



AIDS

SB 1007 (Doolittle, et al.) has been signed by the Governor (Chapter 1577, Statutes of 1988). It requires that persons convicted of prostitution and certain sex crimes be tested for AIDS and take a course concerning AIDS. Also, the act of prostitution becomes a felony rather than a misdemeanor if the person convicted previously had a positive blood test for AIDS. The law additionally provides that anyone who commits one or more specified sex crimes with knowledge that he/she has tested positively for AIDS will receive a three-year enhancement of the prison sentence for each violation. The Governor signed this bill on September 30 with an item veto reducing the costs to be reimbursed to local agencies from \$2 million to \$500,000. On the same day, the Governor vetoed a similar but less severe bill, AB 2319 (Bronzan).

SB 2394 (Russell) was signed by the Governor on September 26 (Chapter 1337, Statutes of 1988). It requires all sex education classes to emphasize that abstinence from sexual intercourse is the only 100% effective protection against unwanted teenage pregnancy and sexually transmitted diseases.

SB 2840 (Hart) was vetoed by the Governor on September 30. It would have required each school district to ensure that all seventh- to twelfth-grade students annually receive AIDS prevention instruction.

CONSUMER AFFAIRS

SB 2464 (Kopp, et al.) was signed on August 20 (Chapter 466, Statutes of 1988). It provides that a car rental agency must inform customers, both orally and in writing, that the collision damage waiver offered may duplicate the customer's own vehicle insurance.

SB 2592 (Dills, Campbell) deletes from previous law the maximum dollar amount and maximum rate of finance charge which could be imposed on a retail installment credit account. SB 2592 provides that it will only operate until January 1, 1992, at which time the law will revert to its previous state (which includes caps on finance charges). The Legislative Analyst is to report any change in consumer credit rates charged under this law to the legislature by March 31, 1991. The Governor signed SB 2592 on August 21 (Chapter 479, Statutes of 1988).

FIREARMS

AB 4546 (Roos), signed by the Governor on September 22 (Chapter 1191, Statutes of 1988), makes any plastic firearm illegal in California.

SB 1795 (Roberti) increases the penalties for threatening to use a firearm. The law also makes every person who sells, manufactures, or distributes an imitation firearm liable for a civil penalty up to \$10,000. An "imitation firearm" is defined as a replica of a firearm which is so substantially similar in physical properties to a genuine firearm as to lead a reasonable person to conclude that the replica is a firearm. The Governor signed this bill on September 30 (Chapter 1605, Statutes of 1988).

INDIGENT DEFENSE

SB 2577 (Ellis) was signed by the Governor on September 13 (Chapter 871, Statutes of 1988). It provides that where a defendant is entitled but unable to employ counsel, the court may order the defendant to appear before a designated county officer in order to determine whether the defendant owns any real property or other assets which are subject to attachment so that the county may be compensated for the expenses of the indigent's defense.

LIABILITY LIMITATION

SB 1 (Doolittle), as amended, provides that a claim for punitive damages may not be included in a complaint against a religious corporation, unless allowed by the court. The Governor signed this bill on September 26 (Chapter 1410, Statutes of 1988).

SB 2333 (Kopp) provides that a school district and its employees are not liable in any civil action for injury, disease, death, or economic loss arising from exposure to asbestos contained in school buildings, except upon proof of negligence. This bill was signed by the Governor on September 20 (Chapter 1022, Statutes of 1988).

OPEN MEETINGS

AB 3191 (Frazee). The Ralph M. Brown Act requires, with exceptions, that meetings of legislative bodies of local public agencies be open and public. AB 3191 authorizes the use of video teleconferencing for these meetings, provided that the agency posts agendas at all the teleconference locations and adopts reasonable regulations to protect the rights of the parties. The Governor

signed AB 3191 on August 11 (Chapter 399, Statutes of 1988).

REPRISE

The following is a final update of bills discussed in this section during the two-year legislative session which ended on August 31, 1988:

AB 70 (O'Connell). Existing law provided that an advertisement must disclose if the goods will only be sold in multiple units. This bill, now law (Chapter 439, Statutes of 1987), extends coverage to consumer services as well.

