

AMENDED IN SENATE AUGUST 16, 2011

AMENDED IN SENATE JULY 1, 2011

AMENDED IN SENATE JUNE 23, 2011

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 656

Introduced by Assembly Member Huber

February 16, 2011

An act to repeal Section 7137.5 of the Business and Professions Code, to repeal Article 5 (commencing with Section 14380) of Chapter 3 of Division 5 of the Financial Code, to amend Sections 11121.1 and 26509 of the Government Code, to amend Sections 62.9, 63.6, 71.4, 71.7, 72.6, 76.5, and 76.6 of, to amend the heading of Division 1 (commencing with Section 30) of, to add Chapter 7 (commencing with Section 1220) to Division 5, to add Division 4.5 (commencing with Section 1100) to, to repeal Sections 31 and 704 of, and to repeal Chapter 3 (commencing with Section 80) of Division 1 of, and to repeal Division 5 (commencing with Section 1100) of, the Harbors and Navigation Code, and to repeal Chapter 2 (commencing with Section 22000) of Part 3 of Division 2 of the Public Contract Code, relating to boards and commissions. An act to repeal Article 5 (commencing with Section 14380) of Chapter 3 of Division 5 of the Financial Code, to amend Sections 8164.1, 8164.2, 8164.3, and 11121.1 of the Government Code, to amend Sections 62.9, 63.6, 71.4, 71.7, 72.6, 76.5, and 76.6 of, to amend the heading of Division 1 (commencing with Section 30) of, to repeal Sections 31 and 704 of, and to repeal Chapter 3 (commencing with Section 80) of

Division 1 of, the Harbors and Navigation Code, to amend Sections 1777, 1777.2, and 1777.4 of the Health and Safety Code, and to amend Sections 5073.5, 5073.7, and 5074 of the Public Resources Code, relating to committees and commissions.

LEGISLATIVE COUNSEL'S DIGEST

AB 656, as amended, Huber. ~~Boards-Committees~~ and commissions: repeal.

~~Existing~~

(1) Existing law establishes the Credit Union Advisory Committee in the Department of Financial Institutions. The duties of this committee include advising the commissioner and the Deputy Commissioner of Financial Institutions for the Division of Credit Unions on matters relating to credit unions and the credit union business.

Existing law establishes the Boating and Waterways Commission in the Department of Boating and Waterways. The duties of this committee include advising the department, recommending proposed changes to regulations, and causing studies and surveys to be made of the need for small craft harbors and connecting waterways throughout the state.

~~Existing law establishes the California Uniform Construction Cost Accounting Commission. The duties of this commission include recommending, for adoption by the Controller, uniform construction cost accounting procedures for implementation by public agencies in the performance of, or in contracting for, construction on public projects.~~

Existing law establishes the Joint Sunset Review Committee, which consists of 5 members from each house of the Legislature, to identify and eliminate waste, duplication, and inefficiency in government agencies. Existing law requires each eligible agency, as defined, that is scheduled for repeal, to submit to the committee an agency report, as provided. Existing law requires the committee to evaluate the agency prior to the date the agency is scheduled to be repealed.

This bill would, as of January 1, 2014, ~~abolish those boards and commissions~~ *the Credit Union Advisory Committee and the Boating and Waterways Commission* and the duties and responsibilities carried out by each ~~of those boards and commissions~~. *The bill would make these changes operative with respect to each entity only if, prior to January 1, 2014, a review of that entity is conducted by the Joint Sunset Review Committee and the Joint Sunset Review Committee has notified the Secretary of State of this review.*

Existing law provides for the regulation and licensing of pilots for Monterey Bay, and the Bays of San Francisco, San Pablo, and Suisun, and the payment of specified pilotage rates and charges imposed on vessels piloted in those bays. Existing law also establishes in the Business, Transportation and Housing Agency, a Board of Pilot Commissioners for Monterey Bay, and the Bays of San Francisco, San Pablo, and Suisun, and prescribes the membership of, and functions and duties of, the board.

This bill would, on January 1, 2014, repeal those provisions that require the licensing of pilots in Monterey Bay, and the Bays of San Francisco, San Pablo, and Suisun, and that require the payment of specified pilotage rates and charges imposed on vessels piloted in those bays. The bill would also eliminate the board, and would recast and reenact certain provisions that regulate pilots for those bays, as provided.

(2) Existing law establishes the Capitol Area Committee, the Continuing Care Advisory Committee, and the California Recreational Trails Committee. Existing law repeals these commissions and committees on January 1, 2013.

This bill would provide that the repeal date would not take effect unless, prior to January 1, 2013, the particular commission or committee has been reviewed by the Joint Sunset Review Committee and that committee has notified the Secretary of State of this review.

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

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

- 1 ~~SECTION 1. Section 7137.5 of the Business and Professions~~
- 2 ~~Code is repealed.~~
- 3 ~~SEC. 2.~~
- 4 SECTION 1. Article 5 (commencing with Section 14380) of
- 5 Chapter 3 of Division 5 of the Financial Code is repealed.
- 6 SEC. 2. Section 8164.1 of the Government Code is amended
- 7 to read:
- 8 8164.1. There is in state government a Capitol Area Committee
- 9 consisting of nine members who shall be appointed in the following
- 10 manner:
- 11 (a) Four members of the committee shall be appointed by the
- 12 Governor of which at least one member shall be appointed from
- 13 a list of three candidates submitted by the City of Sacramento and

1 at least one member shall be appointed from a list of three
2 candidates submitted by the County of Sacramento. Two members
3 shall be appointed for a term expiring December 31, 1979, and
4 two for a term expiring December 31, 1981.

5 (b) Two members shall be appointed by the Speaker of the
6 Assembly, one of whom may be a Member of the Assembly, and
7 two members shall be appointed by the Senate Rules Committee,
8 one of whom may be a Member of the Senate. Legislative members
9 of the committee shall meet and, except as otherwise provided by
10 the Constitution, advise the department to the extent that the
11 advisory participation is not incompatible with their respective
12 positions as Members of the Legislature. Of the four appointments
13 by the Legislature, two shall be appointed for a term expiring
14 December 31, 1979, and two for a term expiring December 31,
15 1981.

16 (c) One shall be appointed by and serve at the pleasure of the
17 director.

18 Subsequent appointments pursuant to subdivisions (a) and (b)
19 shall be for terms of four years, ending on December 31st of the
20 fourth year after the end of the prior term, except that appointments
21 to fill vacancies occurring for any reason other than the expiration
22 of the term shall be for the unexpired portion of the term in which
23 they occur. The members of the board shall hold office until their
24 successors are appointed and qualify.

25 The members of the committee shall not receive compensation
26 from the state for their services under this article but, when called
27 to attend a meeting of the committee, shall be reimbursed for their
28 actual and necessary expenses incurred in connection with the
29 meeting in accordance with the rules of the Department of
30 Personnel Administration.

31 (d) (1) This section shall remain in effect only until January 1,
32 2013, and as of that date is repealed, unless a later enacted statute,
33 that is enacted before January 1, 2013, deletes or extends that date.

