



CONSUMER ACTIONS

AB 3756 (Stirling) would require a court to award attorney fees and court costs to a prevailing plaintiff in litigation filed pursuant to the Consumers Legal Remedies Act. Existing law authorizes injured consumers to recover only actual damages, punitive damages, and other relief as the court deems proper. As amended May 11, the bill would also authorize recovery of reasonable attorney fees to a prevailing defendant upon a finding by the court that plaintiff's prosecution of the action was not in good faith. *AB 3756* has passed the Assembly and is pending in the Senate Judiciary Committee.

ELECTIONS

AB 2815 (Johnson) would move the date of future California Presidential primary elections to the third Tuesday following the third Monday in February in any year which is evenly divisible by the number four. Current law provides that the Presidential primary be held on the first Tuesday after the first Monday in June of Presidential election years. This bill passed the Assembly on June 23 and is awaiting committee assignment in the Senate at this writing.

AB 4684 (Polanco) would require the Attorney General to refrain from preparing ballot titles and summaries for any state initiative petition where the Attorney General has taken a position in support of, or opposed to, the initiative or any other state initiative on the same subject matter. The Attorney General in such instances would be required to delegate the duty to the Legislative Analyst. Under current law, the Attorney General is required to prepare a ballot title and summary which gives a true and impartial statement of the chief purpose and points of the proposed measure in non-argumentative and non-prejudicial language. *AB 4684* has been placed in the Assembly inactive file.

STATE AGENCIES

AB 271 (Allen). Existing law requires the head of each state agency to make a written report of its activities to the Governor at least biannually. This bill would require each state agency to additionally prepare and submit to the legislature a report signed by the head of the state agency, certifying that the agency has complied with its administrative, enforcement, internal auditing, and reporting procedures. This report

would be submitted on or before the date the Governor's budget is required to be submitted to the legislature. This bill is pending in the Senate Committee on Governmental Organization.

REGULATION OF PROFESSIONS

SB 2078 (Kopp) would repeal existing legal provisions regarding dietitians and enact the Dietetic Practice Act. The Act would, among other things, provide for the licensing and regulation of persons practicing dietetic care; create the Dietetic Practice Examining Committee and establish its powers and duties; make it unlawful to practice dietetic care without a license after January 1, 1991 unless exempt from licensure; and establish the requisite qualifications for licensure. Current law makes it unlawful to hold oneself out as a dietitian unless he/she meets specified qualifications; however, no licensing scheme exists. *SB 2078* was referred for interim study by the Senate Business and Professions Committee.

SB 2721 (Watson) would expand liability immunity protection afforded to professional societies. Existing law provides immunity from damages or monetary liability to professional societies having as members at least a majority of the eligible persons or licentiates in the geographic area served by the particular society. Under this bill, societies with 100 or more members would be eligible for immunity by having as members only 25% of the eligible persons or licentiates in the geographic area served by the society. The bill would additionally declare the legislature's intent to maximize the public benefit conferred by professional referral services and to standardize the prerequisites for liability protection granted professional associations. At this writing, this bill is awaiting the Governor's signature.

AB 2139 (Filante) would require tanning facilities to give written warnings to customers regarding the use of tanning devices, and report injuries to the Department of Consumer Affairs. It would also require customers to sign specified consent forms, and parents or guardians must sign consent forms for persons between the ages of 14 to 18. The bill would require a parent or guardian to accompany a person under the age of 14 using a tanning device. This bill is pending in the Senate Appropriations Committee.

CONCEALABLE FIREARMS

SB 2868 (Presley), as amended June 21, would revise existing law which provides that any person who carries concealed within any vehicle which is under his/her control any concealable firearm without having a license to carry that firearm, or any person who carries concealed upon his/her person any concealable firearm without having a license to carry that firearm, is guilty of a misdemeanor. This bill would make these offenses felony/misdemeanor "wobblers", rather than only misdemeanors. *SB 2868* passed the Senate on June 2 and is pending in the Assembly Public Safety Committee at this writing.

POLITICAL REFORM ACT

SB 2529 (Alquist), as amended May 27, would increase the maximum fine which may be imposed under the Political Reform Act of 1974 when the Fair Political Practices Commission determines, after a hearing, that the Act has been violated. The fine amount would increase to \$3,500 from the current maximum of \$2,000.

