



Each regulatory agency of California government hears from those trades or industries it respectively affects. Usually organized through various trade associations, professional lobbyists regularly formulate positions, draft legislation and proposed rules, and provide information as part of an ongoing agency relationship. These groups usually focus on the particular agency overseeing a major aspect of their business. The current activities of these groups are reviewed as a part of the summary discussion of each agency, *infra*.

There are, in addition, a number of organizations which do not represent a profit-stake interest in regulatory policies. These organizations advocate more diffuse interests—the taxpayer, small business owner, consumer, environment, future. The growth of regulatory government has led some of these latter groups to become advocates before the regulatory agencies of California, often before more than one agency and usually on a sporadic basis.

Public interest organizations vary in ideology from the Pacific Legal Foundation to Campaign California. What follows are brief descriptions of the current projects of these separate and diverse groups. The staff of the Center for Public Interest Law has surveyed approximately 200 such groups in California, directly contacting most of them. The following brief descriptions are only intended to summarize their activities and plans with respect to the various regulatory agencies in California.

## ACCESS TO JUSTICE FOUNDATION

P.O. Box 1736  
Santa Monica, CA 90406  
(213) 395-7622

Access to Justice Foundation (AJF) is a nonprofit, nonpartisan citizen advocacy organization established to inform the public about the operation of the legal system; provide independent, objective research on the protection accorded citizens by laws; and guarantee citizens of California access to a fair and efficient system of justice.

AJF publishes a bimonthly report, *Citizens Alliance*, on citizens' rights issues and actions at the local, state, and federal levels. Legislative, judicial, and administrative activities which impact on the public justice system and the exercise of citizens' rights are a major focus of the organization's research and educational activities. AJF is funded by grants and individual memberships.

## MAJOR PROJECTS:

On January 11, AJF sent a letter signed by 31 consumer groups asking California legislators to halt further assaults on the legal tort system. AJF and its coalition propose insurance industry reforms, and are currently circulating a seven-point "Insurance Consumers' Bill of Rights," which includes the following provisions:

-Insurers should be prohibited from denying coverage because of race, gender, residence, place of business, or lawful occupation.

-Affordable insurance rates must be made available, and public participation in ratesetting must be ensured to monitor and control insurance rate increases to a reasonable level.

-Rates should be formulated based on mechanisms which reward policyholders for good records, safety, and loss prevention practices.

-Prompt and adequate compensation practices should be required.

-Consumers should be ensured of a marketplace free from abusive and deceptive sales practices.

-The state Insurance Commissioner's role should be to protect and assist insurance consumers through aggressive public education and intervention programs.

-Citizens should not be denied rights of access to the courts, and should be guaranteed full redress of their grievances.

AJF has also completed a detailed report reviewing insurance industry plans to initiate a broad program that AJF believes will severely restrict citizen rights. AJF's report offers alternative victims' rights measures and reforms which AJF claims will improve the efficiency of the legal system and even expand citizen rights. The report is available through AJF's Santa Monica office.

If its efforts to enact insurance reform legislation are unsuccessful this year, AJF believes that many consumer groups will unite to mount a statewide grassroots campaign to place a comprehensive insurance reform initiative on the ballot.

In the area of judicial monitoring, AJF has compiled information on proposed appointees to the California Supreme Court, and testified before the Commission on Judicial Appointments at the confirmation hearings of Justice Malcolm Lucas on the importance of judicial independence and integrity. AJF plans to monitor Supreme Court procedures and decisions to ensure that

citizen rights and access to the courts are not infringed, either through partisan political pressures or by inadequate representation of consumer and victims' interests.

## AMERICAN LUNG ASSOCIATION OF CALIFORNIA

P.O. Box 7000-866  
Redondo Beach, CA 90277  
(213) 378-3950

The American Lung Association of California (ALAC) emphasizes the prevention and control of lung disease and the associated effects of air pollution. Any respiratory care legislative bill is of major concern. Similarly, the Association is concerned with the actions of the Air Resources Board and therefore monitors and testifies before that Board. The Association has extended the scope of its concerns to encompass a wider range of issues pertaining to public health and environmental toxics generally.

## MAJOR PROJECTS:

ALAC is sponsoring ACA 14 (Connelly, Filante), which would increase the tax on the sale of all tobacco products in California from 10 cents to 35 cents per package. If the proposed constitutional amendment passes the legislature, it will appear on the June 1988 ballot for voter approval.

Funds raised through the tobacco tax increase would be allocated for medical research and education, including 27% for school health education programs to reduce tobacco and substance abuse among students in grades K-12. The state Department of Health Services would administer 20% of the funds, allocating grants to local health agencies and community groups for media and public education programs to reduce tobacco and substance abuse. Fifteen percent of the tax monies would be used for health research programs on smoking-related diseases administered by a medical research committee. The funds would help counter the burden on the Medicare system by augmenting health care programs for smoking-related diseases. Ten percent of the funds would be allocated to state-administered environmental research projects.

If ACA 12 fails to pass the legislature, ALAC and other groups known as the "Coalition for a Healthy California" are prepared to organize a campaign to place the tobacco tax in-



crease proposal on the June 1988 ballot as a citizens' initiative. The American Cancer Society, California Medical Association, and American Health Association are a few of the member groups in the coalition.

ALAC has completed its report on the 1982 California Air Quality Management Plan for the South Coast Air Quality Management District. The evaluation analyzes compliance with the plan by the state Air Resources Board, the federal Environmental Protection Agency, and the regional South Coast Air Quality Management District. Included in the study are findings and recommendations for improvement of air quality for stationary and mobile sources, long-range planning, and measures which can be taken in the areas of energy, land use, and transportation planning. The report will be included as one section of a national survey on compliance with the federal Clean Air Act, which will be published in April by the national office of the American Lung Association.

## NATIONAL AUDUBON SOCIETY

555 Audubon Place  
Sacramento, CA 95825  
(916) 481-5332

The National Audubon Society (NAS) has two priorities: the conservation of wildlife, including endangered species, and the conservation and wise use of water. The society works to establish and protect wildlife refuges, wilderness areas, and wild and scenic rivers. To achieve these goals, the society supports measures for the abatement and prevention of all forms of environmental pollution.

### MAJOR PROJECTS:

A member of the San Diego chapter of NAS is the author of the first Western reference book about wildlife and other environmental issues in the U.S.S.R. San Diego State University geography professor and Audubon activist Dr. Phil Pryde has become a recognized authority on Soviet conservation. In addition to authoring *Conservation in the Soviet Union*, Dr. Pryde has developed a slide presentation and lecture covering his twenty years of experience with Soviet conservation. The San Diego Audubon chapter sponsored Dr. Pryde's presentation at its March meeting.

Audubon is concerned about the destruction of wintering roost areas for

the monarch butterfly. The 45 known monarch winter migratory stops are threatened with urban and agricultural development. Audubon reports that seven of the sites have been destroyed in the past two years. All monarchs west of the Great Plains migrate each fall to a limited number of roosting localities along the California coast, where they spend the winter months. Their return migration inland takes place from January to March.

During this past winter, about 30,000 monarchs were tagged with small paper markers containing important information for scientific research on the butterfly's migratory behavior. Audubon is alerting the public to help protect the monarch by reporting the printed information from the tag of any banded butterfly discovered. Finders should note where and when the butterfly was found, and report the data on the tag to the Entomology Department at the Natural History Museum of Los Angeles.

A guide to 72 birdwatching localities, primarily within 100 miles of the San Francisco Bay area, is now available through Audubon. Entitled "Birding in Northern California," the book includes directions to each site.

NAS will be working diligently at both the state and national legislative levels for bills to control air pollution which causes acid rain. In March, the One-Hundredth Anniversary issue of Audubon Magazine noted that researchers in Sweden first issued warnings fifteen years ago about acid rain damage to forests. Damage to North American forests was discovered a few years later. Four major studies from the National Academy of Sciences, reports from other prestigious institutions, as well as reports from the Reagan Administration have come to the same conclusion: acid rain is a serious problem and must be controlled. Audubon is concerned because no control program is imminent, and notes that industry continues to argue that research is too inconclusive.

This year, Audubon hopes that Congress will not reject an acid rain control bill as it did last year. Over \$1.5 million for the generation of thousands of letters to Congress urging defeat of the acid rain bill was financed by the major electric utilities and the two largest coal producers in the country.

## BERKELEY LAW FOUNDATION

Boalt Hall School of Law, Rm. 1E  
University of California  
Berkeley, CA 94720  
(415) 642-1738

The Berkeley Law Foundation (BLF) is an income-sharing organization of Boalt law students and faculty which provides funding to public interest law projects. BLF is an "attempt to institutionalize financial, moral and directional support for public interest work within the legal profession, thereby avoiding dependence on outside foundations or governmental largesse."

