



The following is a review of new public interest legislation and a status update on bills reported in this section in previous issues of the *Reporter*.

All legislation introduced during the first year of the 1989-90 legislative session must be passed out of the house of origin by the constitutional deadline of January 30 of the second year of the session. Unlike deadlines created by the legislature as House Rules, this constitutional deadline may not be waived or altered (California Constitution, Article IV, section 10(a)). Any first-year bill failing to pass out of its house of origin by the end of the day on January 30 is dead.

Legislation introduced during the first year of a two-year session which has not already died or been chaptered, and new legislation introduced in 1990 must continue to meet specific House Rule deadlines which are contained in the legislature's House Rule Handbook at section 61(b). These House Rule deadlines may be waived and altered by the rules committees of either house, or by the full house during a floor session.

The two-year 1989-90 legislative session will continue until August 31 (Joint House Rule 51(b)(3)). All legislation failing to pass the legislature before the end of the last day of the session is dead. The Governor has until midnight on September 30 to act on all bills passed by the legislature before September 1 and in his possession on or after September 1 (California Constitution, Article IV, section 10(a)).

The next two-year session begins on December 3, 1990 (California Constitution, Article IV, section 3(a)).

STATE BOARDS AND COMMISSIONS

AB 2677 (Waters, M.), introduced January 24, would require the state to strive for an equal balance between the number of men and women on state boards and commissions. The bill would require that when a gender imbalance exists on a board or commission, and each time a vacancy arises, a member of the underrepresented gender be appointed to the vacancy until the gender balance is out of balance by only one. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 2678 (Waters, M.), introduced January 24, which would require the percentage of women on the state's vari-

ous boards and commissions to be reflective of the percentage of women in the state's population, is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 2757 (Moore), introduced February 5, would require specified state agencies to remain open one evening per week until 9:00 p.m., initially using existing staff. The bill would exempt state agencies which are interlinked or dependent upon other agencies which do not stay open in the evenings, or that are housed in nonpublic buildings which close at 5:00 p.m., from this new requirement. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 2787 (Chacon), introduced February 6, would add disabled persons to the list of members of the public which must be considered in balancing the composition of the members of the state's boards and commissions. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

PROFESSIONAL LICENSURE

AB 3229 (Polanco), introduced February 26, would provide an extension of the waiver for social workers providing services under the Short-Doyle Act to be licensed to provide those services. The extension adds two more years onto the current five-year extension which already exists. This bill is pending in the Assembly Health Committee.

PUBLIC UTILITIES

AB 2886 (Moore), introduced February 13, would require toll-free telephone lease lines to be available to both push-button dial and rotary dial telephones. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

MISCELLANEOUS

AB 3145 (Eaves), introduced February 22, would extend rules of confidentiality regarding home address, phone number, and other occupational information to all public employees who are peace officers. Currently, the rules of confidentiality are applied on a case-by-case basis to a list of various peace offi-

cer occupations. This bill, which revises the existing list to effectively bring all peace officers under the confidential rule, is pending in the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments.

SCR 84 (Hart), introduced February 26, which would require the Board of Administrators overseeing the state's multi-billion dollar Public Employee Retirement System and Teachers' Retirement System to follow the "Valdez Principles," aimed at protecting the environment, is pending in the Assembly's Public Employment Committee.

SB 2087 (Rosenthal), introduced February 20, would require all retail stores, with specified exceptions, to develop refund policies, and to post those policies in conspicuously located positions in the store. This bill is pending in the Senate Judiciary Committee.

1989-90 LEGISLATIVE SESSION REPRISÉ

The following is a status update on all bills reported in detail in CRLR Vol. 9, No. 4 (Fall 1989) at pages 143-45; Vol. 9, No. 3 (Summer 1989) at pages 134-36; and Vol. 9, No. 2 (Spring 1989) at pages 128-29. These bills were introduced during the first year of the 1989-90 two-year legislative session.

Ethics in Government

SCA 32 (Roberti) is an omnibus ethics package and salary commission proposal wrapped together in a constitutional ballot measure. This Senate Constitutional Amendment would establish an independent salary commission whose job it would be to set the salaries for members of the state legislature and the executive branch. The proposal also includes intent language requiring the legislature to enact statutes banning honoraria, restricting gifts and travel reimbursements, restricting outside earned income, establishing revolving door restrictions governing the post-government employment of elected officials and other government officials, and beefing up conflict of interest regulations. SCA 32 was passed by the legislature at the end of the 1989 session, therefore placing the Constitutional Amendment on the June 1990 statewide ballot for final action by the state's voters.

ACA 15 (Vasconcellos) is an omnibus ethics package which, like SCA 32,



would create an independent salary-setting commission, ban honoraria, and subject legislative members to more stringent conflict of interest enforcement mechanisms. ACA 15 is pending in the Assembly floor's inactive file.

