



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 adjourned at 2:00 a.m. on September 14, 1991, and the second year will convene on January 6, 1992. Any bill listed below which was neither chaptered nor vetoed may be considered during January 1992. New bills may be introduced between January 6 and February 21, 1992; constitutional amendments, urgency measures (requiring a two-thirds vote), tax bills, and resolutions may be introduced beyond the February 21 deadline.

Following is a summary of some of the general public interest, regulatory, and governmental structure proposals which were signed or vetoed by the Governor, or are pending in the legislature; most of the following bills were described in detail in CRLR Vol. 11, No. 3 (Summer 1991) at pages 208-13 and Vol. 11, No. 2 (Spring 1991) at pages 189-93:

## BONDS

**AB 48 (Eastin)**, as amended August 28, would have required the California Debt Advisory Commission to annually advise the Governor and legislature on issues affecting the level and composition of the state's general obligation bond debt. The bill would also have appropriated \$145,000 to facilitate this function. AB 48 was vetoed on October 13; Governor Wilson stated the bill is duplicative in that the Department of Finance and the State Treasurer already advise the Governor on state and local bond debt issues.

## BUDGET PROCESS

**AB 19 (Speier)** would prohibit payment of legislators' travel and living expenses for each day the legislature fails to pass the state budget by the start of the new fiscal year. If this 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)** 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 September 13, and **SCR 5 (Alquist)**, as amended April 16, would establish, until February 1, 1995, the California Constitution Re-

vision Commission, which would report to the Governor and legislature with its findings and recommendations regarding the formulation and enactment of the state budget and improvement of the state budget process. The Governor vetoed SB 55 on October 14, stating that the Commission's size and composition, as proposed in the bill, would not represent the executive and legislative branches of government in a cooperative, positive, or equal basis. SCR 5 is still 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)** 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 Senate Rules Committee.

**SB 10 (Lockyer)**, as amended June 28, would require all civil actions pending in a trial court, except small claims court, on or after January 1, 1992, and in counties with populations over 350,000, which involve claims of \$50,000 or less arising out of the operation of a motor vehicle, to be submitted for arbitration within 120 days of the filing of an answer to the complaint. This bill is pending in a two-house conference committee.

**SB 218 (Hart)** would amend the newsmen's shield law to confer an immunity or privilege upon specified newsmen who refuse to comply with a civil subpoena. This bill is pending in the Senate Judiciary Committee.

**SB 341 (Lockyer)**, as amended July 15, would have enacted protections for victims of SLAPP suits (Strategic Lawsuits Against Public Participation) by providing that any cause of action brought against a person who is exercising his/her constitutional rights to petition or of free speech in connection with a public issue shall be subject to a motion to strike, unless the plaintiff can show a substantial probability of success in the lawsuit. Governor Wilson vetoed SB 341 on October 14, stating that the "pleading

hurdles" set forth in the bill "are higher than for deterrents for other malicious lawsuits."

**AB 440 (Moore)**, as amended August 20, would have enacted protections for homeowners' associations when SLAPP suits are filed to stifle their constitutional rights to petition or of free speech. The Governor vetoed this bill on October 14, contending that current law provides adequate protections against frivolous causes of action and that these additional protections would encourage litigation rather than discourage it.

## CIVIL RIGHTS

**SB 98 (Lockyer)**, as amended September 4, increases the penalties for "hate crimes" committed because of the victim's race, color, religion, ancestry, national origin, age, disability, or sexual orientation. The bill also requires the State Bar to request the California Supreme Court to provide that one hour of the mandatory eight hours of continuing education in legal ethics or law practice management may be satisfied, instead, by one hour of legal education in the civil and criminal remedies available for civil rights violations. SB 98 was signed by the Governor on October 6 (Chapter 607, Statutes of 1991).

**SB 1257 (Roberti)**, as amended June 6, 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. SB 1257 is pending in the Assembly Judiciary Committee.

## CONSUMER PROTECTION

**SB 473 (Marks)**, as amended September 13, would have prohibited consumer credit reports from being issued or used for the purpose of evaluating a consumer for employment or for promotion, reassignment, or retention as an employee. The Governor vetoed SB 473 on October 13, stating that "it is a worthwhile expenditure of time and funds for an employer to confirm the financial history of a prospective employee or a current employee." He stated that he prefers the approach taken by AB 1102 (Speier) (*see infra*).

