



1989-90 LEGISLATIVE SESSION REPRISÉ

The following is a final review of general public interest legislation introduced during the 1989-90 session; many of the following bills were reported in detail in this section in previous issues of the *Reporter*.

The 1989-90 legislative session officially ended at midnight on August 31 (Joint House Rule 51(b)(3)). All legislation introduced during the two-year session was signed into law, became law without the Governor's signature, was vetoed, or died.

The next two-year legislative session begins on December 3, 1990 (California Constitution, Article IV, section 3(a)). The state's new legislature will be seated on December 3, and may begin introducing bills to be considered during the 1991-92 legislative session that same day.

STATE BOARDS AND COMMISSIONS

AB 2572 (Eastin), as amended August 6, authorizes the Rules Committee of either house, acting pursuant to a request from the chair of the appropriate policy committee, to direct the Joint Legislative Budget Committee, prior to the enactment of legislation creating any new state board, to review a plan developed by the legislation's author for the establishment and operation of the proposed state board. The bill specifies the contents of the plan, which must include the reasons why the proposed state board was selected to address the problem giving rise to the legislation. The bill also requires the Joint Legislative Budget Committee to establish criteria and review processes for the operational review of each state board after its enactment. *AB 2572* was signed by the Governor on September 12 (Chapter 832, Statutes of 1990).

AB 2757 (Moore), as amended July 7, would have required 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 was vetoed by the Governor on September 27.

SB 2241 (Watson) would have made legislative findings concerning the need to remedy the underrepresentation of women and other groups on state boards and commissions; and would have required the Governor and every other appointing authority, in making appointments to state boards, councils, commit-

tees, 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* was vetoed by the Governor on September 17.

SB 2374 (Presley), as amended August 14, requires the Governor's Budget for the 1992-93 fiscal year to include an addendum which evaluates the need for every state-funded advisory body, as defined, in state government according to specified criteria, and states the intent of the legislature to utilize this evaluation in order to consider which advisory bodies should continue and which ones should be terminated. This bill repeals various provisions establishing and relating to task forces no longer having duties which they are required to perform. *SB 2374* was signed by the Governor on September 29 (Chapter 1455, Statutes of 1990).

SB 2379 (Presley), as amended August 28, would have stated legislative intent to encourage the development, at both the local and state level, of comprehensive and collaborative delivery systems for all services provided to children and youth, and to involve school districts in the planning and delivery of services for children. This bill also would have established a Director of Children and Youth Services, whose duties would include the oversight of all departments and agencies providing services to children. This bill was vetoed by the Governor on September 30.

The following bills died in committee: *AB 2677 (Waters, M.)*, which would have provided that, regarding the composition of state boards and commissions, 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; *AB 2678 (Waters, M.)*, which would have required 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; *AB 2787 (Chacon)*, which would have provided that it is the policy of the state of California that the composition of state boards and commissions be broadly reflective of all minority groups and disabled persons in the state; and *AB 3584 (Speier)*, which would have provided, 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.

CABLE TELEVISION

AB 2929 (Moore), as amended August 20, would have enacted the Video Consumers' Bill of Rights, and would have required 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 also would have required notice of delinquency and impending termination to be given at least fifteen days prior to the termination of service. *AB 2929* was vetoed by the Governor on September 28.

CHILD ABUSE

AB 3453 (Leslie) deletes 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 requires the Office to make every attempt to make activities conducted by the Office qualify for federal funding in general, and requires the Office to conduct research and collect data relevant to the effectiveness of child abuse prevention programs. *AB 3453* was signed by the Governor on September 11 (Chapter 756, Statutes of 1990).

AB 3949 (Lempert), as amended August 27, requires DSS to award grants to private nonprofit or public entities for projects to develop a training program to arrive at a formal Memorandum 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. Although Governor Deukmejian signed this bill on September 30 (Chapter 1666, Statutes of 1990), he vetoed the necessary budget allocation of \$64,000 provided in the bill.

AB 4055 (Waters, M.), as amended August 29, would have transferred 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. This bill was vetoed by the Governor on September 22.



SB 2332 (Killea), as amended August 6, would have required DSS to select and award grants to up 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. This bill was vetoed by the Governor on September 30.

CHILD CARE

AB 3094 (Harris) would have required 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 have operated for two years and would have provided child development consultation services to providers of child care. *AB 3094* was vetoed by the Governor on September 22.

AB 3431 (Clute), as amended July 5, would have required the Child Development Programs Advisory Committee to develop, update, and disseminate a resource and referral guide to alternative child care programs for older youth. The bill appropriated \$50,000 to the Committee for the purpose of developing and distributing the guide. *AB 3431* was vetoed by the Governor on September 30.

