

CALIFORNIA LEGISLATURE
1989-90 REGULAR SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions (Including Proposed
Constitutional Amendments) Adopted in 1989

and

1989 Statutory Record



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to the secretary, administrator, or head of a department, agency, or bureau of the State of California authorized under the State Contract Act to contract for these services.

This bill would delete the limitation with regard to the State Contract Act thereby permitting any secretary, administrator, or head of a department, agency, or bureau of the state authorized to contract for these services to obtain them on the basis of demonstrated competence rather than competitive bidding.

This bill would incorporate additional changes in Section 4525 of the Government Code, proposed by SB 658, to be operative only if SB 658 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last.

Ch 696 (SB 1323) Rosenthal Santa Monica Mountains Conservancy.

(1) Under existing law, the Santa Monica Mountains Conservancy Act is to be repealed on July 1, 1990.

This bill would extend operation of the act until July 1, 1995. Since the act imposes requirements upon local agencies and officials, the bill would impose a state-mandated local program by extending the operation of the act.

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

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

Ch 697 (SB 1411) Mello Court reporters

Existing law establishes, upon the adoption by the board of supervisors of a specified resolution and the adoption of local rules by the superior court, a demonstration project to assess the costs, benefits, and acceptability of utilizing audio and video recording in certain counties in lieu of the record prepared by a court reporter, except in criminal or juvenile proceedings, as specified.

Existing law provides that the demonstration project in each county shall terminate on or after January 1, 1991, but not later than January 1, 1992.

This bill would add Santa Cruz County to the demonstration project, as specified. However, the bill would not become operative if AB 1854 is enacted, amends Section 270 of the Code of Civil Procedure, and takes effect on or before January 1, 1990.

Ch. 698 (SB 1598) Kopp Mortgages and deeds of trust

Existing law defines estates in real property to include estates for years, but also classifies estates for years as chattels real. Under existing law, any interest in real property capable of being transferred may be mortgaged. Existing law specifies various requirements and procedures respecting enforcement of mortgages and deeds of trust on real property. The Fourth District Court of Appeal in *Taylor v. Boussiere*, 195 Cal. App. 3d 1197, held that a lease assignment is not a mortgage on real property subject to the limitation on enforcement of real property mortgages requiring the creditor to exhaust the security before suing the debtor for personal liability.

This bill would declare the intent of the Legislature to abrogate the holding in *Taylor v. Boussiere* and would amend various code sections pertaining to real property mortgages and deeds of trust to specifically provide for hypothecation of estates for years in real property by mortgages or deeds of trust.

Ch. 699 (SB 1667) Vuich State Lands Commission powers of arrest.

Existing law authorizes enumerated persons employed by certain state agencies or departments to exercise the powers of arrest of peace officers even though these persons are specifically declared not to be peace officers.

This bill would include in the enumerated listing certain designated employees of the State Lands Commission.

This bill incorporates changes in Section 830.11 of the Penal Code proposed by SB 1316, to be operative only if SB 1316 is also chaptered and this bill is chaptered last.

The bill would 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.