



GENERAL LEGISLATION

The 1991-92 legislative session began on December 3, 1990; the two-year session will continue until August 31, 1992. The first year of the session will continue until midnight, September 13, 1991, with the legislature scheduled to take one month off between July 19 and August 19. The last day for bills to be introduced in 1991 was March 8. Constitutional amendments, urgency measures (requiring a two-thirds vote), tax bills, and resolutions may be introduced beyond the March 8 deadline.

Following is a summary of some of the general public interest, regulatory, and governmental structure proposals pending in the legislature, most of which were described in detail in CRLR Vol. 11, No. 2 (Spring 1991) at pages 189-93:

BUDGET PROCESS

AB 19 (Speier), as introduced December 3, would prohibit payment of legislators' travel and living expenses for each day the legislature fails to pass the state budget by the July 1 deadline. If the July 1 budget deadline is not met, this bill would prevent legislators from being paid their normal legislative salaries until the budget is sent to the Governor. This bill is pending in the Assembly Rules Committee.

SCA 1 (Kopp), as introduced December 3, would advance, from June 15 to June 1, the constitutional deadline by which the legislature must pass a state budget. This bill would also prohibit the payment of legislators' salaries, travel, and living expenses for each day they fail to pass the budget beyond the June 1 deadline. SCA 1 is pending in the Senate Rules Committee.

SB 55 (Alquist), as amended April 16, and *SCR 5 (Alquist)*, as amended April 16, would establish, until February 1, 1995, the California Constitution Revision Commission, which would report to the Governor and legislature with its findings and recommendations regarding the formulation and enactment of the state budget. Both measures have passed the Senate and are pending in the Assembly Ways and Means Committee.

BONDS

AB 48 (Eastin), as amended May 9, would create the California Bond Efficiency Commission to oversee California's state and local bond programs; the Commission would be chaired by the Treasurer and consist of six other members appointed from the administrative and legislative branches. This bill is

pending in the Assembly Ways and Means Committee.

CIVIL PROCEDURE

SB 711 (Lockyer), the Sunshine in the Courts Act, would generally prohibit secrecy agreements in litigation settlements which involve the sealing of court documents regarding a public or environmental hazard, without allowing for public disclosure and notification to appropriate regulatory agencies. This bill is pending in the Senate inactive file.

AB 2034 (Kelley), as introduced March 8, would make provisions of the Carpenter-Katz Small Business Equal Access to Justice Act of 1981 mandatory rather than discretionary, as it relates to court awards of reasonable litigation expenses to small businesses or licensees which prevail over a state regulatory agency in a civil action involving unjustified regulatory action by that agency. This bill is pending in the Assembly Judiciary Committee.

SB 10 (Lockyer), as amended May 24, would require all civil actions pending in a trial court, except small claims court, on or after January 1, 1992, which involve claims of \$50,000 or less arising out of the operation of a motor vehicle, to be referred to arbitration. This bill has passed the Senate and is pending in the Assembly Judiciary Committee.

CIVIL RIGHTS

SB 1257 (Roberti), as amended May 30, would change the name of the Unruh Civil Rights Act to the Roberti-Unruh Civil Rights Act, and would specify that the Act prohibits all forms of arbitrary discrimination by business establishments. This bill is pending on the Senate floor.

CONSUMER PROTECTION

SB 893 (Lockyer), as introduced March 7, would establish the California Financial Consumers' Association, a private, nonprofit public benefit corporation, to inform, advise, represent, and promote the interests of consumers in financial service matters. This bill is pending in the Senate Banking, Commerce and International Trade Committee.

SB 1105 (Dills), as introduced March 8, would continue indefinitely, rather than until January 1, 1992, the existing absence of limitations on retail installment contract finance charges. This bill passed the Senate on May 24 and is pending in the Assembly Committee on Banking, Finance and Bonded Indebtedness.

