

(c) Revocation Upon Notice. Every assignment of a berth or landing, or of space in any warehouse, elevator or like facility operated by the City, or grant of a revocable permit shall be revocable by the general manager, without compensation to the grantee or lessee, upon notice.

Sec. 655. Powers and Duties of the General Manager.

In addition to those powers and duties described in Section 604, the general manager of the Harbor Department shall have the power and duty to:

(a) enforce all orders, rules and regulations adopted by the board relating to regulation, operation or control of the Harbor District;

(b) supervise and manage the design, construction, maintenance and operation of all work or improvements authorized or ordered by the board;

(c) designate and assign berths or landings for the use of vessels at any wharf or like facility at the established rates or charges, subject to the rules and regulations of the department;

(d) designate and assign space in any warehouse, elevator or similar facility at the established rates or charges and subject to the rules and regulations of the department;

(e) subject to approval of the board, grant revocable permits to use the lands and waters, or interests therein in the Harbor District, or any structure or appurtenance thereto, for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with any trusts upon which the land may be held by the City;

(f) revoke any assignment made under subsection (c), (d), or (e) of this section in accordance with Section 654(c); and

(g) carry out all powers and duties of the department delegated by the board.

Sec. 656. Harbor Revenue Fund.

(a) Creation of Fund. All fees, charges, rentals and revenue from every source collected by the Harbor Department in connection with its possession, man-

agement and control of the Harbor District and Harbor Assets, shall be deposited in the City Treasury to the credit of the Harbor Revenue Fund.

(b) Use of Funds. The money in the Harbor Revenue Fund shall not be appropriated or used for any purposes except the following:

(1) Operation and Maintenance. For the necessary expenses of operating the Harbor Department, including the operation, promotion and maintenance of the Harbor Assets for Departmental Purposes.

(2) Development of Assets. For the acquisition, construction, completion and maintenance of Harbor Assets for Departmental Purposes, and for the acquisition or taking by purchase, lease, condemnation or otherwise of property, real or personal, or other interest necessary or convenient for Departmental Purposes.

(3) Payment of Bonds. For the payment of the principal and interest of bonds issued by the department or by the City for Departmental Purposes.

(4) Pension Contributions. For defraying the expenses of any pension or retirement system applicable to the employees of the department.

(5) Reimbursements. For reimbursements to another department or office of the City on account of services rendered, or materials, supplies or equipment furnished to support Departmental Purposes.

Sec. 657. Port Police.

The Los Angeles Port Police shall remain under the independent and autonomous control of the Harbor Department.

DEPARTMENT OF WATER AND POWER

Sec. 670. Board Composition.

The Board of Water and Power Commissioners shall consist of five members appointed and removed as provided in Section 502.

Sec. 671. The Los Angeles River.

The City of Los Angeles shall continue in the ownership and enjoyment of all the rights to the water of the Los Angeles River, vested in it and its predecessors, including the Pueblo of Los Angeles, and is hereby declared to have the full, free and exclusive right to all the water flowing in the river and also the exclusive ownership of, and the exclusive right to develop, economize, control, use and utilize all the water flowing beneath the surface in the bed of the river at any point from its sources to the intersection of the river with the southern boundary of the City.

Sec. 672. Possession, Management and Control of Water and Power Assets.

The Board of Water and Power Commissioners shall have the possession, management and control of:

(a) Water and Water Rights, Lands, and Facilities. Whether situated inside or outside of the City or the State of California, all the water and water rights of the Los Angeles River, all other water or water rights of every nature and kind owned or controlled by the City, and all the lands, rights-of-way, sites, facilities and property used for the capture, transportation, distribution and delivery of water for the benefit of the City, its inhabitants and its customers. The water and water

rights, lands, rights-of-way, sites, facilities and other interests of the City related to its water business under the possession, management and control of the board shall be known as the Water Assets.

(b) Electric Energy Rights, Lands and Facilities. All the electric energy rights, lands, rights-of-way, sites, facilities and property used for the generation, transportation, distribution and delivery of power for the benefit of the City, its inhabitants and its customers. The electric energy rights, lands, facilities and all other interests of the City related to its energy business under the possession, management and control of the board shall be known as the Power Assets.

Sec. 673. Water and Water Rights.

(a) Los Angeles River. The City shall not sell, lease or otherwise dispose of the City's rights in the waters of the Los Angeles River, in whole or in part.

(b) Other Water and Water Rights. Except as provided in this Article, no other water or water rights owned or controlled by the City shall ever be sold, leased or disposed of, in whole or in part, without the assent of two-thirds of the registered voters of the City voting on the proposition, and no water shall ever be sold, supplied or distributed to any person or corporation other than to municipalities for resale, rental or disposal to consumers for their own use.

(c) Exceptions. To the extent authorized in Section 677, the prohibitions in subsection (b) shall not apply to the ordinary sale and distribution of water or reclaimed water to City inhabitants for their own use, the supply or distribution by the City of surplus water or reclaimed water outside the City, or the exchange of water with any public agency.

Sec. 674. Power Contracts.

(a) Subject to approval by ordinance, the board shall have the power to contract with the United States or any of its agencies, any state or state agency, and any corporation, public or private, located inside or outside of the City or State of California:

(1) For the construction, ownership, operation, and maintenance of facilities for the generation, transformation, and transmission of electric energy, subject to the following:

(A) Any contract entered into under this subsection may provide for a sharing of the use and benefits and of the capital charges and other obligations associated with the facilities.

(B) The term of any contract entered into under this subsection is not subject to the term limitations specified in Section 607(a) and may extend over the useful life of the facilities constructed, purchased or developed.

(2) For the sale, purchase, exchange or pooling of electric energy or electric generating capacity.

(b) The board may renew, without Council approval, any contract with the United States existing as of December 12, 1940 concerning the delivery of electric energy to the City and the customers of the department from the Hoover Dam electric generating facility.

Sec. 675. Powers and Duties of the Board.

(a) Rules and Regulations. The board shall have the power and duty to make and enforce all necessary rules and regulations governing the construction, maintenance, operation, connection to and use of the Water and Power Assets for Departmental Purposes.

(b) Rates and Charges. The board shall have the power and duty to:

(1) regulate and control the use, sale and distribution of water, reclaimed water, surplus water, electric energy and surplus electric energy owned or controlled by the City;

(2) grant permits for connections with the water or electric works of the City and fix the charges for these connections;

(3) fix the rates to be charged for water, reclaimed water, surplus water, electric energy or surplus electric energy for use inside or outside the City in accordance with Section 676; and

(4) prescribe the time and the manner of payment for the collection of the rates and charges for water and electric energy.

(c) Development of the Water and Power Assets. The board shall have the power and duty to acquire, provide for, construct, extend, maintain and operate all improvements, utilities, structures, facilities and services as it may deem necessary or convenient for Departmental Purposes.

(d) Real Estate Interests.

(1) The board shall have the power and duty to acquire and take, by purchase, lease, condemnation or otherwise, in the name of the City, any and all property, real or personal, or any interest therein, situated inside or outside the City or State of California, that may be necessary or convenient for Departmental Purposes. The power of condemnation shall only be exercised with the approval of Council.

(2) Subject to the water and water rights of the City set forth in Section 673, no real property or any rights or interests in real property held by the board shall be sold, leased or otherwise disposed of, or in any manner withdrawn from its control, unless by written instrument authorized by the board, and approved by the Council.

(e) Incidental Authority. The board also shall also have the power to:

(1) enter into agreements with department customers to engage in co-generation projects;

(2) finance the sale and use of systems, equipment, devices or materials designed to conserve the use of water or electric energy;

(3) purchase, sell or exchange by-products of electrical power generation such as steam, hot water, chilled water or other thermal energy products;

(4) advertise its products and services to increase any of its businesses; and

(5) dispose, from time to time, of personal property, that is no longer necessary or suitable for the use of the Department.

Sec. 676. Rate Setting.

(a) Rate Setting Procedure. Subject to approval by ordinance, rates for water, reclaimed water, surplus water, electric energy and surplus energy shall be fixed

by the board from time to time as necessary. Except as otherwise provided in the Charter, rates shall be of uniform operation for customers of similar circumstances throughout the City, as near as may be, and shall be fair and reasonable, taking into consideration, among other things:

(1) the nature of the uses;

(2) the quantity supplied; and

(3) the value of the service.

The rates inside the City may be less, but not greater, than the rates outside the City for the same or similar uses.

(b) Individual Power Contracts. Rates for electric energy may be negotiated with individual customers, provided that these rates are established by binding contract, contribute to the financial stability of the electric works and are consistent with procedures established by ordinance.

Sec. 677. Sale or Exchange of Water and Power.

The board shall have the power:

(a) Surplus Water. To supply and distribute any surplus water owned or controlled by the City and not required for the use of consumers served by the City within its limits:

(1) to consumers outside the City for their own use; and

(2) to municipalities outside the City for municipal uses, or for resale, disposal or distribution to consumers within those municipalities, subject to the following:

(A) Any contract for the supply or distribution of surplus water shall be subject to the paramount right of the City, at any time, to discontinue the contract, in whole or in part, and to take, hold and distribute, the surplus water for the use of the City and its inhabitants.

(B) Contracts for supplying surplus water by the City to other municipalities outside the City may be made by the board for periods not exceeding 15 years, and upon terms and conditions set by the board and approved by ordinance. Any contract shall include the right to terminate the contract upon three years written notice to the municipality that the water supplied under the contract is required for the City and its inhabitants.

(C) Prior to execution, the contract must be assented to by a majority of the registered voters of the City voting on the question at a regular or special election.

(b) Exchange of Water. To enter into contracts with any public agency for the exchange of water as long as the water exchanged is replaced in full to the City within a reasonable period set by the board.

(c) Reclaimed Water. To supply and distribute reclaimed water to consumers served by the City within its limits, to consumers outside the City for their use, and to public agencies outside of the City for public uses and for resale, disposal or distribution to consumers within the public agency's jurisdiction.

(d) Surplus Energy. To supply and distribute or exchange any surplus electric energy, owned or controlled by the City and not required for the use of consumers

served by the City within its limits, to any person or entity whether located inside or outside of the City.

Sec. 678. Powers and Duties of the General Manager.

In addition to the powers described in Section 604, the general manager of the department shall have the power and duty to:

(a) enforce all orders, rules and regulations adopted by the board;

(b) supervise and manage the design, construction, maintenance and operation of all work or improvements authorized or ordered by the board; and

(c) carry out all powers and duties of the department delegated by the board.

Sec. 679. Water and Power Revenue Funds.

(a) Water Revenue Fund. All revenue from every source collected by the department in connection with its possession, management and control of the Water Assets of the City shall be deposited in the City Treasury to the credit of the Water Revenue Fund.

(b) Power Revenue Fund. All revenue from every source collected by the department in connection with its possession, management and control of the Power Assets of the City shall be deposited in the City Treasury to the credit of the Power Revenue Fund.

(c) Use of Funds. The money in the Water Revenue Fund and Power Revenue Fund may not be appropriated, transferred or expended for any purposes except the following:

(1) Operation and Maintenance. For the necessary expenses of operating the department, including the operation, promotion and maintenance of the Water and Power Assets for Departmental Purposes.

(2) Retirement of Indebtedness. For the payment of the principal and interest, due or coming due during the fiscal year in which the revenues are received, or are to be received, upon outstanding notes, certificates or other evidences of indebtedness issued against revenues from the Water or Power Assets or bonds or other evidences of indebtedness of the department.

(3) Development of Assets. For the necessary expenses of constructing, extending and improving the Water or Power Assets, including the purchase or condemnation of lands, water rights and other property for Departmental Purposes.

(4) Reimbursements. For reimbursement to another department or office of the City on account of services rendered, or materials, supplies or equipment furnished to support Departmental Purposes.

(5) Promotion of Business. For the promotion of any of its products or services.

(6) Promotion of Conservation. For the development, or promotion or use of systems, equipment, devices or materials by department customers that conserve utilization of water, electric energy and related departmental services.

(7) Employee Benefits. For defraying the expenses of any pension or retirement system and health or other benefits applicable to the employees of the department.

(8) Bond Reserve Funds. For establishing and maintaining a reserve fund to insure the payment at maturity of the principal and interest on all bonds now outstanding or hereafter issued for Departmental Purposes and the money set aside and placed in these funds shall remain in the funds until expended and shall not be transferred to the Reserve Fund of the City.

(9) General Fund Transfers. To be transferred to the City General Fund as provided in Section 344.

Sec. 680. Other Enterprises.

(a) Entry into Any Other Business. Notwithstanding any provision in the Charter to the contrary, the Council, upon making a finding that it is in the best interests of the City, may by ordinance authorize the department to engage in any lawful business enterprise that is in the best interests of the City's inhabitants and that will not interfere with the department's role as a provider of water and power to the City's inhabitants.

(b) Entry into Public Utility Competition. Without limiting the provisions of subsection (a), the Council may by ordinance adopted by a two-thirds vote and approved by the Mayor, or passed by three-fourths vote of the Council over the veto of the Mayor, authorize the department to provide electricity service or any other service, which may be provided by another utility or direct competitor to any person or entity, whether situated inside or outside of the City or the State of California.

(c) Prohibition of Entry into Water Service Outside Service Area. Water service or products that would be provided outside the department's retail service area are specifically excluded from the provisions of this section.

(d) No Limitation on Department. Nothing in this section limits any right, power or authority granted to the department or to the board elsewhere in the Charter.

Sec. 681. Division of Departmental Functions.

(a) Division. Notwithstanding any provision in the Charter to the contrary, the board shall have the power to divide the functions of the department into two divisions. A Division of Water Services shall carry out the Departmental Purposes associated with water and a Division of Electric Services shall carry out the Departmental Purposes associated with electric energy. Each division shall be directed by a general manager appointed, removed and evaluated, and vested with the same powers and duties provided in Sections 604 and 678.

(b) Consolidation. Upon the division of departmental functions provided in subsection (a), the board shall have the power to discontinue the divisions and consolidate the functions of the department under the direction of a single general manager.

Sec. 682. Health Benefits.

The Board of Water and Power Commissioners may provide by order or resolution for health insurance and similar benefits to active employees and department retirees. The board shall determine eligibility and required contributions and other

terms and conditions in its order or resolution establishing or modifying these benefits.

ARTICLE VII
CITY ETHICS COMMISSION; SPECIAL PROSECUTOR

Sec. 700. City Ethics Commission.

(a) Establishment. There shall be a City Ethics Commission that shall have the powers, duties and responsibilities set forth in this Article and elsewhere in the Charter. The commission shall have five members, each of whom shall be a part-time commissioner.

(b) Appointment. The Mayor, the City Attorney, the Controller, the President of the Council and the President Pro Tem of the Council shall each appoint one member to the commission. All appointments shall be subject to confirmation by a majority vote of the Council. A President and Vice President of the commission shall be selected by the commission and shall serve in those capacities as set forth in Section 503.

(c) Terms of Office. The members of the commission, including the president, shall serve staggered five-year terms beginning on July 1 and ending on June 30. No member who has served a complete five-year term shall be eligible for reappointment.

(d) Qualifications. Each member of the commission shall be a registered voter of the City. During his or her tenure, neither a member of the commission nor its Executive Director shall hold any other public office, participate in or contribute to a City election campaign or to a City official running for any elective office, or employ or be employed as a person required to register as a lobbyist with the City of Los Angeles. Neither a member of the commission nor its Executive Director shall seek election to any City office concerning which the commission has made a decision during the term of the commissioner or Executive Director unless the election for that office is to be held at least two years following the expiration of the term of office of the commissioner or Executive Director.

(e) Removal. Members of the commission may be removed by the Mayor, with the concurrence of the Council by majority vote, or by a two-thirds vote of the Council for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office or violation of this Article, after written notice of the grounds on which removal is sought and an opportunity for a reply.

(f) Vacancies. Appointments to fill vacancies on the commission shall be made within 30 days by the same appointing authority who appointed the prior holder of the position. Appointments to fill vacancies shall be for the unexpired term of the member whom the appointee succeeds. A vacancy or vacancies shall not impair the right of the remaining members to exercise the powers of the Commission.

(g) Quorum. Three members shall constitute a quorum, and the concurring vote of at least three members shall be required to take any action.

(h) Compensation; Expenses. Members of the commission shall be compensated in the same manner and at the same rate as provided by Section 501. The members of the commission shall be reimbursed for expenses incurred in the performance of their official duties.

Sec. 701. Executive Director, Commission Staff and Delegation of Authority.

(a) The Commission shall appoint and has the authority to discharge an Executive Director, who shall act in accordance with commission policies and regulations and with applicable law. The Executive Director shall serve at the will of the commission, shall not be subject to civil service provisions, and shall have no property interest in his or her employment. The salary of the Executive Director shall be set by the Council, subject to approval of the Mayor and shall be based on a recommendation submitted by the Director of the Office of Administrative and Research Services after a review and analysis of the responsibilities and authority vested in the position. The Executive Director shall not serve in that capacity for more than ten years.

(b) The Executive Director shall appoint and has the authority to discharge commission staff members and prescribe their duties. Non-clerical personnel of the commission shall serve at the will of the Executive Director, shall not be subject to civil service provisions, and shall have no property interest in their employment.

(c) The commission may delegate authority to the Executive Director to act on behalf of the commission between meetings of the commission, except that rules, regulations and adjudicatory decisions can only be acted upon by the commission.

Sec. 702. Duties and Responsibilities of the Ethics Commission.

The commission shall have responsibility for the impartial and effective administration and implementation of the provisions of the Charter, statutes and ordinances concerning campaign financing, lobbying, conflicts of interest and governmental ethics.

The City Ethics Commission shall have the following duties and responsibilities:

(a) to receive documents required to be filed pursuant to, and to otherwise administer, the provisions of Section 470 and to conduct audits as otherwise set forth in that Section;

(b) to receive documents required to be filed pursuant to, and to otherwise administer, the provisions of the City's municipal lobbying ordinance;

(c) to act as the filing officer and to otherwise receive documents in any instance where the City Clerk would otherwise be authorized to do so pursuant to Chapters 4 and 7 of the California Political Reform Act of 1974 (Government Code Section 81000, et seq.), as amended;

(d) to audit disclosure statements and other relevant documents and investigate alleged violations of state law, the Charter and City ordinances relating to limitations on campaign contributions and expenditures, lobbying, governmental ethics

and conflicts of interest and to report the findings to the City Attorney and other appropriate enforcement authorities. Audits shall be conducted of every candidate receiving public matching funds and may be conducted of other candidates and committees involved in City elections;

(e) to provide assistance to agencies and public officials in administering the provisions of the Charter and other laws relating to campaign finance, conflicts of interest and governmental ethics;

(f) to make recommendations to the Mayor and the Council concerning campaign finance reform, lobbying, governmental ethics and conflicts of interest and to report to the Council every three years concerning the effectiveness of these laws;

(g) to maintain a whistle-blower hot line;

(h) to annually adjust the limitation and disclosure thresholds required by City law to reflect any increases or decreases in the Consumer Price Index. Adjustments shall be rounded off to the nearest hundred dollars for the limitations on contributions and the nearest thousand dollars for the limitations on expenditures and the matching funds provisions of relevant ordinances;

(i) to assist departments in developing their conflict of interest codes as required by state law;

(j) to advocate understanding of the Charter, City ordinances and the roles of elected and other public officials, City institutions and the City electoral process;

(k) to have full charge and control of its office, to be responsible for its proper administration, to submit annually a proposed budget and to expend the funds of the office, all as otherwise prescribed by law; and

(*l*) to receive grants, gifts and appropriations, subject to the approval of the Council.

Sec. 703. Rules and Regulations.

(a) The commission may adopt, amend and rescind rules and regulations, subject to Council approval without modification, to carry out the purposes and provisions of the Charter and ordinances of the City relating to campaign finance, conflicts of interest, lobbying, and governmental ethics and to govern procedures of the commission.

(b) Within 60 days after a rule or regulation is adopted by the commission, the Council shall hold a public hearing concerning the matter and act to approve or disapprove the rule or regulation in the form approved by the commission by ordinance. If the Council fails to disapprove within the 60 day period, the rule or regulation shall be presented to the Mayor for approval or veto, and to the Council for override of the Mayor's veto. If approved by the Mayor, or the Mayor fails to act, or approved by the Council on override of the Mayor's veto, the rule or regulation shall have the force of law. Violation of the rule or regulation shall be subject to those penalties and remedies as may be provided.

Sec. 704. Additional Duties.

The commission shall have the following additional duties, which may be exercised by motion or order:

(a) Prescribe forms for reports, statements, notices and other documents required by the Charter, ordinances or other laws relating to campaign financing, conflicts of interest, lobbying or governmental ethics.

(b) Prepare and publish manuals and instructions setting forth methods of bookkeeping, preservation of records to facilitate compliance with and enforcement of the above laws, and explaining applicable duties of persons and committees.

(c) Develop an educational program consisting of the following components:

(1) seminars, when deemed appropriate, to familiarize newly elected and appointed officers and employees, candidates for elective office and their campaign treasurers, and lobbyists with City, state and federal ethics laws and the importance of ethics to the public's confidence in municipal government.

(2) annual seminars for top-level officials, including elected officers and commissioners, to reinforce the importance of compliance with and to inform them of any changes in the law relating to conflicts of interest and governmental ethics.

(3) a manual that summarizes, in simple, non-technical language, ethics laws and reporting requirements applicable to City officers and employees, instructions for completing required forms, questions and answers regarding common problems and situations, and information regarding sources of assistance in resolving questions. The manual shall be updated when necessary to reflect changes in applicable City, state and federal laws governing the ethical conduct of City employees.

Sec. 705. Requests for and Issuances of Opinions; Advice.

(a) Any person may request the commission to issue a written opinion with respect to his or her duties under provisions of the Charter or any ordinance relating to campaign finance, conflicts of interest, lobbying or governmental ethics. The commission shall, within 14 days, either issue a written opinion or advise the person who made the request whether an opinion will be issued. No person who acts in good faith on a written opinion issued to him or her by the commission shall be subject to criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request. The commission's opinions shall be public records and may from time to time be published.

(b) Any person may request the commission to provide written advice with respect to the person's duties under provisions of the Charter or any ordinance relating to campaign finance, conflicts of interest, lobbying, or governmental ethics. Advice shall be provided within 21 working days of the commission's actual receipt of the request, except that the time may be extended by the commission for good cause. Reliance on the advice, or the failure of the Commission to provide the advice within 21 working days of its receipt of the request, or within the extended time for response, shall be a complete defense in any enforcement proceeding initiated by the commission, and evidence of good faith conduct in any other civil or criminal proceeding if the requester, at least 21 working days prior to the alleged violation, requested written advice from the commission in good faith, disclosed truthfully all the material facts, and committed the acts complained of

either in reliance on the advice or because of the failure of the commission to provide advice within 21 days of the request or such later extended time.

Sec. 706. Investigations and Enforcement Proceedings.

The commission shall conduct investigations of alleged violations of state law, the Charter and City ordinances relating to campaign financing, lobbying and conflicts of interest and governmental ethics.

Any person who violates any provision of the Charter or of a City ordinance relating to campaign financing, lobbying, conflicts of interest or governmental ethics, or who causes any other person to violate any provision, or who aids and abets any other person in a violation, shall be liable under the provisions of this Article.

(a) Investigations.

(1) If the commission, upon the sworn complaint of any person or on its own initiative, first determines that there is sufficient cause to conduct an investigation, it shall investigate alleged violations of state law, the Charter or City ordinances relating to campaign financing, lobbying, conflicts of interest and governmental ethics. The commission shall not be required to investigate a complaint filed with it unless the complaint identifies the specific alleged violation which forms the basis for the complaint and contains sufficient facts to warrant an investigation.

(2) The investigation shall be conducted in a confidential manner. Records of any investigation shall be considered confidential information pursuant to Section 18362 of Title 2 of the California Code of Regulations, as amended, or any successor provision. Any member or employee of the commission or other person who, prior to a determination by the Executive Director whether or not to proceed with an administrative or other enforcement action, discloses information about any preliminary investigation, except as necessary to conduct the investigation, shall be liable pursuant to this Article. The unauthorized release of confidential information shall be sufficient grounds for the termination of the employee or removal of the commissioner responsible for the release. The termination of clerical employees only shall be subject to applicable civil service provisions.

(3) The commission and any special prosecutor may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the commission's duties or exercise of its powers.

(b) Findings of Probable Cause; Administrative Enforcement. If the Executive Director of the commission determines that there is probable cause to believe that a provision of the Charter or City ordinances relating to campaign financing, lobbying, conflicts of interest or governmental ethics has been violated, the Executive Director shall cause an administrative enforcement accusation to be issued and served. No finding of probable cause shall be made by the commission unless, at least 21 days prior to the commission's consideration of the alleged violation, the person alleged to have committed the violation is notified of

the alleged violation by service of process or registered mail with return receipt requested, is provided with a summary of the evidence, and is informed of his or her right to be present in person and represented by counsel at any proceeding held for the purpose of considering whether probable cause exists for believing the person committed the violation. Notice to the alleged violator shall be deemed made on the date of service, the date the registered mail receipt is signed, or, if the registered mail receipt is not signed, the date returned by the post office. A proceeding held for the purpose of considering probable cause shall be private unless the alleged violator files with the commission a written request that the proceeding be public.

(c) Administrative Hearings, Orders and Penalties. After an accusation is issued and served, the commission shall cause a public evidentiary hearing to be held to determine if a violation has occurred. When the commission determines on the basis of substantial evidence presented at the hearing that a violation has occurred, it shall issue an order which may require the violator to:

(1) cease and desist the violation;

(2) file any reports, statements or other documents or information required by law; and/or

(3) pay a monetary penalty to the General Fund of the City of up to five thousand dollars ($5,000) for each violation or three times the amount which the person failed to report properly or unlawfully contributed, expended, gave or received, whichever is greater. When the commission determines that no violation has occurred, it shall publish a declaration so stating.

(d) Referrals Between Agencies. Regardless of whether the Executive Director makes a formal determination concerning probable cause, he or she may refer the matter to another appropriate agency for purposes of enforcement.

Sec. 707. Divestiture.

In the event a member of a City board or commission is disqualified during any 365 day period from acting on (1) three or more agenda matters by reason of the same investment in a business entity, the same interest in real property or the same source of income, or (2) 1% or more of the matters pending before the board or commission by reason of any investments in business entities, any interests in real property or any sources of income, the commission shall examine the nature and extent of the conflicts and shall determine whether the member has a significant and continuing conflict of interest. If the commission so determines, it shall order divestment of the conflicting investment, interest or source of income. The Council may, by ordinance, impose additional requirements to assure that continuing conflicts of interest by members of boards and commissions are adequately monitored and avoided.

Sec. 708. Legal Services.

The City Attorney shall provide legal services to the commission. Notwithstanding Section 275, the commission may employ or contract for staff counsel to give advice to the commission and to take such action as the commission may

direct on matters which directly involve the conduct of the City Attorney, his or her office, or his or her election campaign.

Sec. 709. Judicial Review.

Any interested person may seek judicial review of any action of the commission.

Sec. 710. Appointment of Special Prosecutor.

(a) Notwithstanding Section 275, when the City Attorney determines that his or her office has a possible conflict of interest and that the office should not investigate or prosecute alleged violations of the Charter, City ordinances or regulations, or statutes relating to campaign financing, lobbying, conflicts of interest or governmental ethics, the City Attorney shall notify the City Ethics Commission, which by a four-fifths vote of all of its members may request the appointment of a special prosecutor to conduct the investigation. A special prosecutor shall not be appointed when it appears from a preliminary investigation that an alleged violation will warrant only an action for civil damages or administrative penalties.

(b) The request for the appointment of a special prosecutor shall be made to a standing committee composed of three retired judges selected by the commission at the beginning of each odd-numbered year. The three judge panel shall name the special prosecutor, who upon appointment shall have the authority to file and prosecute criminal and civil actions in the name of the People.

(c) Each fiscal year there shall be included in the budget of the City Ethics Commission the sum of two hundred fifty thousand dollars ($250,000) for expenditure to support any special prosecutor appointed pursuant to this section. In the event that all these funds have been or are likely to be expended before the end of any fiscal year, the commission may ask the Council for an additional appropriation. Under no circumstance shall the amount appropriated or provided under contract for a special prosecutor exceed two hundred fifty thousand dollars ($250,000) in any fiscal year without Council approval. The Council shall have 30 days (excluding weekends and holidays) following its receipt to accept, reject, or modify a request for additional funds from the commission. The Mayor shall act on the Council's action within five days (excluding weekends and holidays). If the Mayor vetoes the Council's action, the Council shall have five days (excluding weekends and holidays) to override that veto by a two-thirds vote.

(d) A special prosecutor appointed pursuant to this section may be removed from office only by the action of the commission, and only for good cause, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the special prosecutor's duties.

Sec. 711. Appropriation.

The Council shall appropriate funds for the commission at least one year in advance of each subsequent fiscal year.

Sec. 712. Authority; Conflict with other Charter Provisions.

This Article is adopted pursuant to and under the authority of Article XI, Section 5 of the California Constitution, and California Government Code Section 81013.

In the event any provision of this Article conflicts with other provisions of the Charter, this Article shall prevail.

ARTICLE VIII
BOARD OF EDUCATION

Sec. 800. Authority.

The provisions of this Article are adopted pursuant to the City's authority under California Constitution Article XI, Section 5, and Article IX, Section 16.

Sec. 801. Board of Education.

The Board of Education of the Los Angeles Unified School District shall consist of seven members, elected by districts.

Sec. 802. Redistricting.

(a) Redistricting by Ordinance. Commencing in 2002, the Council shall by ordinance redistrict the Los Angeles Unified School District into seven districts designated in the ordinance by numbers from one to seven, inclusive. Those districts shall be used for all elections of members of the Board of Education, including their recall, and for filling any vacancy in the office of member of the Board of Education, after the effective date of the ordinance and until new districts are established.

(b) Redistricting Commission. There shall be a Redistricting Commission to advise the Council on drawing of Board district lines. The Commission members shall be appointed in the following manner: one by each member of the Board of Education, four by the Council President, and four by the Mayor. Notwithstanding the provision of Section 501(d), one of the Council President's appointees, and one of the Mayor's appointees, must reside within the Los Angeles Unified School District but outside the limits of the City. No officer or employee of the School District shall be eligible to serve on the Commission. The Redistricting Commission shall appoint a director and other personnel, consistent with budgetary approval, which positions shall be exempt from the civil service provisions of the Charter.

(c) Redistricting Process. The Redistricting Commission shall be appointed before the date by which the Census Bureau is to release the decennial census data. A new Commission shall be appointed to advise the Council prior to each subsequent redistricting. The Commission shall begin the redistricting process at any time after the necessary data are obtained from the most recent Federal Census, but no later than January 1, 2002 and each subsequent tenth anniversary of that date. The Commission shall seek public input throughout the redistricting process. The Commission shall present its proposal for redistricting to the Council no later than a date prescribed by ordinance.

The Council shall adopt a redistricting ordinance no later than July 1, 2002, and each subsequent tenth anniversary of that date. Nothing in this section shall prohibit the Council from redistricting with greater frequency provided that dis-

tricts so formed each contain, as nearly as practicable, equal portions of the total population of the Los Angeles Unified School District as shown by the Federal Census immediately preceding the formation of districts or based upon other population reports or estimates as may be determined by the Council to be substantially reliable.

(d) Criteria for Redistricting. All districts shall be drawn in conformance with the requirements of state and federal law and to the extent feasible shall keep neighborhoods and communities intact, utilize natural boundaries or street lines, be geographically compact, and conform to high school attendance zones.

(e) Effect of Redistricting on Incumbents. No change in the boundary or location of any district by redistricting shall operate to abolish or terminate the term of office of any member of the Board of Education prior to expiration of the term of office for which that member was elected.

(f) Annexation or Consolidation. Territory added to the Los Angeles Unified School District after the adoption of a districting ordinance shall be added to an adjacent and contiguous district or districts by the Council by ordinance.

(g) Terms of Office. Members of the Board of Education shall hold their office for a term of four years. The terms of office of those Board members elected from odd-numbered districts shall commence during each fourth anniversary of 1979, and for the members elected from even numbered districts shall commence during each fourth anniversary of 1981.

Sec. 803. Election of Board Members.

The election of Members of the Board of Education of the Los Angeles Unified School District shall be conducted in accordance with the provisions of Article IV of the Charter and applicable ordinances consistent with the Charter.

Sec. 804. Compensation.

Each member of the Board of Education shall receive, in full compensation for all services of every kind rendered by him or her, such amounts payable from funds of the school district, as are now or may hereafter be provided by the general laws of this state.

Sec. 805. Powers of the Board.

The Board of Education shall have power to control and manage the public schools of the Los Angeles Unified School District in accordance with the Constitution and laws of the state.

ARTICLE IX
DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT

Sec. 900. Purpose.

To promote more citizen participation in government and make government more responsive to local needs, a citywide system of neighborhood councils, and a Department of Neighborhood Empowerment is created. Neighborhood Councils shall include representatives of the many diverse interests in communities and shall have an advisory role on issues of concern to the neighborhood.

Sec. 901. Department of Neighborhood Empowerment.

The Department of Neighborhood Empowerment shall have the duties and responsibilities set forth in this article and elsewhere in the Charter to implement and oversee the ordinances and regulations creating the system of neighborhood councils enacted pursuant to Section 905. Duties and responsibilities shall include:

(a) prepare a plan for the creation of a system of neighborhood councils to ensure that every part of the City is within the boundary of a neighborhood council, and has an opportunity to form a neighborhood council (Plan);

(b) assist neighborhoods in preparing petitions for recognition or certification, identifying boundaries that do not divide communities, and organizing themselves, in accordance with the Plan;

(c) arrange Congress of Neighborhood meetings if requested to do so by recognized neighborhood councils;

(d) assist neighborhood councils with the election or selection of their officers;

(e) arrange training for neighborhood councils' officers and staff;

(f) assist neighborhood councils to share resources, including offices, equipment, and other forms of support for them to communicate with constituents, other neighborhood councils and with government officials; and

(g) perform other duties as provided for by ordinance.

Sec. 902. Board of Neighborhood Commissioners.

(a) There shall be a board of seven commissioners to be known as the Board of Neighborhood Commissioners (board). Commissioners shall be appointed by the Mayor, and shall be from diverse geographic areas, as further specified by ordinance. Appointment and removal of commissioners shall otherwise be in accordance with Section 502.

(b) The board shall be responsible for policy setting and policy oversight, including the approval of contracts and leases and the promulgation of rules and regulations, but shall not be responsible for day-to-day management.

(c) The board shall operate in accordance with Sections 503 through 508 and 510 of the Charter.

Sec. 903. General Manager.

(a) There shall be a general manager of the Department of Neighborhood Empowerment who shall be appointed by the Mayor, subject to confirmation by the Council, and may be removed as provided in Section 508.

(b) The general manager shall have those powers and duties set forth in Section 510.

(c) The general manager shall appoint, discharge and prescribe the duties of the staff, consistent with the civil service provisions of the Charter.

Sec. 904. Development of the Neighborhood Council Plan.

The Department of Neighborhood Empowerment shall develop a Plan for a citywide system of neighborhood councils, in conformance with the following:

(a) The Department of Neighborhood Empowerment shall seek public input in the formulation of the Plan.

(b) The Plan shall contain a statement of goals, policies and objectives of the Neighborhood Council system, and shall contain specific regulations, in draft ordinance format (Regulations) which, if adopted by ordinance, would be sufficient to implement the Plan.

(c) The Regulations shall establish the method by which boundaries of the neighborhood councils will be determined. The system for determining boundaries shall maintain neighborhood boundaries to the maximum extent feasible, and may consider community planning district boundaries where appropriate.

(d) The Regulations must ensure that all areas of the City are given an equal opportunity to form neighborhood councils.

(e) The Regulations shall establish the procedure and criteria for recognition or certification of neighborhood councils.

(f) The Regulations shall not restrict the method by which the members of a neighborhood council are chosen, if the process otherwise satisfies the requirements of this Article.

(g) The Regulations shall require that neighborhood councils adopt fair and open procedures for the conduct of their business.

(h) The Mayor and Council shall provide for the creation of the Department of Neighborhood Empowerment and appointment of the general manager within 120 days of the effective date of this Article.

Sec. 905. Implementation of the Plan.

The Department of Neighborhood Empowerment shall complete development of the Plan and present the Plan and all necessary Regulations for a system of neighborhood councils to the Council and Mayor within one year of the establishment of the department and commission. The Council shall consider the Regulations, and within six months after presentation of the Plan to Council may adopt ordinances to implement the Regulations as proposed, or as modified by the Council consistent with the requirements of the Plan set forth in Section 904. If implementing ordinances are not adopted within this time period, the Regulations shall become effective, and to the extent not inconsistent with law shall be binding upon all City departments and offices.

Sec. 906. Certification of Neighborhood Councils.

(a) By-laws. Each neighborhood council seeking official certification or recognition from the City shall submit an organization plan and by-laws to the Department of Neighborhood Empowerment showing, at a minimum:

(1) the method by which their officers are chosen;

(2) neighborhood council membership will be open to everyone who lives, works or owns property in the area (stakeholders);

(3) assurances that the members of the neighborhood council will reflect the diverse interests within their area;

(4) a system through which the neighborhood council will communicate with stakeholders on a regular basis;

(5) a system for financial accountability of its funds; and

(6) guarantees that all meetings will be open and public, and permit, to the extent feasible, every stakeholder to participate in the conduct of business, deliberation and decision-making.

(b) Petitioning for Certification and Approval. Neighborhood councils may petition for certification or recognition in accordance with rules and procedures set forth in the Plan.

Sec. 907. Early Warning System.

The Regulations shall establish procedures for receiving input from neighborhood councils prior to decisions by the City Council, City Council Committees and boards and commissions. The procedures shall include, but need not be limited to, notice to neighborhood councils as soon as practical, and a reasonable opportunity to provide input before decisions are made. Notices to be provided include matters to be considered by the City Council, City Council Committees, and City boards or commissions.

Sec. 908. Powers of Neighborhood Councils.

Subject to applicable law, the City Council may delegate its authority to neighborhood councils to hold public hearings prior to the City Council making a decision on a matter of local concern.

Sec. 909. Annual City Budget Priorities.

Each neighborhood council may present to the Mayor and Council an annual list of priorities for the City budget. The Mayor shall inform certified neighborhood councils of the deadline for submission so that the input may be considered in a timely fashion.

Sec. 910. Monitoring of City Services.

Neighborhood councils shall monitor the delivery of City services in their respective areas and have periodic meetings with responsible officials of City departments, subject to their reasonable availability.

Sec. 911. Appropriation.

The Mayor and Council shall appropriate funds for the Department of Neighborhood Empowerment and for the startup and functioning of neighborhood councils for the first two years after the effective date of this Article. Funds shall be appropriated into a special fund to be established by ordinance. The Mayor and Council shall thereafter appropriate funds for the department and neighborhood councils at least one year in advance of each subsequent fiscal year.

Sec. 912. Review.

The Mayor and Council shall appoint a commission as prescribed by ordinance to evaluate the provisions of this Article, the Regulations adopted pursuant to this Article, and the efficacy of the system of neighborhood councils no later than seven years after the adoption of the Charter. The commission shall make recommendations to the Council regarding changes to the Charter or the Regulations, as it deems appropriate.

Sec. 913. Transfer of Powers.

Notwithstanding any other provision of the Charter, the Mayor and Council shall not transfer powers, duties or functions of the Department of Neighborhood Empowerment to any other department, office or agency pursuant to Section 514 during the first five years after implementation of the Plan pursuant to Section 905.

Sec. 914. Effect of Ordinances.

The Council may adopt ordinances concerning neighborhood councils consistent with requirements for the Plan set forth in Section 904 at any time, which ordinances shall supercede any inconsistent Regulations that have become effective pursuant to Section 905.

ARTICLE X
EMPLOYMENT PROVISION

CIVIL SERVICE

Sec. 1000. Applicability.

The provisions of this Article shall apply to all employees of the City, except for those specifically exempted in Section 1001.

Sec. 1001. Exemptions.

Each of the following positions shall be exempt from this Article:

(a) Exempt Positions.

(1) All officers elected by the people.

(2) All members of the boards of commissioners.

(3) All chief administrative officers of the City's departments and offices and the Directors of the Public Works' Bureaus of Contract Administration, Engineering, Sanitation, Street Lighting and Street Services.

(4) Two positions in the class of Assistant General Manager or Deputy Director in each City office or department, and two positions in the class of Assistant Director in each of the Public Works Bureaus of Contract Administration, Engineering, Sanitation, Street Lighting and Street Services, and two positions in the class of Deputy Controller in the Office of Controller.

(5) All Deputy Chiefs of Police.

(6) Positions in the Office of the Mayor.

(7) Positions established by the Council for the purpose of assisting the members of the Council in the performance of their duties, except for clerical personnel.

(8) All positions in the office of the City Attorney.

(9) The Chief Financial Officer of the Department of Water and Power.

(10) The Executive Director of the Board of Police Commissioners.

(11) The Inspector General of the Police Department.

(12) The Executive Officer and all non-clerical personnel of the City Ethics Commission.

(13) All Assistant Directors in the Office of Administrative and Research Services.

(14) The Traffic Manager and the Port Warden of the Harbor Department.

(15) Crossing Guards.

(16) All physicians and psychologists subject to Section 1040.

(17) All officers of election.

(18) Persons specially employed by the City Clerk, as authorized by the provisions of Section 405 of the Charter, to assist in the conduct of any election.

(19) Positions elsewhere specifically exempted by the Charter.

(b) Management, Professional, Scientific or Expert Services. In addition to those positions described in subsections (a), (c) and (d) of this section, up to 150 persons to provide management services or to render professional, scientific or expert services of an exceptional character to offices or departments including the Proprietary Departments. Appointments under this subsection shall be subject to the following:

(1) As to each position to be exempted under this subsection, and prior to the initiation of the selection process to fill the position, the Mayor shall forward to the Council a recommendation for an exempt position which sets forth the educational, experience and other professional requirements of the position and describes the circumstances presented by the department seeking the appointment that preclude filling the position through the civil service system. Within ten Council meeting days from receipt of the recommendation, the Council may by two-thirds vote disapprove the Mayor's recommendation for the exemption. If the Council does not act on the recommendation within the specified time period, the recommendation shall be deemed approved. When the position is vacated, the exemption shall terminate unless re-authorized in accordance with this subsection.

(2) No person may be employed under this subsection if he or she has served in an exempt position in the office of an elected City official in the prior two years unless he or she meets the professional experience requirements established for the position.

(3) Persons who have been exempted or who have been appointed to an exempt position prior to the effective date of this Charter, will retain their exemption. Exemptions under this subsection shall be prospective and shall be made only at the time of filling a vacant position.

(4) Council may, by ordinance adopted by two-thirds vote, increase the maximum number of exempt positions as provided in subsection (b) to no more than one percent (1%) of the regular authorized positions in the City workforce, provided that if the maximum number of exempt positions is increased pursuant to this subsection, the number of positions created by subsections (a) (4), (5) and (c) of this section shall be counted toward the maximum allowable exemptions. If Council provides for a maximum number of exemptions based on a percentage of the workforce, and a reduction in the workforce results in more filled exempt positions than permissible, each incumbent shall retain the exemption, but when vacated, such excess exemptions shall terminate.

(c) Proprietary Department Positions. In addition to the exempt positions in the Proprietary Departments created by subsections (a), (b) (1), (2), (3) and (d) of this section, up to 15 positions in the Department of Water and Power and up to ten positions to be allocated between the Harbor Department and the Department of Airports for employment of persons to provide management services or to render professional, scientific or expert services of an exceptional character. Exemption of these positions shall be subject to the following:

(1) Upon receipt of a request for an exempt position by the department which sets forth the educational, experience and other professional requirements of the position and describes the circumstances that preclude filling the position through the civil service system, the Mayor shall forward to the Council a recommendation for the exempt position. Within ten Council meeting days from receipt of the recommendation, the Council may by two-thirds vote disapprove the Mayor's recommendation for the exemption. If the Council does not act on the recommendation within the specified time period, the recommendation shall be deemed approved.

(2) No person may be employed under this subsection if he or she has served in an exempt position in the office of an elected City official in the prior two years unless he or she meets the professional experience requirements established for the position.

(3) Persons who have been exempted or who have been appointed to an exempt position prior to the effective date of this Charter, shall retain their exemption. Exemptions under this subsection shall be prospective and shall be made only at the time of filling a vacant position.

(d) Positions Approved by Council. In addition to the exempt positions created in subsections (a), (b) and (c) of this section, any of the following may be exempted from the provisions of this Article upon the request of the head of the department or office in which they are employed, by order of the Board of Civil Service Commissioners, approved by the Council by resolution:

(1) positions of unskilled laborers, including drivers;

(2) positions for workers, mechanics or craftspersons (including crew leaders) employed exclusively in that position on the construction of public works, improvements or buildings;

(3) any position requiring the services of one individual for not more than half time and paying a salary not to exceed three-fourths of the monthly rate established by the salary fixing authority of the department, division or office for entering-level clerical positions;

(4) grant-funded positions for a term of no more than two years which, by application of the procedures described in this subsection, may be extended for one additional year for a maximum exemption period of three years.

Any exemption made under the provisions of (1) through (4) may be terminated at any time by resolution of the Board of Civil Service Commissioners.

(e) Leave of Absence from Civil Service. Each person exempted or appointed to an exempt position under this section shall, during the period of exempt employment, be considered as being on leave of absence from the classified civil service if at the time of exemption he or she holds a position in the classified civil service, or is entitled to hold a position therein, and shall continue, during such period, to accrue seniority credit the same as though serving in such position.

Sec. 1002. Employees of Acquired Public Utility.

All persons employed in the operating service of any public utility acquired by the City, who have been so employed for at least one year immediately prior to the date of the acquisition, may be employed by the City in their respective positions to the extent practicable, and, so long as continuously so employed by the City, shall be exempt from the civil service provisions of this Charter.

Sec. 1003. Classification of Positions.

The Board of Civil Service Commissioners shall establish classes for all positions of employment. The positions classified by the board shall constitute the classified civil service of the City, and no appointment to any of these positions shall be made except in accordance with the rules adopted by the board under the authority of this Article (the civil service rules).

Each class shall be given an appropriate title and shall include all positions sufficiently similar in respect to duties and responsibilities and that have the same requirements as to education, experience, knowledge and ability; the same tests of fitness; and to which the same schedule of compensation may apply with fairness.

Sec. 1004. Civil Service Rules.

The board shall promulgate civil service rules to carry out the purposes of this Article in accordance with applicable law. All rules and any changes to those rules shall be made in writing. The board shall give notice by publication in some daily newspaper circulated in the City of Los Angeles of the place or places where the rules may be obtained, and the date, not less than 30 days after the date of publication, when the rules shall go into effect. The civil service rules shall provide for, among other subjects, examinations, leaves of absence, transfers, temporary appointments, disciplinary hearings, layoffs, and procedures for the review and appeal of determinations by the general manager of the Personnel Department with respect to the civil service provisions of the Charter.

Sec. 1005. Examinations.

All applicants for positions in the classified civil service shall be subject to examination, which shall be public, competitive and open to all, with specified limitations as to experience and moral character. Examinations shall be practical, and shall relate to those matters that will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed and, when appropriate, shall include, or exclusively consist of, tests of physical qualifications, and manual skill. No limitation or restriction whatsoever shall be imposed, excepting to the extent permitted by applicable state or federal

law in the departments of fire and police, fixing a maximum age in excess of which persons shall be deprived from taking examinations for or being employed in the classified civil service. The provisions of Section 104 (i) regarding discrimination on the basis of age shall not prohibit fixing a maximum age in the departments of fire and police if otherwise authorized by this section.

Sec. 1006. Credit for Military Service.

(a) Subject to the conditions set forth in this section, in all original examinations, the Board of Civil Service Commissioners shall, in addition to all other credits, give a credit of five percent of the total credits specified for an examination to all persons who receive a passing score on the examination and who have served in the armed forces of the United States during time of war or armed insurrection, or during any time when the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared, or when the United States is assisting the United Nations in actions involving the use of armed forces to restore international peace and security (Military Service), if such persons are honorably discharged from active service even if they remain in the military reserve.

(b) The five percent (5%) credit shall be granted for a period of five years from the date of release from active Military Service of an eligible person or five years from the date the person becomes available for employment. A person shall be deemed unavailable for employment if the person is a student engaged in a training or educational process approved by the board or is hospitalized as a result of a service-connected injury or illness.

(c) A five percent (5%) credit for a period not to exceed five years shall be given to widows or widowers of persons killed while in Military Service. Such five-year period shall commence to run from the date the spouse is deceased.

(d) A five percent (5%) credit for a period not to exceed five years shall be given to spouses of persons who are unable to work because of disabilities resulting from Military Service. Such five-year period shall commence to run from the date the board determines that the person became unable to work.

(e) Notwithstanding any time limitations set forth in other parts of this section, the five percent (5%) credit shall be provided to all persons with disabilities resulting from Military Service without regard to the date of discharge. For purposes of this subsection, a person shall be deemed disabled if the disability is certified by the Veterans Administration or its successor agency.

Sec. 1007. Examination Bulletins.

Notice of time, place and general scope of every examination shall be given by the general manager of the Personnel Department as provided in the civil service rules.

Sec. 1008. Register of Eligible Candidates.

The general manager of the Personnel Department shall prepare a register for each class of position in the classified civil service of the persons whose general average standing upon examination for the class is not less than the minimum

fixed by the civil service rules, and who are otherwise eligible. These persons shall be listed in the register as candidates in the order of their relative excellence, as determined by their examination without reference to the date of examination. The board may prescribe a minimum score in the written portion of any examination, including credit for past service in examinations for promotion, and may exclude from subsequent portions of the examination any candidate who fails to attain the minimum score.

The board may, by its rules, provide for the extension of the life of an eligible list and may delegate to the general manager of the Personnel Department the authority to extend the life of an eligible list for entry-level positions in accordance with the civil service rules.

Sec. 1009. Promotion.

The board shall by its rules provide for promotion in the classified civil service on the basis of ascertained merit and seniority in service and examination, and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among members of lower ranks who apply for the examination and who have the experience and qualifications required by the board as a prerequisite for taking the examination. The general manager of the Personnel Department shall submit to the appointing authority for each promotion the names of eligible applicants in accordance with Section 1010.

In rating eligible candidates, the board shall make an allowance of credits for past service. The announcement of the examination shall state that credits will be given for past service. Upon the written request of the appointing authority, the board may certify the names of those applicants having the highest ratings on the open competitive eligible list whose scores before adjustment for preferential credits are higher than the score of the highest available applicant on the promotional eligible register after credits for past service have been added. Names of candidates shall be removed from the register of eligibles for promotion after they have remained on the register for two years without re-examination.

Promotional examinations shall be held at intervals necessary to maintain a register of eligibles for promotional positions in which there are vacancies. The method and rules governing examination and certification for promotions shall be the same as provided for applicants for original appointment, except as otherwise provided in this section.

Sec. 1010. Certification.

(a) Three Highest Whole Scores. The appointing authority of a department shall notify the board when one or more classified positions are to be filled. The general manager of the Personnel Department shall certify to the appointing authority the names and addresses of those eligibles having the three highest whole scores on the register for the class to which the positions belong. The appointing authority shall fill the positions from the names certified by the general manager within 60 days from the date of certification. Certified test scores shall be made public.

(b) Selective Certification. Upon request of the appointing authority and approval by the board, the general manager of the Personnel Department may establish a separate register of eligibles from among those eligibles having the three highest whole scores based on factors such as special skills, licenses, language proficiency and specialized training.

(c) Extra Certifications. If there are sufficient eligibles available, the general manager of the Personnel Department shall certify at least five names and addresses more than the number of positions to be filled. If there are less than five available eligibles more than the number of positions to be filled within a range of three whole scores, the general manager of the Personnel Department shall certify the names and addresses of all available eligibles within such additional number of whole scores as necessary to provide a minimum of five available eligibles more than the number of positions to be filled.

Where there are remaining on the eligible list less than five available eligibles more than the number of positions to be filled and the general manager of the Personnel Department finds that it is for the good of the civil service, the names of all available eligibles may be certified and appointments may be made from among those available eligibles.

(d) Certification Within Range of One or More Whole Scores. In consideration of the number of vacancies to be filled and the likely number of available eligibles within a range of three whole scores, the general manager of the Personnel Department may certify the names and addresses of all available eligibles within a range of one or more whole scores whenever a certification is requested by an appointing authority and there are at least five eligibles available within such range over and above the number of positions to be filled.

(e) Order of List. Whenever the general manager of the Personnel Department certifies the names and addresses of eligible candidates, the names shall be listed in the order of the whole scores achieved, except that within the range of each single whole score the names of eligibles shall be listed in random order.

(f) Certification at Least Three Times. Each candidate, unless he or she is sooner appointed, or otherwise lawfully ceases to be a candidate, shall be certified for appointment in the class for which he or she is eligible not less than three times.

Sec. 1011. Probation.

(a) Length of Probation. A candidate appointed to an entry level classified position shall be employed on probation for a period not exceeding 12 months, with the specific period to be established by the board, and for a period not exceeding 18 months, to be measured from the commencement of recruit training, for those members of the Police Department appointed under civil service rules and regulations and sworn in, as provided by law, to perform the duties of regular police officers. The civil service rules may provide for a different period of probation for non-entry level employees, not exceeding six months except that a longer period, not exceeding 12 months, may be fixed for management personnel.

(b) Termination During Probation. At or before the expiration of the probationary period, the appointing authority may terminate the probationary employee by delivering written notice of termination to the employee assigning in writing the reasons for the termination. The appointing authority shall subsequently notify the board of such termination. Unless the probationary employee is served with written notice of termination during the probationary period, the employee's appointment shall be deemed complete.

Sec. 1012. Removal from and Reinstatement to the Register of Eligible Candidates.

(a) No candidate shall lose his or her place on a register of eligible candidates by certification or rejection, except that the board may remove names of candidates from a register after they have remained on the register for more than two years.

(b) The board may, by its rules, provide for striking off names of candidates from open competitive eligible lists established as a result of continuous examinations after they have remained on the list for six months.

(c) The civil service rules shall provide for reinstatement to the register of eligibles, on recommendation of the head of the department, of persons who have become separated from the civil service or who have been reduced in rank, other than persons who have been removed for cause.

(d) The board may, by its rules, provide for restoration to the register of eligibles, those candidates who are terminated during the probationary period, but the general manager of the Personnel Department may not certify any candidate to the department or office which terminated the candidate except at the specific request of the appointing authority of that department or office.

Sec. 1013. Temporary Appointment.

(a) Length of Appointment. To prevent the stoppage of public business or to meet extraordinary exigencies, any appointing authority may make temporary appointments to classified positions in accordance with civil service rules that the board shall prescribe. The board shall have the power to authorize such temporary appointments for up to 120 days. If the board is unable to establish an eligible list or if the eligible list is established but no employees can be secured from the list, the board may provide by rule for an extension of a temporary appointment for a period not to exceed an additional 120 days.

(b) Termination. Any temporary appointment shall terminate immediately when a regular appointment can be made unless the board finds that for a specified period it is necessary that the temporary employee remain to orient or train the new regular appointee.

(c) Temporary and Intermittent Appointments. The civil service rules shall provide for the tenure of persons appointed from a register of eligibles to positions determined by the board to be temporary or intermittent in character. Any rules adopted pursuant to this subsection shall provide that when appointment is made to a position determined to be temporary or intermittent, the provisions of

Section 1011 with respect to period of probation and completion of appointment shall not apply.

Sec. 1014. Special Reassignments.

(a) Reassignment Without Examination. In addition to and notwithstanding the provisions of Section 1015, the board may by its rules provide for status and seniority for civil service employees in classes other than those for which they were examined, where:

(1) an employee is incapable of performing satisfactorily the duties of his or her position because of injury, sickness or disability; or

(2) an employee has completed a probationary period in the City service.

