TOXIC CHEMICALS AND POLLUTION

AB 2714 (Jones) would amend the warning requirements of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) (see CRLR Vol. 6, No. 4 (Fall 1986) p. 83 for background information). The Act currently exempts from the warning requirement exposures which will have no observable effect at an exposure 1000 times the level in question.

AB 2714 would relax the warning provision tenfold by exempting exposures having no observable effect at an exposure 100 times the level in question. In other words, if an observable effect were to occur at an exposure 101 times the level in question, the Act as amended by AB 2714 would require no warning.

The bill was introduced in the Assembly on January 5, and was referred to the Assembly Committee on Governmental Safety and Toxic Materials on January 15.

AB 2699 (Peace), introduced January 4, would create the International Border Pollution Control Authority, which would be vested with specified powers and duties relating to the mitigation of sources of pollution, contamination, and nuisance which originate across the international border. Assemblymember Peace unsuccessfully tried to establish the Authority in 1987 through AB 262, and in 1986 through AB 4309. Both measures were vetoed by the Governor.

LOBBYISTS

SB 1711 (Greene) would amend the Political Reform Act of 1974 concerning registration requirements for lobbyists. Currently under the Act, certain individuals employed or acting as lobbyists must register with the Secretary of State before attempting to influence legislative or administrative action, and are prohibited from engaging in certain activities. The Act exempts other individuals from such requirements and prohibitions.

SB 1711 would specifically exempt any person representing a tax-exempt organization for the purpose of providing educational information unique to that organization’s resources, at the request of an elective state official, agency official, or legislative official.

The bill was introduced in the Senate on January 4, and is pending in the Senate Committee on Governmental Organization.

STATE AGENCIES

AB 1177 (Floyd) would remove the secretaries of certain state agencies and their staffs from the state boards and commissions on which they now serve and would transfer specific state program responsibilities presently assigned to these agencies to constituent departments within the agencies. The bill would affect the following agencies: State and Consumer Services; Business, Transportation and Housing; Youth and Adult Correctional; Health and Welfare; and Resources.

The bill was amended in the Assembly on January 7, 1988, and was set for hearing in the Assembly Committee on Governmental Efficiency and Consumer Protection on January 20.

AB 1059 (McCorquodale) would have required each state agency, in contracting for the construction, erection, alteration, repair, or improvement of state facilities, to have a statewide participation goal of 15% minority-owned and 5% female-owned enterprises. These figures represent a 2% increase in each category over current law. SB 1059 was vetoed by the Governor.

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. The bill was introduced in the Assembly on January 13.

VICIOUS DOG REGULATION

SB 1741 (Torres) would provide for the regulation and licensing of vicious dogs, requiring (among other things) an identification number to be tattooed on the animal, the display of a warning sign on the premises of the keeper, and confinement of all vicious dogs to an enclosure.

The bill is aimed at the current “pit bull” controversy, and provides that any dog fitting a specified description of an American Pit Bull Terrier is presumed to be a vicious dog. The following dogs or any cross-breed thereof would give rise to the rebuttable presumption of viciousness: the Bull and Terrier, Yankee Terrier, Staffordshire Terrier, American Bull Terrier, and the American Staffordshire Terrier. AB 1741 was introduced in the Assembly on January 11.

REPRISE

AB 2011 (Moore), as amended in September and signed by the Governor on September 25 (Chapter 113, Statutes of 1987), exempts from the Bagley-Keene Open Meetings Act any action by the California Collider Commission prior to the effective date of the bill, from any judicial action to void any action taken at a Commission meeting. The bill provides that any such action shall be deemed taken in substantial compliance with the Act.

Under existing law, the California Collider Commission acted as an agent for the state in presenting a site proposal for the superconducting “super collider” project to the federal Department of Energy (DOE). The DOE recently announced that California is not among the finalists for the project.

AB 2274 (Frazee), the so-called “abortion consent law” which was set to go into effect on January 1, 1988, has been put on hold by San Francisco Superior Court Judge Morton Colvin. On December 28, 1987, in an action filed by the American Civil Liberties Union and the American Academy of Pediatrics, Colvin granted a temporary injunction pending a trial on the merits of claims that the law unconstitutionally invades privacy rights. Late Thursday, December 31, the First District Court of Appeal agreed with Colvin’s opinion that the law should not take effect until the issue of its constitutionality is resolved.

The Court of Appeal denied Attorney General John Van de Kamp’s request to reverse the injunction, citing the great weight accorded to a trial court’s findings. The court also held that the Attorney General had not established that the trial court abused its discretion. The Attorney General appealed the decision to the California Supreme Court on January 13, and that court was considering whether or not to hear the case at press time.

AB 2274 requires unemancipated pregnant minors to receive either the consent of one parent or guardian, or the approval or a juvenile court judge prior to obtaining an abortion.