



GENERAL LEGISLATION



ADMINISTRATIVE PROCEDURES

AB 710 (Floyd) would make the Division of Industrial Accidents subject to the provisions of the Administrative Procedure Act governing the adoption and review of agency regulations. AB 710 is pending in the Senate Governmental Organization Committee.

AB 855 (Felando) would provide that, if the Office of Administrative Law (OAL) becomes aware of an existing regulation for which the statutory authority has been repealed or becomes ineffective, OAL would be required to notify the agency and the legislature of its intent to repeal the regulation, the agency would be permitted to file a request for review with the Governor's legal affairs secretary, and the Governor would make the final decision on whether the regulation should be repealed. This bill is pending in the Senate Governmental Organization Committee.

AB 2019 (Harris). The California Public Records Act requires a public agency to provide copies of public records not otherwise exempt from disclosure to any person requesting those records. This bill would require any agency which fails to make its records promptly available to pay the requesting party a penalty of \$25 for each day the records are withheld. This bill is pending in the Senate Governmental Organization Committee.

AB 2022 (Ferguson) would exempt from public inspection 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. AB 2022 is pending in the Assembly Committee on Governmental Organization.

SB 1267 (Davis) would require, with certain exceptions, a local legislative body to maintain for a one-year period an unedited tape recorded transcript of any closed session held. Further, the bill would authorize specified prosecutorial agencies to obtain the recording of any session which is alleged to involve a violation of the Ralph M. Brown Open Meetings Act. SB 1267 is pending in the Senate Committee on Local Government.

SB 1458 (Green) would permit state agencies operating under a joint powers agreement for insurance pooling to hold closed sessions to discuss any claim for the payment of tort liability or public liability losses insured by the state agency or any member agency under the joint

powers agreement. This bill is pending in the Assembly Governmental Organization Committee.

FIREARMS

AB 357 (Roos) and *SB 292 (Roberti)* would make it a crime to advertise, possess, offer for sale, or sell assault weapons, as defined, and would increase the penalty for assault with a machine gun or assault weapon to imprisonment in the state prison for 4, 8, or 12 years. Both bills were signed by the Governor on May 24 (Chapter 19 and Chapter 18, Statutes of 1989).

AB 392 (Murray), which would require anyone convicted of possessing a machine gun or semiautomatic to register with the local law enforcement authority, is pending in the Senate Judiciary Committee.

AB 497 (Connelly), which would regulate concealable firearms and who may possess any type of firearm, is pending in the Senate Judiciary Committee.

LEGISLATIVE ETHICS

Four bills have been introduced to address the problem of crime by state officials. *AB 113 (Isenberg)*, as amended, provides for a preliminary investigation by the Attorney General leading to, if necessary, the appointment of a special prosecutor by a special division of the Third District Court of Appeal assigned by the Chief Justice of the California Supreme Court. *AB 410 (Killea)*, as amended, would create a special political crimes investigation unit in the Department of Justice to provide expertise and resources to all district attorneys. *AB 778 (Burton)* would provide for the creation of the Office of Special Criminal Prosecutor to have oversight jurisdiction over the legislature, elected statewide officers, and state agencies. *SB 1355 (Keene)* would create the Special Investigation and Prosecution Unit within the Attorney General's Office, with the authority to establish a statewide program for coordinating the investigation and prosecution of alleged criminal or civil violations of law by state officers or candidates. This bill would permit this unit to advise and assist local agencies in the investigation and prosecution of local official and candidates as well. SB 1355 also provides for the judicial appointment of a special prosecutor at the Attorney General's request.

AB 113, AB 410, and AB 778 are pending in the Assembly Public Safety

Committee; SB 1355 is pending in the Senate Judiciary Committee.

AB 1844 (Vasconcellos) would establish public financing of campaigns for the offices of Assemblymember and Senator and would impose expenditure limitations on those candidates who elect to accept this financing. Money for this Campaign Reform Fund would come from individuals who designate on their personal income tax returns an amount to be deposited in the fund. Money would be distributed to participating candidates on the basis of matching contributions. AB 1844 is pending in the Assembly Ways and Means Committee.

AB 1845 (Vasconcellos) would impose \$25,000 as the aggregate limit on the amount a person may contribute to all political candidates within a two-year period. This bill is pending in the Assembly Ways and Means Committee.

AB 600 (Sher) would preclude 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. Former legislators would be similarly precluded from appearances before legislative committees or individual legislators. The bill would make violation of its provisions subject to the administrative, civil, and criminal penalties of the Political Reform Act of 1974. AB 600 is pending in the Assembly Committee on Elections, Reapportionment and Constitutional Amendments.

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 the Senate Rules Committee.