SB 1159 (Marks), as introduced March 8, would provide that a borrower on a loan secured by a mortgage or deed of trust on real property containing one to four residential units, one of which is occupied by the borrower, shall have the right to have a representative of the lender available, in person or by phone, to respond to inquiries at the time the borrower signs loan documents to complete the transaction. This bill is pending in the Senate Judiciary Committee.

CORPORATE CRIME

SB 537 (Killea), as amended April 30, would require businesses which are subject to a petition for reorganization in bankruptcy, involuntary bankruptcy or in receivership to notify any prospective buyer of the legal status of the business prior to entering into a contract with the buyer. The bill would also prohibit such businesses from soliciting, demanding, receiving, or accepting any deposit, membership fee, down payment, or any other payment from a buyer or prospective buyer at any time after the seller knows that the business will go out of business before all of the goods or services described in the contract are provided and that the goods and services will not be provided. Any willful violation is a misdemeanor. SB 537 passed the Senate on May 24 and is pending in the Assembly Committee on Consumer Protection, Governmental Efficiency, and Economic Development.

SB 260 (Hart), as amended May 21, would provide that a corporation may be subject to probation, fines, or other penalties currently imposed upon individuals under the Penal Code, for specified criminal activity. This bill is pending on the Senate floor.

AB 1313 (Friedman), as amended May 30, is currently a spot bill which its sponsors intend to amend in order to prevent an anticipated effort to repeal the Corporate Criminal Liability Act of 1990 (Act) (Chapter 1616, Statutes of 1990). (See CRLR Vol. 10, No. 4 (Fall 1990) p. 132 for background information on the Act.) This Act, the first of its kind in the nation, makes it a felony criminal offense for a corporation or corporate manager to knowingly fail to disclose a serious concealed danger which may cause death or serious bodily injury. Possible hazards to workers must be disclosed to them, and possible hazards to workers or consumers must be disclosed to Cal-OSHA, which is then authorized to pass that information on to the regulatory agency with jurisdiction over that type of hazard. Assemblymember Friedman, who authored the Act as AB 2249



in 1990, is carrying AB 1313 in order to accommodate possible amendments to the Act. Both Friedman and the sponsors of the Act are afraid that the California Manufacturers Association and other opponents of the Act may succeed in repealing this law unless a more moderate version is enacted. Hence, it is expected that AB 1313 will define "serious concealed danger" in a somewhat more limited fashion in order to meet these objections and preserve the Act. AB 1313 is pending on the Assembly floor.

ELECTIONS

AB 392 (Roybal-Allard), as amended May 1, would require lobbyists, who are currently required to report their expense activities under the Political Reform Act, to provide each beneficiary of a reported gift with a description of the gift within thirty days of the end of the reporting period that the gift was provided. This bill is pending on the Assembly floor.

AB 559 (Polanco). Existing law requires that campaign committees formed or existing primarily to oppose the qualification of a ballot measure file a campaign statement 21 days after any petitions to qualify the measure are filed or 21 days after the deadline for filing the petitions, whichever is earlier. As introduced February 15, this bill would require these committees to file the campaign statement 21 days after the deadline for filing the petitions. This bill passed the Assembly on May 2 and is pending in the Senate Committee on Elections and Reapportionment.

AB 560 (Polanco). The Political Reform Act requires any candidate for elective office to establish one campaign contribution account in a California financial institution and report the account information to the Fair Political Practices Commission within 10 days. As amended April 29, this bill would require any candidate who will not receive contributions and who makes expenditures, including filing fees, from personal funds of less than \$1,000 per calendar year to support his/her candidacy, to report the account information to the Commission within five days of establishing a campaign contribution account. AB 560 is pending on the Assembly floor.

AB 602 (Chacon), as amended April 4, would include within the Political Reform Act's definition of "primarily formed committee" any committee which is formed or exists primarily to support or oppose two or more measures which are being voted on at the same statewide election. This bill passed the

Assembly on May 2 and is pending in the Senate Elections Committee.

