GENERAL LEGISLATION

The 1993–94 legislative session began on December 7, 1992 and ended on August 31, 1994. Following are some of the general public interest, regulatory, and governmental structure proposals considered during 1994. *[14:2&3 CRLR 235–43; 14:1 CRLR 187–91; 13:4 CRLR 226–34]*

BOARDS AND COMMISSIONS

SB 2036 (McCorquodale), SB 2037 (McCorquodale), and **SB 2038 (McCorquodale)** all resulted from the Fall 1993 oversight hearings held by the Senate Subcommittee on Efficiency and Effectiveness in State Boards and Commissions, chaired by Senator Dan McCorquodale. During the hearings, the Subcommittee focused on developing a set of criteria under which it could evenhandedly evaluate the need for and performance of Department of Consumer Affairs (DCA) occupational licensing agencies, and examined specific pairs of DCA regulatory programs to determine whether they should be abolished, merged, or restructured. *[14:2&3 CRLR 17–18; 14:1 CRLR 17–19]*

• ***SB 2036 (McCorquodale)***, as amended August 26, creates a "sunset" review process for all DCA occupational licensing boards, requiring all DCA boards to be comprehensively reviewed every four years. "Sunset" is an action-forcing mechanism which enables the legislature to more effectively oversee the agencies to which it has delegated authority; the concept has been successfully applied in numerous other states since the mid-1970s and was urged for enactment in California by the Little Hoover Commission in 1989. *[9:4 CRLR 32–34]* SB 2036 imposes a "sunset" date in the statute creating each occupational licensing board within DCA. The bill also creates a Joint Legislative Sunset Review Committee within the legislature, which will review the performance of each DCA board approximately 18 months prior to its sunset date; the bill specifies 11 categories of criteria under which an agency and its performance will be evaluated. Following review of the agency and a public hearing, the Committee will make recommendations to the legislature on whether the board should be abolished, restructured, or redirected in terms of its statutory authority and priorities. The legislature may then either allow the sunset date to pass (in which case the agency at issue would cease to exist and all powers and duties of the former agency would transfer to DCA) or pass legislation extending the sunset date for another four years. This bill was signed by the Governor on September 26 (Chapter 908, Statutes of 1994).

• ***SB 2037 (McCorquodale)***, as amended August 30, would have—among other things—abolished the Cemetery Board and the Board of Funeral Directors and Embalmers, and created in their place a single Board of Funeral and Cemetery Services under the supervision of the DCA Director; merged the Hearing Aid Dispensers Examining Committee and the Speech-Language Pathology and Audiology Committee into a single board under the jurisdiction of the Medical Board of California; and eliminated the Tax Preparer Program, but maintained the existing requirement that tax preparers file a $5,000 surety bond. This bill died on the Senate floor after the Senate refused to concur in the Assembly's deletion of the merger provision for the funeral and cemetery boards.

• ***SB 2038 (McCorquodale)***, as amended August 18, reduces the size of the Board of Accountancy from eight licensees and four public members to five certified public accountants, one public accountant, and four public members effective July 1, 1997. The bill also requires the Attorney General's Office to provide itemized statements of services rendered to DCA agencies to which it provides legal representation. This bill was signed by the Governor on September 30 (Chapter 1273, Statutes of 1994).

AB 3413 (Conroy), as amended August 8, requires each state agency to develop and maintain an index of the names or titles of all fees, license fees, fines, and penalties administered or collected by the agency, except for fees collected from a governmental agency. This bill was signed by the Governor on September 24 (Chapter 784, Statutes of 1994).

AB 3444 (Margolin), as introduced February 24, prohibits a public official of a state agency from acting, for compensation, as an agent or attorney for, or otherwise representing, any other person by making any formal or informal appearance before, or by making any oral or written communication to, his/her state agency or any officer or employee thereof, if the appearance or communication is made for the purpose of influencing action on a contract, grant, loan, license, permit, or other entitlement for use. This bill was signed by the Governor on July 20 (Chapter 274, Statutes of 1994).

AB 15 (Klehs), as amended August 19, would have abolished the Franchise Tax Board (FTB) and provided for the transfer of its powers and duties to the State Board of Equalization (SBE), operative January 1, 1996. This bill was vetoed by the Governor on September 30.