**AB 1102 (Speier)**, as amended August 26, provides that whenever a consumer credit report is issued for employment purposes, the credit reporting agency shall provide a copy of the report to the prospective or current employee, upon his/her request. This bill was signed by the Governor on October 13 (Chapter 971, Statutes of 1991).



**SB 893 (Lockyer)** 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 Committee on Banking, Commerce and International Trade.

**SB 1105 (Dills)**, as amended August 27, makes it a misdemeanor for any seller to advertise a retail installment contract if the seller does not intend to sell the contract to a financing agency, unless the advertisement clearly states the periodic rates used to determine the finance charge imposed on the contract. The bill also deletes indefinitely, rather than until January 1, 1992, limitations on retail installment contract finance charges. SB 1105 was signed by the Governor on October 11 (Chapter 819, Statutes of 1991).

**SB 1159 (Marks)** 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 September 12, would provide that any business which has filed for bankruptcy, or against which an involuntary bankruptcy has been filed, or is in receivership, must notify any prospective buyer of the legal status of the business prior to entering into a contract with the buyer in which the buyer assumes the position of a future creditor. 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 has filed for bankruptcy, and knows that the business will go out of business and be unable to provide the goods or services described in the contract. Any willful violation of these provisions would be a misdemeanor. SB 537 is pending in the Senate inactive file.

**SB 260 (Hart)**, as amended September 12, would have provided that a corporation may be subject to probation, fines, or other penalties currently imposed upon individuals under the Penal Code, for specified criminal activity. Like its 1990 predecessor SB 2500 (Hart), SB 260 was vetoed on October 13, based on

the Governor's belief that existing law already permits judges to impose probation upon corporate criminal law-breakers. In addition, the Governor opined that, if enacted, the bill's provisions requiring a court-appointed independent monitor to ensure probation compliance may interfere with Department of Corporations' enforcement actions.

**AB 1313 (Friedman)** 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 (Chapter 1616, Statutes of 1990). (See CRLR Vol. 11, No. 3 (Summer 1991) p. 142 and Vol. 10, No. 4 (Fall 1990) p. 132 for background information.) AB 1313 is pending in the Senate Judiciary Committee.

**AB 2026 (Friedman)** would expand the list of criminal offenses which would subject the violator to forfeiture. This bill is pending in the Assembly Public Safety Committee.

## ELECTIONS

**AB 34 (Wyman)**, as amended June 19, would require the Legislative Analyst to prepare a condensed analysis of each measure appearing in the statewide ballot pamphlet, including information on the meaning of a "yes" or "no" vote on the measure. This bill is pending in the Senate Committee on Elections and Reapportionment.

**AB 392 (Roybal-Allard)**, as amended May 1, requires 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 was signed by the Governor on August 5 (Chapter 322, Statutes of 1991).

**AB 559 (Polanco)**. Existing law requires campaign committees formed or existing primarily to oppose the qualification of a ballot measure to 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 amended July 11, this bill requires these committees to file the campaign statement 21 days after the deadline for filing the petitions. This bill was signed by the Governor on October 14 (Chapter 1077, Statutes of 1991).

**AB 560 (Polanco)**. As amended July 10, this bill provides that any candidate who will not receive contributions and who makes expenditures from personal funds of less than \$1,000 per calendar year to support his/her candidacy, shall not be required to establish a campaign

contribution account, and allows these candidates to pay filing fees and statement of qualifications fees from personal funds. The bill also excludes these fee payments from the Political Reform Act's definitions of "contribution" and "loan." SB 560 was signed by the Governor on October 14 (Chapter 1078, Statutes of 1991).

**AB 602 (Chacon)**, as amended April 4, includes 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 was signed by the Governor on July 27 (Chapter 191, Statutes of 1991).

**AB 919 (Chacon)** provides 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 was signed by the Governor on July 20 (Chapter 130, Statutes of 1991).

**AB 1047 (Leslie)**, as amended May 3, and **SB 113 (Lockyer)**, as amended June 25, would require 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, the candidate's party designation shall appear in a print size which clearly differentiates it from the rest of the mailer. AB 1047 is pending in the Assembly Committee on Elections, Reapportionment and Constitutional Amendments; SB 113 was signed by the Governor on September 16 (Chapter 403, Statutes of 1991).