(b) Requirements for Reassignment. Any rules adopted by the board pursuant to this section shall provide that:

(1) no employee may be placed in a different class without first receiving the employee's written consent to the reassignment;

(2) no change of class status may be allowed if it would result in a promotion;

(3) no employee may be placed in a different class unless the employee possesses the minimum qualifications required for the class and the capability of performing the required duties;

(4) no employee who is placed in a different class pursuant to the provisions of this section may be credited with more seniority than accumulated in the employee's former class.

Sec. 1015. Layoffs.

In addition to all other matters, the board shall by its rules provide for the following:

(a) Order of Suspension and Restoration. The civil service rules shall provide the manner and order, not inconsistent with the provisions of this section, in which all persons employed in the classified civil service shall be suspended and restored where the suspension results from lack of work, lack of funds or abolishment of position or otherwise, excepting suspension for personal delinquency. In all cases, suspension and restoration shall be based upon seniority as provided in this section, or as provided by the civil service rules.

No assignment of employees to positions within a class, except as provided in this section, for which no different examination requirements have been established by the board shall affect the requirements of this section governing suspension and restoration for lack of work, lack of funds or abolishment of position or otherwise. In all of these cases, all employees within the same Class-Group, as defined below, and for which similar examinations are required by the board shall be considered as one Class-Group for purposes of suspension and restoration.

Whenever suspension other than for personal delinquency is to be made in any class in an office, department, bureau or major division in a department having control of its own funds (Class-Group), the person to be suspended shall be selected in the order determined by length of service in such class and in classes of higher rank since regular appointment in the classified civil service, after

deducting periods of absence in accordance with the civil service rules. Persons having the shortest length of service shall be suspended first.

(b) Displacement. Any person so suspended shall be entitled to displace the person holding a position in a Class-Group in which a regular position was formerly held by the person so suspended, who has the shortest length of service in such Class-Group and in classes of higher rank after deducting periods of absence as provided by the civil service rules. Any person entitled to displace a person may fill instead, with the consent of the appointing authority, a vacant position in the Class-Group in which he or she is entitled to displace. In the event an employee exercises his or her right to displacement, the employee shall receive the salary at the level of the highest paygrade in the Class-Group which the employee held prior to leaving the Class-Group.

(c) Determination of Class-Groups. The Class-Group in which suspension is to be made or the Class-Group in which restoration is to be made, shall include all positions created from such Class-Group after the original regular appointment therein of the person suspended or restored. The determination of the board as to the Class-Group from which such positions were subsequently created shall be final and conclusive.

(d) Reserve List. A reserve list shall be established in each class in each office, department, bureau or division of a department having control of its own funds which shall consist of the names of those persons who have been regularly appointed or promoted to, and have served beyond the probationary period in a class and have been suspended for causes other than personal delinquency. Each person whose name appears on the reserve list, until regularly restored to a position in the class in the office, department, bureau or division from which he or she was suspended shall be certified for appointment to a position in the class in the office, department, bureau or division from which he or she was suspended. The name of any person who has been out of the service of the City for more than five years shall be permanently removed from the reserve list.

(e) Order of Certification. Whenever any vacancy is to be filled, it shall be filled by certifying in the following order:

(1) from the reserve list, if any, in the class and office, department, bureau or major division in which the vacancy exists, the name of the person with greatest length of service in the class and all classes of higher rank, or by transfer of a person whose service in the class and classes of higher rank is greater than that of any person on the reserve list.

(2) from the promotional list, if any, provided for in Section 1009, of the office, department, bureau or major division where the vacancy is to be filled;

(3) from the reserve list of other offices, departments, bureaus and major divisions as provided in the civil service rules;

(4) by certifying from the appropriate register of eligibles provided in this Article.

As to certifications to be made from other than the reserve list of the office, department, bureau or major division in which the vacancy exists, the board may

by its rules provide that when the list or register from which certification is to be made does not contain as many names as may be certified for any vacancy or vacancies under the provisions of Section 1010, additional names, up to but not exceeding the maximum number allowed, shall be certified from the list or register next in the order as provided above.

(f) Procedural Review. The board shall have the same power and duty to review as to regularity of procedure all cases of suspension for lack of work, lack of funds or abolishment of position or otherwise, as elsewhere provided in the Charter for removal, discharge, or suspension for cause; but the question of the necessity for suspension for lack of work, lack of funds or abolishment of position shall not be subject to review by the board.

Sec. 1016. Discharge or Suspension.

(a) Discharge or Suspension for Cause. Any board or officer having the power of appointment shall have the power to suspend or discharge any officer, member or employee of the office or department. No person in the classified civil service shall be discharged or suspended except for cause, which shall be stated in writing by the board or officer having the power to make such discharge or suspension.

(b) Statement of Cause. The written statement of cause shall be filed with the Board of Civil Service Commissioners, with certification that a copy has been served upon the person so discharged or suspended, in accordance with Section 1018. Upon filing with the board, the discharge or suspension shall take effect.

(c) Application for Hearing. Within five days of service of the written statement upon any person so discharged or suspended, the person shall file a written application with the board in order to require the board to hold a hearing to investigate the grounds for the discharge or suspension. In the event that the person does not file an application, the board may, but is not required to, within 15 days after the filing of the written statement with the board, determine to hold a hearing to investigate the grounds for the discharge or suspension.

(d) Reinstatement; Restoration. If, after investigation and hearing as required by law is held, the board finds, in writing, that the grounds stated for the discharge or suspension were insufficient or were not sustained, the board shall order the person to be reinstated or restored to duty. With the consent of the appointing authority, the board may also reduce the length of the suspension, or may substitute suspension for discharge, if the board makes a written finding that such action is warranted. The order of the board with respect to the discharge or suspension shall be promptly certified to the appointing board or officer, and shall be final and conclusive.

(e) Compensation. If the board orders reinstatement or restoration to duty of a person who has been discharged or suspended, the person shall be entitled to receive compensation from the City the same as if he or she had not been discharged or suspended by the appointing board or officer.

(f) Change of Disciplinary Review. The Council may, by ordinance, provide for an alternative system for impartial review of employee discipline as set forth

in subsections (b) through (e) of this section, provided that such a system conforms with due process standards for a fair hearing, and provided there remains a process for review of employee discipline in which costs are borne by the City.

(g) Finality of Order of Suspension for Lack of Funds. The order of any appointing board or officer suspending any person because of lack of funds or lack of work in the department shall be final, and shall not be subject to review by the Board of Civil Service Commissioners.

(h) Applicability. The procedure for review of discipline set forth in this section shall not apply to:

(1) those members of the Police Department appointed under civil service rules and regulations and sworn in, as provided by law, to perform the duties of regular police officers who are subject to the provisions of Section 1070 of the Charter.

(2) those members of the Fire Department appointed under civil service rules and regulations to perform the duties of regular firefighters who are subject to the provisions of Section 1060 of the Charter.

(3) any suspension of five working days or less in any 12 month period for personal delinquency. The reasons stated in writing for any suspension shall be furnished to the suspended employee and promptly filed with the board. Any suspension which results in an employee having a total suspended time by reason of the exercise of authority under this subsection in excess of five working days in any 12 month period shall be subject to all of the provisions of this section.

Sec. 1017. Demand for Reinstatement; Claim for Compensation.

Whenever it is claimed by any person that he or she has been unlawfully demoted, suspended, laid off or discharged, and that person has filed an application for a hearing as provided in Section 1016(c) and reinstatement or restoration to duty has been denied, the person may file a written claim for compensation and a demand for reinstatement. The claim and demand must be filed within 90 days from the date of the decision of the board following a hearing, or if no hearing is applied for, from the date on which it is claimed that the person was first illegally, wrongfully or invalidly demoted, laid off, suspended or discharged. The demand for reinstatement must be filed with the board and the claim for compensation must be filed with the City Clerk. Failure to file a demand for reinstatement with proof of filing with the board, within the time specified in this section, shall be a bar to any action to compel reinstatement. Proof of filing with the City Clerk of the claim for compensation within the time and in the manner specified shall be a condition precedent to any recovery of wages or salary claimed to be due on account of demotion, layoff, suspension or discharge. Except as provided in this section, claims for compensation shall conform to the requirements of Section 350.

Sec. 1018. Service of Notice.

Service of notice in accordance with this Article may be made by handing a copy to the person or by sending a copy by certified mail to the person's last known residence if, after due diligence, the person cannot be found.

Sec. 1019. Falsification and Corruption.

(a) Investigation. The board shall investigate the enforcement of the civil service provisions of this Article and the civil service rules. All officers of the City shall aid the board in all proper ways in carrying out the civil service provisions of this Article.

(b) Reprimand; Recommendation of Discharge or Suspension. Any person holding a position in the classified civil service who willfully violates any of the civil service provisions of this Article shall, after hearing by the board, be subject to reprimand by the board. The board shall have the right to recommend suspension, discharge, or in lieu of discharge, demotion of the person to the appointing power.

(c) Misdemeanors. The following conduct is a violation of this Article and shall be punishable as a misdemeanor:

(1) any oral or written false statement willfully made under oath in any application or document filed with the board, in any proceeding before the board, in any investigation conducted by or under the jurisdiction of the board, or in any proceeding arising under this Article.

(2) any conduct, whether done alone or in cooperation with others to defeat, deceive or obstruct any person in respect to his or her right of examination; to corruptly or falsely mark, grade, estimate, or report upon the examination of proper standing of any person examined under the civil service provisions, or aid in so doing; or to willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects of any person for employment or promotion.

(3) direct or indirect payment or promise of payment of money or other valuable consideration to any person for appointment, proposed appointment, or promotion to a position in the classified civil service.

Sec. 1020. Certification of Employment.

The Controller shall not approve any compensation for services to any person performing the duties of a position in the classified civil service, unless the board has certified that the person has been employed in accordance with this Article and the civil service rules.

Sec. 1021. Employment Upon Consolidation or Annexation of Other Governmental Entities.

Officers and employees of any governmental agency, municipality or any special assessment or other special district created under general laws, all or part of which may become part of the City through consolidation, annexation or joint powers agreement, may upon Council approval of the consolidation, annexation or joint powers agreement become employees of the City in a similar capacity as provided in this section.

In order to avoid suspension for lack of work of employees of the Community Redevelopment Agency (CRA), the Council may, by resolution, direct the Board of Civil Service Commissioners to develop procedures allowing placement, as pro-

vided in this section, of CRA employees in civil service positions for which they are qualified in any City office or department except the Department of Water and Power. Appointment would be made only at the discretion of the City department or office where there is a vacancy, and only after persons on a department reserve list, if any, have been offered the position in accordance with civil service rules.

Upon consideration of the resolution regarding CRA employees or consolidation, annexation, or joint powers agreement, but prior to final approval, the Council shall request that the Board of Civil Service Commissioners establish the qualifications, fitness requirements and background standards for the prospective employees and establish the method of determining that the prospective employees meet those qualifications, requirements and standards. The board shall also establish the appropriate employment classifications, length of probationary periods, and seniority for layoff and examination purposes for the prospective employees. The Council may establish terms and conditions of employment in addition to those provided elsewhere in the Charter, and in addition to or different from those provided by ordinance, by memorandum of understanding or otherwise.

Those employees who are determined by the board to have met the qualifications, requirements, and standards established by the board, and who meet all other legally applicable requirements, shall become employees of the City upon final approval of the consolidation, annexation or joint powers agreement by the Council or, in the case of individual CRA employees, upon approval of the appointment by the board.

If the duties of any officer or employee of any municipality or any special assessment or other special district conflict with the duties of any officer of the City, then that officer or employee shall become an employee of the City in a position subordinate to the officer of the City.

Sec. 1022. Use of Independent Contractors.

Nothing in this Article shall be deemed or construed as preventing the Council, or a board of commissioners in the case of those departments having control of their own revenues and funds, from entering into contracts for the performance of work when it is determined by the Council or the board of commissioners that the work can be performed more economically or feasibly by independent contractors than by City employees. The authority of the Council set forth in this section may be delegated to departments and officers of the City under rules and procedures as the Council may prescribe. Nothing in this section shall limit the application of Sections 370 through 373 of the Charter relating to contracts and competitive bidding for contracts.

Sec. 1023. Military Leave.

Every officer or employee who leaves his or her office or position to serve in the armed forces of the United States shall be entitled to a leave of absence and, upon returning to the service of the City, shall be entitled to restoration to the position to which he or she would have been entitled as if the leave had not occurred, subject to applicable state and federal law and as further provided by ordinance.

Sec. 1024. Non-discrimination.

Notwithstanding any other provision of the Charter, the City shall not discriminate in the provision of employee benefits between employees with spouses and employees with domestic partners. The Council shall adopt ordinances to implement this provision.

DISCIPLINE FOR PHYSICIANS AND PSYCHOLOGISTS

Sec. 1040. Rights and Due Process Procedures.

Persons appointed to full-time, non-management positions as physicians or psychologists shall be employed on probation for a period of two years. Persons serving in such positions as of the effective date of this section, shall be given credit for their service with the City prior to the effective date with respect to completion of the required probationary period. Upon successful completion of the probationary period, these employees shall be entitled to the rights and due process procedures set forth in Section 1016.

Notwithstanding any other provision of this section, any person employed by the City as a full-time physician or psychologist is subject to layoff due to lack of work, lack of funds, or abolishment of position in a manner consistent with the principles contained in Section 1015. The civil service rules promulgated pursuant to that section shall establish the procedure for such layoffs, determination of seniority rights and for the establishment of reserve lists.

EMPLOYMENT IN THE CITY ATTORNEY'S OFFICE

Sec. 1050. Employment in the City Attorney's Office.

The City Attorney's Office shall be subject to the following:

(a) No person shall be removed, suspended or reduced in grade without good cause who has served continuously as an attorney in the Office of the City Attorney for two years or more immediately preceding the action, or who has served continuously in any other capacity in the Office of the City Attorney for one year or more immediately preceding the action. The time during which persons serve at the pleasure of the City Attorney as prescribed in subsection (d) shall not be considered in the computation of time periods under this provision.

(b) Every person having served for those periods enumerated in the preceding subsection who is removed, suspended, or reduced in grade, shall have the right to appeal to an impartial trier of fact in accordance with written rules promulgated by the City Attorney. The rules shall, before they become effective, be submitted to the Council. If the Council approves the rules, or if the Council fails to disapprove the rules within 60 days after submission, they shall become effective. The rules shall provide for service upon the person involved of a written statement of grounds and for a fair hearing by an impartial trier of fact who may:

(1) deny the appeal;

(2) sustain the appeal and order that the appellant be reinstated with full back pay to the position from which removed, suspended, or reduced in grade; or

(3) sustain the appeal in part and deny it in part and substitute as a lesser penalty either a suspension or a reduction in grade as may be appropriate. The trier of fact shall have the power to administer oaths and affirmations, examine witnesses under oath, and compel the attendance of witnesses and the production of evidence at the hearing by subpoena to be issued by the City Clerk.

(c) Notwithstanding any other provision of this section, any person employed in the Office of the City Attorney is subject to layoff due to lack of work, lack of funds, or abolishment of position in a manner consistent with the principles contained in Section 1015. The rules promulgated pursuant to the preceding subsection shall establish the procedures for layoffs, determination of seniority rights, and for the establishment of reserve lists.

(d) Notwithstanding any other provision of this section, the City Attorney may appoint to serve at the pleasure of the City Attorney from among persons not then employed in the Office of the City Attorney no more than four assistants who meet the qualifications for those positions, and no more than four other persons. At the time of the appointments, the City Attorney shall file with the City Clerk a statement identifying the persons appointed. The appointment of all persons serving at the pleasure of the City Attorney shall terminate when the succeeding City Attorney is sworn in, unless reappointed by the succeeding City Attorney. In the event there is no vacancy in the class of positions to which a person is appointed under this provision, and should the Council fail to authorize an additional position, the person in the class to which the appointment is to be made having the least seniority in that class and higher classes shall be reassigned to a position in any other lower class of positions in which that person has displacement rights based on seniority or, at that person's option, may be transferred to any vacant position in the Office at the same or lower level class for which that person is found by the City Attorney to be qualified.

DISCIPLINARY PROCEDURES FOR THE FIRE DEPARTMENT

Sec. 1060. Rights and Due Process Procedures.

(a) Applicability; Rights. For purposes of this section, the term "member" refers to all officers and firefighters of the Fire Department. This section shall not apply to any member of the department who has not completed the period of probation in his or her entry position as provided in Section 1011(a). Members not covered by this section who are otherwise entitled by law to a hearing or appeal with regard to proposed or imposed discipline shall be provided a hearing or appeal under rules promulgated by the Fire Chief.

The right of a member of the Fire Department, except the Fire Chief and any other member in a position exempt from civil service, to hold his or her office or position and to receive compensation attached to the office or position is hereby declared to be a substantial property right of which the holder shall not be deprived arbitrarily or summarily, nor other than as provided in this section. No member of the Fire Department shall be suspended, removed, or otherwise separated from

the service of the Fire Department (other than by resignation), except for good and sufficient cause shown upon a finding of guilty of the specific charge or charges assigned as cause or causes after a full, fair and impartial hearing before a Board of Rights except as provided in subsection (b) and (h) of this section. The charges must be filed within one year of the department's discovery of the act committed or omitted by a member and in no event later than two years from the date of the act or omission. No case of suspension with loss of pay shall be for a period exceeding six months.

(b) Temporary Relief from Duty; Suspension. After following predisciplinary procedures otherwise required by law, the Fire Chief may:

(1) temporarily relieve from duty any member pending a hearing before and decision by a Board of Rights on any charge or charges pending against the member; or

(2) suspend the member for a total period not to exceed 30 days with loss of pay and with or without reprimand, subject to the right of the member to a hearing before a Board of Rights. In the event the member files an application for a hearing before a Board of Rights as provided in this section, the suspension shall automatically become a temporary relief from duty pending hearing and decision by the Board of Rights. In the event that the member fails to apply for a hearing within the period prescribed, he or she shall be deemed to have waived the hearing and the suspension shall remain effective, unless the Fire Chief requires that a hearing be held.

(3) cancel such temporary relief from duty, or following such relief from duty, restore the member to duty with or without restrictions pending a hearing before a Board of Rights.

(c) Complaint. In the event any order of relief from duty or suspension is made, the order shall contain a statement of the charges assigned as causes. The Fire Chief shall, within five days after the order is served as provided in subsection (d), file with the Board of Fire Commissioners, a copy of a verified written complaint upon which the order is based, with a statement that a copy of the order and verified complaint was served upon the accused. The complaint shall be verified by the oath of the Fire Chief and shall contain a statement in clear and concise language of all the facts constituting the charge or charges. If the complaint and proof of service are not filed within the five day period prescribed, the order of temporary relief from duty or suspension shall be void and of no effect and shall be automatically revoked, and the accused member restored to duty with the department without loss of pay and without prejudice, as if no order of relief from duty or suspension had been made.

(d) Service. The service of any notice, order or process mentioned in this section, other than service of subpoena, may be made either by handing the member a copy personally or by sending a copy by certified mail to his or her last known address of record with the Fire Department if, after due diligence, the member cannot be found.

(e) Application for Hearing. Within five days after personal service upon the accused of a copy of the verified complaint or within ten days after service by certified mail, the accused member may file with the Fire Chief a written application for a hearing before and decision by a Board of Rights.

(f) Time and Place of Hearing. Upon the selection of a Board of Rights, the Fire Chief shall set the time (not less than five nor more than ten days thereafter) and designate a place where the hearing is to be held, and shall cause notice thereof to be served upon the accused. After the Board of Rights has first convened, the board may continue the hearing of the matter to a specific date, and no other notice need be given, except as required by order of the board.

(g) Composition of Board of Rights. The Board of Rights shall be composed of three officers of the rank of battalion chief or higher. Upon the filing of the request for hearing before a Board of Rights, the accused shall draw six cards from a box containing the names of all officers who are qualified to be members of the board (except the names of the accused, the accuser, the Fire Chief, Deputy Chiefs, and other officers who may be prejudiced or disqualified by reason of being a material witness to the facts constituting the charges made), and shall select any three of the six names drawn to be members of the Board of Rights, rejecting the three names not selected by replacing them in the box.

(h) Failure to Request a Hearing; Failure to Appear. In the event the accused fails to request a hearing before a Board of Rights within the period prescribed, the Fire Chief may require a hearing to be held before a Board of Rights and may for that purpose, within five days after the expiration of such period, draw three names from a box to constitute the board.

If a Board of Rights has been constituted for the purpose of hearing and the accused, without reasonable excuse, fails, or refuses to appear before the Board of Rights at the time and place designated, the Fire Chief may, at his or her discretion, either direct the Board of Rights to proceed with the hearing in the absence of the accused, or the Fire Chief may, without a hearing, impose the penalty of suspension or removal as he or she deems fit and proper. The Fire Chief shall cause notice of the action to be served upon the accused and shall file a statement of the action with the Board of Fire Commissioners within five days.

If the accused and the Fire Chief both fail to draw and create a Board of Rights within the period prescribed in any case of temporary relief from duty pending hearing, the temporary relief from duty shall be null and void.

(i) Oaths, Affirmations and Subpoenas. Each member of the Board of Rights shall have the power to administer oaths and affirmations, in any investigation or proceeding pending before the board, examine witnesses under oath, and compel the attendance of witnesses and the production of evidence.

Upon demand of any member of the Board of Rights, the City Clerk shall issue a subpoena in the name of the City, and attest the same with the corporate seal. The subpoena shall direct and require the attendance of the witnesses or the production of evidence at the time and place specified. It shall be the duty of the Chief

of Police to cause all such subpoenas to be served upon the person or persons required to attend or produce evidence. It shall be the duty of the Council to provide suitable penalties for disobedience of such subpoenas, and the refusal of witnesses to testify or produce evidence.

(j) Legal Advice. Upon the request of any two members of the Board of Rights, the board's chairperson shall request an attorney from the City Attorney's office who shall advise the board on legal matters during any session of the hearing. The attorney need not be physically present at the hearing, but may advise the Board telephonically or through other means of communication. The same attorney advising the Board of Rights shall not advise the department's advocate in the same matter.

(k) Burden of Proof. In Board of Rights proceedings, the Fire Department shall have the burden of proving each charge, including those based on conduct punishable in whole or in part as a crime, by a preponderance of the evidence.

(*l*) Representation; Transcript. At the hearing, the accused shall have the right to appear in person and by counsel or representative, or both, and make defense to the charges and may produce witnesses and cross-examine witnesses. The accused shall have the right and privilege to select and name any other member of the department of any rank not higher than the rank of captain (who is not otherwise disqualified by reason of prejudice or being a party to the action in any capacity) to act as his or her defense representative at the hearing. The Fire Chief must immediately assign the member selected to act as defense representative, and it is hereby made the duty of such member to use every legal means available and exercise the best efforts of which he or she is capable to defend the accused at the hearing.

All testimony at the hearing shall be given under oath, reported by a stenographer and transcribed and the member shall be entitled, upon request, to a certified copy of the transcript without charge or payment of fee.

(m) Findings and Decision. The Board of Rights shall, at the conclusion of the hearing, make its findings of guilty or not guilty on each charge which must be based only upon the evidence presented at the hearing. If the accused is found not guilty, the board shall order his or her restoration to duty without loss of pay and without prejudice, and the order shall be self-executing and immediately effective. If the accused is found guilty, the Board of Rights shall, by order, prescribe its penalty of:

(1) suspension for a definite period not exceeding six months with total loss of pay, and with or without reprimand; or

(2) reprimand without further penalty; or

(3) removal from office or position.

The decision and order must be certified in writing and a copy immediately delivered to the Fire Chief.

(n) Personnel History and Records. The departmental personnel history and records of the accused shall be available to the Board of Rights only if the accused

has been found guilty of any charge upon which he or she was heard by the Board of Rights, and then only for the purpose of determining a proper penalty, except that the medical package of the accused shall not be considered by the board with regard to penalty unless such information is relevant to a charge as to which there was a finding of guilty. At the penalty stage, the board must look to the nature and gravity of the offense of which the accused has been found guilty and may at its discretion review the departmental personnel history and record of the accused, provided that no item or entry in the record may be considered by the board except in the presence of the accused, unless the member has failed or refused to be present, and then only if the accused has been given a fair and reasonable opportunity to explain the item or entry.

(o) Imposition; Reduction of Penalty. Within five days of delivery to the Fire Chief of a certified copy of the decision and order of the Board of Rights, the Fire Chief shall either execute the order, or the Fire Chief may, at his or her discretion and in lieu of the order, impose a penalty less severe than that ordered by the Board of Rights, but may not impose a greater penalty. In the case of a suspension or removal, the Fire Chief shall cause a copy of the notice of the penalty to be served upon the accused and shall file a statement of such action with the Board of Fire Commissioners within five days thereafter.

(p) Effective Date of Penalty. In any case of suspension or removal prescribed by the Board of Rights, or by the Fire Chief if no hearing is held before a Board of Rights, the time of the suspension shall be computed from the first day the member was suspended or relieved from duty pending hearing before and decision by the Board of Rights and the removal shall relate back to and be effective as of the date of the relief from duty pending hearing before and decision by the Board of Rights. Notwithstanding the above, the Fire Chief and the member may agree to an alternative date for the commencement of the period of suspension and/or may agree to non-consecutive dates for the term of the suspension.

(q) Double Jeopardy; Exoneration. No member shall be twice tried for the same offense, except upon his or her request. In any case of exoneration of the accused after a hearing before a Board of Rights, exoneration shall be without prejudice to the member.

(r) Rehearing. At any time within three years after the effective date of removal, the removed member may file a request with the Fire Chief to be reheard or to be heard on the cause of his or her removal, together with a supporting affidavit setting forth in clear and concise language the reasons or grounds for a hearing or rehearing. The Fire Chief shall consider and make a decision upon the request within 30 days after filing. If the Fire Chief determines that good reason or cause exists for a hearing or rehearing, the Fire Chief shall without unnecessary delay, cause a Board of Rights to be constituted for the purpose of hearing and deciding upon the matter. The Board of Rights shall, at the conclusion of the hearing, render and certify its findings (independent of any previous findings by any other Board of Rights, or any other court, board or other tribunal, or any

investigation or report of or discretion exercised by the Fire Chief in cases where no hearing was had before a Board of Rights), based only upon the evidence presented at such hearing. The board shall make and certify its decision and order in writing, and deliver a copy to the Fire Chief. The Fire Chief shall proceed in the same manner as provided for above after decision by a Board of Rights.

(s) Other Legal Rights. This section shall not be construed to affect any rights a member may have to assert other legal rights or remedies in relation to his or her office or position or to the compensation attached thereto, or to appeal to or be heard or tried by any court or other tribunal of competent jurisdiction.

(t) Restoration to Duty. Any person restored to duty or reinstated in his or her office or position after suspension or removal, shall be entitled to receive full compensation from the City as if the suspension or removal had not been made, except that such compensation shall not be for more than one year's salary unless otherwise provided by law.

(u) Effects of New Charter. This section shall not apply to the discipline of any member who was relieved from duty or who appealed a suspension to a Board of Rights prior to its effective date. Matters arising out of such relief from duty or suspension shall be adjudicated in accordance with applicable prior Charter provisions.

DISCIPLINARY PROCEDURES FOR THE POLICE DEPARTMENT

Sec. 1070. Rights and Due Process Procedures.

(a) Applicability; Rights. As used in this section, member shall mean an employee of the Police Department who has peace officer status as defined in California Penal Code Section 830.1. The provisions of this section shall not apply to any member of the Police Department who has not completed the period of probation in his or her entry level position, as provided in Section 1011(a). Non-tenured Police officers, where otherwise entitled by law to a hearing or appeal with regard to proposed or imposed discipline, shall be provided a hearing or appeal under procedures promulgated by the Chief of Police.

The rights of a member, except the Chief of Police and any other member in a position exempt from civil service, to hold his or her office or position and to receive compensation attached to the office or position is hereby declared to be a substantial property right of which the holder shall not be deprived arbitrarily or summarily, nor other than as provided in this section. No member shall be suspended, demoted in rank, suspended and demoted in rank, removed, or otherwise separated from the service of the department (other than by resignation), except for good and sufficient cause shown upon a finding of guilty of the specific charge or charges assigned as cause or causes after a full, fair, and impartial hearing before a Board of Rights, except as provided in subsections (b) and (i). No case of suspension with loss of pay shall be for a period exceeding three months.

(b) Temporary Relief from Duty; Suspension; Demotion. After following predisciplinary procedures otherwise required by law, the Chief of Police may:

(1) temporarily relieve from duty any member pending a hearing before and decision by a Board of Rights on any charge or charges pending against the member, except that a member so relieved shall not suffer a loss of compensation until 30 days after the date on which the member was served with the charge or charges, except as provided for in subsection (q). If the hearing before the Board of Rights for a member who has been temporarily relieved from duty is not completed within 60 days of such relief from duty, and such failure to complete the hearing is not due to any delay or continuance caused by the member or his or her counsel, the member shall not suffer a loss of pay for a further period of 30 days. There shall be a calendar priority for Board of Rights hearings when a member is subject to relief from duty pending a hearing. The Chief of Police in his or her sole discretion shall have the power to cancel temporary relief from duty, or following relief from duty, to restore the member to duty with or without restrictions pending hearing; or

(2) suspend the member for a total period not to exceed 30 days with loss of pay and with or without reprimand, subject to the right of the member to a hearing before a Board of Rights; or

(3) demote in rank, with or without suspension or reprimand or both, any member, subject to the right of the member to an appeal to a Board of Rights as provided in this section.

In the event the member suspended or demoted in rank under this subsection files an application for a hearing by a Board of Rights as provided in this section, the suspension or demotion shall automatically be stayed pending hearing and decision by the Board of Rights. In the event that the member fails to apply for a hearing within the period prescribed, the member shall be deemed to have waived a hearing, and the suspension or demotion shall remain effective unless the Chief of Police requires that a hearing be held.

(c) Limitations Periods. No member shall be discharged, suspended, demoted in rank, or suspended and demoted in rank for any conduct that was discovered by the department and brought to the attention of the Chief of Police more than one year prior to the filing of the complaint against the member under subsection (d) or falls outside of the applicable limitations period below. Such limitations period shall have reference to the date on which the Chief files a complaint against a member under subsection (d). For the purpose of ascertaining such period only, conduct, wherever it occurred in fact, shall be deemed to have occurred within the City. For an administrative charge based substantially or entirely on conduct which may be punishable criminally, the limitations period shall be based upon the most comparable, applicable penal law—federal, state, county, or City.

(1) If violation of a law is punishable as a felony, the limitations period shall be that period established for the crime. Where no limitations period is established for the felony, there shall be no limitations period for administrative purposes. Conduct treated either as a felony or misdemeanor under the applicable penal law shall be regarded as felonious.

(2) For an administrative charge based substantially or entirely on conduct punishable as a misdemeanor, the limitations period shall be three years from the occurrence. Conduct treated as either a misdemeanor or an infraction under the applicable penal law shall be regarded as a misdemeanor.

(3) For all other misconduct, the limitations period shall be two years from the occurrence.

(d) Complaint. Any order of relief from duty, cancellation of relief from duty pending a Board of Rights hearing, suspension, demotion in rank, or suspension and demotion in rank shall contain a statement of the charges assigned as causes. The Chief of Police shall, within five days after the order is served as provided in subsection (e), file with the Board of Police Commissioners a copy of a verified written complaint upon which the order is based, with a statement that a copy of the order and verified complaint was served upon the accused. The complaint shall be verified by the oath of the Chief of Police and shall contain a statement in clear and concise language of all the facts constituting the charge or charges.

(e) Service. The service of any notice, order, or process mentioned in this section, other than service of subpoena, may be made by handing the accused a copy personally. If a copy of any notice, order or process cannot with reasonable diligence be personally served, substitute service may be made in accordance with policies adopted by the department.

(f) Application for Hearing. Within five days after personal service upon the accused of a copy of the verified complaint, or within ten days after service in any other manner provided for in this section, the member may file with the Chief of Police a written application for a hearing before and decision by a Board of Rights.

(g) Time and Place of Hearing. Upon the selection of a Board of Rights, the Chief of Police shall set the time for (not less than 10 nor more than 30 days thereafter) and designate a place where the hearing is to be held, and shall cause notice thereof to be served upon the accused. After the Board of Rights has first convened, the board may continue the hearing of the matter to a specific date, and no other notice need be given, except as may be required by order of the board.

(h) Composition of Board of Rights. The Board of Rights shall be composed of two officers of the rank of captain or above and an individual who is not a member of the department (the civilian member). The members selected as prescribed in this section shall constitute the board for the purpose of hearing and deciding upon the matter for which it was specially drawn. The qualifications of, selection procedures for, and compensation of the civilian members shall be established by ordinance. Upon the filing of the request for a hearing before a Board of Rights, as provided in subsection (f), the accused shall draw four cards from a box containing the names on cards of all officers who are qualified to be members of the Board of Rights (except the names of the accused, accuser, the Chief of Police, any staff or command officer specifically exempted by the Chief of Police in accordance with the provisions of the Board of Rights Manual or suc-

cessor document, and any other officer who may be prejudiced or disqualified by reason of being a material witness to the facts constituting the charges made, otherwise disqualified for cause as determined by the Chief, or who has a conflict of interest). The accused shall select any two of the four names drawn to be members of the Board of Rights, rejecting the two names not selected by replacing them in the box.

(i) Failure to Request a Hearing; Failure to Appear. In the event the accused fails to request a hearing before a Board of Rights as provided in subsection (f) within the period prescribed, the Chief may require a hearing to be held before a Board of Rights and may for that purpose, within five days after the expiration of such period, draw two names from a box to sit on the board.

If a Board of Rights has been constituted for the purpose of hearing and the accused, without reasonable excuse, fails or refuses to appear before the board at the time and place designated, the Chief of Police may, at his or her discretion, either direct the Board of Rights to proceed with the hearing in the absence of the accused, or the Chief may, without a hearing, impose a penalty of suspension, demotion in rank, suspension and demotion in rank, or removal as he or she deems fit and proper. The Chief shall cause notice of the action to be served upon the member and shall file a statement of the action with the Board of Police Commissioners within five days.

If the accused and Chief both fail to draw and create a Board of Rights within the period prescribed, the complaint shall be null and void.

(j) Oaths, Affirmations and Subpoenas. Each board member shall have the power to administer oaths and affirmations in any investigation or proceeding pending before a Board of Rights, examine witnesses under oath, and compel the attendance of witnesses and the production of evidence by subpoena. Upon demand of any board member, the City Clerk shall issue a subpoena in the name of the City and attest the same with the corporate seal. The subpoena shall direct and require the attendance of the witnesses or the production of evidence, at the time and place specified. It shall be the duty of the Chief of Police to cause all such subpoenas to be served upon the person or persons required to attend or produce evidence. It shall be the duty of the Council to provide suitable penalties for disobedience of such subpoenas and the refusal of witnesses to testify or produce evidence.

(k) Legal Advice; Ex Parte Communication. Upon the request of any two board members, the board's chairperson shall request an attorney from the City Attorney's office who shall advise the board on legal matters during any session of the hearing. The attorney need not be physically present at the hearing, but may advise the board telephonically or through other means of communication. The attorney may not advise the department's advocate in the same matter.

Ex Parte communication with members of a Board of Rights regarding the subject matter of the hearing while proceedings are pending is prohibited. No person shall attempt to influence the decision of a Board of Rights except during the hearing and on the record.

(*l*) Burden of Proof. In Board of Rights proceedings, the department shall have the burden of proving each charge, including those based on conduct punishable in whole or in part as a crime, by a preponderance of the evidence.

(m) Representation; Transcript; Evidence. At the hearing, the accused shall have the right to appear in person and by counsel or representative, or both, and make defense to the charges and may produce witnesses and cross-examine witnesses. The accused shall have the right and privilege to select and name any other officer of the department of any rank not higher than the rank of lieutenant (who is not otherwise disqualified by reason of prejudice or being a party to the action in any capacity) to act as his or her defense representative at the hearing. The Chief of Police must immediately assign the officer selected to act as defense representative, and it is hereby made the duty of such officer to use every legal means available and exercise the best efforts of which he or she is capable to defend the accused at the hearing.

All testimony at the hearing shall be given under oath and shall be reported by a stenographer for possible transcription. The accused shall be entitled, upon request, to a certified copy of the transcript without charge. When the report is transcribed, the original transcript shall be placed on file in the department.

Evidence of prior acts, irrespective of whether they were associated with a personnel complaint against the accused and irrespective of the resolution of the complaint, may be considered in the discretion of a Board of Rights if relevant to the charges, such as, if the prior acts tend to prove that the conduct charged is consistent with a pattern of conduct.

(n) Finding and Decision. The Board of Rights shall at the conclusion of the hearing make findings of guilty or not guilty on each charge, which findings shall be based only upon the evidence presented at the hearing. If the accused is found not guilty, the board shall order the member's restoration to duty without loss of pay and without prejudice, and the order shall be self-executing and immediately effective. If the accused is found guilty, the Board of Rights shall prescribe its penalty by written order of:

(1) suspension for a definite period not exceeding three months with total loss of pay, and with or without reprimand; or

(2) demotion in rank, with or without suspension or reprimand or both; or

(3) reprimand without further penalty; or

(4) removal.

The decision and order must be certified in writing and a copy delivered to the Chief of Police as soon as practicable, but in no event later than ten days after the decision of the Board of Rights. Whenever a Board of Rights prescribes a penalty of suspension or removal and the member is not currently relieved from duty, the Chief may temporarily relieve the member from duty pending execution of the order.

For purposes of this section, demotion in rank shall mean reduction in civil service classification. The provisions of this section shall not apply to reductions

in pay grade or similar personnel actions caused by reassignment, deselection from bonused positions, and the like. Reductions shall be administered under policies adopted by the department.

(o) Personnel History and Records. The departmental personnel history and records of the accused shall be available to the Board of Rights only if the accused has been found guilty of any charge upon which the member was heard or tried by the Board of Rights, and then only for the purpose of determining a proper penalty. At the penalty stage, the board may consider the entire departmental personnel history and record of the accused, which shall include, among other things, information concerning personnel complaints against the accused that were sustained and information derived from complaints against the accused that were not resolved, to the extent and in the manner allowed by department policy except that the medical package of the accused shall not be considered by the board with regard to penalty unless such information is relevant to a charge as to which there was a finding of guilty. In prescribing the penalty, the board shall look to the nature and gravity of the offense of which the member has been found guilty and may at its discretion review the departmental personnel history and record of the member. No item or entry in the record may be considered by the board except in the presence of the member and only where the member has been given a fair and reasonable opportunity to explain any item or entry unless the member has failed or refused to be present.

(p) Imposition; Reduction of Penalty. Within five days of delivery of a certified copy of the decision and order of a Board of Rights to the Chief of Police, the Chief shall either execute the order or may, at his or her discretion and in lieu of the order, impose a penalty less severe than that ordered by the Board of Rights, but may not impose a greater penalty. In the case of a demotion, suspension, demotion and suspension, or removal, the Chief shall cause a copy of the notice of the penalty to be served upon the member and shall file a statement of this action with the Board of Police Commissioners within five days.

(q) Effective Date of Penalty. A removal prescribed by the Board of Rights, or by the Chief of Police if no hearing is had before a Board of Rights, shall relate back to and be effective as of the date of the relief from duty pending hearing before and decision by the Board; however where a final decision has been made by the Chief of Police prior to the end of the 30 day period referred to in subsection (b) (1), the removal shall be effective immediately.

The effective date of any suspension or demotion prescribed by the Board of Rights, or by the Chief if no hearing is had before a Board of Rights, shall be determined by policies adopted by the department, with practices in effect on the effective date of the most recent amendment to this section remaining in effect until the adoption; provided, that in case of suspension where there has been a temporary relief from duty, the 30 day period referred to in subsection (b) (1) or any portion thereof in which the member received compensation shall not be counted as part of the suspension. Nothing in this section shall preclude the impo-

sition of a suspension without pay when a final decision is made prior to the end of the 30 day period.

(r) Calendar Days. Except as otherwise provided in this section, all time periods, including those of limitation, shall be calculated in calendar days. When the last day of any such period falls on a weekend or City holiday, the period shall extend to the next business day.

(s) Double Jeopardy; Exoneration. No member shall be twice tried for the same offense, except upon the request of the member. In any case of exoneration of the accused after a hearing before a Board of Rights, the exoneration shall be without prejudice to the member.

(t) Rehearing. At any time within three years after the effective date of removal, the removed member may file a request with the Chief of Police to be reheard or to be heard on the cause of the member's removal, together with a supporting affidavit setting forth in clear and concise language the reasons or grounds for a hearing or rehearing. The Chief shall consider and make a decision on the request and affidavit within 30 days after filing. If the Chief determines that good reason or cause exists for a hearing or rehearing, the Chief shall, without unnecessary delay, cause a Board of Rights to be constituted for the purpose of hearing and deciding upon the matter. The Board of Rights shall, at the conclusion of the hearing, render and certify its findings (independent of any previous findings by any other Board of Rights, or any other court, board, or other tribunal, or any investigation or report of or discretion exercised by the Chief in such cases where no hearing was had before a Board of Rights) based only upon the evidence presented at the hearing. The board shall make and certify its decision and order in writing and deliver a copy to the Chief. The Chief shall proceed in the same manner as provided for above after decision by a Board of Rights.

(u) Other Legal Rights. This section shall not be construed to affect any rights a member may have to assert other legal rights or remedies in relation to his or her office or position or to the compensation attached thereto, or to appeal to or be heard or tried by any court or other tribunal of competent jurisdiction.

(v) Restoration to Duty. A member restored to duty after removal or temporary relief from duty, or whose suspension or demotion has been overturned in whole or in part, shall be entitled to receive full compensation from the City as if the nullified penal action had not been taken; except that such compensation shall not exceed one year's salary unless otherwise required by law.

(w) Independence of Board of Rights. Members of a Board of Rights are to make decisions based solely on the evidence before them. No sworn member of a Board of Rights shall be subject to any benefit, retaliation or adverse personnel action based upon their findings or recommendations at a Board of Rights hearing. No civilian member of a Board of Rights shall be coerced or intimidated as a result of findings or recommendations at a Board of Rights hearing.

(x) Effects of New Charter. This section shall not apply to the discipline of any member who was relieved from duty or who appealed a demotion or sus-

pension or both to a Board of Rights prior to its effective date. Matters arising out of such relief from duty, demotion or suspension shall be adjudicated in accordance with applicable prior Charter provisions.

ARTICLE XI
PENSION AND RETIREMENT SYSTEMS

GENERAL PROVISIONS FOR PENSION AND RETIREMENT SYSTEMS

Sec. 1100. Applicability.

Each pension or retirement department or plan set forth in this Article shall be governed by the following:

(a) provisions specific to each department or plan set forth in this Article or elsewhere in the Charter; and

(b) these General Provisions for Pension and Retirement Systems.

Additionally, the General Provisions for Departments contained in Article V shall apply to the departments listed in Section 1102(a) to the extent not inconsistent with this Article.

Sec. 1102. Pension and Retirement Departments and Plans.

(a) Departments of the City. The following pension and retirement system departments, created in Section 500, are included within this Article:

Fire and Police Pension System

Los Angeles City Employees' Retirement System (LACERS)

(b) Plan Created. The following retirement system is created within the Department of Water and Power and included within this Article:

Water and Power Employees' Retirement Plan (WPERP)

(c) Boards Created. Each of the pension and retirement system departments or plans set forth in subsections (a) and (b) shall be under the management and control of a board of commissioners. The boards shall have these names:

Board of Fire and Police Pension Commissioners

Board of Administration of the Los Angeles City Employees' Retirement System

Board of Administration of the Water and Power Employees' Retirement Plan

Sec. 1104. Pension and Retirement System Boards.

(a) Board of Fire and Police Pension Commissioners. The Board of Fire and Police Pension Commissioners shall consist of nine members. Five shall be appointed by the Mayor, subject to the approval of the City Council. One shall be an active sworn member of the Fire Department as defined in this Article and elected by the members of the Fire Department. One shall be an active sworn member of the Police Department as defined in this Article and elected by the members of the Police Department. One shall be a retired member of the Fire Department as defined in this Article and elected by the retired members of the Fire Department. One shall be a retired member of the Police Department as defined in this Article and elected by the retired members of the Police Department.

(b) Board of Administration for LACERS. The Board of Administration for LACERS shall consist of seven members. Four members, one of whom shall be a retired member of the system, shall be appointed by the Mayor subject to the approval of the Council. Two members shall be active employee members of the system elected by the active employee members. One shall be a retired member of the system elected by the retired members of the system.

(c) Board of Administration for WPERP. The Board of Administration for the WPERP shall consist of seven members. Three members shall be ex officio, three members shall be elected, and one member shall be appointed. The ex officio members shall be the General Manager of the Department, the Chief Accounting Employee of the Department, and one Board of Water and Power Commissioner selected by that board. Three elected members shall be active employee members of the system elected by the active employee members. One member shall be a retired member of the system appointed by the Board of Water and Power Commissioners.

(d) Terms of Board Members. For the Board of Fire and Police Pension Commissioners and the Board of Administration for LACERS, each elected board member shall serve for a term of five years. For the Board of Administration for WPERP, the appointed retired member and each elected board member shall serve for a term of three years. The terms of board members on all boards shall be staggered as determined by each board. In case of a vacancy of an appointed seat on any board, the appointing authority for the seat shall appoint a member to serve out the unexpired term of office. In case of a vacancy of an elected seat on any board that has more than six months remaining before expiration of the term, the applicable board shall conduct an election to select a member of the group represented by the vacant seat to serve out the unexpired term of office.

(e) Restrictions on Board Membership. No person who is employed in any capacity by the LACERS or by WPERP shall be eligible to file for election to or be appointed to the board of their respective systems.

Sec. 1106. Powers and Duties of Pension and Retirement Boards.

Consistent with Article XVI, Section 17 of the California Constitution, and any successor constitutional provision, and subject to the limitations set forth elsewhere in the Charter concerning anything other than pension and retirement system administration and control over system investments, each pension and retirement board of the City shall:

(a) Administration of the Pension or Retirement System. Have sole and exclusive responsibility to administer its system for the following purposes:

(1) to provide benefits to system participants and their beneficiaries and to assure prompt delivery of those benefits and related services;

(2) to minimize City contributions; and

(3) to defray the reasonable expenses of administering the system.

The duty to system participants and their beneficiaries shall take precedence over any other duty.

(b) Assets. Have sole and exclusive fiduciary responsibility over the assets of its system which are held in trust for the exclusive purposes of:

(1) providing benefits to system participants and their beneficiaries; and

(2) defraying the reasonable expenses of administering the system.

(c) Prudent Person Standard. Discharge its duties with respect to its system with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

(d) Investments. Diversify the investments of the system so as to minimize the risk of loss and to maximize the rate of return, unless under the circumstances it is clearly not prudent to do so.

(1) Investment Statement. The board of each pension and retirement system shall adopt a statement of investment objectives and policies for the system. The statement shall include at least the desired rate of return and acceptable levels of risk for each asset class, asset allocation goals, guidelines for the delegation of authority, and information of the types of reports to be used to evaluate investment performance. At least annually, the board shall review the statement and change or reaffirm it. After each annual review, the board shall forward the statement to the Mayor and Council for informational purposes.

(2) Performance Evaluation. At least annually, the board of each pension and retirement system shall retain an outside performance evaluation firm to calculate the returns on all of the system investments.

(e) Actuarial Services. Have the sole and exclusive power to provide for actuarial services in order to assure the competency of the assets of its systems in accordance with recognized actuarial methods.

(f) Rules and Regulations. Have the power to adopt any rules, regulations, or forms it deems necessary to carry out its administration of a pension or retirement system or assets under its control.

Sec. 1108. General Manager of Pension or Retirement Systems.

(a) Applicability. Except as provided in this section, the provisions regarding general managers contained in Article V shall apply to the general managers of the pension and retirement systems of the City.

(b) Appointing Authority. The Board of Fire and Police Pension Commissioners and the Board of Administration of the Los Angeles City Employees' Retirement System shall appoint their respective general manager subject to confirmation by the Mayor and Council and shall remove their respective general manager subject to confirmation by the Mayor. A general manager removed pursuant to the provisions of this section may appeal the removal to the Council in the manner provided in Section 508(e).

(c) Annual Review. The Board of Fire and Police Pension Commissioners and the Board of Administration for the Los Angeles City Employees' Retirement System shall evaluate their respective general manager at least annually and shall

set or adjust the compensation of the general manager with guidelines established by Council. Each board shall forward a copy of its performance evaluation and salary determination to the Mayor and Council.

Sec. 1110. Control of Pension and Retirement Funds.

(a) Special Funds. Each pension and retirement board shall have a special trust fund or funds on deposit with the Treasurer for the purpose of segregating its revenues from the other money of the City.

(b) Control of Special Funds. The board of each pension and retirement system shall have control over their respective funds. Transfers or expenditures shall be drawn upon funds only upon demands signed by the chief accounting employee of the board. All payments from the funds shall be made upon demands prepared and approved in accordance with the provisions of the Charter.

(c) Master Trustee or Custodian. Each pension and retirement board, in its sole discretion, may designate one or more master trustees or custodians to hold securities and funds of the system for the purpose of carrying out the investment policies and decisions of the board.

(d) Fund Earnings. The money in any pension or retirement system fund shall be invested at the sole and exclusive direction of the respective board and all earnings shall be credited to the respective funds by the Treasurer or the Master Trustee or Custodian designated by the respective board.

Sec. 1112. Management Audits.

(a) Conduct of Audit. The Mayor, Council, and Controller at least once in every five years, shall jointly require a management audit to be made of the business and property of each of the pension and retirement systems by an independent qualified management auditing firm. Each audit shall examine whether the pension or retirement system is operating in the most efficient and economical manner and shall evaluate the asset allocation of the system. The firm employed to conduct the audit shall be selected by the Mayor, Council and Controller.

(b) Audit Results. A copy of the report of each audit shall be transmitted to the Mayor, Council and the board of the audited pension or retirement system. Upon receipt of the audit, Council may request that some or all of the audit recommendations be implemented by a board, but the board shall retain sole and exclusive authority over administration of its system and assets to the extent provided in Article XVI, Section 17 of the California Constitution.

Sec. 1114. Council Veto of Board Decisions.

The right of Council to veto board decisions provided in Section 245 shall not apply to decisions of the City's pension and retirement boards.

Sec. 1116. Right to Retire While on Military Leave.

Any officer or employee who, while on Military Leave as defined in Section 1023 of the civil service provisions of the Charter, is or becomes entitled to retire on pension or is or becomes entitled to any benefits under any provision of this Article, may exercise such rights or claim such benefits while on Military Leave.

Sec. 1118. Gender and Number.

As used in this Article, the masculine, feminine, or neuter gender, and the singular or plural number, shall each be deemed to include the others unless the context clearly indicates otherwise.

Sec. 1120. Purchases of Real Property.

(a) Real Estate Held in Board Name. Notwithstanding the provisions of Sections 105 and 385 of the Charter, title to any real property or interest in real property shall be held in the name of the applicable board and any real property or interests owned by a board may be sold, leased, or encumbered by the board.

(b) Board Names for Real Estate Purposes. The pension and retirement boards shall hold real property in the following names:

Board of Fire and Police Pension Commissioners of the City of Los Angeles

Board of Administration of the Los Angeles City Employees' Retirement System

Board of Administration of the Water and Power Employees' Retirement Plan of the City of Los Angeles

(c) Voting Procedure for Real Estate Investments. Any purchase of real property by a pension or retirement board shall require approval by a majority vote of all its members but one of the affirmative votes must be cast by an elected employee member of the board.

PART 1
LOS ANGELES CITY EMPLOYEES' RETIREMENT SYSTEM

Sec. 1150. Los Angeles City Employees' Retirement System (LACERS).

There is hereby created, established and adopted a retirement system for all officers and employees of the City of Los Angeles not now included within any other pension or retirement system under the provisions of this Article. The benefits of the System's Plan shall be adopted by ordinance in accordance with Section 1168 of this Part 1 and shall be set forth in the City Administrative Code.

Sec. 1152. Definitions.

For the purpose of this Part 1 concerning the LACERS, the following words and phrases shall have the meaning ascribed to them in this section unless a different meaning is clearly indicated by the context:

(a) Accumulated Contributions: The total of the amounts paid into the fund by the member and any interest credited to the member's account.

(b) Beneficiary: Persons entitled to receive a benefit from the Plan.

(c) Member: An employee of the City of Los Angeles who meets the membership requirements of the Plan as further defined in ordinance(s) establishing the benefits of the Plan.

(d) Plan: The Los Angeles City Employees' Retirement System as adopted by the Council under authority of Section 1168.

(e) Retired Member: A member who has ceased employment with the City of Los Angeles and is receiving a regular monthly benefit payment from the Plan.

(f) Retirement Fund: The trust fund established for the LACERS separate and apart from the other money of the City.

(g) System: The Los Angeles City Employees' Retirement System (LACERS).

Sec. 1154. Retirement Fund.

There shall be a fund known as Los Angeles City Employees' Retirement Fund for the payment of administration expense, retirement allowances and other benefits of the System, which fund shall consist of all money paid into the fund in accordance with the provisions of this Part 1, and earnings from investments.

Sec. 1156. Transfer of Released Liability for Transferred Employees.

If any City function and System Members who perform that function are transferred to another public agency, and if the receiving public agency affords System Members the opportunity to secure retirement credit for their City service in that public agency's retirement system, then the Released Liability to this System for the transferred System Members who elect to transfer their accumulated contributions from this System to the retirement system of the receiving public agency shall be made available for payment on account of the required employer contribution for the retirement system of the receiving public agency. The Released Liability shall be made available in the manner specified in the ordinance authorizing the transfer of the City function but in no event shall the amount of money made available exceed the required employer contributions on account of those System Members who request the transfer of their accumulated contributions.

For the purpose of this section, the phrase Released Liability shall mean the City's share of the actuarially determined present value of benefits earned to the date of the transfer under the LACERS and shall be based upon the rates of withdrawal and other actuarial assumptions in effect on the date of the transfer and an assumed interest factor as determined by the Board of Administration which reflects, as closely as practicable, the interest rate at which member contributions and the City reserves were credited as provided in Section 1162 for the six-month period immediately preceding the date of the transfer.

Sec. 1158. Actuarial Standards.

(a) Reserve Basis. The Board of Administration shall adopt an actuarial report showing the cost of maintaining, upon a reserve basis, the System and Fund, and shall, at intervals of not to exceed five years, cause to be made an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries, and shall further cause to be made an actuarial valuation of the assets and liabilities of the Retirement Fund. The board shall keep in convenient form any data necessary for the actuarial valuation of the Retirement Fund established in Section 1154.

(b) Setting Actuarial Assumptions. Upon the basis of the investigation and valuation, the Board of Administration shall:

(1) adopt for the System an interest rate and mortality, service and other tables as deemed necessary by the board; and

(2) revise or change the rates of the City contributions on the basis of these mortality, service and other tables.

(c) Records. In addition to other records and accounts, the board shall keep any records and accounts necessary to show at any time:

(1) the total accumulated contributions of the Members, both individually and collectively;

(2) the total accumulated contributions of Retired Members, less the total annuity payments made to such retired members; and

(3) separately the amounts paid into the fund by the City on account of that part of the cost of the System to be borne by the City.

(d) Annual Report. The board shall prepare at the close of each fiscal year a financial statement showing the assets and liabilities of the Retirement System and Fund.

Sec. 1160. Budget.

(a) Transmittal of Budget. The board shall annually prepare and transmit to the Mayor and Controller a budget setting forth the estimated cost of maintaining the Retirement Fund. The budget shall include separate items as follows:

(1) City Contributions. A sum equal to a percentage of the salaries of all members of the retirement system, which percentage shall be the same as that shown in the last actuarial report rendered, as herein before provided to be the percentage required for members of departments with no past service.