AB 1487 (Gotch), as amended August 8, would have authorized legislative employees with two or more years of service who were employed with the legislature at any point in time and who resign or are released from service at any point in time to take promotional civil service examinations for two years following their resignation or release. This bill would also have specified that a person who establishes eligibility on a promotional civil service list and who has resigned or been released from the office of the Auditor General or the office of the Legislative Analyst, as specified, maintains that eligibility for the duration of the particular list. This bill was vetoed by the Governor on September 29.

The following bills died in committee: **SB 1452 (Kopp)**, which would have revised existing law requiring the written consent of the Attorney General prior to the employment of counsel for representation of any state agency or employee in any judicial proceeding; **SCA 5 (Kopp)**, which would have abolished the State Board of Equalization and made necessary conforming changes in various other constitutional provisions; **AB 173 (V. Brown)**, which would have limited the amount of salary paid to a chair or member of specified state boards or commissions to an amount no greater than the annual salary of members of the legislature; **SB 2 (Kopp)**, which would have expressly authorized the governing bodies of county boards of education, school districts, community college districts, or other districts, any board of supervisors or city council, or the residents of those respective entities, to submit a proposal to the electors to limit the number of terms a member of the governing body, board of supervisors, or city council may serve; and **AB 1287 (Moore)**, which would have enacted a comprehensive scheme for identification, study, and regulation of nonlawyer providers (also known as "legal technicians" or "independent paralegals") under the jurisdiction of DCA.

BUDGET PROCESS

The following bills died in committee: **ACA 2 (Hannigan)**, which would have provided that statutes enacting budget bills shall go into effect immediately upon their enactment, and eliminated the two-thirds vote requirement for appropriations from the general fund; and **ACA 21 (Areias)**, which would have provided that if the Governor fails to sign a budget bill on or before June 30, then on July 1, an annual budget that is the same amount as that which was enacted for the immediately preceding fiscal year shall become the state's interim budget for the new fiscal year and the balance of each item of that interim budget shall be reduced 10% each month, com-

mencing August 1, until a new budget bill has been signed by the Governor.

CIVIL RIGHTS

AB 2418 (Speier), as amended August 26, would have provided specifically that no seller of goods or services may discriminate, with respect to the price charged for goods or services of similar or like kind, against a person solely because of the person's gender. This bill was vetoed by Governor Wilson on September 30, who stated that "[d]iscriminatory gender-based pricing practices are illegal in California today" under the Unruh Civil Rights Act; also, Wilson claimed that AB 2418 is "deficient because it failed to provide explicitly that businesses do have a right to base prices upon legitimate factors."

SB 1288 (Calderon). Existing provisions of the Unruh Civil Rights Act and related provisions prohibit various types of discrimination by business establishments; existing law further provides for the civil liability of a person who denies, aids or incites a denial of these rights, or makes any discrimination contrary to these provisions and sets actual damages at a minimum of $250. As amended August 26, this bill instead provides for actual damages at a minimum of $1,000. The bill also directs DCA, by June 1, 1995, to provide notice to licensees of the Board of Barbering and Cosmetology that California law prohibits gender-based pricing; requires DCA, by June 1, 1998, to submit to the legislature, upon request, a summary of the number and subject of any inquiries or comments by licensees in response to that notice; and requires DCA to develop, by June 1, 1995, and to make available to the public, consumer information on the problem of gender-based price discrimination.

Existing law declares it to be an unlawful employment practice for an employer, among other things, to discriminate against a person in terms, conditions, or privileges of employment because of the person's gender. This bill makes it an unlawful employment practice for an employer to refuse to permit an employee to wear pants on account of the gender of the employee. The bill does not prohibit an employer from requiring employees in a particular occupation to wear a uniform, and permits the Fair Employment and Housing Commission to exempt an employer from these provisions for good cause shown. This bill was signed by the Governor on September 11 (Chapter 535, Statutes of 1994).

The following bills died in committee: **SCR 28 (Calderon)**, which would have directed the Department of Fair Employment and Housing to conduct an undercover consumer investigation to identify businesses in the dry cleaning and cosmetology professions which practice gender-based price discrimination and take appropriate action to penalize such discrimination; and **AB 2199 (W. Brown)**, which would have—among other things—specified that the identification of particular bases of discrimination in the Unruh Civil Rights Act is illustrative rather than restrictive, provided that the Act prohibits all arbitrary discrimination by business establishments, and stated that the rights afforded by the Act are enjoyed by all persons as individuals.