BLF is a nonprofit corporation governed by a seventeen-member Board of Directors elected directly by the membership. The Board includes attorneys in both public and private practice, community representatives and law school faculty members, as well as members of the Foundation.

Foundation grants are designed to provide subsistence support and start-up funding for recently-trained attorneys committed to public interest work. BLF also provides a summer grants program to help law students undertake summer projects under the auspices of a sponsoring public interest organization.

### MAJOR PROJECTS:

In April, BLF will award new public interest grants which reflect the Foundation's continuing support of legal work serving underrepresented segments of society, such as victims of many forms of discrimination, disadvantaged minorities, or persons denied legal rights in civil or criminal matters.

BLF seeks to fund projects which include legal advocacy, community education, and policy changes in areas affecting individuals and groups who are denied access to the legal system. Grants are awarded for one-year periods and proposed projects should be designed to either achieve results within that period or demonstrate the capacity to become self-supporting and/or develop other sources of funding after the grant year. BLF prefers to make grants which provide seed money for new projects rather than for research, long-term litigation, or established, ongoing projects. The Foundation is currently reviewing the many grant proposals received for its April awards.



## CALIFORNIA CONSUMER AFFAIRS ASSOCIATION

c/o 11000 Wilshire Blvd., Rm. 13209  
Los Angeles, CA 90024  
(213) 209-7890

California Consumer Affairs Association is a statewide affiliation of local consumer protection agencies. The Association was founded in 1974 to establish and facilitate an avenue of communication among agencies concerned with the protection of consumers. CCAA actively represents the interests of California consumers in legislative and regulatory arenas. It serves its members and the public by providing workshops, training sessions, and forums, and by preparing and publishing educational materials and legislative summaries. Member groups provide their constituencies with counseling, information, and informal mediation services when marketplace transactions result in disputes. Some member agencies act as small claims court advisors.

Membership in CCAA is open to federal, state, and local agencies which are primarily funded by the government, with a mandate of consumer protection and/or assistance. Nonprofit organizations devoted to consumerism may also be eligible for membership. In addition, CCAA membership includes representatives of federal, state, and local law enforcement entities. Association structure is divided into northern and southern California divisions. CCAA convenes annually to involve members in setting goals and policies and to elect new officers. An executive committee composed of a vice president from each division and other CCAA officers ensures coordination.

### MAJOR PROJECTS:

CCAA member agencies are following with interest the implementation of the new federal Immigration Reform Act. Some coalition members are concerned that there may be an increase in fraudulent activities by parties taking advantage of immigrants who seek assistance and advice regarding amnesty under the new law.

A task force has been established among CCAA member agencies to analyze deceptive activities in the telemarketing industry. CCAA may support broadened state regulatory authority to guard against exploitation of consumers through questionable or illegal investment schemes and other fraudulent telemarketing practices.

## CALIFORNIA PUBLIC INTEREST RESEARCH GROUP

1147 S. Robertson Blvd.  
Los Angeles, CA 90035  
(213) 278-9244

CalPIRG is a nonprofit statewide organization founded and primarily staffed by students from several California universities. It is the largest student-funded organization of its kind in the state. There are CalPIRG chapters on four campuses of the University of California and at the private University of Santa Clara.

### MAJOR PROJECTS:

CalPIRG's first food survey of Los Angeles area supermarkets garnered extensive media coverage during January. The survey ranked Lucky Stores as the lowest in overall prices, and Safeway as most expensive. CalPIRG believes that the surveys will stimulate improved price competition among major grocery chains and lower prices for consumers.

At a January press conference, CalPIRG joined a national coalition of grassroots groups in an effort to encourage the banking industry to lower credit card interest rates. Based on a belief that elected representatives have failed to adequately regulate excessive credit card interest rates, the coalition's campaign, known as "Fight and Switch," suggests that dissatisfied consumers change credit card accounts to banks with lower interest rates.

The San Diego CalPIRG office recently conducted its first automobile insurance survey, which showed that consumers who comparison shop for car insurance may net surprising savings. Fifty percent of auto insurance companies refused to participate in the survey.

CalPIRG's Sacramento office is currently working for passage of SB 1198 (Marks), an "initiative labeling" bill entitled "Disclosure on Initiative Advertisements." CalPIRG's board of directors approved advocacy of this measure at its January 25 meeting in Santa Barbara. If passed, the legislation will require special interests which fund ballot-issue advertising campaigns—viewed as often misleading by CalPIRG—to identify themselves.

During March, Ralph's grocery chain faced CalPIRG in San Diego Superior Court to appeal a small claims court ruling won by CalPIRG in May 1986. In *Neff v. Ralph's Grocery Co.*, CalPIRG claims that the supermarket company has refused to comply with the state's

item-pricing law, which requires most items to be marked with a price to aid consumers in comparison shopping and allow customers to monitor prices posted by electronic scanning machines. Trial has been set for July 22.

CalPIRG is organizing a coalition of groups to work toward reform of California's voter registration process. A package of reforms currently being drafted, entitled "Voting Bill of Rights," would provide for availability of voter registration forms at all Department of Motor Vehicle offices, and would require county registrars of voters to identify groups with low voter turnout and actively work to bring them into the election process.

## CALIFORNIANS AGAINST WASTE

909 12th St., Suite 201  
Sacramento, CA 95814  
(916) 443-5422

In 1977, Californians Against Waste (CAW) was formed to advocate for a recycling bill in the legislature which would require a minimum refundable deposit of five cents on beer and soft drink containers. After being repeatedly thwarted legislatively by well-financed industry opponents, CAW sponsored and organized a coalition for a statewide citizen initiative which appeared on the ballot in 1982 as Proposition 11. That measure failed after can and bottle manufacturers and their allies raised and spent \$6 million to defeat it. CAW worked for passage in 1986 of AB 2020 (Margolin), the "bottle bill" which in its final compromise form establishes a redemption value of one cent per container with the amount increasing to three cents if specified recycling goals are not achieved. The bill, which has been signed by the Governor, requires recycling centers to be located within one-half mile of supermarkets with over \$2 million in annual sales.

### MAJOR PROJECTS:

CAW has been monitoring waste and recycling issues, including resource recovery ("trash-to-energy") incineration facilities. The 38,000-member environmental group is preparing to introduce state legislation which would require recycling programs to be established before new incineration plants may be built. CAW proposes that instead of building trash-to-energy incinerators, California should enact aggressive recycling programs which



CAW believes can eliminate 50% or more of solid waste.

In support of this proposal, CAW cites scientific research which shows that "mass-burn incinerators" cause up to 20 times as many cancer deaths as previously reported. At this time, CAW says that at least 34 such incinerators are proposed throughout California, with several in the final stages of permitting and construction.

CAW claims that recycling would actually produce more energy than the incinerators. According to its research, incinerators recover about 1%-10% the energy value from solid waste, while recycling typically recovers 50%-90%.

CAW's four-part alternative recycling plan includes: (1) bottle-bill-style incentives on a range of products from cans and bottles to automobiles; (2) aggressive implementation of curbside recycling and other source-separation programs; (3) mechanical separation of recyclable garbage at waste facilities; and (4) effective public information and education programs. CAW notes that a city in Japan has achieved a total recycling rate of over 80% by combining high and low-technology recycling methods.

CAW insists that regardless of the absence of a final scientific verdict on the safety of incineration, there is broad public support for recycling; therefore, the state should move forward immediately and rapidly with proven recycling technologies.

In January, the Assembly Natural Resources Committee conducted a hearing on implementation of the CAW-sponsored "bottle-bill," AB 2020 (Margolin) ("Beverage Container Recycling and Litter Reduction Act"). As of October 1987, consumers will be paid one penny for each beer, soft drink, and other beverage container they return. Although the legislation requires recycling centers to be located within one-half mile of stores for which sales exceed \$2 million annually, the California Grocers Association has been heavily lobbying for placement of the recycling centers in neutral "convenience" zones, rather than on the property of the markets. Such zones would be located in parks or on other public property. Some consumer and environmental groups would like to see stores and markets handle the recycling, which would make the return of containers most convenient for the public.

## **CAMPAIGN CALIFORNIA** *1337 Santa Monica Mall, Suite 301 Santa Monica, CA 90401 (213) 393-3701*

Campaign California (formerly Campaign for Economic Democracy) is a statewide citizens group which encourages the formation of coalitions around specific issues. Local chapters promote political awareness and participation in the political process, from election campaigns to pending legislation and citizen initiatives. Although Campaign California has been involved in a broad range of public interest issues, its current focus is on the areas of environmental toxics, child care and tenant justice.