AB 6 (Elder and Lempert), which would have required the Fair Political Practices Commission to develop a videotaped ethics course for political candidates, died in committee.

AB 113 (Isenberg), *AB 410 (Killea)*, *AB 778 (Burton)*, and *SB 1355 (Keene)*, which would have created some form of a state-level special prosecutor mechanism to conduct investigations and, if necessary, prosecute crimes committed by elected officials, are all dead. *AB 410* died when its author, Assembly-member Killea, was elected to the state Senate, thereby leaving the bill without an Assembly author. *AB 113* failed passage in the Assembly Public Safety Committee. *AB 778* was a spot bill on this issue and was never taken up in committee. *SB 1355* failed to pass out of its house of origin by January 30, and thus is dead. The substance of *SB 1355* can be found as one component of the Attorney General's "Clean Government" initiative being circulated for signatures this winter and spring, with the aim of qualifying for the November 1990 general election ballot.

AB 1833 (Vasconcellos) would establish a public financing and campaign spending limits mechanism for state Assembly and Senate elections. The proposal would utilize a voluntary tax check-off for developing the necessary funds, which in turn would be distributed to qualifying candidates on the basis of matching smaller contributions. *AB 1844* is pending in the Senate Appropriations Committee.

AB 1845 (Vasconcellos) is one of the Assembly Ethics Committee's "spot bills" which may be amended to include a broader ethics proposal or campaign finance reform proposal later in the session. Currently, the bill contains a proposal to limit the amount a person may contribute to a candidate or candidate's campaign committee. This bill is pending in Senate Appropriations Committee.

AB 600 (Sher) and *AB 17 (Lempert)* would have precluded designated executive branch employees from aiding a private party before any agency of the executive branch for a period of one year after leaving that executive employment. *AB 600* failed passage in the Assembly Committee on Elections,

Reapportionment and Constitutional Amendments. *AB 17* failed to pass out of house of origin by January 30 and therefore is dead.

SB 1314 (Marks) would provide that a former state administrative official whose employment began after December 31, 1983 may not, within twelve months following termination of state service, participate for compensation in proceedings which were pending in the agency while the official was therein employed. Former members of the legislature would be similarly prohibited from acting as lobbyists for a one-year period after leaving office. This bill is pending in Assembly Ways and Means Committee.

AB 106 (Johnson), which would have changed the date of the presidential primary election, died in committee.

AB 74 (Floyd), which would have authorized the imposition of civil penalties on a candidate who knowingly falsifies an endorsement, died in committee.

AB 141 (Speier) would provide separate ballot qualification procedures for initiative and referendum petitions. It would also require paid petition circulators to wear identification badges and to adhere to ethics standards regarding the presentation of the initiative for which they are collecting signatures; further, the bill would create misdemeanor sanctions for violations. *AB 141* is pending in the Senate Appropriations Committee's suspense file.

AB 211 (Floyd), which would require polling place accessibility to the physically handicapped, is pending in the Senate Elections Committee.

AB 441 (Lewis), which would have required the estimated total cost of state bond measures to be included in the ballot pamphlet and on the ballot itself, failed passage in the Assembly Elections Committee, was granted reconsideration by that committee, but officially died when it failed to pass out of its house of origin by January 30.

AB 519 (Cortese) and *ACA 19 (Cortese)* would both provide for an indirect initiative process, allowing for a reduced number of valid registered voter signatures to qualify for the ballot if a specific legislative hearing process is conducted on the initiative proposal. *AB 519* is pending in the Senate Rules Committee and *ACA 19* is in the Assembly inactive file.

SB 338 (Marks), which would require the Secretary of State to provide a toll-free voter registration hotline to specific

state departments and agencies, and would require that these agencies provide that information in specified official mailings, is pending in the Assembly Committee on Elections, Reapportionment and Constitutional Amendments.

SCA 27 (Lockyer) would revise California's redistricting procedures by requiring the legislature to submit any redistricting plan involving the state Senate, Assembly, Board of Equalization, or U.S. House of Representatives to a twelve-member independent reapportionment commission created by this legislation. The commission would be selected by a three-judge panel from a list of names nominated by nonprofit, nonpartisan public interest organizations. The Commission would be required to hold hearings on the bill and return it to the legislature within sixty days with any adjustments deemed necessary to comply with the U.S. Constitution or federal statutes. This bill has passed the Senate policy, constitutional, and fiscal committees, and is pending in the Senate's inactive file. *SCA 27* is the legislature's reapportionment vehicle which may be placed on the November 1990 ballot if either of the two citizens' reapportionment initiatives, Proposition 118 and 119, now qualified for the June ballot, are passed by the voters.

AB 453 (Peace), as amended on September 1 in the Senate, would allow candidates to set up a separate "legal defense fund" account into which unlimited contributions could be deposited for the purpose of paying for legal costs to defend against actions involving election violations or other legal actions associated with one's elective office. The Assembly failed to concur with the Senate's amendments to the bill, which is now awaiting action by a two-house conference committee.

