



UC Davis for an equine drug testing laboratory. This bill would require that the CHRB use this equine drug testing laboratory for testing at least 25% of the drug tests it conducts on horses under the Horse Racing Law. This bill is a two-year bill pending in the Senate Committee on Governmental Organization.

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 3 (Summer 1989) at pages 120-21:

AB 82 (Floyd), which authorizes an association to revise the estimate for the aggregate handle during a meeting if the Board determines that the revision is necessary, was signed by the Governor on July 20 (Chapter 181, Statutes of 1989).

AB 726 (Hill), as amended July 18, authorizes CHRB to allow associations licensed to conduct quarter horse meetings to include Appaloosa races and Arabian races with the consent of the quarter horse horsemen's organization. This bill was signed by the Governor on September 21 (Chapter 644, Statutes of 1989).

AB 1098 (Clute). Under existing law, satellite wagering facilities in the northern zone may conduct satellite wagering on racing in the northern zone and on night harness and quarter horse racing in the central and southern zones during the periods of the day when there is no night racing in the northern zone. As amended September 6, this bill deletes the existing condition that satellite wagering be conducted during the period of the day when there is no night racing, and provides for similar provisions for satellite wagering facilities in the central and southern zones. This bill was signed by the Governor on September 26 (Chapter 939, Statutes of 1989).

AB 169 (Floyd), which provides for mixed breed racing with parimutuel wagering which includes barrel races and steeplechase races, was signed by the Governor on August 3 (Chapter 272, Statutes of 1989).

AB 176 (Floyd), as amended September 11, would have required that revenues received by the Fairs and Exposition Fund or the General Fund derived from harness or quarter horse meetings in either calendar year 1990 or calendar year 1991, which exceeds the amounts actually received in those funds during calendar year 1989, be returned to the respective horsemen's associations and licensed operators on a pro rata basis with respect to each breed. This bill was vetoed by the Governor on October 1.

AB 199 (Floyd), as amended July 20, authorizes CHRB, until January 1, 1993, to allocate racing weeks consisting of fewer than five racing days to an association conducting harness meetings

at the California Exposition and State Fair, if the association and the organization representing horsemen participating in the meeting agree to the allocation. This bill was signed by the Governor on August 3 (Chapter 273, Statutes of 1989).

SB 1294 (Maddy), as amended September 7, would have prohibited the authorization, on and after July 1, 1989, of any new satellite wagering facility unless the facility is specifically authorized by the enactment of an act by the legislature; authorized CHRB to submit a list of proposed facilities to the legislature; and declared legislative findings in this regard. This bill failed passage in the Assembly Ways and Means Committee on September 14.

The following bills were made two-year bills, and may be pursued when the legislature reconvenes in January: **AB 425 (Floyd)**, which would repeal the statute providing that no state lottery game may use the theme of horse racing or be based on the results of a horse race; **AB 730 (Wright)**, which would make legislative findings and declarations regarding the California thoroughbred racing and breeding industries and require the Legislative Analyst to conduct a study to determine the industry's contribution to the state's economy, determine the state of the industry's economic health, and make recommendations to strengthen the industry's position; **AB 2235 (Statham)**, which would require an organization operating an advertised signal system and administering the parimutuel operations of satellite wagering facilities to bear the costs of encoding audiovisual signals and wagering data, and the costs of operating a separate delivery system for wagering information displays; **SB 519 (Maddy)**, which, as amended August 22, would authorize CHRB to adopt regulations to allow the entering of thoroughbred horses and Appaloosa horses in quarter horse races at a distance not exceeding five furlongs at certain meetings; **AB 170 (Floyd)**, which would require CHRB to include in its annual report a tabulation of injuries, fatalities, and comparative accident rates for all racing and training venues in California; **AB 216 (Floyd)**, which would enact the California Drug Free Horse-racing Act of 1989; and **SB 56 (Maddy)**, which would allow the Board to authorize the satellite wagering facility at the 22nd District Agricultural Association to conduct satellite wagering on races run in the northern zone for a three-year pilot period.

RECENT MEETINGS:

At its August 25 meeting in Del Mar, CHRB approved an interagency agreement between the Board and the University of California establishing Dr. Dennis Meagher of the UC Davis School of Veterinary Medicine as CHRB's Equine Medical Director. Dr. Meagher will work with the Board to design a comprehensive program for drug detection and prevention. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 120 for background information.)

At its September 29 meeting in San Mateo, the CHRB approved, for recommendation to the Governor, a tribal-state compact between the Cabazon Band of Mission Indians and the State of California, whereby the Cabazon Band will operate a satellite wagering facility on its reservation. Under the contract, the Cabazon Band must negotiate an agreement with Southern California Off-Track Wagering, Inc. (SCOTWINC), the organization approved by CHRB to operate the audiovisual signal system in southern California. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 122 for background information.) SCOTWINC is to provide parimutuel clerks and totalizer equipment. The agreement could have major implications, in part, because it may serve as a model for other Indian groups seeking similar facilities.

FUTURE MEETINGS:

To be announced.

NEW MOTOR VEHICLE BOARD

Executive Officer: Sam W. Jennings (916) 445-1888

The New Motor Vehicle Board (NMVB) licenses new motor vehicle dealerships and regulates dealership relocations and manufacturer terminations of franchises. It reviews disciplinary action taken against dealers by the Department of Motor Vehicles. Most licensees deal in cars or motorcycles.

The Board also handles disputes arising out of warranty reimbursement schedules. After servicing or replacing parts in a car under warranty, a dealer is reimbursed by the manufacturer. The manufacturer sets reimbursement rates which a dealer occasionally challenges as unreasonable. Infrequently, the manufacturer's failure to compensate the dealer for tests performed on vehicles is questioned.