The bill also allows a maximum penalty of \$10,000 where it is established that the violator has previously violated the Act or that the violation was intentional or grossly negligent. The bill would also provide that if a violation involves failure to properly report a campaign contribution and the filer inadvertently fails to report cumulative totals elsewhere on the campaign statement as a result of the initial reporting violation, the failure to properly report the contribution and the improper reporting of the cumulative totals shall be considered one violation. *SB 2529* is presently pending on the Senate floor.

SB 1820 (Marks) would have revised prohibitions on lobbying activities by former state administrative officials, legislators, and legislative staff. Under the bill, former state administrative officials would have been forbidden for one year from lobbying their former agencies on matters under the jurisdiction of the former official or agency. The bill would additionally have provided that no former member of the legislature or legislative staff member may lobby the legislature for one year following departure from legislative employment. This bill failed passage in the Senate Rules Committee on June 9.



VOTER REGISTRATION

SB 2703 (Marks), as amended May 12, would require every state and local agency to continually make available voter registration cards in a conspicuous location; require the Secretary of State to provide voter registration information to specified state departments and agencies, and to certain electrical, gas, and telephone corporations, and would require these entities (except the corporations) to include these materials in specified official mailings; require the Secretary of State, in each even-numbered year, to obtain address information from the Department of Motor Vehicles and to send voter registration information to persons listed therein at specified time periods. *SB 2703* passed the Senate on June 9 and is pending in the Assembly Committee on Elections, Reapportionment and Constitutional Amendments.

REPRISE

The following is an update of bills previously covered in the *General Legislation* section of recent issues of the *California Regulatory Law Reporter*:

SB 1711 (L. Greene), which would have exempted from current registration requirements lobbyists representing a tax-exempt organization for certain purposes, died in the Senate Committee on Governmental Organization.

SB 1723 (Deddeh), which would impose a regulatory scheme on money exchange houses, as defined, passed the Senate on April 14 and is pending on the Assembly floor at this writing.

SB 1737 (Kopp), which would increase the potential attorney fees awardable to a prevailing complainant in a civil action to appeal or review an administrative determination where it is shown that the determination was the result of arbitrary or capricious action by a public entity or officer in their official capacity, is currently pending in the Assembly Ways and Means Committee.

SB 1948 (Roberti), which would prohibit the issuance of credit card forms which render a separate piece of paper or carbon which readily identifies the cardholder by name or number, is also pending on the Assembly floor at this writing.

SB 2548 (Seymour) would require elected officials to include the income of their spouse when reporting income pursuant to the financial disclosure provisions of the Political Reform Act. This bill is pending on the Assembly

floor at this writing.

SB 2609 (Montoya) would have imposed limitations on the amount that individuals, persons, political committees, and political parties may contribute to candidates for elective office. The bill died in the Senate Elections Committee.

AB 1100 (Elder), which would enact the Local Toxics Enforcement and Training Act of 1989 and, among other things, provide grants for the training of officers and prosecutors in the enforcement of hazardous materials laws, is currently pending in the Senate Appropriations Committee.

AB 2561 (Condit, Waters) amends the Ralph M. Brown Act to authorize limited closed sessions by the legislative body of a multi-jurisdictional drug law enforcement agency. The bill was signed by the Governor and chaptered on March 25.

AB 2699 (Peace) would have created the International Border Pollution Control Authority, which would have been vested with specified powers and duties with respect to mitigating sources of pollution contamination, and nuisance across the international border. The bill died in the Assembly Committee on Environmental Safety and Toxic Materials.

AB 2714 (Jones), which would relax the warning requirements of the Safe Drinking Water and Toxics Enforcement Act of 1986 (Proposition 65), is currently pending in the Assembly Ways and Means Committee.

AB 2718 (Hansen), which would limit the amount of proceeds retainable by fundraisers and fundraising agencies which contract with a charity for solicitation for charitable purposes, has passed the Assembly and is pending in the Senate Judiciary Committee.

AB 2791 (Chacon) would enable the Fair Political Practices Commission to adopt a conflict of interest code for a state agency if that agency fails to submit a proposed conflict of interest code or amendments within a specified time period. *AB 2791* is currently pending on the Senate floor.

AB 3006 (Connelly), which would restrict rental car company advertising and enforcement of collision damage waiver clauses in car rental agreements, passed the Assembly on May 23 and is pending in the Senate Judiciary Committee.

AB 3301 (Calderon) would have required financial institutions operating automatic teller machines outside or away from their premises to comply with certain lighting, landscaping, and

location requirements. The bill failed passage in the Assembly Committee on Finance and Insurance on May 3.