(2) Liquidation of Unfunded Liabilities. A sum sufficient to liquidate, over a period of up to 30 years, any accrued unfunded liabilities assumed by the System.

(3) Administratively Expenses. At the discretion of the City Council, the administrative expenses of the System.

(b) General Obligation of the City. The obligation to pay benefits of LACERS shall be a general obligation of the City of Los Angeles.

Sec. 1162. Contribution of Members.

(a) Contribution Required. Each Member shall contribute to the System by salary deduction at the rate of contribution established by ordinance.

(b) Member Accounts. The Board of Administration shall maintain an individual account of the contributions made by or for each Member. Regular interest shall be credited to the individual accounts as of the last day of each month equal to the yield of the five year Treasury Note as determined by the board.

(c) Payroll Deduction. Each Member shall be deemed to consent and agree to each deduction made as provided for in this section and the payment of each payroll check to a Member shall be a full and complete discharge and acquittance of all claims and demands whatever for the services rendered by each Member during the period covered by the payroll, except any claims that the Member has to the benefits provided for in this Part 1.

(d) Refund of Contributions. The right of each and every Member to be paid his or her accumulated contributions in the event of any subsequent repeal of

this Part 1 is hereby declared to be a vested property right of each Member. Furthermore, the right of each and every Member to be paid his or her accumulated contributions upon his or her separation from the City service and the right of each and every beneficiary to be paid the Member's accumulated contributions upon the Member's death before retirement or his or her unused contributions upon the Member's death after retirement are hereby declared to be vested property rights of each Member or Beneficiary.

Sec. 1164. Employment by the City of a Retired Member of the System.

(a) Prohibition. No person who shall have been retired from the service and employment of the City pursuant to the provisions of this System shall thereafter be paid for any service rendered as an officer or employee of the City, except for service rendered as an election officer, as an officer elected by the electors of the City, or as a Retired Member of the Board of Administration.

(b) Exception for Temporary Service. The Mayor may, at the request of the appointing authority, authorize employment of a Retired Member to a vacant position in a class in which he or she has been employed or, subject to the civil service provisions of the Charter, in any other position, for a period not to exceed 90 days in any fiscal year when such Member's services are required for an emergency or to prevent a stoppage of public business or when his or her special skills are needed to perform work of a limited duration. While so employed, the Retired Member will continue to receive his or her retirement allowance as a Retired Member, but will make no further contribution to the System, and will not be subject to any change in benefits from the System as the result of the employment.

(c) Exception for Board Fees and Employment as Election Employee. Notwithstanding any other provision of this section, no Retired Member appointed to a board of commissioners established by the Charter or by ordinance, shall be barred by reason of retirement from receiving the attendance fee provided for the members of the board, nor shall any Retired Member be barred by reason of retirement from receiving compensation for serving not more than 120 days in any calendar year as a temporary election employee exempted from the classified civil service of the City pursuant to the provisions of Section 1001 of the Charter. No Retired Member receiving compensation described in this subsection shall be considered as an active member of this System for any purpose.

Sec. 1166. Authority to Administer Other Retirement Plans.

(a) Council Authorization. The Council may by ordinance adopted in accordance with Section 1168 authorize the Board of Administration to administer retirement plans for employees of the City who are not Members of the LACERS, or as a plan supplemental to any other pension or retirement plan established under the Charter or by ordinance. This plan or supplement shall be separate and distinct from LACERS and not subject to the definitions, conditions of entitlement or requirements applicable to LACERS.

(b) Fund. A separate fund administered by the Board of Administration of LACERS shall be created and established for the payment of administration expenses and benefits of any plan enacted under subsection (a). The source of funding for any such plan shall be determined by ordinance except that no assets of the LACERS Fund shall be available for such purpose. To the extent that the board is entrusted with investment responsibilities for such plans, the board shall be responsible for the investment of such funds in accordance with the standards that apply to the LACERS.

Sec. 1168. Establishment of Benefits by Ordinance.

(a) Procedure for Adoption of Benefits. Ordinances adopted pursuant to this section must be approved by not less than two-thirds of the Council, subject to the veto of the Mayor and override by Council by three-fourths of Council. No such ordinance may be finally adopted by the Council until the expiration of at least 30 days after its first presentation to the Council, nor until after a public hearing has been held.

(b) Limitation on Council Authority to Increase or Modify Benefits. The Council may, by an ordinance adopted pursuant to the requirements contained in subsection (a) modify or add to the benefits set forth in the Administrative Code or change conditions of entitlement. However, the Council may not increase or modify benefits if doing so would violate limitations imposed by federal or state law. As a further condition to the final adoption of benefit modifications, it shall be required that the Council be advised in writing by an enrolled actuary as to the cost of benefit increases.

Any ordinance adopted pursuant to this section shall go into effect upon publication, but the Council may provide that the terms of the ordinance, or portions of it, shall be operative at a later date or dates. Ordinances adopted pursuant to this section shall be codified in the Los Angeles Administrative Code.

An allowance which becomes effective after the publication of an ordinance adopted pursuant to this section but prior to the operative date shall be modified or increased only from and after the operative date of the providing ordinance.

Sec. 1170. Benefits Not Assignable.

The right of every Member and of every beneficiary to receive and be paid any money under any of the provisions of the LACERS is a right personal to the Member or Beneficiary which cannot be assigned to any other person, in any manner or for any purpose, the intent being that payments shall in all cases be made directly to the Member or Beneficiary.

PART 2
WATER AND POWER EMPLOYEES' RETIREMENT PLAN

Sec. 1180. Applicability of the Plan.

(a) Water and Power Department Employees and Beneficiaries. The Water and Power Employees' Retirement Plan (WPERP) created in Section 1102(b) of this Article shall be binding in its entirety upon all employees of the Water and Power Department and all beneficiaries of the Plan. All benefits under the

retirement, disability and death benefit features of the Plan shall be granted only upon the terms and conditions set forth in the Plan.

(b) Intermittent, Occasional and Temporary Employees. Under no circumstances shall persons employed by the Department of Water and Power to render services of an intermittent or occasional character be eligible for the benefits of the Plan. Any employee, who shall have been excluded from participation in the benefits of the Plan on account of his or her temporary employment status, shall be permitted to participate in the benefits upon the terms and conditions provided by the Plan.

Sec. 1182. Definitions.

For the purpose of this Part 2 concerning the Water and Power Employees' Retirement Plan, the following words and phrases shall have the meaning ascribed to them in this section unless a different meaning is clearly indicated by the context:

(a) Beneficiary: A person entitled to receive a benefit from the Plan.

(b) Member: An employee of the Department of Water and Power who meets the membership requirements of the Plan as further defined in Plan.

(c) Plan: The Water and Power Employees' Retirement Plan adopted by the Board of Administration pursuant to Section 1186.

(d) Retired Member: A member who has ceased employment with the Department of Water and Power and is receiving a regular monthly benefit payment from the Plan.

(e) System: The Water and Power Employees' Retirement Plan.

Sec. 1184. Retirement from Active Service.

(a) Normal Retirement. The normal retirement date for a Member shall be the first day of the calendar month which next follows the Member's 60th birthday. A Member shall be retired from the service of the Department of Water and Power on the person's normal retirement date or on the first day of any calendar month thereafter, upon his or her written application filed with the Board not less than 30 days prior to the date of retirement.

(b) Early Retirement. Any Member may be retired from the service of the Department of Water and Power prior to his or her normal retirement date upon his or her written application if the retirement is recommended by the general manager of the department and approved by the Board of Water and Power Commissioners in accordance with rules and regulations set forth in the Plan.

Sec. 1186. Amendment of Plan and Provision of Health and Welfare Benefits.

The provisions of the Plan may be amended from time to time to provide retirement, disability or death benefits upon the approval of the Board of Water and Power Commissioners and adoption by the Board of Administration. Prior to the adoption of any benefit change, a report from the Plan's actuary must be presented to both the Board of Administration and the Board of Water and Power Commissioners analyzing the cost impact of the proposed changes upon the Plan.

Sec. 1188. Water and Power Employees' Retirement Fund.

(a) Creation of Fund. The Water and Power Employees Retirement Fund, the Water and Power Employees Disability Fund, and the Water and Power Employees Death Benefit Fund are created.

(b) Member Contributions. All contributions of employees and the Department of Water and Power under the Plan shall be paid into the Water and Power Employees Retirement Fund. The board, as authorized in Section 1110, may segregate revenues, contributions, and expenses of the various benefit programs of the Plan including Retirement, Disability, and Death Benefits.

(c) General Obligation. The obligation to pay benefits of WPERP shall be a general obligation of the Department of Water and Power and any of its successors.

Sec. 1190. Actuarial Survey.

The Board of Administration of WPERP shall, at regular intervals not to exceed five years, secure a general survey and actuarial report of the Plan.

PART 3
FIRE AND POLICE PENSION PLANS

GENERAL PROVISIONS

Sec. 1200. Applicability.

Each Tier of Fire and Police Pension Plans shall be governed by the following:

(a) provisions specific to each Tier as set forth in this Article; and

(b) these General Provisions for the Fire and Police Pension Plans.

Sec. 1202. Definitions.

For the purposes of the Tiers of the Fire and Police Pension Plans set forth in this Part 3, the following words and phrases shall have the meaning ascribed to them in this section, unless a different meaning is clearly indicated by the context.

(a) City: The City of Los Angeles.

(b) Board: The Board of Fire and Police Pension Commissioners.

(c) Plan or System: The applicable Tier of the Fire and Police Pension Plans.

(d) Beneficiary: Person entitled to receive a benefit from any of the Plans.

(e) Department Member: A person who is a sworn Member of the Fire Department or a sworn Member of the Police Department.

(f) Retired Plan Member: A person who is a former Plan Member whose active duty status has been terminated and is receiving a regular monthly benefit payment from any Tier of the Fire and Police Pension Plans.

(g) Tier: Any one of the several plans administered by the Board within the Fire and Police Pension Plans.

(h) Outside Agency: Any governmental entity other than the Fire or Police Departments of the City of Los Angeles.

(i) Transferring Employees: Employees of an Outside Agency who become Department Members pursuant to a merger or contract for fire or police services authorized by action of the Council.

Sec. 1204. Consolidation of General Manager and Secretary.

The positions of general manager of the Fire and Police Pension Department and of secretary to the Board may be consolidated, in the discretion of the Board.

Sec. 1206. Persons Not Entitled to Fire and Police Pension.

A deputized, reserve or auxiliary police officer or firefighter hired by the City of Los Angeles to perform duties on a part-time basis shall:

(a) not be a Plan Member or System Member of any Tier for any purpose;

(b) not be entitled, and the surviving spouse or surviving minor or dependent children or dependent parent(s) shall not be entitled to payment of any benefit or pension provided by the Fire and Police Pension Plans; and

(c) not have any deductions made for pension purposes from any moneys earned or paid by the City.

Sec. 1208. Repeal of Limitations on Surviving Spouse Benefits.

After December 5, 1996, the survivor benefit of a Qualified Surviving Spouse under any Tier of the Fire and Police Pension Plan shall not be discontinued due to the subsequent remarriage of a Qualified Surviving Spouse.

Sec. 1210. Budget.

(a) Adoption of Annual Budget. The Board of Fire and Police Pension Commissioners shall adopt a budget each year setting forth the administration expense for each Tier of the Fire and Police Pension Plans. The budget shall be adopted at a meeting open to the public. At the discretion of the Council, administrative expense, which includes investment management expense, may be paid from the assets of the applicable Tier.

(b) Separate Items of Budget. The Board shall annually prepare and transmit to the Mayor, Council and Controller a budget setting forth the estimated cost of maintaining the Fire and Police Pension Plans. The budget shall include separate items as follows:

(1) Fire and Police Pension Plan—Tier 1.

(A) A sum equal to that percentage of the salaries of all Tier 1 Members shown in the last actuarial valuation to be required to cover the entry age cost to be paid by the City on account of new entrants into Tier 1. The entry age cost is defined as the level percentage of compensation of new Tier 1 entrants which must be paid into the Fire and Police General Pension Fund—Tier 1 from their date of entry in order to provide the benefits under the Plan, less the contributions to be made by new entrants during the period of their membership as provided in Section 1324.

(B) A sum equal to the dollar amount shown in the last actuarial valuation to be required to amortize the unfunded liabilities of Tier 1. The unfunded liabilities are the present value of all of the assumed obligations of Tier 1, less:

(i) the present value of the future contributions to be made by the City under the preceding subsection and by the members under Section 1324, and

(ii) the assets of the Fire and Police Tier 1 Service Pension Fund and of the Fire and Police Tier 1 General Pension Fund.

The amortization period shall be 70 years beginning with the fiscal year 1967–1968.

(C) A sum sufficient to cover the cost, as determined by an actuarial estimate, of benefits granted by the Council under the authority of Section 1330 of Tier 1.

(2) Fire and Police Pension Plan—Tier 2.

(A) A sum equal to that percentage of the salaries of all Tier 2 Members shown in the last actuarial valuation to be required to cover the entry age cost to be paid by the City on account of new System Member entrants into Tier 2. The entry age cost being defined as the level percentage of salary of Tier 2 entrants which must be paid into the Fire and Police Tier 2 General Pension Fund from their respective dates of entry in order to provide the benefits pursuant to this Plan, less the deductions to be made from the salaries of new entrants, while they are Tier 2 Members, as provided by Section 1420.

(B) A sum equal to that percentage of the aggregate salaries of all members of the Fire Department and of the Police Department who are included under the provisions of Tiers 1, 2 and 3 of this Article, as shown in the last actuarial valuation required to amortize the unfunded liabilities of Tier 2, which sum will remain level as a percentage of salary, but which will increase in dollar amount in accordance with the aggregate salary increase assumption. Unfunded liabilities are defined as the present value of all of the assumed obligations of the Plan less:

(i) the present value of the future contributions to be made by the City pursuant to the preceding subsection (2) (A);

(ii) the present value of the deductions to be made from the salaries of the Tier 2 Members; and

(iii) the assets of the Fire and Police Tier 2 Service Pension Fund and of the Fire and Police Tier 2 General Pension Fund.

The amortization period shall be 70 years beginning with the fiscal year 1967–68, except the Board shall assume that the unfunded liabilities of Tier 2 shall be $258,000,000 as of July 1, 1967.

(C) A sum sufficient to cover the cost as determined by actuarial estimate, of benefits granted by the Council under the authority of Section 1428 of this Tier 2.

(3) Fire and Police Pension Plan—Tier 3.

(A) A sum equal to that percentage of the salaries of all Tier 3 Members shown in the last actuarial valuation to be required to cover the entry age cost to be paid by the City on account of Tier 3 Member entrants into the Fire and Police Pension Plan—Tier 3. The entry age cost being defined as the level percentage of salary of new Tier 3 Member entrants which must be paid into the fund from their respective dates of entry in order to provide the benefits pursuant to the Tier 3 provisions, less the deductions to be made from the salaries of new entrants while they are Tier 3 Members.

(B) A sum equal to that percentage of salaries of all Tier 3 Members shown in the last actuarial valuation to be required to amortize the unfunded liabilities of the Fire and Police Pension Plan—Tier 3. The unfunded liabilities being defined as the present value of all the assumed obligations of the Fire and Police Pension Plan—Tier 3 less:

(i) the present value of the future contributions to be made by the City;

(ii) the present value of the deductions to be made from the salaries of the Tier 3 Members; and

(iii) the assets of the funds of the Fire and Police Pension Plan—Tier 3.

(C) A sum sufficient to cover the cost, as determined by an actuarial estimate, of benefits granted by the City Council by ordinance as authorized by Tier 3.

(4) Fire and Police Pension Plan—Tier 4.

(A) A sum equal to that percentage of the salaries of all Tier 4 Members shown in the last actuarial valuation to be required to cover the entry age cost to be paid by the City on account of Tier 4 Member entrants into the Fire and Police Pension Plan—Tier 4. The entry age cost is defined as the level percentage of salary of new Tier 4 Member entrants which must be paid into the fund from their respective dates of entry in order to provide the benefits pursuant to the Tier 4 provisions, less the deductions to be made from the salaries of new entrants while they are Tier 4 Members.

(B) A sum equal to that percentage of salaries of all Tier 4 Members shown in the last actuarial valuation to be required to amortize the unfunded liabilities of the Fire and Police Pension Plan—Tier 4. The unfunded liabilities being defined as the present value of all the assumed obligations of the Fire and Police Pension Plan—Tier 4 less:

(i) the present value of the future contributions to be made by the City;

(ii) the present value of the deductions to be made from the salaries of the Tier 4 Members; and

(iii) the assets of the funds of the Fire and Police Pension Plan—Tier 4.

(C) A sum sufficient to cover the cost, as determined by an actuarial estimate, of benefits granted by the Council by ordinance as authorized by Tier 4.

(c) General Obligation of the City. For the purpose of providing funds to meet the budget of all the Fire and Police Pension Plans, the Council annually shall provide from revenues available to it, funds sufficient to provide the total amount of all items in the budget submitted by the board.

Sec. 1212. Effect of Receipt of Workers' Compensation.

(a) Definition. For the purposes of this section, "compensation" is defined as every payment provided for by any general law granting benefits for injury, sickness or death caused by or arising out of employment, and also includes payments made to satisfy any claim for damages to the extent that the payments relieve the obligation to pay compensation under that general law.

(b) Coordination of Pension Benefits. If, pursuant to general law, an award of compensation is made or compensation is paid on account of injury, sickness

or death caused by or arising out of employment as a Department Member, then the total amount of any disability or survivor pension granted pursuant to any Tier of the Fire and Police Pension Plans shall be reduced by the total amount of the awarded compensation and the amount remaining after reduction shall be the pension granted.

(c) Payment Procedure. If the reduction provided in subsection (b) of this section is applicable to a pension:

(1) Applied First to Compensation Award. Any pension payments made under any Tier of the Fire and Police Pension Plans shall be deemed to be, and shall be, payments of the compensation award and shall be first applied as payments of the compensation award. Any pension payments not applied as satisfaction of the compensation award shall be deemed to be, and shall be, applied as payments of the pension granted.

(2) Payments Made to the Extent They Exceed Award. Pension payments shall be made only to the extent that the cumulative sum of the payments of disability or survivor pension provided in any Tier exceed the cumulative sum of the compensation award.

(3) Limit on Installment Basis. Compensation awards may be deducted on an installment basis if no installment is less than 25% of any monthly pension amount payable to the Retired Plan Member.

(d) Service Pensions Not Affected. The reduction provided in subsection (b) of this section shall not apply to any service pension granted under any Tier of the Fire and Police Pension Plans. Nor shall any pension be reduced by any compensation which shall be awarded or paid to any Retired Plan Member receiving a service pension under any Tier of the Fire and Police Pension Plans or to any Plan Member who shall die while eligible to retire. Any deductions made from the salary of any Plan Member and deposited to the credit of any Tier of the Fire and Police Pension Plans shall be applied solely to the cost of service pensions granted under that Tier and never shall cover, directly or indirectly, the cost of any compensation award.

Sec. 1214. Domestic Partner Benefits.

(a) Council Authority. The Council may by ordinance provide survivor benefits for domestic partners of members of Tiers 2, 3 and 4 of the Fire and Police Pension Plans, subject to any conditions of entitlement set forth in any ordinance adopted in accordance with the provisions of this section. The authority granted in this section shall include the authority to expand the definition of "qualified surviving spouse" for purposes of the Fire and Police Pension Plans to include a domestic partner.

(b) Mode of Adoption. Ordinances adopted under this section "shall be adopted in the same manner as provided in Section 1618(b), but Council shall be advised in writing by an enrolled actuary as to the cost of the proposed benefits.

Sec. 1216. Pension Benefits in Connection with Mergers and Contracts for Fire and Police Services.

(a) Council Authority. The Council may by ordinance establish pension benefits for persons who leave the employment of an Outside Agency to become Department Members of the Fire or Police Department pursuant to a merger or contract for fire or police services which is authorized by action of the Council. Except as limited in subsection (c), Council shall have broad authority to enact ordinances necessary for the provision and funding of pension benefits for Transferring Employees.

(b) Examples of Council Authority. The broad authority granted to Council includes, but is not limited to:

(1) Different Benefits Allowed. The authority to provide Transferring Employees with benefits other than those provided in the Fire and Police Pension Plans, whether by contracting for coverage with a non-City pension plan, by providing for alternative benefits to be administered by the Board or by other means as the Council shall determine;

(2) Transfer of Assets and Liabilities. The authority to provide for the transfer of pension assets and liabilities in connection with mergers and contracts.

Should it be necessary for the City to assume responsibility for the provision of pension benefits to persons other than the Transferring Employees in order to facilitate a merger or contract, then the Council's authority shall include the authority to provide benefits to these other persons if the future annual costs attributable to the provision of these benefits is clearly identified in the actuary's report and any ordinance providing these benefits must prescribe a mechanism for funding the cost of these benefits. The funding mechanism may include, but is not limited to, the transfer of assets from another pension plan and/or reimbursements from the Outside Agency.

(c) Limitation Upon Council Authority. The authority given to the Council to establish pension benefits herein is specifically limited as follows:

(1) No City Service Credit. The Council may not provide service credit to a Transferring Employee for service performed prior to becoming a Department Member if the Transferring Employee is receiving or will be entitled in the future to receive pension benefits from another pension plan based upon prior service.

(2) Funding of Costs of Service Credit Granted. Any ordinance adopted pursuant to this section which provides for a Transferring Employee to receive service credit for prior service must prescribe a mechanism for funding the costs attributable to this prior service which may include, but is not limited to, the transfer of assets from another pension plan and/or reimbursements of costs from the Outside Agency.

(d) Mode of Adoption. Ordinances adopted under this section shall be adopted in the same manner as provided in Section 1618(b), but Council shall be advised in writing by an enrolled actuary as to the cost of the proposed benefits.

FIRE AND POLICE PENSION PLANS—TIER 1
(formerly Article XVII)

Sec. 1300. Tier 1 Members.

A Plan Member hired on or before January 28, 1967, shall be a Fire and Police Pension Plan—Tier 1 Member.

Sec. 1302. Definitions.

In addition to the words and phrases defined in the Fire and Police Pension Plans General Provisions in Part 3 and for the purposes of this Tier 1, the following words and phrases shall have the meaning ascribed to them in this section, unless a different meaning is clearly indicated by the context.

(a) Member of Fire or Police Department. A "Member of the Fire Department" shall consist of all persons duly and regularly appointed in the Fire Department under civil service rules and regulations to perform the duties of a regular firefighter in the City of Los Angeles, under whatever designation they may be described in any salary or departmental ordinance providing compensation for the Fire Department; and a "Member of the Police Department" shall consist of all members of the Police Department appointed under civil service rules and regulations and sworn in, as provided by law, to perform the duties of a regular police officer of the City of Los Angeles, under whatever designation that they may be described in any salary or departmental ordinance providing compensation for the members of the Police Department. The provisions of Tier 1 shall apply to all members of the Fire and Police Departments as defined in this Tier 1, and to all members of these departments who have been granted pensions pursuant to this Tier 1.

(b) Eligible Widow. An "eligible widow" means the widow of a deceased member of the Fire Department or the Police Department who, as such, is entitled to a pension.

On or before December 5, 1996 any eligible widow, who remarried and thereby ceased to be an eligible widow, shall be reinstated as an eligible widow as of the latest of:

(1) the date upon which a judgment or decree did or shall become final dissolving the marriage upon any ground or declaring a void or voidable marriage to have been null and void or voided, if the date was or shall be within 5 years from the date of the marriage ceremony;

(2) the date upon which the marriage was or shall be dissolved by the death of the other party if the date was or shall be within 5 years from the date of the marriage ceremony; or

(3) the date upon which this section shall become effective, but if either of the events mentioned in (1) or (2) had occurred prior thereto, it had occurred within 5 years from the date of the marriage ceremony.

A reinstated eligible widow shall be entitled to the reinstatement of her pension effective as of the latest of such dates, whichever shall be applicable, but shall not be entitled to the payment of any pension for the period prior to such applicable date and subsequent to the date of the marriage ceremony. The pension paid to

any other person during or for the period of the marriage or purported marriage of such reinstated eligible widow or during or for any period after the dissolution thereof shall cease when her pension shall be reinstated. However, should such reinstated eligible widow thereafter be a party to another marriage ceremony her pension as such shall cease and never again shall be reinstated regardless of whether such marriage ceremony shall result in a valid marriage or in a voidable or void marriage and whether or not the same legally shall be terminated. The pension which shall become payable to any reinstated eligible widow shall commence in the same monthly amount which then would have been payable if she never had ceased to be an eligible widow and thereafter it shall be adjusted as otherwise provided in Section 1328 relating to Cost of Living Adjustments.

The provisions of Sections 1314 and 1316 relating to Service and Nonservice Connected Survivor Pensions hereafter shall be construed and applied in accordance with the provisions of this subsection.

(c) Dependent Child. A "dependent child" means a person, but not including a person who is an illegitimate child of a deceased member of the Fire Department or the Police Department who had not been legitimated by such member, who is a legitimate child, a legitimated child or an adopted child of such member, and who had not been adopted by a person of the same gender as such member prior to the date of his death, who is not married and who, while under the age of 21 years, had become disabled, either prior or subsequent to the date of death of such member, from earning a livelihood for any cause or reason whatsoever, other than by reason of his own moral turpitude or as a result thereof. Such person shall be a dependent child only until he:

(1) shall be adopted by a person of the same gender as such member or shall marry, whichever shall be the earlier, regardless of his age at the time of the occurrence of either such event and whether or not he then is disabled from earning a livelihood;

(2) shall attain the age of 18 years if neither of the events mentioned in (1) had occurred prior thereto and if, at that time, he is not disabled from earning a livelihood; or

(3) shall cease to be disabled from earning a livelihood if none of the events mentioned in (1) or (2) had occurred prior thereto.

The Board shall have the power to determine whether or not a child of a deceased member is a Dependent Child and to determine, from time to time, the fact of whether or not a child who had been determined by it to be a Dependent Child continues to be a Dependent Child.

The provisions of Section 1314 and 1316 relating to Service and Nonservice Connected Survivor Pensions hereafter shall be construed and applied in accordance with the provisions of this subsection.

(d) Assignment Pay. "Assignment Pay" means any additional gross monthly pay or 1/12 of any additional gross annual pay which, by reason of assignment to perform special duties or hazardous duties, in a higher class, position, grade, code

or other title than the lowest thereof within the member's rank, shall be provided therefor by ordinance, upon the conditions therein set forth, as of the date of the termination of such member's status as a member of the Fire Department or the Police Department.

Any such assignment pay shall not be considered as "the highest salary (exclusive of any amount payable by reason of assignment to special duty) attached to the rank of policeman or fireman" for the purposes of either Section 1312 or Section 1316 relating to Nonservice Connected Disability and Survivor Pensions. Any such assignment pay hereafter shall be included in "the average monthly rate of salary assigned to the ranks or positions held by such member" in the case of a member who shall retire upon a service pension or in the case of a member who shall die while eligible for a service pension if he had received the same immediately preceding the date of his retirement or death or upon the last day he had performed duties as a member of the Fire Department or the Police Department or, if he had not received the same at either such time but had received such pay at some time prior thereto, 10% of the assignment pay which he had received at the time of the termination of his last assignment to such duties for each year in the aggregate of his assignment to such duties not exceeding, however, 10 years in the aggregate.

The provisions of Section 1304 relating to Service Pensions, Section 1306 (a)(4)(M) relating to Return or Recall to Active Duty, and Section 1314 relating to Service Connected Survivor Pensions hereafter shall be construed and applied in accordance with the provisions of this subsection.

(e) Partial Year of Service. "Partial Year of Service" means any period of less than 12 months for which the member, if it had been a complete year, would have been entitled to credit toward retirement.

In the case of any member who had become such on or subsequent to January 17, 1927, any such partial year of service shall be calculated from the end of the member's last completed year of service to the end of the payroll period immediately prior to the date of his retirement and shall be counted as part of his years of service for his retirement upon a service pension hereafter granted or for a pension hereafter granted to his widow, minor child or children, dependent child or children or dependent parent or parents if he hereafter shall die while eligible for a service pension prior to having served 25 years in the aggregate.

Any such partial year of service, in case of a member who shall have had less than 25 years of service, shall be credited in the same ratio of 2% of the average monthly rate of salary assigned to the ranks or positions held by him immediately preceding the date of his retirement or death as such partial year shall bear to a complete year and, in the case of a member who shall have had 25 years of service or more, shall be credited in the same ratio 1 2/3% of such average rate of salary as such partial year shall bear to a complete year.

The provisions of Section 1304 relating to Service Pensions, Section 1306 (a)(4)(M) relating to Return or Recall to Duty, and Section 1314 relating to Service

Connected Survivor Pensions hereafter shall be construed and applied in accordance with the provisions of this section.

Sec. 1304. Service Pension.

Any member of the Fire or Police Department who shall have served in such department for 20 years or more in the aggregate in any capacity or rank whatever, on his request, or by order of the Board, if it be deemed for the good of the department, shall be retired from further service in such department, and such member shall thereafter, during his lifetime, be paid in equal monthly installments a pension as follows:

(a) Twenty Years Service: For 20 years aggregate service, 40% of the average monthly rate of salary assigned to the ranks or positions held by the member during the three years immediately preceding the date of his retirement;

(b) Twenty up to Twenty-Five Years Service: And an additional 2% of the average rate of salary for each year over 20 and less than 25 years in the aggregate served by the member before retirement;

(c) Twenty-Five Years Service: For 25 years aggregate service, 50% of the average monthly rate of salary assigned to the ranks or positions held by the member during the three years immediately preceding the date of his retirement;

(d) Twenty-Five up to Thirty-Five Years Service: And an additional 1 2/3% of the average rate of salary for each year over 25 and less than 35 years in the aggregate served by the member before retirement;

(e) Thirty-Five or More Years Service: For 35 years or more aggregate service, two-thirds of the average monthly rate of salary assigned to the ranks or positions held by the member during the three years immediately preceding the date of his retirement.

(f) Hires Prior to January 17, 1927 with Thirty Years Service: Any member of the Fire or Police Department who shall have become a member of such department prior to January 17, 1927, who shall have served in such department for 30 years in the aggregate in any capacity or rank whatever, shall, on his request, or by order of the Board, if it be deemed for the good of the department, be retired from further service in such department, and he shall thereafter, during his lifetime, be paid in equal monthly installments a pension equal to two-thirds of the average monthly rate of salary assigned to the ranks or positions held by such member during the three years immediately preceding the date of his retirement.

(g) Hires Prior to January 17, 1927 with Twenty Years Service: After 20 years aggregate service, on request of a member who shall have become a member of such department prior to January 17, 1927, or by the Board for the good of the department, such member shall be retired and paid in equal monthly installments a limited pension as follows:

(1) Twenty Years Service. For 20 years aggregate service, 50% of the average monthly rate of salary assigned to the ranks or positions held by the member during the three years immediately preceding the date of his retirement;

(2) Twenty up to Thirty Years Service. An additional 1 2/3% of the average rate of salary for each year over 20 years and less than 30 years in the aggregate served by the member before retirement.

In computing the aggregate period of service of a member of the Fire or Police Department for the purposes of this section, there shall be included the period or periods of time, if any, while the member was on disability retirement pursuant to the provisions of Sections 1310 or 1312 relating to Service and Nonservice Connected Disability Pensions of this Charter.

The provisions of this section are subject to the further conditions set forth in Section 1308 relating to the Maximum Tier 1 Pensions of this Charter.

Sec. 1306. Return or Recall to Active Duty.

(a) Return to Active Duty.

(1) Conditions for Return to Active Duty. A retired member, whenever retired, may file, with the Chief of the department from which he retired, a written application to be returned to active duty therein only upon the conditions:

(A) Service Retirement and Former Rank. That his original retirement had been pursuant to Section 1304 relating to Service Pensions and had been from the Fire Department while holding a rank no higher than Engineer or from the Police Department while holding a rank no higher than Sergeant; and

(B) Time Since Original Retirement and Age. That, as of the filing date of the application, the period of his original retirement had been no longer than three years and he shall be under the age of 55 years; and

(C) Medical Exam. That he satisfactorily had passed, a medical examination not more than 30 days prior to the effective date of his original retirement, but the Chief, if the effective date thereof had been prior to May 2, 1969, may waive the condition contained in this subsection.

(2) Subsequent Conditions for Return to Active Duty. The Chief may approve any application only upon the conditions that, after the filing date thereof, the retired member:

(A) Medical Exam. Had passed a medical examination from which it had been determined that he would be capable of performing the duties which would be assigned to him if he were to be returned to active duty, if the determination had been approved or concurred in by the Board; and

(B) Certification. Had certified, in writing, that he had read and understands the provisions of this section and Section 1404 relating to Requests of Reactivated Members of Tier 1 to Become Tier 2 System Member.

(3) Return to Rank at Original Retirement. The Chief, if he were to approve the application, may return the retired member to active duty only in or to a vacant position in the rank held by him at the effective date of his original retirement.

(4) Status of a Reactivated Member of Tier 1. A retired member, if he were to be returned to active duty, thereafter shall be known as a "reactivated member" and, as such:

(A) Privilege, Not An Appointment. His return to active duty shall be a privilege only and not an appointment as a Department Member as provided by

Section 1400 relating to Plan Members for the purposes of Tier 2, he shall be on probation for one year from and after the effective date thereof regardless of any other provision of law contained in the Charter or otherwise, and the Chief may terminate his service at any time during such year;

(B) Original Pension Terminated. His pension, granted by reason of his original retirement, shall be terminated by the Board as of the effective date of his return to active duty;

(C) Method of Calculating Years of Service. His service after the effective date of his return to active duty, for the purposes of this Tier 1 and regardless of any other provision of law contained in the Charter or otherwise, shall consist of only

(i) the days for which he shall be paid for performing his assigned duties;

(ii) his days of vacation with pay; and

(iii) his regular days off duty with pay, and one year of such service shall consist of a total of 365 such days;

(D) Years of Service for Purposes of Civil Service and Related Purposes. His aggregate years of service, for the purposes of his eligibility to advancement in accordance with civil service rules and regulations and the payment of his salary and longevity pay or merit pay, shall consist of only his years of service prior to the effective date of his original retirement and his service after the effective date of his return to active duty;

(E) Years of Service for Purposes of Tier 1. His aggregate years of service, for the purposes of this Tier 1 and regardless of any other provision of law contained in the Charter or otherwise, shall consist of only his years of service prior to the effective date of his original retirement and his service subsequent to the effective date of his return to active duty. Such service shall be for not less than one year as defined in subsection (a)(4)(C) of this section;

(F) Salary, Longevity, & Merit Pay. He shall be assumed to have a satisfactory standard of service and shall be paid the salary provided for his rank and the longevity pay or merit pay provided for his aggregate years of service as defined in subsection (a)(4)(E) of this section, subject, however, to all provisions applicable to the termination of payment of longevity pay or merit pay;

(G) Payroll Deduction. He shall have deductions made for pension purposes, pursuant to Section 1324 relating to Member Contributions—Tier 1, from his salary and longevity pay or merit pay;

(H) Prohibition of Nonservice Connected Pensions. He never shall be entitled to a subsequent retirement pursuant to Section 1312 relating to Nonservice Connected Disability Pensions and his widow, his minor child or children (hereafter referred to in this subsection as "his child") or his dependent parent or parents (hereafter referred to in this subsection as "his parent") never shall be granted a pension pursuant to Section 1316 relating to Nonservice Connected Survivor Pensions;

(I) Allowance of Service Connected Pensions. He shall be entitled to a subsequent retirement pursuant to Section 1310 relating to Service Connected Disability Pensions if he were to become eligible therefor and upon his death, if he theretofore had had such a subsequent retirement, a pension shall be granted pursuant to applicable provisions of Section 1314 relating to Service Connected Survivor Pensions to his widow, (if she shall have been married to him for at least one year prior to the effective date of his original retirement or for at least one year after the effective date of his return to active duty and prior to the effective date of his subsequent retirement), or to his child or to his parent;

(J) Allowance of Service Related Survivor Pension. His widow or his child or his parent, if he were to die while a reactivated member from any cause arising out of or from the performance of his duties, shall be granted a pension pursuant to applicable provisions of Section 1314 relating to Service Connected Survivor Pensions;

(K) Allowance of Survivor Pension Upon Death of Reactivated Member. His widow, (if she shall have been married to him for at least one year prior to the effective date of his original retirement or for at least one year after the effective date of his return to active duty and prior to the date of his death), or his child or his parent, if he were to die while a reactivated member from any cause other than a cause arising out of or from the performance of his duties, shall be granted the same pension she would have received pursuant to applicable provisions of Section 1314 relating to Service Connected Survivor Pensions;

(L) Reinstatement of Original Pension. His pension, granted by reason of his original retirement, if his service were to be terminated during the one year from and after the effective date of his return to active duty for any reason other than by reason of his subsequent retirement pursuant to Section 1310 relating to Service Connected Disability Pensions, shall be reinstated by the Board, as of the effective date of the termination of his service, at the amount of pension which then would have been payable to him if he had not returned to active duty and, upon his death, the pension which shall be granted pursuant to Section 1314 relating to Service Connected Survivor Pensions to his widow (if she shall have been married to him for at least one year prior to the effective date of his original retirement), or to his child or to his parent, shall be calculated upon the salary upon which his pension had been calculated as of the effective date of his original retirement; and

(M) Retirement as Reactivated Member. He shall be entitled to a subsequent retirement pursuant to Section 1304 relating to Service Pensions, based upon his aggregate years of service as defined in subsection (a)(4)(E) and his pension shall be calculated upon a sum equal to the salary upon which his pension had been calculated as of the effective date of his original retirement (hereinafter referred to as "such salary"), plus a percentage of the difference between such salary and his salary as of the effective date of his subsequent retirement, for his years of

service subsequent to the effective date of his return to active duty as defined in subsection (a)(4)(C), so that such sum shall be:

(i) such salary plus 20% of such difference for one such year,

(ii) such salary plus 40% of such difference for two such years,

(iii) such salary plus 60% of such difference for three such years,

(iv) such salary plus 80% of such difference for four such years and

(v) such salary plus 100% of such difference for five or more such years or the equivalent of his salary as of the effective date of his subsequent retirement and upon his death, if he previously had had such a subsequent retirement,

the pension which shall be granted pursuant to Section 1314 relating to Service Connected Survivor Pensions to his widow, (if she shall have been married to him for at least one year prior to the effective date of his original retirement or for at least one year after the effective date of his return to active duty and prior to the effective date of his subsequent retirement), or to his child or to his parent, shall be calculated upon the sum upon which his pension had been calculated as of the effective date of his subsequent retirement.

(5) Applicability of Tiers 1 & 2 to Reactivated Members. The provisions of this Tier 1 and of Section 1400 of Tier 2 hereafter shall be construed and applied, as to a reactivated member, his widow, his child and his parent, in accordance with respectively applicable provisions of subsection (a)(4) of this section.

(b) Recall to Active Duty.

(1) Rules for Recall to Active Duty. The Chief shall promulgate rules and set standards as he may deem to be necessary or desirable with respect to recalling a retired member to active duty.

(2) Conditions for Recall to Active Duty. A retired member, whenever retired, shall be eligible to be recalled to active duty in the department from which he retired only upon the conditions:

(A) Service Retirement and Former Rank. That his original retirement has been pursuant to Section 1304 relating to Service Pensions and had been from the Fire Department while holding a rank lower than Fire Chief or from the Police Department while holding a rank lower than Chief of Police;

(B) Certification. That he had certified, in writing, that he had read and understands the provisions of this section; and

(C) Consent to Recall. That he voluntarily had consented to be recalled to active duty.

(3) Limitations on Recall. The Chief may recall a retired member to active duty:

(A) Rank at Retirement. Only in or to a vacant position in the rank held by him at the effective date of his original retirement;

(B) 90 day Limit. For not to exceed 90 days in any one calendar year; and

(C) Status Defined in this Section. The salary, benefits and other terms and conditions of employment of any recalled member shall be as provided under subsections (b)(5) and (b)(6) of this section.

(4) No Recall of Police Exceeding 12 Months Without Loss of Pension. Recall of retired members of the Police Department may be approved for a period in excess of 90 days but not for more than 12 consecutive months, without loss of pension, in which case the salary, benefits and other terms and conditions of employment for recalled police officers shall be established by ordinance.

(5) Status of Recalled Member. A retired member, if he were to be recalled to active duty, thereafter shall be known as a "recalled member" and, as such:

(A) Privilege Only. His recall to active duty shall be a privilege only and the Chief may terminate his service at any time;

(B) Existing Pension Continues. His pension shall be paid during the period of his recall to active duty;

(C) Salary Amount. He shall be paid the salary provided for his rank and the longevity pay or merit pay provided for his aggregate years of service prior to the effective date of his original retirement;

(D) No Contributions Deducted. He shall have no deductions made for pension purposes, pursuant to Section 1324 relating to Member Contributions—Tier 1, from his salary and longevity pay or merit pay; and

(E) No Survivor Pension for Recalled Service. He, his widow, his minor child or children or his dependent parent or parents never shall be entitled to any pension benefits provided by Tier 1 or Tier 2 by reason of his service as a recalled member.

(6) Tier 1 Construed with Recalled Members Rules. The provisions of this Tier 1 hereafter shall be construed and applied, as to a recalled member, his widow, his minor child or children and his dependent parent or parents, in accordance with applicable provisions of subsection (b)(5) of this section.

Sec. 1308. Maximum Tier 1 Pension.

The limitations of the amount of maximum pension payable pursuant to Section 1304 relating to Service Pensions of Tier 1 shall apply uniformly to all members of the Fire and Police Departments.

Sec. 1310. Disability Pension—Service Connected.

(a) Service Connected Disability Pension. Whenever any member of the Fire or Police Department shall become so physically or mentally disabled by reason of bodily injuries received in, or by reason of sickness caused by the discharge of his duties in such department as to necessitate his retirement from active service, the Board shall order and direct that the member be retired from further service in such department; and thereafter the member so retired shall, during his lifetime, be paid a pension in an amount to be determined by the Board. The pension shall be equal to not less than 50%, nor more than 90%, of the salary attached to the rank or position held by him in such department at the date of the retirement order. The pension shall be paid in equal monthly installments.

(b) Termination of Disability Pension. Any pension granted to any member of the Fire or Police Department for disability or sickness, as provided for in this section, shall cease when the disability or sickness ceases and such member

shall, subject to civil service and other provisions of the Charter governing the appointment of City employees, have been restored to active duty in such department of which such person was a member at the time of disability retirement to the same rank or position he previously held.

(c) Board Investigation and Findings. The Board of Pension Commissioners shall have the power to hear and determine all matters pertaining to the granting and termination of any pension award as provided for in this section. The Board shall make its findings in writing, based upon the report of at least three regularly licensed, practicing physicians, and such other evidence concerning the disability as it may have before it. The Board shall determine the degree of disability and the determination shall govern the amount of pension to be awarded to the disabled member.

(d) Petition for Reconsideration. Upon the written request of any such retired member, or upon its own motion, the Board shall have the power, at any time prior to the restoration of the retired member to active service, to consider new evidence pertaining to the case of the retired member and to increase or decrease the amount of pension award to be thereafter paid.

Sec. 1312. Disability Pension—Nonservice Connected.

(a) Nonservice Connected Disability Pension. Any member of the Fire or Police Department who shall have served in such department for five years or more in the aggregate from the date of his last appointment to such department and who has become physically or mentally incapacitated by reason of injuries or sickness other than injuries received or sickness caused by the discharge of his duties in such department, and who is incapable as a result thereof from performing his duties, shall be retired upon written application of such person or of any person acting in his behalf or of the head of the department in which the member is employed.

(b) Board Investigation and Pension Amount. The Board shall cause the member to be examined by and a written report thereon rendered by three regularly licensed, practicing physicians selected by the Board, and shall hear such other evidence relating to such disability of such member as may be presented to the Board. If, upon considering the report of such physicians and such other evidence as shall have been presented to it, the Board finds that the member has become physically or mentally incapacitated by reason of the injuries or sickness other than injuries received or sickness caused by the discharge of the duties of the member in such department, and he is incapable as a result thereof of performing his duties, and if the Board finds that such disability was not due to or caused by the moral turpitude of the member, he shall be retired from further service in such department, and thereafter the member so retired shall, during his lifetime, be paid a pension in an amount equal to 40% of the highest salary (exclusive of any amount payable by reason of assignment to special duty) attached to the rank of policeman or fireman at the date of the retirement order. The pension shall be paid in equal monthly installments.

(c) Termination of Disability Pension. Any pension granted to any member of the Fire or Police Department for disability or sickness as provided in this section shall cease when the disability or sickness ceases, and such member shall, subject to civil service and other provisions of the Charter governing the appointment of City employees, have been restored to active duty in such department of which such person was a member at the time of disability retirement to the same rank or position he previously held. The Board of Pension Commissioners shall have the power to hear and determine all matters pertaining to the granting and termination of any pension award as provided for in this section.

(d) Applicability of Section. This section shall be applicable only where a member is not entitled to a disability pension under the provisions of Section 1310 relating to Service Connected Disability Pensions.

Sec. 1314. Survivor Pension—Service Connected Member's Death.

(a) Service Connected Survivor Pension. Whenever any member of the Fire or Police Department shall die as a result of any injury received during the performance of his duty, or from sickness caused by the discharge of such duty, or after retirement, or while eligible to retire from such department on account of years of service, then an annual pension shall be paid in equal monthly installments to his widow, or child or children, or dependent parent or parents, in an amount equal to one-half of the average monthly rate of salary assigned to the ranks or positions held by such member during the three years immediately preceding the time of his death or the date of his retirement from active duty in such department.

(b) Persons Entitled to Pension. The pension described in subsection (a) shall be paid to the widow during her lifetime, and thereafter the same pension amount shall be paid in equal monthly installments, to the legally appointed guardian of the child or children of such deceased member until such child or children shall have attained the age of 18 years, or to his child or children should there be no widow until such child or children shall have attained the age of 18 years, or to his dependent parent or parents during their lifetime or during such dependence, should there be no widow or child.

(c) Additional Amounts for Children. During the lifetime of such widow an additional amount shall be paid to such widow for each child during the lifetime of such child, or until such child shall have married or reached the age of 18 years, as follows:

(1) For one child: twenty-five percent (25%) of the pension in subsection (a);

(2) For two children: forty percent (40%) of such pension; and

(3) For three or more children: fifty percent (50%) of such pension.

(d) Pension Entitlement or Termination. No widow of a pensioner shall be entitled to a pension unless she shall have been married to such deceased pensioner at least one year prior to the date of his retirement. No widow of a member of the Fire or Police Department eligible for retirement from such department, who dies from causes other than those arising out of or from the performance of his duties, shall be entitled to a pension unless she shall have been married to such deceased member for at least one year prior to the date of his death. If such

child or children shall marry, then the pension paid to the person so marrying shall cease. Should the dependency of such parent or parents terminate, then the pension paid to such dependent parent or parents shall cease.

(e) Limitation on Certain Pensions. The pension payable hereunder to the widow, child or children or dependent parent or parents of a member of the Fire or Police Department who became a member of such department on or after January 17, 1927, who, after retirement on account of years of service, but having served less than 25 years in the aggregate prior to the time of such retirement, or who, while eligible to retire from such department on account of years of service, but prior to having served 25 years in the aggregate shall die from causes other than those arising out of or from the performance of his duties, shall not exceed the amount of the pension which such retired member was receiving at the time of his death or which such member eligible for retirement would have been eligible to receive at the date of his death under the provisions of Sections 1304 relating to Service Pensions and 1308 relating to Maximum Tier 1 Pensions of this Charter, and the additional amount payable to such widow on account of children pursuant to the provisions of this section shall be the applicable percentage hereinabove set forth of a pension in such maximum amount.

Sec. 1316. Survivor Pension—Nonservice Connected Member's Death.

(a) Nonservice Connected Survivor Pension. Whenever any member of the Fire or Police Department (other than a member retired on account of years of service or a member eligible to retire on account of years of service, but including a member retired on account of disability pursuant to the provisions of Section 1312 of this Tier 1) who shall have served in such department for five years or more in the aggregate from the date of his last appointment to such department, shall die from causes other than those arising out of or from the performance of his duties, then an annual pension shall be paid in equal monthly installments to his widow, or child or children, or dependent parent or parents, in an amount equal to 40% of the highest salary (exclusive of any amount payable by reason of assignment to special duty) attached to the rank of police officer or fire fighter at the date of such member's death.

(b) Persons Entitled to Pension. The pension described in subsection (a) shall be paid to the widow during her lifetime and thereafter a pension in the same amount shall be paid in equal monthly installments to the legally appointed guardian of the child or children of such deceased member until such child or children shall have attained the age of 18 years, or to his child or children should there be no widow until such child or children shall have attained the age of 18 years, or to his dependent parent or parents during their lifetime or during such dependence, should there be no widow or child. During the lifetime of such widow an additional amount shall be paid to such widow for each child during the lifetime of such child, or until such child shall have married or reached the age of 18 years, as follows:

(1) For one child: 25% of the pension allowed in subsection (a);

(2) For two children: 40% of such pension; and

(3) For three or more children: 50% of such pension.

(c) Limitation on Widow Pensions. No widow shall be entitled to a pension pursuant to the provisions of this section unless she shall have been married to such deceased member for at least one year prior to the date of his death. No widow of a member who shall die while on disability retirement pursuant to the provisions of Section 1312 relating to Nonservice Connected Disability Pensions of the Charter shall be entitled to a pension pursuant to the provisions of this section unless she shall have been married to such deceased member for at least one year prior to the date of his retirement.

Sec. 1318. Election of Pension.

(a) Election. Upon the death of a retired member retired pursuant to Section 1312 relating to Nonservice Connected Disability Pensions, any person entitled to a pension pursuant to Section 1316 relating to Nonservice Connected Survivor Pensions must make and file with the Board a written election to have the amount thereof calculated either upon the salary specified in Section 1316 relating to Nonservice Connected Survivor Pensions or upon the salary specified in Section 1312 relating to Nonservice Connected Disability Pensions and the Board shall grant the pension in accordance therewith.

(b) Election for Incompetent Person or Minor Child. Any such election, on behalf of any incompetent person or on behalf of a minor child of such member, must be made by the guardian of his estate and shall be either authorized or approved by a court order, a certified copy of which shall be filed with the Board. Section 1316 relating to Nonservice Connected Survivor Pensions hereafter shall be construed and applied in accordance with this section.

Sec. 1320. Tier 1 Pension Funds.

(a) Creation of Funds. Two entirely separate and distinct funds hereby are created and established for the payment of pension benefits pursuant to this Tier 1 and certain other benefits as may be authorized from time to time pursuant to the enabling provisions of Section 1330 of Tier 1, one of which shall be known as the "Fire and Police Tier 1 Service Pension Fund" and the other of which shall be known as the "Fire and Police Tier 1 General Pension Fund."

(b) Fire and Police Tier 1 Service Pension Fund. The Fire and Police Tier 1 Service Pension Fund shall consist of:

(1) contributions made, pursuant to Section 1324 concerning Member Contributions, from the salaries of members of the Fire Department and of the Police Department; and

(2) all interest, earnings and profits resulting from investments of such moneys.

(c) Fire and Police Tier 1 General Pension Fund. The Fire and Police Tier 1 General Pension Fund shall consist of:

(1) all moneys appropriated to the fund by the Council;

(2) all interest, earnings and profits resulting from investments of fund moneys; and

(3) all moneys transferred from the Fire and Police Tier 2 General Pension Fund created and established by Tier 2 of this Article.

(d) Use of Funds. The moneys in the Fire and Police Tier 1 Service Pension Fund shall be used, other than for the investment thereof, exclusively for the payment of service pensions granted pursuant to Section 1304 concerning Service Pensions. The moneys in the Fire and Police Tier 1 General Pension Fund shall be used, other than for the investment thereof and except as provided in subsection (e), exclusively for the payment of all pensions other than service pensions and such other benefits as may be provided by ordinance adopted pursuant to the provisions of Section 1330 of this Tier 1.

(e) Transfer to Service Pension Fund. In the event that the moneys in the Fire and Police Tier 1 Service Pension Fund should be insufficient, at any time, to pay all service pensions, then the Board shall have the power and authority to cause the Controller of the City to transfer to the fund sufficient moneys therefor from the Fire and Police Tier 1 General Pension Fund. In no other event shall any of the moneys in either of these funds be commingled with any of the moneys in the other of these funds, whether as moneys or cash on deposit or as moneys invested.

Sec. 1322. Actuarial Standards.

(a) Reserve Basis of System. The Fire and Police Pension Plan—Tier 1 shall be maintained on a reserve basis which, for the purposes of this Tier 1 shall mean one which provides for the accumulation and maintenance of the Fire and Police Tier 1 Service Pension Fund and the Fire and Police Tier 2 General Pension Fund which together will at all times be equal to the difference between the present value of the obligations assumed and the present value of the moneys to be received for paying such obligations, where such present values are estimated in accordance with accepted actuarial methods and on the basis of an assumed rate of interest and the mathematical probabilities of the occurrence of such contingencies as affect both the payment of the assumed obligations and the receipt of moneys with which they are to be paid in accordance with the provisions of Sections 1210(b)(1) concerning Fire and Police Pension Plans Budget and 1324 concerning Member Contributions. The Board shall retain a competent consulting actuary for the purpose of making the necessary actuarial studies and reports on the required investigations and valuations.

(b) Actuarial Investigation and Valuation. The Board shall secure an actuarial valuation showing the cost of maintaining the system and funds on such reserve basis and, at intervals of not to exceed five years, shall cause to be made an actuarial investigation including, but not limited to, the mortality, service and salary experience of the members and beneficiaries and shall further cause to be made annually an actuarial valuation of the assets and liabilities of the funds.

(c) Assumed Rate of Interest. The Board, from time to time and with the advice of the investment counsel, shall establish an assumed rate of interest as in its judgment seems proper in the light of the experience and prospective earnings on the investments of the funds.

(d) Unrealized Profits and Losses. With the advice of the consulting actuary and of the investment counsel, the Board, for the purpose of the actuarial valuations, shall provide by rule for the manner and to the extent to which any unrealized profits or losses in the equity-type investments of the funds shall be taken into consideration.

Sec. 1324. Member Contributions—Tier 1.

(a) Required Contributions. Each member of the Fire Department and of the Police Department included within the pension provisions of this Tier 1 shall contribute to the Fire and Police Tier 1 Service Pension Fund in the manner provided in this section, except that further contributions to the Fund shall not be required from an employee who has served as a member of the Fire Department or of the Police Department for more than 30 years.

(b) Payroll Deduction. The administrative head of each such department shall cause to be shown on each and every payroll of the department a deduction of six percent (6%) of the amount of salary, as shown on each such payroll, of each such member whose name appears thereon, and shall certify to the Controller on each such payroll the amount to be deducted from the compensation of each such member whose name appears thereon, and shall cause to be drawn a payroll check in favor of the "Board of Fire and Police Pension Commissioners" for the total amount of deduction shown on each payroll of such department, and the Board shall deposit the payroll check to the credit of the Fire and Police Tier 1 Service Pension Fund. It shall be the duty of the administrative head of each department to cause to be furnished a copy of each and every payroll to the Board.

(c) Deemed Consent to Deduction. Each member shall be deemed to consent and agree to each deduction made as provided for herein and the payment of each payroll check to such member shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by each member during the period covered by such payroll, except such claims as a member has to the benefits or payments provided for in this Tier 1.

