



LICENSING

SB 58 (Montoya) would enact the Health Studio Services Contract Act. Existing law provides for limited regulation of health studios, requiring a written contract for health studio services, a limitation on the financing period, and a limitation on the amount of payment for studio services. This bill would repeal existing law, replacing it with a comprehensive regulatory act. It would require the establishment of a trust account for the benefit of specified persons and would extensively regulate health studio contracts. *SB 58* was heard in the Senate Business and Professions Committee on March 23.

SB 64 (Torres) would enact the Fitness Instructor Certification Act, requiring certification and regulation of persons known as fitness instructors. The bill would establish the State Board of Fitness Instructor Certification, for certification of instructors and instructor training courses. The bill would also provide that, on and after January 1, 1989, every person offering or selling health studio services who offers or provides services of exercise instructors shall provide to the consumer a description of the minimum level of training and certification held by all instructors. *SB 64* was to be heard in the Senate Business and Professions Committee on April 20.

SB 148 (Bergeson) would revise numerous existing provisions governing credentialing of California's teachers. It would change the requirements and standards for the granting of a preliminary credential; change the standards and requirements for a clear credential; require the Commission on Teacher Credentialing to streamline the credential system; require the Superintendent of Public Instruction and executive secretary of the commission to select and direct activities of an interagency task force that would develop a proposed teacher assessment plan; and make other changes as specified. *SB 148* was pending before the Senate's Education Committee as of this writing.

INTEREST RATES

AB 325 (Areias) would limit the maximum lawful finance charge imposed on any retail installment account to 7% plus the average discount rate in effect at the Federal Reserve Bank in San Francisco. Provisions of this bill would affect any charges to an account occurring after January 1, 1988. *AB 325* was

pending before the Assembly's Finance and Insurance Committee as of this writing.

AB 2 (Areias) would establish limits on credit card interest rates. Specifically, annual rates would be held to a maximum of 21% or a minimum of 12%. The bill would also require all printed advertisements soliciting the acquisition of a credit card to disclose interest rates, as specified. As of this writing, the Assembly's Finance and Insurance Committee had yet to act on this bill.

COURTS

AB 301 (Bader) would raise the monetary jurisdiction limit for small claims cases from \$1,500 to \$3,500. The bill is pending before the Assembly's Committee on the Judiciary.

PUBLIC AGENCIES

AB 237 (Frizzelle) would permit state agencies to conduct their business from 12:00 noon to 8:00 p.m., provided adequate public notice is given. Under existing law, state agencies are generally required to be open for business Monday through Friday, 8:00 a.m. to 5:00 p.m. As of this writing, *AB 237* was pending before the Assembly's Committee on Governmental Efficiency and Consumer Protection.

AB 415 (McClintock) would require that state administrative hearings be held in San Francisco if respondents reside or the transaction occurred within the Sixth Appellate District. Under existing law, only cases involving First Appellate District respondents or transactions must be heard in San Francisco. This bill was pending before the Assembly's Committee on the Judiciary, as of this writing.

SB 200 (Roberti) would amend open meeting provisions affecting both state and local agencies. Under existing law, public agencies are allowed to hold closed sessions to discuss some real estate transactions (for example, site selection for a state university) or to confer with legal counsel regarding pending litigation if open discussion of such matters would be detrimental to the public interest.

This bill would specifically provide that a public body may hold closed sessions with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the public agency to give instructions to its negotiator regarding price or terms of payment.

It would also allow a public body, based on advice of counsel, to hold a closed session for the purpose of confer-

ring with legal counsel regarding pending litigation. *AB 200* specifies that such closed sessions would be permitted when discussion in public would prejudice the state body's position. It specifically prescribes when litigation is considered "pending."

The bill would also require that legal counsel prepare a memorandum stating the specific reasons and legal authority for the closed session. It would further provide that, except as specifically provided, the lawyer-client privilege shall not be used as the basis for a closed session of the public body.

SB 299 was pending before the Assembly's Committee on the Judiciary as of this writing.