AB 143 (Molina) would have extended to all state agencies goals for minority- and women-owned business participation in contracts let by the state. This bill died in committee.

AB 181 (Harris) includes blindness or other physical disability within the bases of discrimination prohibited by California's existing civil rights laws (Chapter 159, Statutes of 1987).

AB 214 (Margolin) regulates the treatment of patients brought to hospital emergency rooms and the transfer of those patients to other facilities (Chapter 1225, Statutes of 1987).

AB 237 (Frizzelle), as amended, would have allowed state agencies more flexibility in the hours in which they are open, provided public notice has been given. This bill died in the Assembly.

AB 271 (Allen) died in the Senate Committee on Governmental Organization. It would have required each state agency to submit a biennial report to the legislature certifying that the agency has complied with all of its legal duties or, if not in compliance, a statement of reasons and corrective plans.

AB 301 (Bader, Harris), as amended, would have raised the monetary jurisdiction limit for small claims cases from \$1,500 to \$2,500. The bill died in the Senate Judiciary Committee.

AB 325 (Areias) died in committee. As amended, it would have limited the maximum finance charge imposed on any retail installment account to 7% plus the average annual percentage yield on six-month obligations of the United States.

AB 415 (McClintock) requires that state administrative adjudicatory hearings be held in San Francisco if the transaction occurred in or the respondent resides within the Sixth Appellate District. This bill is now law (Chapter 50, Statutes of 1987).

AB 511 (Bradley), as extensively amended, would have authorized local



boards of supervisors, with the aid of local health officers, to designate agencies to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). This bill died in committee.

AB 517 (Bradley) died in committee. It would have required public hearings for every chemical proposed for inclusion in the Governor's list of toxics required by Proposition 65.

AB 938 (Wright) would have rewritten the existing statutes regulating contracts for athletic club services. The bill died in the Senate Business and Professions Committee.

AB 1100 (Elder), the Local Toxics Enforcement and Training Act of 1989, was vetoed by the Governor on September 30. The bill would have initiated a training program for local officials in the enforcement of hazardous materials laws.

AB 1177 (Floyd, Katz), which would have removed the secretaries of certain state agencies and transferred their responsibilities to departments within the agencies, died in conference committee.

AB 1204 (Chacon), which would have allowed a voter to register at the polling place on election day, died in the Senate Elections Committee.

AB 1321 (Harvey, Johnson) would have required all paid political advertisements to be identified as such; existing law requires this disclaimer only in newspaper advertisements. *AB 1321* died in committee.

AB 1331 (Speier, et al.) died in the Senate Appropriations Committee. It would have set forth qualification procedures for proponents of referendum and initiative petitions.

AB 1405 (Frazee) is now law (Chapter 173, Statutes of 1988). This law provides that a seller through the mail may omit a description of how substituted goods or services differ from those ordered, if specified requirements are met.

AB 1605 (Kelley), which would have created the Office of Protocol in the Governor's office, died in the Assembly.

AB 1692 (Chacon) was vetoed by the Governor. Originally, the bill concerned distribution of voter registration cards. It was amended to also include a notice provision on ballot pamphlets that employers have a duty to allow employees up to two working hours to vote. A second addition to the bill would have required the Secretary of State to encourage retail grocers to print voter registration messages on grocery bags.

AB 1740 (Roos), which, as amended,

would have required the state Department of Education to present a report on the level of multilingual services provided by state agencies, died in committee.

AB 1767 (Nolan, Hughes), as amended and signed by the Governor (Chapter 503, Statutes of 1988), requires the Governor's public records to be transferred to the State Archives when that Governor is authorized to restrict public access. The law additionally allows any Governor who held office between 1974 and 1988 to transfer his records to any California educational or research institution.

AB 2030 (Seastrand), which would have modified and expanded the definition of "investment adviser," died in the Senate inactive file.

AB 2075 (Floyd, et al.) died in committee. As amended, the bill would have required all state-owned facilities to be made available free of charge for use as polling places.

AB 2139 (Filante), as amended, was signed by the Governor on September 12 (Chapter 808, Statutes of 1988). The new law regulates tanning facilities.

AB 2186 (Longshore), which would have required specified identification in order to vote, died in committee.

