



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*.

The 1989-90 legislative session officially ends at midnight, 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 legislative session begins on December 3, 1990 (California Constitution, Article IV, section 3(a)).

CABLE TELEVISION

AB 2929 (Moore), as amended June 12, would enact the Video Consumers' Bill of Rights, and would require every video provider, as defined, to allow every residential customer at least fifteen days from the date of mailing its bill for services to pay the charges demanded. It would also require notice of delinquency and impending termination to be given at least fifteen days prior to the termination of service. *AB 2929* is pending in the Senate Energy and Public Utilities Committee.

CHILD ABUSE

AB 3453 (Leslie), as amended June 14, would delete existing provisions of law which authorize the Office of Child Abuse Prevention in the state Department of Social Services (DSS) to establish pilot projects relating to child abuse prevention, and require the Office to conduct certain activities relating to child abuse prevention which were conducted by the pilot projects. This bill would require the Office to make every attempt to make activities conducted by the Office qualify for federal funding in general. The bill would also require the Office to conduct research and collect data relevant to the effectiveness of child abuse prevention programs. *AB 3453* is pending in the Senate Health and Human Services Committee.

AB 3949 (Lempert), as amended May 23, would require DSS to award grants to private nonprofit or public entities for projects to develop a training program to arrive at a formal Memoranda Of Understanding regarding the respective functions and duties of child protective agencies and law enforcement agencies in counties in the investigation of child abuse cases. *AB 3949* is pending in the

Senate Judiciary Committee.

AB 4055 (M. Waters), as amended June 13, would transfer the function of establishing certain child abuse prevention training programs and training centers from the Office of Child Abuse Prevention in DSS to the Office of Criminal Justice Planning. *AB 4055* is pending in the Senate Health and Human Services Committee.

SB 2332 (Killea), as amended May 29, would require DSS to select and award grants to two qualifying counties for projects to develop training materials, model curricula, and information for use by other counties in training child abuse hotline workers, according to specified criteria. *SB 2332* is pending in the Assembly Human Services Committee.

CHILD CARE

AB 3094 (Harris), as amended June 14, would require the state Department of Mental Health to contract with the County of Alameda for the establishment of an urban child development consultation team project. The project would operate for two years and would provide child development consultation services to providers of child care. *AB 3094* is pending in the Senate Health and Human Services Committee.

AB 3431 (Clute), as amended April 24, would require the Child Development Programs Advisory Committee to develop a guide to alternative child care programs for older youth. The bill would require the Committee to update the guide biennially and disseminate it to school districts and county boards of education and other city and county entities, as specified. The bill would appropriate \$50,000 to the Committee for the purpose of developing and distributing the guide. *AB 3431* is pending in the Senate Appropriations Committee.

AB 3545 (N. Waters), as amended June 14, would require at least one child day care facility director or teacher at each child day care facility, other than a family day care home, and each licensed family day care home provider to have, in addition to existing requirements, sixteen hours of training, as specified, on preventive health practices. This bill would authorize the training to be offered by certain entities or provided through on-the-job training, workshops, or classes. *AB 3545* is pending in the Senate Health and Human Services Committee.

AB 4155 (N. Waters), as amended June 13, would require the State

Department of Education to fund four child care resource and referral agencies to operate demonstration projects, for the purpose of designing a model delivery system to provide information and support to parents seeking child care services for children with exceptional needs. *AB 4155* is pending in Senate Education Committee.

AB 4316 (Leslie). Existing law, the California Child Day Care Facilities Act, specifies requirements for the licensure and operation of child day care facilities. The Act also provides that it does not apply to specified facilities, programs, and arrangements, including any extended day care program operated by public or private schools. As amended June 19, this bill provides additional exemptions for specified programs operated by, or under contract with, public school districts, programs which operate no more than four hours per week, programs which offer temporary child care services and satisfy other specified criteria, and programs which are operated only between the dates of June 15 and September 15 and satisfy other specified criteria. *AB 4316* was signed by the Governor (Chapter 388, Statutes of 1990).

AB 4345 (Murray), as amended May 14, would require the Superintendent of Public Instruction to allocate 50% of any new state preschool funds for increasing the per capita rate, and 50% for the expansion of existing state preschool programs. *AB 4345* is pending in the Senate Education Committee.

SB 2293 (Watson). Existing law requires a family day care home to maintain liability insurance, or a bond, or a file of affidavits signed by each parent of a child enrolled in the home. As amended May 1, this bill would also require the affidavits to state, if the provider does not own the premises used as the home, that the parent has been informed that the liability insurance of the owner of the property or the homeowners' association may not provide coverage for losses arising out of, or in connection with, the operation of the home. *SB 2293* is pending in the Assembly Human Services Committee.