(d) Maintenance of Individual Accounts. Starting July 1, 1982, the Board shall maintain an individual account of the contributions by each member, as hereinabove provided. Regular interest shall be credited to such individual accounts as of the last day of June and December of each year after July 1, 1982, at such rate as the Board may deem proper in light of the earnings of the funds of the Fire and Police Pension Plan—Tier 1, exclusive of profits and losses on principal resulting from sales of securities. No such interest shall be credited at any other time, except such interest shall be credited to the individual account of a member whose employment is terminated for any reason for any period of service between the next preceding last day of June or December and the end of the pay period preceding the date of such termination at the rate at which regular interest was last credited to members' individual accounts.

(e) Refund of Individual Account Balance. Every person who is a member of the Fire and Police Pension Plan—Tier 1 on July 1, 1982 shall, upon termination of employment be entitled to a refund of contributions made by him or her

pursuant to the provisions of this section. A person not a member on July 1, 1982 and whose employment terminated prior to that date, shall not be entitled to a refund of contributions made by him or her during periods of membership prior to July 1, 1982.

The refund of contributions shall be subject to the following conditions and limitations:

(1) Refund on Termination. Upon termination of employment as a member of the Fire Department or the Police Department for any reason except retirement pursuant to the provisions of this Tier 1, a member shall be entitled to have refunded to him or her all contributions made by such member to the Fire and Police Tier 1 Service Pension Fund (and any predecessor funds) prior to July 1, 1982, plus 6% per annum interest on such contributions calculated in the same manner as if interest had regularly been credited to the member's contributions, compounded as of the last day of the last pay period of December and to the end of the last pay period preceding the effective date of termination of employment.

(2) Forfeiture of Pension. Members who elect to receive a refund of contributions, forfeit the right to benefits provided in this Tier 1. After payment of any pension benefit has commenced, a member forfeits the right to a refund of the member's contributions. Members who return to active duty from a disability pension may not thereafter have contributions made by them prior to their retirement on such disability pension refunded.

(3) Beneficiary Designation. Members shall have the right to designate persons who shall be entitled to receive monies to which a member would otherwise be entitled upon termination of employment, to be payable to such designated person or persons upon the member's death; except that no such monies shall become payable if any person should be entitled to any other benefit provided in this Tier 1. The Board shall adopt appropriate forms for the designation by members of persons who shall be a member's beneficiaries.

Sec. 1326. Overtime Work.

(a) Time Off With Pay. Whenever a member, for overtime work, shall take a period of time off with pay:

(1) a deduction for pension purposes shall be made from such pay but only in the same amount as that which would have been deducted from his regular salary if such period had been one of regular work;

(2) such pay shall be part of the salary assigned or attached to the rank or position held by him but only in the same amount as that which would have been his regular salary if such period had been one of regular work; and

(3) such period shall be part of his years of aggregate service.

(b) Cash Payment. Whenever a member, for overtime work, shall receive a cash payment:

(1) a deduction for pension purposes shall not be made from such payment;

(2) such payment shall not be part of the salary assigned or attached to the rank or position held by him; and

(3) the period of overtime work for which he shall receive such payment shall not be part of his years of aggregate service except that any period of a member's overtime work, for which he shall not have taken time off with pay, shall be credited, by the Board, as part of his years of aggregate service, upon his or his survivor's written request therefor, to the same extent as he would have been entitled to take therefor time off with pay but only to the extent, and not in excess thereof, that he, while a member, shall have had any period of absence from work without pay. Such request shall be accompanied with payment of the amount which would have been deducted for pension purposes from his regular salary if the period of overtime work, to the extent credited, had been one of regular work.

Sec. 1328. Cost of Living Adjustment.

(a) Service, Disability and Survivor Pensions to Remain Unaffected Except as Adjusted for Cost of Living. That all pensions granted in accordance with the provisions of Sections 1304, 1310, 1312, 1314 and 1316 concerning Service, Disability and Survivor Pensions shall remain in full force and effect for the period granted, and any increase or decrease of salaries of active members of the Fire and Police Departments shall not in any way affect the amount of the pensions to be paid to retired members of such departments, or to any other person pensioned pursuant to the provisions of this Tier 1, nor shall the amount of such pensions be changed for any other reason, except as otherwise specifically provided in this Tier 1.

(b) Cost of Living Adjustment. From and after July 1, 1961, pension payments on account of service-connected disability or death granted prior to June 30, 1960, shall be increased as follows:

(1) Service Connected Disability Pension. In the case of a disability pensioner retired under the provisions of Section 1310 concerning Service Connected Disability Pensions, the amount payable as of June 30, 1960, calculated, however, on the degree of disability as of June 26, 1961, shall be increased in the ratio which the consumer price index for the month of June, 1960, bears to the consumer price index for the month in which such pension became effective. The power vested in the Board under the provision of Section 1310 to change the amount of pension by reason of the degree of disability, as therein provided, is expressly continued and in the event of any such change after June 26, 1961, the amount established hereunder shall be increased or decreased in the ratio which the newly determined degree of disability bears to the degree of disability immediately preceding such change.

(2) Service Connected Survivor Pension. In the case of a widow, or child or children, entitled to a pension based on service-connected disability or death pursuant to Section 1314 concerning Service Connected Survivor Pensions, the amount payable, calculated as of June 30, 1960, shall be increased in the ratio which the sum of the consumer price indexes for the three-year period ending June 30, 1960, or lesser period where the original pension was calculated on a period of less than three years, bears to the sum of such indexes for the period during which salary was originally taken into account in determining the amount

of such pension. In the case of a widow receiving an additional amount on account of a child or children pursuant to Section 1314 concerning Service Connected Survivor Pensions, the increase provided by this section shall first be calculated upon the amount due her, exclusive of such additional amount and the applicable percentage increase on account of children shall then be applied to her new pension amount.

(c) Applicable Index. The consumer price indexes referred to in this section shall be those published by the Bureau of Labor Statistics for the Los Angeles area (all items and commodity groups 1947–49 =100 base) and for those months for which a monthly index is not published, monthly indexes shall be established by a straight line interpolation between the published monthly indexes.

(d) Inapplicability to Fluctuating Pensions. This section shall not apply to any pension payment which fluctuates with the current salaries established for the several ranks and positions in the Fire or Police Department and in the event it is held by any final judgment or decree of a court of competent jurisdiction, after the effective date of this section that any person granted an increase under the provisions of this section is entitled to a fluctuating pension based upon such salary rates, then, from and after the effective date of such adjudication, this section shall have no further force or effect as to such person.

The additional liabilities assumed by Tier 1 under this section, shall be funded under the provisions of Section 1210(b)(1) concerning the Tier 1 Budget.

(e) Minimum Pension Amount. Each pension granted pursuant to this Tier 1, regardless of the type of the pension, which shall be less in amount than $250 per month as of January 26, 1967 shall be increased to the amount of $250 per month as of February 1, 1967, and the monthly amount of such pension thereafter shall not be reduced to a monthly amount less than such increased monthly amount except pursuant to Section 1212 concerning Worker's Compensation.

(f) Implementation of Minimum Pension Provisions. Subject to and upon the conditions contained in this section, the minimum monthly amount of pension provided by subsection (e) shall be applicable, from and after July 1, 1967, to all pensions heretofore or hereafter granted pursuant to this Tier 1. The monthly amount of each pension which, as of August 1, 1967, is in a lesser monthly amount than the minimum monthly amount of pension provided by subsection (e), as augmented pursuant to subsection (g), shall be increased, effective as of the first day of the month, to the minimum monthly amount of pension so provided and as so augmented. Each pension granted after August 1, 1967, shall be in a monthly amount not less than the minimum monthly amount of pension provided, as of the effective date of the pension, by subsection (e), as augmented pursuant to subsection (g). The monthly amount of any pension which is or shall be affected by the minimum monthly amount of pension provided by subsection (e), as augmented pursuant to subsection (g):

(1) shall be subject to be reduced pursuant to Section 1212 concerning Worker's Compensation despite any other provisions of this Tier 1; and

(2) shall be subject to be reduced pursuant to Section 1310, Section 1314 or Section 1316 concerning certain disability and survivor pensions, whichever shall be applicable.

Any such reduction under subsection (f)(2) shall be made only if it shall not reduce the monthly amount of the pension to a lesser monthly amount than the monthly amount of pension to which it had been increased pursuant to subsection (b) or to a lesser monthly amount than the minimum monthly amount of pension provided by subsection (e), as augmented pursuant to subsection (g) effective as of the date of any such reduction, whichever shall be the greater.

(g) Cost of Living Adjustments for Service and Survivor Pensions. The Board, before May 1st of each year commencing with the year 1967, shall determine the percentage of the annual increase or decrease in the cost of living as of March 1st of that year from March 1st of the preceding year, as shown by the consumer price index published by the Bureau of Labor Statistics for the area in which the City of Los Angeles is located. If any such index were not to reflect the cost of living as of a particular March 1st, then the next preceding such index which had done so shall be used. If there were to be any change in the statistical method or the components which were used in any such index from those which were used in any such index of the preceding year with which a comparison is to be made, then the Board, to the extent possible, shall adjust any such differences therein for the purpose of determining the percentage of increase or decrease in the cost of living.

Commencing as of July 1st of the year in which the Board shall so determine the percentage of increase or decrease in the cost of living, the amounts of certain pensions, as hereinafter identified and upon the conditions hereunder stated therefor, shall be increased or decreased by reason of such determined percentage of increase or decrease in the cost of living but not to exceed, however, two percent (2%) in any given year. Such determined percentage of increase or decrease in the cost of living, as so limited, shall be applied to the amounts of such pensions which shall be payable for the preceding month of June, including any previous percentage of increase or decrease in the cost of living made with respect thereto.

The percentage of increase or decrease in the cost of living first shall be applied to:

(1) Minimum Pensions Under Subsection (e). The pension of any person, whose pension shall be increased pursuant to subsection (e) on July 1, 1967;

(2) Nonfluctuating Service Pensions of Persons Retired Prior to July 1, 1967. The pension of any retired member who had been retired or who shall be retired pursuant to Section 1304 concerning Service Pensions prior to July l, 1967, upon a pension which shall not increase or decrease upon the basis of any increase or decrease in the salaries of active members of the Fire Department or of the Police Department, upon July 1, 1967, if he shall have attained the age of 55 years prior to that date, or, if he shall not have attained such age prior to that date, upon the July 1st following the date upon which he shall have attained such age;

(3) Nonfluctuating Service Pensions of Persons Retired After July 1, 1967. The pension of any retired member who shall be retired pursuant to Section 1304 concerning Service Pensions after July 1, 1967, upon a pension which shall not increase or decrease upon the basis of any increase or decrease in the salaries of active members of the Fire Department or of the Police Department, upon the July 1st following the effective date of his pension if he shall have attained the age of 55 years prior to that date or, if he shall not have attained such age prior to that date, upon the July 1st following the date upon which he shall have attained such age;

(4) Survivor Pensions Granted Prior to July 1, 1967 and Based Upon Nonfluctuating Service Pensions. The pension of any widow, minor child or children or dependent parent or parents which had been or shall be granted pursuant to Section 1314 concerning Service Connected Survivor Pensions prior to July l, 1967, following the death of a retired member who had been retired pursuant to Section 1304 with a Service Pension or of an active member who had become eligible to retire pursuant thereto, and which pension shall not increase or decrease upon the basis of any increase or decrease in the salaries of active members of the Fire Department or of the Police Department, upon July 1, 1967, if such retired member or such active member, as the case may be, would have attained the age of 55 years prior to that date if he had been alive on that date or, if he would not have attained such age prior to that date if he had been alive on that date, upon the July 1st following the date upon which he would have attained such age if he had been alive on that date; and

(5) Survivor Pensions Granted After July 1, 1967 and Based Upon Nonfluctuating Service Pensions. The pension of any widow, minor child or children or dependent parent or parents which shall be granted pursuant to Section 1314 concerning Service Connected Survivor Pensions after July 1, 1967, following the death of a retired member who had been retired pursuant to Section 1304 with a Service Pension or of an active member who had become eligible to retire pursuant thereto, and which pension shall not increase or decrease upon the basis of any increase or decrease in the salaries of active members of the Fire Department or of the Police Department, upon the July 1st following the effective date of such pension if such retired member or such active member, as the case may be, would have attained the age of 55 years prior to that date if he had been alive on that date or, if he would not have attained such age prior to that date if he had been alive on that date, upon the July 1st following the date upon which he would have attained such age if he had been alive on that date.

The amount of any pension referred to in subsections (g)(1), (2), (3), (4) or (5) hereof never shall be reduced, by reason of the application thereto of this section, to an amount less than the amount to which any pension referred to in subsection (e) shall be increased or to an amount less than the amount thereof originally granted.

(h) Carryover of Excess Cost of Living Adjustment From Year to Year. If the percentage of increase or decrease in the cost of living in any year, as determined

by the Board, were to exceed 2% as compared with the cost of living as of March 1st of the preceding year, the percentage of increase or decrease in the cost of living in excess of 2% shall be carried over and added to or subtracted from the percentage of increase or decrease in the cost of living in the succeeding year, and such procedure shall be complied with from year to year.

(i) Application of Cost of Living Adjustment to Other Pensions. The provisions of subsection (g), if otherwise not applicable as of July 1, 1967 to any pension referred to in subsection (f), shall be applicable thereto, from and after July 1, 1967, to the same extent and in the same manner as they are applicable to any pension referred to in subsection (e). Any adjustments provided to be made in monthly amounts of pensions pursuant to subsection (g) shall be applicable to the monthly amounts of other pensions which are not referred to in that section or in the foregoing provisions of this section whenever the monthly amounts of any such other pensions otherwise would be in lesser monthly amounts than the minimum monthly amount of pension provided by subsection (e), as then augmented pursuant to subsection (g).

(j) Additional Cost of Living Adjustments for Disability and Survivor Pensions.

(1) Special Definitions. Wherever used in this subsection:

(A) "the pension" shall mean, unless subsection (g) shall be mentioned in conjunction therewith, only a pension which is not identified in subsection (g), is not referred to in subsection (i) and is in an amount which shall not increase or decrease by reason of any increase or decrease in the salary of any active member;

(B) "the July 1st following" shall mean only a July 1st after May 2, 1969; and

(C) "person" shall include its plural.

(2) Application of Subsection (g) Adjustments. The percentage of increase or decrease in the cost of living hereafter shall be applied pursuant to subsection (g) and the terms and conditions contained in this section:

(A) Disability Pensions. To the pension of any retired member, ever retired pursuant to:

(i) Section 1310 concerning Service Connected Disability Pensions, upon the July 1st following the date of this retirement or the effective date of this paragraph of this section, whichever shall be the later; or

(ii) Section 1312 concerning Nonservice Connected Disability Pensions, upon the July 1st following the date he shall have attained the age of 55 years or the fifth anniversary of the effective date of the pension, whichever shall be the earlier;

(B) Survivor Pensions. To the pension of any person,

(i) ever granted pursuant to Section 1314 or Section 1316 concerning Survivor Pensions upon the death of an active member not eligible to retire pursuant to Section 1304 concerning Service Pensions,

(ii) ever granted pursuant to Section 1314 concerning Service Connected Survivor Pensions upon the death of an active member eligible to retire pursuant to Section 1304 concerning Service Pensions and which pension of such person is identified in subsection (g)(4) or (5),

(iii) heretofore granted pursuant to Section 1316 concerning Nonservice Connected Survivor Pensions upon the death of a retired member previously retired pursuant to Section 1312 concerning Nonservice Connected Disability Pensions, or

(iv) hereafter granted pursuant to Section 1316 concerning Nonservice Connected Survivor Pensions upon the death of a retired member previously retired pursuant to Section 1312 concerning Nonservice Connected Disability Pensions where the amount of the pension shall be calculated upon the salary specified in Section 1316 by reason of such person's written election therefor pursuant to Section 1318, upon the July 1st following: the date such member shall have attained the age of 55 years, the date such member would have attained such age if he then had been alive, or the fifth anniversary of the effective date of the pension of such person, whichever shall be the earliest. Pensions described in subsection (j)(2)(D) shall be adjusted upon the effective date specified in that subsection;

(C) Other Survivor Pensions. To the pension of any person,

(i) ever granted pursuant to Section 1314 concerning Service Connected Survivor Pensions upon the death of a retired member previously retired pursuant to Section 1310 concerning Service Connected Disability,

(ii) ever granted pursuant to Section 1314 concerning Service Connected Survivor Pensions upon the death of a retired member previously retired pursuant to Section 1304 concerning Service Pensions and which pension of such person is identified in subsection (g)(4) or (5), or

(iii) hereafter granted pursuant to Section 1316 concerning Nonservice Connected Survivor Pensions upon the death of a retired member previously retired pursuant to Section 1312 with a Nonservice Connected Disability Pension where the amount of the pension shall be calculated upon the salary specified in Section 1312 by reason of such person's written election therefor pursuant to Section 1318, upon the July 1st following the date such member shall have attained the age of 55 years, the date such member would have attained such age if he then had been alive, or the fifth anniversary of the effective date of the pension of such member, whichever shall be the earliest; and

(D) Survivor Pensions Based Upon Line of Duty Death. To the pension of any person ever granted on account of the death of an active member of the Fire or Police Department who died as result of any injury received during the performance of his or her duties, or from sickness caused by the discharge of such duties, upon the July 1st following the effective date of such pension, but if such pension became effective before July 1, 1989, it shall be retroactively adjusted as of July 1, 1989.

(3) Procedure for Applying Cost of Living Adjustments to Certain Pensions. The following provisions in respects other than those provided for in subsection (j)(2) of this section, hereafter shall be controlling the application to certain pensions of the percentage of increase or decrease in the cost of living.

(A) Service Pensions and Widow Pensions. Whenever the amount of the pension,

(i) of any retired member shall be increased or decreased pursuant to Section 1310 concerning Service Connected Disability Pensions, or

(ii) of any widow shall be increased or decreased pursuant to Section 1314 or Section 1316 concerning Survivor Pensions: the amount of any such increase shall not include the percentage of any increase in the cost of living which previously had been applied to the former amount of the pension; and the amount of any such decrease shall include the percentage of any increase in the cost of living which previously had been applied to it as a portion of the former amount of the pension.

(B) Other Survivor Pensions. Whenever the pension of any person,

(i) hereafter shall be granted pursuant to Section 1314 concerning Service Connected Survivor Pensions upon the death of a retired member previously retired pursuant to Section 1304 with a Service Pension and which pension of such person is identified in subsection (g)(4) or (5),

(ii) hereafter shall be granted pursuant to Section 1314 concerning Service Connected Survivor Pensions upon the death of a retired member previously retired pursuant to Section 1310 with a Service Connected Disability Pension, or

(iii) hereafter shall be granted pursuant to Section 1316 concerning Nonservice Connected Survivor Pensions upon the death of a retired member previously retired pursuant to Section 1312 concerning Nonservice Connected Disability Pensions where the amount of the pension shall be calculated upon the salary specified in Section 1312 by reason of such person's written election therefor pursuant to Section 1318,

the amount of the pension of any such person (I) if the amount thereof which shall be payable to such person were to be more than the amount of the pension which had been payable to such member, shall include the percentage of any increase in the cost of living which had been applied to the pension of such member, or (II) if the amount thereof which shall be payable to such person were to be less than the amount of the pension which had been payable to such member, shall include that portion of the percentage of any increase in the cost of living which had been applied to the pension of such member which shall be in the same ratio as the amount of the pension which shall be payable to such person shall bear to the amount of the pension which had been payable to such member, and the percentage of any increase or decrease in the cost of living in excess of 2% per year which had been carried over for such member as of the date of his death shall be carried over for such person if (I) hereof were to be applicable or in the same ratio therein provided if (II) hereof were to be applicable.

(C) Pensions of Minor Children. Whenever the pension of any widow hereafter shall be terminated pursuant to Section 1314 or Section 1316 concerning Survivor Pensions and the pension therein provided thereafter shall become payable pursuant thereto on behalf of any minor child or children of the deceased

member, the amount of pension on behalf of such child or children shall include that portion of the percentage of any increase in the cost of living which had been applied to the pension of such widow which shall be in the same ratio as the amount of the pension which shall be payable on behalf of such child or children shall bear to the amount of the pension which had been payable to such widow, and the percentage of any increase or decrease in the cost of living in excess of 2% per year which had been carried over for such widow as of the date of the termination of her pension shall be carried over on behalf of such child or children in the same ratio hereinabove provided.

(4) Limitations on Subsection (g) Reductions. The amount of the pension never shall be reduced, by reason of the application thereto of the provisions of subsection (g) of this section, to an amount less than:

(A) the amount thereof if subsection (b) is applicable,

(B) the amount thereof if subsection (e) is applicable,

(C) the amount thereof if subsection (f) is applicable, or

(D) the amount thereof payable pursuant to provisions of this Tier 1, other than those of subsection (g) or this section, if none of the sections mentioned in (A), (B), or (C) above is applicable.

(5) Applicability. Subsection (g) hereafter shall be construed and applied in accordance with this subsection (j) as to each pension mentioned in this subsection.

(k) Monthly Minimum Pension.

(1) Amount of Minimum Pension. Each pension granted pursuant to this Tier 1, regardless of the type of the pension, which became or becomes effective prior to July 1, 1971 and which, as of June 30, 1971, is in a monthly amount of less than three hundred fifty dollars ($350) shall be increased, effective July 1, 1971 pursuant to the provisions of subsections (k)(2) and (3), and shall, if such increase results in a monthly pension amount which is less than three hundred fifty dollars ($350), be increased to provide for a monthly minimum pension of three hundred fifty dollars ($350). Each pension granted pursuant to this Tier 1, regardless of the type of the pension, which becomes effective on or subsequent to July 1, 1971 shall be in a monthly amount not less than the minimum monthly pension amount provided, as of the effective date of the pension by this subsection of this section. The monthly amount of each such pension never shall be reduced, by reason of the provisions of subsection (g), subsection (i), subsection (j) or subsection (k)(3) of this section, to a monthly amount less than the minimum monthly pension amount provided by this subsection (k)(1).

(2) Amount of Increase. The monthly amount of pension of each retired member or other person which, prior to July 1, 1971, had been increased by reason of a cost of living adjustment thereof pursuant to subsection (g), subsection (i) or subsection (j) shall be increased, as of July 1, 1971, by that portion of the percentage of the annual increase in the cost of living, as had been determined by the

Board pursuant to subsection (g), which was in excess of 2% but not in excess of 3% for each year the monthly amount of such pension had been increased.

(3) Subsection (g) Adjustments. The monthly amount of pension of each retired member or other person who heretofore did qualify or hereafter shall qualify for a cost of living adjustment thereof pursuant to subsection (g), subsection (i) or subsection (j) and the monthly amount of pension of each retired member or other person which shall be the minimum monthly pension amount provided by subsection (k)(1) of this section, hereafter shall be increased or decreased, as of the dates provided therefor by subsection (g), by the percentage of the annual increase or decrease in the cost of living as hereafter shall be determined by the Board pursuant to subsection (g).

(4) Applicability of This Subsection. The provisions of Section 1304, 1310, 1312, 1314 and 1316, and subsections (b), (e), (f), (g), (i) and (j) of this section hereafter shall be construed and applied in accordance with the provisions of this subsection (k).

(5) Savings Clause. Should any provision of this subsection (k) at any time be held to be invalid, in their application to certain persons or periods of time, such invalidity shall not affect the validity of any provisions as to other persons entitled to benefits hereunder or the applicability as to other periods of time.

Sec. 1330. Authority of Council to Establish Certain Benefits by Ordinance.

(a) Purpose of this Section. It is the purpose of this section to enable the Council to provide by ordinance a program or programs whereby persons receiving pensions pursuant to the provisions of this Tier 1 may become eligible to have subsidy payments made on their behalf for health insurance, accident insurance, life insurance or health care plan coverage or coverage for any combination of such programs as determined by the Council and subject to such conditions of entitlement as may be set forth in any ordinance adopted in accordance with the provisions of this Tier 1.

(b) Supermajority Vote Requirement. Ordinances adopted pursuant to this section must be approved by not less than two-thirds of the membership of the Council, subject to the veto of the Mayor and readoption by the Council by three-fourths of the membership of the Council. No such ordinance may be finally adopted by the Council until the expiration of at least 30 days after its first presentation to the Council, nor until after a public hearing has been held.

Any ordinance adopted pursuant to this section shall go into effect upon its publication, but the terms of such ordinance, or portions thereof, may be operative at a later date or dates.

(c) Limitations on Council's Authority. An ordinance adopted pursuant to this section may not provide for subsidy payments for any individual, the total amount of which, including subsidy payments from a City fund or funds other than those created under Section 1320 of this Tier 1, would be in excess of the maximum available subsidy payment for beneficiaries under the provisions of any ordinance adopted pursuant to the authority of Section 1168 of the Charter, nor

may such subsidy payments be in excess of any amounts allowed active members of the Fire and Police Pension System.

(d) Subsidy Program Administration. Any subsidy program adopted by ordinance pursuant to this section shall be administered by the Board. The Board shall have the authority to contract for suitable programs as hereinabove defined in subsection (a) to be made available to retired members or other beneficiaries, and shall have the power to adopt rules necessary to administer the programs.

Notwithstanding the foregoing provisions, the Board may authorize the Personnel Department to administer any program or part established by ordinance pursuant to the provisions of this section. The Board shall reimburse the General Fund of the City of Los Angeles for all necessary expenses incurred by the Personnel Department as a result of administering these programs.

(e) Change in Subsidy Amounts. The Board, in its discretion, may by resolution increase or decrease the amount of subsidy payments on the following conditions only: (1) to reflect changes in subsidies provided for active members or (2) to offset any increases or decreases in the level of benefits referred to in subsection (a) or the cost thereof as a result of changes in existing benefits or the addition of newly created benefits by federal or state funded programs.

Sec. 1332. Compliance with Certain Internal Revenue Code Provisions.

(a) With the enactment of this section an election has been made as authorized under the provisions of Section 415(b)(10)(C) of the Internal Revenue Code to be bound by the limitations of Section 415 of the Code subject to the provisions of Section 415(b)(10)(A) and (B).

(b) If any of the provisions of Section 415 of the Internal Revenue Code should be repealed, the provisions of this section shall be deemed repealed to the same extent.

FIRE AND POLICE PENSION PLANS—TIER 2
(formerly Article XVIII)

Sec. 1400. Tier 2 Members.

Each person who shall be appointed as a Department Member on or after January 29, 1967 and through December 7, 1980 shall become a Tier 2 System Member as of the effective date of such appointment. Each person who was appointed as a Department Member prior to January 29, 1967 shall become a Tier 2 System Member as of the date upon which a request is filed as provided by Section 1402. In no event shall any other person become a Tier 2 System Member.

Sec. 1402. Request to Become a Tier 2 Member.

(a) Filing of Request with Board. Each Department Member who was appointed prior to January 29, 1967 shall have the right to become a Tier 2 System Member and may exercise such right only by filing a request with the Board by January 29, 1968, except as is hereinafter provided. Each such Department Member who shall be serving in the armed forces of the United States as of

January 29, 1967 and who thereafter shall return to active duty as a Department Member, within the time required for job rights and other benefits, may exercise such right only by filing a request with the Board by January 29, 1968 or within 90 days immediately following such return to active duty, whichever shall be the later. Each person who shall be receiving a disability pension pursuant to Section 1310 or to Section 1312 of Tier 1 of this Article as of January 29, 1967 and who thereafter shall be restored to active duty as a Department Member may exercise such right only by filing a request with the Board by January 29, 1968 or within 90 days immediately following such restoration to active duty, whichever shall be the later. The legally appointed, qualified and acting guardian of the estate of any such Department Member may exercise such right for and on behalf of the Department Member only by filing a request with the Board by January 29, 1968, but Court approval first shall have been obtained.

(b) Extension of Filing Time. The Board, for good cause and in its discretion, may extend the time within which any such Department Member or the guardian of the estate of any such Department Member may file a request, whether the applicable period hereinabove prescribed shall have or shall not have elapsed, and may impose whatever terms and conditions which it shall deem to be reasonable and just for the giving of any extension of time.

(c) Waiver of Pension Rights and Benefits in Tier 1. Each request shall be in writing, shall be signed by such Department Member or by the legally appointed, qualified and acting guardian of the estate of such Department Member, shall contain his full and complete waiver of any and all present and future pension rights and benefits provided by Tier 1 of this Article, including derivative rights and benefits for widows and other beneficiaries, shall contain his full and complete release, discharge and acquittance of the City and the Board of and from any and all present and future liabilities for the payment of any benefits pursuant to Tier 1 and shall contain his election to become a Tier 2 System Member. The contents of the request need not be restricted to the aforementioned items and such request may include any and all provisions which the Board and the City Attorney may deem to be necessary or desirable to effectuate full and complete release, discharge and acquittance by each such member of the City and the Board of and from any and all present and future liabilities for the payment of any benefits pursuant to Tier 1, and the Board, after the effective date of this Tier 2, shall have the power and authority to expend moneys for the preparation of requests and for the distribution of them to such Department Members.

(d) Spousal Consent or Waiver by Board. Each request, whether signed by such Department Member or by the guardian of his estate, shall be signed by the spouse of such Department Member whereby he or she shall freely and voluntarily join in and consent to everything contained therein with the same force and effect as if he or she had signed the same as a member, and such request, when so signed, shall be both effective and irrevocable upon filing with the Board. However, the Board, in its discretion but only upon the written request therefor by the particular

Department Member involved, may waive the requirement that the request shall be signed by the spouse of such Department Member, except in the case of any Department Member who was appointed as a member of the Fire Department or of the Police Department prior to January 17, 1927, and such request, when signed by the Department Member or the guardian of his estate, shall be both effective and irrevocable upon filing with the Board after but not prior to the Board's action waiving the requirement.

Sec. 1404. Request By a Reactivated Member Under Tier 1 to Become a Tier 2 Member.

A reactivated member under Tier 1 of this Article who, after the effective date of his return to active duty shall have had five years of service as defined in Section 1306(a)(4)(C), shall have the right, pursuant to Section 1402, to become a System Member under this Tier 2. He may exercise such right only within the one year from and after the date upon which he shall have completed such five years of service. Any reactivated member who shall become a Tier 2 System Member also shall become a reactivated member under this Tier 2. Section 1402 hereafter shall be construed and applied, as to a reactivated member under Tier 1, in accordance with this section.

Sec. 1406. Definitions.

In addition to the words and phrases defined in the Fire and Police Pension Plans General Provisions in Part 3 and for the purposes of this Tier 2, the following words and phrases shall have the meaning ascribed to them in this section, unless a different meaning is clearly indicated by the context.

(a) Member of the Fire Department: Member of the Fire Department means a person duly and regularly appointed in the Fire Department, under civil service rules and regulations or provisions of the Charter, or both, governing the making of original regular and permanent appointments therein which require the serving of probationary periods but not of original emergency or temporary appointments therein, to perform duties as a firefighter for the City, under whatever designation such person may be described in any salary or departmental ordinance providing salaries for the members of the department. Such person shall be a member of the department only until his status as such shall be terminated by reason of his retirement, resignation or discharge or for any other reason.

(b) Member of the Police Department: Member of the Police Department means a person duly and regularly appointed in the Police Department, under civil service rules and regulations or provisions of the Charter, or both, governing the making of original regular and permanent appointments therein which require the serving of probationary periods but not of original emergency or temporary appointments therein and sworn in, as provided by law, to perform duties as a police officer for the City, under whatever designation such person may be described in any salary or departmental ordinance providing salaries for the members of the department. Such person shall be a member of the department only until his status

as such shall be terminated by reason of his retirement, resignation or discharge or for any other reason.

(c) System Member: System Member means a person who is a Department Member and whose pension rights and benefits are governed by this Tier 2.

(d) Qualified Surviving Spouse: Qualified Surviving Spouse means a person who is the widow or widower of a deceased System Member or Retired Member who had been married:

(1) to the System Member for at least one year prior to the date of his or her nonservice-connected death while a System Member, or

(2) to the System Member as of the date of his or her service-connected death while a System Member, or

(3) to the Retired Member for at least one year prior to the effective date of his or her retirement upon a service pension or upon a nonservice-connected disability pension pursuant, respectively, to Section 1408 or Section 1412(b), or

(4) to the Retired Member as of the effective date of his or her retirement upon a service-connected disability pension pursuant to Section 1412(a).

(e) Minor Child: Minor Child means a person, but not including a person who is an illegitimate child of a deceased System Member or Retired Member who had not been legitimatized by such member, who is a legitimate child, a legitimatized child or an adopted child of such member, and who had not been adopted by a person of the same gender as such member prior to the date of his death, who is under the age of 18 years and who is not married. Such person shall be a minor child only until he shall be adopted by a person of the same gender as such member, shall attain the age of 18 years or shall marry, whichever shall be the earlier.

(f) Dependent Child: Dependent Child means a person, but not including a person who is an illegitimate child of a deceased System Member or Retired Member who had not been legitimatized by such member, who is a legitimate child, a legitimatized child or an adopted child of such member, and who had not been adopted by a person of the same gender as such member prior to the date of his death, who is not married and who, while under the age of 21 years, had become disabled, either prior or after the date of death of such member, from earning a livelihood for any cause or reason whatsoever, other than by reason of his own moral turpitude or as a result thereof. Such person shall be a dependent child only until he:

(1) shall be adopted by a person of the same gender as such member or shall marry, whichever shall be the earlier, regardless of his age at the time of the occurrence of either such event and whether or not he then is disabled from earning a livelihood; or

(2) shall attain the age of 18 years if neither of the events mentioned in this subsection had occurred prior thereto and if, at that time, he is not disabled from earning a livelihood; or

(3) shall cease to be disabled from earning a livelihood if none of the events mentioned in (1) and (2) had occurred prior thereto.

(g) Dependent Parent: Dependent Parent means a person who is a natural parent of a deceased System Member or Retired Member and to or for whom such member, during at least one year immediately preceding his death, contributed one half or more of such person's necessary living expenses and who is unable to pay such expenses without the receipt of a pension. Such person shall be a dependent parent only until he shall be able to pay his necessary living expenses.

(h) Length of Service Pay: Length of Service Pay means any additional gross monthly pay or one twelfth of any additional gross annual pay which, by reason of length of service, shall be provided by ordinance, upon the conditions therein set forth, for the System Member's permanent rank as of the date of the termination of his status as a Department Member.

(i) Special Pay: Special Pay means any additional gross monthly pay or one twelfth of any additional gross annual pay which, by reason of assignment to perform special duties other than hazardous duties, shall be provided by ordinance, upon the conditions therein set forth, for the System Member's permanent rank as of the date of the termination of his status as a Department Member.

(j) Hazard Pay: Hazard Pay means any additional gross monthly pay or one twelfth of any additional gross annual pay which, by reason of assignment to perform helicopter duties, two-wheel motorcycle duties or any other hazardous duties, shall be provided by ordinance, upon the conditions therein set forth, for the System Member's permanent rank as of the date of the termination of his status as a Department Member.

(k) Assignment Pay: Assignment Pay means any additional gross monthly pay or one twelfth of any additional gross annual pay which, by reason of assignment to perform special duties or hazardous duties, in a higher class, position, grade, code or other title than the lowest within the System Member's permanent rank, shall be provided by ordinance, upon the conditions therein set forth, as of the date of the termination of such System Member's status as a Department Member.

Any such assignment pay shall not be included in the sum of any System Member's Nonservice-Connected Pension Base but hereafter shall be included in the sum of his Normal Pension Base to the same extent and upon the same conditions as any hazard pay shall be included.

The provisions of this Tier 2 wherein the words "Normal Pension Base" are used hereafter shall be construed and applied in accordance with the provisions of this subsection.

(*l*) Year: Year means a period of 12 months or, in aggregating partial years for purposes of determining years of service, means 365 days.

(m) Years of Service: Years of Service means and includes only those periods during or for which the System Member as a Department Member of the Fire Department or of the Police Department, or of both, and whether prior or subsequent to his becoming a System Member:

(1) did or shall receive salary, whether in full or reduced amounts thereof;

(2) did or shall receive either a service connected disability pension or a nonservice connected disability pension, whether pursuant to Tier 1 of the Charter or

pursuant to this Tier 2, if he was or shall be restored to active duty as a Department Member and did or shall perform his duties as such for at least 1 year prior to again retiring or being retired pursuant to this Tier 2, which year shall not include any time off from work by reason of any injury or illness which had been caused by or contributed to by any injury or illness which had been sustained or suffered by him prior to such restoration;

(3) is or shall become entitled, under any provision of general law or ordinance of the City, to credit toward retirement for periods of military service or military leave;

(4) did or shall receive Workers' Compensation benefits for temporary disability on account of any injury or illness arising out of and in the course of employment; and

(5) is or shall become entitled pursuant to any ordinance of the City.

In computing years of service, all partial years shall be aggregated but, after the aggregation, any remaining partial year shall be disregarded in the computation of any pension.

(n) Partial Year of Service: Partial Year of Service means any period mentioned in subsection (m) of this section which is less than 12 months.

Any partial year of service shall be calculated from the end of the member's last completed year of service to the end of the payroll period immediately prior to the date of his retirement and shall be counted as part of a System Member's years of service for his retirement upon a service pension hereafter granted or for a pension hereafter granted to his qualified surviving spouse, minor child or children, dependent child or children or dependent parent or parents if he hereafter shall die while upon a service pension hereafter granted or while eligible for a service pension.

Any such partial year of service, in the case of a System Member who shall have had less than 25 years of service, shall be credited in the same ratio of 2% of his Normal Pension Base as such partial year shall bear to a complete year and, in the case of a System Member who shall have had 25 years of service or more, shall be credited in the same ratio of 3% of his Normal Pension Base as such partial year shall bear to a complete year.

The provisions of subsection (m) of this section, Section 1408, Section 1410(a)(4)(m), Section 1412(a) and Section 1414(a)(5) & (6), (b) and (c) hereafter shall be construed and applied in accordance with the provisions of this subsection.

(o) Normal Pension Base: Normal Pension Base of any System Member means the sum of:

(1) his monthly salary;

(2) any length of service pay which he had received immediately preceding the date of his retirement or death or upon the last day he had performed duties as a Department Member;

(3) any special pay which he had received immediately preceding the date of his retirement or death or upon the last day he had performed duties as a Department Member; and

(4) any hazard pay which he had received immediately preceding the date of his retirement or death or upon the last day he had performed duties as a Department Member or, if he had not received the same at either such time but had received such pay at some time prior thereto, 10% of the hazard pay which he had received at the time of the termination of his last assignment to hazardous duties for each year in the aggregate of his assignment to any hazardous duties not exceeding, however, ten years in the aggregate.

(5) for only those System Members who completed at least 12 months service in a Deputy Chief position, which was exempt from civil service, and who did not retire in the position of Deputy Chief or Chief of Police, an additional supplement of a percentage of the difference in the amount of compensation between the Deputy Chief position and the System Member's compensation at the time of retirement. This percentage shall be prescribed by ordinance and shall apply for each year of service in the position of Deputy Chief, not to exceed the number of years as prescribed by ordinance.

Notwithstanding any of the foregoing, if a Retired Member were to be restored to active duty as a Department Member and thereby again were to become a System Member and if he again were to retire or to be retired without having performed his duties for at least 1 year subsequent to such restoration, which year shall not include any time off from work by reason of any injury or illness which had been caused by or contributed to by any injury or illness which had been sustained or suffered by him prior to such restoration, the Normal Pension Base which shall be applicable to his later retirement shall be the Normal Pension Base which had been applicable to his previous retirement.

(p) Nonservice-Connected Pension Base: Nonservice-Connected Pension Base of any System Member means the sum of:

(1) the highest monthly salary provided, as of the date of the System Member's retirement or death, whichever shall first occur, for a Department Member then holding the basic rank of firefighter or police officer; and

(2) the highest length of service pay provided, as of the date of the System Member's retirement or death, whichever shall first occur, for a Department Member then holding either of the basic ranks.

(q) Monthly Salary: Monthly Salary means the gross monthly salary or 1/12 of the gross annual salary which shall be provided by ordinance for the System Member's permanent rank as of the date of the termination of his status as a Department Member excluding, however, length of service pay, special pay and hazard pay as defined in this section.

(r) Permanent Rank: Permanent Rank means the rank or the position within the rank which shall be held, upon a permanent basis under applicable civil service rules and regulations or provisions of the Charter, or both, by the System Member immediately preceding the termination of his status as a Department Member, but does not mean any higher rank or any position within any higher rank in which the System Member then may be serving or theretofore may have served

either a portion of a probationary period or pursuant to an emergency or temporary appointment.

Sec. 1408. Service Pension.

(a) Time of Retirement. Any Tier 2 System Member under the age of 70 years who shall have 20 years of service or more shall be retired by order of the Board from further active duty as a Department Member either (a) upon the filing of a written application or (b) upon the filing of a written request by or on behalf of the head of the department in which the System Member is a Department Member if it shall be determined by the Board to be for the good of such department, other than for a cause or reason which would entitle such System Member to a disability pension pursuant to Section 1412, and the Board, if it shall so determine, shall state the cause or reason in its order retiring such Tier 2 System Member.

(b) Physical Exam for Members Age 70 Years or More. After a Tier 2 System Member has attained the age of 70, he shall annually submit to an examination by a regularly licensed, practicing physician selected by the head of the department who shall render a written report to such department as to whether or not the Tier 2 System Member is physically and mentally fit to continue his duties as a Department Member. If the Tier 2 System Member is found not to be physically and mentally fit to so continue his duties, he shall be retired effective the first day of the calendar month next succeeding that month in which the physician's report was received by the Board.

(c) Pension Amount. Any such Retired Member shall be paid thereafter and for life a monthly service pension in an amount which shall be equal to a percentage of his Normal Pension Base, to wit:

(1) For less than 25 years of service: 2% thereof for each year of service;

(2) For 25 years of service: 55% hereof; and for each year of service over 25 years of service, an additional 3% thereof, not exceeding in all, however, a maximum of 70% thereof, which maximum of 70% shall be applicable regardless of the Retired Member's length of service as a System Member or his age at retirement.

No Retired Member, retired pursuant to this section, ever shall be paid pension pursuant to Section 1412 concerning Disability Pensions.

Sec. 1410. Return or Recall to Active Duty.

(a) Return to Active Duty.

(1) Conditions for Return to Active Duty. A retired member, whenever retired, may file, with the Chief of the department from which he retired, a written application to be returned to active duty therein only upon the conditions:

(A) Service Retirement and Former Rank. That his original retirement had been pursuant to Section 1408 relating to Service Pensions and had been from the Fire Department while holding a rank no higher than Engineer or from the Police Department while holding a rank no higher than Sergeant; and

(B) Time Since Original Retirement and Age. That, as of the filing date of the application, the period of his original retirement had been no longer than 3 years and he shall be under the age of 55 years; and

(C) Medical Exam. That he satisfactorily had passed a medical examination not more than 30 days prior to the effective date of his original retirement, but the Chief, if the effective date thereof had been prior to May 2, 1969, may waive the condition contained in this subsection.

(2) Subsequent Conditions for Return to Active Duty. The Chief may approve any application only upon the conditions that, after the filing date thereof, the retired member:

(A) Medical Exam. Had passed a medical examination from which it had been determined that he would be capable of performing the duties which would be assigned to him if he were to be returned to active duty subject to approval by the Board; and

(B) Certification. Had certified, in writing, that he had read and understands the provisions of this section.

(3) Return to Rank at Original Retirement. The Chief, if he were to approve the application, may return the retired member to active duty only in or to a vacant position in the rank held by him at the effective date of his original retirement.

(4) Status of a Reactivated Member of Tier 2. Wherever words used in this subsection (a)(4) with respect to any pension granted or to be granted pursuant to Section 1414, they also shall mean and include the words, as used in Section 1422 (c)(3): "whether by reason of the provisions thereof or of those of Section 1414(b) and (c), including any additional pension amounts payable pursuant to Section 1414(a)(7)." A retired member, if he were to be returned to active duty, thereafter shall be known as a "reactivated member" and, as such:

(A) Privilege, Not An Appointment. His return to active duty shall be a privilege only and he shall be on probation for one year from and after the effective date thereof regardless of any other provision of law contained in the Charter or otherwise, and the Chief may terminate his service at any time during such year;

(B) Original Pension Terminated. His pension, granted by reason of his original retirement, shall be terminated by the Board as of the effective date of his return to active duty;

(C) Method of Calculating Years of Service. His service after the effective date of his return to active duty, for the purposes of this Tier 2 and regardless of any other provision of law contained in the Charter or otherwise, shall consist of only:

(i) the days for which he shall be paid for performing his assigned duties,

(ii) his days of vacation with pay, and

(iii) his regular days off duty with pay,

and one year of such service shall consist of a total of 365 such days;

(D) Years of Service for Purposes of Civil Service and Related Purposes. His aggregate years of service, for the purposes of his eligibility to advancement in accordance with civil service rules and regulations and the payment of his salary and longevity pay or merit pay, shall consist of only his years of service prior to the effective date of his original retirement and his service after the effective date of his return to active duty;

(E) Years of Service for Purposes of Tier 2. His aggregate years of service, for the purposes of this Tier 2 and regardless of any other provision of law contained in the Charter or otherwise, shall consist of only his years of service prior to the effective date of his original retirement and his service subsequent to the effective date of his return to active duty, provided, however, that such service shall be for not less than one year as defined in subsection (a)(4)(C) of this section;

(F) Salary Longevity, & Merit Pay. He shall be assumed to have a satisfactory standard of service and shall be paid the salary provided for his rank and the longevity pay or merit pay provided for his aggregate years of service as defined in subsection (a)(4)(E) of this section, subject, however, to all provisions applicable to the termination of payment of longevity pay or merit pay;

(G) Payroll Deduction. He shall have deductions made for pension purposes, pursuant to Section 1420 relating to Member Contributions—Tier 2, from his salary and longevity pay or merit pay;

(H) Prohibition of Nonservice Connected Disability Pensions. He never shall be entitled to a subsequent retirement pursuant to Section 1412(b) relating to Nonservice Connected Disability Pensions and his widow, his minor child or children (hereafter referred to in this subsection as "his child") or his dependent parent or parents (hereafter referred to in this subsection as "his parent") never shall be granted a pension pursuant Section 1414(a)(2) or (4) relating to Nonservice Connected Survivor Pensions;

(I) Allowance of Service Connected Disability Pensions. He shall be entitled to a subsequent retirement pursuant to Section 1412(a) relating to Service Connected Disability Pensions if he were to become eligible therefor and upon his death, if he theretofore had had such a subsequent retirement, a pension shall be granted pursuant to Section 1414(a)(3) relating to Service Connected Survivor Pensions to his surviving spouse, if she shall have been married to him as of the effective date of his subsequent retirement, or to his child or to his parent;

(J) Allowance of Service Connected Survivor Pension. His surviving spouse or his child or his parent, if he were to die while a reactivated member from any cause arising out of or from the performance of his duties, shall be granted a pension pursuant to Section 1414(a)(1) relating to Service Connected Survivor Pensions;

(K) Allowance of Survivor Pension Upon Death of Reactivated Member. His surviving spouse, (if she shall have been married to him for at least one year prior to the effective date of his original retirement or for at least one year after the effective date of his return to active duty and prior to the date of his death), or his child or his parent, if he were to die while a reactivated member from any cause other than a cause arising out of or from the performance of his duties, shall be granted the same pension she would have received pursuant to Section 1414(a)(6) relating to Service Connected Survivor Pensions;

(L) Reinstatement of Original Pension. His pension, granted by reason of his original retirement, if his service were to be terminated during the one year

from and after the effective date of his return to active duty for any reason other than by reason of his subsequent retirement pursuant to Section 1412(a) relating to Service Connected Disability Pensions, shall be reinstated by the Board, as of the effective date of the termination of his service, at the amount of pension which then would have been payable to him if he had not returned to active duty and, upon his death, the pension which shall be granted pursuant to Section 1414(a)(5) to his surviving spouse if she shall have been married to him for at least one year prior to the effective date of his original retirement, or to his child or to his parent, shall be calculated upon the Normal Pension Base upon which his pension had been calculated as of the effective date of his original retirement; and

(M) Retirement as Reactivated Member. He shall be entitled to a subsequent retirement pursuant to Section 1408 relating to Service Pensions for Tier 2, based upon his aggregate years of service as defined in subsection (a)(4)(E) and his pension shall be calculated upon a sum equal to the Normal Pension Base upon which his pension had been calculated as of the effective date of his original retirement (hereinafter referred to as "such base"), plus a percentage of the difference between such base and that which, if he had not had his original retirement, would have been his Normal Pension Base as of the effective date of his subsequent retirement, for his years of service subsequent to the effective date of his return to active duty as defined in subsection (a)(4)(C), so that such sum shall be such base plus:

(i) 20% of such difference for one such year,

(ii) 40% of such difference for two such years,

(iii) 60% of such difference for three such years,

(iv) 80% of such difference for four such years and

(v) 100% of such difference for five or more such years or the equivalent of his Normal Pension Base as of the effective date of his subsequent retirement and upon his death, if he previously had had such a subsequent retirement, the pension which shall be granted pursuant to Section 1414(a)(5) to his surviving spouse, (if she shall have been married to him for at least one year prior to the effective date of his original retirement or for at least one year after the effective date of his return to active duty and prior to the effective date of his subsequent retirement), or to his child or to his parent, shall be calculated upon the sum upon which his pension had been calculated as of the effective date of his subsequent retirement.

(5) Applicability of Tier 2 to Reactivated Members. The provisions of this Tier 2 shall be construed and applied, as to a reactivated member, his surviving spouse, his child and his parent, in accordance with respectively applicable provisions of subsection (a)(4) of this section.

(b) Recall to Active Duty.

(1) Rules for Recall to Active Duty. The Chief shall promulgate such rules and set standards as he may deem to be necessary or desirable with respect to recalling a retired member to active duty.

(2) Conditions for Recall to Active Duty. A retired member, whenever retired, shall be eligible to be recalled to active duty in the department from which he retired only upon the conditions:

(A) Service Retirement and Former Rank. That his original retirement has been pursuant to Section 1408 and had been from the Fire Department while holding a rank lower than Fire Chief or from the Police Department while holding a rank lower than Chief of Police;

(B) Certification. That he had certified, in writing, that he had read and understands the provisions of this section; and

(C) Consent to Recall. That he voluntarily had consented to be recalled to active duty.

(3) Limitations on Recall. The Chief may recall a retired member to active duty:

(A) Rank at Retirement. Only in or to a vacant position in the rank held by him at the effective date of his original retirement;

(B) 90 Day Limit. For not to exceed 90 days in any one calendar year; and

(C) Status Defined in this Section. The salary, benefits and other terms and conditions of employment of any such recalled member shall be as provided under subsections (b)(5) and (b)(6) of this section.

(4) No Recall of Police Exceeding 12 Months Without Loss of Pension. Recall of retired members of the Police Department may be approved for a period in excess of 90 days but not for more than 12 consecutive months, without loss of pension, in which case the salary, benefits and other terms and conditions of employment for such recalled police officers shall be established by ordinance.

(5) Status of Recalled Member. A retired member, if he were to be recalled to active duty, thereafter shall be known as a "recalled member" and, as such:

(A) His recall to active duty shall be a privilege only and the Chief may terminate his service at any time;

(B) His pension shall be paid during the period of his recall to active duty;

(C) He shall be paid the salary provided for his rank and the longevity pay or merit pay provided for his aggregate years of service prior to the effective date of his original retirement;

(D) He shall have no deductions made for pension purposes, pursuant to Section 1420 relating to Member Contributions—Tier 2, from his salary and longevity pay or merit pay; and

(E) He, his surviving spouse, his minor child or children or his dependent parent or parents never shall be entitled to any pension benefits provided by Tier 1 or Tier 2 by reason of his service as a recalled member.

(6) Tier 2 Construed with Recalled Members Rules. The provisions of this Tier 2 hereafter shall be construed and applied, as to a recalled member, his surviving spouse, his minor child or children and his dependent parent or parents, in accordance with respectively applicable provisions of subsection (b)(5) of this section.

Sec. 1412. Disability Pensions.

(a) Service-Connected Disability. Upon the filing of his written application for a disability pension or upon the filing of a written request by or on behalf of the head of the department in which he is a Department Member, any System Member whom the Board shall determine has become physically or mentally incapacitated by reason of injuries received or sickness caused by the discharge of the duties of such person as a Department Member, and who is incapable as a result from performing his duties, shall be retired by order of the Board from further active duty as a Department Member. Such Retired Member shall be paid thereafter and for life a monthly service-connected disability pension in an amount which shall be equal to the same percentage of his Normal Pension Base as the Board shall determine, from time to time, to be his percentage of disability. Such pension shall be in an amount not less than 50% and not more than 90% of such Retired Member's Normal Pension Base and not less than that percentage which he, if he shall have had 25 years of service or more at the time of his retirement pursuant to this subsection of this section, would have received had he retired pursuant to Section 1408 concerning Service Pensions, but such pension shall be reduced, pursuant to Section 1212 concerning Workers' Compensation, to an amount less than either or both of the aforementioned minimum amounts if the application of that section were to cause such result. Such pension may be terminated only pursuant to subsection (d) of this section. No Retired Member, while retired pursuant to this subsection of this section, ever shall be paid any pension pursuant either to Section 1408 concerning Service Pensions or to subsection (b) of this section concerning Nonservice Connected Disability Pensions.

(b) Nonservice-Connected Disability. Upon the filing of his written application for a disability pension by a System Member who shall have 5 years of service or more since the date of his last regular and permanent appointment as a Department Member including his service of the required probationary period, or upon the filing of a written request therefor with respect to such a System Member by or on behalf of the head of the department in which he is a Department Member, any System Member whom the Board shall determine has become physically or mentally incapacitated by reason of injuries or sickness other than injuries received or sickness caused by the discharge of the duties of such person as a Department Member, and who is incapable as a result thereof from performing his duties, and if the Board further shall determine that such disability was not due to or caused by the moral turpitude of such System Member, shall be retired by order of the Board from further active duty as a Department Member. Such Retired Member shall be paid thereafter and for life a monthly nonservice-connected disability pension in an amount which shall be equal to 40% of his Nonservice-Connected Pension Base. Such pension may be terminated only pursuant to subsection (d) of this section. No Retired Member, while retired pursuant to this subsection of the section, ever shall be paid any pension pursuant either to Section 1408 concerning Service Pensions or to subsection (a) of this section concerning Service Connected Pensions.

(c) Determination of Disability. Upon the filing of any written application or request for a disability pension, as referred to in subsections (a) and (b) of this section, the Board:

(1) shall cause the System Member to be examined by and a written report thereon rendered by at least three regularly licensed and practicing physicians selected by it;

(2) shall hold a hearing with respect to such application or request; and

(3) shall receive or hear such other evidence relating to or concerning the System Member's disability or claimed disability as may be presented to it.

The Board shall have the power to hear and determine all matters pertaining to the granting and denying of any such application or request for a disability pension. The Board first shall determine whether or not the System Member is incapable of or from performing his duties as a Department Member. If the Board were to determine that he is not so incapable, it then shall be the duty of the Board to deny the application or request. If the Board were to determine that he is so incapable, it then shall determine, pursuant to the language used in subsections (a) and (b) of this section, whether his incapacity or disability is service-connected or nonservice-connected. If the Board were to determine that it is service-connected, it then shall determine the percentage of his incapacity or disability, within the limitations prescribed in subsection (a) of this section, and shall grant the application or request accordingly. If the Board were to determine that it is nonservice-connected, it then shall determine whether his incapacity or disability was due to or caused by the moral turpitude of the System Member. If the Board were to determine that it was so caused, it then shall be the duty of the Board to deny the application or request. If the Board were to determine that it was not so caused, it shall grant the application or request in the percentage prescribed by subsection (b) of this section. The Board, upon its own motion or upon the written request of any Retired Member, retired pursuant to subsection (a) of this section, shall have the power to consider new evidence pertaining to the case of any such Retired Member and to increase or decrease the percentage of his incapacity or disability within the limitations prescribed in subsection (a) of this section. Any such increase or decrease shall be based only upon injuries or sickness for which he was retired. In the case of any former System Member who became such by reason of his resignation or discharge as a Department Member, the Board, in order to grant any application filed by him for a disability pension, must also determine, in addition to all of the foregoing, that any existing incapacity or disability upon his part occurred prior to the termination of his active status as a Department Member and had been continuous up to the date of the Board's determinations. Any determination of the Board shall be made in writing but need state only the ultimate fact and not any of the evidentiary facts.