**AB 1068 (Clute)**, as amended May 29, would provide that any campaign statement filed after the second pre-election or late contribution filing deadline is subject to a fine in an amount equal to 5% of the total contributions or expenditures disclosed, in addition to the current \$10 per day fine. AB 1068 is pending in the Assembly Elections Committee.

**AB 1075 (Clute)**, as amended August 28, would require 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 twelve months, be sent to the Secretary of State rather than the Fair Political Practices Commission (FPPC). This bill would transfer \$70,000 from the FPPC to the Secretary of State for this purpose. AB 1075 is pending in the Senate inactive file.



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**AB 1185 (Hannigan)**, as amended July 2, requires committees which are primarily formed to support or oppose the qualification, passage, or defeat of a statewide ballot measure, to file quarterly reports during any period in which they are not required to file pre-election statements. This bill was signed by the Governor on October 7 (Chapter 696, Statutes of 1991).

**AB 1271 (Speier)**, as amended August 30, requires members of state licensing or regulatory boards, bureaus, and commissions to file their original statement of economic interests with their board, bureau, or commission, which would retain a copy and forward the original to the FPCC. The bill also exempts members who resign their positions within 45 days of initial appointment from filing statements of economic interests. AB 1271 was signed by the Governor on October 11 (Chapter 857, Statutes of 1991).

**AB 1331 (Speier)**, as amended September 11, would have created an Initiative Legal Review Panel to review proposed initiative petitions for legal conflict with statutory or constitutional law, prior to circulation for signatures. The Governor vetoed this bill on October 14, stating that it "would impose undue governmental intervention upon proposed initiatives prior to public approval, during the petition process."

**AB 1450 (Sher)**, as amended June 6, **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 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 and ACA 16 are pending in the Assembly inactive file; SCA 16 was rejected by the Senate on September 12.

**AB 1471 (Lempert)**, as amended August 30, would have required the statewide ballot pamphlet prepared by the Secretary of State to contain a description of each type of measure in the ballot pamphlet, and to specify whether the measure was submitted by the legislature or by petition of the voters. AB 1471 was vetoed on October 10 because, according to Governor Wilson, it "would cost approximately \$110,000 per year from the General Fund. It's not worth it."

**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 Senate Elections Committee.

**AB 1657 (Chacon)**, as amended September 10, would extend the permanent absentee voting privilege, which currently only applies to persons with certain physical disabilities, to any voter who, due to physical disability, is unable to travel to or vote at his/her polling place without special assistance or extraordinary effort. This bill is pending on the Senate floor.

**AB 1820 (Costa)**, as amended September 12, would provide that the California presidential primary election and, therefore, the statewide direct primary election, shall be held on the first Tuesday of March in any year which is evenly divisible by the number four. This measure, which amends the California Constitution, requires voter approval. AB 1820 is pending in the Senate Appropriations Committee.

**AB 1833 (Hauser)** 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 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)** 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 amended September 5, extends the deadlines for qualifying proposed statewide initiative measures for the ballot and revises the random sampling technique currently used by county clerks to verify signatures. This bill was signed by the Governor on October 13 (Chapter 1025, Statutes of 1991).

**AB 2126 (Chacon)**, as amended August 20, requires that the statement for each measure appearing on the ballot be abbreviated and limits the permitted length of each measure description in the statement to twenty words, where possible. This bill was signed by the Governor on October 14 (Chapter 1154, Statutes of 1991).

**ACA 17 (Farr)** 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 on the Assembly floor.

**ACA 20 (Campbell)** 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.

**ACA 24 (Costa)** would provide that the Secretary of State shall not submit an initiative or referendum measure, constitutional amendment, or other statewide proposition at a presidential primary election or special statewide election held on the same day as a presidential primary election, where that presidential primary or special statewide election is not consolidated with the statewide primary election. This measure is pending in the Assembly inactive file.

**SB 28 (Robbins)**, as amended July 16, provides that when the statewide ballot contains a question as to the confirmation of a Justice of the Supreme Court



or Court of Appeal, the Secretary of State shall include a written explanation in the state ballot pamphlet of the electoral procedure for such justices. This bill was signed by the Governor on October 5 (Chapter 491, Statutes of 1991).