AB 919 (Chacon), as introduced March 4, would provide that a person, other than a candidate or other individual, sponsors a campaign committee if the committee receives 80% or more of its contributions from the person or its members, officers, employees, or shareholders. This bill passed the Assembly on April 25 and is pending in the Senate Elections Committee.

AB 1068 (Clute), as amended April 29, would provide that any campaign statement filed after the second pre-election or late contribution filing deadline is liable to the filing officer in an amount equal to 5% of the total contributions or expenditures disclosed in the statement or report, whichever is greater, for each day the statement or report is late. AB 1068 is pending in the Assembly Committee on Elections, Reapportionment and Constitutional Amendments.

AB 1075 (Clute), as amended May 23, would provide that the required statement by any person who intends to be a candidate for elective office, which includes information regarding the candidate's campaign contribution account and income received during the previous 12 months, be sent to the Secretary of State rather than the Fair Political Practices Commission. This bill is pending on the Assembly floor.

AB 1185 (Hannigan), as amended April 11, would require campaign committees and ballot measure committees to file quarterly reports if they contribute more than \$5,000 to a "primarily formed committee," elected state officers, or their controlled committees. This bill passed the Assembly on May 9 and is pending in the Senate Elections Committee.

AB 1331 (Speier), as introduced March 7, would provide separate procedures for qualifying referendum and initiative measures for the statewide ballot. The bill would also increase initiative filing fees from \$200 to \$1,000, to help defray the Secretary of State's costs of reviewing ballot measures. This bill is pending on the Assembly floor.

AB 1450 (Sher), as amended April 30, **ACA 16 (Sher)**, as amended April 30, and **SCA 16 (Hart)**, as introduced March 4, would establish an indirect initiative process by requiring the Secretary of State, upon receipt of a regular initiative petition which contains at least 80% of voters' signatures necessary to qualify it for the ballot, to notify and submit copies to the legislature during the regular legislative session. Upon receipt, the Joint Rules Committee shall select a member of the legislature to introduce

and carry the indirect initiative as a legislative measure. The legislature shall conduct hearings and vote on it as it would any other legislative measure. If signed by the Governor, the legislature shall decide whether or not to place it on the statewide ballot. If not placed on the ballot, the measure would take effect as any other bill. If the measure fails passage, is vetoed by the Governor, or if the proponents disagree with amendments made, the proponents may immediately request the Secretary of State to place it on the statewide ballot in its original form or in the final form approved by the legislature. AB 1450 is pending in the Assembly Rules Committee; ACA 16 is pending in the Assembly Ways and Means Committee; SCA 16 is pending in the Senate Constitutional Amendments Committee.

AB 1471 (Lempert), as amended May 29, would require the statewide ballot pamphlet prepared by the Secretary of State to contain a description of each type of measure in the ballot pamphlet, printed on a separate page before the table of contents. The bill also requires the ballot pamphlet to contain a subject index and a factsheet addressing common questions on voting laws and procedures. AB 1471 is pending on the Assembly floor.

AB 1590 (Hannigan), as amended May 14, would create an Initiative Measure Legal Review Panel, under the direction of the Secretary of State, to prepare a written legal review of each qualified initiative measure in order to determine whether judicial interpretation of the measure is likely to be necessary due to lack of clarity in language or conflict with existing statutory or constitutional law. This legal review shall be included in the statewide ballot pamphlet. AB 1590 is pending in the Assembly Ways and Means Committee.

AB 1820 (Costa), as amended April 25, would provide that the California presidential primary election shall be held on the first Tuesday of March in any year which is evenly divisible by the number four, if the voters adopt such an amendment to the California Constitution. This bill is pending in the Assembly Ways and Means Committee.