LICENSING

AB 1266 (Tucker), which would require 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, is pending in the Assembly Health Committee.

AB 2004 (Chacon), which would provide that no one may do business or otherwise act as a travel agent unless he/she is licensed to do so, is pending in



the Assembly Committee on Governmental Efficiency and Consumer Protection.

REDISTRICTING

SCA 27 (Lockyer) would require the legislature to submit any bill that establishes boundary lines for a Senate, Assembly, Board of Equalization, or U.S. House of Representatives district to a twelve-member Independent Citizens Redistricting Commission. The Commission would be appointed from a list of names, prepared by the Secretary of State, by a panel of three retired justices of the courts of appeal. The Commission would be required to hold hearings on the bill and return it to the legislature within 60 days with any adjustments deemed necessary to comply with the U.S. Constitution or federal statutes. *SCA 27* is pending in the Senate Committee on Constitutional Amendments.

TAXATION

SB 1395 (Kopp and Ayala) would merge the duties of the Franchise Tax Board and the State Board of Equalization by creating a Department of Revenue. *SB 1395*, now in the Senate Appropriations Committee, would become operative only upon voter approval of *SCA 29*, which would abolish the Board of Equalization.

REPRISE

The following is a status update on bills reported in detail in *CRLR* Vol. 9, No. 2 (Spring 1989) at pages 128-29:

AB 6 (Elder and Lempert), which would require the Fair Political Practices Commission to develop a videotaped ethics course for political candidates, remains in the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments.

AB 8 (Floyd), requiring safety helmets for motorcyclists, passed out of the Senate but was vetoed by Governor Deukmejian on July 21.

AB 14 (Kelley), which would increase the gasoline tax, is still in the Assembly Transportation Committee.

AB 16 (Klehs), as amended on March 29, would disallow certain tax exemptions for social clubs discriminating on the basis of age, sex, race, religion, color, ancestry, or national origin. This bill failed to pass out of the Assembly.

AB 17 (Lempert), prohibiting specified former state officials from working as lobbyists for a one-year period after

leaving office, remains before the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments.

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

AB 64 (Mountjoy), which would have made certain changes in voter registration procedures, failed passage in the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments.

AB 65 (Vasconcellos), providing that persons with AIDS are entitled to the same legal protections as physically handicapped individuals, is pending in the Senate Industrial Relations Committee.

AB 74 (Floyd), pending in the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments, would provide for civil penalties for a candidate who knowingly falsifies an endorsement.

AB 106 (Johnson), which would change the date of the presidential primary election, remains in the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments.

AB 136 (Floyd) would remove the secretaries of five state agencies and their staff from various boards and commissions and would transfer some of their specific program responsibilities to constituent departments within their agencies. This bill is pending in the Senate Governmental Organization Committee.

AB 141 (Speier), as introduced, would provide separate ballot qualification procedures for initiative and referendum petitions. On April 6, it was amended to add provisions making it a misdemeanor for anyone circulating an initiative, referendum, or recall petition to intentionally misrepresent or lie about the petition or to engage in other improper signature-gathering tactics. The amendment would additionally require that paid circulators wear a badge that meets specified criteria. *AB 141* is pending in the Senate Elections Committee.

AB 192 (Cortese), which would require airlines to report safety threats to the state Attorney General, is pending in the Assembly Public Safety Committee.

AB 211 (Floyd), which would require polling place accessibility to the physically handicapped, remains in the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments.

AB 234 (McClintock), which would extend 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, is pending in the Assembly Judiciary Committee.

AB 255 (Floyd), which would authorize the Director of the Department of Consumer Affairs to adopt rules and regulations establishing qualifications for bodyguards and private investigators, is pending in the Assembly Governmental Efficiency and Consumer Protection Committee.

AB 408 (Roybal-Allard), as amended on April 27, would require the State Fire Marshal to adopt safety regulations concerning cigarette lighters. The bill itself is pending in the Assembly Governmental Organization Committee while its subject matter has been referred to the Rules Committee.

AB 441 (Lewis), which would require 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, Reapportionment, and Constitutional Amendments Committee, but was granted reconsideration.

AB 484 (Killea), which would require combination lap and shoulder safety belts to be installed in the back seats of new cars, is pending in the Senate Transportation Committee.

AB 519 (Cortese), providing an indirect initiative process, is pending in the Assembly Ways and Means Committee.

AB 539 (Moore), as extensively amended, would create the Personal Information Integrity Act of 1989. The Act would require that when personal information is being collected or distributed, the individual is to be notified and informed as to the identity of the recipients of the information, and provided with a copy of the data dossier upon request. The bill would also create civil liabilities for use of a computer network to collect or disseminate such information in a manner other than as specified. *AB 539* is pending in the Senate Judiciary Committee.