(d) Termination of Disability Pensions. The pension of any Retired Member, retired pursuant to subsection (a) or to subsection (b) of this section and whose active status as a Department Member had been terminated by reason of his

retirement, shall cease when the incapacity or disability for which he had been retired shall cease and he either:

(1) shall have been restored to active duty as a Department Member in the same permanent rank which he had held as of the date of his retirement; or

(2) shall have been ordered restored to active duty as a Department Member in such same permanent rank and shall have declined, refused or neglected to report or to perform duties as such.

The pension of any Retired Member, retired pursuant to subsection (a) or to subsection (b) of this section and whose active status as a Department Member had been terminated by reason of his resignation or discharge as such, shall cease when the incapacity or disability for which he had been retired shall cease. The Board shall have the power to hear and determine, upon its own motion or otherwise, all matters pertaining to the terminating of any such pension. Any determination of the Board to terminate any such pension shall be made in writing but need state only the ultimate fact and not any of the evidentiary facts.

Sec. 1414. Survivorship Pensions.

(a) Qualified Surviving Spouse and Children of Former Marriage.

(1) System Member's Service-Connected Death. The qualified surviving spouse of a System Member who shall die while he is a Department Member, by reason of injuries received or sickness caused by the discharge of his duties, shall be paid, for life a monthly pension in an amount which shall be equal to 50% of such System Member's Normal Pension Base or, alternatively, in an amount which shall be equal to 55% in the event that such member shall have had 25 years of service or more as of the date of his death.

(2) System Member's Nonservice-Connected Death. The qualified surviving spouse of a System Member who shall have five years of service or more since the date of his last regular and permanent appointment as a Department Member including his service of the required probationary period and who shall die while he is a Department Member, by reason of injuries or sickness other than injuries received or sickness caused by the discharge of his duties, shall be paid, for life a monthly pension in an amount which shall be equal to 40% of such System Member's Nonservice-Connected Pension Base.

(3) System Member's Death While on Service-Connected Disability Pension. The qualified surviving spouse of a Retired Member, who shall die while he is receiving a pension pursuant to Section 1412(a), shall be paid, for life a monthly pension in an amount which shall be equal to 50% of such Retired Member's Normal Pension Base or, alternatively, in an amount which shall be equal to 55% in the event that such member shall have had 25 years of service or more as of the effective date of his retirement.

(4) System Member's Death While on Nonservice-Connected Disability Pension. The qualified surviving spouse of a Retired Member, who shall die while he is receiving a pension pursuant to Section 1412(b), shall be paid, for life a monthly pension in an amount which shall be equal to 40% of such Retired Member's Nonservice-Connected Pension Base.

(5) System Member's Death While on Service Pension. The qualified surviving spouse of a Retired Member, who shall die while he is receiving a pension pursuant to Section 1408 concerning Service Pensions, shall be paid, for life a monthly pension in an amount which shall be equal to the same percentage of such Retired Member's Normal Pension Base as the percentage which had been applicable to the calculation of his pension, provided, however, that the percentage of his Normal Pension Base shall not exceed 55% for the purposes of this subsection.

(6) System Member's Death While Eligible for Service Pension. The qualified surviving spouse of a System Member who shall die while he is a Department Member eligible for a pension pursuant to Section 1408 concerning Service Pensions by reason of injuries or sickness other than injuries received or sickness caused by the discharge of his duties, shall be paid for life a monthly pension in an amount which shall be equal to the same percentage of such System Member's Normal Pension Base as the percentage thereof which would have been applicable to the calculation of his pension had he retired pursuant to Section 1408 concerning Service Pensions as of the date of his death but the percentage of his Normal Pension Base shall not exceed 55% for the purposes of this subsection.

(7) Additional Pension Amounts for Minor or Dependent Children.

(A) Children of Marriage to Qualified Survivor Spouse. Whenever any System Member or Retired Member shall die and leave surviving him, in addition to a qualified surviving spouse, a minor child or children or a dependent child or children of his marriage to the qualified surviving spouse then such qualified surviving spouse shall be paid an additional monthly pension in an amount which shall be equal to 25% of the amount of her pension as a qualified surviving spouse granted pursuant to any of the foregoing paragraphs of this subsection while there is one minor or dependent child, 40% while there are two minor or dependent children or a combination, and 50% while there are three or more minor or dependent children or a combination, and such additional monthly pension shall be the exclusive property of such qualified surviving spouse and not the property of any such minor child or dependent child.

(B) Surviving Spouse and Children of Former Marriage. Whenever any System Member or Retired Member shall die and leave surviving him, in addition to a qualified surviving spouse, a minor child or children or a dependent child or children of his marriage to a former spouse, then the guardian or guardians of the estate or estates of any such minor child or children or dependent child or children shall be paid a monthly pension in an amount which shall be equal to 25% of the amount of the pension of the qualified surviving spouse granted pursuant to this section while there is one minor or dependent child, 40% while there are two minor or dependent children or a combination, and 50% while there are three or more minor or dependent children or a combination, and such monthly pension shall be the exclusive property of such minor child or children or dependent child or children and not the property of the qualified surviving spouse.

(C) Surviving Spouse and Children of Present and Former Marriages. Whenever any System Member or Retired Member shall die and leave surviving him, in addition to a qualified surviving spouse, a minor child or children or a dependent child or children of his marriage to the qualified surviving spouse and a minor child or children or a dependent child or children of his marriage to a former spouse, then a monthly pension shall be paid in an amount which shall be equal to 25% of the amount of the pension of the qualified surviving spouse granted pursuant to any of the foregoing paragraphs of this subsection while there is one minor or dependent child, 40% while there are two minor or dependent children or a combination, and 50% while there are three or more minor or dependent children or a combination. The amount of such monthly pension shall be divided by the number of minor or dependent children and shall be adjusted accordingly whenever any minor or dependent child shall cease to be such. The qualified surviving spouse shall be paid the portion of such monthly pension which shall be applicable to the number of her minor children or dependent children and the same shall be her exclusive property. The guardian or guardians of the estate or estates of the minor or dependent children who are not those of the qualified surviving spouse shall be paid the portion of such monthly pension which shall be applicable to such minor or dependent children and the same shall be the exclusive property of such children.

(8) Reinstatement of Pension of Reinstated Qualified Surviving Spouse. Subject to Section 1208 of the General Provisions for Fire and Police Pension Plans, any qualified surviving spouse who shall marry and thereby cease to be a qualified surviving spouse, shall be reinstated as a qualified surviving spouse as of:

(A) the date upon which a judgment or decree shall become final dissolving such marriage upon any ground or declaring a void or voidable marriage to have been null and void or voided, if such date shall be within five years from the date of the marriage ceremony; or

(B) the date upon which such marriage shall be dissolved by the death of the other party if such date shall be within five years from the date of the marriage ceremony.

Such reinstated qualified surviving spouse shall be entitled to the reinstatement of her pension effective as of either such date, whichever shall be applicable, but shall not be entitled to the payment of any pension for the period prior to such applicable date and subsequent to the date of the marriage ceremony. The pension paid to any other Beneficiary or Beneficiaries during the period of the marriage or purported marriage of such reinstated qualified surviving spouse shall cease when her pension shall be reinstated, except as is otherwise provided in subsection (a) (7) of this section. However, should such reinstated qualified surviving spouse thereafter be a party to another marriage ceremony, her pension as such shall cease and never again shall be reinstated regardless of whether such marriage ceremony shall result in a valid marriage or in a voidable or void marriage and whether or not the same legally shall be terminated.

(b) Pension For Minor and Dependent Children. Whenever any System Member or Retired Member shall die, without leaving a qualified surviving spouse, the guardian of the estate of his minor child or children or dependent child or children shall be paid, until each such child shall cease to be a minor child or dependent child, a monthly pension pursuant to subsections (a)(1), (2), (3), (4), (5) and (6) of this section, whichever shall be applicable. Whenever any such member shall die, leaving a qualified surviving spouse who thereafter shall die or who thereafter shall cease to be a reinstated qualified surviving spouse, the guardian of the estate of his minor child or children or dependent child or children shall be paid, until each such child shall cease to be a minor child or dependent child, a monthly pension pursuant to one of the aforementioned paragraphs of subsection (a) of this section, whichever shall be applicable. In either of the foregoing events and if there were to be more than one minor child or dependent child, an equal share of such monthly pension shall be paid for and on behalf of each such child to the guardian of his estate and shall be adjusted as each of them shall cease to be a minor child or dependent child in the manner set forth in subsection (a)(7) of this section.

(c) Pension for Dependent Parents. Whenever any System Member or Retired Member shall die, without leaving a qualified surviving spouse or a minor child or dependent child, a monthly pension pursuant to subsections (a)(1),(2),(3), (4), and (5) of this section, whichever shall be applicable, shall be paid to his dependent parent or parents or to the survivor of them until each such dependent parent shall cease to be such. Any dependent parent who shall cease to be such but who thereafter again shall become unable to pay his or her necessary living expenses without a pension shall be entitled to have his or her pension reinstated.

(d) Determinations With Respect to Cause of Death, Dependent Child and Dependent Parent. The Board shall have the same power as that which has been given to it by Section 1412(c) and (d) in order to determine:

(1) the fact of whether a System Member's death was service-connected or nonservice-connected for the purposes of Section 1414(a)(1) and (2);

(2) the fact of whether or not a child of a deceased System Member or Retired Member is a dependent child; and

(3) whether or not any parent of a deceased System Member or Retired Member is a dependent parent.

The Board also shall have the power to determine, from time to time, the fact of whether or not a child who had been determined by it to be a dependent child continues to be a dependent child, the fact of whether or not a parent who had been determined by it to be a dependent parent continues to be a dependent parent and the fact of whether or not a dependent parent who had ceased to be such thereafter shall have become entitled to have his or her pension reinstated.

(e) Medical Reports and Hearings. The power of the Board to determine the fact of whether a System Member's death was service-connected or nonservice-connected, as provided in subsection (d) of this section, hereafter may be exercised

by it upon the basis of a written report from one regularly licensed and practicing physician selected by it, provided, however, that it, in its discretion, may obtain such a report from more than one physician. The determination hereinbefore referred to in this paragraph may at the option of the Board be made without a hearing pursuant to the provisions of subsection (d) of this section.

Sec. 1416. Tier 2 Pension Funds.

(a) Creation of Funds. Two entirely separate and distinct funds hereby are created and established for the payment of pension benefits pursuant to this Tier 2, certain other benefits as may be authorized from time to time pursuant to the enabling provisions of Section 1428 of this Tier 2 and for the payment of the administrative expenses of the Fire and Police Pension Plan—Tier 1 and Tier 2, one of which shall be known as the "Fire and Police Tier 2 Service Pension Fund" and the other of which shall be known as the "Fire and Police Tier 2 General Pension Fund".

The Fire and Police Tier 2 Service Pension Fund shall consist of:

(1) deductions made, pursuant to Section 1420, from the salaries of System Members;

(2) all contributions and donations to the Fire Department or to the Police Department for services by any System Members, except amounts of money donated to provide for any medal or permanent competitive award;

(3) all fines imposed upon System Members for violations of rules and regulations of the respective department in which they are Department Members;

(4) all proceeds from the sale of unclaimed property; and

(5) all interest, earnings and profits resulting from investments of such moneys.

The Fire and Police Tier 2 General Pension Fund shall consist of:

(1) all moneys appropriated to the fund by the Council; and

(2) all interest, earnings and profits resulting from investments of such moneys.

(b) Use of Funds. The moneys in the Fire and Police Tier 2 Service Pension Fund shall be used, other than for the investment thereof, exclusively for the payment of service pensions granted pursuant to Section 1408. The money in the Fire and Police Tier 2 General Pension Fund shall be used, other than for the investment thereof and except as hereinafter in this immediate paragraph specifically provided, exclusively for the payment of all pensions other than service pensions, such benefits as may be provided by ordinance adopted pursuant to the provisions of Section 1428 of this Tier 2 and of all administrative expenses of the Fire and Police Pension Plan Tier 1 and Tier 2 of the Charter.

(c) Transfer of Funds. In the event that the moneys in the Fire and Police Tier 2 Service Pension Fund should be insufficient, at any time, to pay all service pensions, then the Board shall have the power and authority to cause the Controller of the City to transfer to the fund sufficient money from the Fire and Police Tier 2 General Pension Fund. In no other event shall any of the money in either of the funds be commingled with any of the money in the other funds.

(d) General Obligations of City. In the event that the moneys in the Fire and Police Tier 1 Service Pension Fund or in the Fire and Police Tier 1 General Pension Fund should be insufficient, at any time, to pay all pensions or other benefits which are payable there from, respectively, then the Board shall have the power and authority to cause the Controller of the City to transfer to either of the funds sufficient moneys from the Fire and Police Tier 2 General Pension Fund. The obligations to pay benefits pursuant to this Tier 2 shall be general obligations of the City.

Sec. 1418. Actuarial Standards.

(a) Reserve Basis. The Tier 2 System shall be maintained on a reserve basis which, for the purposes of this Tier 2, shall mean one which provides for the accumulation and maintenance of the Fire and Police Tier 2 Service Pension Fund and the Fire and Police Tier 2 General Pension Fund which together will at all times be equal to the difference between the present value of the obligations assumed and the present value of the money to be received for paying such obligations, where such present values are estimated in accordance with accepted actuarial methods and on the basis of an assumed rate of interest and the mathematical probabilities of the occurrence of such contingencies as affect both the payment of the assumed obligations and the receipt of moneys with which they are to be paid in accordance with the provisions of Sections 1210(b)(2) and 1420.

(b) Actuarial Valuation. The Board shall secure an actuarial valuation showing the cost of maintaining the System and funds on such reserve basis and, at intervals of not to exceed five years, shall cause to be made an actuarial investigation including, but not limited to, the mortality, service and salary experience of the System Members and other beneficiaries and shall further cause to be made annually an actuarial valuation of the assets and liabilities of the funds. The Board shall retain a competent consulting actuary for the purpose of making the necessary actuarial studies and reports on the required investigations and valuations.

(c) Interest Rate. The Board, from time to time and with the advice of the investment counsel, shall establish an assumed interest rate as in its judgment seems proper in the light of the experience and prospective earnings on the investments of the funds.

(d) Unrealized Profits or Losses. With the advice of the consulting actuary and of the investment counsel, the Board, for the purpose of the actuarial valuations, shall provide by rule for the manner and to the extent to which any unrealized profits or losses in the equity-type investments of the funds shall be taken into account.

Sec. 1420. Member Contributions—Tier 2

(a) Member Contributions Required. Deductions shall be made from the salaries of System Members, and such deductions shall be deposited to the credit of and paid into the Fire and Police Tier 2 Service Pension Fund, but no further deductions shall be made from the salaries of System Members who have completed 30 years of service.

(b) Payroll Deduction. The administrative head of the Fire Department and of the Police Department shall cause to be shown on each and every payroll of such department a deduction equal to the sum of the following items:

(1) 6% of the amount of salary, as shown on each such payroll, of each System Member whose name appears thereon; and

(2) that percentage of the amount of salary, as shown on each such payroll, of each System Member whose name appears thereon, but not to exceed 1%, which shall be equal to 1/2 of the cost of the cost of living benefits provided in this Tier 2 as shall be determined by the Board upon an actuarial valuation obtained by it pursuant to Section 1418.

The Board, from time to time, shall certify in writing to the administrative head of each such department and to the Controller any change in the deductions to be made pursuant to subsection (b)(2) above, and any such change shall become effective as of the next following July 1.

(c) Transfer of Total Member Contributions. The administrative head of each department shall certify to the Controller on each payroll the amount to be deducted from the salary of each System Member whose name appears thereon, and shall cause to be drawn a payroll check in favor of the Board for the total amount of deductions from the salaries of such System Members as shown on each payroll of such department, and the Board shall deposit the payroll check to the credit of the Fire and Police Tier 2 Service Pension Fund. It shall be the duty of the administrative head of each department to cause to be furnished to the Board a copy of each and every payroll.

(d) Deemed Consent to Payroll Deduction. Each System Member shall be deemed to consent and agree to each deduction as provided herein, and the payment of each payroll check to the System Member shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by the System Member during the period covered by each such payroll check, except such claims as the System Member may have to the benefits or payments provided by this Tier 2.

(e) Refund of Member Contributions. Every person who is a System Member on July 1, 1982 shall, upon termination of employment, be entitled to a refund of contributions made by him or her pursuant to the provisions of this section. A person not a System Member on July 1, 1982 and whose employment terminated prior to that date, shall not be entitled to a refund of contributions made by him or her during periods of membership prior to July 1, 1982.

(f) Limitations on Refunds. The refund of contributions shall be subject to the following conditions and limitations:

(1) Contributions Prior to June 30, 1982. Upon termination of employment as a Department Member for any reason except retirement pursuant to the provisions of this Tier 2, a System Member shall be entitled to have refunded to him or her all contributions made by such System Member to the Fire and Police Tier 2 Service Pension Fund on or prior to June 30, 1982, plus 6% interest per annum on

such contributions calculated in the same manner as if interest had regularly been credited to the System Member's contributions, compounded as of the last day of the last pay period of December and to the end of the last pay period preceding the effective date of termination of employment.

(2) Maintenance of Individual Accounts. Starting July 1, 1982, the Board shall maintain an individual account of the contributions of each System Member. Regular interest shall be credited to such individual accounts as of the last day of June and December of each year after July 1, 1982, at such rate as the Board may deem proper in light of the earnings of the funds of the Tier 2 System, exclusive of profits and losses on principal resulting from sales of securities. No such interest shall be credited at any other time. Interest shall be credited to the individual account of a System Member whose employment is terminated for any reason for any period of service between the next preceding last day of June or December and the end of the pay period preceding the date of such termination at the rate at which regular interest was last credited to System Members' individual accounts.

(3) Election of Refund or Benefits. System Members who elect to receive a refund of contributions, forfeit the right to benefits provided in this Tier 2. After payment of any pension benefit has commenced, the System Member forfeits the right to a refund of his or her contributions. System Members who return to active duty from a disability pension may not thereafter have contributions made by them prior to their retirement on such disability pension refunded. A terminated System Member who had elected to have contributions returned, but who reenters service and again becomes a System Member shall, not withstanding any provision of this Tier 2 to the contrary, not be entitled to credit for years of service previously earned unless he or she shall first have repaid the amount of contributions and interest and an amount calculated as interest which would have been earned between the date of original termination of status as a System Member and the date of reentry into service as a Department Member.

(4) Beneficiary Designation. System Members shall have the right to designate persons who shall be entitled to receive money to which a System Member would otherwise be entitled upon termination of employment, to be payable to such designated person or persons upon the System Member's death, but no such money shall become payable if any person should be entitled to any other benefit provided in this Tier 2. The Board shall adopt appropriate forms for the designation by System Members of persons who shall be his or her beneficiaries.

Sec. 1422. Cost of Living Adjustments.

(a) Determination of Cost of Living Increase or Decrease. The Board, before May 1, of each year commencing with the year 1967, shall determine the percentage of the annual increase or decrease in the cost of living as of March 1, of that year from March 1, of the preceding year, as shown by the consumer price index published by the Bureau of Labor Statistics for the area in which the City is located. If any such index were not to reflect the cost of living as of a particular March 1, then the index for the closest preceding date which shall have done so

shall be used. If there were to be any change in the statistical method or the components which were used in any such index from those which were used in any such index of the preceding year with which a comparison is to be made, then the Board, to the extent possible, shall adjust any such differences therein for the purpose of determining the percentage of increase or decrease in the cost of living.

(b) Adjustments to be Made in Pensions. Commencing as of July 1 of the year in which the Board shall determine the percentage of increase or decrease in the cost of living, the monthly amounts of certain pensions, as hereinafter identified and upon the conditions hereunder stated therefor, shall be increased or decreased by reason of such determined percentage of increase or decrease in the cost of living but not to exceed, however, 2% in any given year. Such determined percentage of increase or decrease in the cost of living, as so limited, shall be applied to the monthly amounts of such pensions which shall be payable prior to the applicable July 1, including any previous percentage of increase or decrease in the cost of living which had been made with respect thereto.

(c) Application of Adjustments. The percentage of increase or decrease in the cost of living first shall be applied to:

(1) Service Pensioners with Less than 25 Years Service. The pension of any Retired Member who shall retire pursuant to Section 1408, with less than 25 years of service, upon the July 1 following the date upon which he would have had 25 years of service if he had not retired prior thereto;

(2) Service Pensioners with at Least 25 Years Service. The pension of any Retired Member who shall retire pursuant to Section 1408, with 25 years of service or more upon the July 1, following the effective date of his pension;

(3) Survivor Pensions of Members with Less Than 26 Years Service. The pension of any Beneficiary or Beneficiaries which shall be granted pursuant to Section 1414(a)(5) and (6), whether by reason of the provisions thereof or of those of Section 1414(b) and (c), including any additional pension amounts payable pursuant to Section 1414(a)(7), following the death, with less than 26 years of service, of a Retired Member who had been retired pursuant to Section 1408 or of a System Member who had become eligible to retire pursuant thereto, upon the July 1, following the date upon which such Retired Member or such System Member, as the case may be, would have had 26 years of service if he, the Retired Member, had not retired prior thereto and had been alive on that date, or if he, the System Member, had been alive on that date; and

(4) Survivor Pensions of Members with at Least 26 Years Service. The pension of any Beneficiary or Beneficiaries which shall be granted pursuant to Section 1414(a)(5) or (6), whether by reason of the provisions thereof or of those of Section 1414(b) or (c), including any additional amounts payable pursuant to Section 1414(a)(7), following the death, with 26 Years of Service or more, of a Retired Member who had been retired pursuant to Section 1408 or of a System Member who had become eligible to retire pursuant thereto, upon the July 1, following the effective date of the pension of such Beneficiary or Beneficiaries.

(5) Certain Survivor Pension Beneficiaries. The pension which shall become payable to any minor child or children or dependent child or children, whenever any qualified surviving spouse or reinstated qualified surviving spouse shall cease to be such, shall commence in the same monthly amount which then would have been payable if such pension had become effective upon the date following the date of death of the System Member or Retired Member and thereafter it shall be adjusted as otherwise provided in this section. The pension which shall become payable to any reinstated qualified surviving spouse, as reinstated pursuant to Section 1414(a)(8), shall commence in the same monthly amount which then would have been payable if she never had ceased to be a qualified surviving spouse and thereafter it shall be adjusted as otherwise provided in this section. The pension which shall become payable to any reinstated dependent parent or parents, as reinstated pursuant to Section 1414(c), shall commence in the same monthly amount which then would have been payable if he or she or each of them never had ceased to be a dependent parent and thereafter it shall be adjusted as otherwise provided in this section.

(6) Limitation on Reductions. The amount of any pension referred to in (1), (2), (3), (4) or (5) of this subsection never shall be reduced, by reason of the application thereto of this section, to an amount less than the amount thereof payable pursuant to the provisions of this Tier 2 other than those of this section.

(d) Carryover of Excess Adjustments. If the percentage of increase or decrease in the cost of living in any year, as determined by the Board, were to exceed 2% as compared with the cost of living as of March 1, of the preceding year, the percentage of increase or decrease in the cost of living in excess of 2% shall be carried over and added to or subtracted from the percentage of increase or decrease in the cost of living in the succeeding year, and such procedure shall be complied with from year to year.

Sec. 1424. Cost of Living Adjustments to Pensions Formerly Excluded.

(a) Definitions. Wherever used in this section:

(1) "the pension" shall mean, unless Section 1422 shall be mentioned in conjunction therewith, only a pension which is not identified in Section 1422;

(2) "the July 1 following" shall mean only a July 1 subsequent to May 2, 1969;

(3) "Beneficiary" shall include its plural; and

(4) words with respect to any pension granted or to be granted pursuant to Section 1414 also shall mean and include the words, as used in Section 1422(b)(3), "whether by reason of the provisions thereof or of those of Section 1414(b) and (c), including, any additional pension amounts payable pursuant to Section 1414(a)(7)."

(b) Method. The percentage of increase or decrease in the cost of living thereafter shall be applied pursuant to Section 1422 and the terms and conditions contained in this section:

(1) Disability Pensions. To the pension of any Retired Member, ever granted pursuant to Section 1412, upon the July 1, following the date of his retirement or the effective date of this paragraph of this section, whichever shall be the later; or Section 1412, upon the July 1, following the date he shall have had 25 years of service, the date he would have had 25 years of service if he previously had not retired or the fifth anniversary of the effective date of the pension, whichever shall be the earliest;

(2) Survivor Pensions Based Upon Previously Active Members. To the pension of any Beneficiary ever granted on account of the death of an active System Member who died as a result of any injury received during the performance of his or her duties or from sickness caused by the discharge of such duties, upon the July 1, following the effective date of such Beneficiary's pension; but if such pension became effective before July 1, 1989, it shall be retroactively adjusted as of July 1, 1989;

(3) Survivor Pensions Based Upon Previously Retired Members. To the pension of any Beneficiary,

(A) ever granted pursuant to Section 1414(a)(5) upon the death of a Retired Member previously retired pursuant to Section 1408 and which pension of such Beneficiary is identified in Section 1422(b)(3) or (4),

(B) ever granted pursuant to Section 1414(a)(3) upon the death of a Retired Member previously retired pursuant to Section 1412(a), or

(C) ever granted pursuant to Section 1414(a)(4) upon the death of the Retired Member, previously retired pursuant to Section 1412(b), upon the July 1 following the date such member shall have had 26 years of service, the date such member would have had 26 years of service if he previously had not retired and then had been alive, or the fifth anniversary of the effective date of the pension of such member, whichever shall be the earliest; and

(4) Survivor Pensions of Nonservice Connected Death of Members. To the pension of any Beneficiary,

(A) ever granted pursuant to Section 1414(a)(2) upon the death of a Department Member not eligible to retire pursuant to Section 1408, or

(B) ever granted pursuant to Section 1414(a)(6) upon the death of a Department Member eligible to retire pursuant to Section 1408 and which pension of such Beneficiary is identified in Section 1422(b)(3) or (4), upon the July 1 following the date such member shall have had 26 years of service, the date such member would have had 26 years of service if he then had been alive, or the fifth anniversary of the effective date of the pension of such Beneficiary, whichever shall be the earliest.

(c) Cost of Living Adjustments for Other Pensions. The following provisions, in respects other than those provided for in subsection (b) of this section, hereafter shall be controlling in the application to certain pensions of the percentage of increase or decrease in the cost of living.

(1) Whenever the amount of the pension:

(A) of any Retired Member shall be increased or decreased pursuant to Section 1412(a) or (c), or

(B) of any qualified surviving spouse shall be increased or decreased pursuant to any paragraph of Section 1414(a), the amount of any such increase shall not include the percentage of any increase in the cost of living which previously had been applied to the former amount of the pension; and the amount of any such decrease shall include the percentage of any increase in the cost of living which previously had been applied to it as a portion of the former amount of the pension.

(2) Whenever the pension of any Beneficiary:

(A) hereafter shall be granted pursuant to Section 1414(a)(5) upon the death of a Retired Member previously retired pursuant to Section 1408 and which pension of such Beneficiary is identified in Section 1422(b)(3) or (4),

(B) hereafter shall be granted pursuant to Section 1414(a)(3) upon the death of a Retired Member previously retired pursuant to Section 1412(a), or

(C) hereafter shall be granted pursuant to Section 1414(a)(4) upon the death of a Retired Member previously retired pursuant to Section 1412(b), the amount of the pension of any such Beneficiary,

(i) if the amount thereof which shall be payable to such Beneficiary were to be more than the amount of the pension which had been payable to such member, shall include the percentage of any increase in the cost of living which had been applied to the pension of such member, or

(ii) if the amount thereof which shall be payable to such Beneficiary were to be less than the amount of the pension which had been payable to such member, shall include that portion of the percentage of any increase in the cost of living which had been applied to the pension of such member which shall be in the same ratio as the amount of the pension which shall be payable to such Beneficiary shall bear to the amount of the pension which had been payable to such member, and the percentage of any increase or decrease in the cost of living in excess of 2% per year which had been carried over for such member as of the date of his death shall be carried over for such Beneficiary if (i) hereof were to be applicable or in the same ratio therein provided in (ii) hereof were to be applicable.

(3) Whenever the pension of any qualified surviving spouse hereafter shall be terminated pursuant to any provisions of Section 1414(a) and the pension thereafter shall become payable on behalf of any minor or dependent child or children of the deceased member, the amount of pension on behalf of such child or children shall include that portion of the percentage of increase in the cost of living which had been applied to the pension of such qualified surviving spouse which shall be in the same ratio as the amount of the pension which shall be payable on behalf of such child or children shall bear to the amount of the pension which had been payable to such qualified surviving spouse, and the percentage of any increase or decrease in the cost of living in excess of 2% per year which had been carried over for such qualified surviving spouse as of the date of the termination of his or her

pension shall be carried over on behalf of such child or children in the same ratio hereinabove provided.

(d) Limitation of Reductions. The amount of the pension never shall be reduced, by reason of the application thereto of the provisions of Section 1422 or this section, to an amount less than the amount thereof payable pursuant to provisions of this Tier 2 other than those of Section 1422 and this section. Section 1422 hereafter shall be construed and applied in accordance with this section as to each pension mentioned in this section.

Sec. 1426. Minimum Tier 2 Pensions and Other Cost of Living Adjustments.

(a) Minimum Tier 2 Pensions. Each pension granted pursuant to this Tier 2, regardless of the type of the pension, which became or becomes effective prior to July 1, 1971 and which, as of June 30, 1971, is in a monthly amount of less than $350 shall be increased, effective July 1, 1971, pursuant to the provisions of subsection (b) and subsection (c) of this section, and shall, if such increase results in a monthly pension amount which is less than $350, be increased to provide for a monthly minimum pension of three hundred fifty dollars ($350). Each pension granted pursuant to this Tier 2, regardless of the type of the pension, which becomes effective on or subsequent to July 1, 1971 shall be in a monthly amount not less than the minimum monthly pension amount provided, as of the effective date of the pension, by this subsection of this section. The monthly amount of each such pension never shall be reduced, by reason of the provisions of Section 1422, Section 1424 or subsection (c) of this section, to a monthly amount less than the minimum monthly pension amount (b) by this subsection.

(b) Additional Cost of Living Adjustments. The monthly amount of pension of each Beneficiary which, prior to the effective date of this section, had been increased by reason of a cost of living adjustment thereof pursuant to Section 1422 or Section 1424 shall be increased, as of July 1, 1971, by that portion of the percentage of the annual increase in the cost of living, as had been determined by the Board pursuant to Section 1422 which was in excess of 2% but not in excess of 3% for each year the monthly amount of such pension had been increased.

(c) Adjustment for Certain Pensions. The monthly amount of pension of each Beneficiary who heretofore did qualify or hereafter shall qualify for a cost of living adjustment thereof pursuant to Section 1422 or Section 1424 and the monthly amount of pension of each Beneficiary which shall be the minimum monthly pension amount provided by subsection (a) of this section, hereafter shall be increased or decreased, as of the dates provided therefor by Section 1422, by the percentage of the annual increase or decrease in the cost of living as hereafter shall determined by the Board pursuant to Section 1422.

(d) Applicability of this Section. The provisions of Sections 1408, 1412, 1414, 1422 and 1424 hereafter shall be construed and applied in accordance with the provisions of this section.

(e) Savings Clause. Should any provisions of this section at any time be held to be invalid, in their application to certain persons or periods of time such invalidity shall not affect the validity of any provisions as to other persons entitled to benefits hereunder or the applicability as to other periods of time.

Sec. 1428. Authority of Council to Establish Certain Benefits by Ordinance.

(a) Purpose of this Section. It is the purpose of this section to enable the Council to provide by ordinance a program or programs whereby persons receiving pensions pursuant to the provisions of this Tier 2 may become eligible to have subsidy payments made on their behalf for health insurance, accident insurance, life insurance or health care plan coverage or coverage for any combination of such programs as determined by the Council and subject to such conditions of entitlement as may be set forth in any ordinance adopted in accordance with the provisions of this section.

(b) Mode of Adoption of Ordinance. Ordinances adopted pursuant to this section must be approved by not less than two-thirds of the membership of the Council, subject to the veto of the Mayor and readoption by the Council by three-fourths of the membership of the Council. No such ordinance may be finally adopted by the Council until the expiration of at least thirty days after its first presentation to the Council, nor until after a public hearing has been held thereon. Any ordinance adopted pursuant to this section shall go into effect upon its publication, but the terms of such ordinance, or portions thereof, may be operative at a later date or dates.

(c) Limitations on Council's Authority. An ordinance adopted pursuant to this section may not provide for subsidy payments for any individual, the total amount of which, including subsidy payments from a City fund or funds other than those created under Section 1416, would be in excess of the maximum available subsidy payment for beneficiaries under the provisions of any ordinance adopted pursuant to the authority of Section 1168 of the Charter, nor may such subsidy payments be in excess of any amounts allowed active members of the Tier 2 System.

(d) Administration of Subsidy Program. Any subsidy program adopted by ordinance pursuant to this section shall be administered by the Board. In furtherance thereof, the Board shall have the authority to contract for suitable programs as hereinabove defined in subsection (a) hereof, to be made available to retired members or other beneficiaries, and shall have the power to adopt such rules as it deems necessary to administer such programs. Notwithstanding the foregoing provisions, the Board may authorize the Personnel Department to administer any program or part thereof established by ordinance pursuant to the provisions of this section, provided however, that the Board shall reimburse the General Fund of the City for all necessary expenses incurred by the Personnel Department as a result thereof.

(e) Adjustment of Subsidy Amount. The Board, in its discretion, may by resolution increase or decrease the amount of subsidy payments to reflect changes in subsidies provided for active members, or to offset any increases or decreases in

the level of benefits referred to in subsection (a) of this section or the cost thereof as a result of changes in existing benefits or the addition of newly created benefits by federal or state funded programs.

Sec. 1430. Compliance with Certain Internal Revenue Code Provisions.

(a) Election. With the enactment of this section an election has been made as authorized under the provisions of Section 415(b)(10)(C) of the Internal Revenue Code to be bound by the limitations of Section 415 of the Code subject to the provisions of Section 415(b) and (B), thereof.

(b) Automatic Repeal. If any of the provisions of Section 415 of the Internal Revenue Code should be repealed, the provisions of this section shall be deemed repealed to the same extent.

Sec. 1432. Miscellaneous Provisions.

The provisions of this section shall be controlling if there were to be any other provision contained elsewhere in this Tier 2 which is or could be construed to be contrary thereto, in conflict therewith or different therefrom.

(a) Members Eligible to Service or Disability Pension. Any System Member who shall believe that he is eligible to be retired pursuant to Section 1408 concerning Service Pensions and that he also is eligible to be retired pursuant to Section 1412 concerning Disability Pensions, shall have the right to file his written application to be retired pursuant to either one of the sections and the Board, if it were to determine that the contingencies provided in this Tier 2 for retirement pursuant to the particular section involved had happened or occurred as to such member, shall retire him in accordance with his written application.

(b) Board Consideration of Conflicting Requests to Retire. In the event that any System Member were to file his written application to be retired and a written request for him to be retired also were to be filed by or on behalf of the head of the department in which he is a Department Member, the Board shall not consider or make any determination with respect to such written request unless and until it first shall have considered such member's written application and shall have determined that he is not entitled to be retired in accordance therewith.

(c) Service or Disability Pensions for Former Members. Any former System Member who shall believe that he is eligible to be paid a pension pursuant to Section 1408 or pursuant to Section 1412, may file his written application for the payment to him of a pension pursuant to either one of said sections within the time prescribed for the filing thereof by any applicable provision of law and the Board, if it were to determine that the contingencies provided in this Tier 2 for the payment thereof had happened or occurred as to such former member prior to the date upon which he had ceased to be a System Member and if there is no legal bar or defense to the granting to him of such pension or to any judicial action or proceeding which could be brought by him with respect thereto, shall grant him the pension in accordance with his written application.

Sec. 1434. Overtime Work.

(a) Time off With Pay. Whenever a Tier 2 System Member, for overtime work, shall take a period of time off with pay:

(1) a deduction for pension purposes shall be made from such pay but only in the same amount as that which would have been deducted from his Monthly Salary and additional monthly pay if such period had been one of regular work;

(2) such pay shall be part of his Monthly Salary and additional monthly pay but only in the same amount as that which would have been his Monthly Salary and additional monthly pay if such period had been one of regular work; and

(3) such period shall be part of his Years of Service.

(b) Cash Payment. Whenever a Tier 2 System Member, for overtime work, shall receive a cash payment:

(1) a deduction for pension purposes shall not be made from such payment;

(2) such payment shall not be part of his Monthly Salary and additional monthly pay; and

(3) the period of overtime work for which he shall receive such payment shall not be part of his Years of Service except that any period of a Tier 2 System Member's overtime work, for which he shall not have taken time off with pay, shall be credited, by the Board, as part of his Years of Service, upon his or his survivor's written request therefor, to the same extent as he would have been entitled to take time off with pay but only to the extent, and not in excess thereof, that he, while a Department Member, shall have had any period of absence from work without pay, but such request shall be accompanied with payment of the amount which would have been deducted for pension purposes from his Monthly Salary and additional monthly pay if the period of overtime work, to the extent credited, had been one of regular work.

FIRE AND POLICE PENSION PLANS—TIER 3
(formerly Article XXXV, Plan 1)

Sec. 1500. Tier 3 Members.

(a) Appointed Members. Each person who shall be appointed as a Department Member on or after December 8, 1980 through June 30, 1997 shall become a Plan Member upon graduation by such person from training at the Police or Fire Academies or equivalent facility imparting basic training as a firefighter or police officer and maintained as such by the City of Los Angeles. A Chief of Police or a Fire Chief who is appointed to that position without having graduated from such facility may become a Member upon appointment. Upon becoming a Plan Member, a person may elect to purchase Years of Service credit for the period of such training in accordance with rules adopted by the Board.

(b) Former Tier 1 & 2 Members. A person formerly a system member under the provisions of Tier 1 or 2 of this Article whose membership had previously terminated by reason of resignation or discharge shall upon again being appointed as a Department Member become a Plan Member as of the effective date of such appointment. In the event such person did not receive a refund of contributions upon his or her termination as a System Member, then the definition of "Years of Service" elsewhere contained in this Tier 3 shall be controlling with respect

to such person's entitlement to service credit; and further, such person need not make back contributions on account of such former service and does not have any right to have contributions formerly made by him or her under the provisions of Tier 1 or 2 refunded in the event he or she should subsequently terminate as a Plan Member. In the event such person received a refund of his or her contributions under the provisions of Tier 1 or 2 as a result of his or her termination, then such person's entitlement to Years of Service credit for the period of such former service shall be conditioned upon such person electing to repay and having paid to the Fire and Police Pension Plan—Tier 3 the amount of previously refunded contributions, with interest thereon and an amount calculated as interest which would have been earned between the date of such termination and the date of entry into service as a Plan Member in accordance with rules adopted by the Board. In the event such member does not elect to so repay, the term Years of Service as elsewhere used in this Tier 3 shall not include any periods prior to his or her becoming a Plan Member, notwithstanding the definitions contained in Section 1502(m) and (n).

(c) Certain Former Tier 4 Members. Each person who irrevocably elects in accordance with this subsection to become eligible for the service, vesting and contribution provisions of this Tier 3 shall become a Tier 3 Plan Member.

(1) Election of Tier 4 Members to Become Tier 3 Members. Any Department Member hired under Section 1600(a) during the period July 1, 1997 through December 31, 1997 who became a Tier 4 Plan Member in acordance with Section 1600 shall have the option to make an irrevocable election, in writing, to become eligible for the service, vesting and contribution provisions of Tier 3 and thereby become a Tier 3 Plan Member.

(2) Election Period. The election period shall commence no later than sixty (60) days following the operative date of this subsection and shall remain in effect for six months from such date.

(3) Tier 4 Members on Disability. Any Tier 4 Plan Member hired during the period of July 1, 1997 through December 31, 1997 and who as a member of Tier 4 is receiving a disability pension pursuant to Section 1606 and who, thereafter, is restored to active duty as a Department Member after the end of the election period provided in subsection (c)(2), shall not be eligible to elect to become a Tier 3 Plan Member.

(4) Members on Military Leave. Persons who are not active members during the election period provided in subsection (c)(2) due to service in the armed forces shall have 90 days following their return to active duty or the expiration date of the election period, whichever is later, to make an election to become a Tier 3 Plan Member.

(5) Release of Liability. The Board shall have the authority to establish rules requiring a full and complete release from liability from members and their spouses or domestic partners upon the Plan Member's election to transfer from Tier 4 to Tier 3.

(d) Paramedics and Civilian Ambulance Employees. In addition to those Department Members described in subsection (a) of this section, paramedics or civilian ambulance employees shall become Plan Members upon the effective date of this subsection, except that persons employed as paramedic trainees shall become Plan Members only upon their certification, as provided by law, as mobile intensive care paramedics or equivalent. Upon certification, Plan Members may elect to purchase Years of Service credit for the period of such training in accordance with rules to be adopted by the Board.

If such a Plan Member had periods of membership in the Los Angeles City Employees' Retirement System while he or she was a paramedic or civilian ambulance employee, such Plan Member shall be entitled to elect to acquire Years of Service credit for such periods of membership in the Los Angeles City Employees' Retirement System. Upon such election his or her contributions, plus interest credited thereon, and his or her City service credit shall be transferred to the Fire and Police Pension Plan—Tier 3 in accordance with rules to be adopted by the Board.

(e) Purchase of Credit by Surviving Spouse. A surviving spouse of a Plan Member may complete the purchase of Years of Service credit elected by the Plan Member.

(f) Prohibition of Double Benefits. No Plan Member may receive double benefits by receiving credit for Years of Service for the same periods of City service from the Los Angeles City Employees' Retirement System and under the provisions of this Tier 3. Further, no Plan Member may transfer credit received from the Los Angeles City Employees' Retirement System while employed in a capacity other than paramedic or civilian ambulance employee.

(g) Transfer of Released Liability. Upon the election by a Plan Member to acquire Years of Service credit, the released liability of the Los Angeles City Employees' Retirement System shall be transferred to the Fire and Police Pension Plan—Tier 3. For the purposes of this subsection, the phrase Released Liability means the City's share of the actuarially determined present value of benefits under the Los Angeles City Employees' Retirement System as of the date of transfer.

Sec. 1502. Definitions.

In addition to the words and phrases defined in the Fire and Police Pension Plans General Provisions in this Part 3, and for the purposes of this Tier 3, the following words or phrases shall have the meaning ascribed to them in this section, unless a different meaning is clearly indicated in the context.

(a) Member of the Fire Department. Member of the Fire Department means the Fire Chief and a person duly and regularly appointed in the Fire Department, under civil service rules and regulations or provisions of the Charter, or both, governing the making of original regular and permanent appointments which require the serving of probationary periods but not of original emergency or temporary appointments, to perform duties as a firefighter or as a paramedic or civilian ambulance employee for the City, under whatever designation such person may

be described in any salary or departmental ordinance providing salaries for the members of the department, but such person shall be a member of the department only until his or her status as such shall be terminated by reason of retirement, resignation or discharge or for any other reason.

(b) Member of the Police Department. Member of the Police Department means the Chief of Police and a person duly and regularly appointed in the Police Department, under civil service rules and regulations or provisions of the Charter, or both, governing the making of original regular and permanent appointments which require the serving of probationary periods but not of original emergency or temporary appointments therein, and sworn in, as provided by law, to perform duties as a police officer for the City, under whatever designation such person may be described in any salary or departmental ordinance providing salaries for the members of the department, but such person shall be a member of the department only until his or her status as such shall be terminated by reason of his or her retirement, resignation or discharge or for any other reason.

(c) Plan Member. Plan Member means a person who is a Department Member and whose pension rights and benefits are governed by this Tier 3. Status as a Plan Member is limited by the provisions of Section 1500.

(d) Qualified Surviving Spouse. Qualified Surviving Spouse means a person who is the widow or widower of a deceased Plan Member or Retired Plan Member and who has been married:

(1) to the Plan Member for at least one year prior to the date of his or her non-service-connected death while a Plan Member, or

(2) to the Plan Member as of the date of his or her service-connected death while a Plan Member, or

(3) to the Retired Plan Member for at least one year prior to the effective date of his or her retirement upon a service pension or upon a nonservice-connected disability pension pursuant, respectively, to Section 1504 or Section 1506(b), or

(4) to the Retired Plan Member as of the effective date of his or her retirement upon a service-connected disability pension pursuant to Section 1506(a).

(e) Minor Child. Minor Child means a person who is a child or an adopted child of a deceased Plan Member or a Retired Plan Member, but such person shall be a Minor Child only until such person shall attain the age of 18 years or shall marry, whichever shall be earlier.

A person may further qualify for the benefits provided for a Minor Child under the provisions of this article until he or she reaches the age of 22 years if such person is enrolled in school on a full-time basis as determined by the Board but such person's marriage terminates entitlement to the benefits of a Minor Child.

(f) Dependent Child. Dependent Child means a person who is a child of a deceased Plan Member or a deceased Retired Plan Member, who is not married and who, while under the age of 21 years, had become disabled, either prior or after the date of death of such Plan Member or Retired Plan Member, from earning a livelihood for any cause or reason whatsoever, but such person shall be

a Dependent Child only until he or she shall cease to be disabled from earning a livelihood. Should disability cease before the age of 22 years, the limitations set forth in subsection (e) shall be applicable.

(g) Dependent Parent. Dependent Parent means a person who is a parent of a deceased Plan Member or a deceased Retired Plan Member to or for whom such deceased Plan Member or deceased Retired Plan Member, during at least one year immediately preceding his or her death, contributed one-half or more of such Dependent Parent's necessary living expenses and who is unable to pay such expenses without the receipt of a pension, but such person shall be a Dependent Parent only until he or she shall be able to pay his or her necessary living expenses.

(h) Length of Service Pay. Length of Service Pay means any additional gross monthly pay which, by reason of length of service, shall be provided by ordinance.

(i) Special Pay. Special Pay means any additional gross monthly pay which, by reason of assignment to perform special duties other than hazardous duties, shall be provided by ordinance.

(j) Hazard Pay. Hazard Pay means any additional gross monthly pay which, by reason of assignment to perform helicopter duties, two-wheel motorcycle duties or any other hazardous duties shall be provided by ordinance.

(k) Assignment Pay. Assignment Pay means any additional gross monthly pay which, by reason of assignment to perform special duties or hazardous duties, in a higher class, position, grade, code or other title than the lowest thereof within the Plan Member's permanent rank, shall be provided therefor by ordinance.

(*l*) Year. Year means a period of 12 months or, in aggregating partial years for purposes of determining Years of Service, means 365 days.

(m) Years of Service. Years of Service means and includes only those periods during or for which the Plan Member was a Department Member of the Fire Department or of the Police Department, or of both and whether prior to or after his or her becoming a Plan Member and subject to the limitations contained in Section 1500 of this Tier 3:

(1) did or shall receive salary, whether in full or reduced amounts thereof;

(2) did or shall receive either a service-connected disability pension or a non-service-connected disability pension under any Tier of the Fire and Police Pension Plans if he or she was or shall be restored to active duty as a Department Member and did or shall perform his or her duties as such for at least one year prior to again retiring or being retired pursuant to this Tier 3, which year shall not include any time off from work by reason of any injury or illness which had been caused by or contributed to by any injury or illness which had been sustained or suffered by him or her prior to such restoration. The restored Plan Member, upon completing one Year of Service following restoration, shall be eligible for such credit only to the extent that the length of service following restoration matches the period the disability pension was received; but upon completing three years of restored

service, the restored Plan Member is eligible for credit for the entire period the disability pension was received; and provided further that a period during which a Plan Member was on a nonservice-connected disability pension may only be counted toward his or her Years of Service if the Plan Member makes contributions therefor at the rate provided in Section 1514 of this Tier 3 in accordance with the rules to be adopted by the Board;

(3) is or shall become entitled, under any provision of general law or ordinance of the City, to credit toward retirement for periods of military service or military leave;

(4) did or shall receive Workers' Compensation benefits for temporary disability as provided by general law on account of any injury or illness arising out of and in the course of employment, but such period shall be made a part of the Plan Member's Years of Service only if the Plan Member has made contributions to the Fire and Police Pension Plan in the manner prescribed by Board rule;

(5) is or shall become entitled pursuant to any ordinance of the City providing compensation for injury on duty; and

(6) had served as a member of the Fire and Police Pension System—Tiers 1 or 2 of this Article, without having become eligible to service retirement benefits but such prior service as a member under provisions of Tiers 1 or 2 does not entitle the Plan Member to a refund of contributions made on account of such previous service.

A Plan Member who has previously been a Plan Member and who has ceased to be such by virtue of his or her resignation or discharge and who subsequently again becomes a Plan Member, shall be entitled to service credit only if he or she has first redeposited with interest, any Plan Member contributions previously withdrawn by him or her, in the manner provided by the Board.

(n) Partial Year of Service. Partial Year of Service means any period mentioned in subsection (m) of this section which is less than 12 months.

Any such Partial Year of Service shall be calculated from the end of the Plan Member's last completed Year of Service to the end of the payroll period immediately prior to the date of his or her retirement and shall be counted as part of a Plan Member's Years of Service for his or her retirement upon a service pension hereafter granted or for a pension hereafter granted to his or her Qualified Surviving Spouse, Minor Child or children, Dependent Child or children or Dependent Parent or parents if he or she hereafter shall die while upon a service pension hereafter granted or while eligible for a service pension.

(o) Final Average Salary. Final Average Salary means an amount equivalent to a monthly average of salary actually received during any 12 consecutive months of service as a Plan Member as designated by the Plan Member. In the absence of such designation, the last 12 consecutive months preceding the date upon which retirement would become effective shall be used as the basis for the calculation of Final Average Salary.

For Plan Members employed as paramedics or civilian ambulance employees who have formerly been members of the Los Angeles City Employees' Retirement System, and who, pursuant to the provisions of Section 1500 of this Tier 3 have become Plan Members, the determination of Final Average Salary shall include periods of City service for which such Plan Members have elected to acquire Years of Service credit by transfer of their contributions from the Los Angeles City Employees' Retirement System to the Fire and Police Pension Plan—Tier 3. If a Plan Member should die before having made such election, his or her surviving spouse may make the election in place of the Plan Member.

For the purposes of determining Final Average Salary periods during which the Plan Member receives less than full salary on account of injury or illness, pursuant to any applicable ordinance of the City, shall be included in the calculation of Final Average Salary based upon the salary, including any Length of Service Pay, Special Pay, Assignment Pay or Hazard Pay, the Plan Member would have received but for the injury or illness.

Included in the calculation of Final Average Salary shall be Length of Service Pay, Special Pay, Assignment Pay and Hazard Pay actually received during the 12 consecutive months used to determine Final Average Salary. To the extent that Hazard Pay was not received during all or any part of the 12 consecutive months used to determine Final Average Salary, then it shall be included in the calculation of Final Average Salary only if the Plan Member retires at the same rank as that occupied by him or her at a time when Hazard Pay was received during a period or periods other than the 12 months used to determine Final Average Salary, and for each such completed 12 month period during which the Plan Member served at that rank and received Hazard Pay, he or she shall be entitled to have included in the Final Average Salary 10% of the Hazard Pay which would have been payable had the hazardous duty been performed during the period for which the Final Average Salary is calculated except the total amount includable in the Final Average Salary for Hazard Pay may not exceed 100% of the amount the Plan Member would have received had he or she been entitled to Hazard Pay during the entire 12 month period utilized in the calculation of Final Average Salary.

Overtime compensation or payments of money to the member not designated as salary by an ordinance of the City shall not be considered for purposes of calculating Final Average Salary.

Notwithstanding any of the foregoing, if a Retired Plan Member were to be restored to active duty as a Department Member and thereby again were to become a Plan Member and if he or she again were to retire or to be retired without having performed his or her duties for at least one year subsequent to such restoration, which year shall not include any time off from work by reason of any injury or illness which had been caused by or contributed to by any injury or illness which had been sustained or suffered by him or her prior to such restoration, the Final Average Salary which shall be applicable to his or her later retirement shall be the Final Average Salary which had been applicable to his or her previous retirement.

Should a Plan Member not have completed 12 consecutive months of service as a Plan Member, then and in that event only shall the Final Average Salary be calculated as a monthly average of all consecutive calendar months completed, and, if the Plan Member has completed less than one month of total service as a Plan Member, the salary actually received shall be used to calculate its monthly equivalent.

The following provision shall be effective for Plan Members who retire on or after July 1, 2000 from the Fire Department while holding a rank no higher than Captain or from the Police Department holding a rank no higher than Lieutenant. If Hazard Pay was not received during all or any part of the 12 consecutive months used to determine Final Average Salary, then an amount equivalent to 10% of the Hazard Pay received at the time of the termination of the last assignment to hazardous duties for each year in the aggregate of the assignment to hazardous duties shall be added to the Final Average Salary, not to exceed 10 years in the aggregate. The total amount of Hazard Pay included in Final Average Salary may not exceed 100% of the amount the Plan Member would have received had the Plan Member been entitled to Hazard Pay during the entire 12 month period utilized in the calculation of Final Average Salary.

Sec. 1504. Service Retirement and Vesting.

(a) Normal Retirement. Starting at the age of 50 years, a Plan Member who shall have 10 or more Years of Service, shall be retired by order of the Board from further active duty as a Department Member either upon the filing of his or her written application or upon the filing of a written request by or on behalf of the head of the department in which he or she is a Department Member, if it shall be determined by the Board to be for the good of such department, other than for a cause or reason which would entitle such Plan Member to a disability pension pursuant to Section 1506, and the Board, if it shall so determine, shall state the cause or reason in its order retiring such Plan Member.

(b) Service Pension Benefits for Terminated Employees. A former Plan Member who became such because of termination of his or her employment for any reason other than death or retirement on account of disability pursuant to the provisions of Section 1506, and who has completed at least 10 Years of Service, may elect to leave his or her contributions in the Fire and Police Service Pension Fund. Upon reaching the age of 50 years, such former Plan Member shall be entitled to receive service retirement benefits in accordance with the formula hereinafter set forth. The election to leave member contributions in the fund shall be irrevocable and must be in writing, filed with the Board within three years from the date of such termination of employment. Upon the execution and filing of the same, the former Plan Member's individual account shall be credited with an amount equal to all of the regular interest which, had he or she otherwise been entitled to the same, would have been credited thereto between the date of such termination of employment and the date of the filing of such election and thereafter, regular interest shall, until he or she be paid a pension, be credited thereto

in the same manner as Plan Members' individual accounts shall be credited. In the event that any such person should die before being paid a pension, the only benefit which shall be paid under the provisions of this Tier 3 is the payment of his or her accumulated contributions, including interest credited thereto, to such persons as may be entitled thereto. Failure to file such an election within three years shall constitute an irrevocable decision not to take the service retirement benefits herein provided.

(c) Physical Examination for Employees Age 70 and Over. After a Plan Member has attained the age of 70 years, he or she shall annually submit to an examination by a regularly licensed, practicing physician selected by the head of his or her department who shall render a written report to such department and to the Board as to whether or not the Plan Member is physically and mentally fit to continue his or her duties as a Department Member. If the Plan Member is found by the Board not to be physically or mentally fit to so continue his or her duties, he or she shall be retired effective the first day of the calendar month next succeeding that month in which the physician's report is received by the Board.