AB 1833 (Hauser), as introduced March 8, would provide that the court shall apply the same standards when awarding reasonable attorneys' fees to a prevailing defendant as apply to a prevailing plaintiff in cases involving violations of the Political Reform Act. The bill would also require a private plaintiff to post a reasonable bond to guarantee payment of costs, including reasonable attorneys' fees, on the motion of any



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party and if the court determines on the basis of admissible evidence submitted by affidavit that a plaintiff's success is unlikely. AB 1833 is pending in the Assembly Elections Committee.

AB 2114 (*Bates*), as introduced March 8, would revise the campaign contribution limits imposed by Proposition 73 (which was enacted in 1988, struck down in 1990, and is currently pending appeal in the U.S. Ninth Circuit Court of Appeals); provide that the new limitations apply to specified "election cycles" rather than fiscal years; authorize the limited transfer of campaign contributions; and create an "officeholder expense account" instead of the current campaign contribution account. The bill would also permit candidates to voluntarily limit their qualified campaign expenditures and permit those candidates who agree to limit their expenditures, or candidates whose opponents exceed the voluntary expenditure limit, to receive contributions in greater amounts. This bill is pending in the Assembly Elections Committee.

AB 2125 (*Chacon*), as introduced March 8, would extend the deadlines for qualifying proposed statewide initiative measures for the ballot. AB 2125 would also revise the random sampling technique currently used by county clerks to verify signatures. AB 2125 passed the Assembly on May 29 and is pending in the Senate Elections Committee.

AB 2126 (*Chacon*), as amended May 2, would require that the statement for each measure appearing on the ballot be abbreviated, and would increase from 20 to 75 words the permitted length of each measure description in the statement. This bill is pending on the Assembly floor.

ACA 17 (*Farr*), as introduced March 6, would provide that in order to qualify an initiative petition which amends the California Constitution for the statewide ballot, the petition shall contain the signatures of at least 10%, rather than 8%, of the total vote for all candidates for Governor at the last gubernatorial election. This measure is pending in the Assembly Elections Committee.

ACA 20 (*Campbell*), as introduced March 7, would provide that whenever a proposed amendment or revision to the Constitution specifies that a certain percentage of the vote, beyond a simple majority, is required to enact the measure, any subsequent amendment or revision shall be subject to the same vote requirement. This bill is pending in the Assembly inactive file.

SB 113 (*Lockyer*), as amended March 19, would provide that whenever a slate mailer includes the name of a candidate

for partisan office whose political party membership is different from the political party which the mailer appears to represent, this candidate's party designation shall appear in a print size which clearly differentiates it from the rest of the mailer. This measure passed the Senate on April 11 and is pending in the Assembly Elections Committee.

SB 321 (*Kopp*), as amended March 13, would require the Secretary of State to include in the statewide ballot pamphlet a summary statement of the meaning of a "yes" and "no" vote for each measure on the ballot. The bill would also require the Secretary of State to produce and make available an audio cassette recorded version of the ballot pamphlet containing specified information. SB 321 is pending on the Senate floor.

SB 378 (*Craven*), as amended April 8, would require any slate mailer, sent by a slate mailer organization, which is represented as being sent or authorized by any political party, political party organization, or organization or group using as part of its name the name of a political party or derivative thereof, to contain a notice stating that it is not an official party document. This bill passed the Senate on May 9 and is pending in the Assembly Elections Committee.

SB 397 (*Russell*), as amended May 22, would provide that only candidates for elective state office being voted upon on the first Tuesday after the first Monday in June or November of an even-numbered year and candidates who make contributions or independent expenditures are required to file a pre-election statement. This bill passed the Senate on May 2 and is pending in the Assembly Elections Committee.

SB 423 (*Watson*), which, as introduced February 20, would allow a candidate or elected officer who does not have a spouse to expend campaign funds for the "household" expenses of a blood relative, regardless of where that blood relative lives, is pending in the Senate inactive file.

SB 582 (*Maddy*), as introduced March 4, would have repealed the campaign finance provisions of Proposition 68, which was enacted at the June 1988 primary election, and superseded by Proposition 73. The bill would also have provided that the Proposition 73 contribution limits shall be measured on a per election basis, rather than by fiscal year. This bill failed passage in the Senate Elections and Reapportionment Committee on April 3.