COURTS

SCA 7 (Dills). The California Constitution presently provides that each county shall be divided into municipal court districts and justice court districts, as specified, with districts of more than 40,000 residents constituting municipal court districts and the remainder justice court districts. The California Constitution also requires the legislature to prescribe for each municipal court and provide for each justice court the number, qualifications, and compensation of judges, officers, and employees. As amended August 30, this measure would eliminate all justice courts, elevate existing justice courts to municipal courts, and provide that the number, qualifications, and compensation of judges, officers, attaches, and employees of justice courts on the effective date of this measure shall continue until changed by the legislature. This measure was chaptered on August 31 (Chapter 113, Resolutions of 1994) and—at this writing—will appear as Proposition 191 on the state's November ballot for voter consideration.

SB 102 (Lockyer). Existing law, as determined by the California Supreme Court in *Neary v. Regents of University of California*, authorizes an appellate court to reverse a trial court judgment upon the stipulation of the parties. As amended August 22, this bill would have specified that an appellate court may not reverse or vacate a duly entered judgment upon an agreement or stipulation of the parties unless it makes a specified finding. The bill would also have provided that upon the receipt of an application for stipulated reversal or vacatur, the appellate court shall provide the trial court not less than thirty days to comment on the application. This bill was vetoed by Governor Wilson on September 25; according to Wilson, this bill "will discourage and in most cases prevent postjudgment settlements, forcing the parties to continue to pursue an appeal even though both sides wish to settle and terminate any further litigation."

SB 10 (Lockyer). Existing law provides for the number of superior and municipal court commissioners. As amended August 25, this bill authorizes additional court commissioners in various counties, and eliminates certain traffic referee and traffic trial commissioner positions.

Existing law authorizes the appointment of an additional municipal or superior court commissioner in each county or city and county, at county or city and county expense, to serve the superior or municipal court, but not both, or in a county or city and county which has consolidated its trial courts, to serve the consolidated courts. This bill requires that such a commissioner be compensated at the same rate as the other commissioner or commissioners for that court. This bill was signed by the Governor on September 25 (Chapter 811, Statutes of 1994).

SCA 3 (Lockyer), which would have eliminated the provisions for superior, municipal, and justice courts, and instead provided for district courts, their establishment and jurisdiction, and the qualification and election of judges thereof, died in committee.

SB 728 (Presley), as amended August 15, is no longer relevant to the state's court system.

ELECTIONS

SB 588 (Lockyer), as amended August 25, would have enacted the Campaign Financing Reform Act of 1996; imposed various limitations on contributions that may be made to candidates for legislative office at regularly scheduled primary and general elections and special primary and general elections, and imposed expenditure limitations on candidates for legislative office at regular elections; established a Legislative Election Fund, from which eligible nominees for legislative office would be allowed to obtain public funds for qualified campaign expenditures, provided certain thresholds were obtained; imposed limitations on independent expenditures under certain conditions; provided for the enforcement, and set forth remedies and sanctions regarding violations, of the provisions of this bill; imposed specified responsibility for the administration of the provisions of the bill on the Fair Political Practices Commission, the Secretary of State, and the Attorney General; and allowed taxpayers to designate on their personal income tax returns filed for the 1994 taxable year and thereafter that $5, or $10 in the case of married individuals filing a joint return, shall be transferred to the Legislative Election Fund, as created by this bill, to be distributed among the eligible nominees.

This bill was vetoed by the Governor on September 30; according to Wilson, "[i]t is simply unfair to give taxpayer money to politicians to finance their campaigns when it will reduce the funds so urgently needed for schools, health and other needed public services, beginning with public safety programs."

SB 1518 (Marks), as amended August 18, repeals or revises provisions of existing law which relate to the disclosure of voter registration information, specifically the home address, telephone number, occupation, precinct number, and prior registration information, and declares that this information is confidential and not available to the public. The bill repeals provisions establishing the confidential affidavit of voter registration, and applies the conditions for the release of information contained in a confidential affidavit of registration to all affidavits of registration. It also requires disclosure of this information to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for journalistic purposes pursuant to an application for voter registration information, as specified. This bill was signed by the Governor on September 30 (Chapter 1207, Statutes of 1994).