34 (2) *The repeal date in paragraph (1) shall not take effect unless,*
35 *prior to January 1, 2013, the committee has been reviewed by the*
36 *Joint Sunset Review Committee pursuant to subdivisions (c) and*
37 *(d) of Section 9147.7 and the Joint Sunset Review Committee has*
38 *notified the Secretary of State of this review.*

39 SEC. 3. *Section 8164.2 of the Government Code is amended*
40 *to read:*

1 8164.2. (a) The committee shall elect a chairperson. The
2 committee shall meet at least quarterly or upon the call of the
3 chairperson or the written request of any three members.

4 (b) (1) This section shall remain in effect only until January 1,
5 2013, and as of that date is repealed, unless a later enacted statute,
6 that is enacted before January 1, 2013, deletes or extends that date.

7 (2) *The repeal date in paragraph (1) shall not take effect unless,*
8 *prior to January 1, 2013, the committee has been reviewed by the*
9 *Joint Sunset Review Committee pursuant to subdivisions (c) and*
10 *(d) of Section 9147.7 and the Joint Sunset Review Committee has*
11 *notified the Secretary of State of this review.*

12 *SEC. 4. Section 8164.3 of the Government Code is amended*
13 *to read:*

14 8164.3. (a) It is the purpose of the committee to independently
15 review the reports of the department to the Legislature and counsel
16 and advise the department in the carrying out of its responsibilities
17 related to the Capitol Area Plan. The committee may submit
18 separate comments on the departmental reports on the Capitol Area
19 Plan to the Legislature. The committee shall involve a broad cross
20 section of interested citizens in the form of an advisory body. The
21 advisory body shall serve without compensation.

22 (b) (1) This section shall remain in effect only until January 1,
23 2013, and as of that date is repealed, unless a later enacted statute,
24 that is enacted before January 1, 2013, deletes or extends that date.

25 (2) *The repeal date in paragraph (1) shall not take effect unless,*
26 *prior to January 1, 2013, the committee has been reviewed by the*
27 *Joint Sunset Review Committee pursuant to subdivisions (c) and*
28 *(d) of Section 9147.7 and the Joint Sunset Review Committee has*
29 *notified the Secretary of State of this review.*

30 ~~SEC. 3.~~

31 *SEC. 5. Section 11121.1 of the Government Code is amended*
32 *to read:*

33 11121.1. As used in this article, “state body” does not include
34 any of the following:

35 (a) State agencies provided for in Article VI of the California
36 Constitution.

37 (b) Districts or other local agencies whose meetings are required
38 to be open to the public pursuant to the Ralph M. Brown Act
39 (Chapter 9 (commencing with Section 54950) of Part 1 of Division
40 2 of Title 5).

1 (c) State agencies provided for in Article IV of the California
2 Constitution whose meetings are required to be open to the public
3 pursuant to the Grunsky-Burton Open Meeting Act (Article 2.2
4 (commencing with Section 9027) of Chapter 1.5 of Part 1 of
5 Division 2 of Title 2).

6 (d) State agencies when they are conducting proceedings
7 pursuant to Section 3596.

8 (e) State agencies provided for in Section 109260 of the Health
9 and Safety Code, except as provided in Section 109390 of the
10 Health and Safety Code.

11 ~~SEC. 4. Section 26509 of the Government Code is amended~~
12 ~~to read:~~

13 ~~26509. (a) Notwithstanding any other provision of law,~~
14 ~~including any provision making records confidential, and including~~
15 ~~Title 1.8 (commencing with Section 1798) of Part 4 of Division 3~~
16 ~~of the Civil Code, the district attorney shall be given access to,~~
17 ~~and may make copies of, any complaint against a person subject~~
18 ~~to regulation by a consumer-oriented state agency and any~~
19 ~~investigation of the person made by the agency, where that person~~
20 ~~is being investigated by the district attorney regarding possible~~
21 ~~consumer fraud.~~

22 ~~(b) If the district attorney does not take action with respect to~~
23 ~~the complaint or investigation, the material shall remain~~
24 ~~confidential.~~

25 ~~(c) If the release of the material would jeopardize an~~
26 ~~investigation or other duties of a consumer-oriented state agency,~~
27 ~~the agency shall have discretion to delay the release of the~~
28 ~~information.~~

29 ~~(d) As used in this section, a consumer-oriented state agency is~~
30 ~~any state agency that regulates the licensure, certification, or~~
31 ~~qualification of persons to practice a profession or business within~~
32 ~~the state, if the regulation is for the protection of consumers who~~
33 ~~deal with the professionals or businesses. It includes, but is not~~
34 ~~limited to, all of the following:~~

- 35 ~~(1) The Dental Board of California.~~
- 36 ~~(2) The Medical Board of California.~~
- 37 ~~(3) The State Board of Optometry.~~
- 38 ~~(4) The California State Board of Pharmacy.~~
- 39 ~~(5) The Veterinary Medical Board.~~
- 40 ~~(6) The California Board of Accountancy.~~

- 1 ~~(7) The California Architects Board.~~
- 2 ~~(8) The State Board of Barbering and Cosmetology.~~
- 3 ~~(9) The Board for Professional Engineers and Land Surveyors.~~
- 4 ~~(10) The Contractors' State License Board.~~
- 5 ~~(11) Cemetery and Funeral Bureau.~~
- 6 ~~(12) The Structural Pest Control Board within the Department~~
- 7 ~~of Pesticide Regulation.~~
- 8 ~~(13) The Bureau of Electronic and Appliance Repair, Home~~
- 9 ~~Furnishings, and Thermal Insulation.~~
- 10 ~~(14) The Board of Registered Nursing.~~
- 11 ~~(15) The State Board of Chiropractic Examiners.~~
- 12 ~~(16) The Board of Behavioral Sciences.~~
- 13 ~~(17) The State Athletic Commission.~~
- 14 ~~(18) The State Board of Guide Dogs for the Blind.~~
- 15 ~~(19) The Bureau of Security and Investigative Services.~~
- 16 ~~(20) The Court Reporters Board of California.~~
- 17 ~~(21) The Board of Vocational Nursing and Psychiatric~~
- 18 ~~Technicians of the State of California.~~
- 19 ~~(22) The Osteopathic Medical Board of California.~~
- 20 ~~(23) The Division of Investigation.~~
- 21 ~~(24) The Bureau of Automotive Repair.~~
- 22 ~~(25) The Department of Alcoholic Beverage Control.~~
- 23 ~~(26) The Department of Insurance.~~
- 24 ~~(27) The Public Utilities Commission.~~
- 25 ~~(28) The State Department of Public Health.~~
- 26 ~~(29) The New Motor Vehicle Board.~~
- 27 ~~SEC. 5.~~

28 *SEC. 6.* The heading of Division 1 (commencing with Section
29 30) of the Harbors and Navigation Code is amended to read:

30

31 **DIVISION 1. DEPARTMENT OF BOATING AND**
32 **WATERWAYS**

33

34 ~~SEC. 6.~~

35 *SEC. 7.* Section 31 of the Harbors and Navigation Code is
36 repealed.

37 ~~SEC. 7.~~

38 *SEC. 8.* Section 62.9 of the Harbors and Navigation Code is
39 amended to read:

1 62.9. Upon request, the department shall make available to
2 persons owning or operating small craft harbors, information
3 concerning the following:

4 (a) The maintenance and improvement of existing small craft
5 harbor facilities.