SB 595 (*Marks*), as introduced March 4, would include the office of the Insurance Commissioner in the definition of

"statewide elective office" for purposes of the Political Reform Act. This bill passed the Senate on April 25 and is pending in the Assembly Elections Committee.

SB 607 (*Hart*), as amended May 22, would require every page of a statewide initiative petition, prior to circulation, to contain arguments for and against the proposed measure, to be selected by the Secretary of State. The bill would also require the Secretary of State to provide the proponents of the proposed measure with the selected argument against the measure before circulating the petitions. SB 607 is pending on the Senate floor.

SB 608 (*Hart*), as amended April 25, would, among other things, provide that three persons, rather than two, may assist the author of a ballot measure with the drafting of the arguments in support of the measure for inclusion in the statewide ballot pamphlet. SB 608 passed the Senate on May 16 and is pending in the Assembly Elections Committee.

SB 609 (*Hart*), as introduced March 4, would impose a \$50,000 limit on contributions or loans on committees whose principal activity is the support or opposition to either the qualification or passage of a ballot measure; existing Political Reform Act contribution limits do not currently apply to such committees. This bill is pending in the Senate Elections Committee.

SB 661 (*Hill*), as introduced March 5, would require the Attorney General to expand his/her title and summary of proposed ballot measures to include, in addition to its effect on the public generally, an estimate of any positive or negative material financial effects on any particular industry, trade, profession, or business entity as a result of the measure's passage. The bill would also require proponents of the proposed measure to submit a comprehensive list of persons or entities which have contributed \$5,000 or more toward the qualification of the measure, and would require the Attorney General to publish this list below the title and summary. SB 661 is pending in the Senate Appropriations Committee.

SB 734 (*Roberti*), as amended April 29, would require the statewide ballot pamphlet to contain a list of the top five financial contributors, and permit the inclusion of persons and entities who have taken an official position in support of and opposition to the measure. The bill is pending on the Senate floor.

SB 842 (*Marks*), as amended May 23, would provide that any person who is entrusted with money or other things of value for the purpose of promoting or



defeating an initiative, referendum, or recall petition which has qualified for the ballot, is a trustee. The bill would also provide that all expenses of the trustee related to the petition, including staff salary, operating expenses of the campaign headquarters, attorneys' fees, and litigation costs, are within the due and lawful execution of the trust. This bill is pending on the Senate floor.

SB 1158 (Roberti), as introduced March 8, would require any person who intends to be a candidate for elective office to file with the Secretary of State, rather than with the Fair Political Practices Commission. This bill is pending in the Senate Elections Committee.

SB 1194 (Roberti), as amended April 25, would require ballot measure committees, among other committees which are currently not required to establish a campaign trust account, to only make expenditures which are reasonably related to the political, legislative, or governmental purpose of the committee. The bill would authorize expenditures of campaign funds for litigation costs arising directly out of a committee's activities and for professional services reasonably required to assist in the performance of the committee's administrative functions. *SB 1194* passed the Senate on May 16 and is pending in the Assembly Elections Committee.

SCA 3 (Maddy), as amended April 18, would provide that an initiative measure does not violate the single subject rule so long as the multiple provisions are reasonably germane to the general objective or purpose of the measure and reasonably interdependent with the other provisions. This measure passed the Senate on May 30 and is pending in the Assembly Elections Committee.

SCA 4 (Keene), as amended April 23, would establish a public financing system of political campaigns for statewide constitutional officers, members of the legislature, and members of the State Board of Equalization, among others. This measure is pending in the Senate Elections Committee.

SCA 19 (Marks), as introduced March 7, would provide that any initiative statute or referendum shall take effect on the day after the Secretary of State officially certifies the vote or on the date specified in the measure, whichever is later, rather than taking effect on the day after the election. This measure passed the Senate on May 30 and is pending in the Assembly Elections Committee.