AB 3613 (Moore), as amended August 27, would have changed the name of absent voter ballots to "vote by mail" ballots, and permitted a voter who has specified physical impairments or conditions, or who is a nonspousal primary caregiver who resides with that voter, to make a written request for permanent vote by mail status. This bill was vetoed by the Governor on September 30; according to Wilson, "[d]etractors are concerned that the integrity of the electoral process could be seriously compromised. While this risk is great enough as it is given the limited pool of eligible permanent absentee voters, the problem would be magnified exponentially if the use of permanent absentee status were commonplace, as this bill contemplates."

The following bills died in committee: **ACA 40 (Costa)**, which would have—among other things—required each house of the legislature, following certification of an initiative measure for the ballot, to hold and complete a committee hearing on the initiative measure at least 124 days prior to the election; **AB 3614 (Moore)**, which would have expanded the election period in each year to two days, and required elections to be held on the first Saturday in the month and on the following Sunday, except in presidential election years, when the general election date would remain on the first Tuesday after the first Monday in November; **AB 3612 (Moore)**, which would have permitted candidates, including a candidate for judicial office, to use not more than three words describing a role in the family; **SCA 40 (Hart)**, which would have amended the California Constitution to authorize each candidate for member of the legislature to select an alternate member, and required the alternate member to be elected at the same time as the member; **SCA 13 (Lockyer)**, which would have directed the legislature to provide a specified system of campaign finance reform on or before December 31, 1994, by a two-thirds vote of each house; **SCA 14 (Marks)**, which would have—among other things—directed the legislature, on or before December 31, 1995, by majority vote of each house, to provide a system of campaign finance reform for elective state offices that limits the amount of financial contributions that may be made by specified entities and persons to a candidate or committee; **SB 427 (Beverly)**, which would have increased the otherwise allowable amount of the fair market value of a public official's investments, interests in real property, and sources of income that are required to be disclosed, and the value of gifts that may be received, among other things; **ACA 12 (Sher)**, which would have called upon the legislature and the Governor to enact by July 1, 1995, a system of campaign finance reform for elective state offices; **SB 599 (Marks)**, which would have required that any advertisement broadcast by radio or television that is authorized and paid for by a specified committee and that supports or opposes the adoption or qualification of a ballot measure disclose the name of the committee or contributors that authorized and paid for the advertisement; **ACA 14 (Alpert)**, which would have limited Senators to two six-year terms and members of the Assembly to two four-year terms, with respect to legislative terms of office commencing on and after December 2, 1996; **ACA 7 (Peace)**, which would have provided that the Insurance Commissioner is elected at the same time and places and for the same term as the Governor, and provided that the Insurance Commissioner may not serve in the same office for more than two terms; and **AB 859 (Moore)**, which would have provided that, at any statewide direct primary or statewide general election, a voter may register to vote on election day and vote at the polling place of his/her precinct.

FAMILY LAW

AB 2810 (Katz), as amended August 8, would have defined the term "domestic partners" and provided for the registration of domestic partnerships with the Secretary of State. This bill was vetoed by the Governor on September 10; according to Wilson, AB 2810 "is unnecessary to achieve its specific aims in terms of hospital visitation, conservatorship, and testamentary disposition. There are already provisions in existing law allowing the naming of any individual as a beneficiary in a will or creating a durable power of attorney. Therefore, these goals of AB 2810 can be achieved by exercising appropriate foresight." Wilson further stated that "the changes sought by the bill can all be made without creating in law some substitute for marriage. If seniors continue to be concerned that there are federal disincentives to marriage, I am supportive of efforts to remove economic penalties that serve as an impediment to marriage. As to the provision regarding hospital visitations, I am issuing an Executive Order that will allow competent adult patients to designate whomever they choose as hospital visitors."

HEALTH AND SAFETY

AB 602 (Speier), as amended August 26, would have authorized recovery of attorneys' fees by a prevailing plaintiff in an action or proceeding against an insurer to recover prescribed hospital, medical, or disability benefits for cancer or AIDS, and rendered unenforceable any contractual waiver of the right to attorneys' fees under the bill, except as specified. This bill was vetoed by the Governor on September 30.

AB 600 (Speier), as amended August 24, makes it unlawful, and specifies it is the tort of commercial blockade, to intentionally prevent ingress or egress to or from a health care facility, or to disrupt the normal functioning of a health care facility. The bill requires the courts to safeguard the privacy of patients, licensed health care practitioners, and health care facility employees, clients, and customers. This bill was signed by the Governor on September 30 (Chapter 1193, Statutes of 1994).