6 (b) The application of new technical materials and concepts.

7 (c) The preparation of feasibility reports, environmental impact
8 reports, permits, and other steps required to develop new small
9 craft harbor facilities.

10 ~~SEC. 8.~~

11 *SEC. 9.* Section 63.6 of the Harbors and Navigation Code is
12 amended to read:

13 63.6. (a) (1) On or before January 15 of each odd-numbered
14 year, the director shall make a report to the Legislature and the
15 Governor covering the operations of the department for the
16 preceding biennium.

17 (2) With respect to Article 5 (commencing with Section 76),
18 the report shall include all of the following:

19 (A) The total amount of loans made in each of the two fiscal
20 years immediately preceding the preparation and submission of
21 the report.

22 (B) For each recipient of a loan during each of the two fiscal
23 years immediately preceding the preparation and submission of
24 the report, the recipient's name, the location of the marina for
25 which the loan was made, and the amount of the loan.

26 (C) The financial status of each loan.

27 (D) Any legislative recommendations.

28 (3) The report shall also include the status of the department's
29 activities related to the monitoring of rates pursuant to Section
30 71.4 and subdivision (d) of Section 76.7.

31 (4) The report shall also include an evaluation of the public
32 participation in the personal watercraft education course developed
33 by the department pursuant to subdivision (b) of Section 668.3
34 and a determination of the effect of the course on personal
35 watercraft safety in California.

36 (b) The department shall also make any special reports that are
37 requested by the Secretary of Resources or the Governor.

38 ~~SEC. 9.~~

39 *SEC. 10.* Section 71.4 of the Harbors and Navigation Code is
40 amended to read:

1 71.4. (a) (1) The department, subject to the approval of the
2 Legislature in accordance with Section 85.2, may make loans to
3 qualified cities, counties, or districts having power to acquire,
4 construct, and operate small craft harbors, for the design, planning,
5 acquisition, construction, improvement, maintenance, or operation
6 of small craft harbors and facilities in connection with the harbors,
7 and connecting waterways, if the department finds that the project
8 is feasible.

9 (2) The minimum annual rate of interest charged by the
10 department for a loan shall be set annually based on the Pooled
11 Money Investment Account interest rate.

12 (b) The department shall establish, by rules and regulations,
13 policies and standards to be followed in making loans pursuant to
14 this section so as to further the proper development and
15 maintenance of a statewide system of small craft harbors and
16 connecting waterways. To the greatest extent possible, the
17 department shall adhere to customary commercial practices to
18 ensure that loans made pursuant to this section are adequately
19 secured and that the loans are repaid consistent with the terms of
20 the loan agreement. Any rules and regulations shall include policies
21 and standards for restrooms, vessel pumpout facilities, oil recycling
22 facilities, and receptacles for the purpose of separating, reusing,
23 or recycling all solid waste materials.

24 (c) The department shall develop weighing and ranking criteria
25 to qualify and prioritize the public loans.

26 (d) A loan under this section shall be repaid as provided in
27 Section 70.

28 (e) Rates to be charged for the use of the boating facilities shall
29 be established by the city, county, or district, subject to the approval
30 of the department, in every loan contract. The department shall
31 concern itself with the rates charged only as prescribed in Section
32 71.8. The rates set shall be based on a monthly berthing charge,
33 and the department shall monitor these rates to ensure that the
34 berthing charges are sufficient to ensure timely and complete
35 repayment of the loan.

36 (f) The department shall submit any project for which it
37 recommends any loan be made to the Governor for inclusion in
38 the Budget Bill.

39 (g) The department may restate an existing loan under this
40 article, upon written request by the borrower.

1 ~~SEC. 10.~~

2 *SEC. 11.* Section 71.7 of the Harbors and Navigation Code is
3 amended to read:

4 71.7. Notwithstanding any other provision of this chapter, or
5 any contract or agreement to the contrary, loan payments on the
6 loan on behalf of Spud Point Marina in the County of Sonoma, as
7 authorized by Schedule (b)(8) of Item 3680-101-516 of Section
8 2.00 of the Budget Act of 1982, and administered by the
9 department, may be renegotiated by the department and the County
10 of Sonoma to solve the fiscal problems involving the marina
11 existing on the effective date of this section as enacted during the
12 1994 portion of the 1993–94 Regular Session.

13 ~~SEC. 11.~~

14 *SEC. 12.* Section 72.6 of the Harbors and Navigation Code is
15 amended to read:

16 72.6. Transfers pursuant to Section 70, loans pursuant to
17 Section 71.4, and grants pursuant to Section 72.5 shall be made
18 by the department.

19 ~~SEC. 12.~~

20 *SEC. 13.* Section 76.5 of the Harbors and Navigation Code is
21 amended to read:

22 76.5. In processing applications under this article, the
23 department shall give priority to applications from qualified private
24 marina owners who have not received previous loans from the
25 department.

26 ~~SEC. 13.~~

27 *SEC. 14.* Section 76.6 of the Harbors and Navigation Code is
28 amended to read:

29 76.6. Loans made under this article shall include, but are not
30 limited to, the following terms and conditions:

31 (a) The minimum annual rate of interest charged by the
32 department for a loan shall be set annually at a rate equal to 1
33 percent per annum plus the prime or base rate of interest.

34 (b) The department shall require collateral in a minimum amount
35 of 110 percent of the loan.

36 (c) The repayment period of a loan shall not exceed 20 years,
37 or be longer than the length of the borrower's leasehold estate,
38 including renewal options, if the loan is based upon a leasehold
39 estate of the borrower.

1 (d) All loans shall amortize the principal over the term of the
2 loan. However, a loan shall become due and payable in full if the
3 borrower sells or otherwise transfers the recreational marina
4 developed with departmental funds, unless the transfer is, by reason
5 of the death of the borrower, to the borrower’s heirs.

6 (e) The department’s loans shall not be subordinated to any
7 future loans obtained by a private marina owner, except in those
8 cases involving loans acquired for refinancing previous senior
9 loans.

10 (f) The department may allow assumption of loans from the
11 original borrower by future parties, subject to completion of the
12 application process and upon approval by the department.

13 (g) The department may, upon written request by the borrower,
14 restate an existing loan.

15 ~~SEC. 14.~~

16 *SEC. 15.* Chapter 3 (commencing with Section 80) of Division
17 1 of the Harbors and Navigation Code is repealed.

18 ~~SEC. 15.~~

19 *SEC. 16.* Section 704 of the Harbors and Navigation Code is
20 repealed.

21 ~~SEC. 16.~~ Division 4.5 (commencing with Section 1100) is
22 added to the Harbors and Navigation Code, to read:

23

24 ~~DIVISION 4.5. PILOTS FOR MONTEREY BAY AND THE~~
25 ~~BAYS OF SAN FRANCISCO, SAN PABLO, AND SUISUN~~

26

27 ~~CHAPTER 1. LEGISLATIVE POLICY AND FINDINGS~~

28

29 ~~1100.~~ The Legislature finds and declares that it is the policy
30 of the state to ensure the safety of persons, vessels, and property
31 using Monterey Bay and the Bays of San Francisco, San Pablo,
32 and Suisun, and the tributaries thereof, and to avoid damage to
33 those waters and surrounding ecosystems as a result of vessel
34 collision or damage, by providing competent, efficient, and
35 regulated pilotage for vessels required by this division to secure
36 pilotage services.

