

AMENDED IN ASSEMBLY JUNE 7, 2010

**SENATE BILL**

**No. 1482**

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**Introduced by Committee on Governmental Organization (Senators Wright (Chair), Calderon, Denham, Florez, Harman, Negrete McLeod, Oropeza, Padilla, Price, Wyland, and Yee)**

March 8, 2010

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~~An act to amend Section 8880.4 of the Government Code, relating to the California State Lottery.~~ *An act to amend Section 4326 of the Family Code, relating to spousal support.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1482, as amended, Committee on Governmental Organization. ~~California State Lottery.~~ *Spousal support: modification: change of circumstances.*

*Existing law provides that in a proceeding for dissolution of marriage or for legal separation, the court may order a party to submit to an examination by a vocational training counselor upon a noticed motion, for good cause, by one of the parties. Existing law authorizes a court to terminate or modify an award of child or spousal support at any time as the court determines to be necessary, except as specified. In this regard, existing case law requires that the court grant a request for modification of spousal support only if there is a material change of circumstances, other than those accounted for in the previous order.*

*Existing law provides, until January 1, 2011, that in a proceeding in which a spousal support order exists or in which the court has retained jurisdiction over a spousal support order, if a companion child support order is in effect, the termination of child support shall constitute a change of circumstances that may be the basis for a request for modification of spousal support.*

*This bill would delete the above repeal date, and would require that a motion to modify spousal support on the basis of the change in circumstances caused by the termination of a child support order be filed within 6 months of the termination of the child support order. The bill would authorize either party to request the appointment of a vocational training counselor if a motion to modify spousal support on that basis is filed.*

~~The California State Lottery Act of 1984, enacted by initiative, authorizes a California State Lottery for the purpose of providing additional moneys to benefit education. The act requires that 50% of the total annual lottery revenues be returned to the public in the form of prizes, and that at least 34% of those revenues be allocated to the benefit of public education. The act provides that all unclaimed prize money shall revert to the benefit of public education.~~

~~This bill would correct an erroneous cross-reference in these provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1     SECTION 1. Section 4326 of the Family Code is amended to  
2     read:

3     4326. (a) In a proceeding in which a spousal support order  
4     exists or in which the court has retained jurisdiction over a spousal  
5     support order, if a companion child support order is in effect, the  
6     termination of child support pursuant to subdivision (a) of Section  
7     3901 constitutes a change of circumstances that may be the basis  
8     for a request *by either party* for modification of spousal support.

9     ~~(b) This section shall remain in effect only until January 1, 2011,~~  
10    ~~and as of that date is repealed, unless a later enacted statute, that~~  
11    ~~is enacted before January 1, 2011, deletes or extends that date.~~

12    (b) A motion to modify spousal support based on the change of  
13    circumstances described in subdivision (a) shall be filed by either  
14    party no later than six months from the date the child support  
15    order terminates.

16    (c) If a motion to modify a spousal support order pursuant to  
17    subdivision (a) is filed, either party may request the appointment  
18    of a vocational training counselor pursuant to Section 4331.

1 SECTION 1. ~~Section 8880.4 of the Government Code is~~  
2 ~~amended to read:~~

3 ~~8880.4. Revenues of the state lottery shall be allocated as~~  
4 ~~follows:~~

5 ~~(a) Not less than 84 percent of the total annual revenues from~~  
6 ~~the sale of state lottery tickets or shares shall be returned to the~~  
7 ~~public in the form of prizes and net revenues to benefit public~~  
8 ~~education.~~

9 ~~(1) Fifty percent of the total annual revenues shall be returned~~  
10 ~~to the public in the form of prizes as described in this chapter.~~

11 ~~(2) At least 34 percent of the total annual revenues shall be~~  
12 ~~allocated to the benefit of public education, as specified in Section~~  
13 ~~8880.5. However, for the 1998-99 fiscal year and each fiscal year~~  
14 ~~thereafter, 50 percent of any increase in the amount calculated~~  
15 ~~pursuant to this paragraph from the amount calculated in the~~  
16 ~~1997-98 fiscal year shall be allocated to school districts and~~  
17 ~~community college districts for the purchase of instructional~~  
18 ~~materials, on the basis of an equal amount per unit of average daily~~  
19 ~~attendance, as defined by law, and through a fair and equitable~~  
20 ~~distribution system across grade levels.~~

21 ~~(3) All unclaimed prize money shall revert to the benefit of~~  
22 ~~public education, as provided for in subdivision (c) of Section~~  
23 ~~8880.321.~~

24 ~~(4) All of the interest earned upon funds held in the State Lottery~~  
25 ~~Fund shall be allocated to the benefit of public education, as~~  
26 ~~specified in Section 8880.5. This interest is in addition to, and shall~~  
27 ~~not be considered as any part of, the 34 percent of the total annual~~  
28 ~~revenues that is required to be allocated for the benefit of public~~  
29 ~~education as specified in paragraph (2).~~

30 ~~(5) No more than 16 percent of the total annual revenues shall~~  
31 ~~be allocated for payment of expenses of the lottery as described~~  
32 ~~in this chapter. To the extent that expenses of the lottery are less~~  
33 ~~than 16 percent of the total annual revenues, any surplus funds~~  
34 ~~also shall be allocated to the benefit of public education, as~~  
35 ~~specified in this section or in Section 8880.5.~~

36 ~~(b) Funds allocated for the benefit of public education pursuant~~  
37 ~~to subdivision (a) are in addition to other funds appropriated or~~  
38 ~~required under existing constitutional reservations for educational~~  
39 ~~purposes. No program shall have the amount appropriated to~~  
40 ~~support that program reduced as a result of funds allocated pursuant~~

1 to subdivision (a). Funds allocated for the benefit of public  
2 education pursuant to subdivision (a) shall not supplant funds  
3 committed for child development programs.  
4 (e) None of the following shall be considered revenues for the  
5 purposes of this section:  
6 (1) Revenues recorded as a result of a nonmonetary exchange.  
7 “Nonmonetary exchange” means a reciprocal transfer, in  
8 compliance with generally accepted accounting principles, between  
9 the lottery and another entity that results in the lottery acquiring  
10 assets or services and the lottery providing assets or services.  
11 (2) Reimbursements received by the lottery for the cost of goods  
12 or services provided by the lottery that are less than or equal to  
13 the cost of the same goods or services provided by the lottery.  
14 (d) Reimbursements received in excess of the cost of the same  
15 goods and services provided by the lottery, as specified in  
16 paragraph (2) of subdivision (c), are not a part of the 34 percent  
17 of total annual revenues required to be allocated for the benefit of  
18 public education, as specified in paragraph (2) of subdivision (a).  
19 However, this amount shall be allocated for the benefit of public  
20 education as specified in Section 8880.5.