AB 3570 (Isenberg), as amended August 17, provides that when a judgment for punitive damages is entered against a defined insurer or health care service plan on or after January 1, 1995, the plaintiff shall, within ten days, provide the Commissioner of the Department of Insurance or the Commissioner of Corporations, as specified, with a copy of the judgment, a brief recitation of the facts of the case, and copies of relevant pleadings as determined by the plaintiff. Under the bill, willful failure to comply with this provision will subject the plaintiff or his/her attorney to sanctions at the discretion of the trial court. This bill was signed by the Governor on September 28 (Chapter 1061, Statutes of 1994).

SB 1098 (Torres) (formerly SB 38) and **AB 16 (Margolin)**, which would have created the California Health Plan Commission, with specified powers and duties, to establish and maintain a program of universal health coverage to be known as the California Health Plan, died in committee.

JUDICIAL ETHICS

ACA 46 (W. Brown), as amended August 23, would revise, commencing March 1, 1995, the membership, terms of office, and appointing powers with respect to the composition of the Commission on Judicial Performance; transfer the authority to remove, retire, suspend, publicly or privately admonish, or censure a judge to the Commission on Judicial Performance; provide for review by the Supreme Court, or by a panel of judges of the courts of appeal in the case of a judge of the Supreme Court, of decisions to retire, remove, admonish, disqualify, or censure a judge; provide for the public or private admonishment or censure of former judges, and the barring of a former judge from further judicial work, as specified; provide for disciplinary action by the State Bar against judges who retire or resign with disciplinary charges pending; provide for the review of Commission proceedings by the Supreme Court; provide for the authority of the Commission to determine a judge to be disqualified from acting as a judge without loss of salary upon notice of formal proceedings by the Commission, and provide for the rulemaking authority of the Commission; specify the duty of the Commission to provide copies of its disciplinary actions to specified public officials; provide that formal proceedings against judges shall be open to the public; provide for the immunity of Commission members staff and specified employees from suit for conduct in the course of their official duties, the immunity of persons from civil action for statements made to the Commission, the jurisdiction of actions against the Commission, and the budgeting mechanism for the Commission; and require the Supreme Court to make rules for the conduct of judges and judicial candidates. This measure was chaptered on July 31 (Chapter 111, Resolutions of 1994); at this writing, it will appear as Proposition 190 on California's November ballot for voter consideration.

AB 3638 (Margolin), as amended August 23, enacts limitations on the amount of gifts that may be accepted by judges and prohibits judges from accepting any honorarium. The bill requires the Commission on Judicial Performance to enforce these prohibitions. This bill was signed by the Governor on September 30 (Chapter 1238, Statutes of 1994).

The following bills died in committee: **SCA 44 (Alquist)**, which would have revised the membership, terms of office, and appointing powers with respect to the composition of the Commission on Judicial Performance; and **SCA 37 (Hart)**, which would have required the Commission on Judicial Performance, upon request, to provide the Governor, the Commission on Judicial Appointments, and the President of the United States with the text of any private admonishment, advisory letter, or other disciplinary action together with any information the Commission deems necessary to a full understanding of its action, respecting applicants for appointment to state or federal judicial office, respectively.

LEGAL PROCESS

SB 254 (Kopp), as amended August 16, requires the State Bar of California to submit to the California Supreme Court for approval a rule of professional conduct governing trial publicity and extrajudicial statements made by attorneys concerning adjudicative proceedings. This bill was signed by the Governor on September 26 (Chapter 868, Statutes of 1994).

SB 612 (Hayden), as amended August 9, provides a cause of action for sexual harassment that occurs as part of a professional relationship. Specifically, the bill provides that a person is liable in a cause of action for sexual harassment when the plaintiff proves all of the following elements: there is a business, service, or professional relationship between the plaintiff and defendant (such as between a physician, psychotherapist, or dentist and a patient, or between an attorney, marriage, family or child counselor, licensed clinical social worker, master of social work, real estate agent, real estate appraiser, accountant banker, trust officer, financial planner loan officer, collection service, contractor, or escrow loan officer and a client, an executor, trustee, or administrator and a beneficiary, a landlord or property manager and a tenant, a teacher and a student, or a relationship that is substantially similar to any of the above); the defendant has made sexual advances, solicitations, sexual requests, or demands for sexual compliance by the plaintiff that were unwelcome and persistent or severe, continuing after a request by the plaintiff to stop; there is an inability by the plaintiff to easily terminate the relationship without tangible hardship; and the plaintiff has suffered or will suffer economic loss or disadvantage or personal injury as a result of the conduct described above. This bill was signed by the Governor on September 21 (Chapter 710, Statutes of 1994).