With over 24,000 members statewide, the Campaign operates a door-to-door canvass, through which it intends to contact one-half million voters in 29 Assembly districts, 17 state Senate districts and 15 Congressional districts during the next year. The remodeled organization will also provide money and volunteers to initiatives and candidates it favors, and will attempt to frame solutions to problems in the areas of education, transportation, child care, personal safety, the environment, insurance, and health care. It will register voters, lobby in Sacramento, and involve people in politics.

The group is supportive of the private entrepreneur as a source of economic growth, jobs, and innovation, and operates on the philosophy of creating a synthesis among the "five Es": entrepreneurs, environment, equity (for women and minorities), employees (protection), and education.

### **MAJOR PROJECTS:**

Spending reports on Proposition 65 were released in early February showing that Campaign California and other proponents of the "Get Tough on Toxics" initiative were outspent by major oil and chemical companies by a three-to-one margin. Even though opponents spent \$4.6 million to defeat the clean water measure, it passed by 1.8 million votes. Yes-on-65 forces spent \$1.5 million.

Campaign California and other proponents of the initiative filed suit on February 27 against the Deukmejian Administration after the Governor issued a list of 29 restricted toxic chemicals. The environmentalists assert that the list fails to include over 200 items which should have been listed under Proposition 65's requirements. Attorney General John Van de Kamp

also disputed the Governor's narrow interpretation of the law and for the first time refused to defend the Administration in court. Governor Deukmejian opposed the initiative during his re-election campaign last year. Other plaintiffs in the lawsuit include AFL-CIO, Environmental Defense Fund, Natural Resources Defense Council, Sierra Club, Citizens for a Better Environment, and Silicon Valley Toxics Coalition.

Campaign California and its allies insist that the Governor's list must include 225 other cancer-causing substances compiled by two internationally-recognized scientific panels: the National Toxicology Program and the United Nations' International Agency for Research on Cancer. Proposition 65 backers note that Governor Deukmejian agreed during the fall campaign that the first list of chemicals submitted would include at least 225 carcinogenic agents already identified by scientific associations referenced in the initiative's language. The environmental groups also note that the Governor mentioned in his State of the State address that he would fully implement Proposition 65.

## **CENTER FOR LAW IN THE PUBLIC INTEREST**

*10951 W. Pico Blvd.  
Los Angeles, CA 90064  
(213) 470-3000*

The Center for Law in the Public Interest (CLPI), a public interest law firm founded in 1971, employs nine attorneys in its California office. The Center's major focus is litigation in the areas of environmental protection, civil rights and liberties, corporate reform, arms control, communications and land use planning.

### **MAJOR PROJECTS:**

CLPI filed suit in February against State Farm Insurance Company (*Kirsch v. State Farm*), alleging discrimination against women in the setting of rates for health insurance. The case is pending in Los Angeles Superior Court.

On January 30, a settlement was reached by parties and ratified by the Los Angeles Superior Court in the Center's case against the Los Angeles County Sheriff's Department. The case challenges the use of certain computerized records in the issuance of arrest warrants; a number of people have been falsely arrested because they have similar or identical names as persons



with pending warrants. The Sheriff's Department agreed to institute improved safeguards to reduce incidents of false arrest. Additional data will be available through computer checks to confirm the identity of citizens who are detained by officers in the field.

CLPI's cases challenging banks' excessive stop-payment fees for checking accounts, private club discrimination, Chevron Company hiring discrimination, and the Fair Political Practices Commission complaint against a Los Angeles City Councilor are still pending or in negotiations. (See CRLR Vol. 7, No. 1 (Winter 1987) pp. 16-17 for details.)

**CENTER FOR PUBLIC INTEREST LAW**

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Alcala Park  
San Diego, CA 92110  
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The Center for Public Interest Law (CPIL) was formed after approval by the faculty of the University of San Diego School of Law in 1980. It is funded by the University and private foundation grants.

The Center is run by five staff members, including an attorney in San Francisco, and approximately forty graduate and law students. The faculty selected Robert C. Fellmeth, a faculty member, as the Center's director.

The Center is attempting to make the regulatory functions of state government more efficient and more visible by serving as a public monitor of state regulatory agencies. The Center studies approximately sixty agencies, including most boards, commissions and departments with entry control, rate regulation or related regulatory powers over business and trades.

Students in the Center attend courses in regulated industries, administrative law, environmental law and consumer law, and attend meetings and monitor activities of assigned agencies. Each student also contributes quarterly agency updates to the *California Regulatory Law Reporter*. After several months, the students choose clinic projects involving active participation in rulemaking, litigation or writing.

**MAJOR PROJECTS:**

Center Director Robert C. Fellmeth and Center staff attorneys have begun substantial work on the State Bar Dis-

cipline Monitor project. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 17.) Center staff attended orientation meetings in the Los Angeles and San Francisco State Bar offices and have begun onsite file investigations at both locations. Center attorneys have received and reviewed hundreds of pages of documents from the State Bar, attended hearings before the State Bar Review Department and hearing panels, and have conducted interviews with several individuals connected with the Bar's disciplinary system. Center staff is currently devoting a majority of its time to the Bar Monitor project in preparation for Professor Fellmeth's first report to the legislature on June 1.

The Center continues to represent several post-1975 Vietnamese medical graduates who have been denied licensure by the Board of Medical Quality Assurance (BMQA) (see CRLR Vol. 7, No. 1 (Winter 1987) p. 18). Considerable public and legislative attention has been focused on BMQA's decision to deny licensure to these graduates. Center attorney Julie D'Angelo continues to negotiate with the Board regarding the arrangement of interviews between the Board and former University of Saigon School of Medicine faculty members who can testify to the education and training received by the Center's clients both before and after 1975.

Legislative support for the Center's position on the BMQA licensing issue is strong. Senator Montoya has introduced a series of legislative proposals which would prevent discrimination against foreign medical graduates (FMGs) by BMQA. Senator Royce has introduced SB 1358, which will require BMQA to establish a Faculty Council-in-Exile—a group of former Vietnamese faculty members who will formally certify the education and clinical training of post-1975 Vietnamese medical graduates. (For further information on BMQA and the FMG licensing issues, see *supra* FEATURE ARTICLE at 1.)

On January 20, a San Francisco Superior Court judge temporarily denied (without prejudice) the Center's motion for writ of mandate, which would have compelled the state to immediately pay a year-old \$27,000 award of attorneys' fees to the Center against the Board of Osteopathic Examiners. The court sympathized with the Center's frustration, but required the Center to more fully exhaust the legislative remedy by seeking a final

request for compensation through the legislative claims process. The court suggested that the writ be resubmitted if the legislature refuses, strongly implying it would be issued.

On March 20, the Center submitted its opening brief in the final round of the Modernization, Utilization, and Productivity phase of the ongoing Pacific Bell rate proceedings before the Public Utilities Commission. Center Director Fellmeth is appearing as an expert witness in the proceedings, and recommends that PacBell be required to prepare and submit an "economic impact statement" whenever it seeks to implement a major modernization plan.

Center intern Julie Ramirez-Cardenas, recently appointed to the state Department of Insurance Consumer Advisory Board, has been selected co-chairperson of that Board. In May 1986, Ramirez-Cardenas and the Center sued the Department to compel it to open the Advisory Board's meetings to the public. As a result of the lawsuit, the Department agreed that the Board's meetings will be open to the public.

**CITIZENS ACTION LEAGUE**

*2988 Mission St.  
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(415) 647-8450*

The Citizens Action League (CAL) is a grassroots citizen organization "fighting to restore public confidence in the ability of local groups to curb abuses of power by government and big business." CAL encourages citizens to become involved in their government.

Neighborhood chapters are built around local issues. Representatives of the neighborhood chapters comprise the northern and southern regional boards and the statewide board.

**MAJOR PROJECTS:**

CAL has asked the Department of Insurance to more effectively regulate Medicare supplemental ("medi-gap") insurance coverage. CAL insists that a notice be published by insurance companies on all materials concerning supplemental policies. The notice should state that third-party counseling is freely available to assist people in determining whether such a policy is in their best interest. Insurance Commissioner Roxani Gillespie agreed to include the notification proposal on the Department's agenda for future public hearings.



CAL disputes insurance company claims that income from premiums does not cover the claims paid by insurance companies, and that the insurance industry is experiencing record losses. According to CAL research, insurance companies make substantial profits by investing consumers' premiums; the "record losses" refer to income from premiums only and the cost of claims, not the income from investments.