SB 2377 (Presley), as amended June 13, would require the DSS Director to establish the Child Care Review Panel in at least one of the fifteen regional districts in the state, with specified membership and tenure, which where established would be required to provide objective review on cited violations of specified regulations affecting child day care facilities and would specify the procedures for the panel to conduct these



reviews. The panel would be required to make findings on the disputed issues and make recommendations to the DSS Deputy Director on the violations or civil penalties at issue. SB 2377 is pending in the Assembly Human Services Committee.

CONSUMER PROTECTION

AB 2729 (Areias), as amended May 22, would require any notice provided by a creditor to a primary obligor in connection with a delinquency or default on a consumer credit contract to also be provided to any co-obligor or cosigner to the obligation. The bill would prohibit a creditor from providing any information regarding the cosigner's obligation on a consumer credit contract to a debt collector, concerning that obligation, until the cosigner is notified. The bill would require a consumer credit reporting agency to remove any adverse information contained in the credit file of a cosigner if it is determined that a cosigner was never notified by a creditor that a primary obligor had become delinquent or defaulted on the obligation. AB 2729 is pending in the Senate Judiciary Committee.

AB 2890 (Speier), as amended May 16, would require a consumer credit reporting agency which furnishes a consumer report for employment purposes to notify the consumer, at the time the information is reported to the user, of the fact that the information is being reported by the agency, together with the name and address of the person to whom that information is being reported. The bill also requires the credit reporting agency to require its employees to strictly adhere to procedures required to be established by the agency that are designed to ensure that whenever public record information that is likely to have an adverse effect on a consumer's ability to obtain employment is reported, it is complete and up to date, as specified. AB 2890 is pending in the Senate Judiciary Committee.

AB 2908 (Peace), as amended May 16, would require consumer credit agencies, upon request, to notify consumers concerning whom they have issued consumer credit reports, on a quarterly basis. AB 2908 is pending in Senate Judiciary Committee.

AB 3047 (Bentley) requires a retail store which sells goods to the public to display its policy with regard to cash refunds, credit, or exchange of items, and provides that a store which violates this requirement shall be subject to certain civil remedies. AB 3047 was signed by the Governor (Chapter 422, Statutes of 1990).

SB 1763 (Rosenthal). Existing law prohibits a retailer from imposing a surcharge on a credit cardholder who elects to use a credit card in a sales transaction instead of paying by cash, check, or similar means. This bill makes these provisions applicable to retailers in any sales, service, or lease transaction with a consumer. SB 1763 was signed by the Governor (Chapter 309, Statutes of 1990).

SB 2750 (Marks), as amended May 16, would expand consumer protection under existing law, which requires a consumer credit reporting agency which deletes information from a consumer's file, or receives a statement of dispute from a consumer pursuant to the consumer credit reporting agencies act, to notify certain persons to whom the agency provided the information, at the request of the consumer. This bill would apply these provisions to corrections and additions to a consumer's file. The bill would require consumer credit reporting agencies to furnish the consumer with a corrected consumer credit report. SB 2750 is pending in the Assembly Finance and Insurance Committee.

SB 2751 (Marks), as amended May 16, would add to the definition of "Items of Information" any informative entries in a credit report which may cause a creditor to deny an applicant a checking account with a bank or other financial institution. The bill would also provide that any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling, evaluating, or disseminating information on the checking account experiences of customers of banks or other financial institutions is subject to the same laws that govern consumer credit reporting agencies. SB 2751 is pending in the Assembly Finance and Insurance Committee.

ELECTIONS

AB 3145 (Eaves). Under the California Public Records Act, the home address, telephone number, occupation, and precinct number of specified persons in the field of criminal justice, including peace officers, as defined, who are employed by the Department of Corrections or the California Youth Authority, appearing in any record of a voter registration affidavit are confidential upon request of the registrant. As amended May 31, this bill would delete the reference to the Department of Corrections or the California Youth Authority and expand the types of peace

officers eligible to file a confidential voter affidavit. The bill would revise the conditions under which the confidential information may be released. This bill would also prescribe an application procedure to obtain a copy of voter registration information from the county elections official or the Secretary of State. AB 3145 is pending in the Judiciary Election Committee.

SB 1865 (Craven), as amended May 7, would prohibit any person from publishing or causing to be published, with the intent to deceive, any campaign advertisement containing a signature which the person knows to be unauthorized. SB 1865 is pending in the Assembly Public Safety Committee.

SB 2795 (Marks) would amend the Political Reform Act of 1974 by expanding the definition of a primarily formed committee to include a committee which is formed or exists primarily to support or oppose two or more measures being voted upon in the same city or county election. SB 2795 is pending in the Assembly Committee on Elections, Reapportionment and Constitutional Amendments.