**SB 321 (Kopp)**, as amended September 10, would have required 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 have required the Secretary of State to produce and make available an audiocassette recorded version of the ballot pamphlet containing specified information. SB 321 was vetoed on October 4; the Governor expressed concern that the bill lacked definition as to the number of audiocassette tapes which may be needed, contending that this could result in a "significant General Fund expenditure during a time of unprecedented fiscal challenges."

**SB 378 (Craven)**, as amended April 8, would have required 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 was rejected by the Assembly Elections Committee on August 21.

**SB 397 (Russell)**, as amended June 20, provides 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 was signed by the Governor on October 5 (Chapter 505, Statutes of 1991).

**SB 423 (Watson)**, which 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 595 (Marks)**, as amended June 20, includes the office of Insurance Commissioner in the definition of "statewide elective office" for purposes of the Political Reform Act. The bill also requires the reporting of the travel expenses of candidates and their families and clarifies the circumstances under which a state elected officer shall disqualify him/herself from voting because of a financial conflict of interest.

SB 595 was signed by the Governor on October 7 (Chapter 674, Statutes of 1991).

**SB 607 (Hart)**, as amended September 4, would have required every page of a statewide initiative petition, prior to circulation, to contain arguments for and against the proposed measure which are selected by the Secretary of State. The bill would also have required the Secretary of State to provide the proponents of the proposed measure with the selected argument against the measure before circulating the petitions. The Governor vetoed SB 607 on October 13, stating that the bill "places an unneeded impediment to the process of qualifying an initiative" and that it is "inappropriate to require petitioners to present alternative written arguments to their proposals."

**SB 608 (Killea)**, as amended September 9, requires independent candidates to file a declaration of intention to be a candidate for elective office at the general election, and requires the county elections official to supply the declaration form. This bill was signed by the Governor on October 1 (Chapter 463, Statutes of 1991).

**SB 609 (Hart)** would impose a \$50,000 limit on contributions or loans from 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 Senate Elections Committee.

**SB 661 (Hill)**, as amended September 11, would have required the Attorney General, in consultation with the Department of Finance and the Legislative Analyst, to determine whether the passage of a statewide ballot measure would have a positive financial effect on any particular industry, trade, profession, or business entity. The bill would also have required the Attorney General to compile a comprehensive list of persons and entities which have contributed \$5,000 or more toward the qualification of the ballot measure and to publish this list below the title and summary. SB 661 was vetoed on October 14; the Governor contended that the bill "requires the Attorney General and other officials to engage in speculation, and thus requires an Attorney General who may be an interested party in the dispute to render what may not be an unbiased opinion." In addition, the Governor stated, "There is currently substantial disclosure of financial contributions to the Secretary of State, which is readily available and extensively used

during campaigns. Dissemination of this information is more appropriately made by the interested parties during a campaign, or the press, rather than by the state."

**SB 734 (Roberti)**, as amended July 2, would require the statewide ballot pamphlet to contain a list of the top five financial contributors to a given initiative measure, 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 in the Assembly Elections Committee.

**SB 842 (Marks)**, as amended July 1, provides that any person who is entrusted with money or other thing 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 also provides 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. SB 842 was signed by the Governor on October 13 (Chapter 1002, Statutes of 1991).

**SB 1158 (Roberti)** would require any person who intends to be a candidate for elective office to file with the Secretary of State, rather than with the FPPC. This bill is pending in the Senate Elections Committee.

**SB 1194 (Roberti)**, as amended July 2, requires 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 authorizes expenditures of campaign funds for the employer cost of health care benefits of a committee's bona fide independent contractor; 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 was signed by the Governor on October 5 (Chapter 546, Statutes of 1991).

**SCA 3 (Maddy)**, as amended August 20, 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 all other provisions. This measure is pending in the Assembly inactive file.

**SCA 4 (Keene)**, as amended April 23, would establish a public financing system of political campaigns for state-



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wide 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 amended September 5, 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 39th day after the measure is submitted for certification, whichever is earlier, or on the date specified in the measure, if that date is more than 39 days from the date the measure is submitted for certification, rather than taking effect on the day after the election. This measure is pending in the Assembly inactive file.

**SCA 21 (L. Greene)**, as amended April 11, would have provided that an initiative statute shall take effect only 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 failed passage in the Senate Elections Committee.