(d) Pension Amount. A pension payable pursuant to the provisions of this section shall be paid monthly for life in an amount which shall be equal to 2% of Final Average Salary per Year of Service for up to 20 Years of Service; and for each additional year of service after 20 years, 3% of Final Average Salary per year; but the maximum percentage of Final Average Salary payable, regardless of length of service, shall be 70% of such Final Average Salary.

Sec. 1506. Disability Pensions.

(a) Service-Connected Disability. Upon the filing of his or her written application for a disability pension or upon the filing of a written request therefor by or on behalf of the head of the department in which he or she is a Department Member, any Plan Member whom the Board shall determine has become physically or mentally incapacitated by reason of injuries received or sickness caused by the discharge of the duties of such person as a Department Member, and who is incapable as a result thereof from performing his or her assigned duties, or those to which he or she would be assigned within the Plan Member's civil service classification if returned to duty, shall be retired by order of the Board from further active duty as a Department Member.

A Plan Member's incapacity is caused by the discharge of his or her duties if there is clear and convincing evidence that the discharge of the Plan Member's duties is the predominant cause of the incapacity.

A Plan Member retired under the provisions of this subsection shall be paid thereafter a monthly service-connected disability pension in an amount which shall be equal to the same percentage of the Plan Member's Final Average Salary as the Board shall determine, from time to time, to be the percentage of his or her disability. Such pension shall be in an amount of not less than 30% and not more than 90% of the Retired Plan Member's Final Average Salary, but in no case shall the pension be less than the equivalent of 2% of Final Average Salary for each Year of Service of the Retired Plan Member.

No Retired Plan Member, while retired pursuant to this subsection, ever shall be paid any pension pursuant to Section 1504 or subsection (b) of this section.

(b) Nonservice-Connected Disability. Upon the filing of his or her written application for disability pension by a Plan Member who shall have five Years of Service or more, or upon the filing of a written request with respect to such a Plan Member by or on behalf of the head of the department in which he or she is a Department Member, any Plan Member whom the Board shall determine has become physically or mentally incapacitated by reason of injuries or sickness other than injuries received or sickness caused by the discharge of the duties of such person as a Department Member, and who is incapable as a result thereof from performing his or her assigned duties or those to which he or she would be assigned within the Plan Member's civil service classification if returned to duty, shall be retired by order of the Board from further active duty as a Department Member.

As a further condition of entitlement to such a pension, the Board shall also determine that such disability was not principally due to or caused by voluntary action of the Plan Member intended to entitle him or her to a nonservice-connected disability pension.

A Retired Plan Member, retired under the provisions of this subsection shall be paid thereafter a monthly nonservice-connected disability pension in an amount which shall be equal to the same percentage of the Retired Member's Final Average Salary as the Board shall determine, from time to time, to be the percentage of his or her disability; but such pension shall be in an amount of not less than 30% and not more than 50% of the Retired Plan Member's Final Average Salary.

No Retired Plan Member, while retired pursuant to this subsection, ever shall be paid any pension pursuant either to Section 1504 or to subsection (a) of this section.

(c) Determination of Disability. Upon the filing of any written application or request for a disability pension, as referred to in subsections (a) and (b) of this section, the Board: (1) shall cause the Plan Member to be examined by and a written report thereon rendered by at least three regular licensed and practicing physicians selected by it; (2) shall hold a hearing with respect to such application or request; (3) shall receive or hear such other evidence relating to or concerning the Plan Member's disability or claimed disability as may be presented to it. The Board shall have the power to hear and determine all matters pertaining to the granting and denying of any such application or request for a disability pension. The Board first shall determine whether or not the Plan Member is incapable of performing his or her assigned duties or those to which he or she would be assigned within the Plan Member's civil service classification if returned to duty. If the Board were to determine that he or she is not so incapable, it then shall be the duty of the Board to deny the application or request. If the Board were to determine that he or she is so incapable, it then shall determine, pursuant to the language used in subsections (a) and (b) of this section, whether his or her inca-

pacity or disability is service-connected or nonservice-connected. The Board then shall determine the percentage of his or her incapacity or disability, within the limitations prescribed in subsections (a) and (b) of this section, and shall grant the application or request accordingly. If the Board were to determine that the disability is nonservice-connected, and that the incapacity or disability was principally due to or caused by voluntary action by the Plan Member intended to entitle him or her to a nonservice-connected disability pension, it then shall be the duty of the Board to deny the application or request. The Board upon its own motion or upon the written request of any Retired Plan Member, retired pursuant to subsections (a) or (b) of this section, shall have the power to consider new evidence pertaining to the case of any such Retired Plan Member and to increase or decrease the percentage of his or her incapacity or disability within the limitations prescribed in subsections (a) or (b) of this section; but any such increase or decrease shall be based only upon injuries or sickness for which he or she was retired. In the case of any former Plan Member who became such by reason of his or her resignation or discharge as a Department Member, the Board, in order to grant any application filed by him or her for a disability pension, must also determine, in addition to all of the foregoing, that any existing incapacity or disability upon his or her part occurred prior to the termination of his or her active status as a Department Member and had been continuous up to the date of the Board's determinations.

The Board shall adopt by rule, within a reasonable time, a disability rating schedule to assist in standardizing disability pension awards.

(d) Termination of Disability Pensions. The pension of any Retired Plan Member, retired pursuant to subsections (a) or (b) of this section and whose active status as a Department Member had been terminated by reason of his or her retirement, shall cease when the incapacity or disability for which he or she had been retired shall cease and he or she either:

(1) shall have been restored to active duty as a Department Member in the same permanent rank which he or she had held as of the date of retirement; or

(2) shall have been ordered restored to active duty as a Department Member in such same permanent rank and shall have declined, refused or neglected to report therefor or to perform duties as such.

Any former Plan Member who has been retired for more than five years from the date of the Board's action by which he or she was retired may never be restored to active duty as a Department Member. The pension of any Retired Plan Member, retired pursuant to subsections (a) or (b) of this section and whose active status as a Department Member had been terminated by reason of his or her resignation or discharge as such, shall cease when the incapacity or disability for which he or she received a disability pension shall cease. The Board shall have the power to hear and determine upon its own motion all matters pertaining to the termination of any such pension.

After a Retired Plan Member, whose active status as a Department Member has been terminated by reason of his or her retirement, has been retired on a service-connected disability pension or on a nonservice-connected disability pension for five years, and has been found to be no longer disabled, the Board shall adjust such Retired Plan Member's pension to 30% of his or her Final Average Salary. The adjusted pension shall reflect such cost of living adjustments as would have occurred had the Retired Plan Member's pension originally been based on such adjusted percentage.

(e) Periodic Medical Examinations. Except in those instances in which the Board has determined that, due to the nature of the disability, no purpose would be served in having periodic medical examinations to determine whether or not a Retired Plan Member is still disabled, all Retired Plan Members on a disability pension shall undergo medical examinations at periodic intervals, as determined by the Board, for the first five years of their disability retirement. Retired Plan Members who receive service-connected disability pensions exceeding 30% of Final Average Salary and Plan Members who terminated City employment by reason of resignation or discharge prior to being granted a disability retirement, shall thereafter undergo medical examinations as determined by the Board.

If a Retired Plan Member resides outside of the State of California, the Board shall have the authority to order medical examinations of Retired Plan Members at any place it may determine to be desirable and shall, if it is determined that it would impose hardship on the person to be examined to travel to such place, have the authority to defray the reasonable cost of any such travel required.

(f) Assessing Cost for Missed Medical Appointments. The Board shall have the authority to provide, by rule, for assessing the cost of medical appointments missed by disability pension applicants, or by Retired Plan Members on a disability pension, where such missed appointments were not caused by factors beyond the control of the Plan Member or Retired Plan Member.

(g) Re-application After Denial of Disability Pension. The Board shall establish reasonable rules governing the re-application by Plan Members for a disability pension where an application has been denied and a new application has been filed subsequently for the same or similar medical reasons as those which were the basis of a previously denied application.

(h) Transfers Under Civil Service. For a period of one year following the effective date of a Retired Plan Member's disability pension, such Retired Plan Member shall be eligible for status without examination under the provisions of Section 1014 of the Charter in civil service classifications other than those that would entitle him or her to membership in any of the Fire and Police Pension Plans established by this Article but the provisions of this subsection shall not apply to former Plan Members whose status as Department Members had terminated by reason of resignation or discharge.

(i) Exclusion for Willful Conduct. In making its determinations and findings relative to subsections (a), (b), and (c) of this section, the Board shall consider

whether and to what extent the activity giving rise to the disability of a member of the Police Department was caused or aggravated by such member's willful misconduct. If the Board finds that the disability was caused or aggravated by such willful misconduct, the Board shall deny the Plan Member's application for a disability pension. The provisions of this subsection shall be applicable only to those Plan members who became members of the Police Department on or after July 6, 1992.

Sec. 1508. Survivorship Pensions.

(a) Pension for Qualified Surviving Spouse.

(1) Plan Member's Service-Connected Death. The Qualified Surviving Spouse of a Plan Member who shall die by reason of injuries received or sickness caused by the discharge of his or her duties while a Department Member, shall be paid for life a monthly pension in an amount which shall be equal to 75% of the deceased Plan Member's Final Average Salary.

For the purposes of the benefit provided in this subsection (a)(1), a Plan Member has died by reason of injuries received or sickness caused by the discharge of his or her duties if there is clear and convincing evidence that the discharge of the Plan Member's duties were the predominant cause of his or her death.

(2) Plan Member's Nonservice-Connected Death. The Qualified Surviving Spouse of a Plan Member who shall have five or more Years of Service and who shall die while a Department Member, by reason of injuries or sickness other than injuries received or sickness caused by the discharge of his or her duties, shall be paid for life a monthly pension in an amount which shall be equal to 30% of the deceased Plan Member's Final Average Salary, or, if the Plan Member, at the time of death, was then eligible to receive a pension on account of Years of Service, 80% of the amount of such service pension as the Plan Member at the time of his or her death would have been entitled to receive on account of Years of Service whichever is higher but the entitlement of a Qualified Surviving Spouse under the provisions of this subsection (a)(2) may not exceed 40% of the deceased Plan Member's Final Average Salary.

(3) Retired Plan Member's Death While on a Service Pension. The Qualified Surviving Spouse of a Retired Plan Member, who shall die while he or she is receiving a pension pursuant to Section 1504, shall be paid for life a monthly pension in an amount which shall be equal to 60% of the pension received by the deceased Retired Plan Member immediately preceding the date of his or her death. The benefit described in this subsection (a)(3) may be modified as provided in subsection (b) of this section.

(4) Retired Plan Member's Death While on a Service-Connected Disability Pension. The Qualified Surviving Spouse of a Retired Plan Member, who shall die while he or she is receiving a service-connected disability pension pursuant to Section 1506, shall be paid for life a monthly pension in an amount which shall be equal to 60% of the pension received by the deceased Retired Plan Member immediately preceding the date of his or her death, unless the death of the Retired Plan

Member occurs within three years after the effective date of his or her pension and is due to service-connected causes, in which case, the qualified Surviving Spouse shall receive, or in a case where an option has been elected pursuant to subsection (b) of this section, may elect to receive, 75% of the Retired Member's Final Average Salary, as modified by the cost of living adjustments made pursuant to Section 1516 of this Tier 3 since the date of retirement of the Retired Plan Member. The benefit described in this subsection (a)(4) may be modified as provided in subsection (b) of this section.

(5) Retired Plan Member's Death While on a Nonservice-Connected Disability Pension. The Qualified Surviving Spouse of a Retired Plan Member, who shall die while he or she is receiving a nonservice-connected disability pension pursuant to Section 1506, shall be paid for life a monthly pension in an amount which shall be equal to 60% of the pension received by the deceased Retired Plan Member immediately preceding the date of his or her death. The benefit described in this subsection (a)(5) may be modified as provided in subsection (b) of this section.

(6) Nonservice-Connected Death of Plan Member with Less than Five Years of Service. In the event the Plan Member died of nonservice-connected causes before having completed five Years of Service, the Qualified Surviving Spouse of the deceased Plan Member, or his or her Minor or Dependent Children if there is no Qualified Spouse, or his or her Dependent Parents if there is no Qualified Surviving Spouse and no Minor or Dependent Children, shall be entitled to the Basic Death Benefit described in subsection (a)(7) below.

(7) Basic Death Benefit and Election. The Basic Death Benefit shall consist of: (1) the return of a deceased Plan Member's contributions to the Plan with accrued interest thereon; subject, however to the rights created by virtue of the Plan Member's designation of a beneficiary as otherwise provided in this Tier 3; and (2) if the deceased Plan Member had at least one Year of Service, the deceased Plan Member's Final Average Salary multiplied by the number of completed Years of Service, not to exceed six years; provided that said amount shall be paid in monthly installments of one-half of the deceased Plan Member's Final Average Salary.

A Qualified Surviving Spouse, or a guardian acting on behalf of the Minor or Dependent Children of a deceased Plan Member if there is no Qualified Surviving Spouse, or Dependent Parents if there is no Qualified Surviving Spouse and no Minor or Dependent Children entitled to a pension pursuant to any of the provisions of this section, where benefits are based upon the Plan Member's death in active service, may in lieu of the pension provided and before the first payment of such pension, elect to receive the Basic Death Benefit.

(b) Optional Pensions for Qualified Surviving Spouse. At any time before the first payment of a service pension, a service-connected disability pension, or a nonservice-connected disability pension, the Plan Member may elect to receive, in lieu of his or her pension as provided in Section 1504 or Section 1506, the actuarial equivalent at that time of such pension and of the pension for the Qual-

ified Surviving Spouse as provided in subsection (a) of this section, by electing an optional pension payable throughout the balance of his or her life, with the provision that upon his or her death such optional pension shall be continued to the Plan Member's Qualified Surviving Spouse in the proportional amount designated by the Plan Member at the time of election of the option provided by this section.

The amount of such optional pension shall be so calculated that the liability of the Fire and Police Pension Plan—Tier 3 at the date of retirement under the optional pension shall be equal to the liability of the Fire and Police Pension Plan at the same date under the pension awarded in accordance with the provisions of Section 1504 or Section 1506 and of the survivorship pension provided by subsection (a) of this section. For the purpose of this section, the liability of the Fire and Police Pension Plan—Tier 3 is defined as the present value, in accordance with tables adopted by the Board, of the pensions or optional pensions calculated by approved actuarial methods, and recommended by the Board's actuary. In determining the actuarial equivalent of the pension for a Qualified Surviving Spouse as provided pursuant to subsections (a)(3), (4), and (5) of this section, the equivalent of a 60% survivorship pension shall be used in all cases.

The optional amounts, calculated in accordance with the foregoing paragraph, shall provide a range of optional values such that the amount to be paid to the Qualified Surviving Spouse of the Plan Member shall range from 60% to 100% of the pension payable to the Plan Member, varying by increments of 5%.

If a Retired Plan Member, previously retired on a disability pension pursuant to the provisions of Section 1506, should be reinstated to active duty upon termination of his or her disability, the election to receive the optional pension as herein provided, shall be deemed cancelled as of the effective date of such reinstatement.

A Retired Plan Member, previously retired on a disability pension pursuant to the provisions of Section 1506, and whose pension has subsequently been adjusted as provided for in Section 1506, shall have the right to cancel any option previously elected by him or her pursuant to the provisions of this subsection.

The Board shall by rule provide for a method in which the election to receive an optional pension shall be exercised.

(c) Additional Pension Amounts. Whenever any Plan Member or Retired Plan Member shall die and leave surviving him or her, in addition to a Qualified Surviving Spouse, a Minor Child or Children or a Dependent Child or Children of his or her marriage to the Qualified Surviving Spouse, then such Qualified Surviving Spouse, shall be paid an additional monthly pension in an amount which shall be equal to 25% of the pension he or she as a Qualified Surviving Spouse would be entitled to pursuant to the provisions of subsection (a) of this section while there is one Minor Child or Dependent Child, 40% while there are two Minor Children or Dependent Children or a combination thereof, and 50% while there are three or more Minor Children or Dependent Children or a combination, and

such additional monthly pension shall be the exclusive property of such Qualified Surviving Spouse and not the property of any such Minor Child or Dependent Child. Whenever any Plan Member or Retired Plan Member shall die and leave surviving him or her in addition to a Qualified Surviving Spouse, a Minor Child or Children or a Dependent Child or Children of his or her marriage to a former spouse, then the guardian or guardians of the estate or estates of any such Minor Child or Children or Dependent Child or Children shall be paid a monthly pension in an amount which shall be equal to 25% of the pension the Qualified Surviving Spouse would be entitled to pursuant to the provisions of subsection (a) of this section while there is one Minor Child or Dependent Child, 40% while there are two Minor Children or Dependent Children or a combination, and 50% while there are three or more Minor Children or Dependent Children or a combination.

Whenever any Plan Member or Retired Plan Member shall die and leave surviving him or her, in addition to a Qualified Surviving Spouse, a Minor Child or Children or a Dependent Child or Children of his or her marriage to the Qualified Surviving Spouse and a Minor Child or Children or a Dependent Child or Children of his or her marriage to a former spouse, then a monthly pension shall be paid in an amount which shall be equal to 25% of the pension the Qualified Surviving spouse would be entitled to pursuant to the provisions of subsection (a) of this section while there is one Minor Child or Dependent Child, 40% while there are two Minor Children or Dependent Children or a combination, and 50% while there are three or more Minor Children or Dependent Children or a combination. The amount of such monthly pension shall be divided by the number of Minor Children or Dependent Children and shall be adjusted accordingly whenever any Minor or Dependent Child shall cease to be such. The Qualified Surviving Spouse shall be paid the portion of such monthly pension which shall be applicable to the number of his or her Minor Children or Dependent Children and the same shall be her or his exclusive property. The guardian or guardians of the estate or estates of the Minor Children or Dependent Children who are not those of the Qualified Surviving Spouse shall be paid the portion of such monthly pension which shall be applicable to such Minor Children or Dependent Children and the same shall be the exclusive property of such children.

The additional pension amounts provided in this subsection for persons other than a Qualified Surviving Spouse are to be calculated on the basis of the applicable Qualified Surviving Spouse pension provided pursuant to subsection (a) of this section, unmodified by any election that may previously have been made pursuant to the provisions of subsection (b) of this section.

Additional pension amounts are also subject to the limitation that the amount of any survivorship pension provided in this section, after the additional payments provided in this subsection are added thereto, may not exceed 100% of the Final Average Salary of the deceased Plan Member or 100% of the Final Average Salary of the Retired Plan Member, as modified by the cost of living adjustments made pursuant to Section 1516 of this Tier 3 since the date of retirement of the Retired

Plan Member. In case of such excess, any additional pension amounts shall be reduced to a level where the total amount of pension is equal to such maximum.

(d) Reinstatement of Pension of Reinstated Qualified Surviving Spouse. Subject to Section 1208 of the General Provisions for Fire and Police Pension Plans, any Qualified Surviving Spouse, who shall marry and thereby cease to be a Qualified Surviving Spouse, shall be reinstated as a Qualified Surviving Spouse as of:

(1) the date upon which a judgment or decree shall become final dissolving such marriage upon any ground or declaring a void or voidable marriage to have been null and void or voided but such date shall be within five years from the date of the marriage ceremony; or

(2) the date upon which such marriage shall be dissolved by the death of the other party thereto but such date shall be within five years from the date of the marriage ceremony. Such reinstated Qualified Surviving Spouse shall be entitled to the reinstatement of his or her pension effective as of either such date, which shall be applicable, but shall not be entitled to the payment of any pension for the period prior to such applicable date and subsequent to the date of the marriage ceremony. The pension paid to any other persons entitled under the provisions of the Fire and Police Pension Plan—Tier 3 during the period of the marriage or purported marriage of such reinstated Qualified Surviving Spouse shall cease when his or her pension shall be reinstated, except as otherwise provided in subsection (c) of this section. However, should such reinstated Qualified Surviving Spouse thereafter be a party to another marriage ceremony, his or her pension shall cease and never again shall be reinstated regardless of whether such marriage ceremony shall result in a valid marriage or in a voidable or void marriage and whether or not the same legally shall be terminated.

(e) Pension for Minor or Dependent Children. Whenever any Plan Member or Retired Plan Member shall die without leaving a Qualified Surviving Spouse, the guardian of the estate of his or her Minor or Dependent Children shall be paid, until each such child shall cease to be a Minor or Dependent Child, a monthly pension equal to the pension a Qualified Surviving Spouse would have been eligible to receive pursuant to subsection (a) of this section had a Qualified Surviving Spouse survived such Member. Whenever any Plan Member or Retired Plan Member shall die leaving a Qualified Surviving Spouse who thereafter shall die or who thereafter shall cease to be a reinstated Qualified Surviving Spouse, the guardian of the estate of his or her Minor or Dependent Children shall be paid, until each such child shall cease to be a Minor or Dependent Child, a monthly pension equal to the pension a Qualified Surviving Spouse would have been eligible to receive pursuant to subsection (a) of this section. In any of the foregoing events and if there were to be more than one Minor or Dependent Child, an equal share of such monthly pension shall be paid for and on behalf of each such child to the guardian of his or her estate and shall be adjusted as each of them shall cease to be a Minor or Dependent Child in the manner set forth in subsection (c)

of this section. If payments are made pursuant to this subsection (e), no additional pension amounts shall be paid pursuant to subsection (c) of this section.

(f) Pension for Dependent Parents. Whenever any Plan Member or Retired Plan Member shall die without leaving a Qualified Surviving Spouse or a Minor Dependent Child, a monthly pension shall be paid to such Dependent Parents or to the survivor of them until each such Dependent Parent shall cease to be such. Any Dependent Parent who shall cease to be such but who thereafter again shall become unable to pay his or her necessary living expenses without a pension shall be entitled to have his or her pension reinstated.

The total amount of a pension payable to the Dependent Parent or Parents shall be the same as that to which a Qualified Surviving Spouse would have been entitled pursuant to subsection (a) of this section.

(g) Determinations With Respect to Cause of Death and Dependency. The Board shall have the same power as that which has been given to it by Section 1506(c) and (d) in order to determine:

(1) the fact whether a Plan Member's death was service-connected or non-service-connected for the purposes of Section 1508(a)(1) and (2);

(2) the fact of whether or not a child of a deceased Plan Member or Retired Plan Member is a Dependent Child; and

(3) whether or not any parent of a deceased Plan Member or Retired Plan Member is a Dependent Parent.

The Board also shall have the power to determine, from time to time, the fact of whether or not a child continues to be a Dependent Child, the fact of whether or not a parent continues to be a Dependent Parent and the fact of whether or not a Dependent Parent who had ceased to be such thereafter shall have become entitled to have his or her pension reinstated.

(h) Medical Reports and Hearings. The power of the Board to determine the fact of whether a Plan Member's death was service-connected or nonservice-connected, as provided in subsection (g) of this section, hereafter may be exercised by it upon the basis of a written report from one regularly licensed and practicing physician selected by it but the Board, in its discretion, may obtain such a report from more than one such physician. The determination hereinbefore referred to in this subsection may, at the option of the Board, be made without a hearing being held pursuant to the provisions of subsection (g) of this section.

(i) Distribution of Contributions. Whenever a Plan Member dies without leaving a person or persons entitled to receive a pension pursuant to the provisions of this section, then, and in that event, his or her contributions to the Plan, together with such interest as may have been credited to the Plan Member's individual account shall be paid to such person as he or she shall have nominated by written designation duly executed and filed with the Board. In the event there is no written designation of beneficiary, surviving spouse, children or parents, then the contributions shall be paid to the executor or administrator of the estate of such deceased Plan Member, or to any other person legally authorized to collect money due the decedent.

Sec. 1510. Tier 3 Pension Funds.

(a) Creation of Funds. Two entirely separate and distinct funds hereby are created and established for the payment of pension benefits pursuant to this Tier 3, for the payment of certain other benefits as may be authorized by ordinance pursuant to the enabling provisions of this Tier 3 and for the payment of the administrative expenses of the Fire and Police Pension Plan—Tier 3, one of which shall be known as the "Fire and Police Tier 3 Service Pension Fund" and the other of which shall be known as the "Fire and Police Tier 3 General Pension Fund."

(b) Fire and Police Tier 3 Service Pension Fund. The Fire and Police Tier 3 Service Pension Fund shall consist of:

(1) deductions made pursuant to Section 1514, from the salaries of Plan Members;

(2) all contributions and donations to the Fire Department or to the Police Department for services by any Plan Members, except amounts of money donated to provide for any medal or permanent competitive award;

(3) all fines imposed upon Plan Members for violations of rules and regulations of the respective department in which they are Department Members;

(4) proceeds from the sale of unclaimed property as determined by the Board; and

(5) all interest, earnings and profits resulting from investments of such monies.

(c) Fire and Police Tier 3 General Pension Fund. The Fire and Police Tier 3 General Pension Fund shall consist of:

(1) all money appropriated to the fund by the Council;

(2) all interest, earnings and profits resulting from investment of such monies.

(d) Use of Funds. The monies in the Fire and Police Tier 3 Service Pension Fund shall be used, other than for the investment thereof, exclusively for the payment of service pensions granted pursuant to Section 1504 and for the refund of contributions as provided in this Tier 3. The monies in the Fire and Police Tier 3 General Pension Fund shall be used, other than for the investment thereof, exclusively for the payment of all pensions other than service pensions, such benefits as may be provided by ordinance adopted pursuant to the enabling provisions contained in this Tier 3 and of all administrative expenses of the Fire and Police Tier 3 Pension Plan.

(e) Authorized Transfer Between Funds. In the event that the monies in the Fire and Police Tier 3 Service Pension Fund should be insufficient, at any time, to pay all service pensions, then the Board shall have the power and authority to cause the Controller of the City to transfer to the fund sufficient monies therefor from the Fire and Police Tier 3 General Pension Fund. In no other event shall any of the money in either of the funds be commingled with any money in the other fund.

(f) Benefits Shall be General Obligation of the City. The obligation to pay benefits pursuant to this Tier 3 shall be a general obligation of the City.

Sec. 1512. Actuarial Determinations and Tier 3 Unfunded Liabilities.

(a) Actuarial Standards. The Fire and Police Pension Plan—Tier 3 shall be maintained on a reserve basis which, for the purposes of this Tier 3, shall mean one which provides for the accumulation and maintenance of the Fire and Police Tier 3 Service Pension Fund and the Fire and Police Tier 3 General Pension Fund which together will at all times be equal to the difference between the present value of the obligations assumed and the present value of the monies to be received for paying such obligations, where such present values are estimated in accordance with accepted actuarial methods and on the basis of an assumed rate of interest and the mathematical probabilities of the occurrence of such contingencies as affect both the payment of the assumed obligations and the receipt of monies with which they are to be paid in accordance with the provisions of Sections 1210(b)(3) and 1514.

(b) Actuarial Valuations. The Board shall secure an actuarial valuation showing the cost of maintaining the plan and funds on such reserve basis and, at intervals of not to exceed five years, shall cause to be made an actuarial investigation including, but not limited to, the mortality, service and salary experience of the Plan Members and other beneficiaries and shall further cause to be made annually an actuarial valuation of the assets and liabilities of the funds.

The Board, from time to time and with the advice of the investment counsel, shall establish such an assumed rate of interest for the purpose of actuarial valuations, as in its judgment seems proper in the light of the experience and prospective earnings on the investment of the funds.

(c) Retention of Actuary. The Board shall retain a competent consulting actuary for the purpose of making the necessary actuarial studies, reports, investigations and valuations and shall, with the advice of the actuary, adopt such actuarial assumptions as shall be necessary.

(d) Accounting for Unrealized Profits and Losses. With the advice of the consulting actuary and of the investment counsel, the Board, for the purpose of the actuarial valuations, may provide by rule for the manner and the extent to which any unrealized profits or losses in the equity type investments of the funds shall be taken into account.

(e) Unfunded Liabilities. The unfunded liabilities of the Fire and Police Pension Plan—Tier 3 shall be funded in accordance with the actuarial funding method adopted by the Board upon the advice of its consulting actuary. Any unfunded liabilities resulting from amendment of the provisions of this Tier 3 or by ordinance as authorized by this Tier 3 shall be amortized over a 30 year period. Actuarial experience gains and losses shall be amortized over a 15 year period.

Sec. 1514. Member Contributions—Tier 3.

(a) Contribution Amount. Each Plan Member shall contribute to the Fire and Police Pension Plan—Tier 3 by salary deduction at the rate of 8% of the amount of his or her salary, except that further contributions to the Plan shall not be required from a Plan Member who has served as a Plan Member more than 30 years.

For purposes of determining the amount of the deduction, Salary shall mean those elements of a Plan Member's compensation which would be included in calculating Final Average Salary. The administrative head of the Fire Department or the Police Department shall cause to be shown on each and every payroll of such department a deduction of 8% of the amount of salary of each Plan Member whose name appears thereon.

(b) Member Accounts. The Board shall maintain an individual account of the contributions by or for each Plan Member, as hereinabove provided. Regular interest shall be credited to such individual accounts as of the last day of June and December of each year at such rate as the Board may deem proper in light of the Fire and Police Pension Plan's earnings, exclusive of profits and losses on principal heretofore or hereafter resulting from sales of securities. No such interest shall be credited at any other time or to the individual account of any person who is not a Plan Member but such interest shall be credited to the individual account of a Plan Member whose employment is terminated for any reason for any period of service between the next preceding last day of June or December and the end of the pay period preceding the date of such termination at the rate at which regular interest was last credited to Plan Members' individual accounts.

(c) Payroll Deduction. Each Plan Member shall be deemed to consent and agree to each deduction made as provided for herein and the payment of each payroll check to such Plan Member shall be a full and complete discharge and acquittance of all claims and demands whatever for the services rendered by each member during the period covered by such payroll, except such claims as such Plan Member has to the benefits or payments provided for in this Tier 3.

(d) Election of Refund Forfeits Right to Benefits. Plan Members or beneficiaries thereof who elect to receive a refund of contributions, forfeit the right to benefits provided in this Tier 3. After payment of any pension benefit has commenced, the Plan Member or beneficiaries forfeit the right to a refund of the Plan Member's contributions. Plan Members who return to active duty from a disability pension may not thereafter have their contributions refunded. A terminated Plan Member who had elected to have contributions returned, but who re-enters service and again becomes a Plan Member, shall have the privilege of regaining the prior service credit by repaying the amount of his or her previously refunded contributions and interest and an amount calculated as interest which would have been earned between the date of original termination of status as a Plan Member and the date of re-entry into service as a Department Member.

(e) Assuring Full Member Contributions. The Board shall have rule-making authority to insure that the Fire and Police Pension Plan—Tier 3 receives member contributions for all periods of credited service, except that the Board shall not have authority to require contributions for service credit for military service and for periods while a Plan Member is receiving a disability pension, or full pay for Injury On Duty. Plan Members, however, may elect to make contributions for periods of Injury On Duty compensated at the rate provided by general law in

order to acquire credit for Years of Service for such period. Such contributions shall be at the contribution rate herein provided and shall be based on the salary the Plan Member would have received if he or she had not occupied Injury On Duty status.

Sec. 1516. Cost of Living Adjustments.

(a) Determination of Cost of Living Adjustments. The Board, before May 1 of each year commencing with the year 1981, shall determine the percentage of the annual increase or decrease in the cost of living as of March 1 of that year from March 1 of the preceding year as shown by the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics or such other index as the Federal Government may develop to replace the All Urban Consumers Index for the area in which the City is located. If any such index were not to reflect the cost of living as of a particular March 1, then the index for the closest preceding date shall be used.

(b) Annual Cost of Living Adjustments. Commencing as of July 1 of the year in which the Board shall determine the percentage of increase or decrease in the cost of living, the monthly amounts of all pensions granted pursuant to the provisions of this Tier 3, shall be increased or decreased by reason of such determined percentage of increase or decrease in the cost of living, not to exceed an increase or decrease of 3% in any given year. Pensions which became payable before July 1, but subsequent to the preceding July l, will be adjusted on a prorated basis whereby one twelfth of the annual adjustment shall be applied for each completed month since such pension commenced. In no event shall pensions adjusted hereunder ever be decreased below the amount received by the Beneficiary when such pension first became payable to him or her.

(c) Discretionary Cost of Living Adjustments. To the extent that the annual cost of living adjustments provided by subsection (b) hereof are less than the annual change in the cost of living as determined in subsection (a) hereof, the Council may grant discretionary cost of living adjustments, in addition to the annual cost of living adjustments provided by subsection (b) hereof, subject to the following conditions and requirements:

(1) No More Than Every Three Years. Discretionary adjustments may not be provided more frequently than once every three years, counting from the effective date of this section and, after a discretionary adjustment has once been made, counting from the date the last discretionary adjustment became effective.

(2) Limit of Adjustments. Discretionary adjustments shall not exceed one-half of the difference between the percentage of the annual increases in the cost of living, as determined pursuant to the provisions of subsection (a) of this section, and the annual adjustments made pursuant to subsection (b) of this section for each of the preceding three years. Discretionary adjustments shall be allocated to each of the three years for which an adjustment is made.

(3) Pensions Eligible for Adjustment. Discretionary adjustments herein provided shall be applied to pensions granted pursuant to Sections 1504, 1506 and

1508 subject to the following limitations: If a pension became payable on or after the July 1 immediately preceding the effective date of such adjustment, it shall not be so adjusted; and any pension which shall have become payable at a time within the three year period (but prior to the immediately preceding July 1) shall be prorated on a monthly basis to the number of completed months for which the pension was received, provided that pensions paid pursuant to Section 1508(a)(3), (4) or (5), or Section 1508(c), (e) or (f), shall be adjusted by basing eligibility on the date upon which the Retired Plan Member's pension became effective.

(4) Report to Council Prior to Adoption by Ordinance. Discretionary cost of living adjustments may be provided only by ordinance. Ordinances providing discretionary adjustments may not be finally adopted until the Council has first obtained and published a report from the actuary or actuaries of the Fire and Police Pension Plan—Tier 3 indicating the present value of the liabilities that will be created by the proposed discretionary adjustment. This report must identify the annual funding cost of amortizing this liability over a 30 year period utilizing the funding procedure adopted by the Board.

(5) Vote by Council. Ordinances adopted pursuant to this subsection must be by not less than two-thirds of the membership of the Council, subject to the veto of the Mayor and re-adoption by the Council by not less than three-fourths of the membership of Council. No such ordinance may be finally adopted by the Council until the expiration of at least 30 days after its first presentation to the Council, nor until after a public hearing has been held thereon. Ordinances adopted pursuant to this subsection, shall be published no later than November 30 and shall become effective January 1.

(6) Prospective Application. All adjustments provided in this subsection are to be applied prospectively only and shall not be understood to permit retroactive adjustments of pensions.

Sec. 1518. Provision of Certain Subsidy Payments by Ordinance.

(a) Purpose of this Section. It is the purpose of this section to enable the Council to provide by ordinance a program or programs whereby persons receiving pensions pursuant to the provisions of this Tier 3 may become eligible to have subsidy payments made on their behalf for health insurance, accident insurance, life insurance or health care plan coverage or coverage for any combination of such programs as determined by the Council and subject to such conditions of entitlement as may be set forth in any ordinance adopted in accordance with the provisions of this section.

(b) Mode of Adoption of Ordinance. Ordinances adopted pursuant to this section must be approved by not less than two-thirds of the membership of the Council, subject to the veto of the Mayor and readoption by the Council by three-fourths of the membership of the Council. No such ordinance may be finally adopted by the Council until the expiration of at least 30 days after its first presentation to the Council, nor until after a public hearing has been held thereon. Any ordinance adopted pursuant to this section shall go into effect upon its publication,

but the terms of such ordinance, or portions thereof, may be operative at a later date or dates.

(c) Limitations on Council's Authority. An ordinance adopted pursuant to this section may not provide for subsidy payments for any individual, the total amount of which, including subsidy payments from a City fund or funds other than those created under Section 1510, would be in excess of the maximum available subsidy payment for beneficiaries under the provisions of any ordinance adopted pursuant to the authority of Section 1168 of the Charter, nor may such subsidy payments be in excess of any amounts allowed active members of the Tier 3 System.

(d) Administration of Subsidy Program. Any subsidy program adopted by ordinance pursuant to this section shall be administered by the Board. In furtherance thereof, the Board shall have the authority to contract for suitable programs as defined in subsection (a), to be made available to retired members or other beneficiaries, and shall have the power to adopt such rules as it deems necessary to administer such programs. Notwithstanding the foregoing provisions, the Board may authorize the Personnel Department to administer any program or part thereof established by ordinance pursuant to the provisions of this section, but the Board shall reimburse the General Fund of the City of Los Angeles for all necessary expenses incurred by the Personnel Department in administering these programs.

(e) Adjustment of Subsidy Amount. The Board, in its discretion, may by resolution increase or decrease the amount of subsidy payments on the following conditions only: (1) to reflect changes in subsidies provided for active members or (2) to offset any increases or decreases in the level of benefits referred to in subsection (a) of this section or the cost thereof as a result of changes in existing benefits or the addition of newly created benefits by federal or state funded programs.

Sec. 1520. Compliance with Certain Internal Revenue Code Provisions.

(a) Notwithstanding any other provisions of this Tier 3, the benefits payable to any person who became a Plan Member prior to January 1, 1990, shall be subject to the greater of the following limitations:

(1) The limitations set forth in Section 415 of the Internal Revenue Code; or

(2) The accrued benefit of the Plan Member of the Fire and Police Pension Plan—Tier 3 (determined without regard to any amendment to the Plan made after October 14, 1987), as provided in Section 415(b)(10)(A) of the Internal Revenue Code.

(b) The benefits payable to any person who becomes a Plan Member on or after January 1, 1990, shall be subject to the limitations set forth in Section 415 of the Internal Revenue Code.

(c) The Council shall, by ordinance, provide such benefits as are necessary to preserve the level of benefits in effect prior to the effective date of this section.

(d) Should it be determined that the provisions of Charter Section 1508(a)(1) violate the limitations of Section 415 or the incidental death benefit provisions

of the Internal Revenue Code, Section 1508(a)(1) shall be deemed inapplicable to the extent necessary to achieve compliance. The Council shall by ordinance, adopt such measures as are necessary to achieve compliance and to preserve the level of benefits in effect prior to the effective date of this section.

(e) Ordinances adopted pursuant to this section shall be adopted in the same manner as those authorized by Charter Section 1518, except however any Ordinances adopted shall be effective upon publication.

(f) If any of the provisions of Section 415 of the Internal Revenue Code should be repealed, the provisions of this section shall be deemed repealed to the same extent.

(g) All benefits provided pursuant to any ordinance adopted under the provisions of subsection (e) shall be administered by the Board. A separate and distinct fund or funds shall be created by the Board as required to administer such benefits. Such fund or funds shall not contain employee contributions. The Board shall also determine the manner of funding any liabilities incurred as a result of ordinances adopted pursuant to this section.

Sec. 1522. Compensation Limits.

(a) For members hired on or after July 1, 1996, the Final Average Salary taken into account to determine the benefits provided by Tier 3 of this Article shall not exceed the annual limit set forth in Section 401(a)(17) of the Internal Revenue Code and regulations thereunder for any Plan Year. This annual compensation limitation shall be adjusted automatically for each Plan Year to the amount prescribed by the Secretary of the Treasury or said Secretary's delegate. For purposes of this section, the family aggregation rules of Section 414(q)(6) of the Internal Revenue Code shall apply; provided that "family" shall include only the Member's spouse and lineal descendants who have not yet attained age 19 by the last day of the Plan Year.

(b) If any of the limitations of Section 401(a)(17) or Section 414(q)(6) should be repealed, the provisions of this section shall be deemed repealed to the same extent.

Sec. 1524. Council Authority to Maintain Tax-Qualified Status of Plan.

The Council may, by ordinance, amend the Fire and Police Pension Plan—Tier 3 to incorporate provisions of federal laws and regulations required to maintain the tax-qualified status of the Fire and Police Pension Plan—Tier 3. The Council also may enact ordinances to modify or repeal such provisions. Ordinances adopted pursuant to this section shall be adopted in accordance with Charter Section 1518. It is the intent of this section to facilitate compliance with the provisions of federal laws affecting the Fire and Police Pension Plan—Tier 3.

Sec. 1526. Miscellaneous Provisions.

Notwithstanding any other provision of this Tier 3, the provisions of this section shall be controlling to the extent there is a conflict with another provision.

(a) Service or Disability Pensions for Former Plan Members. Any former Plan Member who shall believe that he or she is eligible to be paid a pension

pursuant to Section 1504 or 1506 of this Tier 3, may file his or her written application for the payment of a pension pursuant to either one of the sections within the time prescribed for the filing thereof by any applicable provision of law, and the Board, if it were to determine that the contingencies provided in this Tier 3 for the payment thereof had happened or occurred as to such former Plan Member and if there is no legal bar or defense to the granting to him or her of such pension or to any judicial action or proceeding which could be brought by him or her with respect thereto, shall grant him or her the pension in accordance with his or her written application.

(b) Adoption of Board Rules to Comply with Federal or State Law. If at any time after December 8, 1980, federal or state law should become preemptive or controlling with respect to the provisions of this Tier 3, the Board shall have the power to adopt such rules as may be necessary to comply with such federal or state law. Such rules shall be adopted upon the advice and with the concurrence of the City Attorney.

(c) Payroll Deductions and Years of Service Credit for Overtime. Whenever a Plan Member, for overtime work, shall take a period of time off with pay:

(1) a deduction for pension purposes shall be made from such pay but only in the same amount as that which would have been deducted from his or her salary if such period had been one of regular work; and

(2) such period shall be part of his or her Years of Service.

Whenever a Plan Member, for overtime work, shall receive a cash payment:

(1) a deduction for pension purposes shall not be made from such payment; and

(2) the period of overtime work for which he or she shall receive such payment shall not be part of his or her Years of Service.

(d) Coordination with Deferred Compensation Plan. In the event the City establishes a deferred compensation system applicable to the members of the Fire and Police Pension Plan—Tier 3, the Board shall prescribe rates of contributions and benefits so that the interest of the City in protecting the Plan and the interest of the Plan Members in pension benefits are protected when compared with contributions and benefits which would have been received had deferred compensation not been instituted.

Sec. 1528. Social Security Participation.

Implementation Procedure for Social Security Participation. Should Social Security participation be mandated or made available to Plan Members by Federal legislation amending the Social Security Act or by action taken by the City or by Plan Members as provided by law, the following provisions shall govern the manner in which such participation by Plan Members is to be implemented and the limitations hereinafter set forth shall be controlling unless Federal law is contrary to these provisions, is in conflict therewith and is clearly intended to be preemptive. Should applicable provisions of Federal law in any respect differ from the provisions contained in this section and should they be determined to be

preemptive as to any part thereof, then and in that event, those provisions of this section not affected by such Federal law shall remain in full force and effect.

(b) Council Authority to Coordinate Benefits and Contributions. As to the rights and entitlement to benefits of Plan Members participating in such Social Security coverage, the Council shall have the power and authority, subject to the veto of the Mayor, to adopt ordinances modifying the benefits and conditions of entitlement provided in this Tier 3, including adjustments of Plan Member contributions to the Fire and Police Pension Plan—Tier 3 as hereinafter more specifically provided and subject to the limitations stated herein.

(c) Supermajority Vote Required. Ordinances adopted pursuant to this section must be approved by not less than two-thirds of the membership of the Council, subject to the veto of the Mayor and re-adoption by the Council by a vote of not less than three-fourths of the membership of Council. No such ordinance may be finally adopted by the Council until the expiration of at least 30 days after its first presentation to the Council, nor until after a public hearing has been held thereon. Any ordinance adopted pursuant to this section shall go into effect upon publication.

(d) Integration of Social Security and Pension Plan. Any participation in Social Security coverage shall be by integration with the benefits provided by this Tier 3 and shall not be in addition to the benefits provided in the Fire and Police Pension Plan—Tier 3. Integration is to be defined in harmony with the provisions of the Social Security Act and must be in substantial compliance with the rules and regulations governing said Act. Benefits provided by an integrated system must be at least equal to the benefits offered by the Fire and Police Pension Plan—Tier 3 prior to such integration. The level of integration may be periodically adjusted by the Mayor and Council to ensure an adequate level of integration.

(e) Minimum Plan Member Contributions. Plan Members participating in Social Security shall have their contributions to the Fire and Police Pension Plan—Tier 3 reduced but Plan Members must contribute at least 2% of salaries to the integrated Fire and Police Pension Plan—Tier 3.

FIRE AND POLICE PENSION PLANS—TIER 4
(formerly Article XXXV, Plan 2)

Sec. 1600. Tier 4 Members.

(a) Appointed Members. Each person who shall be appointed as a Department Member on or after July 1, 1997 shall become a Tier 4 Plan Member upon graduation by such person from training at the Police or Fire Academies or equivalent facility imparting basic training as a firefighter or police officer and maintained as such by the City of Los Angeles. A Chief of Police or a Fire Chief who is appointed to that position without having graduated from such facility may become a Member upon appointment. Upon becoming a Tier 4 Plan Member, a person may elect to purchase Years of Service credit for the period of such training in accordance with rules adopted by the Board.

(b) Active Members of Tier 3. Any active Department Member hired prior to July 1, 1997 who made an irrevocable election, in writing, during the period July 1, 1997 through June 30, 1998 to become eligible for the service retirement benefits provided under this Tier 4 shall become a Tier 4 Member.

(c) Former Members. Any Tier 1, 2 or 3 Member who ceased to be such as a result of resignation or discharge and who subsequently again becomes a Plan Member shall become a Tier 4 Member upon reappointment as a Department Member. However, a former Plan Member who previously had ten years of service under the provisions of Tier 3 who again becomes a Plan Member shall have the option of becoming a Tier 4 member only if both of the following conditions are met:

(1) the former Plan Member did not make an election to take a deferred pension under the provisions of Tier 3, and

(2) three years have not elapsed since the effective date of the former Plan Member's resignation or discharge as a Plan Member.

Upon the return to duty, such Plan Member shall have 90 days to make an election to become a Tier 4 Member.

(d) Tier 3 Members On Disability. Any Plan Member who shall be receiving a disability pension pursuant to Tier 3 and who is restored to active duty as a Department Member on or after July 1, 1998 shall not be eligible to elect to become a Member of Tier 4, unless such Department Member was originally hired in under the provisions of this Tier 4.

(e) Members on Military Leave. Persons who are not active members during the election period due to service in the armed forces shall have 90 days following their return to active duty or June 30, 1998, whichever is later, to make an election to become a Tier 4 Member.

(f) Former Tier 1 & 2 Members. A person formerly a System Member under the provisions of Tier 1 or 2 of this Article whose membership had previously terminated by reason of resignation or discharge shall upon again being appointed as a Department Member become a Plan Member as of the effective date of such appointment. In the event such person did not receive a refund of contributions upon his or her termination as a System Member, then the definition of "Years of Service" elsewhere contained in this Tier 4 shall be controlling with respect to such person's entitlement to service credit; and further, such person need not make back contributions on account of such former service and does not have any right to have contributions formerly made by him or her under the provisions of Tier 1 or 2 refunded in the event he or she should subsequently terminate as a Plan Member. In the event such person received a refund of his or her contributions under the provisions of Tier 1 or 2 as a result of his or her termination, then such person's entitlement to Years of Service credit for the period of such former service shall be conditioned upon such person electing to repay and having paid to the Fire and Police Pension Plan the amount of previously refunded contributions, with interest thereon and an amount calculated as interest which would have been

earned between the date of such termination and the date of entry into service as a Plan Member in accordance with rules adopted by the Board. In the event such member does not elect to so repay, the term Years of Service as elsewhere used in this Tier 4 shall not include any periods prior to his or her becoming a Plan Member, notwithstanding the definitions contained in Section 1602(m) and (n).

(g) Paramedics and Civilian Ambulance Employees. In addition to those Department Members described in subsection (a) of this section, paramedics or civilian ambulance employees shall become Plan Members upon the effective date of this subsection, except that persons employed as paramedic trainees shall become Plan Members only upon their certification, as provided by law, as mobile intensive care paramedics or equivalent. Upon certification Plan Members may elect to purchase Years of Service credit for the period of such training in accordance with rules to be adopted by the Board.

If such a Plan Member had periods of membership in the Los Angeles City Employees' Retirement System while he or she was a paramedic or civilian ambulance employee, such Plan Member shall be entitled to elect to acquire Years of Service credit for such periods of membership in the Los Angeles City Employees' Retirement System. Upon such election his or her contributions, plus interest credited thereon, and his or her City service credit shall be transferred to the Fire and Police Pension Plan—Tier 4 in accordance with rules to be adopted by the Board.

(h) Purchase of Credit by Surviving Spouse. A surviving spouse of a Plan Member may complete the purchase of Years of Service credit elected by the Plan Member.

(i) Prohibition of Double Benefits. No Plan Member may receive double benefits by receiving credit for Years of Service for the same periods of City service from the Los Angeles City Employees' Retirement System and under the provisions of this Tier 4. Further, no Plan Member may transfer credit received from the Los Angeles City Employees' Retirement System while employed in a capacity other than paramedic or civilian ambulance employee.

(j) Transfer of Released Liability. Upon the election by a Plan Member to acquire Years of Service credit, the released liability of the Los Angeles City Employees' Retirement System shall be transferred to the Fire and Police Pension Plan—Tier 4. For the purposes of this subsection, the phrase Released Liability means the City's share of the actuarially determined present value of benefits under the Los Angeles City Employees' Retirement System as of the date of transfer.

(k) No Benefits Under Other Tiers. Department Members as defined in this section shall be identified as Tier 4 Members. Tier 4 Members shall not be entitled to a service retirement under any other Tier of this Fire and Police Pensions Plan for the same periods of service.

(*l*) Release of Liability. The Board shall have the authority to establish rules requiring a full and complete release from liability from members and their spouses upon the Plan Member's election to transfer to Tier 4.

Sec. 1602. Definitions.

In addition to the words and phrases defined in the Fire and Police Pension Plans General Provisions in Part 3, and for the purposes of this Tier 4, the following words or phrases shall have the meaning ascribed to them in this section, unless a different meaning is clearly indicated in the context.

(a) Member of the Fire Department. Member of the Fire Department means the Fire Chief and a person duly and regularly appointed in the Fire Department, under civil service rules and regulations or provisions of the Charter, or both, governing the making of original regular and permanent appointments which require the serving of probationary periods but not of original emergency or temporary appointments, to perform duties as a firefighter or as a paramedic or civilian ambulance employee for the City, under whatever designation such person may be described in any salary or departmental ordinance providing salaries for the members of the department, but such person shall be a member of the department only until his or her status as such shall be terminated by reason of retirement, resignation or discharge or for any other reason.

(b) Member of the Police Department. Member of the Police Department means the Chief of Police and a person duly and regularly appointed in the Police Department, under civil service rules and regulations or provisions of the Charter, or both, governing the making of original regular and permanent appointments which require the serving of probationary periods but not of original emergency or temporary appointments therein, and sworn in, as provided by law, to perform duties as a police officer for the City, under whatever designation such person may be described in any salary or departmental ordinance providing salaries for the members of the department but such person shall be a member of the department only until his or her status as such shall be terminated by reason of his or her retirement, resignation or discharge or for any other reason.

(c) Plan Member. Plan Member means a person who is a Department Member and whose pension rights and benefits are governed by this Tier 4.

(d) Qualified Surviving Spouse. Qualified Surviving Spouse means a person who is the widow or widower of a deceased Plan Member or Retired Plan Member and who has been married (1) to the Plan Member for at least one year prior to the date of his or her nonservice-connected death while a Plan Member, or (2) to the Plan Member as of the date of his or her service-connected death while a Plan Member, or (3) to the Retired Plan Member for at least one year prior to the effective date of his or her retirement upon a service pension or upon a nonservice-connected disability pension pursuant, respectively, to Section 1604 or Section 1606(b), or (4) to the Retired Plan Member as of the effective date of his or her retirement upon a service-connected disability pension pursuant to Section 1606(a).

(e) Minor Child. Minor Child means a person who is a child or an adopted child of a deceased Plan Member or a Retired Plan Member but such person shall be a Minor Child only until such person shall attain the age of 18 years or shall marry, whichever shall be earlier.

A person may further qualify for the benefits provided for a Minor Child under the provisions of this Tier 4 until he or she reaches the age of 22 years if such person is enrolled in school on a full-time basis as determined by the Board but such person's marriage terminates entitlement to the benefits of a Minor Child.

(f) Dependent Child. Dependent Child means a person who is a child of a deceased Plan Member or a deceased Retired Plan Member, who is not married and who, while under the age of 21 years, had become disabled, either prior or after the date of death of such Plan Member or Retired Plan Member, from earning a livelihood for any cause or reason whatsoever, but such person shall be a Dependent Child only until he or she shall cease to be disabled from earning a livelihood. Should disability cease before the age of 22 years, the limitations set forth in subsection (e) shall be applicable.

(g) Dependent Parent. Dependent Parent means a person who is a parent of a deceased Plan Member or a deceased Retired Plan Member and to or for whom such deceased Plan Member or deceased Retired Plan Member, during at least one year immediately preceding his or her death, contributed one-half or more of such Dependent Parent's necessary living expenses and who is unable to pay such expenses without the receipt of a pension but such person shall be a Dependent Parent only until he or she shall be able to pay his or her necessary living expenses.

(h) Length of Service Pay. Length of Service Pay means any additional gross monthly pay which, by reason of length of service, shall be provided by ordinance.

(i) Special Pay. Special Pay means any additional gross monthly pay which, by reason of assignment to perform special duties other than hazardous duties, shall be provided by ordinance.

(j) Hazard Pay. Hazard Pay means any additional gross monthly pay which, by reason of assignment to perform helicopter duties, two-wheel motorcycle duties or any other hazardous duties shall be provided by ordinance.

(k) Assignment Pay. Assignment Pay means any additional gross monthly pay which, by reason of assignment to perform special duties or hazardous duties, in a higher class, position, grade, code or other title than the lowest thereof within the Plan Member's permanent rank, shall be provided therefor by ordinance.

(*l*) Year. Year means a period of 12 months or, in aggregating partial years for purposes of determining Years of Service, means 365 days.

(m) Years of Service. Years of Service means and includes only those periods during or for which the Plan Member was a Department Member of the Fire Department or of the Police Department, or of both and whether prior or after his or her becoming a Plan Member and subject to the limitations contained in Section 1600 of this Tier 4:

(1) did or shall receive salary, whether in full or reduced amounts thereof;

(2) did or shall receive either a service-connected disability pension or a non-service-connected disability pension under any Tier of the Fire and Police Pension

Plans, provided, however, that he or she was or shall be restored to active duty as a Department Member and did or shall perform his or her duties as such for at least one year prior to again retiring or being retired pursuant to this Tier 4, which year shall not include any time off from work by reason of any injury or illness which had been caused by or contributed to by any injury or illness which had been sustained or suffered by him or her prior to such restoration. The restored Plan Member, upon completing one Year of Service following restoration, shall be eligible for such credit only to the extent that the length of service following restoration matches the period the disability pension was received; but upon completing three years of restored service, the restored Plan Member is eligible for credit for the entire period the disability pension was received; and provided further that a period during which a Plan Member was on a nonservice-connected disability pension may only be counted toward his or her Years of Service if the Plan Member makes contributions therefor at the rate provided in Section 1614 of this Tier 4 in accordance with the rules to be adopted by the Board;

(3) is or shall become entitled, under any provision of general law or ordinance of the City, to credit toward retirement for periods of military service or military leave;

(4) did or shall receive workers' compensation benefits for temporary disability as provided by general law on account of any injury or illness arising out of and in the course of employment but such period shall be made a part of the Plan Member's Years of Service only if the Plan Member has made contributions to the Fire and Police Pension Plan in the manner prescribed by Board rule;

(5) is or shall become entitled pursuant to any ordinance of the City providing compensation for injury on duty; and

(6) had served as a member of the Fire and Police Pension System—Tiers 1 or 2 of this Article, without having become eligible to service retirement benefits but such prior service as a member under provisions of Tiers 1 or 2 does not entitle the Plan Member to a refund of contributions made on account of such previous service.