AB 2365 (Connelly) died in committee. It would have prohibited ex parte communication during a meeting of a state body which is closed to deliberate a decision based upon evidence from an adjudicatory proceeding.

AB 2492 (Klehs, Condit), as extensively amended, would have required the Department of Health Services to implement regulations mandating an annual minimum of fifteen hours of continuing education for clinical laboratory technologists. *AB 2492* died in the Senate Appropriations Committee.

AB 2539 (Bates), which would have specified that the right of free speech may not be denied in shopping center common areas, died in committee.

AB 2603 (Hauser) died in the Assembly inactive file. It would have created an Office of Dispute Settlement Assistance within the Commission for Economic Development.

AB 2624 (Peace), as introduced, concerned public disclosure of concealed firearms licenses. As amended, it would have required local agencies to make a recording of each closed session. The recording would have been considered a public record, but kept confidential for a one-year period, after which the legislative body (by a four-fifths vote) could extend the confidentiality period. *AB*

2624 died in committee.

AB 2714 (Jones), which would have relaxed the warning requirements of Proposition 65, died in the Assembly inactive file.

AB 2718 (Hansen), as amended, would have prohibited retention of a majority of net proceeds from a charitable solicitation by a paid fundraiser. This bill died in the Senate.

AB 2791 (Chacon) was signed by the Governor on September 16 (Chapter 923, Statutes of 1988). Under the Political Reform Act of 1974, specified code reviewing bodies must direct agencies to promulgate conflict of interest codes. *AB 2791* enables the Fair Political Practices Commission to require such a code from a noncomplying agency if the code reviewing body does not exercise its authority. The Commission may itself also adopt a conflict of interest code for an agency.

AB 2815 (Johnson, Katz) would have moved the California presidential primary to February. The bill died in the Senate Elections Committee.

AB 3006 (Connelly), as amended, was signed by the Governor on September 29 (Chapter 1523, Statutes of 1988). This law provides consumer protection concerning car rentals. The law prohibits the sale of optional insurance; restricts the rental company's use of renters' credit cards; regulates rate advertisements to require inclusion of all mandatory fees and surcharges; specifies that any agreement to limit or enlarge the renter's liability is void; limits the amount a company may charge for a damage waiver; and provides for disclosure of certain information regarding the renter's actual legal liability.

AB 3337 (Calderon), which died in the Assembly Committee on Government Efficiency and Consumer Protection, would have required financial institutions to provide handicap access to automated teller machines.

AB 3756 (Stirling) authorizes a court to award attorney fees and costs to a prevailing plaintiff in an action under the Consumer Legal Remedies Act. The Governor signed *AB 3756* on September 26 (Chapter 1343, Statutes of 1988).

AB 3977 (Polanco). As introduced by Assemblymember Chacon, this bill proposed a 1% limit on fees charged for cashing certain types of checks and a 1.5% limit on other types. As amended, the bill would have deleted the exemption for incorporated telegraph companies from the licensure requirements to transmit money to foreign countries. *AB 3977* died in the Assembly.



GENERAL LEGISLATION

AB 4684 (Polanco) would have required the Attorney General to delegate the duties of preparing a ballot title and summary for any state initiative petition to the Legislative Analyst whenever the Attorney General has taken a position on the initiative. The bill died in the Assembly inactive file.

SB 23 (Bergeson), as amended, has become law (Chapter 1209, Statutes of 1987). It provides that public beaches are considered to be in a natural condition and unimproved, notwithstanding the provision, presence, absence, or change in extent or kind of public safety services.

SB 58 (Montoya), which would have extensively regulated health studio contracts, died in the Assembly Government Efficiency and Consumer Protection Committee.

SB 64 (Torres), which would have certified and regulated fitness instructors, died in committee.

SB 111 (Lockyer) would have enacted the Campaign Financing Reform Act of 1987 and imposed various limitations on contributions to and expenditures of candidates for legislative office. This bill died in the Assembly Committee on Elections, Reapportionment and Constitutional Amendments.

AB 148 (Bergeson), as extensively amended, was signed by the Governor on September 26 (Chapter 1355, Statutes of 1988). This law revised numerous previously existing provisions regarding teacher credentialing.