ACA 37 (Bustamante). Existing provisions of the California Constitution provide that a person shall be released on bail, as provided, except for certain crimes and offenses, including felony offenses involving acts of violence on another person, when the facts are evident or the presumption great, and the court finds, based upon clear and convincing evidence, that there is a substantial likelihood the person's release would result in great bodily harm to others. As amended May 23, this measure would expand this exception to include felony sexual assault offenses on another person, when the facts are evident or the presumption great, and the court finds, based upon clear and convincing evidence, that there is a substantial likelihood the person's release would result in great bodily harm to others. This measure was chaptered on August 29 (Chapter 95, Resolutions of 1994), and—at this writing—will appear as Proposition 189 on the state's November ballot for voter consideration.

LOTTERY

AB 2425 (Baca). Under the California State Lottery Act of 1984, not less than 84% of the total annual revenues from the sale of state Lottery tickets or shares is required to be returned to the public in the form of prizes and net revenues to benefit public education. Fifty percent of this total is returned in the form of prizes and at least 34% is allocated to the benefit of public education; the remaining 16% is allocated for Lottery expenses. As amended August 8, this bill requires that all of the interest earned upon funds held in the State Lottery Fund be allocated to the benefit of public education. The bill specifies that this interest is not to be considered as part of the 34% that is otherwise required to be allocated for the benefit of public education. The bill also declares that Lottery funds allocated for the benefit of public education are in addition to other funds appropriated or required under existing constitutional reservations for educational purposes. This bill was signed by the Governor on September 30 (Chapter 1236, Statutes of 1994).

AB 3542 (Richter). The California State Lottery Act of 1984 provides, among other things, that the right of any person to a prize shall not be assignable, except that payment of any prize may be paid to a trust established for the benefit of that person, to the estate of a deceased prizewinner, or to a person designated pursuant to an appropriate judicial order. As amended August 26, this bill instead pro-

vides that the right of any person to a prize shall not be assignable except that the payment of any prize may be paid to another person, paid to a person designated pursuant to an appropriate judicial order, or assigned as collateral for an obligation owed to another person, as specified. This bill was signed by the Governor on September 26 (Chapter 890, Statutes of 1994).

SB 1394 (Maddy). The California State Lottery Act of 1984 prohibits the use of a horse racing theme in Lottery games, and prohibits a Lottery game from being based on the results of a horse race. As amended April 5, this bill deletes these prohibitions on the use of horse racing in the state Lottery. The bill also provides that a Lottery game may be based on the results of a horse race with the consent of the association conducting the race and the California Horse Racing Board. In addition, the bill, among other things, specifies that any compensation received by an association for the use of its races to determine the winners of a Lottery game shall be divided equally between commissions and purses.

The Lottery Act also provides that if a Lottery game utilizes a drawing of winning numbers, a drawing among entries, or a drawing among finalists, the drawings shall always be open to the public; any manual or physical selection in the drawings shall not be conducted by an employee of the Lottery; the drawings shall be witnessed by an independent certified public accountant; any equipment used in the drawings shall be inspected by the independent certified public accountant and an employee of the Lottery both before and after the drawings; and the drawings and the inspections shall be recorded on both videotape and audiotape. This bill revises the above provisions to provide, among other things, that except for computer automated drawings, these drawings shall be witnessed by a representative of a firm of independent certified public accountants, and that any equipment used in the drawings shall be inspected by the representative of the firm of independent certified public accountants and an employee of the Lottery both before and after the drawings. This bill was signed by the Governor on August 29 (Chapter 378, Statutes of 1994).