AB 671 (Connelly, O'Connell) would bring mergers and acquisitions that restrain trade within existing California antitrust law. On May 1, the bill was amended to exempt entities that have applied to the Public Utilities Commission for permission to merge before February 15, 1989. The exemption—which requires that the PUC make a finding that the prospective merger will not adversely affect competition—was presumably designed for the benefit of Southern California Edison, which is seeking to take over San Diego Gas and Electric



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Company. On May 30, that amendment was deleted by the Senate Judiciary Committee, where it is still pending at this writing.

AB 866 (Floyd), which would add specified state agencies to the list of those covered by the Public Records Act, is pending in the Assembly Governmental Organization Committee.

ACA 15 (Vasconcellos), which would place in the constitution existing statutory law prohibiting financial conflicts of interest for state legislators, is pending in the Assembly Elections, Reapportionment, and Constitutional Amendments Committee.

ACA 19 (Cortese), providing for an indirect initiative process, is pending in the Assembly Elections, Reapportionment, and Constitutional Amendments Committee.

ACR 1 (Hayden), *ACR 2 (Statham)*, *ACR 3 (Wyman)*, *ACR 20 (Killea)*, *SCR 1 (Hart)*, *SCR 12 (Kopp)*, and *SCR 31 (Deddeh)* all seek to place limitations on the number of bills a legislator may introduce during a session. *ACR 1* and *ACR 2* are pending before the Senate Rules Committee. *ACR 3* and *ACR 20* remain in the Assembly Rules Committee. *SCR 1*, *SCR 12*, and *SCR 31* all failed passage in the Senate Rules Committee.

SB 10 (Lockyer), as amended, would require state agencies to answer phone calls within ten rings. It is pending in the Senate Appropriations Committee.

SB 40 (Doolittle), which would require that a person with AIDS inform any prospective sexual partner of that fact, is in the Senate Committee on the Judiciary.

SB 58 (Marks), as amended, would prohibit any person from removing or defacing signs identifying the location of a polling place. Additionally, it provides that anyone other than an election official who solicits a voter to reveal his/her voted ballot would be punishable by a fine or imprisonment, as specified. The bill provides that anyone who hires another to engage in tactics of coercion or intimidation in connection with the voting rights of others is punishable by imprisonment. Finally, the bill provides that any person in possession of a firearm or who is in a peace officer or security guard uniform and is stationed in the vicinity of a polling place without permission of the elected officials is punishable by a fine or by imprisonment, along with any person who hires such an armed or uniformed person. *SB 58* is pending in the Assembly Committee on Elections, Reapportionment and Consti-

tutional Amendments.

SB 101 (Lockyer), which would require retailers to specify a home delivery time if the presence of the consumer is required, is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

SB 106 (Lockyer), as amended April 18, would give legal definition to "despicable conduct." Further, it would require a court, in determining whether the amount of a punitive damages award is excessive, to consider the reprehensibility of the conduct; whether the conduct was part of a pattern or an isolated instance; wealth of the defendant, including net worth and earnings; the amount necessary to create a deterrent effect; whether a scheme was shown which affected many persons that allowed the defendant to reap the benefit of unwarranted profits; whether corrective action has been taken; and any other mitigating or aggravating circumstances with respect to the conduct of the defendant. Finally, the bill provides that a punitive damages award in excess of 10% of the defendant's net worth would be deemed to be excessive as a matter of law, with specified exceptions. *SB 106* is pending in the Assembly Judiciary Committee.

SB 124 (Garamendi), as amended on May 8, would establish tax trial departments in each superior court to adjudicate cases principally concerning the imposition, assessment, or collection of taxes. This bill has been referred to the Senate Appropriations Committee suspense file.

SB 245 (Nielsen), as amended, would expand the authorization for wiretapping investigations. This bill is pending in the Senate Judiciary Committee.

SB 162 (Roberti), which would establish the Commission on Pay Equity, is pending in the Assembly Public Employees, Retirement, and Social Security Committee.

SB 338 (Marks, Craven), which would make several changes in voter registration procedures, has been amended to provide for a toll-free voter registration hotline. The bill is pending in the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments.

SB 425 (Torres), which would allow 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, remains in the Senate Judiciary Committee.

SB 1070 (Boatwright), which would

create the Sudden Infant Death Syndrome Advisory Task Force, has been placed in the Senate Appropriations Committee suspense file.

SCA 9 (Green) and *SCA 10 (Campbell)* would have required the joint election of Governor and Lieutenant Governor nominated by the same political party. Both failed passage in the Senate Committee on Constitutional Amendments.