One of CAL's major priorities this legislative session is to lobby for the passage of bills which will reform the insurance industry. CAL has endorsed the "Insurance Consumers' Bill of Rights" currently supported by a large statewide coalition of consumer, senior citizen, environmental, and social justice groups.

## COMMON CAUSE

636 S. Hobart Blvd., Suite 226  
Los Angeles, CA 90005  
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California Common Cause (CC) is a public affairs lobbying organization dedicated to obtaining a "more open, accountable and responsive government" and "decreasing the power of special interests to affect the legislature."

## MAJOR PROJECTS:

Top priorities for Common Cause in 1987 include campaign finance reform, fair taxation, and insurance regulation. Common Cause supports AB 2067 (Connolly), which would institute an insurance "flex-rating" system, requiring the Insurance Commissioner to set high and low percentage parameters for insurance companies to follow when changing rates. It would also compel the Commissioner to convene public hearing if an insurance provider seeks to raise or lower premiums outside established percentage guidelines.

CC is also supporting AB 230 (Polanco), legislation seeking to provide all California motorists with access to affordable auto liability insurance. The bill would create a State Automobile Insurance Fund to sell minimal liability policies to people who cannot afford market rates. The fund would be financed by a one-time additional \$2 vehicle registration fee and is projected to become self-supporting thereafter.

Common Cause will press for state tax reform based on specific proposals recently introduced at a Sacramento news conference. CC favors selective

conformity with the new federal tax legislation and proposes taxing capital gains at the same rate as other income, and virtually eliminating the advantages of investing in tax shelters and rental real estate. The plan would eliminate some tax breaks found in the federal law, including those favoring mining, oil, and military contracting industries.

Common Cause, in conjunction with the University of Southern California's Institute of Politics and Government, released results of a public interest poll in which 68% of those voting last November said they would support a proposal to limit campaign contributions and expenditures, while providing qualifying candidates with some taxpayer funds to help finance the costs of campaigns.

CC is again sponsoring AB 227 (Areias), which would limit ex parte contacts between special interests and Public Utilities Commissioners during ratemaking proceedings. The group will also support AB 239 (Moore), which would eliminate tax deductions for entertainment and food expenses incurred at private clubs which maintain discriminatory membership and guest policies.

## CONSUMER ACTION

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San Francisco, CA 94105  
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San Francisco Consumer Action (CA) is a nonprofit consumer advocacy and education organization formed in 1971. Most of its 2,300 members are in northern California but significant growth has taken place in southern California over the past year. CA is a multi-issue group which since 1984 has focused its work in the banking and telecommunications industries.

CA has filed petitions with and appeared before the California Public Utilities Commission (PUC) in the field of telephone rates. Statewide pricing surveys are published periodically comparing the rates of equal-access long distance companies and the prices of services offered by financial institutions. The purpose of the pricing surveys, which are released to the public, are to encourage consumers to comparison shop, to stimulate competition in the marketplace, and to compile data for use in advocating reforms. In 1986, more than 18,000 consumers requested survey information.

Once each year, CA publishes consumer service guides for the San Francisco Bay area and the Los Angeles area which list agencies and groups offering services to consumers and assisting with complaints. A free consumer complaint/information switchboard is provided by CA, and the group publishes a regular newsletter which includes the pricing surveys.

## MAJOR PROJECTS:

In October, CA released the results of a survey on savings accounts. The study found that while 58% of the banks surveyed had lowered interest rates on regular savings accounts, nearly 90% of the savings and loan companies had not. In CA's April 1986 survey, virtually all financial institutions were paying 5.5% interest. By October, the average for the banks was 5.2%, while savings and loans were paying an average of 5.47%. The survey also revealed that many institutions had switched from fixed interest rates to variable rates, creating uncertainty for depositors.

In its October newsletter, CA criticized the notices mailed by Pacific Bell to alert its customers that they may be eligible for a refund for services that they did not desire or order. CA expressed the concern that victims of Pacific Bell's marketing practices may not apply for refunds because of the vague and indirect language of the notice. In the same newsletter, CA contended that Pacific Bell has not properly disclosed to its customers its policy of shutting off local phone service for non-payment of "company code" long distance calls. CA declared that Pacific Bell should not have the power to shut off local service for non-payment of charges to companies for which Pacific Bell is acting as a billing service.

CA's annual November checking account survey showed that rates on interest-bearing transaction accounts have dropped to as low as 4%, while fees continue to rise. The survey included information on minimum balances to avoid fees, returned check fees, stop payment fees, and identification required in opening accounts. CA noted that deregulation has made it very difficult for consumers to determine which institution offers the best account because of the widespread use of variable rates and balance tiers to determine interest rates and service charges.

CA's January issue of *CA News* outlined problems surrounding the Federal Communications Commission (FCC) order deregulating "inside





wiring," which CA had opposed. Consumers are faced with signing up for a monthly maintenance plan or taking responsibility for any repairs to inside telephone wiring, even though a number of unresolved issues remain. Of particular concern is the issue whether a tenant or landlord is responsible for repair of such wiring on rented or leased premises. CA will work for resolution of these problems by supporting legislation introduced by Senator Herschel Rosenthal.

In January, CA worked with Consumers Union to coordinate a national campaign aimed at lowering credit card interest rates. The campaign, known as "Fight and Switch," urges consumers to change credit card accounts to institutions offering fair and competitive interest rates. CA surveyed rates in California, developed the national list, and helped local groups across the nation survey their own local banks and savings and loan companies. In the first month after the campaign was launched in California, CA received 8,000 individual requests for its complete survey of credit card rates.

## CONSUMER FEDERATION OF CALIFORNIA

P.O. Box 332  
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Consumer Federation of California (CFC) is a statewide federation of more than sixty nonprofit state and local organizations and individuals representing more than a million Californians advocating improved programs for consumer protection and education. Among its members are consumer co-operatives, credit unions, and agricultural, consumer and labor groups. CFC is affiliated nationally with the Consumer Federation of America. CFC works at all levels of government against fraudulent, unfair and unsafe practices in the marketplace and believes that the public has a right to know what it is paying for—and receiving—in cereal boxes, automobile repairs, insurance policies, credit transactions, health services, major purchases and prescription drugs. CFC serves as a consumer advocate before state and local regulatory agencies and legislative bodies.

### MAJOR PROJECTS:

CFC's Consumer Advocates Forum

is scheduled for May 22-23 in Los Angeles. The purpose of the conference is to facilitate networking and communication among grassroots consumer organizations throughout California. Local government consumer agencies will also participate in the forum. CFC's Los Angeles and Orange County chapters will sponsor the opening event of the conference—a May 22 program known as the Jerry Voorhis Memorial Luncheon. At this annual event, CFC honors the "Consumer Legislator of the Year," recognizing a state legislator who has shown exceptional service and dedication to consumer issues.

## CONSUMERS UNION

1535 Mission St.  
San Francisco, CA 94103  
(415) 431-6747

Consumers Union (CU), the largest consumer organization in the nation, is a consumer advocate on a wide range of issues in both federal and state forums. At the national level, Consumers Union publishes *Consumer Reports*. Historically, Consumers Union has been very active in California consumer issues.

### MAJOR PROJECTS:

CU has published a guide entitled *Public Scrutiny* to aid citizens in investigating special interest groups and the personal and campaign finances of politicians. Because of the increasing influence of money in politics, CU believes that the political process may be kept accountable to the public only through intense public scrutiny of campaign financing. The 17-page booklet contains five sections, covering such topics as researching and writing "money studies," tracking campaign contributions, examining candidates' personal finances, and scrutinizing lobbying activities. Copies of the guide are available through the CU address above for \$1.

Last fall, CU filed a complaint with the Department of Insurance and the Attorney General's Office, alleging unfair and deceptive practices by several "cold-lead" companies, which develop lists of senior citizens from information request cards and sell the lists to insurance salespeople. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 16.) After the complaint was filed, the Department of Insurance issued cease and desist orders against several "cold-lead" development firms.

Because of the "cold-lead" problem and abusive sales practices by insurance companies which sell "medi-gap" insurance policies (see CRLR Vol. 6, No. 4 (Fall 1986) p. 16), CU filed an administrative petition in October with the Department of Insurance, asking the Department to adopt a Senior Citizens' Insurance Bill of Rights. In response, the agency held eight public hearings around the state and had indicated that it may adopt many of CU's recommendations.

CU is sponsoring SB 96 (Hart), which would require labels on alcoholic beverage containers warning of health risks associated with drinking alcohol while pregnant.

