REGULATORY AGENCY ACTION

Administrative Law. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 33.)

Second, BAE (like other licensing agencies) is required to adopt rules in compliance with the Permit Reform Act of 1981 (Statutes of 1981, Chapter 1087, effective January 1, 1983) to regulate the Board's review of applications and maximum processing times. The Board has held public hearings on proposed regulations, which were modified and should be adopted soon.

Third, new regulations on reciprocity are being drafted and should be implemented this year because the Board will be administering CALE.

Finally, BAE is working to implement regulations which precisely define certain key terms to allow for more uniform enforcement (see CRLR Vol. 6, No. 4 (Fall 1986) p. 27 and CRLR Vol. 7, No. 1 (Winter 1987) p. 33).

LEGISLATION:

SB 318 (Robbins), introduced February 5, would permit contractors to design systems of facilities incidental and supplemental to the original design. The bill is similar to the original draft of SB 1647 proposed by Senator Robbins last year (see CRLR Vol. 6, No. 2 (Spring 1986) p. 34). BAE originally opposed that bill but later dropped its opposition after that bill was amended (see CRLR Vol. 6, No. 4 (Fall 1986) p. 27). BAE opposes SB 318 as introduced.

AB 246 (Areias), introduced January 12, would create a Commission for the Review of State Design and Construction Policy Issues. The Commission would report to the legislature by January 1, 1989, on the effect of regulation on the design and construction industry. Factors contributing to costs and delays for permits and inspections, among other things, would be addressed in the report. BAE has taken no position on the bill but is watching it.

RECENT MEETINGS:

On January 22, BAE met in San Diego and discussed a variety of topics. On the issue of reciprocity, BAE voted to approve broad policy language which would give the Board authority to negotiate reciprocity agreements. Also, BAE voted against adoption of the proposed Permit Reform Act regulations. The regulations would set standards for review of applications and processing time. Don Chang, BAE's legal counsel, advised that language modifications were needed, so BAE voted to modify the proposed regulations and decide whether to approve them at a future meeting.

When the Intern Development Task Force presented its report, reciprocity issues were again raised. Some Board members appeared to favor a voluntary intern program in California. However, if such a program were implemented, California architects who decline to participate may find that acquiring a license in states with mandatory intern development programs is difficult.

Finally, BAE voted to support legislation requiring architects to stamp their drawings. A stamp requirement, in the Board's view, would make enforcement easier.

On February 25, the Board met in Monterey. At that meeting, BAE approved the 1987 CALE. It also approved recommendations to set up a voluntary intern development program in California. Additionally, BAE approved specific language giving the Board authority to negotiate reciprocity agreements. Included in this language is a provision requiring foreign architects to take CALE.

Finally, BAE discussed legislative issues. The Board created a Legislative and Policy Committee, which includes the following Board members: Merlyn Isaak (Chair), Dorinda Henderson, Mark McGuiness, and Ira Ritter. BAE also heard an update report on legislation affecting the Board and discussed positions to be taken on these measures.

FUTURE MEETINGS:

To be announced.

ATHLETIC COMMISSION
Executive Officer: Ken Gray (916) 920-7300

The Athletic Commission regulates amateur and professional boxing, contact karate, and professional wrestling. The Commission consists of eight members each serving four-year terms. All eight seats are "public" as opposed to industry representatives.

The current Commission members are Bill Malkasian, Raoul Silva, Roosevelt Grier, P.B. Montemayor, M.D., Jerry Nathanson, Thomas Thayer, M.D., Charles Westlund, and Robert Wilson. Commissioners Westlund and Montemayor were recently appointed by the Governor; Commissioner Wilson was recently appointed by the Senate Rules Committee.

The Commission is constitutionally authorized and has sweeping powers to license and discipline those within its jurisdiction. The Commission licenses promoters, booking agents, matchmakers, referees, judges, managers, boxers and wrestlers. Most emphasis is placed on boxing, where regulation extends beyond licensing and includes the establishment of equipment, weight, and medical requirements. Further, the Commission's power to regulate boxing extends to the separate approval of each contest to preclude mismatches. Commission inspectors attend all professional boxing contests.

MAJOR PROJECTS:
Official Weigh-In Policy. The Commission recently adopted a policy regarding the time and place for official weigh-ins prior to each boxing show. All boxers must be weighed at the official weigh-in site or at one of the Commission offices, with the exception of heavyweight boxers. This policy was adopted due to a flood of requests for weigh-ins at doctors' offices or sites other than the official weigh-in location.

Promoter Applicants Appearing Before the Commission. According to existing Commission policy, promoter applicants must personally appear before the Commission when applying for an original (permanent) license; temporary promoters' licenses may be granted without a personal appearance. At the January meeting, Commission staff asked for clarification on the status of this policy. Commission members, believing that a personal appearance prior to licensure is very important and should be enforced, decided that the Executive Officer should be responsible for arranging the dates of these appearances, considering such factors as travel and convenience for the promoter applicants.

Assignment of Officials. In February, during the promotion of a world title fight for the bantam-weight champion sanctioned by the World Boxing Association (WBA), a dispute developed between WBA officials and Athletic Commission staff over the assignment of officials. The major boxing organizations which recognize and sanction title fights are the WBA, the World Boxing Council (WBC), and the International Boxing Federation/United States Boxing Association (IBF/USBA). Each of these organizations has its own rules governing the conduct of title fights and assigns referees and judges from a list of its members. Generally, the sanctioning organization's rules are used, except that the Commission enforces its own rules in the area of safety. Meetings are held before the contest to discuss any differences between the rules
of the sanctioning organization and those of the Commission. 