**SCA 22 (L. Greene)** 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 8 (Harvey)** 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 August 28, provides that in cases where the Attorney General is a proponent of a proposed ballot measure, the title and summary of the chief purpose and points of the measure, including its estimated fiscal impact, shall be prepared by the Legislative Counsel (rather than by the Attorney General). SB 117 was signed by the Governor on October 14 (Chapter 1042, Statutes of 1991).

### 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 in the Senate Education Committee.

**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 media during the school day. The bill would also prohibit the State Board of Education from waiving these provisions. SB 741 is pending in the Assembly Education Committee.

**SB 540 (Ayala)**, as amended May 6, would have provided 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 have required the Department of Health Services (DHS) to promulgate regulations for health facilities by January 1, 1993, to ensure the authenticity, integrity, and confidentiality of these patient records. SB 540 was vetoed on September 26; Governor Wilson estimated that it would cost DHS \$140,000 to promulgate the regulations and \$160,000 per year to enforce them. He also stated, "Although I understand that automation of patient records is considered the next step in today's technology and is being done by some health facilities, I am not convinced that it is enough priority to justify the additional expenditure of limited state resources at this time."

### 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 proposal, 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)**, as amended July 2, would enact the California Family Health Plan Act. AB 321 is pending in the Senate Health and Human Services Committee.

### LEGAL SERVICES

**AB 168 (Eastin)** and **Preprint SB 1 (Presley)** 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)** 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 inactive file.

**ACA 36 (Elder)**, as introduced July 18, would provide that three-fifths of voting members, rather than two-thirds of the membership, of each house of the legislature shall be sufficient to override a Governor's veto. This measure is pending in the Assembly Ways and Means Committee.

**SCR 18 (Hart)** 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)** 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 measure 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. SCR 2 is pending in the Senate Rules Committee.

### LOTTERY

**AB 163 (Floyd)**, as amended July 2, 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 has passed both houses and is awaiting Assembly concurrence in Senate amendments.

**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 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%. The remaining 1% would be dedicated to public education. This bill is pending in the Assembly Governmental Organization Committee.

**SB 310 (Dills)**, as amended August 19, exempts any live, recorded, or recorded-interactive audio text access telephone service currently under contract to the California Lottery Commission, which provides the public with Lottery results, from requirements to provide specified information to consumers. SB 310 was signed by the Governor on September 11 (Chapter 389, Statutes of 1991).

**SB 311 (Dills)** 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, clarifies that all unclaimed Lottery prize money shall revert to the benefit of public education. SB 312 was signed by the Governor on June 17 (Chapter 56, Statutes of 1991).

## 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 July 15, this bill would have defined "official capacity" as including two or more members of the same legislative body serving on an advisory committee or task force which is created by a mayor and is responsible for formulating legislation to be considered by that legislative body. The bill would also have extended the statute of limitations for commencing action on violations of state and local open meeting laws from 30 days to 180 days. SB 63 was vetoed on October 14; Governor Wilson stated that he was "not con-

vinced that there is any significant harm in having two members of a legislative body sit on an advisory committee. In fact, these advisory committees usually serve a useful purpose in bringing together business, environmental and civic groups with elected representatives. It would be inappropriate and unduly burdensome to curtail the functions of these committees by subjecting their internal discussions to the provisions of the Brown Act." As to extending the statute of limitations, the Governor opined that it "only serves to expose local governments to frivolous litigation. It would also needlessly create a period of uncertainty as to the finality of legislative actions."

**AB 102 (Connelly)**, as amended June 17, and **SB 78 (Dills)**, as amended May 15, reinstate the requirement that local governments must publicly post their meeting notices and agendas at least 72 hours before a meeting pursuant to the Ralph M. Brown Act, and provides 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 was signed by Governor Wilson on July 29 (Chapter 238, Statutes of 1991); SB 78 is pending in the Assembly Ways and Means 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. This bill provides that the public shall be allowed to speak on any issue on the agenda before it is acted upon. SB 100 was signed by the Governor on June 20 (Chapter 66, Statutes of 1991).

## PUBLIC RECORDS ACT

**AB 788 (Floyd)**. The California Public Records Act requires the public records of local agencies to be open to public inspection. This bill expands the definition of "local agency" to include nonprofit organizations of local governmental agencies and officials which are supported solely by public funds. AB 788 was signed by the Governor on July 26 (Chapter 181, Statutes of 1991).