37 ~~1101.~~ The Legislature further finds and declares all of the
38 following:

1 (a) ~~The maritime industry is necessary for the continued~~
2 ~~economic well-being and cultural development of all California~~
3 ~~citizens.~~

4 (b) ~~The Bays of San Francisco, San Pablo, and Suisun provide~~
5 ~~a vital transportation route for the maritime industry.~~

6 (c) ~~The increase in vessel size and traffic, and the increase in~~
7 ~~cargoes carried in bulk, particularly oil and gas and hazardous~~
8 ~~chemicals, create substantial hazards to the life, property, and~~
9 ~~values associated with the environment of those waters.~~

10 (d) ~~The federal government has long adopted the policy of~~
11 ~~providing minimum standards that ensure port and waterway safety~~
12 ~~while encouraging state control over pilot qualifications.~~

13 (e) ~~A program of pilot regulation is necessary in order to~~
14 ~~ascertain and guarantee the qualifications, fitness, and reliability~~
15 ~~of qualified personnel who can provide safe pilotage of vessels~~
16 ~~entering and using Monterey Bay and the Bays of San Francisco,~~
17 ~~San Pablo, and Suisun.~~

18 (f) ~~The need to ensure safe and pollution-free waterborne~~
19 ~~commerce requires that pilotage services be employed in the~~
20 ~~confined, crowded, and environmentally sensitive waters of those~~
21 ~~bays.~~

22 (g) ~~Bar pilotage in the Bays of San Francisco, San Pablo, and~~
23 ~~Suisun has continuously been regulated by a single-purpose state~~
24 ~~board since 1850, and that regulation should be continued.~~

25 (h) ~~The individual physical safety and well-being of pilots is of~~
26 ~~vital importance in providing required pilot services.~~

27

28 CHAPTER 2. APPLICATION

29

30 1105. ~~This division applies to pilots for Monterey Bay and the~~
31 ~~Bays of San Francisco, San Pablo, and Suisun.~~

32

33 CHAPTER 3. DEFINITIONS

34

35 1110. (a) ~~“Bays of San Francisco, San Pablo, and Suisun”~~
36 ~~means all the waters of those bays and of the tributaries, ports, and~~
37 ~~harbors of those bays, and includes the water areas from the south~~
38 ~~end of San Francisco Bay and from the Ports of Sacramento and~~
39 ~~Stockton to the Golden Gate Bridge. “Bay of San Francisco, San~~
40 ~~Pablo, or Suisun” means any of those waters, respectively.~~

1 (b) “Monterey Bay” means all the waters of that bay and of the
2 tributaries, ports, and harbors of that bay.

3 1112. “High seas” includes all the navigable waters of the
4 Pacific Ocean west of the Golden Gate Bridge, and all navigable
5 waters west of the westward boundary of the pilotage grounds for
6 Monterey Bay.

7 1114. “Pilot” means either of the following:

8 (a) A person who pilots vessels including an inland pilot.

9 (b) A person licensed as a bar pilot for the Bays of San
10 Francisco, San Pablo, and Suisun prior to January 1, 2013.

11 1114.5. “Pilotage grounds” means all waters extending
12 eastward from the precautionary area surrounding buoy SF to, and
13 including, the Bays of San Francisco, San Pablo, and Suisun, and
14 also includes the waters of Monterey Bay, eastward of a straight
15 line drawn between Point Santa Cruz Light and Point Pinos Light.

16
17 CHAPTER 4. EXCLUSIVE RIGHTS AND DUTIES OF PILOTS
18

19 1125. (a) Pilots have exclusive authority, to the extent not
20 provided otherwise by federal law, to pilot vessels from the high
21 seas to Monterey Bay and the Bays of San Francisco, San Pablo,
22 and Suisun and the ports thereof, and from those bays and ports
23 to the high seas. They shall also have exclusive authority to pilot
24 vessels within and along the waters of those bays, except as
25 otherwise set forth in this division.

26 (b) Nothing in this division shall interfere with pilotage
27 regulations of Monterey Bay and of the Ports of Sacramento and
28 Stockton, nor prevent the regulatory authority of those ports from
29 utilizing the pilots covered by this division.

30 1126. (a) A person may also be enjoined from engaging in the
31 pilotage prescribed by a court of competent jurisdiction.

32 (b) This section does not apply to any of the following persons:

33 (1) The master of a vessel who has relieved the pilot to ensure
34 the safe operation of the vessel, but only from the point where the
35 pilot is relieved to the closest safe berth or anchorage, or the high
36 seas if closer than a safe berth or anchorage.

37 (2) Persons piloting vessels pursuant to the valid regulatory
38 authority of the Port of Sacramento or the Port of Stockton.

39 (3) Persons piloting vessels sailing under an enrollment.

40 (4) Persons piloting noncommercial vessels.

1 ~~1127. (a) The Legislature finds and declares that it is the policy~~
2 ~~of the state to ensure the safety of persons, property, and vessels~~
3 ~~using the waters of Monterey Bay and the Bays of San Francisco,~~
4 ~~San Pablo, and Suisun and to avoid damage to those waters and~~
5 ~~surrounding ecosystems as a result of vessel collision or damage~~
6 ~~by providing competent, efficient, and regulated pilotage for vessels~~
7 ~~required by this division to secure pilotage services.~~

8 ~~(b) This section does not supersede, modify, or otherwise alter~~
9 ~~pilot practices that are not safety related, including, but not limited~~
10 ~~to, the determination of rates charged for pilot services or~~
11 ~~employer-employee relationships for individuals, agencies, or~~
12 ~~organizations involved in providing pilotage services between any~~
13 ~~port of Monterey Bay and the Bays of San Francisco, San Pablo,~~
14 ~~and Suisun and any other port of the United States that is in~~
15 ~~existence on December 31, 1995, or otherwise abridge the authority~~
16 ~~of local port or harbor districts relating to pilotage in effect on~~
17 ~~December 31, 1995.~~

18 ~~(c) A vessel sailing under a coastwise license or appropriately~~
19 ~~endorsed registry and engaged in the coasting trade between a port~~
20 ~~of Monterey Bay and the Bays of San Francisco, San Pablo, and~~
21 ~~Suisun and another port of the United States is exempt from all~~
22 ~~pilotage charges. A foreign vessel and a vessel bound between a~~
23 ~~foreign port and a port of Monterey Bay and the Bays of San~~
24 ~~Francisco, San Pablo, and Suisun, and a vessel sailing under a~~
25 ~~register between a port of Monterey Bay and the Bays of San~~
26 ~~Francisco, San Pablo, and Suisun and another port of the United~~
27 ~~States, shall use a pilot or inland pilot, except as otherwise provided~~
28 ~~by law.~~

29 ~~(d) Subdivision (c) does not apply to a vessel that is less than~~
30 ~~750 gross tons and is manufactured and used for private recreation.~~

31 ~~1128. A nonself-propelled vessel in tow of a tug within~~
32 ~~Monterey Bay and the Bay of San Francisco, San Pablo, or Suisun,~~
33 ~~or between those bays, is exempt from pilotage charges.~~