Administrative Procedures

AB 2019 (Harris) would require a public agency to provide copies of public records which are requested under the Public Records Act and not otherwise exempt from the Act within a specific time period. Public agencies which fail to provide the public records in the prescribed time period would be subject to a \$25 per day fine, payable to the requesting party. This bill has passed both the Assembly and Senate, and only needs an Assembly concurrence vote, but is listed on the Assembly's inactive file.



AB 2022 (Ferguson), which would have exempted from the Public Records Act state agency files on confidential matters related to labor disputes and settlements of grievances, arbitrations, and disciplinary appeals, including notes and records kept for the purpose of collective bargaining, died in committee.

SB 1267 (Davis), which would have required, with certain exceptions, a local legislative body to maintain for a one-year period an unedited tape-recorded transcript of any closed session held, failed passage in the Senate Appropriations Committee.

Firearms

AB 497 (Connelly) would place concealable weapons (guns under thirty inches in length) under the dangerous weapons control law, increasing state control over their sale, expanding the duties of licensed firearms dealers, and expanding the Department of Justice's recordkeeping regarding dealer records and sales of firearms. This bill initially failed passage on the Senate Floor, but was granted reconsideration. The bill subsequently passed the Senate and was signed by the Governor on February 15 (Chapter 9, Statutes of 1990).

Licensing

AB 55 (Hansen), which would require persons under the age of 21 to complete a motorcycle safety program before being licensed, and require anyone under the age of 21 to wear a helmet when riding a motorcycle, is pending in the Senate Transportation Committee.

AB 255 (Floyd), which would have authorized the Director of the Department of Consumer Affairs to adopt rules regulations establishing qualifications for bodyguards and private investigators, failed passage in Assembly Ways and Means Committee.

AB 1266 (Tucker), which would have required an applicant to complete 315 hours or 21 semester academic units of approved alcohol and drug education training in order to become a licensed alcohol or drug counselor, failed passage in Assembly Health Committee.

AB 2004 (Chacon), which would have provided that no one may do business or otherwise act as a travel agency unless he/she is licensed to do so, died in committee.

Taxation

SB 1395 (Kopp and Ayala), which would have merged the duties of the Franchise Tax Board and the State Board of Equalization by creating a Department of Revenue, died in the Senate Appropriations Committee's suspense file.

AB 14 (Kelley), which would have increased the gasoline tax, died in committee.

SB 124 (Garamendi), which would establish tax trial departments in each superior court to adjudicate cases principally concerning the imposition, assessment, or collection of taxes, has passed the Senate and is now pending in the Assembly Revenue and Taxation Committee.

Miscellaneous

AB 192 (Cortese), which would have required airlines to report safety threats to the state Attorney General, died in committee.

AB 234 (McClintock), which would have extended recovery limits against health care providers to all actions for bodily injury or death and lower existing maximum limitations on attorneys' contingency fees in such cases, died in committee.

AB 408 (Roybal-Allard), which would have required the State Fire Marshal to adopt regulations requiring cigarette lighters sold in California to be childproof, died in the Assembly Governmental Organization Committee.

AB 484 (Killea), which would have required combination lap and shoulder safety belts to be installed in the back seats of new cars sold in California, failed passage in the Senate Transportation Committee.

AB 539 (Moore), which would create a notification mechanism requirement for individuals whose personal dossier is being commercially distributed, and create civil liabilities for use of a computer network to collect or disseminate such information in a manner other than as specified, is still pending in the Senate Judiciary Committee.

AB 671 (Connelly and O'Connell), which would bring mergers and acquisitions that restrain trade within existing California antitrust law, is still pending in the Senate Judiciary Committee.

AB 866 (Floyd), which would have added specified state agencies to the list

of those covered by the Public Records Act, died in committee.

ACR 1 (Hayden), *ACR 2 (Statham)*, *ACR 3 (Wyman)*, and *ACR 20 (Killea)* all seek to place limitations on the number of bills a legislator may introduce during a session. *ACR 3* and *ACR 20* are being held in the Assembly Rules Committee. *ACR 1* and *ACR 2* are pending before the Senate Rules Committee.

SB 40 (Doolittle), which would have made it a crime for anyone testing positive for AIDS or human immunodeficiency virus (HIV) to engage in a sexual act without first informing his/her sexual partner of their AIDS/HIV status, died in committee.

SB 106 (Lockyer), which would define the term "despicable conduct" for purposes of legal actions associated with breach of an obligation not arising from a contract, passed the Senate but was put in the Senate's inactive bill file by its author.

SB 245 (Nielsen), which would have expanded the authorization for wiretapping during investigations associated with illegal drug activities, died in committee.

SB 425 (Torres), which would have allowed a business to implement a reasonable screening policy to be applied to all persons seeking admission so long as the policy is based on objectively determined criteria, died in committee.