A Plan Member who has previously been a Plan Member and who has ceased to be such by virtue of his or her resignation or discharge and who subsequently again becomes a Plan Member, shall be entitled to service credit only if he or she has first redeposited with interest, any Plan Member contributions previously withdrawn by him or her, in the manner provided by the Board.

(n) Partial Year of Service. Partial Year of Service means any period mentioned in subsection (m) of this section which is less than 12 months. Any such Partial Year of Service shall be calculated from the end of the Plan Member's last completed Year of Service to the end of the payroll period immediately prior to the date of his or her retirement and shall be counted as part of a Plan Member's Years of Service for his or her retirement upon a service pension hereafter granted or for a pension hereafter granted to his or her Qualified Surviving Spouse, Minor Child or children, Dependent Child or children or Dependent Parent or parents

if he or she hereafter shall die while upon a service pension hereafter granted or while eligible for a service pension.

(o) Final Average Salary. Final Average Salary means an amount equivalent to a monthly average of salary actually received during any 12 consecutive months of service as a Plan Member as designated by the Plan Member. In the absence of such designation, the last 12 consecutive months preceding the date upon which retirement would become effective shall be used as the basis for the calculation of Final Average Salary.

For Plan Members employed as paramedics or civilian ambulance employees who have formerly been members of the Los Angeles City Employees' Retirement System, and who, pursuant to the provisions of Section 1600 of this Tier 4 have become Plan Members, the determination of Final Average Salary shall include periods of City service for which such Plan Members have elected to acquire Years of Service credit by transfer of their contributions from the Los Angeles City Employees' Retirement System to the Fire and Police Pension Plan—Tier 4. If a Plan Member should die before having made such election, his or her surviving spouse may make the election in place of the Plan Member.

For the purposes of determining Final Average Salary, periods during which the Plan Member receives less than full salary on account of injury or illness, pursuant to any applicable ordinance of the City, shall be included in the calculation of Final Average Salary based upon the salary, including any Length of Service Pay, Special Pay, Assignment Pay or Hazard Pay, the Plan Member would have received but for the injury or illness.

Included in the calculation of Final Average Salary shall be Length of Service Pay, Special Pay, Assignment Pay and Hazard Pay actually received during the 12 consecutive months used to determine Final Average Salary. To the extent that Hazard Pay was not received during all or any part of the 12 consecutive months used to determine Final Average Salary, then it shall be included in the calculation of Final Average Salary only if the Plan Member retires at the same rank as that occupied by him or her at a time when Hazard Pay was received during a period or periods other than the 12 months used to determine Final Average Salary, and for each such completed 12 month period during which the Plan Member served at that rank and received Hazard Pay, he or she shall be entitled to have included in the Final Average Salary 10% of the Hazard Pay which would have been payable had the hazardous duty been performed during the period for which the Final Average Salary is calculated except the total amount includable in the Final Average Salary for Hazard Pay may not exceed 100% of the amount the Plan Member would have received had he or she been entitled to Hazard Pay during the entire 12 month period utilized in the calculation of Final Average Salary.

Overtime compensation or payments of money to the member not designated as salary by an ordinance of the City shall not be considered for purposes of calculating Final Average Salary.

Notwithstanding any of the foregoing, if a Retired Plan Member were to be restored to active duty as a Department Member and thereby again were to become a Plan Member and if he or she again were to retire or to be retired without having performed his or her duties for at least one year subsequent to such restoration, which year shall not include any time off from work by reason of any injury or illness which had been caused by or contributed to by any injury or illness which had been sustained or suffered by him or her prior to such restoration, the Final Average Salary which shall be applicable to his or her later retirement shall be the Final Average Salary which had been applicable to his or her previous retirement.

Should a Plan Member not have completed 12 consecutive months of service as a Plan Member, then and in that event only shall the Final Average Salary be calculated as a monthly average of all consecutive calendar months completed, and, if the Plan Member has completed less than one month of total service as a Plan Member, the salary actually received shall be used to calculate its monthly equivalent.

The following provision shall be effective for Plan Members who retire on or after July 1, 2000 from the Fire Department while holding a rank no higher than Captain or from the Police Department holding a rank no higher than Lieutenant. If Hazard Pay was not received during all or any part of the 12 consecutive months used to determine Final Average Salary then an amount equivalent to 10% of the Hazard Pay received at the time of the termination of the last assignment to hazardous duties for each year in the aggregate of the assignment to hazardous duties shall be added to the Final Average Salary, not to exceed ten years in the aggregate. The total amount of Hazard Pay included in Final Average Salary may not exceed 100% of the amount the Plan Member would have received had the Plan Member been entitled to Hazard Pay during the entire 12 month period utilized in the calculation of Final Average Salary.

Sec. 1604. Service Retirement and Vesting.

(a) Normal Retirement. Any Tier 4 Member with 20 years of service or more shall be retired by order of the Board from further active duty as a Department Member either upon the filing of his or her written application or upon the filing of a written request by or on behalf of the head of the department in which he or she is a Department Member, if it shall be determined by the Board to be for the good of such department, other than for a cause or reason which would entitle such Plan Member to a disability pension pursuant to Section 1606, and the Board, if it shall so determine, shall state the cause or reason in its order retiring such Plan Member.

(b) Includable Years of Service. For Tier 4 Members, Years of Service shall include prior service covered under any other Tier of the Fire and Police Pension Plan.

(c) Physical Examination for Employees Age 70 and Over. After a Tier 4 Member has attained the age of 70 years, he or she shall annually submit to an

examination by a regularly licensed, practicing physician selected by the head of his or her department who shall render a written report to such department and to the Board as to whether or not the Plan Member is physically and mentally fit to continue his or her duties as a Department Member. If the Plan Member is found by the Board not to be physically or mentally fit to so continue his or duties, he or she shall be retired effective the first day of the calendar month next succeeding that month in which the physician's report is received by the Board.

(d) Pension Amount. A pension payable pursuant to the provisions of this section shall be paid monthly for life in an amount which shall be equal to 2% of Final Average Salary per Year of Service for up to 20 Years of Service; and for each additional year of service after 20 years, 3% of Final Average Salary per year but the maximum percentage of Final Average Salary payable, regardless of length of service, shall be 70% of such Final Average Salary.

Sec. 1606. Disability Pensions.

(a) Service-Connected Disability. Upon the filing of his or her written application for a disability pension or upon the filing of a written request therefor by or on behalf of the head of the department in which he or she is a Department Member, any Plan Member whom the Board shall determine has become physically or mentally incapacitated by reason of injuries received or sickness caused by the discharge of the duties of such person as a Department Member, and who is incapable as a result thereof from performing his or her assigned duties, or those to which he or she would be assigned within the Plan Member's civil service classification if returned to duty, shall be retired by order of the Board from further active duty as a Department Member.

A Plan Member's incapacity is caused by the discharge of his or her duties if there is clear and convincing evidence that the discharge of the Plan Member's duties is the predominant cause of the incapacity.

A Plan Member retired under the provisions of this subsection shall be paid thereafter a monthly service-connected disability pension in an amount which shall be equal to the same percentage of the Plan Member's Final Average Salary as the Board shall determine, from time to time, to be the percentage of his or her disability. Such pension shall be in an amount of not less than 30% and not more than 90% of the Retired Plan Member's Final Average Salary, but in no case shall the pension be less than the equivalent of 2% of Final Average Salary for each Year of Service of the Retired Plan Member.

No Retired Plan Member, while retired pursuant to this subsection, ever shall be paid any pension pursuant to Section 1604 or subsection (b) of this section.

(b) Nonservice-Connected Disability. Upon the filing of his or her written application for disability pension by a Plan Member who shall have five Years of Service or more, or upon the filing of a written request therefor with respect to such a Plan Member by or on behalf of the head of the department in which he or she is a Department Member, any Plan Member whom the Board shall determine has become physically or mentally incapacitated by reason of injuries or sickness

other than injuries received or sickness caused by the discharge of the duties of such person as a Department Member, and who is incapable as a result thereof from performing his or her assigned duties or those to which he or she would be assigned within the Plan Member's civil service classification if returned to duty, shall be retired by order of the Board from further active duty as a Department Member.

As a further condition of entitlement to such a pension, the Board shall also determine that such disability was not principally due to or caused by voluntary action of the Plan Member intended to entitle him or her to a nonservice-connected disability pension.

A Retired Plan Member, retired under the provisions of this subsection shall be paid thereafter a monthly nonservice-connected disability pension in an amount which shall be equal to the same percentage of the Retired Member's Final Average Salary as the Board shall determine, from time to time, to be the percentage of his or her disability but such pension shall be in an amount of not less than 30% and not more than 50% of the Retired Plan Member's Final Average Salary.

No Retired Plan Member, while retired pursuant to this subsection, ever shall be paid any pension pursuant either to Section 1604 or to subsection (a) of this section.

(c) Determination of Disability. Upon the filing of any written application or request for a disability pension, as referred to in subsections (a) and (b) of this section, the Board: (1) shall cause the Plan Member to be examined by and a written report thereon rendered by at least three regular licensed and practicing physicians selected by it; (2) shall hold a hearing with respect to such application or request; (3) shall receive or hear such other evidence relating to or concerning the Plan Member's disability or claimed disability as may be presented to it. The Board shall have the power to hear and determine all matters pertaining to the granting and denying of any such application or request for a disability pension. The Board first shall determine whether or not the Plan Member is incapable of performing his or her assigned duties or those to which he or she would be assigned within the Plan Member's civil service classification if returned to duty. If the Board were to determine that he or she is not so incapable, it then shall be the duty of the Board to deny the application or request. If the Board were to determine that he or she is so incapable, it then shall determine, pursuant to the language used in subsections (a) and (b) of this section, whether his or her incapacity or disability is service-connected or nonservice-connected. The Board then shall determine the percentage of his or her incapacity or disability, within the limitations prescribed in subsections (a) and (b) of this section, and shall grant the application or request accordingly. If the Board were to determine that the disability is nonservice-connected, and that the incapacity or disability was principally due to or caused by voluntary action by the Plan Member intended to entitle him or her to a nonservice-connected disability pension, it then shall be the duty of the Board to deny the application or request. The Board upon its own

motion or upon the written request of any Retired Plan Member, retired pursuant to subsections (a) or (b) of this section, shall have the power to consider new evidence pertaining to the case of any such Retired Plan Member and to increase or decrease the percentage of his or her incapacity or disability within the limitations prescribed in subsections (a) or (b) of this section but any such increase or decrease shall be based only upon injuries or sickness for which he or she was retired. In the case of any former Plan Member who became such by reason of his or her resignation or discharge as a Department Member, the Board, in order to grant any application filed by him or her for a disability pension, must also determine, in addition to all of the foregoing, that any existing incapacity or disability upon his or her part occurred prior to the termination of his or her active status as a Department Member and had been continuous up to the date of the Board's determinations.

The Board shall adopt by rule, within a reasonable time, a disability rating schedule to assist in standardizing disability pension awards.

(d) Termination of Disability Pensions. The pension of any Retired Plan Member, retired pursuant to subsections (a) or (b) of this section and whose active status as a Department Member had been terminated by reason of his or her retirement, shall cease when the incapacity or disability for which he or she had been retired shall cease and he or she either:

(1) shall have been restored to active duty as a Department Member in the same permanent rank which he or she had held as of the date of retirement; or

(2) shall have been ordered restored to active duty as a Department Member in such same permanent rank and shall have declined, refused or neglected to report therefor or to perform duties as such.

Any former Plan Member who has been retired for more than five years from the date of the Board's action by which he or she was retired may never be restored to active duty as a Department Member. The pension of any Retired Plan Member, retired pursuant to subsections (a) or (b) of this section and whose active status as a Department Member had been terminated by reason of his or her resignation or discharge as such, shall cease when the incapacity or disability for which he or she received a disability pension shall cease. The Board shall have the power to hear and determine upon its own motion all matters pertaining to the termination of any such pension.

After a Retired Plan Member, whose active status as a Department Member has been terminated by reason of his or her retirement, has been retired on a service-connected disability pension or on a nonservice-connected disability pension for five years, and has been found to be no longer disabled, the Board shall adjust such Retired Plan Member's pension to 30% of his or her Final Average Salary. The adjusted pension shall reflect such cost of living adjustments as would have occurred had the Retired Plan Member's pension originally been based on such adjusted percentage.

(e) Periodic Medical Examinations. Except in those instances in which the Board has determined that, due to the nature of the disability, no purpose would be served in having periodic medical examinations to determine whether or not a Retired Plan Member is still disabled, all Retired Plan Members on a disability pension shall undergo medical examinations at periodic intervals, as determined by the Board, for the first five years of their disability retirement. Retired Plan Members who receive service-connected disability pensions exceeding 30% of Final Average Salary and Plan Members who terminated City employment by reason of resignation or discharge prior to being granted a disability retirement, shall thereafter undergo medical examinations as determined by the Board.

If a Retired Plan Member resides outside of the State of California, the Board shall have the authority to order medical examinations of Retired Plan Members at any place it may determine to be desirable and shall, if it is determined that it would impose hardship on the person to be examined to travel to such place, have the authority to defray the reasonable cost of any such travel required.

(f) Assessing Cost for Missed Medical Appointments. The Board shall have the authority to provide, by rule, for assessing the cost of medical appointments missed by disability pension applicants, or by Retired Plan Members on a disability pension, where such missed appointments were not caused by factors beyond the control of the Plan Member or Retired Plan Member.

(g) Re-application After Denial of Disability Pension. The Board shall establish reasonable rules governing the re-application by Plan Members for a disability pension where an application has been denied and a new application has been filed subsequently for the same or similar medical reasons as those which were the basis of a previously denied application.

(h) Transfers Under Civil Service. For a period of one year following the effective date of a Retired Plan Member's disability pension, such Retired Plan Member shall be eligible for status without examination under the provisions of Section 1014 of the Charter in civil service classifications other than those that would entitle him or her to membership in any of the Fire and Police Pension Plans established by this Article; but the provisions of this subsection shall not apply to former Plan Members whose status as Department Members had terminated by reason of resignation or discharge.

(i) Exclusion for Willful Conduct. In making its determinations and findings relative to subsections (a), (b), and (c) of this section, the Board shall consider whether and to what extent the activity giving rise to the disability of a member of the Police Department was caused or aggravated by such member's willful misconduct. If the Board finds that the disability was caused or aggravated by such willful misconduct, the Board shall deny the Plan Member's application for a disability pension. The provisions of this subsection shall be applicable only to those Plan members who became members of the Police Department on or after July 6, 1992.

Sec. 1608. Survivorship Pensions.

(a) Pension for Qualified Surviving Spouse.

(1) Plan Member's Service-Connected Death. The Qualified Surviving Spouse of a Plan Member who shall die by reason of injuries received or sickness caused by the discharge of his or her duties while a Department Member, shall be paid for life a monthly pension in an amount which shall be equal to 75% of the deceased Plan Member's Final Average Salary.

For the purposes of the benefit provided in this subsection (a)(1), a Plan Member has died by reason of injuries received or sickness caused by the discharge of his or her duties if there is clear and convincing evidence that the discharge of the Plan Member's duties were the predominant cause of his or her death.

(2) Plan Member's Nonservice-Connected Death. The Qualified Surviving Spouse of a Plan Member who shall have five or more Years of Service and who shall die while a Department Member, by reason of injuries or sickness other than injuries received or sickness caused by the discharge of his or her duties, shall be paid for life a monthly pension in an amount which shall be equal to 30% of the deceased Plan Member's Final Average Salary, or, if the Plan Member, at the time of death, was then eligible to receive a pension on account of Years of Service, 80% of the amount of such service pension as the Plan Member at the time of his or her death would have been entitled to receive on account of Years of Service whichever is higher but the entitlement of a Qualified Surviving Spouse under the provisions of this subsection (a)(2) may not exceed 40% of the deceased Plan Member's Final Average Salary.

(3) Retired Plan Member's Death While on a Service Pension. The Qualified Surviving Spouse of a Retired Plan Member, who shall die while he or she is receiving a pension pursuant to Section 1604, shall be paid for life a monthly pension in an amount which shall be equal to 60% of the pension received by the deceased Retired Plan Member immediately preceding the date of his or her death. The benefit described in this subsection (a)(3) may be modified as provided in subsection (b) of this section.

(4) Retired Plan Member's Death While on a Service-Connected Disability Pension. The Qualified Surviving Spouse of a Retired Plan Member, who shall die while he or she is receiving a service-connected disability pension pursuant to Section 1606, shall be paid for life a monthly pension in an amount which shall be equal to 60% of the pension received by the deceased Retired Plan Member immediately preceding the date of his or her death, unless the death of the Retired Plan Member occurs within three years after the effective date of his or her pension and is due to service-connected causes, in which case, the qualified Surviving Spouse shall receive, or in a case where an option has been elected pursuant to subsection (b) of this section, may elect to receive, 75% of the Retired Member's Final Average Salary, as modified by the cost of living adjustments made pursuant to Section 1616 of this article since the date of retirement of the Retired Plan

Member. The benefit described in this subsection (a)(4) may be modified as provided in subsection (b) of this section.

(5) Retired Plan Member's Death While on a Nonservice-Connected Disability Pension. The Qualified Surviving Spouse of a Retired Plan Member, who shall die while he or she is receiving a nonservice-connected disability pension pursuant to Section 1606, shall be paid for life a monthly pension in an amount which shall be equal to 60% of the pension received by the deceased Retired Plan Member immediately preceding the date of his or her death. The benefit described in this subsection (a)(5) may be modified as provided in subsection (b) of this section.

(6) Nonservice-Connected Death of Plan Member with Less than Five Years of Service. In the event the Plan Member died of nonservice-connected causes before having completed five years of Service, the Qualified Surviving Spouse of the deceased Plan Member, or his or her Minor or Dependent Children if there is no Qualified Spouse, or his or her Dependent Parents if there is no Qualified Surviving Spouse and no Minor or Dependent Children, shall be entitled to the Basic Death Benefit described in subsection (a)(7) below.

(7) Basic Death Benefit and Election. The Basic Death Benefit shall consist of: (1) the return of a deceased Plan Member's contributions to the Plan with accrued interest thereon; subject, however to the rights created by virtue of the Plan Member's designation of a beneficiary as otherwise provided in this article; and (2) if the deceased Plan Member had at least one year of Service, the deceased Plan Member's Final Average Salary multiplied by the number of completed Years of Service, not to exceed six years; provided that said amount shall be paid in monthly installments of one-half of the deceased Plan Member's Final Average Salary.

A Qualified Surviving Spouse, or a guardian acting on behalf of the Minor or Dependent Children of a deceased Plan Member if there is no Qualified Surviving Spouse, or Dependent Parents if there is no Qualified Surviving Spouse and no Minor or Dependent Children entitled to a pension pursuant to any of the provisions of this section, where benefits are based upon the Plan Member's death in active service, may in lieu of the pension provided and before the first payment of such pension, elect to receive the Basic Death Benefit.

(b) Optional Pensions for Qualified Surviving Spouse. At any time before the first payment of a service pension, a service-connected disability pension, or a nonservice-connected disability pension, the Plan Member may elect to receive, in lieu of his or her pension as provided in Section 1604 or Section 1606, the actuarial equivalent at that time of such pension and of the pension for the Qualified Surviving Spouse as provided in subsection (a) of this section, by electing an optional pension payable throughout the balance of his or her life, with the provisions that upon his or her death such optional pension shall be continued to the Plan Member's Qualified Surviving Spouse in the proportional amount designated by the Plan Member at the time of election of the option provided by this section.

The amount of such optional pension shall be so calculated that the liability of the Fire and Police Pension Plan—Tier 4 at the date of retirement under the optional pension shall be equal to the liability of the Fire and Police Pension Plan—Tier 4 at the same date under the pension awarded in accordance with the provisions of Section 1604 or Section 1606 and of the survivorship pension provided by subsection (a) of this section. For the purpose of this section, the liability of the Fire and Police Pension Plan—Tier 4 is defined as the present value, in accordance with tables adopted by the Board, of the pensions or optional pensions calculated by approved actuarial methods, and recommended by the Board's actuary. In determining the actuarial equivalent of the pension for a Qualified Surviving Spouse as provided pursuant to subsections (a)(3), (4) and (5) of this section, the equivalent of a 60% survivorship pension shall be used in all cases.

The optional amounts, calculated in accordance with the foregoing paragraph, shall provide a range of optional values such that the amount to be paid to the Qualified Surviving Spouse of the Plan Member shall range from 60% to 100% of the pension payable to the Plan Member, varying by increments of 5%.

If a Retired Plan Member, previously retired on a disability pension pursuant to the provisions of Section 1606, should be reinstated to active duty upon termination of his or her disability, the election to receive the optional pension as herein provided, shall be deemed cancelled as of the effective date of such reinstatement.

A Retired Plan Member, previously retired on a disability pension pursuant to the provisions of Section 1606 and whose pension has subsequently been adjusted as provided for in Section 1606, shall have the right to cancel any option previously elected by him or her pursuant to the provisions of this subsection.

The Board shall by rule provide for a method in which the election to receive an optional pension shall be exercised.

(c) Additional Pension Amounts. Whenever any Plan Member or Retired Plan Member shall die and leave surviving him or her, in addition to a Qualified Surviving Spouse, a Minor Child or Children or a Dependent Child or Children of his or her marriage to the Qualified Surviving Spouse, then such Qualified Surviving Spouse, shall be paid an additional monthly pension in an amount which shall be equal to 25% of the pension he or she as a Qualified Surviving Spouse would be entitled to pursuant to the provisions of subsection (a) of this section while there is one Minor Child or Dependent Child, 40% while there are two Minor Children or Dependent Children or a combination thereof, and 50% while there are three or more Minor Children or Dependent Children or a combination, and such additional monthly pension shall be the exclusive property of such Qualified Surviving Spouse and not the property of any such Minor Child or Dependent Child. Whenever any Plan Member or Retired Plan Member shall die and leave surviving him or her in addition to a Qualified Surviving Spouse, a Minor Child or Children or a Dependent Child or Children of his or her marriage to a former spouse, then the guardian or guardians of the estate or estates of any such Minor

Child or Children or Dependent Child or Children shall be paid a monthly pension in an amount which shall be equal to 25% of the pension the Qualified Surviving Spouse would be entitled to pursuant to the provisions of subsection (a) of this section while there is one Minor Child or Dependent Child, 40% while there are two Minor Children or Dependent Children or a combination, and 50% while there are three or more Minor Children or Dependent Children or a combination.

Whenever any Plan Member or Retired Plan Member shall die and leave surviving him or her, in addition to a Qualified Surviving Spouse, a Minor Child or Children or a Dependent Child or Children of his or her marriage to the Qualified Surviving Spouse and a Minor Child or Children or a Dependent Child or Children of his or her marriage to a former spouse, then a monthly pension shall be paid in an amount which shall be equal to 25% of the pension the Qualified Surviving Spouse would be entitled to pursuant to the provisions of subsection (a) of this section while there is one (1) Minor Child or Dependent Child, 40% while there are two (2) Minor Children or Dependent Children or a combination, and 50% while there are three (3) or more Minor Children or Dependent Children or a combination. The amount of such monthly pension shall be divided by the number of Minor Children or Dependent Children and shall be adjusted accordingly whenever any Minor or Dependent Child shall cease to be such. The Qualified Surviving Spouse shall be paid the portion of such monthly pension which shall be applicable to the number of his or her Minor Children or Dependent Children and the same shall be her or his exclusive property. The guardian or guardians of the estate or estates of the Minor Children or Dependent Children who are not those of the Qualified Surviving Spouse shall be paid the portion of such monthly pension which shall be applicable to such Minor Children or Dependent Children and the same shall be the exclusive property of such children.

The additional pension amounts provided in this subsection for persons other than a Qualified Surviving Spouse are to be calculated on the basis of the applicable Qualified Surviving Spouse pension provided pursuant to subsection (a) of this section, unmodified by any election that may previously have been made pursuant to the provisions of subsection (b) of this section.

Additional pension amounts are also subject to the limitation that the amount of any survivorship pension provided in this section, after the additional payments provided in this subsection are added thereto, may not exceed 100% of the Final Average Salary of the deceased Plan Member or 100% of the Final Average Salary of the Retired Plan Member, as modified by the cost of living adjustments made pursuant to Section 1616 of this Tier 4 since the date of retirement of the Retired Plan Member. In case of such excess, any additional pension amounts shall be reduced to a level where the total amount of pension is equal to such maximum.

(d) Reinstatement of Pension of Reinstated Qualified Surviving Spouse. Subject to Section 1208 of the General Provisions for Fire and Police Pension Plans, any Qualified Surviving Spouse, who shall marry and thereby cease to be

a Qualified Surviving Spouse, shall be reinstated as a Qualified Surviving Spouse as of:

(1) the date upon which a judgment or decree shall become final dissolving such marriage upon any ground or declaring a void or voidable marriage to have been null and void or voided but such date shall be within five years from the date of the marriage ceremony; or

(2) the date upon which such marriage shall be dissolved by the death of the other party thereto but such date shall be within five years from the date of the marriage ceremony. Such reinstated Qualified Surviving Spouse shall be entitled to the reinstatement of his or her pension effective as of either such date, which shall be applicable, but shall not be entitled to the payment of any pension for the period prior to such applicable date and subsequent to the date of the marriage ceremony. The pension paid to any other persons entitled under the provisions of the Fire and Police Pension Plan—Tier 4 during the period of the marriage or purported marriage of such reinstated Qualified Surviving Spouse shall cease when his or her pension shall be reinstated, except as otherwise provided in subsection (c) of this section. However, should such reinstated Qualified Surviving Spouse thereafter be a party to another marriage ceremony, his or her pension shall cease and never again shall be reinstated regardless of whether such marriage ceremony shall result in a valid marriage or in a voidable or void marriage and whether or not the same legally shall be terminated.

(e) Pension for Minor or Dependent Children. Whenever any Plan Member or Retired Plan Member shall die without leaving a Qualified Surviving Spouse, the guardian of the estate of his or her Minor or Dependent Children shall be paid, until each such child shall cease to be a Minor or Dependent Child, a monthly pension equal to the pension a Qualified Surviving Spouse would have been eligible to receive pursuant to subsection (a) of this section had a Qualified Surviving Spouse survived such Member. Whenever any Plan Member or Retired Plan Member shall die leaving a Qualified Surviving Spouse who thereafter shall die or who thereafter shall cease to be a reinstated Qualified Surviving Spouse, the guardian of the estate of his or her Minor or Dependent Children shall be paid, until each such child shall cease to be a Minor or Dependent Child, a monthly pension equal to the pension a Qualified Surviving Spouse would have been eligible to receive pursuant to subsection (a) of this section. In any of the foregoing events and if there were to be more than one Minor or Dependent Child, an equal share of such monthly pension shall be paid for and on behalf of each such child to the guardian of his or her estate and shall be adjusted as each of them shall cease to be a Minor or Dependent Child in the manner set forth in subsection (c) of this section. If payments are made pursuant to this subsection (e), no additional pension amounts shall be paid pursuant to subsection (c) of this section.

(f) Pension for Dependent Parents. Whenever any Plan Member or Retired Plan Member shall die without leaving a Qualified Surviving Spouse or a Minor or Dependent Child, a monthly pension shall be paid to such Dependent Parents

or to the survivor of them until each such Dependent Parent shall cease to be such. Any Dependent Parent who shall cease to be such but who thereafter again shall become unable to pay his or her necessary living expenses without a pension shall be entitled to have his or her pension reinstated.

The total amount of a pension payable to the Dependent Parents shall be the same as that to which a Qualified Surviving Spouse would have been entitled pursuant to subsection (a) of this section.

(g) Determinations With Respect to Cause of Death and Dependency. The Board shall have the same power as that which has been given to it by Section 1606(c) and (d) in order to determine:

(1) the fact whether a Plan Member's death was service-connected or nonservice-connected for the purposes of Section 1608(a)(1) and (2);

(2) the fact of whether or not a child of a deceased Plan Member or Retired Plan Member is a Dependent Child; and

(3) whether or not any parent of a deceased Plan Member or Retired Plan Member is a Dependent Parent.

The Board also shall have the power to determine, from time to time, the fact of whether or not a child continues to be a Dependent Child, the fact of whether or not a parent continues to be a Dependent Parent and the fact of whether or not a Dependent Parent who had ceased to be such thereafter shall have become entitled to have his or her pension reinstated.

(h) Medical Reports and Hearings. The power of the Board to determine the fact of whether a Plan Member's death was service-connected or nonservice-connected, as provided in subsection (g) of this section, hereafter may be exercised by it upon the basis of a written report from one regularly licensed and practicing physician selected by it but the Board, in its discretion, may obtain such a report from more than one such physician. The determination hereinbefore referred to in this subsection may, at the option of the Board, be made without a hearing being held pursuant to the provisions of subsection (g) of this section.

(i) Distribution of Contributions. Whenever a Plan Member dies without leaving a person or persons entitled to receive a pension pursuant to the provisions of this section, then, and in that event, his or her contributions to the Plan, together with such interest as may have been credited to the Plan Member's individual account shall be paid to such person as he or she shall have nominated by written designation duly executed and filed with the Board. In the event there is no written designation of beneficiary, surviving spouse, children or parents, then the contributions shall be paid to the executor or administrator of the estate of such deceased Plan Member, or to any other person legally authorized to collect money due the decedent.

Sec. 1610. Tier 4 Pension Funds.

(a) Creation of Funds. Two entirely separate and distinct funds hereby are created and established for the payment of pension benefits pursuant to this Tier 4, for the payment of certain other benefits as may be authorized by ordinance

pursuant to the enabling provisions of this Tier 4 and for the payment of the administrative expenses of the Fire and Police Pension Plan—Tier 4, one of which shall be known as the "Fire and Police Tier 4 Service Pension Fund" and the other of which shall be known as the "Fire and Police Tier 4 General Pension Fund."

(b) Fire and Police Tier 4 Service Pension Fund. The Fire and Police Tier 4 Service Pension Fund shall consist of:

(1) deductions made pursuant to Section 1614, from the salaries of Plan Members;

(2) all contributions and donations to the Fire Department or to the Police Department for services by any Plan Members, except amounts of money donated to provide for any medal or permanent competitive award;

(3) all fines imposed upon Plan Members for violations of rules and regulations of the respective department in which they are Department Members;

(4) proceeds from the sale of unclaimed property as determined by the Board; and

(5) all interest, earnings and profits resulting from investments of such monies.

(c) Fire and Police Tier 4 General Pension Fund. The Fire and Police Tier 4 General Pension Fund shall consist of:

(1) all monies appropriated to the fund by the Council; and

(2) all interest, earnings and profits resulting from investment of such monies.

(d) Use of Funds. The monies in the Fire and Police Tier 4 Service Pension Fund shall be used, other than for the investment thereof, exclusively for the payment of service pensions granted pursuant to Section 1604 and for the refund of contributions as provided in this Tier 4. The monies in the Fire and Police Tier 4 General Pension Fund shall be used, other than for the investment thereof, exclusively for the payment of all pensions other than service pensions, such benefits as may be provided by ordinance adopted pursuant to the enabling provisions contained in this Tier 4 and of all administrative expenses of the Fire and Police Tier 4 Pension Plan.

(e) Authorized Transfer Between Funds. In the event that the money in the Fire and Police Tier 4 Service Pension Fund should be insufficient, at any time, to pay all service pensions, then the Board shall have the power and authority to cause the Controller to transfer to the fund sufficient money therefor from the Fire and Police Tier 4 General Pension Fund. In no other event shall any of the money in either of the funds be commingled with any money in the other fund.

(f) Benefits Shall Be a General Obligation of the City. The obligation to pay benefits pursuant to this Tier 4 shall be a general obligation of the City.

Sec. 1612. Actuarial Determinations and Tier 4 Unfunded Liabilities.

(a) Actuarial Standards. The Fire and Police Pension Plan—Tier 4 shall be maintained on a reserve basis which, for the purposes of this Tier 4, shall mean one which provides for the accumulation and maintenance of the Fire and Police Tier 4 Service Pension Fund and the Fire and Police Tier 4 General Pension Fund

which together will at all times be equal to the difference between the present value of the obligations assumed and the present value of the monies to be received for paying such obligations, where such present values are estimated in accordance with accepted actuarial methods and on the basis of an assumed rate of interest and the mathematical probabilities of the occurrence of such contingencies as affect both the payment of the assumed obligations and the receipt of monies with which they are to be paid in accordance with the provisions of Sections 1210(b)(4) and 1614.

(b) Actuarial Valuations. The Board shall secure an actuarial valuation showing the cost of maintaining the plan and funds on such reserve basis and, at intervals of not to exceed five years, shall cause to be made an actuarial investigation including, but not limited to, the mortality, service and salary experience of the Plan Members and other beneficiaries and shall further cause to be made annually an actuarial valuation of the assets and liabilities of the funds.

The Board, from time to time and with the advice of the investment counsel, shall establish such an assumed rate of interest for the purpose of actuarial valuations, as in its judgment seems proper in the light of the experience and prospective earnings on the investment of the funds.

(c) Retention of Actuary. The Board shall retain a competent consulting actuary for the purpose of making the necessary actuarial studies, reports, investigations and valuations and shall, with the advice of the actuary, adopt such actuarial assumptions as shall be necessary.

(d) Accounting for Unrealized Profits and Losses. With the advice of the consulting actuary and of the investment counsel, the Board, for the purpose of the actuarial valuations, may provide by rule for the manner and the extent to which any unrealized profits or losses in the equity type investments of the funds shall be taken into account.

(e) Unfunded Liabilities. The unfunded liabilities of the Fire and Police Pension Plan—Tier 4 shall be funded in accordance with the actuarial funding method adopted by the Board upon the advice of its consulting actuary. Any unfunded liabilities resulting from amendment of the provisions of this Tier 4 or by ordinance as authorized by this Tier 4 shall be amortized over a 30 year period. Actuarial experience gains and losses shall be amortized over a 15 year period.

Sec. 1614. Member Contributions—Tier 4.

(a) Contribution Amount. Each Plan Member shall contribute to the Fire and Police Pension Plan—Tier 4 by salary deduction at the rate of 8% of the amount of his or her salary, except that further contributions to the Plan shall not be required from a Plan Member who has served as a Plan Member more than 30 years.

For purposes of determining the amount of the deduction, Salary shall mean those elements of a Plan Member's compensation which would be included in calculating Final Average Salary. The administrative head of the Fire Department or the Police Department shall cause to be shown on each and every payroll of such department a deduction of 8% of the amount of salary of each Plan Member whose name appears thereon.

(b) Member Accounts. The Board shall maintain an individual account of the contributions by or for each Plan Member, as hereinabove provided. Regular interest shall be credited to such individual accounts as of the last day of June and December of each year at such rate as the Board may deem proper in light of the Fire and Police Pension Plan's earnings, exclusive of profits and losses on principal heretofore or hereafter resulting from sales of securities. No such interest shall be credited at any other time or to the individual account of any person who is not a Plan Member but such interest shall be credited to the individual account of a Plan Member whose employment is terminated for any reason for any period of service between the next preceding last day of June or December and the end of the pay period preceding the date of such termination at the rate at which regular interest was last credited to Plan Members' individual accounts.

(c) Payroll Deduction. Each Plan Member shall be deemed to consent and agree to each deduction made as provided for herein and the payment of each payroll check to such Plan Member shall be a full and complete discharge and acquittance of all claims and demands whatever for the services rendered by each member during the period covered by such payroll, except such claims as such Plan Member has to the benefits or payments provided for in this Tier 4.

(d) No Right to Refund of Contributions. Tier 4 Plan Members shall not be entitled to a refund of contributions upon termination of employment. Every person hired prior to July 1, 1997 who makes an irrevocable election in writing to receive benefits under Tier 4 shall not be entitled to a refund of contributions made prior to or after such election upon termination of employment.

Survivors of deceased members of Tier 4 shall be eligible for a refund of a deceased Tier 4 member's contributions only in accordance with the Basic Death Benefit as provided in Section 1608(a)(7). Interest on contributions paid under the Basic Death Benefit shall be credited in accordance with the provisions described in Section 1614.

(e) Assuring Full Member Contributions. The Board shall have rule-making authority to insure that the Fire and Police Pension Plan—Tier 4 receives member contributions for all periods of credited service, except that the Board shall not have authority to require contributions for service credit for military service and for periods while a Plan Member is receiving a disability pension, or full pay for Injury On Duty. Plan Members, however, may elect to make contributions for periods of Injury On Duty compensated at the rate provided by general law in order to acquire credit for Years of Service for such period. Such contributions shall be at the contribution rate herein provided and shall be based on the salary the Plan Member would have received if he or she had not occupied Injury On Duty status.

Sec. 1616. Cost of Living Adjustments.

(a) Determination of Cost of Living Adjustments. The Board, before May 1 of each year commencing with the year 1981, shall determine the percentage of the annual increase or decrease in the cost of living as of March 1 of that year

from March 1 of the preceding year as shown by the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics or such other index as the Federal Government may develop to replace the All Urban Consumers Index for the area in which the City is located. If any such index were not to reflect the cost of living as of a particular March 1, then the index for the closest preceding date shall be used.

(b) Annual Cost of Living Adjustments. Commencing as of July 1 of the year in which the Board shall determine the percentage of increase or decrease in the cost of living, the monthly amounts of all pensions granted pursuant to the provisions of this Tier 4, shall be increased or decreased by reason of such determined percentage of increase or decrease in the cost of living, not to exceed an increase or decrease of 3% in any given year. Pensions which became payable before July 1, but subsequent to the preceding July 1, will be adjusted on a prorated basis whereby one-twelfth of the annual adjustment shall be applied for each completed month since such pension commenced.

In no event shall pensions adjusted hereunder ever be decreased below the amount received by the Beneficiary when such pension first became payable to him or her.

(c) Discretionary Cost of Living Adjustments. To the extent that the annual cost of living adjustments provided by subsection (b) hereof are less than the annual change in the cost of living as determined in subsection (a) hereof, the Council may grant discretionary cost of living adjustments, in addition to the annual cost of living adjustments provided by subsection (b) hereof, subject to the following conditions and requirements:

(1) No More Than Every Three Years. Discretionary adjustments may not be provided more frequently than once every three years, counting from the effective date of this section and, after a discretionary adjustment has once been made, counting from the date the last discretionary adjustment became effective.

(2) Limit of Adjustments. Discretionary adjustments shall not exceed one-half of the difference between the percentage of the annual increases in the cost of living, as determined pursuant to the provisions of subsection (a) of this section, and the annual adjustments made pursuant to subsection (b) of this section for each of the preceding three years. Discretionary adjustments shall be allocated to each of the three years for which an adjustment is made.

(3) Pensions Eligible for Adjustment. Discretionary adjustments herein provided shall be applied to pensions granted pursuant to Sections 1604, 1606 and 1608 subject to the following limitations: If a pension became payable on or after July 1 immediately preceding the effective date of such adjustment, it shall not be so adjusted; and any pension which shall have become payable at a time within the three year period (but prior to the immediately preceding July 1), shall be prorated on a monthly basis to the number of completed months for which the pension was received, provided that pensions paid pursuant to Section 1608(a)(3), (4) or (5), or Section 1608(c), (e) or (f), shall be adjusted by basing eligibility on the date upon which the Retired Plan Member's pension became effective.

(4) Report to Council Prior to Adoption by Ordinance. Discretionary cost of living adjustments may be provided only by ordinance. Ordinances providing discretionary adjustments may not be finally adopted until the Council has first obtained and published a report from the actuary or actuaries of the Fire and Police Pension Plan—Tier 4 indicating the present value of the liabilities that will be created by the proposed discretionary adjustment. This report must identify the annual funding cost of amortizing this liability over a 30 year period utilizing the funding procedure adopted by the Board.

(5) Vote by Council. Ordinances adopted pursuant to this subsection must be by not less than two-thirds of the membership of the Council, subject to the veto of the Mayor and re-adoption by the Council by not less than three-fourths of the membership of Council. No such ordinance may be finally adopted by the Council until the expiration of at least 30 days after its first presentation to the Council, nor until after a public hearing has been held thereon. Ordinances adopted pursuant to this subsection, shall be published no later than November 30, and shall become effective January 1.

(6) Prospective Application. All adjustments provided in this subsection are to be applied prospectively only and shall not be understood to permit retroactive adjustments of pensions.

Sec. 1618. Provision of Certain Subsidy Payments by Ordinance.

(a) Purpose of this Section. It is the purpose of this section to enable the Council to provide by ordinance a program or programs whereby persons receiving pensions pursuant to the provisions of this Tier 4 may become eligible to have subsidy payments made on their behalf for health insurance, accident insurance, life insurance or health care plan coverage or coverage for any combination of such programs as determined by the Council and subject to such conditions of entitlement as may be set forth in any ordinance adopted in accordance with the provisions of this section.

(b) Mode of Adoption of Ordinance. Ordinances adopted pursuant to this section must be approved by not less than two-thirds of the membership of the Council, subject to the veto of the Mayor and readoption by the Council by three-fourths of the membership of the Council. No such ordinance may be finally adopted by the Council until the expiration of at least 30 days after its first presentation to the Council, nor until after a public hearing has been held thereon. Any ordinance adopted pursuant to this section shall go into effect upon its publication, but the terms of such ordinance, or portions thereof, may be operative at a later date or dates.

(c) Limitations on Council's Authority. An ordinance adopted pursuant to this section may not provide for subsidy payments for any individual, the total amount of which, including subsidy payments from a City fund or funds other than those created under Section 1610, would be in excess of the maximum available subsidy payment for beneficiaries under the provisions of any ordinance adopted pursuant to the authority of Section 1168 of the Charter, nor may such subsidy payments be in excess of any amounts allowed active members of the Tier 4 System.

(d) Administration of Subsidy Program. Any subsidy program adopted by ordinance pursuant to this section shall be administered by the Board. In furtherance thereof, the Board shall have the authority to contract for suitable programs as defined in subsection (a), to be made available to retired members or other beneficiaries, and shall have the power to adopt such rules as it deems necessary to administer such programs. Notwithstanding the foregoing provisions, the Board may authorize the Personnel Department to administer any program or part thereof established by ordinance pursuant to the provisions of this section, but the Board shall reimburse the General Fund of the City of Los Angeles for all necessary expenses incurred by the Personnel Department in administering these programs.

(e) Adjustment of Subsidy Amount. The Board, in its discretion, may by resolution increase or decrease the amount of subsidy payments to reflect changes in subsidies provided for active members, or to offset any increases or decreases in the level of benefits referred to in subsection (a) of this section or the cost thereof as a result of changes in existing benefits or the addition of newly created benefits by federal or state funded programs.

Sec. 1620. Compliance with Certain Internal Revenue Code Provisions.

(a) Notwithstanding any other provisions of this Tier 4, the benefits payable to any person who became a Plan Member prior to January 1, 1990, shall be subject to the greater of the following limitations:

(1) the limitations set forth in Section 415 of the Internal Revenue Code; or

(2) the accrued benefit of the Plan Member of the Fire and Police Pension Plan (determined without regard to any amendment to the Plan made after October 14, 1987), as provided in Section 415(b)(10)(A) of the Internal Revenue Code.

(b) The benefits payable to any person who becomes a Plan Member on or after January 1, 1990, shall be subject to the limitations set forth in Section 415 of the Internal Revenue Code.

(c) The Council shall, by ordinance, provide such benefits as are necessary to preserve the level of benefits in effect prior to the effective date of this section.

(d) Should it be determined that the provisions of Charter Section 1608(a)(1) violate the limitations of Section 415 or the incidental death benefit provisions of the Internal Revenue Code, Section 1608(a)(1) shall be deemed inapplicable to the extent necessary to achieve compliance. The Council shall by ordinance, adopt such measures as are necessary to achieve compliance and to preserve the level of benefits in effect prior to the effective date of this section.

(e) Ordinances adopted pursuant to this section shall be adopted in the same manner as those authorized by Charter Section 1618, except any ordinances adopted shall be effective upon publication.

(f) If any of the provisions of Section 415 of the Internal Revenue Code should be repealed, the provisions of this section shall be deemed repealed to the same extent.

(g) All benefits provided pursuant to any ordinance adopted under the provisions of subsection (e) shall be administered by the Board. A separate and distinct fund or funds shall be created by the Board as required to administer such benefits. Such fund or funds shall not contain employee contributions. The Board shall also determine the manner of funding any liabilities incurred as a result of ordinances adopted pursuant to this section.

Sec. 1622. Compensation Limits.

(a) For members hired on or after July 1, 1996, the Final Average Salary taken into account to determine the benefits provided by Tier 4 shall not exceed the annual limit set forth in Section 401(a)(17) of the Internal Revenue Code and regulations thereunder for any Plan Year. This annual compensation limitation shall be adjusted automatically for each Plan Year to the amount prescribed by the Secretary of the Treasury or the Secretary's delegate. For purposes of this section, the family aggregation rules of Section 414(q)(6) of the Internal Revenue Code shall apply; provided that "family" shall include only the Member's spouse and lineal descendants who have not yet attained age 19 by the last day of the Plan Year.

(b) If any of the limitations of Section 401(a)(17) or Section 414(q)(6) should be repealed, the provisions of this section shall be deemed repealed to the same extent.

Sec. 1624. Council Authority to Maintain Tax-Qualified Status of Plan.

The Council may, by ordinance, amend the Fire and Police Pension Plan—Tier 4 to incorporate provisions of federal laws and regulations required to maintain the tax-qualified status of the Fire and Pension Plan—Tier 4. The Council also may enact ordinances to modify or repeal such provisions. Ordinances adopted pursuant to this section shall be adopted in accordance with Charter Section 1618. It is the intent of this section to facilitate compliance with the provisions of federal laws affecting the Fire and Police Pension Plan—Tier 4.

Sec. 1626. Miscellaneous Provisions.

Notwithstanding any other provision of this Tier 4, the provisions of this section shall be controlling to the extent there is a conflict with another provision.

(a) Service or Disability Pensions for Former Plan Members. Any former Plan Member who shall believe that he or she is eligible to be paid a pension pursuant to Section 1604 or 1606 of this Tier 4, may file his or her written application for the payment of a pension pursuant to either one of the sections within the time prescribed for the filing thereof by any applicable provision of law, and the Board, if it were to determine that the contingencies provided in this Tier 4 for the payment thereof had happened or occurred as to such former Plan Member and if there is no legal bar or defense to the granting to him or her of such pension or to any judicial action or proceeding which could be brought by him or her with respect thereto, shall grant him or her the pension in accordance with his or her written application.

(b) Adoption of Board Rules to Comply with Federal or State Law. If at any time after December 8, 1980, federal or state law should become preemptive or controlling with respect to the provisions of this Tier 4, the Board shall have the power to adopt such rules as may be necessary to comply with such federal or state law. Such rules shall be adopted upon the advice and with the concurrence of the City Attorney.

(c) Payroll Deductions and Years of Service Credit for Overtime. Whenever a Plan Member, for overtime work, shall take a period of time off with pay:

(1) a deduction for pension purposes shall be made from such pay but only in the same amount as that which would have been deducted from his or her salary if such period had been one of regular work; and

(2) such period shall be part of his or her Years of Service.

Whenever a Plan Member, for overtime work, shall receive a cash payment:

(1) a deduction for pension purposes shall not be made from such payment; and

(2) the period of overtime work for which he or she shall receive such payment shall not be part of his or her Years of Service.

(d) Coordination with Deferred Compensation Plan. In the event the City establishes a deferred compensation system applicable to the members of the Fire and Police Pension Plan—Tier 4, the Board shall prescribe rates of contributions and benefits so that the interest of the City in protecting the Plan and the interest of the Plan Members in pension benefits are protected when compared with contributions and benefits which would have been received had deferred compensation not been instituted.

Sec. 1628. Social Security Participation.

(a) Implementation Procedure for Social Security Participation. Should Social Security participation be mandated or made available to Plan Members by federal legislation amending the Social Security Act or by action taken by the City or by Plan Members as provided by law, the following provisions shall govern the manner in which such participation by Plan Members is to be implemented and the limitations hereinafter set forth shall be controlling unless federal law is contrary to these provisions, is in conflict therewith and is clearly intended to be preemptive. Should applicable provisions of federal law in any respect differ from the provisions contained in this section and should they be determined to be preemptive as to any part thereof, then and in that event, those provisions of this section not affected by such federal law shall remain in full force and effect.

(b) Council Authority to Coordinate Benefits and Contributions. As to the rights and entitlement to benefits of Plan Members participating in such Social Security coverage, the Council shall have the power and authority, subject to the veto of the Mayor, to adopt ordinances modifying the benefits and conditions of entitlement provided in this Tier 4, including adjustments of Plan Member contributions to the Fire and Police Pension Plan—Tier 4 as hereinafter more specifically provided and subject to the limitations stated herein.

(c) Supermajority Vote Required. Ordinances adopted pursuant to this section must be approved by not less than two-thirds of the membership of the Council, subject to the veto of the Mayor and re-adoption by the Council by a vote of not less than three-fourths of the membership of Council. No such ordinance may be finally adopted by the Council until the expiration of at least 30 days after its first presentation to the Council, nor until after a public hearing has been held thereon. Any ordinance adopted pursuant to this section shall go into effect upon publication.

(d) Integration of Social Security and Pension Plan. Any participation in Social Security coverage shall be by integration with the benefits provided by this Tier 4 and shall not be in addition to the benefits provided in the Fire and Police Pension Plan—Tier 4. Integration is to be defined in harmony with the provisions of the Social Security Act and must be in substantial compliance with the rules and regulations governing the Act. Benefits provided by an integrated system must be at least equal to the benefits offered by the Fire and Police Pension Plan—Tier 4 prior to such integration. The level of integration may be periodically adjusted by the Mayor and Council, to ensure an adequate level of integration.

(e) Minimum Plan Member Contributions. Plan Members participating in Social Security shall have their contributions to the Fire and Police Pension Plan reduced but Plan Members must contribute at least 2% of salaries to the integrated Fire and Police Pension Plan—Tier 4.

Sec. 1630. Inoperability of Tier 4.

Should it be determined that the provisions of Tier 4 violate any federal or state laws or the Internal Revenue Code, which render either of such sections inoperative, then Tier 4 shall become inoperative and service retirement benefits and vesting as provided in Section 1504 of Tier 3, and contributions of Plan Members as provided in Section 1514 of Tier 3 shall become operative in their place to the extent allowed by law. If the provisions of Sections 1514 and 1504 of Tier 3 cannot be fully reinstated, then modifications required to comply with changes in the law shall be made by ordinance, adopted in accordance with Section 1624.

AMENDMENTS TO THE CHARTER

(1) Section 241 of the Charter shall be amended to provide: "The City Council shall consist of 21 members, elected by districts as provided elsewhere in the Charter."

(2) Section 241 of the Charter shall be amended to provide: "The City Council shall consist of 25 members, elected by districts as provided elsewhere in the Charter."

Certified to be a true copy by John Ferraro, President of the City Council, and Konrad Carter, Clerk.

Date of Municipal Election: June 8, 1999.

Charter Chapter 6—City and County of San Francisco

Amendments to the Charter of the City and County of San Francisco

[Filed with the Secretary of State December 15, 1999.]

Section 2.111 is repealed in its entirety.

Section 4.117 is repealed in its entirety.

Section 4.116 is repealed in its entirety, effective July 1, 2002.

Section 13.110 is amended to read as follows:

SEC. 13.110. ELECTION OF SUPERVISORS.

(a) The members of the board of supervisors shall be elected by district as set forth in this section.

(b) The city and county shall be divided into 11 supervisorial districts as set forth in this section. Beginning with the general municipal election in 2000, and until new districts are established pursuant to this section, these districts shall be used for the election or recall of the members of the board of supervisors, and for filling any vacancy in the office of member of the board of supervisors by appointment. Once new districts are established, those districts shall be used for the same purposes. No change in the boundary or location of any district shall operate to abolish or terminate the term of office of any member of the board of supervisors prior to the expiration of the term of office for which such member was elected or appointed.

(c) The 11 supervisorial districts shall be bounded and described as follows:

FIRST SUPERVISORIAL DISTRICT, shall comprise all of that portion of the city and county commencing at the point of intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way; thence easterly along Lincoln Way to Arguello Boulevard; thence northerly along Arguello Boulevard to Kezar Drive; thence easterly along Kezar Drive to Waller Street; thence easterly along Waller Street to Stanyan Street; thence northerly along Stanyan Street to Fulton Street; thence easterly along Fulton Street to Parker Avenue; thence northerly along Parker Avenue to Lone Mountain Terrace; thence westerly along Lone Mountain Terrace to Stanyan Boulevard; thence northerly along Stanyan Boulevard to Geary Boulevard; thence westerly along Geary Boulevard to Arguello Boulevard; thence northerly along Arguello Boulevard to Lake Street; thence westerly along Lake Street to Twenty-Seventh Avenue; thence southerly along Twenty-Seventh Avenue to California Street; thence westerly along California Street to its point of intersection with the eastern boundary of Lincoln Park; thence northerly along said boundary to the shoreline of the Pacific Ocean; thence westerly and southerly along said shoreline to the point of commencement. Unless specifically designated to the contrary, all references to streets, boulevards, drives, avenues, terraces and ways contained in the foregoing description shall refer to the centerlines of said streets, boulevards, drives, avenues, terraces and ways, respectively.

SECOND SUPERVISORIAL DISTRICT, shall comprise all of that portion of the city and county commencing at the point of intersection of the shoreline of the Pacific Ocean and the eastern boundary of Lincoln Park; thence southerly along said boundary to California Street; thence easterly along California Street to Twenty-Seventh Avenue; thence northerly along Twenty-Seventh Avenue to Lake Street; thence easterly along Lake Street to Arguello Boulevard; thence southerly along Arguello Boulevard to Geary Boulevard; thence easterly along Geary Boulevard to Stanyan Boulevard; thence southerly along Stanyan Boulevard to Lone Mountain Terrace; thence easterly along Lone Mountain Terrace to Parker Avenue; thence southerly along Parker Avenue to Fulton Street; thence easterly along Fulton Street to Masonic Avenue; thence northerly along Masonic Avenue to Turk Boulevard; thence easterly along Turk Boulevard to St. Joseph's Avenue; thence northerly and northwesterly along St. Joseph's Avenue to Geary Boulevard; thence westerly along Geary Boulevard to Presidio Avenue; thence northerly along Presidio Avenue to California Street; thence easterly along California Street to Laguna Street; thence southerly along Laguna Street to Geary Boulevard; thence easterly along Geary Boulevard to the center point of the intersection of Geary Boulevard and Starr King Way; thence southeasterly and easterly along Starr King Way to Van Ness Avenue; thence northerly along Van Ness Avenue to Green Street; thence easterly along Green Street to Leavenworth Street; thence northerly along Leavenworth Street and a northerly straight-line extension thereof to the point of intersection with the shoreline of San Francisco Bay; thence generally westerly and southerly along said shoreline to the point of commencement. Unless specifically designated to the contrary, all references to streets, boulevards, drives, avenues, terraces and ways contained in the foregoing description shall refer to the centerlines of said streets, boulevards, drives, avenues, terraces and ways, respectively.