34 ~~1130. A majority of all of the pilots shall appoint one pilot to~~
35 ~~act as port agent to carry out applicable laws, and to otherwise~~
36 ~~administer the affairs of the pilots.~~

37 ~~1132. Every pilot in charge of a vessel arriving in Monterey~~
38 ~~Bay and the Bay of San Francisco, San Pablo, or Suisun, shall~~
39 ~~safely moor the vessel in place and position as directed by the~~

1 ~~master of the vessel, consistent with safe navigation and not~~
2 ~~contrary to law.~~

3 ~~1133. Every pilot in charge of a vessel leaving the Bays of San~~
4 ~~Francisco, San Pablo, and Suisun shall pilot it from its point of~~
5 ~~departure to a point beyond the San Francisco bar. Every pilot in~~
6 ~~charge of a vessel leaving Monterey Bay shall pilot it from its~~
7 ~~point of departure to a point westward of the pilotage grounds.~~

8
9 CHAPTER 5. PENSION PLAN

10
11 ~~1160. There is hereby established a San Francisco Bar Pilot~~
12 ~~Pension Plan which is continued in existence as the San Francisco~~
13 ~~Pilot Pension Plan.~~

14 ~~1161. All amounts generated by the pension plan shall be used~~
15 ~~solely to pay pensions to retired pilots and inland pilots, disabled~~
16 ~~pilots and inland pilots, the surviving spouses of pilots and inland~~
17 ~~pilots, and to pay the expenses of the plan.~~

18 ~~1163. (a) (1) (A) Each retired pilot and inland pilot, who has~~
19 ~~completed 25 full years of service as a pilot or inland pilot, or both,~~
20 ~~shall receive, as a target monthly pension, an amount that is initially~~
21 ~~equal to 46 percent of an amount that is an average of the highest~~
22 ~~three of the last five years of audited annual average net income~~
23 ~~per pilot, prior to the pilot's or inland pilot's retirement, divided~~
24 ~~by 12, which initial target monthly pension amount shall be subject~~
25 ~~to periodic adjustment pursuant to Section 1167. Pilots or inland~~
26 ~~pilots with other than 25 full years of service as a pilot or inland~~
27 ~~pilot, or both, shall receive a monthly pension in an amount that~~
28 ~~is determined by multiplying the above calculated target monthly~~
29 ~~pension by a fraction, the numerator of which shall be the number~~
30 ~~of full years of service that the pilot or inland pilot has rendered~~
31 ~~and the denominator of which shall be 25, which initial monthly~~
32 ~~pension amount shall be subject to periodic adjustment pursuant~~
33 ~~to Section 1167.~~

34 ~~(B) Each disabled pilot or inland pilot shall receive as an initial~~
35 ~~target monthly pension an amount that is based on 46 percent of~~
36 ~~the greater of the following, which amount shall be subject to~~
37 ~~periodic adjustment pursuant to Section 1167:~~

38 ~~(i) An amount that is the average of the highest three of the last~~
39 ~~five years of audited annual average net income per pilot divided~~
40 ~~by 12 and multiplied by a fraction, the numerator of which shall~~

1 be the number of full years of service that the pilot or inland pilot
2 has rendered and the denominator of which shall be 25.

3 (ii) ~~The audited annual average net income per pilot, for the last~~
4 ~~year prior to the pilot's or inland pilot's disability, divided by 12~~
5 ~~and multiplied by a fraction, the numerator of which shall be the~~
6 ~~number of full years of service that the pilot or inland pilot has~~
7 ~~rendered and the denominator of which shall be 25.~~

8 (C) ~~Each pilot who retired before January 1, 1985, shall receive~~
9 ~~as an initial target monthly pension an amount that is one hundred~~
10 ~~seventy-eight dollars (\$178) multiplied by the number of full years~~
11 ~~of service he or she performed as a pilot licensed under this~~
12 ~~division, which amount shall be subject to periodic adjustment~~
13 ~~pursuant to Section 1167.~~

14 (D) ~~Each pilot who retired on or after January 1, 1985, or each~~
15 ~~inland pilot who retired after January 1, 1993, shall receive as an~~
16 ~~initial target monthly pension an amount that is the greater of the~~
17 ~~following, which amount shall be subject to periodic adjustment~~
18 ~~pursuant to Section 1167:~~

19 (i) ~~An amount that is calculated by multiplying one hundred~~
20 ~~seventy-eight dollars (\$178) by the number of full years of service~~
21 ~~the pilot or inland pilot performed as a pilot or inland pilot licensed~~
22 ~~under this division.~~

23 (ii) ~~An amount that is 46 percent of the average of the highest~~
24 ~~three of the last five years of audited annual average net income~~
25 ~~per pilot, prior to the pilot's or inland pilot's retirement, divided~~
26 ~~by 12 and multiplied by a fraction, the numerator of which is the~~
27 ~~pilot's or inland pilot's actual number of full years of service and~~
28 ~~the denominator of which is 25.~~

29 (2) ~~A pilot or inland pilot who retires or becomes disabled shall~~
30 ~~not begin to receive a pension until the beginning of the benefit~~
31 ~~payment period next following the date on which the pilot or inland~~
32 ~~pilot retires or becomes disabled.~~

33 (3) ~~A pilot or inland pilot shall not receive any benefits pursuant~~
34 ~~to the pension plan in any benefit payment period unless the pilot's~~
35 ~~or inland pilot's resignation as an active pilot or inland pilot~~
36 ~~specifying a proposed date of retirement was submitted, in writing,~~
37 ~~to the board, prior to November if the pilot's or inland pilot's~~
38 ~~retirement is to be effective the first day of the following January;~~
39 ~~prior to February if the pilot's or inland pilot's retirement is to be~~
40 ~~effective the first day of the following April, prior to May if the~~

1 pilot's or inland pilot's retirement is to be effective the first day
2 of the following July, or prior to August if the pilot's or inland
3 pilot's retirement is to be effective the first day of the following
4 October. The pilot's or inland pilot's resignation as an active pilot
5 or inland pilot shall become effective on either January 1, April
6 1, July 1, or October 1, as specified in the written resignation.

7 (4) If a retired or disabled pilot or inland pilot who is receiving
8 a pension dies without a surviving spouse, the pilot's or inland
9 pilot's successor in interest shall receive the monthly pension for
10 the remainder of the benefit payment period within which the death
11 occurs, after which time the monthly pension shall cease.

12 (b) (1) The surviving spouse of a deceased pilot who is eligible
13 for a pension pursuant to paragraph (1) of subdivision (e) of Section
14 1164 and the surviving spouse of a deceased inland pilot who is
15 eligible for a pension pursuant to paragraph (2) of subdivision (e)
16 of Section 1164 shall each receive, as a monthly pension,
17 three-fourths of the amount that the deceased pilot or inland pilot
18 would have received as a monthly pension pursuant to this section
19 had the pilot or inland pilot lived, calculated as if the deceased
20 pilot or inland pilot had been disabled pursuant to subparagraph
21 (B) of paragraph (1) of subdivision (a).