SCA 21 (L. Greene), as amended April 11, would provide that an initiative statute shall only take effect if approved by a majority of the voters and if at least

50% of all voters registered to vote at that election voted on the measure. This measure is pending in the Senate Elections Committee.

SCA 22 (L. Greene), as introduced March 8, would require initiative petitions to contain the signatures of registered voters in at least ten counties, with no more than 10% of the signatures coming from any single county. This measure is pending in the Senate Elections Committee.

ACA 2 (Lempert), as introduced December 3, would have authorized the legislature to limit campaign spending for nominations and elections to the Senate and Assembly. This measure was rejected by the Assembly Elections Committee on May 7.

ACA 8 (Harvey), as introduced December 4, would provide that a majority of the state's registered voters, rather than a majority of those voting, shall be required to pass a ballot initiative. This measure is pending in the Assembly Elections Committee.

SB 116 (Kopp), as amended May 13, would enact a Ballot Measure Disclosure Act, requiring committees making expenditures of \$50,000 or more to support or oppose a measure, as defined by the Political Reform Act, to disclose major funding sources whose cumulative contributions equal or exceed specified amounts in advertisements regarding a measure. *SB 116* is pending in the Senate Elections Committee.

SB 117 (Kopp), as amended May 7, would provide that in cases where the Attorney General is a proponent of a proposed initiative or referendum measure, the title and summary of the chief purpose and points of the measure shall be prepared by the Legislative Counsel (rather than by the Attorney General). *SB 117* is pending in the Senate Appropriations Committee.

ELECTRONIC MEDIA

AB 2009 (Lempert), as amended May 29, would prescribe procedures to be followed by the governing board of a school district that enters into written or oral contracts which permit advertisements to be transmitted to students by any electronic media during the school day. This bill is pending on the Assembly floor.

SB 741 (Torres), as amended April 18, would prohibit school districts from entering into contracts which require advertisements to be transmitted to students by any electronic medium during the school day. The bill would also prohibit the State Board of Education from waiving these provisions. *SB 741* passed

the Senate on May 30 and is pending in the Assembly Education Committee.

SB 540 (Ayala), as amended May 6, would provide that, notwithstanding existing law which entitles patients to inspect their records, health care providers may maintain patient records on electronic data media. The bill would also require the Department of Health Services to promulgate regulations for health facilities by January 1, 1993, to ensure the authenticity, integrity, and confidentiality of these patient records. *SB 540* passed the Senate on May 30 and is pending in by the Assembly Health Committee.

HEALTH CARE

SB 36 (Petris), as amended April 4, would create a "payroll tax" system of collecting funds from employers and employees to finance a state-operated, universal health care system. Under this system, all Californians—not just employees or employers—would be eligible to participate in the universal health care system. This bill is pending in the Senate Revenue and Taxation Committee.

AB 321 (Margolin) would create a system for the delivery of perinatal health services to all high-risk women in the state and health care to all children 18 years of age and younger. While existing law provides a variety of health care services through the state and local governments, this bill attempts to encompass the field by providing a general entitlement to perinatal and children's services for all persons not otherwise covered by a state or private program. The bill requires unification of the various state and local government programs providing services, and restructures the general obligation of counties to provide medical care to indigents by establishing a separate requirement to provide indigent perinatal and children's services in accordance with this bill. The bill further requires all insurance companies to include perinatal and children's services in their policies, and requires businesses to pay a fee, phased in for small businesses, if perinatal and children's services are not provided for employees and dependents (see *supra* agency report on DEPARTMENT OF INSURANCE for related discussion). This bill is pending in the Assembly Ways and Means Committee.