CU is also sponsoring two bills which would tie credit card interest rates to an economic indicator plus a mandated margin (for example, the six-month "T-bill" rate plus five points). Assemblymember Rusty Areias has introduced AB 325, which would regulate retail credit card interest rates, and AB 2, which would regulate bank credit card interest rates.

## ENVIRONMENTAL DEFENSE FUND

2606 Dwight Way  
Berkeley, CA 94704  
(415) 548-8906

The Environmental Defense Fund (EDF) was formed in 1967 by a group of Long Island scientists and naturalists concerned that DDT was poisoning the environment. EDF was a major force behind the 1972 federal ban of DDT.

Staffed by scientists, economists, and attorneys, EDF is now a national organization working to protect the environment and the public health. Through extensive scientific and economic research, EDF identifies and develops solutions to environmental problems. EDF currently concentrates on four areas of concern: energy, toxics, water resources and wildlife.

### MAJOR PROJECTS:

EDF has joined with the California Coastal Conservancy and the Southwest Wetlands Interpretive Association in a major effort to protect the Tijuana River National Estuarine Sanctuary. The Tijuana River wetland is one of the last relatively undisturbed tidal marshlands in southern California and is a prized habitat for protected marine life and birds, including the Light-footed



Clapper Rail and the California Least Tern.

Raw sewage spilling into the estuary from Tijuana, Mexico, threatens wildlife, riparian habitat, and public health. EDF and its project partners are proposing experimental, low-cost alternative technology for treating the raw sewage. A one-year demonstration of the technology at a site within the river valley has proven that it can handle Tijuana's sewage problem using far less time and money than large-scale and extremely costly conventional treatment systems. EDF's treatment system uses corrugated plastic biological filter components, which have been used widely for twenty years in industrial waste treatment, where there is strong incentive for cost reduction. According to EDF, the novel treatment technology can additionally benefit the semi-arid region by reclaiming waste water for reuse in crop irrigation, groundwater recharge, and aquaculture (advanced water treatment using plants such as reeds and rushes).

An expansion of the demonstration project is being led by an EDF water quality engineer and a team of Mexican government engineers. An economic analysis comparing the technology with conventional sewage treatment facilities is being prepared by the team. EDF and its partners believe that either a large-scale system or modular components can be built at a fraction of the cost of San Diego's proposed \$750 million-\$1.5 billion sewage treatment facility, and that the new technology can be operated and maintained for far less than the \$12-\$13 million per year required by a conventional plant. EDF contends that its system's high-quality effluent would eliminate the need to build costly outfall pipes for ocean discharge.

EDF also believes the simplified sewage treatment and water reclamation technology will benefit many Third World countries, which lack the extensive financial resources necessary to construct major sewage treatment plants. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 21 for additional information.)

EDF has expressed opposition to Assemblymember Jim Costa's AB 1710, which would authorize the state Department of Water Resources to widen and deepen channels in the Sacramento-San Joaquin Delta, and to build a new canal in the northern Delta as well as a dam/reservoir project in Contra Costa County—all of which would send northern water southward.

EDF and other environmental groups are also opposing a series of water diversion changes proposed by the federal Bureau of Land Management (BLM), calling the plans fragmented, piecemeal, and confusing. EDF has asked that the six proposed changes be combined so that studies can be performed on their cumulative impact on water quality in the Sacramento-San Joaquin River Delta and other Central Valley marshes. The state Water Resources Control Board would conduct the studies, which would begin in July and could take up to three years to complete.

One of the BLM proposals would sell 80,000 acre-feet of federal water to the Pleasant Valley Water District, expanding the federal government's water system service area by four million acres. EDF notes that in 1984, the House of Representatives overwhelmingly rejected an effort to include Pleasant Valley in the federal water delivery system.

## FUND FOR ANIMALS

*Fort Mason Center, Bldg. C  
San Francisco, CA 94123  
(415) 474-4020*

Founded in 1967, the Fund works for wildlife conservation and to combat cruelty to animals locally, nationally, and internationally. Its motto is "we speak for those who can't." The Fund's activities include legislation, litigation, education, and confrontation. Its New York founder, Cleveland Amory, still serves without salary as president and chief executive officer.

### MAJOR PROJECTS:

The Fund opposes AB 33 (Harris), which would eliminate the state income tax return check-off line through which taxpayers may contribute to the "Rare and Endangered Species Preservation Program." The Fund is asking its supporters to write to the Chair (Assemblymember Klehs) and members of the Assembly Revenue and Taxation Committee in opposition to the bill.

The Fund advocates AB 467 (Bates), which would prohibit trophy hunting of mountain lions and restore the wild feline to "specially protected" status. Mountain lions were returned to the list of game which may be hunted when the Governor vetoed 1985 legislation which would have extended protection of the large cat.

The Fund also supports SB 40 (Marks, McCorquodale), which would impose new prohibitions on gill nets for fishing in waters less than twenty fathoms deep in certain coastal zones. The Fund believes that gill nets kill thousands of marine animals each year.

AB 128 (O'Connell), which is supported by the Fund, would prohibit dogs and other animals (except livestock and working dogs) from being transported in the open beds of trucks unless the animal is safely secured.

The Fund opposes SB 198 (Davis), which would authorize junior high schools, high schools, and community colleges to offer a hunter training course. The bill is sponsored by the California Rifle and Pistol Association. The Fund insists that schools should teach students how to be humane, rather than assisting them in killing animals.

Senator Ed Davis has introduced SB 496, which would allow the Fish and Game Commission (instead of the legislature) to determine that if there is unsuitable habitat in the state for 2,000 existing Tule Elk, hunting of the animal will be authorized. The Fund, believing that the Fish and Game Commission is dominated by pro-hunting interests, strongly opposes this bill.

The Fund also opposes a proposed appointment by the Governor to the Fish and Game Commission, and is working to block confirmation of the new appointment by the Senate Rules Committee and the full Senate. John Murdy's nomination is challenged by wildlife interests because he is a member of the California Waterfowl Association, a duck-hunting club. The Fund insists that the Commission should not consist of hunting advocates.

The Fund opposes a budget item (#6440-301-702), which appropriates \$752,000 for further planning of the new University of California at Berkeley animal laboratory. Much of the facility will be used for psychological experimentation, which the Fund insists can be especially cruel and useless.

## INSURANCE CONSUMER ACTION NETWORK

*3580 Wilshire Blvd., Suite 1740  
Los Angeles, CA 90010  
(213) 387-2515*

The Insurance Consumer Action Network (ICAN), organized in January 1986, is a coalition of individuals and





organizations committed to providing a consumer perspective to balance insurance industry lobbying and to being involved in the process that shapes and protects insurance consumers' rights and interests at the state and national levels. Presently based in Los Angeles, ICAN affiliates include Common Cause, Consumers Union and Public Advocates; it is working to establish a presence in other states. ICAN/Legislate, a network of state legislators who are members of policy committees which consider insurance issues, is intended to offset the influence of a similar industry group and will develop public policy, conduct research, and draft model legislation in the interests of the insurance consumer.

## MAJOR PROJECTS:

ICAN continues to focus on automobile insurance issues with the goal that the insurance marketplace operate in a competitive and equitable manner. With the cooperation of the National Insurance Consumers Organization (NICO), ICAN published the *1986 Status Report for the (California) State Assembly*. The study found that the lack of regulation of auto insurers by state government—the “open rating” system—means that the burden is on consumers to ensure that market competition creates affordable rates.

ICAN's report pointed out that the insurance industry is exempt from state and federal antitrust laws. Also, insurance companies are not required to file their rates, claims information, or other data with the state Department of Insurance. The ICAN report to the Assembly noted that insurance companies share rate information with each other but not with the public. ICAN and its allied consumer groups are concerned that the industry is dominated by a few insurers, giving control of over 60% of the market to only four companies. Further, the concentration in regional markets can be much higher.

ICAN has been working with legislators, urging them to more seriously scrutinize the insurance industry. ICAN hopes that public pressure and legislation will require the Department of Insurance to become a more aggressive watchdog for consumers and that the agency will vigorously investigate and challenge insurance industry practices and rate policies.

ICAN and many other consumer groups are severely critical of the “territorial” rating system. They believe that this method is especially inequit-

able because it is a flawed system of calculating risks which has made auto insurance extremely expensive, unaffordable, or totally unavailable in poorer communities. ICAN believes that classification methods such as territorial ratesetting have no relationship to safe driving and do not encourage safety practices, because driving records and the number of miles drives per year are not the primary factors used in establishing rates.