22 (2) If a retired or disabled pilot or inland pilot who was receiving
23 a pension dies, the surviving spouse shall continue to receive the
24 full amount of the monthly pension to which the deceased pilot or
25 inland pilot was entitled for the balance of the benefit payment
26 period within which the death occurs, after which the surviving
27 spouse shall receive the amount specified in paragraph (1).

28 (3) If a surviving spouse receiving a pension dies, the surviving
29 spouse's successor in interest shall receive the monthly pension
30 for the remainder of the benefit payment period within which the
31 death occurs, after which time the monthly pension shall cease.

32 (e) For the purpose of the computations described in paragraph
33 (1) of subdivision (a), six months or more of service by a pilot or
34 inland pilot shall be considered a full year.

35 (d) Except as provided otherwise in this section and paragraph
36 (4) of subdivision (e) of Section 1164, monthly pension amounts
37 payable pursuant to this section to retired pilots and inland pilots
38 and to their surviving spouses are payable for the life of that retired
39 pilot, inland pilot, or spouse.

1 ~~(e) To determine an inland pilot's full years of service under~~
2 ~~this chapter, any periods of service that an inland pilot has~~
3 ~~performed as a pilot shall be added to any service time performed~~
4 ~~as an inland pilot after January 1, 1987.~~

5 ~~(f) In calculating the benefits of a retired or disabled pilot who~~
6 ~~was issued an original pilot's license in 1985 and who was not~~
7 ~~thereafter issued an inland pilot's license, or in calculating the~~
8 ~~benefits of the widow of such a pilot who is deceased, the number~~
9 ~~of years of service used in the calculation shall be the greater of~~
10 ~~the following:~~

11 ~~(1) The actual number of full years of service the pilot has~~
12 ~~rendered.~~

13 ~~(2) Ten years.~~

14 ~~1164. (a) Except as provided in subdivision (b), a pilot shall~~
15 ~~be eligible for the pension provided in Section 1163 if the pilot~~
16 ~~meets all of the following requirements:~~

17 ~~(1) Held a license as a pilot and served at least 10 years in that~~
18 ~~capacity or has attained 62 years of age, whichever occurs first.~~

19 ~~(2) Retired after January 1, 1972.~~

20 ~~(3) Is at least 60 years of age.~~

21 ~~(b) A disabled pilot shall be eligible for the pension provided~~
22 ~~in Section 1163 if it has been determined by the board, based upon~~
23 ~~competent medical evidence, that the pilot is unable to perform~~
24 ~~the duties of a pilot. As used in this chapter, "disabled" means a~~
25 ~~disability of permanent or extended and uncertain duration, as~~
26 ~~determined by the board, on the basis of competent medical~~
27 ~~opinion.~~

28 ~~(e) Except as provided in subdivision (d), an inland pilot shall~~
29 ~~be eligible for the pension provided in Section 1163 if the inland~~
30 ~~pilot meets all of the following requirements:~~

31 ~~(1) Held a license as an inland pilot and served at least 10 years~~
32 ~~in that capacity after January 1, 1987, or has attained 62 years of~~
33 ~~age, whichever occurs first.~~

34 ~~(2) Retired after January 1, 1987.~~

35 ~~(3) Is at least 60 years of age.~~

36 ~~(4) Since January 1, 1987, has held himself or herself out as~~
37 ~~providing pilotage assistance to the entire shipping industry~~
38 ~~consistent with the inland pilot's license.~~

39 ~~(5) For services provided after January 1, 1994, performs a~~
40 ~~minimum of 75 assignments per calendar year unless excused from~~

1 performance of that requirement due to medical needs satisfactory
2 to the board.

3 ~~(d) A disabled inland pilot who meets the requirements of~~
4 ~~paragraph (4) of subdivision (c) shall be eligible for the pension~~
5 ~~provided in Section 1163 if it has been determined by the board,~~
6 ~~based upon competent medical evidence, that the inland pilot is~~
7 ~~unable to perform the duties of an inland pilot.~~

8 ~~(e) (1) A surviving spouse of a deceased pilot shall be eligible~~
9 ~~for the pension provided in subdivision (b) of Section 1163 if that~~
10 ~~deceased pilot died after January 1, 1972, and that deceased pilot~~
11 ~~had held a license as a pilot.~~

12 ~~(2) A surviving spouse of a deceased inland pilot shall be~~
13 ~~eligible for the pension provided in subdivision (b) of Section 1163~~
14 ~~if the deceased inland pilot died after January 1, 1987, had held a~~
15 ~~license as an inland pilot, and since January 1, 1987, had held~~
16 ~~himself or herself out as providing pilotage assistance to the entire~~
17 ~~shipping industry consistent with the inland pilot's license.~~

18 ~~(3) In order for a surviving spouse to be eligible for any pension~~
19 ~~benefits pursuant to this chapter, the surviving spouse shall have~~
20 ~~been legally married to the deceased pilot or inland pilot for at~~
21 ~~least one year prior to the deceased pilot's or inland pilot's death.~~

22 ~~(4) A surviving spouse of a deceased pilot or inland pilot shall~~
23 ~~neither be eligible for, nor receive, pension benefits pursuant to~~
24 ~~this chapter if the surviving spouse remarries. If a surviving spouse~~
25 ~~who is receiving a monthly pension under this chapter remarries,~~
26 ~~the surviving spouse's successor in interest shall receive the amount~~
27 ~~of the monthly pension for the remainder of the benefit payment~~
28 ~~period as if the surviving spouse had died, in accordance with~~
29 ~~paragraph (3) of subdivision (b) of Section 1163.~~

30 ~~1165. (a) A charge shall be levied for pilotage services at a~~
31 ~~rate necessary to provide the benefits to be paid out pursuant to~~
32 ~~the pension plan. The additional rate shall be determined as~~
33 ~~follows:~~

34 ~~(1) On March 1, June 1, September 1, and December 1 of each~~
35 ~~year, the number of persons eligible to receive benefits under the~~
36 ~~plan, their identities, the calculated amount each shall be entitled~~
37 ~~to receive, and the total amount to be paid out to all of those~~
38 ~~persons during each month of the next three-month period shall~~
39 ~~be determined by the fiduciary agent or agents.~~

1 ~~(2) After the total amount to be paid out monthly under the plan~~
2 ~~has been determined, the rate necessary to provide that amount~~
3 ~~each month shall be calculated by the fiduciary agent or agents.~~
4 ~~The rate shall be based upon the volume of shipping, in gross~~
5 ~~registered tons, handled by pilots under this division for the~~
6 ~~12-month periods ending the previous September 30 for benefit~~
7 ~~periods commencing the following January 1, ending the previous~~
8 ~~December 31 for benefit periods commencing the following April~~
9 ~~1, ending the previous March 31 for benefit periods commencing~~
10 ~~the following July 1, and ending the previous June 30 for benefit~~
11 ~~periods commencing the following October 1, respectively. The~~
12 ~~rate shall be expressed as mills per gross registered ton and shall~~
13 ~~be calculated to the nearest one-hundredth of a mill.~~

14 ~~(3) The estimated cost of the services of the fiduciary agent or~~
15 ~~agents to administer the pension plan shall be calculated by the~~
16 ~~fiduciary agent or agents for the benefit periods described in~~
17 ~~paragraph (2), shall be expressed as mills per gross registered ton,~~
18 ~~and shall be calculated to the nearest one-hundredth of a mill.~~