SB 173 (Davis), which would have required three televised debates to be arranged for each statewide election, died in committee.

SB 200 (Roberti) is now law (Chapter 1320, Statutes of 1987). It provides that the Bagley-Keene Open Meetings Act and the Ralph M. Brown Act will not be construed to prevent any state body from holding a closed session with its agent in order to give instructions concerning a real property negotiation.

Prior law allowed state agencies to conduct a closed session to confer with legal counsel on pending litigation if open discussion would be detrimental to the public interest. *SB 200* deletes the previous "public interest" test, and provides that the issue, instead, is whether the open session would prejudice the state body's position in the litigation.

SB 202 (Montoya), which would have established the Professional Malpractice Liability Fund, died in committee.

SB 207 (Nielsen, et al.) died in committee. As amended, it would have

increased by two the membership of the Commission on State Mandates, responsible for hearing local government reimbursement claims from state-mandated costs.

SB 315 (Montoya), as amended, would have required financial planners to furnish a written disclosure statement to each client. *SB 315* was defeated in the Assembly Committee on Finance and Insurance.

SB 460 (McCorquodale), now law (Chapter 466, Statutes of 1987), imposes penalties for fraudulent acts concerning absentee voter applications and ballots.

SB 812 (Royce), which would have regulated the use of slate mailers, died in committee.

SB 878 (Kopp), which died in committee, would have disallowed professional lobbying activities by local public transit services.

SB 933 (McCorquodale), which would have required the State Fire Marshal to certify chimney sweeps, died in committee.

SB 999 (Montoya), which would have created a State Board of Examiners of Interior Designers, died in committee.

SB 1723 (Deddeh) is now law (Chapter 433, Statutes of 1988). It regulates money exchange houses, requiring the posting of signs to inform clients of the exchange rates, as well as the giving of receipts. The law does not cover any business regulated by the Financial Code.

SB 1737 (Kopp) was signed by the Governor on September 14 (Chapter 903, Statutes of 1988). It increases from \$1,500 to \$7,500 the amount of attorneys' fees collectible for a prevailing complainant appealing an arbitrary or capricious administrative action.

SB 1741 (Torres, et al.) would have provided for the regulation of vicious dogs. The bill died in the Senate.

SB 1948 (Roberti) was vetoed by the Governor on September 23. It would have regulated the forms used for credit card transactions, prohibiting any form which renders a separate leaf that readily identifies the cardholder's account number.

SB 2078 (Kopp), which died in committee, would have created the Dietetic Practice Examining Committee.

SB 2529 (Alquist), which died in the Senate, would have increased the penalties for violations of the Political Reform Act of 1974.

SB 2548 (Seymour), vetoed by the Governor on September 20, would have included the income of a spouse within the definition of "income" for purposes

of the financial disclosure provisions of the Political Reform Act. Among other things, the bill also would have required designated agency employees to disclose income received during the year before the effective date of the agency's conflict of interest code.

SB 2703 (Marks, Craven), which contained numerous provisions geared to increasing voter registration and voter turnout, was vetoed by the Governor on September 30.

SB 2721 (Watson). Prior laws provided that a professional referral service with a membership of at least a majority of the eligible persons or licentiates in the area is immune from specified financial liability. This law expands previous law, requiring that such a society with 100 or more members need only include 25% of those eligible in order to qualify for the immunity. *SB 2721* was signed by the Governor on July 7 (Chapter 312, Statutes of 1988).

SB 2868 (Presley), as introduced, would have increased the penalty for unlicensed persons carrying concealed firearms in their vehicles. As amended and signed by the Governor on September 21 (Chapter 1099, Statutes of 1988), the new law extends by one year the life of the Peace Officers' Memorial Commission and the Peace Officers' Memorial Account in the General Fund.

SB 1201 and *ACA 22 (Hart)* would have provided for an indirect initiative process wherein proponents could submit their measures to the legislature. *SCA 22* was placed in the Senate inactive file at the author's request. *SB 1201* died in the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments.

SCR 30 (Montoya) was passed (Resolution Chapter 145, Statutes of 1987). The measure creates a 34-member task force to study and submit a proposal concerning the regulation of financial planners.