In order to eliminate future disputes, the Commission has adopted a policy on the assignment of referees and judges to championship fights. The policy, adopted at the Commission's February meeting, provides that the number of California-licensed officials assigned to a match will be determined according to specified criteria, including the state and national citizenship of the boxes. The policy also provides for exceptions, as agreed to by the Commission, and the right to reject an official without explanation.

The goal of this policy is to promote neutral officiating of title fights in California. The Commission hopes to provide sufficient flexibility in the assignment of officials to national and world title bouts so as not to discourage the various sanctioning bodies from sponsoring matches in California, while maintaining the control necessary to ensure the safety of the participants and the integrity of the boxing contest.

Prior to the Commission's adoption of the policy, several promoters opposed it, expressing the fear that it would keep title fights out of California, thus hindering the growth of boxing in California.

Regulation of Drug Use by Professional Athletes. The Commission is considering the introduction of legislation which would give it limited authority to monitor and sanction the use of illegal drugs by athletes in all professional sports (see CRLR Vol. 7, No. 1 (Winter 1987) p. 34), and recently reviewed a rough draft of the proposed legislation. Entitled the "Clean Sports Act," the proposal would authorize the Commission to oversee the discipline of a professional athlete convicted of a crime involving drug or alcohol use. This topic received little attention at the January and February meetings. At the February meeting, Commissioners Nathanson, Silva, and Westlund were appointed to a special committee created to further study this issue.

LEGISLATION:

AB 529 (Floyd) would repeal portions of the Business and Professional Code governing the licensing and regulation of wrestling. The Athletic Commission, which currently regulates professional wrestling, unanimously opposes this bill. Supervising Deputy Attorney General Ron Russo has indicated there may be constitutional defects in AB 529. The authority to regulate wrestling stems from a voter's initiative in the early 1930s. Article 2, section 10 of the California Constitution prohibits the legislature from overturning a voter's initiative. The Commission directed Mr. Russo to contact the legislature and Assemblymember Floyd regarding AB 529's possible constitutional flaws. A staff member from Assemblymember Floyd's office stated that supporters of the bill consider professional wrestling to be entertainment and not a sport; therefore, there is no need for the regulation of wrestling. As of this writing, AB 529 is awaiting referral to committee.

RECENT MEETINGS:

Section 18606 of the Boxing Act requires Commission members to elect a chair and vice-chair at the first meeting of each year. At the January meeting, Bill Malkasian and Raoul Silva were unanimously elected chair and vice-chair, respectively. Former chair Jerry Nathanson praised the Commission for accomplishing many important goals and objectives during his two years as chair, making special mention of measures the Commission has taken to promote the health and safety of boxers, including the creation of the Medical Advisory Committee.

The Governor's proposed budget has reduced the Commission's budget by 2% ($13,000). Executive Officer Ken Gray reported that the reduction could be accomplished without affecting service. At the February meeting, George Foreman, 1968 Olympic gold medalist and former world heavyweight champion, was issued a boxing license by the Commission. At the age of 38, he has not participated in a professional fight in ten years. Consequently, Mr. Foreman was required to testify at length about his physical condition before his license was granted.

FUTURE MEETINGS:

May 15 in San Diego. 
June 12 in San Jose.

BUREAU OF AUTOMOTIVE REPAIR

Chief: Martin Dyer

(916) 366-5100

Established in 1971 by the Automotive Repair Act (Business and Professional Code sections 9880 et seq.), the Bureau of Automotive Repair (BAR) registers automotive repair facilities, official smog, brake and lamp stations, and official installers/inspectors at those stations. The Bureau's other duties include complaint mediation, routine regulatory compliance monitoring, investigating suspected wrongdoing by auto repair dealers, and the overall administration of the California Smog Check Program.

Approximately 130,000 individuals and facilities are registered with the Bureau. Registration revenues support an annual Bureau budget of nearly $34 million.

The Bureau is assisted by a nine-member Advisory Board which consists of five public and four industry representatives.

MAJOR PROJECTS:

Implementation of Farr-Davis Safety Act of 1986. BAR is presently working with the Office of Traffic Safety (OTS) to implement AB 3939 (Farr). Effective January 1, 1987, this bill authorizes a court to order installation of certified ignition interlock devices on motor vehicles owned or operated by convicted drunk drivers. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 35 for more information.) The cost of the device, charged to the offender, will be in excess of $400.

While OTS is the regulatory agency responsible for the implementation and oversight of the program, BAR is required to cooperate with OTS in its implementation. Thus far, BAR's responsibility has been to maintain a list of manufacturers of the interlock device. Emissions Guarantee at Time of Tune-Up. At the Advisory Board's February 27 meeting in San Diego, the Board discussed Assemblymember Connolly's request that BAR investigate the feasibility of a guarantee by repair shops that automobiles tuned up in the shop meet smog specifications. Although Bureau Chief Martin Dyer called the proposal "intriguing," he identified several practical limitations to this proposal, including the fact that there are no required trade standards for tune-ups. Several issues were raised in the ensuing discussion. Most comments dealt with the problem of defining a "tune-up." For example, repairs on newer cars rarely amount to full "tune-ups," in the traditional sense of points, plugs, and condenser. Others questioned whether a customer who only needs new spark plugs would be required to purchase a package deal, including full tune-up and smog guarantee. The fact that many people perform their own tune-ups and would be unaffected by