AB 3545 (Waters, N.), as amended August 27, would have required at least one child day care facility director or teacher at each child day care facility, other than family day care homes, and each licensed family day care home provider to have, in addition to existing requirements, sixteen hours of training on preventive health practices. This bill was vetoed by the Governor on September 22.

AB 4155 (N. Waters), as amended August 27, would have required the State Department of Education to fund two 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* was vetoed by the Governor on September 27.

AB 4345 (Murray), as amended August 20, would have required 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. This bill was vetoed by the Governor on September 22.

ACR 108 (Murray) requires the Assembly Select Committee on Child Care and Child Abuse and the Senate

Select Committee on Infant and Child Care and Development to jointly convene a task force to examine the feasibility of designing new regulations governing licensed child care, and to report its findings to the legislature by January 1, 1992. *ACR 108* was chaptered on August 30 (Chapter 91, Resolutions of 1990).

SB 2293 (Watson). Existing law requires a family day care home to maintain liability insurance, a bond, or a file of affidavits signed by each parent of a child enrolled in the home. As amended June 21, this bill requires 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* was signed by the Governor on September 18 (Chapter 1050, Statutes of 1990).

SB 2377 (Presley) requires the DSS Director to establish a Child Care Review Panel in at least one of the fifteen regional districts in the state, with specified membership and tenure, which where established is required to provide objective review on cited violations of specified regulations affecting child day care facilities, and specifies the procedures for the panel to conduct these reviews. This bill was signed by the Governor on September 4 (Chapter 608, Statutes of 1990).

CONSUMER PROTECTION

AB 2729 (Areias), as amended August 17, requires any notice provided by a creditor to a consumer credit reporting agency in connection with a delinquency on a consumer credit contract to also be provided to any cosigner to the obligation, and prohibits a creditor from providing any information regarding the cosigner's obligation on a consumer credit contract to a debt collector concerning that obligation, until specified notice has been provided to the cosigner. *AB 2729* was signed by the Governor on September 30 (Chapter 1549, Statutes of 1990).

AB 2890 (Speier), as amended August 17, would have required a consumer credit reporting agency which furnishes a consumer report for employment purposes which contains public record information that is likely to have an adverse effect on a consumer's ability to obtain employment, to (1) 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; (2) include in the notice a form which the consumer may complete and return in order to receive a copy of his/her credit report; and (3) inform the consumer of the information needed to enable the proper identification of the consumer and the file. This bill was vetoed by the Governor on September 29.

AB 2908 (Peace), as amended August 17, requires consumer credit reporting agencies, upon written request, to create reasonable procedures to prevent file data which reflect credit experience from being used for marketing purposes or for any offer of credit not requested by the consumer, except as specified; and requires consumer credit reporting agencies to advise consumers of this right upon contact by the consumer. This bill was signed by the Governor on September 12 (Chapter 842, Statutes of 1990).

AB 4160 (Katz), as amended July 27, enacts the Children's Poison Protection Act of 1990, and requires a toxic household product, as defined, to include a bittering agent within the product, unless the product is packaged with child-resistant safety closures. This bill was signed by the Governor on September 12 (Chapter 866, Statutes of 1990).

SB 2750 (Marks). Civil Code section 1785.16 provides that, if the completeness or accuracy of any item of information contained in a consumer's file maintained by a consumer credit reporting agency is found to be missing, inaccurate, or can no longer be verified, the consumer credit reporting agency must notify the consumer that the information has been added, corrected, or deleted; and provides that the notification include an explanation of the obligation of the agency to provide a decoded written version of the file or a written copy of the file with an explanation of any code used, at no charge to the consumer, should the consumer elect to receive such a disclosure. As amended August 29, this bill deletes the requirement of notification of the agency's obligation and provides, instead, that the notification to the consumer include a copy of the corrected consumer credit report. This bill was signed by the Governor on September 24 (Chapter 1315, Statutes of 1990).

SB 2751 (Marks), as amended August 29, adds 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. *SB 2751* was signed by the Governor on September 20 (Chapter 1144, Statutes of 1990).



ELECTIONS

SB 1865 (Craven), as amended August 27, prohibits 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. This bill was signed by the Governor on September 30 (Chapter 1590, Statutes of 1990).

SB 2795 (Marks) amends 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* was signed by the Governor on September 7 (Chapter 626, Statutes of 1990).

AB 3145 (Eaves), which would have, among other things, prescribed an application procedure to obtain a copy of voter registration information from the county elections official or the Secretary of State, died in the Senate Elections Committee.