19 ~~(b) The rate determined pursuant to paragraphs (1), (2), and (3)~~
20 ~~of subdivision (a) shall become effective on January 1 of the~~
21 ~~following year with respect to the September 30 calculations, on~~
22 ~~April 1 of the following year with respect to the December 31~~
23 ~~calculations, on July 1 of that year with respect to the March 31~~
24 ~~calculations, and on October 1 of that year with respect to the June~~
25 ~~30 calculations. The rates shall be in effect for the succeeding~~
26 ~~benefit payment period.~~

27 ~~1166. (a) The benefits actually paid out each month by the~~
28 ~~fiduciary agent or agents designated by the board to all retired and~~
29 ~~disabled pilots and inland pilots, to surviving spouses of deceased~~
30 ~~pilots and inland pilots, and to successors in interest shall be equal~~
31 ~~to the revenue received pursuant to Section 1165 during the~~
32 ~~preceding month less the expenses of the fiduciary agent or agents~~
33 ~~incurred during that month. The revenue, whether greater or less~~
34 ~~than the amount used in determining the tonnage rates under this~~
35 ~~chapter to provide the aggregate target pensions to which those~~
36 ~~persons are entitled according to Section 1163, shall be paid to~~
37 ~~each of them in proportion to the relative target amounts to which~~
38 ~~they are entitled, after payment of the expenses of the fiduciary~~
39 ~~agent or agents.~~

1 ~~(b) Revenues for any month or year are the amounts to be~~
 2 ~~received pursuant to the pension plan for pilotage during that month~~
 3 ~~or year. The fiduciary agent or agents shall determine which~~
 4 ~~accounting system shall be used to make the payment, provided~~
 5 ~~that, if the accrual method is used, it shall be subject to later~~
 6 ~~equitable adjustments for unpaid receivables.~~

7 ~~(e) Benefits pursuant to the new rate calculations shall be paid~~
 8 ~~commencing in February, May, August, and November of each~~
 9 ~~year and shall continue through, and include, the next following~~
 10 ~~April, July, October, and January, respectively, so that each benefit~~
 11 ~~pension period equals three months of payments. The period during~~
 12 ~~which benefits are paid is the benefit payment period.~~

13
 14 ~~CHAPTER 6. EFFECTIVE DATE~~

15
 16 ~~1170. This division shall become operative on January 1, 2014.~~

17 ~~SEC. 17. Chapter 7 (commencing with Section 1220) is added~~
 18 ~~to Division 5 of the Harbors and Navigation Code, to read:~~

19
 20 ~~CHAPTER 7. REPEAL DATE~~

21
 22 ~~1220. This division shall remain in effect only until January~~
 23 ~~1, 2014, and as of that date is repealed, unless a later enacted statute~~
 24 ~~that is enacted before January 1, 2014, deletes or extends that date.~~

25 ~~SEC. 18. Chapter 2 (commencing with Section 22000) of Part~~
 26 ~~3 of Division 2 of the Public Contract Code is repealed.~~

27 ~~SEC. 19. This act shall become operative January 1, 2014.~~

28 ~~SEC. 17. Section 1777 of the Health and Safety Code is~~
 29 ~~amended to read:~~

30 ~~1777. (a) The Continuing Care Advisory Committee of the~~
 31 ~~department shall act in an advisory capacity to the department on~~
 32 ~~matters relating to continuing care contracts.~~

33 ~~(b) The members of the committee shall include:~~

34 ~~(1) Three representatives of nonprofit continuing care providers~~
 35 ~~pursuant to this chapter, each of whom shall have offered~~
 36 ~~continuing care services for at least five years prior to appointment.~~
 37 ~~One member shall represent a multifacility provider and shall be~~
 38 ~~appointed by the Governor in even years. One member shall be~~
 39 ~~appointed by the Senate Committee on Rules in odd years. One~~

1 member shall be appointed by the Speaker of the Assembly in odd
2 years.

3 (2) Three senior citizens who are not eligible for appointment
4 pursuant to paragraphs (1) and (4) who shall represent consumers
5 of continuing care services, all of whom shall be residents of
6 continuing care retirement communities but not residents of the
7 same provider. One senior citizen member shall be appointed by
8 the Governor in even years. One senior citizen member shall be
9 appointed by the Senate Committee on Rules in odd years. One
10 senior citizen member shall be appointed by the Speaker of the
11 Assembly in odd years.

12 (3) A certified public accountant with experience in the
13 continuing care industry, who is not a provider of continuing care
14 services. This member shall be appointed by the Governor in even
15 years.

16 (4) A representative of a for-profit provider of continuing care
17 contracts pursuant to this chapter. This member shall be appointed
18 by the Governor in even years.

19 (5) An actuary. This member shall be appointed by the Governor
20 in even years.

21 (6) One representative of residents of continuing care retirement
22 communities appointed by the senior citizen representatives on
23 the committee.

24 (7) One representative of either nonprofit or for-profit providers
25 appointed by the representatives of nonprofit and for-provider
26 providers on the committee.

27 (c) Commencing January 1, 1997, all members shall serve
28 two-year terms and be appointed based on their interest and
29 expertise in the subject area. The Governor shall designate the
30 chairperson for the committee with the advice and consent of the
31 Senate. A member may be reappointed at the pleasure of the
32 appointing power. The appointing power shall fill all vacancies
33 on the committee within 60 days. All members shall continue to
34 serve until their successors are appointed and qualified.

35 (d) The members of the committee shall serve without
36 compensation, except that each member shall be paid from the
37 Continuing Care Provider Fee Fund a per diem of twenty-five
38 dollars (\$25) for each day's attendance at a meeting of the
39 committee not to exceed six days in any month. The members of
40 the committee shall also receive their actual and necessary travel

1 expenses incurred in the course of their duties. Reimbursement of
2 travel expenses shall be at rates not to exceed those applicable to
3 comparable state employees under Department of Personnel
4 Administration regulations.

5 (e) Prior to commencement of service, each member shall file
6 with the department a statement of economic interest and a
7 statement of conflict of interest pursuant to Article 3 (commencing
8 with Section 87300) of the Government Code.

9 (f) If, during the period of appointment, any member no longer
10 meets the qualifications of subdivision (b), that member shall
11 submit his or her resignation to their appointing power and a
12 qualified new member shall be appointed by the same power to
13 fulfill the remainder of the term.

14 (g) (1) This section shall remain in effect only until January 1,
15 2013, and as of that date is repealed, unless a later enacted statute,
16 that is enacted before January 1, 2013, deletes or extends that date.

17 (2) *The repeal date in paragraph (1) shall not take effect unless,*
18 *prior to January 1, 2013, the committee has been reviewed by the*
19 *Joint Sunset Review Committee pursuant to subdivisions (c) and*
20 *(d) of Section 9147.7 of the Government Code and the Joint Sunset*
21 *Review Committee has notified the Secretary of State of this review.*

22 SEC. 18. *Section 1777.2 of the Health and Safety Code is*
23 *amended to read:*

24 1777.2. (a) The Continuing Care Advisory Committee shall:

25 (1) Review the financial and managerial condition of continuing
26 care retirement communities operating under a certificate of
27 authority.