OPEN MEETINGS

AB 3467 (Murray). Under existing law, the notice of a meeting of a state body is required to include a brief general description of the business to be transacted or discussed and no item shall be added to the agenda subsequent to the provision of the notice. As amended August 17, this bill permits a state body to take action on items not appearing on the posted agenda in specified circumstances. Specifically, the bill provides that action on items of business not appearing on the posted agenda under any of the following conditions: upon a determination by a majority vote of the state body that an emergency situation exists, as defined in Government Code section 11125.5; or upon a determination by a two-thirds vote of the state body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there exists a need to take immediate action and that the need for action came to the attention of the state body subsequent to the agenda being posted as specified in Government Code section 11125. The bill also provides that notice of the additional item to be considered shall be provided to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after a determination of the need to consider the item is made, but shall be delivered in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television stations by providing that notice to all national press wire services. Notice shall be provided to the general public by placing it on appropriate electronic bulletin boards or other appropriate mechanisms, whenever the state body has the electronic capability necessary to do so.

Under existing law, the meetings of a state body are required to be open and public. Existing law also requires that all persons be permitted to attend any meeting of a state body except under specified conditions. This bill authorizes a state body to hold an open or closed meeting by teleconference, as defined and as specified. This bill was signed by the Governor on September 29 (Chapter 1153, Statutes of 1994).

SB 1316 (Greene). Existing law generally requires a state agency to hold open and public meetings but permits closed sessions to consider the appointment, employment, or dismissal of an employee of a state agency and other personnel matters. As amended August 11, this bill states that, for the purposes of those provisions, the term "employee" includes executive directors and executive officers exempt from civil service. This bill was signed by the Governor on September 26 (Chapter 845, Statutes of 1994).

PUBLIC RECORDS

AB 3161 (Frazee). Existing law provides that the home address, telephone number, occupation, precinct number, and prior registration information shown on the voter registration card for certain specified persons is confidential if the person requests confidentiality of that information at the time of registration or reregistration and shall not be disclosed to any person, except as specified. As amended August 8, this bill adds to those persons who may request confidentiality specified city employees involved in criminal law enforcement. This bill also makes the disclosure of the home address or telephone number of specified peace officers, an employee of a city police department or county sheriff's office, or the spouse or children of these persons who live with these persons by any person or public entity in violation of the above-specified prohibition a misdemeanor. This bill makes a violation of this provision that results in bodily injury to these specified persons a felony. This bill was signed by the Governor on September 25 (Chapter 838, Statutes of 1994).

SB 95 (Kopp), as amended August 19, is no longer relevant to the Public Records Act.

The following bills died in committee: **SB 1460 (Calderon)**, which would have specified the conditions under which investigatory records compiled or maintained by any state or local law enforcement agency are exempt from disclosure under the Public Records Act; **AB 2451 (Bates)**, which would have required the Office of Information Technology in the Department of Finance to develop a plan for free statewide computer-assisted public access to government information that has been computerized and is subject to public disclosure; and **AB 1553 (Tucker)**, which would have added specified state agencies to the list of government agencies subject to the California Public Records Act, thereby requiring those state agencies to establish guidelines for accessibility of records.

POLITICAL REFORM ACT

AB 3432 (O'Connell). Existing law provides for the regulation of lobbying activities of attorneys at the state level. As amended August 10, this bill authorizes a city, county, or city and county to require attorneys who qualify as lobbyists to register and disclose lobbying activities that are directed toward local agencies of those jurisdictions, to the same extent that nonattorney lobbyists must register and disclose. The bill also provides that any prohibitions against activities by lobbyists

enacted by a local jurisdiction also apply to attorney lobbyists. The local jurisdictions may require the disclosure of specified information concerning a lobbyist, including information about the lobbyist and his/her firm, the lobbyist's clients, and gifts, payments, or campaign contributions to officials in the jurisdiction. This bill was signed by the Governor on September 11 (Chapter 526, Statutes of 1994).

AB 3126 (Johnson). Effective January 1, 1995, the existing Ethics in Government Act of 1990 imposes a $250 limit on the value of gifts that may be accepted by local elected officeholders, elected state officers, and elected members of the governing board of a special district, among others. As amended April 26, this bill makes candidates for those types of offices subject to the same honoraria prohibitions and gift limitations. This bill was signed by the Governor on September 28 (Chapter 1105, Statutes of 1994).

AB 3575 (Speier). The Political Reform Act requires candidates, government officers and employees, lobbyists, lobbying firms, and lobbyist employers to file various documents, statements, and certifications disclosing information regarding specified activities and financial interests. As amended August 17, this bill expresses legislative intent with regard to the development of a system to permit persons required to file reports under the Political Reform Act to file all reports electronically or by computer diskette and to provide the availability of this information to the public through online public access computer networks. With respect to all reports required to be filed with the Secretary of State under the Political Reform Act, the bill requires the Secretary of State to study the options for a computerized system through which these reports would be filed, maintained, and made available to the public. The bill requires the Secretary of State to report in writing to the legislature on the results of this study no later than January 1, 1996. This bill was signed by the Governor on September 29 (Chapter 1136, Statutes of 1994).