LEGAL SERVICES

AB 168 (Eastin), as introduced December 20, and *Preprint SB 1 (Presley)*, as introduced April 12, would establish a Board of Legal Technicians



within the Department of Consumer Affairs to license and register legal technicians. (See *supra* agency report on STATE BAR for related discussion.) AB 168 is pending in the Assembly Consumer Protection Committee.

LEGISLATIVE PROCESS

ACA 29 (Bane), as introduced March 8, would provide that the legislature may submit any statute which has passed both houses of the legislature by a majority vote, except general obligation bond acts, to the voters at the next statewide election as an alternative to approval by the Governor. If approved by a majority of voters, the legislative statute shall become effective on the January 1 following the election. ACA 29 is pending in the Assembly Elections Committee.

SCR 18 (Hart), as introduced February 11, would limit the number of bills which a Senator or Assemblymember may introduce during the 1991-92 Regular Session and would express legislative intent that the bill introduction limits are necessary because of the post-Proposition 130 staff reductions and budget constraints. SCR 18 is pending in the Assembly Rules Committee.

SCR 2 (Hart), as introduced December 3, would limit the number of bills which a Senator or Assemblymember may introduce during each two-year session to 65 bills and 40 bills, respectively. The bill would allow the Rules Committee of each house to authorize exceptions to the limit. The introduction of constitutional amendments, resolutions and committee bills would not be subject to the bill limitation. This measure is pending in the Senate Rules Committee.

LOTTERY

AB 163 (Floyd), as amended April 15, would, among other things, require the California State Lottery Director to engage an independent firm to conduct research concerning the demographics of Lottery players, and to identify populations of people who are, or who are at risk of becoming, problem or compulsive gamblers. This bill passed the Assembly on May 13 and is pending in the Senate Governmental Organization Committee.

AB 164 (Floyd), as amended April 11, would provide that any unclaimed Lottery prize money shall be deposited in the California State Lottery Education Fund. AB 164 passed the Assembly on May 30 and is pending in the Senate Governmental Organization Committee.

AB 2028 (Speier), as amended April 22, would increase from 34% to 40% the

amount of Lottery revenues which are statutorily *allocated* to public education, and would reduce the amount of Lottery revenues available for administrative expenses from 16% to 10%. This bill is pending in the Assembly Governmental Organization Committee.

SB 309 (Dills), as amended April 18, would reduce the amount of Lottery funds available for administrative expenses from the current 16% to no more than 15%, beginning on January 1, 1992. The remaining 1% would be dedicated to public education. This bill passed the Senate on April 25 and is pending in the Assembly Governmental Organization Committee.

SB 310 (Dills), as introduced February 7, would subject all Lottery rulemaking to the provisions of the Administrative Procedure Act, including required approval of all regulatory action by the Office of Administrative Law. This bill passed the Senate on April 18 and is pending in the Assembly Governmental Organization Committee.

SB 311 (Dills), as introduced February 7, would abolish the current five-member Lottery Commission and replace it with a three-member, full-time, paid commission. This bill is pending in the Senate Governmental Organization Committee.

SB 312 (Dills), as amended March 14, would, among other things, clarify that all unclaimed Lottery prize money shall revert to the benefit of public education. SB 312 has passed both houses of the legislature and is pending action by the Governor.

OPEN MEETING LAWS

SB 63 (Kopp). The Brown Open Meetings Act currently defines "legislative body" as any board, commission, committee, or other body on which officers of a local agency serve in their official capacity as members. As amended March 18, this bill would define "official capacity" as including two or more members of the same legislative body serving on an advisory committee or task force which is created for the purpose of formulating legislation to be considered by that legislative body. SB 63 passed the Senate on April 18 and is pending in the Assembly Local Government Committee.

AB 102 (Connelly), as amended May 9, and **SB 78 (Dills)**, as amended May 15, would reinstate the requirement that local governments must publicly post their meeting notices and agendas ten days in advance of a meeting pursuant to the Ralph M. Brown Act, and provide that local governments may apply to the

state for reimbursement of their cost to post a single agenda for any one meeting. The advance agenda requirement was suspended during the 1990 budget crisis by former Governor Deukmejian. AB 102 passed the Assembly on April 29 and is pending in the Senate Budget and Fiscal Review Committee; SB 78 passed the Senate on May 23 and is pending in the Assembly Local Government Committee.