OPEN MEETING LAWS

AB 4065 (Lempert). Under the existing Ralph M. Brown Act, the legislative body of any district which is subject to the Act is required to give mailed notice of every regular meeting, and any special meeting which is called at least one week prior to the date set for the meeting, to any owner of property located within the district who has filed a written request for that notice with the legislative body. Existing law also requires any request for notice or renewal request to contain a description of the property owned by the person filing the request. As amended May 3, this bill would specify, instead, that the mailed notice is required to be sent to any person that has filed a request for notice, and would state that the failure of any person to receive the notice shall not constitute grounds for invalidation of an action of the legislative body for which notice was given. AB 4065 is pending in the Senate Local Government Committee.

PUBLIC RECORDS

AB 3344 (Floyd) would specify that itemized statements of expenditures and disbursements of any law enforcement agency to or on behalf of witnesses and informants shall become public records subject to disclosure once the trial of the proceeding is ended or the investigation concluded. AB 3344 is pending in the Senate Judiciary Committee.



AB 3345 (*Floyd*), as amended May 15, would add specified state agencies to the list of those agencies required by the California Public Records Act to provide that their records are open to the public, thereby requiring those state agencies to establish guidelines for accessibility of records. AB 3345 is pending in the Senate Governmental Organization Committee.

AB 3346 (*Floyd*), as amended May 3, would provide that where specified records relating to law enforcement are subject to disclosure and are available, the agency would be required to provide, as specified, all or any completed portions of those records, and that supplemental investigations or review by other agencies would not be a reason for withholding the records. AB 3346 is pending in the Senate Judiciary Committee.

SB 2272 (*Roberti*) would permit any person to institute proceedings for a writ of mandate to enforce his/her right to inspect or to receive a copy of any public record or class of public records covered by the Public Records Act. This bill would also make numerous other changes to the law regarding public records. SB 2272 is pending in the Assembly Judiciary Committee.

STATE BOARDS AND COMMISSIONS

AB 2572 (*Eastin*), as amended May 29, would require the Joint Legislative Budget Committee, prior to the enactment of legislation creating any new state board, to review a plan developed by the author of the legislation for the establishment and operation of the proposed state board. The bill would specify the contents of the plan, including the reasons why the proposed state board was selected to address the problem giving rise to the legislation. The bill would require the plan to be provided to the appropriate policy and fiscal committees of the legislature pursuant to procedures adopted by each committee for this purpose. The Committee would also be required to establish criteria and review processes for the operational review of each state board after its enactment. AB 2572 is pending in the Senate Rules Committee.

AB 3584 (*Speier*), as amended June 19, would provide, subject to a specific exception, that no member of a licensing or regulatory board, bureau, or commission within the Department of Consumer Affairs, or any member of the State Board of Education, shall accept any gift of \$10 or more per month or honorarium from any person subject to

the authority of that board, bureau, or commission. This bill would provide that a member of a licensing or regulatory board, bureau, or commission within the Department of Consumer Affairs, or a member of the State Board of Education, shall disclose on the record any personal or professional relationship with any individual or entity appearing before the board, bureau, or commission, or the State Board of Education, at any hearing or other proceeding of that body and board of education, at any hearing or other proceeding of that body and shall file a report, as specified, with the Fair Political Practices Commission of the individual's or entity's appearance and the member's relationship with that individual or entity. AB 3584 is pending in the Senate Governmental Organization Committee.

SB 2241 (*Watson*), as amended May 29, would make legislative findings concerning the need to remedy the underrepresentation of women and other groups on state boards and commissions. The bill would require the Governor and every other appointing authority, in making appointments to state boards, councils, committees, and all statewide panels, to be responsible for nominating or appointing a variety of competent persons of diverse backgrounds, abilities, interests, and opinions, and who are reflective of the numerical composition of all segments of the state's population, including, but not limited to, women and ethnic minorities. SB 2241 is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

SB 2374 (*Presley*), as amended April 23, would express the intent of the legislature to review and evaluate existing and proposed advisory commissions and task forces, and to abolish those which are determined unnecessary or inefficient, or which are undertaking duplicative activities. The bill would repeal various provisions establishing and relating to task forces no longer having duties which they are required to perform. SB 2374 is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

SB 2379 (*Presley*), as amended April 23, would establish, effective January 1, 1993, the State Department of Children's Services within the Health and Welfare Agency, to be headed by a director with specified powers and duties, and to succeed to and be vested with the duties, powers, purposes, responsibilities, and jurisdiction of the state Department of Social Services, the state Department of Health Services, and the state Department of Mental