ETHICS IN GOVERNMENT

SB 1738 (Roberti) creates a number of changes in the Political Reform Act of 1974, regarding ethics rules governing legislators, members of the State Board of Equalization, other constitutional officers, the Insurance Commissioner, and state employees, specifically including members of the Governor's administration. This bill essentially implements the intent section of Proposition 112, which was successfully passed by the voters during the June 1990 election. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 32 for background information.) The bill includes new conflict of interest rules and remedies; revolving door restrictions on employment of former state employees, legislators, and other elected officials; a ban on honoraria; restrictions on gifts to elected officials and specified state staff; and restrictions and clarifications on the use of campaign funds for travel. *SB 1738* was signed by the Governor on May 4 (Chapter 84, Statutes of 1990).

The following bills died in committee: *AB 1844 (Vasconcellos)*, which would have established public financing of specified campaigns and imposed expenditure limitations for those candidates who elect to accept this public financing; *AB 141 (Speier)*, which would have provided separate ballot qualification procedures for initiative and referendum petitions, and would have required 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 519 (Cortese)* and *ACA 19 (Cortese)*, both of which would have provided 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; *SB 338 (Marks)*, which would have required the Secretary of State to provide a toll-free voter registration hotline to specific state departments and agencies, and would have required that these agencies provide that information in specified official mailings; *SB 1314 (Marks)*, which would have provided 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 have been similarly prohibited from acting as lobbyists for a one-year period after leaving office; *SCA 27 (Lockyer)*, which would have revised 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; *ACA 15 (Vasconcellos)*, which would have created an independent salary-setting commission, banned honoraria, and subjected legislative members to more stringent conflict of interest enforcement mechanisms; and *AB 453 (Peace)*, which would have allowed 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.

LICENSING

AB 55 (Hansen), as amended August 27, requires persons under the age of 21, as a prerequisite to obtaining a motorcycle license or endorsement, to present to the Department of Motor Vehicles satisfactory evidence of completion of a motorcycle safety training program, as specified. This bill was signed by the Governor on September 25 (Chapter 1359, Statutes of 1990).

AB 2537 (Burton), as amended August 14, would have created the Crane Operators Licensing Board, and would have made it a misdemeanor for

an employer to require an unlicensed person to operate a crane, with certain exceptions. *AB 2537* was vetoed by the Governor on September 13.

AB 3229 (Polanco), as amended July 27, extends the waiver of licensure requirements for clinical social workers employed in publicly operated health facilities and gaining qualifying experience toward licensure to four years, with one additional year to be granted under extenuating circumstances. This bill was signed by the Governor on September 17 (Chapter 962, Statutes of 1990).

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 June 21, this bill specifies, instead, that the mailed notice is required to be sent to any person who 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* was signed by the Governor on September 21 (Chapter 1198, Statutes of 1990).

PUBLIC RECORDS

AB 2019 (Harris), as amended August 29, would have required 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 have been subject to a \$25 per day fine, payable to the requesting party. *AB 2019* was vetoed by the Governor on September 27.

AB 3344 (Floyd) would have specified 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. This bill was rejected by the Senate on August 29.



AB 3345 (*Floyd*) was substantially amended in August and no longer relates to public records.

AB 3346 (*Floyd*) would have provided that where specified records relating to law enforcement are subject to disclosure and are available, the agency is required to provide all or any completed portions of those records, and that supplemental investigations or review by other agencies is not a reason for withholding the records. AB 3346 was vetoed by the Governor on August 28.

SB 2272 (*Roberti*) permits 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 also makes numerous other changes to the law regarding public records. SB 2272 was signed by the Governor on September 13 (Chapter 908, Statutes of 1990).

MISCELLANEOUS

AB 244 (*Calderon*), as amended August 15, enacts new provisions governing the safe use of automated teller machines, including certain location, installation, and lighting standards. AB 244 was signed by the Governor on September 12 (Chapter 825, Statutes of 1990).

AB 1314 (*Clute*) requires licensed vehicle dealers to report to the Department of Justice certain transactions involving currency of more than \$10,000. AB 1314 was signed by the Governor on May 8 (Chapter 89, Statutes of 1990).

SCR 84 (*Hart*), which requests 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, was chaptered on September 10 (Chapter 131, Resolutions of 1990).

The following bills died in committee: AB 539 (*Moore*), which would have required notification to an individual that personal information is being collected and distributed for commercial purposes; AB 671 (*Connelly and O'Connell*), which would have brought mergers and acquisitions that restrain trade within existing California antitrust law; ACR 1 (*Hayden*), ACR 2 (*Statham*), ACR 3 (*Wyman*), and ACR 20 (*Killea*), each of which sought to place limitations on the number of bills a legislator may introduce during a session; SB 106 (*Lockyer*), which would have defined the term "despicable conduct" for purposes of legal actions associated with breach of

an obligation not arising from a contract; and SB 2087 (*Rosenthal*), which would have provided 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.