AB 2052 (Margolin). Under the existing Political Reform Act, all campaign committees are required to file campaign statements each year by a specified deadline if they have made contributions or independent expenditures during the six-month period before the closing date of the statement. As amended April 12, 1993, this bill includes payments to a slate mailer organization during the six-month period before the closing date of the statement within the contributions or independent expenditures for which campaign statements must be filed. This bill was signed by the Governor on September 29 (Chapter 1129, Statutes of 1994).

AB 2221 (Martinez). Under the existing Political Reform Act, when a report or statement or copies thereof required to be filed with any officer under the Act have been sent by first-class mail addressed to the officer, it is deemed to have been received by the officer on the date of the deposit in the mail. As amended June 22, 1993, this bill grants the same operative effect to any report or statement of copies thereof sent by any guaranteed overnight delivery service. This bill permits any report or statement or copies thereof to be faxed by the applicable deadline, provided that the originals or paper copies are sent by first class mail or by any other guaranteed overnight delivery service within 24 hours of the applicable deadline. This bill was signed by the Governor on September 19 (Chapter 638, Statutes of 1994).

The following bills died in committee: **SB 1897 (Hayden)**, which would have revised provisions in the Political Reform Act which prohibit an officer of a state agency from accepting, soliciting, or directing a contribution of more than $250, from specified persons, while a proceeding involving a license, permit, or other entitlement is pending, or for three months thereafter, to apply this prohibition to contributions of any dollar amount, and to extend the period of the prohibition to twelve months after the proceeding; **AB 3788 (T. Friedman)**, which would have required specified individuals to report each payment of $100 or more made specifically in connection with soliciting or urging specified persons to enter into direct communication with a legislative, agency, or elective state official for the primary purpose of influencing legislative or administrative action, provided the total of all of those payments is at least $5000 during the reporting period; **AB 2655 (Johnson)**, which would have—under specified conditions—prohibited legislative officials from making, for a period of one year after leaving office, certain compensated appearances or communications on behalf of any other person, before the legislature, any committee or subcommittee thereof, any present member of the legislature, or any officer or employee thereof, if the appearance or communication is made for the purpose of influencing a legislative action; and **AB 1116 (Bornstein)**, which would have required every slate mailer sent by a slate mailer organization using as a part of its name the name of a qualified political party or derivative to contain a notice in at least ten-point roman boldface type stating "not an official party document."

STATE OFFICIALS

AB 1921 (Speier). Existing law requires that the Lieutenant Governor, Attorney General, Controller, Secretary of State, Superintendent of Public Instruction, Treasurer, and the Chief Justice of California each receive, in addition to his/her salary and his/her actual necessary traveling expenses, an expense allowance for all ordinary and necessary expenses incurred in carrying out the functions and duties of his/her office, including ordinary and necessary expense incurred for entertainment, of not exceeding $10,000 per year. As amended June 15, this bill repeals this requirement. This bill was signed by the Governor on September 21 (Chapter 718, Statutes of 1994).

AB 2467 (Bowen). Existing law requires or authorizes a public entity, as specified, to defend an employee or former employee against tort actions arising out of an act or omission within the scope of his/her employment and to pay any judgment, compromise, or settlement arising therefrom. As amended August 8, this bill prohibits a public entity, except as specified, from paying a judgment, compromise, or settlement arising from a claim or action against an elected official, if the claim or action is based on conduct by the elected official by way of tortiously intervening or attempting to intervene in, or by way of tortiously influencing or attempting to influence the outcome of, any judicial action or proceeding for the benefit of a particular party by contacting a judicial official except as counsel of record. The bill provides that if a public entity conducted the defense of an elected official against such a claim or action and the elected official is found liable by the trier of fact, the court shall order the elected official to pay to the public entity the cost of that defense. The bill also requires the plaintiff to seek recovery of damages first from the assets of the elected official, and requires the public entity to pursue all available creditor's remedies against the elected official to the extent it pays any portion of the judgment or defense costs. This bill was signed by the Governor on September 25 (Chapter 794, Statutes of 1994).