The Board consists of four dealer members and five public members. The



REGULATORY AGENCY ACTION

Board's staff consists of an executive secretary, three legal assistants and two secretaries.

MAJOR PROJECTS:

Status Report on Certification Fees. Pursuant to Business and Professions Code section 9889.75, NMVB has been collecting fees from manufacturers and distributors of new motor vehicles for the purpose of funding the Bureau of Automotive Repair's (BAR) certification of third party dispute programs. (See CRLR Vol. 9, No. 3 (Summer 1989) pp. 121-22; Vol. 9, No. 1 (Winter 1989) p. 101; and Vol. 8, No. 4 (Fall 1988) p. 116 for complete background information.)

At the request of BAR, NMVB recently amended section 553.70, Title 13 of the California Code of Regulations (CCR), to decrease the amount assessed for purposes of funding the program from 41 cents per vehicle to 11 cents per vehicle. The Office of Administrative Law (OAL) approved this regulatory change, which became effective on September 15. Billing for 1989-90 fees began on September 29; thus far, \$116,202 has been collected.

Other Regulatory Changes Adopted. Following a May 5 public hearing, NMVB adopted other proposed changes to its regulations in Title 13 of the CCR. The Board amended sections 550, 554, and 595 to specify that petitions may be filed against new motor vehicle dealers, and to eliminate the requirement that petitioners be California residents. The Board also adopted new section 555.1, amended sections 555, 556, 557, 558, and 562, and repealed section 559, to simplify existing petition procedures in a number of ways. Finally, the Board moved section 579 regarding the availability of subpoenas in protest hearings from Article 4 to Article 1, and renumbered it as section 551.2. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 116 and Vol. 9, No. 1 (Winter 1989) pp. 101-02 for detailed background information on these changes.) At this writing, OAL is still reviewing the Board's rulemaking file on these regulatory changes.

LEGISLATION:

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 3 (Summer 1989) at page 122:

AB 1104 (Torres) requires that new motor vehicle dealers be charged fees sufficient to fully fund NMVB's activities other than the certification of third party dispute resolution processes. The Board is authorized to recover the direct cost of those activities by charging the Bureau

of Automotive Repair. This bill was signed by the Governor on July 21 (Chapter 193, Statutes of 1989).

The following bills were made two-year bills, and may be pursued when the legislature reconvenes in January: *AB 552 (Moore)*, which would give buyers of a motor vehicle pursuant to a conditional sales contract or purchase order the right to cancel the contract or purchase order, without penalty or obligation, until midnight of the first business day after the day on which the contract was signed; *SB 582 (Green)*, which would delete existing separate statutory provisions relating to lessor-retailers, and provide instead for their licensing and regulation under the same provisions which apply to dealers; and *SB 587 (Doolittle)*, which, as amended July 5, would make it unlawful for any person to provide, as defined, unsafe, improperly equipped, unsafely loaded, or unregistered vehicles to a highway carrier.

FUTURE MEETINGS:

To be announced.

BOARD OF OSTEOPATHIC EXAMINERS

Executive Director: Linda Bergmann (916) 322-4306

In 1922, California voters approved a constitutional initiative which created the Board of Osteopathic Examiners (BOE). BOE regulates entry into the osteopathic profession, examines and approves schools and colleges of osteopathic medicine and enforces professional standards. The 1922 initiative, which provided for a five-member Board consisting of practicing osteopaths, was amended in 1982 to include two public members. The Board now consists of seven members, appointed by the Governor, serving staggered three-year terms.

The Board's licensing statistics as of August 1989 include the issuance of 1,481 active licenses and 450 inactive licenses to osteopaths.

MAJOR PROJECTS:

Regulatory Changes. At its June 23 meeting in Irvine, BOE approved numerous changes in its regulations, which appear in Chapter 16, Title 16 of the California Code of Regulations (CCR). These changes include an amendment to section 1621 regarding approved written examinations for reciprocity licensure; the addition of sections 1660-1662 to implement BOE's Impaired Physicians'

Diversion Program; an amendment to section 1676(a) which allows BOE to register previously unauthorized fictitious names; and amendments to sections 1690(f), (g), (i), and (j), which lower the annual tax and registration fee, the inactive certificate fee, the medical corporation renewal fee, and the fictitious name permit renewal fee. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 122 for background information on these regulatory changes.)

At this writing, the Office of Administrative Law is reviewing these proposed changes.

LEGISLATION:

The following is a status update of bills described in detail in CRLR Vol. 9, No. 3 (Summer 1989) at page 123:

AB 1180 (Leslie), as amended August 22, sets BOE's certification fee and annual tax and registration fee; increases the penalty for failure to pay the annual tax and registration fee; adds an oral and practical examination fee; and provides that BOE shall hold one meeting during the first quarter of each calendar year at a time and place designated by the Board. This bill was signed by the Governor on September 29 (Chapter 1101, Statutes of 1989).

AB 1249 (Bader) provides that no medical school or clinical training program shall discriminate with respect to offering elective clerkships or preceptorships in any medical school or clinical training program in this state against osteopathic medical students enrolled in an approved school. This bill was signed by the Governor on September 13 (Chapter 425, Statutes of 1989).

FUTURE MEETINGS:

To be announced.

PUBLIC UTILITIES COMMISSION

Acting Executive Director:

Wesley Franklin

President: G. Mitchell Wilk (415) 557-1487

The California Public Utilities Commission (PUC) was created in 1911 to regulate privately-owned utilities and ensure reasonable rates and service for the public. Today the PUC regulates the service and rates of more than 25,000 privately-owned utilities and transportation companies. These include gas, electric, local and long distance telephone, radio-telephone, water, steam heat utili-