SB 100 (Lockyer). Pursuant to the Brown Act, an agenda item may be carried over to a future meeting of a local government body, and the public may be denied the opportunity to speak prior to action if, at an earlier meeting, the opportunity to speak was provided, unless the item has been altered substantially. As amended February 26, this bill would provide that the public shall be allowed to speak on any issue on the agenda before it is acted upon. This bill is pending on the Assembly floor.

PUBLIC RECORDS ACT

AB 788 (Floyd). The California Public Records Act requires the public records of local agencies to be open to public inspection. As introduced February 26, this bill would expand the definition of "local agency" to include non-profit organizations of local governmental agencies and officials which are supported solely by public funds. AB 788 passed the Assembly on May 16 and is pending in the Senate Governmental Organization Committee.

AB 1283 (Floyd), as introduced March 6, would provide that a pending investigation or review by a governmental agency shall not preclude compliance with a request for law enforcement records which are lawfully available and subject to disclosure. This bill passed the Assembly on May 30 and is pending in the Senate Judiciary Committee.

AB 1596 (Floyd). Currently, certain records of state agencies responsible for the regulation or supervision of the issuance of securities or of financial institutions are exempt from the provisions of the California Public Records Act. As amended April 30, this bill would revise the exemption, and limit it to records which are received in confidence and are proprietary, if their release would result in an unfair competitive disadvantage to the person supplying the information, or the records constitute filings or reports whose release would be counterproductive to the regulatory purpose for which they are used. AB 1596 is pending in the Assembly Governmental Organization Committee.



SB 18 (Lockyer), as amended May 13, would expand the list of peace officers who are eligible to request at the time of voter (re)registration that their address, telephone number, occupation, and precinct number remain confidential. This bill passed the Senate on April 11 and is pending in the Assembly Elections Committee.

STATE BOARDS AND COMMISSIONS

AB 1084 (Filante), as amended April 10, would require the Governor to establish a Committee of Health Care Technology within the Medical Board of California to assist in the dissemination of information regarding the safety and effectiveness of emerging, new and established medical procedures, practices and modalities. (See *supra* agency report on MEDICAL BOARD for related discussion.) This bill is pending in the Assembly Judiciary Committee.

AB 2060 (Polanco), as amended May 15, would require state agencies and air pollution districts to adopt variance and appeals processes, allowing individuals and private entities to apply for relief from regulations and to appeal adverse agency decisions. This bill is pending in the Assembly Ways and Means Committee.

SB 23 (Kopp), as amended March 4, would abolish the Franchise Tax Board and, except as provided in the California Constitution, the administrative authority of the State Board of Equalization, thereby transferring all authority over the administration of California's personal income taxes and bank and corporation franchise and income taxes to the Department of Revenue, which would be created by this bill. SB 23 is pending in the Senate Judiciary Committee.

SB 458 (Killea), as introduced February 25, would establish the California Constitution Revision Commission until February 1, 1993, and require the Commission to report on specified issues relating to the establishment of a unicameral legislature. SB 458 is pending in the Senate Budget and Fiscal Review Committee.

SB 455 (Killea), as amended May 21, would delete the requirement that the Open Central Registry of Appointive Offices, currently prepared by the Governor's office, be available to the general public at each county clerk's office. Instead, the bill would require that the registry be available in specified libraries. This bill passed the Senate on May 2 and is pending in the Assembly Local Government Committee.

SB 172 (Watson), as introduced January 14, would make legislative findings which support the need to remedy the underrepresentation of women and ethnic minority groups currently serving on California's boards and commissions. This bill passed the Senate on May 16 and is pending in the Assembly Consumer Protection Committee.