ICAN and other consumer groups will be supporting legislation requiring that insurance policies be written according to risk-related factors, and requiring insurance companies to cover qualified “good” drivers at reasonable rates, regardless of where they reside. An example of such legislation is AB 230 (Polanco), which would guarantee all drivers in the state access to affordable auto liability insurance. The bill would provide for a state-run auto insurance program, to be overseen by a State Board of Compensation.

## LEAGUE FOR COASTAL PROTECTION

P.O. Box 421698

San Francisco, CA 94142-1698  
(415) 777-0220

Created in 1981, the League is a coalition of citizen organizations and individuals working to preserve California's coast. It is the only statewide organization concentrating all its efforts on protecting the coast. The League maintains a constant presence in Sacramento and monitors Coastal Commission hearings.

## MAJOR PROJECTS:

The League for Coastal Protection (LCP) continues its involvement with Sierra Club in *Sierra Club v. California Coastal Commission*, a superior court lawsuit regarding the City of Chula Vista's proposed bayfront development plan on San Diego Bay. The filling and development of a tidal island (Gunpowder Point) within a marshlands area is a threat to the survival of two endangered bird species, according to the two environmental groups. The groups recently won an appellate court decision giving them the right to depose a Coastal Commissioner who is also a Chula Vista City Councilmember on the matter of ex parte contacts with the Commission prior to its vote on permits for the project. The Commissioner did

not vote on the matter when it came before the Coastal Commission, but LCP claims that he lobbied individual Commissioners before the vote outside the context of a public hearing. The lawsuit continues in the discovery phase.

The proposed settlement (reported in the Winter 1987 issue of the *Reporter*) of *Sierra Club v. March (Secretary of the Army)*, LCP's lawsuit against the Army Corps of Engineers and several other parties, has been frustrated by the landowner's (Santa Fe Land Improvement Company) failure to transfer title of 188 acres of marshland to the federal government. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 22.) A federal judge denied LCP/Sierra Club's motion for a preliminary injunction to stop construction of the highway and flood control project. The groups have appealed the case to the Ninth Circuit Court of Appeals.

LCP is involved in the Coastal Commission's appointment process, hoping to secure the appointment of additional pro-conservation Commissioners to balance the current membership of the Commission (which the League feels is pro-development). LCP has recently testified before the Coastal Commission on regional coastal land use issues, including Malibu Land Use Plan (LUP) watershed protection, the Devil's Slide area in San Mateo County, and the Big Sur LUP.

LCP continues to be concerned with offshore oil tract leasing by the federal government, and is challenging the Interior Department's accelerated five-year oil leasing schedule with its two planned sales in California.

## NATURAL RESOURCES DEFENSE COUNCIL

90 New Montgomery St. Suite 620  
San Francisco, CA 94105  
(415) 777-0220

The Natural Resources Defense Council (NRDC) is a nonprofit environmental advocacy organization with a nationwide membership of more than 70,000 individuals, more than 13,000 of whom reside in California. Since 1972, NRDC's western office in San Francisco has been active on a wide range of California, western, and national environmental issues. Most of that work is now grouped under five subject-matter headings: public lands, coastal resources, pesticides, energy, and water supply. In these areas, NRDC lawyers and scientists work on behalf of under-



represented environmental-quality interests before numerous state and federal forums. Public health concerns are increasingly a priority, in addition to conservation of nonrenewable resources and ecosystem preservation.

NRDC has been active in developing energy-conservation alternatives to new power plants and offshore oil drilling, and resource-conserving land use policies in California's coastal counties and federally-managed lands. Notable recent achievements claimed by NRDC include leadership of coalitions which have developed broadly-supported federal legislative initiatives on pesticide regulation and efficiency standards for household appliances.

Agricultural water supply and drainage issues are taking on growing importance with NRDC, including the widely-publicized contamination of the Kesterson Wildlife Refuge and the broader policy issues underlying that crisis. In California, NRDC appears frequently before the Coastal Commission, Energy Commission, and Public Utilities Commission. NRDC also maintains offices in New York and Washington, D.C.

#### MAJOR PROJECTS:

In conjunction with the League for Coastal Protection, NRDC published its Conservation Voting Record of the California Coastal Commission on December 30, 1986. Issues on which votes were tabulated were selected based on four criteria: (1) whether a significant coastal resource was at stake, such as wetlands or beach access; (2) public participation and/or the integrity of the Coastal Act process was at stake; (3) an important environmental precedent was established; and (4) the issue was controversial in that environmentalists mounted a serious campaign.

The 1985 voting record of Coastal Commissioners revealed that the four Commissioners appointed by the Senate Rules Committee voted pro-conservation 53% of the time on such issues. The four appointees of the Assembly Speaker voted 54% pro-conservation, while the Governor's four appointees voted pro-conservation only 6% of the time.

In 1986, the Governor's appointees' voting record showed an improvement, with a 14% pro-conservation vote. Senate Rules Committee appointees voted 50% pro-conservation, and the Assembly Speaker's appointees also improved in voting pro-conservation 57% of the time.

NRDC completed two volumes of its *Nuclear Weapons Databook* series in 1986. Volume II, "U.S. Nuclear Warhead Production," examines how and where nuclear warheads are developed, tested, and manufactured in the U.S. Volume III, "U.S. Nuclear Warhead Facility Profiles," supplements Volume II by providing detailed profiles of laboratories, production facilities, and test sites which comprise America's nuclear warhead complex.

NRDC's criticism of a report on nuclear winter issued by the Pentagon in 1985 spurred Congress to order the Department of Defense to rewrite its study. NRDC is dissatisfied with the new 1986 report and has proposed creation of an independent commission on nuclear winter. NRDC has also proposed that the U.S. and Soviet Union engage in a joint study of nuclear winter and its implications for the security of both nations.

NRDC continues in its efforts to compel the Department of Energy (DOE) and Environmental Protection Agency (EPA) to comply with federal environmental laws in regard to nuclear weapons programs. NRDC has filed suit to require the EPA to issue protection standards for disposal of nuclear wastes in geologic repositories. The group is also preparing a study on the effects of radiation releases from Chernobyl, and will testify before Congress on the safety of similar DOE reactors.

NRDC has defeated two court challenges by industry to California's pacesetter appliance energy efficiency standards, which NRDC believes will reduce energy consumption of refrigerators and air conditioners by 50% and 20%, respectively. The California standards, adopted by the state in response to an NRDC petition in 1985, are serving as an international model for saving consumers and utilities billions of dollars in power plant investments.

#### NETWORK PROJECT

P.O. Box 1736  
Santa Monica, CA 90406  
(213) 393-4562

The Network Project is a nonprofit, tax-deductible consumer research organization established in 1985 to monitor the impact of new technologies on consumers and the exercise of consumer rights in the marketplace. The project

will focus on how high technology can be used to both protect consumers and enhance citizen participation in democratic institutions. The bimonthly newsletter *Network* provides subscribers with information on consumer issues, including articles on state and federal consumer-related activities. The *Consumer Alert* bulletin is published periodically to inform members of critical developments on consumer issues.

#### MAJOR PROJECTS:

Network Project continues to pursue its Public Utilities Commission (PUC) complaint against long distance companies which bill for uncompleted or busy signal telephone calls. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 23 for additional information.) The PUC has called for a further study and survey of the companies involved. Network Project believes resolution of the problem is being delayed by the long distance companies, but anticipates an April PUC hearing on the issue.

#### PACIFIC LEGAL FOUNDATION

555 Capitol Mall, Suite 350  
Sacramento, CA 95814  
(916) 444-0154

The Pacific Legal Foundation (PLF) is a public interest law firm which supports free enterprise, private property rights, and individual freedom. PLF devotes most of its resources to litigation, presently participating in more than 100 cases in state and federal courts.

#### MAJOR PROJECTS:

Pacific Legal Foundation (PLF) has launched the Judicial Responsibility Project, a national program to encourage judicial responsibility and to curb judicial activism. PLF will employ public education and litigation to reverse what it views as a trend by some jurists toward making law rather than interpreting it.

In January, PLF opened a new office in Anchorage, Alaska which specializes in environmental litigation. PLF believes the unit will be effective in its advocacy of what it asserts is the free enterprise approach to environmentally-sound resource development. The Alaska staff is already involved in several cases, including representation of the City of Fairbanks' Northstar Borough and Alaska mining interests in a series of suits brought by the Sierra Club and other environmentalist



groups. PLF claims the environmentalists are seeking to upset the state's mineral leasing system.

PLF has filed an amicus brief in a U.S. Supreme Court case, *Pennel v. City of San Jose*. PLF believes the case is a precedent-setting rent control matter in which the Court is being asked to consider whether a landlord may be required to give preferential rental rates to individuals suffering economic hardship.