Health, as they relate to services for children. Employees of other departments who currently perform duties or responsibilities to which the Department has succeeded would be transferred to the Department. This bill would create the Children's Services Fund, to be administered by the Department as a single source of funding for various children's services and funded by existing funds and other state and federal sources. This bill would require the Department to establish rules, policies, and procedures for the implementation of the requirements of the bill by county children's services agencies, to develop reimbursement criteria for those agencies, and to perform various monitoring and licensing functions for the delivery of children's services. It would require the Department to report annually to the Governor and the legislature. This bill would also eliminate the State Social Services Advisory Board, and the Committee on Child Abuse Prevention of the Board. SB 2379 is pending in the Assembly Human Services Committee.

1989-90 LEGISLATIVE SESSION REPRISÉ

The following is a status update on all bills reported in detail in CRLR Vol. 10, No. 1 (Winter 1990) at pages 160-62; 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:

State Boards and Commissions

AB 2677 (*M. Waters*), regarding the composition of state boards and commissions, would provide that the number of appointments, by an appointing power, from one gender shall not exceed by more than one the number of appointments from the other gender. The bill is pending in the Senate Rules Committee.

AB 2678 (*M. Waters*), as amended March 28, would require the percentage of women on the state's various boards and commissions to be reflective of the percentage of women in the state's population. This bill is pending in the Senate Rules Committee.

AB 2757 (*Moore*), as amended May 15, would require the directors of specified state agencies to each conduct a study on what operational changes would be needed to facilitate the operation of its offices on an extended hours basis. This bill is pending in the Senate Governmental Organization Committee.

AB 2787 (*Chacon*) would terminate the existence of various state boards,



commissions, panels, and councils. This bill is pending in the Senate Rules Committee.

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

Public Utilities

AB 2886 (Moore) requires toll-free telephone lease lines to be available to both tone dial and rotary dial telephones. This bill was signed by the Governor (Chapter 393, Statutes of 1990).

Ethics in Government

SCA 32 (Roberti) 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, and was placed on the June 1990 statewide ballot as Proposition 112, which was successful.

AB 1844 (Vasconcellos), as amended May 8, would establish public financing of specified campaigns and impose expenditure limitations for those candidates who elect to accept this public financing. *AB 1833* is pending in the Senate Appropriations Committee.

AB 1314 (Marks), as amended February 1, would provide that certain employees, officers, or consultants of administrative agencies 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 the Assembly Ways and Means 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 adhere to ethics standards regarding the presentation of the initiative for which they are collecting signatures. *AB 141* is pending in the Senate Appropriations Committee's suspense file.

AB 211 (Floyd), which requires polling place accessibility to the physically handicapped, was signed by the Governor (Chapter 106, Statute of 1990).

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; *ACA 19* was dropped on the Assembly floor.

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, has been held 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 Citizens Board to Assure Redistricting Fairness created by this legislation. *SCA 27* is pending in the Assembly Committee on Elections, Reapportionment and Constitutional Amendments.

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

AB 1845 (Vasconcellos), which would have limited the amount a person may contribute to a candidate or candidate's campaign committee, died in committee.

AB 453 (Peace), which 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, is pending on the Assembly floor.

Licensing

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

AB 3229 (Polanco), as amended April 16, would extend the waiver of licensure requirements for clinical social workers to four years, with one additional year to be granted under extenuating circumstances. This bill is pending in the Senate Health and Human Services Committee.

Taxation

SB 124 (Garamendi), which makes numerous amendments to state tax law, was signed by the Governor (Chapter 126, Statutes of 1990).

Miscellaneous

SB 2087 (Rosenthal), as amended May 7, would provide that, with specified exceptions, every retail seller selling goods to the public in this state that has a policy with respect to any of those goods not to either refund equal cash, give equal credit, or allow equal exchange for at least seven days after a retail sale of goods if goods are returned with proof of purchase, shall conspicuously disclose that policy at each cash register and sales counter, at each public entrance, on a tag attached to each item sold under that policy, or on the seller's order forms, if any. Failure to do so would subject the seller to specified civil liability. *SB 2087* is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 539 (Moore), which would require notification to an individual that personal information is being collected and distributed for commercial purposes, 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 pending in the Senate Judiciary 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 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 both the Assembly and the Senate but was put in the Senate's inactive bill file by its author.

SCR 84 (Hart), which would require the Board of Administration which oversees the state's multi-billion dollar Public Employees' Retirement System and Teachers' Retirement Board to follow the "Valdez Principles," a code of conduct for corporate activities affecting the environment, is pending in the Assembly Committee on Public Employees, Retirement and Social Security.