THIRD SUPERVISORIAL DISTRICT, shall comprise all of that portion of the city and county commencing at the point of intersection of a northerly straight-line extension of Leavenworth Street and the shoreline of San Francisco Bay; thence easterly and southerly along said shoreline to the point of intersection with a northeasterly straight-line extension of Mission Street and including all piers north of said intersection; thence southwesterly along said straight-line extension of Mission Street to the Embarcadero; thence northwesterly along the Embarcadero to the intersection with a northeasterly straight-line extension of Market Street; thence southwesterly along Market Street to Sutter Street; thence westerly along Sutter Street to Van Ness Avenue; thence northerly along Van Ness Avenue to Green Street; thence easterly along Green Street to Leavenworth Street; thence northerly along Leavenworth Street and a straight-line extension thereof to the point of commencement. Unless specifically designated to the contrary, all references to streets, boulevards, drives, avenues, terraces and ways contained in the foregoing description shall refer to the centerlines of said streets, boulevards, drives, avenues, terraces and ways, respectively.

FOURTH SUPERVISORIAL DISTRICT, shall comprise all of that portion of the city and county commencing at the point of intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way; thence easterly along Lincoln Way to Nineteenth Avenue; thence southerly along Nineteenth Avenue to Sloat Boulevard; thence westerly along Sloat Boulevard and a straight-line extension thereof to the point of intersection with the shoreline of the Pacific Ocean; thence northerly along said shoreline to the point of commencement. Unless specifically designated to the contrary, all references to streets, boulevards, drives, avenues, terraces and ways contained in the foregoing description shall refer to the centerlines of said streets, boulevards, drives, avenues, terraces and ways, respectively.

FIFTH SUPERVISORIAL DISTRICT, shall comprise all of that portion of the city and county commencing at the point of intersection of Lincoln Way and Nineteenth Avenue; thence easterly along Lincoln Way to Arguello Boulevard; thence northerly along Arguello Boulevard to Kezar Drive; thence easterly along Kezar Drive to Waller Street; thence easterly along Waller Street to Stanyan Street; thence northerly along Stanyan Street to Fulton Street; thence easterly along Fulton Street to Masonic Avenue; thence northerly along Masonic Avenue to Turk Boulevard; thence easterly along Turk Boulevard to St. Joseph's Avenue; thence northerly and northwesterly along St. Joseph's Avenue to Geary Boulevard; thence westerly along Geary Boulevard to Presidio Avenue; thence northerly along Presidio Avenue to California Street; thence easterly along California Street to Laguna Street; thence southerly along Laguna Street to Market Street; thence southwesterly along Market Street to Duboce Avenue; thence westerly along Duboce Avenue to Buena Vista Avenue East; thence southwesterly along Buena Vista Avenue East to Buena Vista Avenue West; thence northerly along Buena Vista Avenue West to Frederick Street; thence westerly along Frederick Street to Ashbury Street; thence southerly and southwesterly along Ashbury Street to Clayton Street; thence southerly along Clayton Street to Twin Peaks Boulevard; thence southwesterly along Twin Peaks Boulevard to Clarendon Avenue; thence westerly along Clarendon Avenue and a straight-line extension thereof to Stanyan Street; thence northerly along Stanyan Street to the intersection of Stanyan Street and Seventeenth Street; thence westerly to the intersection of a straight-line extension of Seventeenth Street with the eastern boundary of the campus of the University of California San Francisco; thence generally northerly, northwesterly and westerly along the eastern and northeastern boundary of said campus to Parnassus Avenue; thence westerly along Parnassus Avenue to Nineteenth Avenue; thence northerly along Nineteenth Avenue to the point of commencement. Unless specifically designated to the contrary, all references to streets, boulevards, drives, avenues, terraces and ways contained in the foregoing description shall refer to the centerlines of said streets, boulevards, drives, avenues, terraces and ways, respectively.

SIXTH SUPERVISORIAL DISTRICT, shall comprise all of that portion of the city and county commencing at the point of intersection of a northeasterly straight-line extension of Mission Street and the shoreline of San Francisco Bay; thence southwesterly along said straight-line extension of Mission Street to the Embarcadero; thence northwesterly along the Embarcadero to the intersection with a northeasterly straight-line extension of Market Street; thence southwesterly along Market Street to Sutter Street; thence westerly along Sutter Street to Van Ness Avenue; thence southerly along Van Ness Avenue to Starr King Way; thence westerly and northwesterly along Starr King Way to the center point of the intersection of Geary Boulevard and Starr King Way; thence westerly along Geary Boulevard to Laguna Street; thence southerly along Laguna Street to Market Street; thence northeasterly along Market Street to Guerrero Street; thence southerly along Guerrero Street to Seventeenth Street; thence easterly along Seventeenth Street to Pennsylvania Street; thence northerly along Pennsylvania Street to Sixteenth Street; thence easterly along Sixteenth Street and a straight-line extension thereof to the shoreline of San Francisco Bay; thence generally northerly along said shoreline to the point of commencement and including all piers and rows of vessels. The Sixth Supervisorial District shall include Yerba Buena and Treasure Islands. Unless specifically designated to the contrary, all references to streets, boulevards, drives, avenues, terraces and ways contained in the foregoing description shall refer to the centerlines of said streets, boulevards, drives, avenues, terraces and ways, respectively.

SEVENTH SUPERVISORIAL DISTRICT, shall comprise all of that portion of the city and county commencing at the intersection of the southern boundary of the city and county and the centerline of Junipero Serra Boulevard; thence northerly along Junipero Serra Boulevard to Holloway Avenue; thence easterly along Holloway Avenue to Ashton Avenue; thence northerly along Ashton Avenue to Ocean Avenue; thence generally southeasterly and easterly along Ocean Avenue to the intersection of the Southern Freeway (Interstate Route 280); thence generally northeasterly along the centerline of the Southern Freeway (Interstate Route 280) to San Jose Avenue; thence northeasterly along San Jose Avenue to Bosworth Street; thence northwesterly along Bosworth Street to O'Shaughnessy Boulevard; thence generally northwesterly along O'Shaughnessy Boulevard to Portola Drive; thence northeasterly along Portola Drive to Twin Peaks Boulevard; thence generally northerly along Twin Peaks Boulevard to Clarendon Avenue; thence westerly along Clarendon Avenue and a straight-line extension thereof to Stanyan Street; thence northerly along Stanyan Street to the intersection of Stanyan Street and Seventeenth Street; thence westerly to the intersection of a straight-line extension of Seventeenth Street with the eastern boundary of the campus of the University of California San Francisco; thence northerly, northwesterly and westerly along the eastern and northeastern boundary of said campus to Parnassus Avenue; thence westerly along Parnassus Avenue to Nineteenth Avenue; thence southerly along Nineteenth Avenue to Sloat Boulevard; thence westerly along

Sloat Boulevard and a straight-line extension thereof to the point of intersection with the shoreline of the Pacific Ocean; thence southerly along said shoreline to the southern boundary of the city and county; thence easterly along said boundary to the point of commencement. Unless specifically designated to the contrary, all references to streets, boulevards, drives, avenues, terraces and ways contained in the foregoing description shall refer to the centerlines of said streets, boulevards, drives, avenues, terraces and ways, respectively.

EIGHTH SUPERVISORIAL DISTRICT, shall comprise all of that portion of the city and county commencing at the intersection of San Jose Avenue and Bosworth Street; thence northwesterly along Bosworth Street to O'Shaughnessy Boulevard; thence generally northwesterly along O'Shaughnessy Boulevard to Portola Drive; thence northeasterly along Portola Drive to Twin Peaks Boulevard; thence generally northerly along Twin Peaks Boulevard to Clarendon Avenue; thence easterly along Clarendon Avenue to Twin Peaks Boulevard; thence northeasterly along Twin Peaks Boulevard to Clayton Street; thence northerly along Clayton Street to Ashbury Street; thence northeasterly and northerly along Ashbury Street to Frederick Street; thence easterly along Frederick Street to Buena Vista Avenue West; thence southerly along Buena Vista Avenue West to Buena Vista Avenue East; thence northeasterly along Buena Vista Avenue East to Duboce Avenue; thence easterly along Duboce Avenue to Market Street; thence northeasterly along Market Street to Guerrero Street; thence southerly along Guerrero Street to San Jose Avenue; thence southwesterly along San Jose Avenue to the point of commencement. Unless specifically designated to the contrary, all references to streets, boulevards, drives, avenues, terraces and ways contained in the foregoing description shall refer to the centerlines of said streets, boulevards, drives, avenues, terraces and ways, respectively.

NINTH SUPERVISORIAL DISTRICT, shall comprise all of that portion of the city and county commencing at the intersection of the centerline of the Southern Freeway (Interstate Route 280) and San Jose Avenue; thence northeasterly along San Jose Avenue to Guerrero Street; thence northerly along Guerrero Street to Seventeenth Street; thence easterly along Seventeenth Street to the centerline of the James Lick Freeway (State Route 101); thence generally southerly along the centerline of the James Lick Freeway (State Route 101) to the interchange with the Southern Freeway (Interstate Route 280); thence generally southwesterly along the centerline of the Southern Freeway (Interstate Route 280) to the point of commencement. Unless specifically designated to the contrary, all references to streets, boulevards, drives, avenues, terraces and ways contained in the foregoing description shall refer to the centerlines of said streets, boulevards, drives, avenues, terraces and ways, respectively.

TENTH SUPERVISORIAL DISTRICT, shall comprise all of that portion of the city and county commencing at the intersection of the southern boundary of the city and county and the centerline of Carter Street; thence northerly along Carter Street to Geneva Avenue; thence northwesterly along Geneva Avenue to

the point of intersection with a southerly straight-line extension of the boundary between Crocker Amazon Playground and John McLaren Park; thence generally northerly along the western boundary of John McLaren Park to Burrows Street; thence easterly along Burrows Street to Harvard Street; thence southerly along Harvard Street to Bacon Street; thence easterly along Bacon Street to Oxford Street; thence southerly along Oxford Street to Wayland Street; thence easterly along Wayland Street to Cambridge Street; thence northerly along Cambridge Street to Felton Street; thence easterly along Felton Street to Amherst Street; thence northerly along Amherst Street to Silver Avenue; thence easterly along Silver Avenue to Colby Street; thence northerly along Colby Street to Sweeny Street; thence easterly along Sweeny Street to Bowdoin Street; thence northerly along Bowdoin Street and a northerly straight-line extension thereof to the centerline of the Southern Freeway (Interstate Route 280); thence northeasterly along the centerline of the Southern Freeway (Interstate Route 280) to the point of interchange with the James Lick Freeway (State Route 101); thence generally northerly along the centerline of the James Lick Freeway (State Route 101) to Seventeenth Street; thence easterly along Seventeenth Street to Pennsylvania Street; thence northerly along Pennsylvania Street to Sixteenth Street; thence easterly along Sixteenth Street and a straight-line extension thereof to the point of intersection with the shoreline of San Francisco Bay; thence generally southerly along said shoreline to the southern boundary of the city and county and including all piers south of said intersection; thence along the southern boundary of the city and county to the point of commencement. Unless specifically designated to the contrary, all references to streets, boulevards, drives, avenues, terraces and ways contained in the foregoing description shall refer to the centerlines of said streets, boulevards, drives, avenues, terraces and ways, respectively.

ELEVENTH SUPERVISORIAL DISTRICT, shall comprise all of that portion of the city and county commencing at the intersection of the southern boundary of the city and county and the centerline of Junipero Serra Boulevard; thence northerly along Junipero Serra Boulevard to Holloway Avenue; thence easterly along Holloway Avenue to Ashton Avenue; thence northerly along Ashton Avenue to Ocean Avenue; thence generally southeasterly and easterly along Ocean Avenue to the intersection of the Southern Freeway (Interstate Route 280); thence generally northeasterly along the centerline of the Southern Freeway (Interstate Route 280) to the intersection with a northerly straight-line extension of Bowdoin Street; thence southerly along that straight-line extension and Bowdoin Street to Sweeney Street; thence westerly along Sweeny Street to Colby Street; thence southerly along Colby Street to Silver Avenue; thence westerly along Silver Avenue to Amherst Street; thence southerly along Amherst Street to Felton Avenue; thence westerly along Felton Street to Cambridge Street; thence southerly along Cambridge Street to Wayland Street; thence westerly along Wayland Street to Oxford Street; thence northerly along Oxford Street to Bacon Street; thence westerly along Bacon Street to Harvard Street; thence northerly along Harvard Street to Burrows Street; thence

westerly along Burrows Street to its end; thence generally southerly along the western boundary of John McLaren Park and a southerly straight-line extension of the boundary between Crocker Amazon Playground and John McLaren Park to the point of intersection with Geneva Avenue; thence southeasterly along Geneva Avenue to Carter Street; thence southerly along Carter Street to the southern boundary of the city and county; thence along the southern boundary of the city and county to the point of commencement. Unless specifically designated to the contrary, all references to streets, boulevards, drives, avenues, terraces and ways contained in the foregoing description shall refer to the centerlines of said streets, boulevards, drives, avenues, terraces and ways, respectively.

Voters residing within the boundaries of the City and County as established in Government Code Section 23138 but not on the San Francisco Peninsula or on Yerba Buena and Treasure Islands shall be deemed for the purpose of supervisorial elections to reside in the supervisoral district on the Peninsula closest to the voter's place of residence.

(d) Within 60 days following publication of the decennial federal census in the year 2000 and every decennial federal census after that, the Director of Elections shall report to the Board of Supervisors on whether the existing districts continue to meet the requirements of federal and state law and the criteria for drawing districts lines set in the Charter.

The criteria for drawing districts lines are:

Districts must conform to all legal requirements, including the requirement that they be equal in population. Population variations between districts should be limited to 1 percent from the statistical mean unless additional variations, limited to 5 percent of the statistical mean, are necessary to prevent dividing or diluting the voting power of minorities and/or to keep recognized neighborhoods intact; provided, however, that the redistricting provided for herein shall conform to the rule of one person, one vote, and shall reflect communities of interest within the city and county.

If it is determined that the districts are in compliance with all legal requirements, including the requirement that they be equal in population, the current districts as drawn will be valid for the next decade. If it is determined that any of the districts are not in compliance, the Board of Supervisors by ordinance shall convene and fund a nine-member elections task force. Three members shall be appointed by the Board of Supervisors, three members shall be appointed by the Mayor, and three members shall be appointed by the Director of Elections. The Director of Elections shall serve ex officio as a non-voting member. The task force shall be responsible for redrawing the district lines in accordance with the law and the criteria established in this Section, and shall make such adjustments as appropriate based on public input at public hearings. The Board of Supervisors may not revise the district boundaries established by the task force.

(e) Each member of the board of supervisors, commencing with the general municipal election in November, 2000, shall be elected by the electors within a

supervisorial district, and must have resided in the district in which he or she is elected for a period of not less than 30 days immediately preceding the date he or she files a declaration of candidacy for the office of supervisor, and must continue to reside therein during his or her incumbency, and upon ceasing to be such resident shall be removed from office.

(f) Notwithstanding any provisions of this section or any other section of the charter to the contrary, the respective terms of office of the members of the board of supervisors who shall hold office on the eighth day of January, 2001, shall expire at 12 o'clock noon on said date and the 11 persons elected as members of the board of supervisors at the general election in 2000 shall succeed to said offices on said eighth day of January, 2001. At that time, the clerk of the board of supervisors shall determine by lot whether the supervisors elected from the even- or odd-numbered supervisorial districts at the general municipal election in 2000 shall have terms of office expiring at noon on the eighth day of January, 2003, and which shall have terms of office expiring at noon on the eighth day of January, 2005; commencing, however, with the general municipal election in November, 2002, the terms of office of the supervisors elected from the even- or odd-numbered supervisorial districts, as the case may be, shall be for a term of four years and shall continue as such thereafter. Those members of the board of supervisors elected at the general election in 1998, and those elected at the general election in 2000 who only serve an initial two-year term, shall not be deemed to have served a full term for purposes of the term limit established in Section 2.101.

Section 16.102 is hereby repealed in its entirety.

Section 16.102 is hereby added to read as follows:

SEC. 16.102. TRANSIT-FIRST POLICY

The following principles shall constitute the City and County's transit-first policy and shall be incorporated into the General Plan of the City and County. All officers, boards, commissions, and departments shall implement these principles in conducting the City and County's affairs:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.

2. Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.

3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.

4. Transit priority improvements, such as designated transit lanes and streets and improved signalization, shall be made to expedite the movement of public transit vehicles (including taxis and vanpools) and to improve pedestrian safety.

5. Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.

6. Bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking.

7. Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.

8. New transportation investment should be allocated to meet the demand for public transit generated by new public and private commercial and residential developments.

9. The ability of the City and County to reduce traffic congestion depends on the adequacy of regional public transportation. The City and County shall promote the use of regional mass transit and the continued development of an integrated, reliable regional public transportation system.

10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

Article VIIIA, Sections 8A.100 through 8A.113 is hereby added as follows:

Article VIIIA:
The Municipal Transportation Agency

SEC. 8A.100. PREAMBLE.

(A) THE MUNICIPAL RAILWAY AND THE DEPARTMENT OF PARKING AND TRAFFIC ARE VITAL TO THE ECONOMIC AND SOCIAL FABRIC OF SAN FRANCISCO. SAN FRANCISCO'S TRANSIT SYSTEM SHOULD BE COMPARABLE TO THE BEST URBAN TRANSIT SYSTEMS IN THE WORLD'S MAJOR CITIES. SPECIFICALLY, SAN FRANCISCO RESIDENTS REQUIRE:

1. Reliable, safe, timely, frequent, and convenient service to all neighborhoods;

2. A reduction in breakdowns, delays, overcrowding, preventable accidents;

3. Clean and comfortable vehicles and stations, operated by competent, courteous, and well trained employees;

4. Support and accommodation of the special transportation needs of the elderly and the disabled;

5. Protection from crime and inappropriate passenger behavior on the Municipal Railway; and

6. Responsive, efficient, and accountable management.

Through this measure, the voters seek to provide the transportation system with the resources, independence and focus necessary to achieve these goals.

The voters find that one of the impediments to achieving these goals in the past has been that responsibility for transportation has been diffused throughout City government. Accordingly, this Article places within the Municipal Transportation Agency the powers and duties relating to transit now vested in other departments, boards, and commissions of the City and County. This Article further requires that, to the extent other City and County agencies provide services to the Municipal Transportation Agency, those departments must give the highest priority to the delivery of such services.

At the same time, this Article is intended to ensure sufficient oversight of the Municipal Transportation Agency by, among other things, preserving the role of the City's Controller as to financial matters, the City Attorney as to legal matters, and the Civil Service Commission, as to merit system issues. In addition, this Article requires that outside audits be performed to ensure that required service levels are obtained with a minimum of waste.

This Article also requires that the Municipal Transportation Agency develop clear, measured performance goals, and publicize both its goals and its performance under those goals. As the workers of the Municipal Transportation Agency are vital to the improvements the voters seek, this Article authorizes incentives for excellence, and requires accountability—for both managers and employees—when performance falls short.

Finally, this Article is intended to strengthen the Municipal Transportation Agency's authority to: 1) manage its employees; 2) establish efficient and economical work rules and work practices that maximize the Agency's responsiveness to public needs; and 3) protect the Railway's right to select, train, promote, demote, discipline, layoff and terminate employees, managers, and supervisors based upon the highest standards of customer service, efficiency and competency.

(b) The Department of Parking and Traffic performs functions vital to the operation of the Municipal Railway. Congestion on city streets causes delays in transit operations. Therefore, the Municipal Transportation Agency must ensure that transit vehicles move through City streets safely and efficiently.

In addition, the residents of San Francisco require that the Department of Parking and Traffic: 1) value and protect pedestrians and bicyclists; 2) reduce congestion and air pollution through efficient use of the streets; and 3) protect the City's economic health by giving priority to commercial deliveries and access to local businesses.

(c) This Article shall be interpreted and applied in conformance with the above goals.

SEC. 8A.101. MUNICIPAL TRANSPORTATION AGENCY.

(a) There shall be a Municipal Transportation Agency. The Agency shall include a Board of Directors and a Director of Transportation. The Agency shall include the Municipal Railway and the Department of Parking and Traffic, as well as any other departments, bureaus or operating divisions hereafter created or placed under the Agency. There shall also be a Citizens' Advisory Committee to assist the Agency.

(b) Effective March 1, 2000, the Agency shall succeed to and assume all powers and responsibilities of the Public Transportation Commission.

(c) Effective July 1, 2000, the Municipal Railway shall become a department of the Agency and the full provisions of this Article shall be applicable.

(d) The Department of Parking and Traffic, upon its incorporation into the Agency pursuant to Section 8A.112, shall become a separate department of the Agency.

(e) The Board of Supervisors shall have the power, by ordinance, to abolish the Taxi Commission created in Section 4.133, and to transfer the powers and duties of that commission to the Agency's Board of Directors.

(f) Any transfer of functions occurring as a result of the above provisions shall not adversely affect the status, position, compensation, or pension or retirement rights and privileges of any civil service employees who engaged in the performance of a function or duty transferred to another office, agency, or department pursuant to this measure.

(g) Except as expressly provided in this Article, the Agency shall comply with all of the restrictions and requirements imposed by the ordinances of the City and County, including ordinances prohibiting discrimination of any kind in employment and contracting, such as Administrative Code Chapters 12B et seq., as amended from time to time. The Agency shall be solely responsible for the administration and enforcement of such requirements.

(h) The Agency may contract with existing City and County departments to carry out any of its powers and duties. Any such contract shall establish performance standards for the department providing the services to the Agency, including measurable standards for the quality, timeliness, and cost of the services provided. All City and County departments must give the highest priority to the delivery of such services to the Agency.

(i) The Agency may not exercise any powers and duties of the Controller or the City Attorney and shall contract with the Controller and the City Attorney for the exercise of such powers and duties.

SEC. 8A.102. GOVERNANCE AND DUTIES.

(a) The Agency shall be governed by a board of seven directors appointed by the Mayor and confirmed after public hearing by the Board of Supervisors. All initial appointments must be made by the Mayor and submitted to the Board of Supervisors for confirmation no later than February 1, 2000. The Board of Supervisors shall act on those initial appointments no later than March 1, 2000 or those appointments shall be deemed confirmed.

At least four of the directors must be regular riders of the Municipal Railway, and must continue to be regular riders during their terms. The directors must possess significant knowledge of, or professional experience in, one or more of the fields of government, finance, or labor relations. At least two of the directors must possess significant knowledge of, or professional experience in, the field of public transportation. During their terms, all directors shall be required to ride the Municipal Railway on the average once a week.

Directors shall serve four-year terms, provided, however, that two of the initial appointees shall serve for terms ending March 1, 2004, two for terms ending March 1, 2003, two for terms ending March 1, 2002, and one for a term ending March 1, 2001. Initial terms shall be designated by the Mayor. No person may serve more than three terms as a director. A director may be removed only for cause pursuant to Article XV. The directors shall annually elect a chair. The chair shall serve as chair at the pleasure of the directors. Directors shall receive reasonable compensation for attending meetings of the Agency which shall not exceed the average of the two highest compensations paid to the members of any board or commission with authority over a transit system in the nine Bay Area counties.

(b) The Agency shall:

1. Have exclusive charge of the construction, management, supervision, maintenance, extension, operation, use, and control of all property, as well as the real, personal, and financial assets of the Municipal Railway; and have exclusive authority over contracting, leasing, and purchasing by the Municipal Railway, provided that any Agency contract for outside services shall be subject to Charter Sections 10.104(12) and 10.104(15). Ownership of any of the real property of the City and County shall not be transferred to any private entity pursuant to any such contract;

2. Have the sole power and authority to enter into such arrangements and agreements for the joint, coordinated, or common use with any other public entity owning or having jurisdiction over rights-of-way, tracks, structures, subways, tunnels, stations, terminals, depots, maintenance facilities, and transit electrical power facilities;

3. Have the sole power and authority to make such arrangements as it deems proper to provide for the exchange of transfer privileges, and through-ticketing arrangements, and such arrangements shall not constitute a fare change subject to the requirements of Sections 8A.106 and 8A.108;

4. Have the authority to arrange with other transit agencies for bulk fare purchases, provided that if passenger fares increase as a result of such purchases, the increase shall be subject to review by the Board of Supervisors pursuant to Sections 8A.106 and 8A.108;

5. Notwithstanding Section 2.109, and except as provided in Sections 8A.106 and 8A.108, have exclusive authority to fix the fares charged by the Municipal Railway and all other rates, fees, and charges for services provided by the Agency;

6. Have the authority to conduct investigations into any matter within its jurisdiction through the power of inquiry, including the power to hold public hearings and take testimony, and to take such action as may be necessary to act upon its findings; and

7. Exercise such other powers and duties as shall be prescribed by ordinance of the Board of Supervisors.

(c) The Agency's board of directors shall:

1. Appoint a director of transportation, who shall serve at the pleasure of the board. The director shall be employed pursuant to an individual contract. His or her compensation shall be comparable to the compensation of the chief executive officers of the public transportation systems in the United States which the directors, after an independent survey, determine most closely resemble the Agency in size, mission, and complexity. In addition, the Agency shall provide an incentive compensation bonus plan for the director of transportation based upon the Agency's achievement of the milestones adopted pursuant to Section 8A.103.

2. Appoint an executive secretary who shall be responsible for administering the affairs of the directors and who shall serve at the pleasure of the board.

(d) The director of transportation shall appoint all subordinate personnel of the Agency, including a deputy director for the Municipal Railway, and, upon its incorporation into the Agency, a deputy director for Parking and Traffic. The deputy directors shall serve at the pleasure of the director of transportation. The director of transportation may serve as the deputy director for the Municipal Railway, but shall not be entitled to any greater compensation or benefits on that basis.

(e) Upon recommendation of the city attorney and the approval of the board of directors, the city attorney may compromise, settle, or dismiss any litigation, legal proceedings, claims, demands or grievances which may be pending for or on behalf of, or against the Agency relative to any matter or property solely under the Agency's jurisdiction. Unlitigated claims or demands against the Agency shall be handled as set forth in Charter Section 6.102. Any payment pursuant to the compromise, settlement, or dismissal of such litigation, legal proceedings, claims, demands, or grievances, unless otherwise specified by the Board of Supervisors, shall be made from the Municipal Transportation Fund.

(f) The Agency's board of directors, and its individual members, shall deal with administrative matters solely through the director of transportation or his or her designees. Any dictation, suggestion, or interference by a director in the administrative affairs of the Agency, other than through the director of transportation or his or her designees, shall constitute official misconduct; provided however, that nothing herein contained shall restrict the directors' powers of hearing and inquiry as provided in this Section.

(g) Except to the extent otherwise provided in this Article, the Agency shall be subject to the provisions of this Charter applicable to boards, commissions, and departments of the City and County, including Sections 2.114, 3.105, 4.101, 4.103, 4.104, 4.113, 9.118, 16.100, and A8.346. Sections 4.102, 4.126, and 4.132 shall not be applicable to the Agency.

SEC. 8A.103. SERVICE STANDARDS AND ACCOUNTABILITY

(a) The Municipal Railway shall be restored as soon as practicable to a level of service measured in service hours which is not less than that provided under the schedule of service published in the April 1996 timetable, although not necessarily in that configuration.

(b) No later than July 1, 2000, and by July 1 of each year thereafter, the Agency shall adopt milestones for the achievement of the goals specified in subsections (c) and (d). Milestones shall be adopted for each mode of transportation of the Municipal Railway, and for the Municipal Railway as a whole, with the goal of full achievement of the standards set in subsection (c) no later than July 1, 2004.

(c) The standards for the Agency with respect to the services provided by the Municipal Railway shall include the following minimum standards for on-time performance and service delivery:

1. On-time performance: at least 85 percent of vehicles must run on-time, where a vehicles is considered on-time if it is no more than one minute early or four minutes late as measured against a published schedule that includes time points; and

2. Service delivery: 98.5 percent of scheduled service hours must be delivered, and at least 98.5 percent of scheduled vehicles must begin service at the scheduled time.

(d) The standards for both managers and employees of the Agency with respect to the services provided by the Municipal Railway shall also include other measurable standards for system reliability, system performance, staffing performance, and customer service, including:

1. Passenger, public, and employee safety and security;
2. Coverage of neighborhoods and equitable distribution of service;
3. Level of crowding;
4. Frequency and mitigation of accidents and breakdowns;
5. Improvements in travel time, taking into account adequate recovery and layover times for operators;
6. Vehicle cleanliness, including absence of graffiti;
7. Quality and responsiveness of customer service;
8. Employee satisfaction;
9. Effectiveness of the preventive maintenance program; and
10. Frequency and accuracy of communications to the public.

(e) The performance measures adopted in Section 4 of this measure shall be published as rules of the Agency and utilized to determine the achievement of the performance standards and milestones adopted by the Agency for the Municipal Railway. The performance measures shall be subject to amendment after public hearing by a vote of the Agency board. The Agency shall regularly publish reports on its attainment of those standards and milestones. Nothing herein shall prohibit the Agency from using additional performance measures.

SEC. 8A.104. PERSONNEL AND MERIT SYSTEM

(a) The Agency shall establish its own personnel/labor relations office. The director of transportation shall appoint a personnel/labor relations manager, who shall serve at the pleasure of the director of transportation.

(b) Except as otherwise provided in this Section, the Agency shall be governed by the rules of the civil service system administered by the City and appeals provided in civil service rules shall be heard by the City's Civil Service Commission. Unless otherwise agreed by the Agency and affected employee organizations, appeals to the Civil Service Commission shall include only those matters within the jurisdiction of the Civil Service Commission which establish, implement, and regulate the civil service merit system as listed in Section A8.409-3.

(c) Effective July 1, 2000, except for the administration of health services, the Agency shall assume all powers and duties vested in the Department of Human Resources and the Director of Human Resources under Articles X and XI of this Charter in connection with job classifications within the Municipal Railway performing "service-critical" functions. Except for the matters set forth in subsection (f), the Department of Human Resources and the Director of Human Resources shall maintain all powers and duties under Articles X and XI as to all other Agency employees.

(d) On or before April 15, 2000, the Agency shall designate "service-critical" classifications and functions for all existing classifications used by the Municipal Railway; provided, however, that employees in classifications designated as "service-critical" shall continue to be covered by any Citywide collective bargaining agreement covering their classifications until the expiration of that agreement.

(e) For purposes of this Article, "service-critical" functions are:

1. Operating a transit vehicle, whether or not in revenue service;

2. Controlling dispatch of, or movement of, or access to, a transit vehicle;

3. Maintaining a transit vehicle or equipment used in transit service, including both preventive maintenance and overhaul of equipment and systems, including system-related infrastructure;

4. Regularly providing information services to the public or handling complaints; and

5. Supervising or managing employees performing functions enumerated above.

The Agency shall consult with affected employee organizations before designating particular job classifications as performing "service-critical" functions. If an employee organization disagrees with the Agency's designation of a particular job classification as "service-critical" pursuant to the above standards, the organization may, within seven days of the Agency's decision, request immediate arbitration. The arbitrator shall be chosen pursuant to the procedures for the selection of arbitrators contained in the memorandum of understanding of the affected employee organization. The arbitrator shall determine only whether the

Agency's designation is reasonable based on the above standards. The arbitrator's decision shall be final and binding.

The Agency may designate functions other than those listed above, and the job classifications performing those additional functions, as "service-critical," subject to the consultation and arbitration provisions of this Section. In deciding a dispute over such a designation, the arbitrator shall decide whether the job functions of the designated classes relate directly to achievement of the goals and milestones adopted pursuant to Section 8A.103 and are comparable to the above categories in the extent to which they are critical to service.

(f) In addition, the Agency shall, with respect to all Agency employees, succeed to the powers and duties of the Director of Human Resources under Article X to review and resolve allegations of discrimination, as defined in Article XVII, against employees or job applicants, or allegations of nepotism or other prohibited forms of favoritism; provided, however, that the Agency's resolution of allegations of discrimination must be approved by the City's Director of Human Resources. To the extent resolution of a discrimination complaint or request for accommodation involves matters or employees beyond the Agency's jurisdiction, the Agency shall coordinate with and be subject to applicable determinations of the Director of Human Resources.

(g) The Agency shall be responsible for creating and, as appropriate, modifying Municipal Railway bargaining units for classifications designated by the Agency as "service-critical" and shall establish policies and procedures pursuant to Government Code Section 3507 and 3507.1 for creation and modification of such bargaining units. When the Agency creates or modifies a bargaining unit, employees in existing classifications placed in such bargaining unit shall continue to be represented by their current employee organizations.

(h) The Agency may create new classifications of employees doing specialized work for the Agency. Such classifications shall be subject to the civil service provisions of the Charter unless exempted pursuant to Section 10.104 or subsection (i).

(i) The Agency may create new classifications and positions in those classifications exempt from the civil service system for managerial employees in addition to those exempt positions provided in Section 10.104; provided, however, that the total number of such exempt new positions shall not exceed 1.5 percent of the Agency's total workforce, exclusive of the exempt positions provided in Section 10.104. This provision shall not be utilized to eliminate personnel holding existing permanent civil service managerial positions on November 2, 1999.

Persons serving in exempt managerial positions shall serve at the pleasure of the director of transportation. Such exempt management employees, to the extent they request placement in a bargaining unit, shall not be placed in the same bargaining units as non-exempt employees of the Agency.

(j) The Civil Service Commission shall annually review both exempt and non-exempt classifications of the Agency to ensure compliance with the provisions of subsections (h) and (i).

(k) Upon the expiration of current labor contracts, and except for retirement benefits, the wages, hours, working conditions, and benefits of the employees in classifications within the Municipal Railway designated by the Agency as "service-critical" shall be fixed by the Agency after meeting and conferring as required by the laws of the State of California and this Charter, including Sections A8.346, A8.404 and A8.409. These agreements shall utilize, and shall not alter or interfere with, the health plans established by the City's Health Service Board; provided, however, that the Agency may contribute toward defraying the cost of employees' health premiums. For any job classification that exists both as a "service-critical" classification in the Municipal Railway and elsewhere in City service, the base wage rate negotiated by the Agency for that classification shall not be less than the wage rate set in the Citywide memorandum of understanding for that classification.

(*l*) Notwithstanding subsection (k), the Agency may, in its sole discretion, utilize the City's collective bargaining agreements with any employee organization representing less than 10 percent of the Municipal Railway's workforce.

(m) Notwithstanding any limitations on compensation contained in Section A8.404, and in addition to the base pay established in collective bargaining agreements, all agreements negotiated by the Agency relating to compensation for Municipal Railway managers and employees in classifications designated by the Agency as "service-critical" shall provide incentive bonuses based upon the achievement of the service standards in Section 8A.103(c) and other standards and milestones adopted pursuant to Section 8A.103. Such agreements may provide for additional incentives based on other standards established by the Agency, including incentives to improve attendance. The Agency shall also establish a program that provides incentive bonuses for all managers, including all managers exempt from the civil service system, based on the achievement of these standards and milestones.

(n) For employees whose wages, hours and terms and conditions of employment are set by the Agency pursuant to Sections A8.404 or A8.409 et seq., the Agency shall exercise all powers of the City and County, the Board of Supervisors, the Mayor, and the Director of Human Resources under those sections. For employees covered by Section A8.409 et seq., the mediation/arbitration board set forth in Section A8.409-4 shall consider the following additional factors when making a determination in any impasse proceeding involving the Agency: the interests and welfare of transit riders, residents, and other members of the public; and the Agency's ability to meet the costs of the decision of the arbitration board without materially reducing service. The Agency shall perform the functions of the Civil Service Commission with respect to certification of the average of the two highest wage schedules for transit operators in comparable jurisdic-

tions pursuant to Section A8.404(a), and conduct any actuarial study necessary to implement Section A8.404(f).

(o) The voters find that unscheduled employee absences adversely affect customer service. Accordingly, not later than January 1, 2001, the agency shall create a comprehensive plan for the reduction of unscheduled absences. In addition, the Agency shall take all legally permitted steps to eliminate unexcused absences. The Agency shall have no authority to approve any memorandum of understanding or other binding agreement which restricts the authority of the Agency to administer appropriate discipline for unexcused absences.

(p) Before adopting any tentative agreement reached as a result of negotiations, mediation or arbitration, the Agency shall, at a duly noticed public meeting, disclose in writing the contents of such tentative agreement, a detailed analysis of the proposed agreement, a comparison of the differences between the agreement reached and the prior agreement, and an analysis of all costs for each year of the term of such agreement. Such tentative agreement between the Agency and employee organization shall not be approved by the Agency until 30 days after the above disclosures have been made.

SEC. 8A.105. MUNICIPAL TRANSPORTATION FUND

(a) There is hereby established a fund to provide a predictable, stable, and adequate level of funding for the Agency, which shall be called the Municipal Transportation Fund. The fund shall be maintained separate and apart from all other City and County funds. Monies therein shall be appropriated, expended, or used by the Agency solely and exclusively for the operation including, without limitation, capital improvements, management, supervision, maintenance, extension, and day-to-day operation of 1) the Agency; 2) the Municipal Railway; 3) upon its incorporation into the Agency, the Department of Parking and Traffic; and 4) any other division of the Agency subsequently created and performing transportation-related functions. Monies in the Fund may not be used for any other purposes than those identified in this Section.

(b) Beginning with the fiscal year 2000–2001 and in each fiscal year thereafter, there is hereby set aside to the Municipal Transportation Fund the following:

1. An amount (the "Base Amount") which shall be no less than the amount of all appropriations from the General Fund, including all supplemental appropriations, for the fiscal year 1998–1999 or the fiscal year 1999–2000, whichever is higher (the "Base Year"), adjusted as provided in subsection (c), below, for (1) the Municipal Railway; and (2) all other City and County commissions, departments and agencies providing services to the Municipal Railway, including the Department of Human Resources and the Purchasing Department, for the provision of those services. The Base Amount for the Department of Parking and Traffic and the Parking Authority shall be established in the same fashion but using fiscal years 2000–2001 and 2001–2002 for the services being incorporated into the Agency.

2. Subject to the limitations and exclusions in Sections 4.113 and 16.110, the revenues of the Municipal Railway, and, upon their incorporation into the Agency, the revenues of the Department of Parking and Traffic, and the Parking Authority; and

3. All other funds received by the City and County from any source, including state and federal sources, for the support of the Municipal Railway.

(c) The Base Amount shall initially be determined by the Controller. Adjustments to the Base Amount shall be made as follows:

1. The Base Amount shall be adjusted for each year after fiscal year 2000–2001 by the Controller based on calculations consistent from year to year, by the percentage increase or decrease in aggregate City and County discretionary revenues. In determining aggregate City and County discretionary revenues, the Controller shall only include revenues received by the City which are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by adjustment in the next year's estimate.

2. An adjustment shall also be made for any increases in General Fund appropriations to the Agency in subsequent years to provide continuing services not provided in the Base Year, but excluding additional appropriations for one-time expenditures such as capital expenditures or litigation judgments and settlements.

3. Further, when new parking revenues increase due to policy changes in fines, taxes or newly-created positions, the Base Amount shall be reduced by 50 percent of such increase to reduce the Agency's reliance on the General Fund.

(d) The Treasurer shall set aside and maintain the amounts required to be set aside by this Section, together with any interest earned thereon, in the Municipal Transportation Fund, and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward, together with interest thereon, to the next fiscal year for the purposes specified in this Article.

SEC. 8A.106. BUDGET

The Agency shall be subject to the provisions of Article IX of this Charter except:

(a) No later than March 1 of each year, after professional review, public hearing and after receiving the recommendations of the Citizens' Advisory Council, the Agency shall submit its proposed budget for the next fiscal year to the Mayor and the Board of Supervisors for their review and consideration. The Agency shall propose a base budget that is balanced without the need for additional funds over the Base Amount, but may include fare increases and decreases, and reductions or abandonment of service. The Mayor shall submit the base budget to the Board of Supervisors without change. Should the Agency request additional support over the Base Amount, it shall submit an augmentation request for those funds in the standard budget process and subject to normal budgetary review and amendment.

(b) At the time the budget is adopted, the Agency shall certify that the budget is adequate in all respects to make substantial progress towards meeting the goals, objectives, and performance standards established pursuant to Section 8A.103 for the fiscal year covered by the budget.

(c) No later than August 1, the Board of Supervisors may allow the Agency's base budget to take effect without any action on its part or it may reject but not modify the Agency's base budget by a two-thirds' vote. Any fare or service change proposed in the base budget shall be considered accepted unless rejected by a two-thirds' vote on the entire base budget. Should the Board reject the base budget, it shall make additional interim appropriations to the Agency from the Municipal Transportation Fund sufficient to permit the Agency to maintain all operations through the extended interim period until a base budget is adopted. Any request for augmentation funding shall be approved, modified, or rejected under the general provisions of Article IX.

SEC. 8A.107. MUNICIPAL TRANSPORTATION QUALITY REVIEW

(a) The Agency shall biannually contract with a nationally recognized management or transportation consulting firm with offices in the City and County for an independent review of the quality of its operations. The contract shall be competitively bid and approved by the Controller and Board of Supervisors. The review shall contain:

1. A detailed analysis of the extent to which the Agency has met the goals, objectives, and performance standards it is required to adopt under Section 8A.103, and the extent to which the Agency is expected to meet those goals, objectives, and performance standards in the two fiscal years for which the review is submitted, and independent verification of the Agency's reported performance under the performance measures adopted pursuant to Section 4 of this measure; and

2. Such recommendations for improvement in the operation of the Agency as the firm conducting the review deems appropriate.

(b) The results of the review shall be presented promptly to the Citizens' Advisory Council, the Agency, the Board of Supervisors, and the Mayor by the reviewing firm; and the Citizens' Advisory Council, the Agency, and the Board of Supervisors shall each promptly hold at least one public hearing thereon.

SEC. 8A.108. FARES CHANGES AND ROUTE ABANDONMENTS

(a) Any proposed change in fares shall be submitted to the Board of Supervisors as part of the Agency's budget under Section 8A.106, and may be rejected at that time by a two-thirds' vote of the Board.

The Agency shall base any proposed change in Municipal Railway fares on the following criteria:

1. The Municipal Railway's need for additional funds for operations and capital improvements.

2. The extent to which the increase is necessary to meet the goals, objectives, and performance standards previously established by the Agency pursuant to Section 8A.103.

3. The extent to which the Agency has diligently sought other sources of funding for the operations and capital improvements of the Municipal Railway.

4. The need to keep Municipal Railway fares low to encourage maximum patronage.

5. The need to increase fares gradually over time to keep pace with inflation and avoid large fare increases after extended periods without a fare increase.

(b) For purposes of this Article, a "route abandonment" shall mean the permanent termination of service along a particular line or service corridor. If the Agency proposes to abandon a route at any time other than as part of the budget process as provided in Section 8A.106(a), it shall first submit the proposal to the Board of Supervisors. The Board of Supervisors may, after a noticed public hearing, reject the proposed route abandonment by a two-thirds' vote of its members taken within 30 days after the proposal is submitted by the Agency.

SEC. 8A.109. ADDITIONAL SOURCES OF REVENUE

The Mayor, the Board of Supervisors, and the Agency diligently shall seek to develop new sources of funding for the Agency's operations, including sources of funding dedicated to the support of such operations, which can be used to supplement or replace that portion of the Municipal Transportation Fund consisting of appropriations from the General Fund of the City and County. To the extent permitted by State law, the Agency may submit any proposal for increased or reallocated funding to support all or a portion of the operations of the Agency, including, without limitation, a tax or special assessment, directly to the electorate for approval without the further approval of the Mayor or the Board of Supervisors. The Agency shall be authorized to conduct any necessary studies in connection with considering, developing, or proposing such revenue sources.

SEC. 8A.110. PLANNING AND ZONING

The planning and zoning provisions of this Charter and the Planning Code as they may be amended from time to time shall apply to all real property owned or leased by the Agency.

SEC. 8A.111. CITIZENS' ADVISORY COUNCIL

The Agency shall establish a Citizens' Advisory Council of fifteen members which shall consist of one person appointed by each member of the Board of Supervisors and four members appointed by the Mayor. Each member must be a resident of the City and County. No fewer than ten members of the Council must be regular riders of the Municipal Railway. At least two members must use the Municipal Railway's paratransit system, and at least three of the members must be senior citizens over the age of 60. The membership of the Council shall be reflective of the diversity and neighborhoods of the City and County. The Council may provide recommendations to the Agency with respect to any matter within the jurisdiction of the Agency and shall be allowed to present reports to the Agency's board of directors. The members of the Council shall be appointed to four-year terms and shall serve at the pleasure of their appointing power. Staggered terms for the initial appointees to the Council shall be determined by lot.

SEC. 8A.112. PARKING AND TRAFFIC; INCORPORATION INTO AGENCY

(a) By July 1, 2001, the Agency and the Department of Parking and Traffic shall prepare and submit to the Mayor and the Board of Supervisors a joint plan for incorporating the Department into the Agency.

(b) Effective July 1, 2002, the Department of Parking and Traffic shall become a separate department of the Municipal Transportation Agency and Charter Section 4.116, establishing the Parking and Traffic Commission, shall be repealed. Effective that date, the Agency shall have all the same powers and duties with respect to the Department of Parking and Traffic that it has with respect to the Municipal Railway, and shall succeed to all powers and duties of the Parking and Traffic Commission.

Effective July 1, 2002, the Agency's board of directors shall also exercise all remaining powers of the Parking and Traffic Commission for all purposes, including the power of members of the Parking and Traffic Commission to serve ex officio as members of the Parking Authority under Section 32657 of the Streets and Highways Code. The chair of the Agency's board of directors shall designate annually the directors to serve as members of the Parking Authority. Any person may serve concurrently as a member of the Agency's board of directors and as a member of the Parking Authority. It is the policy of the City and County that the Agency exercise all powers vested by State law in the Parking Authority.

(c) Except as provided in subsection (a), no provision of this Article shall apply to the Department of Parking and Traffic prior to July 1, 2002.

SEC. 8A.113. PARKING AND TRAFFIC; GOVERNANCE

(a) The Agency shall manage the functions of the Department of Parking and Traffic so that the department:

1. Provides priority to transit services in the utilization of streets, particularly during commute hours;

2. Facilitates the design and operation of City streets to enhance alternative forms of transit, such as pedestrian, bicycle, and pooled or group transit (including taxis);

3. Proposes and implements street and traffic changes that gives the highest priority to impacts on public transit, pedestrians, commercial delivery vehicles, and bicycles;

4. Integrates modern information and traffic-calming techniques to promote safer streets and promote usage of public transit; and

5. Develops a safe, interconnected bicycle circulation network.

(b) The Agency shall manage the Parking Authority so that it does not construct new or expanded parking facilities unless the Agency finds that the costs resulting from such construction and the operation of such facilities will not reduce the level of funding to the Municipal Railway from parking and garage revenues under Section 16.110 to an amount less than that provided for fiscal year 1999–2000.

Section A8.364 is amended to read as follows:

SEC. A8.364. AUTHORIZATION TO TRANSFER UNUSED SICK LEAVE

(a) Employees of the City and County of San Francisco may transfer their unused accumulated sick leave to other employees of the City and County of San Francisco who have been determined to be catastrophically ill, and who have exhausted their vacation allowance, sick leave and compensatory time off, provided that such determination and such transfer may be made only in compliance with the terms and conditions established by ordinance adopted by the board of supervisors.

(b) Notwithstanding Sections 8.360 and 8.363 of this charter, within sixty (60) days of the effective date of this section, the Health Commission, Civil Service Commission, and Retirement Board shall conduct a joint hearing to consider and develop recommendations for submission to the Board of Supervisors. The Board of Supervisors shall adopt an ordinance, as provided in subsection (a), and establish any rules necessary to administer, interpret, and regulate the provisions of this section, provided that all such rules shall be approved, amended, or rejected by resolution by the Board of Supervisors.

Section A8.441 is amended to read as follows:

SEC. A8.441. AUTHORIZATION TO TRANSFER VACATION CREDITS

(a) Employees of the City and County of San Francisco may transfer their vested vacation allowance credits to other employees of the City and County of San Francisco who have been determined to be catastrophically ill by the employee's head of department, in accord with the definition of catastrophic illness to be provided by the Health Commission, and who have exhausted their vacation allowance, sick leave and compensatory time off, provided that such transfer may be made only in compliance with the terms and conditions established by the board of supervisors. By ordinance, the Board of Supervisors may extend such vacation credit transfer rights to City employees for use as family leave to care for catastrophically-ill spouses, domestic partners or other dependents as defined in the Internal Revenue Code (26 U.S.C. Sec. 152), as amended from time to time.

(b) The board of supervisors is hereby empowered to enact any and all ordinances necessary to administer, interpret and regulate the provisions of this section.

Appendix A8.500-1 is hereby amended to read as follows:

A8.500-1 Reciprocal Pension Benefits within the Retirement System and with Other Public Pension Plans

Subject to the provisions of Section 8.500, the board of supervisors shall have the power to enact ordinances to establish reciprocal agreements with the Public Employees' Retirement System and other public agencies maintaining independent Retirement Systems for the purpose of extending reciprocal benefits to members of such systems as provided by state law. The board of supervisors and the retirement board shall have the power to perform all acts necessary to carry out the terms and purposes of such agreements.

Subject to the provisions of Section 8.500, the board of supervisors is further empowered to enact ordinances necessary to extend reciprocal rights to members who transfer between Charter Sections 8.509, 8.559, 8.584, 8.585, 8.586, 8.588 provided that service under Sections 8.509 and 8.584 shall be used for qualification purposes only and not to calculate benefits under Sections 8.559, 8.585, 8.586 and 8.588. With the exception of those members who transferred pursuant to Charter Sections 8.559-14 and 8.585-14, no ordinance enacted under this section shall extend reciprocal rights to any member who transferred from Charter Section 8.559 or 8.585 to Charter Sections 8.509, 8.584, 8.586 or 8.588, before April 1, 1993. No ordinance enacted under this section shall extend reciprocal rights to any person who terminated his or her membership in the Retirement System or retired before April 1, 1993. Subject to the above, reciprocal benefits under this paragraph shall be consistent with interpretations that have been made relative to the reciprocal benefit provisions of the Public Employees' Retirement System and 1937 County Employees' Retirement Act which this paragraph is intended to implement. The reciprocal benefits under this section will be limited by Section 415 of the Internal Revenue Code of 1986, as amended from time to time, and no reciprocal benefits will be effective if they have an adverse impact on the tax qualified status of the Retirement System under Section 401 of the Internal Revenue Code of 1986, as amended from time to time.

Appendix A8.559-14 is hereby amended to read as follows:

A8.559-14 Right to Transfer

Notwithstanding any provisions of this charter to the contrary, any person who, on or after January 1, 1981, is a member of the Police Department, and is a member of the Retirement System under Charter Section 8.559, may become a member of the Retirement System under Charter Section 8.586 by filing in writing with the Retirement System no later than December 31, 1981, an executed waiver of all benefits which might inure to him under Charter Section 8.559. This waiver must be without right of revocation and on a form furnished by the Retirement System. The Retirement Board may require that this waiver be executed by additional persons before it becomes operative.

This transfer will be effective July 1, 1980. Those persons so electing to become members under Charter Section 8.586 shall receive service credit under Charter Section 8.586 equal to their service credit under Charter Section 8.559 as of June 30, 1980.

Those persons so electing to become members under Charter Section 8.586 shall not be subject to any of those provisions of Charter Section 8.559 as of July 1, 1980.

Notwithstanding the provisions of Charter Section 8.526, the cost of living adjustment in any given year prior to January 1, 2000 for those persons electing this transfer to Charter Section 8.586 shall not exceed the provisions of Charter Section 8.526 as they existed on July 1, 1980.

Those persons so electing to transfer membership from Charter Section 8.559 to Charter Section 8.586 shall receive a monetary consideration not to exceed $40,000 calculated at the rate of $2,500 for each year of said service credit up to ten years and then at the rate of $1,000 for each additional year of said service credit. This monetary consideration shall be paid from said member's contribution account including any interest thereon. When said member's contribution account is depleted, the balance shall be paid from the city and county contributions held by the Retirement System.

This consideration shall be payable January 1, 1982. Alternatively, an employee may elect to receive payments according to a schedule established by the Retirement Board.

Notwithstanding any other charter or ordinance provisions, a member transferring pursuant to this section shall be eligible to receive any benefits payable because of an increase in benefits approved by the voters for other members under Charter Section 8.586, provided however, that said member repays with interest the monetary consideration he or she received in making this transfer, offset by the amount of said member's own account in the Retirement System under Charter Section 8.559. Interest on the repayment amount shall be charged at the rate credited to member accounts from January 1, 1981 until repayment or effective date of retirement. Members shall have the option of making said repayment either through a lump-sum payment, payroll deduction or through an actuarial offset against any benefits, payable because of an increase in benefits subsequent to July 1, 1980.

The amendments to this section contained in the proposition submitted to the electorate on November 2, 1999 shall apply only to active and retired members on November 2, 1999 and constitute a prospective increase in benefits to such members subject to repayment in accordance with the provisions of the preceding paragraph. Upon repayment, retirees shall have their benefits recalculated under Charter Section 8.586 as in force at the date of their retirement. These recalculated benefits shall be first payable on and after November 2, 1999. No retired member shall become eligible under said amendments for any retroactive payments. Notwithstanding the preceding sentences, the provisions in Charter Section 8.586-3 for recalculation on the date upon which said member would have qualified for service retirement ("QSR") shall use the provisions of Charter Section 8.586 at QSR.

Appendix A8.585-14 is hereby amended to read as follows:

A8.585-14 Right to Transfer

Notwithstanding any provisions of this charter to the contrary, any person who, on or after January 1, 1981, is a member of the Fire Department, and is a member of the Retirement System under Charter Section 8.585, may become a member of the Retirement System under Charter Section 8.588 by filing in writing with the Retirement System no later than December 31, 1981, an executed waiver of all benefits which might inure to him under Charter Section 8.585. This waiver must

be without right of revocation and on a form furnished by the Retirement System. The Retirement Board may require that this waiver be executed by additional persons before it becomes operative.

This transfer will be effective July 1, 1980. Those persons so electing to become members under Charter Section 8.588 shall receive service credit under Charter Section 8.588 equal to their service credit under Charter Section 8.585 as of June 30, 1980.

Those persons so electing to become members under Charter Section 8.588 shall not be subject to any of those provisions of Charter Section 8.585 as of July 1, 1980.

Notwithstanding the provisions of Charter Section 8.526, the cost of living adjustment in any given year prior to January 1, 2000 for those persons electing this transfer to Charter Section 8.588 shall not exceed the provisions of Charter Section 8.526 as they existed on July 1, 1980.

Those persons so electing to transfer membership from Charter Section 8.585 to Charter Section 8.588 shall receive a monetary consideration not to exceed $40,000 calculated at the rate of $2,500 for each year of said service credit up to ten years and then at the rate of $1,000 for each additional year of said service credit. This monetary consideration shall be paid from said member's contribution account including any interest thereon. When said member's contribution account is depleted, the balance shall be paid from the city and county contributions held by the Retirement System.

This consideration shall be payable January 1, 1982. Alternatively, an employee may elect to receive payments according to a schedule established by the Retirement Board.

Notwithstanding any other charter or ordinance provisions, a member transferring pursuant to this section shall be eligible to receive any benefits payable because of an increase in benefits approved by the voters for other members under Charter Section 8.588, provided however, that said member repays with interest the monetary consideration he or she received in making this transfer, offset by the amount of said member's own account in the Retirement System under Charter Section 8.585. Interest on the repayment amount shall be charged at the rate credited to member accounts from January 1, 1981 until repayment or effective date of retirement. Members shall have the option of making said repayment either through a lump-sum payment, payroll deduction or through an actuarial offset against any benefits, payable because of an increase in benefits subsequent to July 1, 1980.

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benefits shall be first payable on and after November 2, 1999. No retired member shall become eligible under said amendments for any retroactive payments. Notwithstanding the preceding sentences, the provisions in Charter Section 8.588-3 for recalculation on the date upon which said member would have qualified for service retirement ("QSR") shall use the provisions of Charter Section 8.588 at QSR.

Certified to be a true copy by Tom Ammiano, President of the Board of Supervisors, and Gloria L. Young, Clerk.

Date of Municipal Election: November 2, 1999.