**AB 1283 (Moore)**, as amended August 19, is no longer related to the Public Records Act.

**AB 1596 (Floyd)**. Currently, certain records of state agencies responsible for the regulation or supervision of the is-

suance 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 September 10, 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 has passed both houses and is awaiting Assembly concurrence in Senate amendments.

## STATE BOARDS AND COMMISSIONS

**AB 222 (Vasconcellos)**, as amended June 15, is the state's 1991-92 budget bill. As part of the state's effort to rectify its unprecedented fiscal deficit, one provision of AB 222 transfers virtually all of the "excess funds" of 52 state boards, commissions, and bureaus to the general fund. These "excess funds" originate from license and examination fees paid by the state's licensed professionals. These fees are collected by each board, commission, and bureau to administer licensing examinations, enforce licensing standards, and investigate consumer complaints. Excess funds are usually carried over to the next fiscal year to ensure administrative funding for the entity. However, AB 222 requires the transfer of these "excess fees" (leaving each entity three months' worth of operating expenditures) into the general fund on June 30, 1992, to be used for state programs. AB 222 was signed by the Governor, with many item vetoes, on July 16 (Chapter 118, Statutes of 1991).

**SB 101 (Hart)**, as amended June 19, authorizes district attorneys (DA) to certify to the state Department of Social Services (DSS) whenever there is non-compliance with a child, spousal, or family support order or judgment issued by a California court, and requires participating DAs to update this information monthly and submit it to DSS; requires prior notice to an affected obligor and the opportunity for review by the DA and for judicial review; requires



# GENERAL LEGISLATION

DSS to consolidate the lists received from the various DAs and distribute the list to specified licensing agencies; precludes the licensing agencies from issuing or renewing a license, certificate, or registration to a person on the list until the person obtains a release from the DA; and requires the business and professional licensing entities to issue a temporary registration, license, or certification, as specified, until the applicant complies with all court orders and judgments for support for which certification is required. This bill was signed by the Governor on July 2 (Chapter 110, Statutes of 1991).

**AB 483 (Eaves)**, as amended May 2, authorizes state agencies to use existing funds to contract for telephone interpreter services, in addition to employing bilingual persons in public contact positions, in order to better serve non-English and limited-English speaking consumers. This bill was signed by the Governor on September 8 (Chapter 376, Statutes of 1991).

**AB 553 (Seastrand)**. With certain exceptions, existing law requires each state agency directly involved in the furnishing of information or the rendering of services to the public to perform a biennial survey of the number and percentage of non-English speaking consumers the agency serves, and the number of bilingual persons in the agency's employ. As amended June 3, this bill permits the State Personnel Board to grant exemptions, as specified, from the survey requirement. AB 553 was signed by the Governor on July 29 (Chapter 246, Statutes of 1991).

**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 control 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)** 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 July 10, deletes 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. SB 455 was signed by the Governor on October 7 (Chapter 669, Statutes of 1991).

**SB 172 (Watson)**, as amended August 20, would have made legislative findings supporting the need to remedy the underrepresentation of women and ethnic minority groups currently serving on California's boards and commissions. The bill would also have required the Governor and every other appointing authority, when making appointments to state entities, to ensure that there is adequate representation of persons of the gender and ethnic heritage reflective of the state's population. Governor Wilson vetoed SB 172 on September 11, contending that establishing quotas is "inherently unfair to the most qualified applicants."

## TAXATION

**AB 399 (Gotch)**, as amended September 9, would have restored the state renters' tax credit to the level which existed prior to the decrease mandated by AB 222, the 1991-92 budget bill. On October 2, the Governor vetoed this bill, stating that this legislation would dismantle the budget-balancing agreement which "spread[s] the pain to all segments of the economy and society."

**ABX 23 (Burton)**, as introduced July 17, and **SB 89 (Kopp)**, as amended September 9, reenact the sales and use tax exemption to "free" newspapers and periodicals, which was eliminated by AB 2181 (Chapter 85, Statutes of 1991). Both ABX 23 and SB 89 were signed by the Governor on October 1 (Chapter 9X, Statutes of 1991, and Chapter 461, Statutes of 1991, respectively).