A state appellate court has overturned the 1983 city council election in Santa Cruz, affirming PLF's contention that a voter must reside in the precinct in which he/she votes. In *Walters v. Weed*, the court agreed with PLF's argument that more than 190 votes (enough to affect the election result) were cast illegally. Under the court order, a city council member will be required to surrender her seat to another candidate who received the majority of legal votes in that election. Defendants are expected to petition to the California Supreme Court.

## PLANNING AND CONSERVATION LEAGUE

909 12th St., Suite 203  
Sacramento, CA 95814  
(916) 444-8726

The Planning and Conservation League (PCL) is a nonprofit statewide alliance of citizens and conservation organizations devoted to promoting sound environmental legislation in California. Located in Sacramento, PCL actively lobbies for legislation to preserve California's coast; to prevent dumping of toxic wastes into air, water, and land; to preserve wild and scenic rivers; and to protect open space and agricultural land.

PCL is the oldest environmental lobbying group in the state. Founded in 1965 by a group of citizens concerned about uncontrolled development throughout the state, PCL has fought for two decades to develop a body of resource-protective environmental law which will keep the state beautiful and productive.

PCL claims that since its formation it has been active in every major environmental effort in California and a participant in the passage of several pieces of significant legislation, including the California Environmental Quality Act, the Coastal Protection Law, the act creating the Bay Conservation and Development Commission,

the Lake Tahoe Compact Act, the Energy Commission Act, the Wild and Scenic Rivers Act, and laws which enhance the quality of urban environments.

PCL is supported by individual and group membership fees, and claims a membership of more than 6,000 individuals. PCL established its nonprofit, tax-deductible PCL Foundation in 1971, which is supported by donations from individuals, other foundations, and government grants. The Foundation specializes in research and public education programs on a variety of natural resource issues. It has undertaken several major projects, including studies of the California coast, water quality, river recreation industries, energy pricing, land use, the state's environmental budget, and implementation of environmental policies.

### MAJOR PROJECTS:

PCL and other environmental groups are quite concerned about AB 1710 (Costa), which would authorize construction of new facilities to transfer more water from northern to southern California. The bill authorizes the state Department of Water Resources to widen and deepen channels in the Sacramento-San Joaquin Delta, and build a new canal in the northern delta and a new dam in Contra Costa County.

Organizations working with Assemblymember Costa for the water and flood control projects include the Metropolitan Water District of Southern California, the California Farm Bureau, and the state Chamber of Commerce. PCL informed Costa that it believes the plan is essentially the same proposal offered by the Governor in 1984 and rejected by the legislature. According to PCL, that plan was opposed by environmentalists because it would have been even more damaging than the proposed Peripheral Canal.

PCL also expressed opposition to SB 28 (Ayala), which would grant the Governor authority to construct new water transfer facilities, including deepening of existing channels in the Delta area. PCL believes that the legislature should be involved in such decisions. PCL also recommended several amendments to the bill which were rejected by Senator Ayala. Such language would have guaranteed water flows to the Delta and to San Francisco Bay to protect fish and wildlife resources.

At PCL's annual meeting in January, it decided to begin work on a statewide wildlife, coastal, and parks

bond initiative. A draft of the proposal is now being finalized. The initiative effort is officially known as the "Californians for Parks and Wildlife" campaign. PCL and its allies have obtained funding commitments totaling at least one-half million dollars to support the campaign, which will seek 500,000 valid signatures between June and November to qualify the measure for the June 1988 ballot.

The initiative would ask voter approval of between \$500 to \$700 million in state bonds to finance four major programs: Coastal Conservancy wetlands and coastal land acquisition; rare and endangered species protection projects; individual park, open space, and habitat protection projects; and a per capita allocation to local governments for park acquisition projects.

Another major PCL priority for 1987 involves opposition to AB 33 (Harris), which would revise the state income tax return form to delete the line which allows taxpayers to contribute to a state program promoting protection of rare and endangered species.

### PUBLIC ADVOCATES

1535 Mission St.  
San Francisco, CA 94103  
(415) 431-7430

Public Advocates (PA) is a nonprofit public interest law firm concentrating on the areas of education, employment, health, housing, and consumer affairs. PA is committed to providing legal representation to the poor, racial minorities, the elderly, women, and other legally underrepresented groups. Since its founding in 1971, PA claims it has filed over 100 class action suits and represented more than 70 organizations, including the NAACP, the League of United Latin American Citizens, the National Organization for Women and the Gray Panthers.

### MAJOR PROJECTS:

PA supports AB 33 (Harris), legislation which would adopt a state simple tax to eliminate the need for the working poor to pay any state income tax and to ensure taxing of capital gains at the same rate as the income of the working poor. PA will be monitoring the progress of the bill, which would also grant to single heads of household the same tax status as is enjoyed by



joint filers. PA will also be following AB 53 (Klehs) and SB 555 (Garamendi), two other bills that affect low-income, working taxpayers.

In *King v. Meese*, PA filed a class action suit on behalf of California's uninsured motorists against the Department of Motor Vehicles and the California Highway Patrol. The suit seeks to enjoin enforcement of the law which requires all motorists to carry proof of insurance coverage or face loss of driver's licenses. The case was argued before the California Supreme Court in June 1986, and a decision is pending.

After completion of three major administrative trials before the Public Utilities Commission (PUC) against Pacific Gas & Electric, Pacific Bell, and American Telephone & Telegraph (ATT) (see CRLR Vol. 7, No. 1 (Winter 1987) p. 25), PA expects that the seven largest regulated utilities in California will be required to allocate up to 30% of their annual contracts to minority and women-owned businesses. In a related move, PA helped draft AB 3678 (Moore), which requires regulated utilities to develop substantial numerical goals for the award of future contracts to women/minority-owned businesses. The bill was signed by the Governor and is now operative.

PA's class action lawsuit against Wells Fargo Bank, *Williams v. Wells Fargo*, is pending in San Francisco Superior Court. The suit challenges the bank's practice of requiring a major credit card to open a checking account, alleging that the practice violates California civil rights statutes which forbid arbitrary forms of discrimination in business.

On behalf of the Berkeley Coop and low-income consumers, PA and Consumers Union successfully filed suit to end California's 40-year-old practice of fixing retail milk prices. In *Consumers Cooperative v. Wallace*, the court of appeal affirmed an award of attorneys' fees to PA, but the state refuses to pay; therefore, an order for collection is being sought.

After successfully negotiating patient transfer guidelines with Alameda County to assure protections against the practice of "patient dumping," PA and a coalition of regional groups have prepared an administrative petition to be filed this spring in San Francisco Bay area counties. PA is also working with Assemblymember Burt Margolin and his Medi-Cal subcommittee to garner support for AB 214, his bill calling for stronger anti-"patient dumping" pro-

hibitions. AB 214 sets forth explicit conditions for patient transfers and provides a range of penalties for illegal patient transfers. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 25.)

## PUBLIC INTEREST CLEARINGHOUSE

200 McAllister St.  
San Francisco, CA 94102  
(415) 565-4695

The Public Interest Clearinghouse (PIC) is a resource and coordination center for public interest law and state-wide legal services. PIC is partially sponsored by three San Francisco Bay area law schools: Hastings School of Law, University of Santa Clara School of Law, and Golden Gate Law School. A quarterly newsletter, *Impact: A California Digest of Public Interest Practice*, is published by PIC, and includes a new section on improvement in management of nonprofit groups and legal service programs.

### MAJOR PROJECTS:

In its quarterly newsletter *Impact*, PIC published an article on recruiting volunteer attorneys for legal services for the poor. One way in which PIC assists local legal services programs is by providing management improvement services and information. As reported in the *Impact* article, the State Bar estimates that in the next year, about 750,000 low-income people will require legal assistance, and most will turn to a local legal aid office. However, only 400 full-time legal services lawyers work in California.

PIC's article suggested that pro bono legal service programs can provide effective service only if they operate with a solid volunteer recruiting strategy. The *Impact* article pointed out that no strategy is more effective than a personal appeal, such as a letter circulated among local lawyers signed by prominent members of the legal profession. Several local legal service programs cited in the article have had success in recruiting pro bono volunteers with this method, some achieving a 25% increase in the number of registered volunteer attorneys.

In what PIC considered an eleventh-hour victory for legal aid offices, the Governor signed into law SB 2410 (Montoya), which renews the Transcript Reimbursement Fund established in 1981 to pay for deposition and trial

transcripts for indigent litigants represented in civil cases by a legal services program or pro bono attorney on referral from a legal services project.

SB 2064 (Garamendi) was also enacted, providing grants for alternative dispute resolution (ADR) programs throughout the state. Funds for the grants are derived from a \$1 filing fee increase on all civil cases filed in municipal and superior courts. The program will be administered through the Department of Consumer Affairs.