28 (2) Review the financial condition of any continuing care
29 retirement community that the committee determines is indicating
30 signs of financial difficulty and may be in need of close
31 supervision.

32 (3) Monitor the condition of those continuing care retirement
33 communities that the department or the chair of the committee
34 may request.

35 (4) Make available consumer information on the selection of
36 continuing care contracts and necessary contract protections in the
37 purchase of continuing care contracts.

38 (5) Review new applications regarding financial, actuarial, and
39 marketing feasibility as requested by the department.

1 (b) The committee shall make recommendations to the
2 department regarding needed changes in its rules and regulations
3 and upon request provide advice regarding the feasibility of new
4 continuing care retirement communities and the correction of
5 problems relating to the management or operation of any
6 continuing care retirement community. The committee shall also
7 perform any other advisory functions necessary to improve the
8 management and operation of continuing care retirement
9 communities.

10 (c) The committee may report on its recommendations directly
11 to the director of the department.

12 (d) The committee may hold meetings, as deemed necessary to
13 the performance of its duties.

14 (e) (1) This section shall remain in effect only until January 1,
15 2013, and as of that date is repealed, unless a later enacted statute,
16 that is enacted before January 1, 2013, deletes or extends that date.

17 (2) *The repeal date in paragraph (1) shall not take effect unless,*
18 *prior to January 1, 2013, the committee has been reviewed by the*
19 *Joint Sunset Review Committee pursuant to subdivisions (c) and*
20 *(d) of Section 9147.7 of the Government Code and the Joint Sunset*
21 *Review Committee has notified the Secretary of State of this review.*

22 SEC. 19. *Section 1777.4 of the Health and Safety Code is*
23 *amended to read:*

24 1777.4. (a) Any member of the Continuing Care Advisory
25 Committee is immune from civil liability based on acts performed
26 in his or her official capacity. Costs of defending civil actions
27 brought against a member for acts performed in his or her official
28 capacity shall be borne by the complainant. However, nothing in
29 this section immunizes any member for acts or omissions
30 performed with malice or in bad faith.

31 (b) (1) This section shall remain in effect only until January 1,
32 2013, and as of that date is repealed, unless a later enacted statute,
33 that is enacted before January 1, 2013, deletes or extends that date.

34 (2) *The repeal date in paragraph (1) shall not take effect unless,*
35 *prior to January 1, 2013, the committee has been reviewed by the*
36 *Joint Sunset Review Committee pursuant to subdivisions (c) and*
37 *(d) of Section 9147.7 of the Government Code and the Joint Sunset*
38 *Review Committee has notified the Secretary of State of this review.*

39 SEC. 20. *Section 5073.5 of the Public Resources Code is*
40 *amended to read:*

1 5073.5. (a) The Governor shall establish a California
2 Recreational Trails Committee to advise the director in the
3 development and coordination of the system. The committee shall
4 consist of seven members appointed by the Governor. Two
5 members shall be selected from the northern, two members from
6 the southern, and two members from the central portions of the
7 state, and one member shall be selected at large. Members shall
8 be selected from lists submitted by private organizations that have
9 a demonstrated interest in the establishment of recreation trails.
10 The chair of the committee shall be elected by the members from
11 their membership.

12 (b) (1) This section shall remain in effect only until January 1,
13 2013, and as of that date is repealed, unless a later enacted statute,
14 that is enacted before January 1, 2013, deletes or extends that date.

15 (2) *The repeal date in paragraph (1) shall not take effect unless,*
16 *prior to January 1, 2013, the committee has been reviewed by the*
17 *Joint Sunset Review Committee pursuant to subdivisions (c) and*
18 *(d) of Section 9147.7 of the Government Code and the Joint Sunset*
19 *Review Committee has notified the Secretary of State of this review.*

20 SEC. 21. *Section 5073.7 of the Public Resources Code is*
21 *amended to read:*

22 5073.7. (a) The terms of the members of the committee shall
23 be four years, except that such members first appointed to the
24 committee shall classify themselves by lot so that the term of three
25 members shall expire January 15, 1976, the term of two members
26 shall expire January 15, 1977, and the term of two members shall
27 expire January 15, 1978.

28 Members of the committee shall serve without compensation,
29 but shall be reimbursed for actual and necessary expenses,
30 including traveling expenses, incurred in the performance of their
31 duties.

32 (b) (1) This section shall remain in effect only until January 1,
33 2013, and as of that date is repealed, unless a later enacted statute,
34 that is enacted before January 1, 2013, deletes or extends that date.

35 (2) *The repeal date in paragraph (1) shall not take effect unless,*
36 *prior to January 1, 2013, the committee has been reviewed by the*
37 *Joint Sunset Review Committee pursuant to subdivisions (c) and*
38 *(d) of Section 9147.7 of the Government Code and the Joint Sunset*
39 *Review Committee has notified the Secretary of State of this review.*

1 SEC. 22. *Section 5074 of the Public Resources Code is*
 2 *amended to read:*

3 5074. The committee shall have the following powers and
 4 duties:

5 (a) Coordinate trail planning and development among cities,
 6 counties, and districts. In carrying out this responsibility, the
 7 committee shall review records of easements and other interests
 8 in lands which are available for recreational trail usage, including
 9 public lands, utility easements, other rights-of-way, gifts, or surplus
 10 public lands which may be adaptable for such use, and shall advise
 11 the director in the development of standards for trail construction
 12 so that uniform construction standards may be available to cities,
 13 counties, and districts.

14 (b) Advise the director in the preparation and maintenance of
 15 the plan.

16 (c) Study the problems and opportunities presented by the use
 17 of private property for recreational trail use and advise the director
 18 on measures to mitigate undesirable aspects of such usage.

19 (d) (1) This section shall remain in effect only until January 1,
 20 2013, and as of that date is repealed, unless a later enacted statute,
 21 that is enacted before January 1, 2013, deletes or extends that date.

22 (2) *The repeal date in paragraph (1) shall not take effect unless,*
 23 *prior to January 1, 2013, the committee has been reviewed by the*
 24 *Joint Sunset Review Committee pursuant to subdivisions (c) and*
 25 *(d) of Section 9147.7 of the Government Code and the Joint Sunset*
 26 *Review Committee has notified the Secretary of State of this review.*

27 SEC. 23. (a) *Sections 1 and 5 of this act shall become operative*
 28 *on January 1, 2014, only if a review of the Credit Union Advisory*
 29 *Committee is conducted by the Joint Sunset Review Committee*
 30 *pursuant to subdivisions (c) and (d) of Section 9147.7 of the*
 31 *Government Code prior to January 1, 2014, and the Joint Sunset*
 32 *Review Committee has notified the Secretary of State of this review.*

33 (b) *Sections 6 to 16, inclusive, of this act shall become operative*
 34 *on January 1, 2014, only if a review of the Boating and Waterways*
 35 *Commission is conducted by the Joint Sunset Review Committee*
 36 *pursuant to subdivisions (c) and (d) of Section 9147.7 of the*
 37 *Government Code prior to January 1, 2014, and the Joint Sunset*
 38 *Review Committee has notified the Secretary of State of this review.*

O