PIC coordinates the Public Interest Computer Users Group, which is designed to meet the needs of computer users in the public interest legal community. A monthly user group meeting includes software demonstrations, information on many computer-related issues, and trouble-shooting sessions. The project provides and coordinates training and serves as a base for consulting and referrals. The computer users group publishes its own bimonthly newsletter.

## SIERRA CLUB

Legislative Office  
1228 N St., Suite 31  
Sacramento, CA 95814  
(916) 444-6906

The Sierra Club has 155,000 members in California and over 400,000 members nationally, and works actively on environmental and natural resource protection issues. The Club is directed by volunteer activists.

The Club has thirteen chapters in California, some with staffed offices. Sierra Club maintains a legislative office in Sacramento to lobby on numerous state issues, including toxics and pesticides, air and water quality, parks, forests, land use, energy, coastal protection, water development, and wildlife. In addition to lobbying the state legislature, the Club monitors the activities of several state agencies: the Air Resources Board, Coastal Commission, Department of Health Services, Parks Department, and Resources Agency. The Sacramento office publishes three newsletters: *Legislative Agenda* (25 times per year); and *Toxics Insider* and *Coastal Insider* (each about four times per year). The Sierra Club Committee on Political Education (SCCOPE) is the Club's political action committee, which endorses candidates and organizes volunteer support in election campaigns.



The Sierra Club maintains national headquarters in San Francisco, and operates a legislative office in Washington, D.C. and regional offices in several cities including Oakland and Los Angeles.

## MAJOR PROJECTS:

On January 8 and 9, Sierra Club leaders participated with other environmentalists, industry, and government representatives at a conference on toxic waste issues. The conference was co-sponsored by the Sierra Club. The participants discussed implementation of Assemblymember Sally Tanner's bill (AB 2948), which establishes a process for county-level hazardous waste management planning. Sierra Club supported AB 2948 because it includes provisions for increased public participation in toxic waste policymaking, facilitates the collection of information on amounts and types of toxic wastes produced, provides funding for independent expert analysis prior to approval of new facilities, and encourages preferred methods of treatment and disposal of hazardous wastes.

The conference brought together often antagonistic parties in hopes that the groups will work together to successfully negotiate toxic waste management plans for the benefit of their communities. The Club's major goals include reduction of the production of toxic wastes and proper treatment of those which are produced.

On January 5, Sierra Club released its "Green State of the State" report, timed to precede the Governor's State of the State message. The report focused on Governor Deukmejian's performance on toxics, coastal protection, and air quality issues. The Club's report generally emphasized that the state of the state's environment is not well: California has suffered substantial losses in coastal wetlands and beaches; the air in metropolitan areas is often unhealthy to breathe; and the toxics problem is worsening. Sierra Club is very concerned about the Governor's budget reductions for environmental programs and his appointments to the state Coastal Commission. It is the Club's contention that six of the twelve voting Coastal Commission members consistently cast anti-environment votes. According to Sierra Club's analysis, the current Commissioners vote pro-environment only 38% of the time.

The report also noted that 12% of drinking water wells in the state tested

last year were contaminated, and today that figure is nearing 20%. The Club's report praised the state Air Resources Board for better performance, and called on the state to demand improved air quality enforcement by local air pollution control districts.

The Club's Sacramento office offered its fifth annual Lobbying Training Workshop on March 22-24. The training covered fundamentals on how to effectively lobby local, state, and federal governmental bodies. Guest speakers included members of the Assembly and Senate, legislative staff members, journalists, and an industry lobbyist. The annual workshop is open to one participant from each local Club chapter.

Sierra Club opposes the Governor's proposal to eliminate programs of the California Occupational Safety and Health Administration (Cal-OSHA). Governor Deukmejian's proposed budget reductions would effectively place the entire responsibility for enforcing worker safety laws on the federal government. The Club believes such a move would lead to minimized regulation of carcinogenic substances and would seriously erode existing state statutory protection for working people.

Sierra Club has endorsed AB 67 (O'Connell), a bill aimed at preventing incineration of hazardous wastes at sea by prohibiting the Department of Health Services from issuing any permits for the necessary onshore storage facilities.

The Club urges its constituents to write members of the Assembly, requesting amendment of AB 33 (Harris). Currently, line 90 on state income tax forms allows citizens to contribute to the state's Rare and Endangered Species Preservation Program, which is devoted exclusively to species and habitat protection. The Sierra Club believes that the program, established in 1983, has aided in protecting several animal species including the bald eagle, kit fox, peregrine falcon, and sea otter. AB 33 would revise the state tax form to eliminate the line 90 contribution—and thus wipe out the state's endangered species protection program.

Sierra Club is working for passage of SB 4 (Presley), an \$85 million bond act to purchase habitat for endangered species, and SB 40 (Marks), a bill to increase regulation of commercial fishing gill nets, which drown large numbers of marine animals and birds. The Club is also participating in hearings on the proposed reintroduction of sport hunting of mountain lions.

## UTILITY CONSUMERS' ACTION NETWORK

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Utility Consumers' Action Network (UCAN) is a nonprofit advocacy group supported by 65,000 San Diego Gas and Electric Company (SDG&E) residential and small business ratepayers. UCAN focuses upon intervention before the California Public Utilities Commission on issues which directly impact San Diego ratepayers.

UCAN was founded in 1983 after receiving permission from the Public Utilities Commission to place inserts in SDG&E billing packets. These inserts permitted UCAN to attract a large membership within one year. The insert privilege has been suspended as a result of a United States Supreme Court decision limiting the content of such inserts.

UCAN began its advocacy in 1984. It has intervened in SDG&E's 1985 General Rate Case; 1984, 1985, and 1986 Energy Cost Adjustment Clause proceedings; the San Onofre cost overrun hearings; and SDG&E's holding company application. UCAN also assists individual ratepayers with complaints against SDG&E and offers its informational resources to San Diegans.

## MAJOR PROJECTS:

In February, UCAN intervened in a rate proceeding before the Public Utilities Commission (PUC), opposing a plan by San Diego Gas & Electric (SDG&E) which UCAN claims would increase the average residential customer's natural gas bill by 28%. UCAN believes SDG&E's proposed additional \$5-per-month surcharge violates state law if the charge is not based on the amount of energy actually used by the customer.

New Southwest Power Link proceedings before the PUC were scheduled for March due to a request by SDG&E for a rehearing. UCAN will defend penalties assessed last year against SDG&E by the PUC for poor administration of the Southwest Power Link high voltage transmission line from Arizona. As last year's hearing, testimony by UCAN expert witnesses convinced the PUC that SDG&E was overcharging customers for electricity from that power line. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 27.)



During 1987 UCAN will prepare for the 1988 SDG&E general rate case, propose new guidelines for meter deposits, and will continue to help individual ratepayers with problems they may have with utility and PUC proceedings, rules, and regulations.

Other 1987 priorities announced by UCAN include opposition to SDG&E's request that the PUC lift restrictions on the company's proposed creation of a holding company. (See CRLR Vol. 6 No. 4 (Fall 1986) p. 21.) UCAN will continue to monitor the operations of SDG&E and its numerous subsidiaries to make certain that they are being managed efficiently and that ratepayers are not being charged for management errors.

UCAN is disturbed by a recently-ordered \$85.5 million rate decrease from which the average residential customer will realize a reduction of a mere 1.5% in rates. The largest SDG&E customers will enjoy savings of up to 12%, while small business owners will see their rates increasing. UCAN contends that the PUC, which is now dominated by Deukmejian appointees, is implementing a new policy of improving the business climate in the state by passing the bulk of energy cost-savings to large industrial users.

In November and December, UCAN challenged the basis of Pacific Bell's optional program charging customers fifty cents per month for "insurance" to cover costs of repairs to "inside wire" phone lines. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 27.) UCAN believes that landlords are responsible for repair of inside wiring on rented or leased premises, and that in many cases renters do not have the legal right to perform work on phone wiring without landlord permission. UCAN is disturbed that this information was not included in billing inserts and other advertising for the inside wire insurance plan.

UCAN also notes that Pacific Bell's \$65-per-hour charge for repairs to inside wiring is up to three times more expensive than many telephone repair services charge for the same work. UCAN stresses that Pacific Bell also did not notify its customers that inside wire problems usually do not occur more than once per generation. The most frequent causes of damage to the wiring are flooding and construction negligence, and repair costs are thus normally recoverable through insurance or reimbursement. UCAN suggests that state legislation may be the answer to the question of liability for inside wire repairs.