SB 23 (Bergeson) addresses tort liability of public entities and employees. Under existing law, neither public entities nor employees are liable for injuries caused by a natural condition of any unimproved public property. This bill would provide that the natural condition itself is the basis for the immunity. It would further provide that the provision of public safety services shall not affect this immunity nor shall those services constitute a basis for imposing a duty to warn or prevent injury. *SB 23* was pending before the Assembly's Judiciary Committee as of this writing.

AB 143 (Molina) would require that all state agencies establish minimum participation goals for contracting with minority- and women-owned businesses. Specifically, goals of 13% for minority-owned enterprises and 3% for women-owned businesses would apply in contracting for construction, repairs, maintenance, commodities, and supplies. The bill would require each state agency to document its good faith efforts to comply with the contracting requirements. It would further require each agency to report annually on the level or participation by minority- and women-owned business enterprises in contracts covered by the bill.

As of this writing, *AB 143* had not yet been heard by the Assembly's Committee on Governmental Efficiency and Consumer Protection.

PROFESSIONAL MALPRACTICE

SB 202 (Montoya) would establish the Professional Malpractice Liability Fund. Administered by the Director of the Department of Consumer Affairs (DCA), the Fund would be used to support a liability insurance program for



persons licensed by bodies and boards within the DCA. Participation in the insurance program would be mandatory for all DCA licensees.

A similar bill introduced last session, SB 2333, failed passage. As of this writing, SB 202 was pending before the Senate's Insurance, Claims and Corporations Committee.

MINIMUM WAGE

AB 120 (Floyd) would provide that the minimum wage fixed by the state's Industrial Welfare Commission shall not be less than \$4.50 per hour for all hours worked. Under existing law, the Commission is required to adopt orders fixing California's minimum wage at a level not less than the federal minimum, which is currently \$3.35 per hour. AB 120 has been assigned to the Assembly's Committee on Labor and Employment.

MEDICAL CARE

AB 214 (Margolin) would regulate the treatment of patients brought to hospital emergency rooms and the transfer of those patients to other facilities.

The bill would prohibit basing an emergency patient's treatment on that patient's race, ethnicity, religion, national origin, citizenship, age, sex, preexisting medical condition, physical or mental handicap, insurance status, economic status, or ability to pay for medical services, unless the circumstances are medically significant, in affirmatively indicating a need for medical treatment. This legislation would specify conditions under which emergency medical patients may be transferred and would require hospitals to adopt policies and transfer protocols consistent with the bill.

AB 214 was passed by the Assembly's Committee on Health and was sent to Ways and Means.

CIVIL RIGHTS

AB 181 (Harris) would include blindness or other disability within the bases of discrimination prohibited by California's civil rights laws. Existing law prohibits businesses from discriminating on the basis of sex, race, color, religion, ancestry, or national origin. Specifically, amendments under this legislation would protect persons with disabilities from discrimination relating to the acquisition, use, or occupation of real property; the granting of business franchises; and access to services, goods, accommodations, privileges, or facilities in all business establishments. AB 181 was pending before the Assembly's Committee on the Judiciary as of this writing.

ADVERTISING

AB 70 (O'Connell). Under existing law, consumer goods (but not services) may be advertised at a single unit price where the goods are sold only in multiple units as long as the advertisement also discloses the price of the minimum multiple unit in which they are offered. This bill would extend this law to retail sellers who sell consumer services. AB 70 passed in the Assembly and was pending before the Senate's Business and Professions Committee as of this writing.

ELECTIONS AND CAMPAIGNS

SB 168 (Deddeh) would prohibit the transfer of campaign funds by state constitutional officers and members of the governing bodies of local agencies, and candidates for those offices, or by controlled committees to any other candidate for a state constitutional office or the governing body of a local agency or to any committee supporting any other candidate for those offices.

The bill would retain existing authorization permitting former candidates or officeholders or controlled committees to utilize surplus campaign funds to make contributions to candidates, committees, or political parties. SB 168 was to be heard in the Senate's Elections Committee on April 1.

SB 173 (Davis) would require the Secretary of State to sponsor and organize a series of at least three televised debates for each statewide primary and general election. Participation in the debates would be limited to candidates who submit required nomination documents; provide the Secretary of State with signatures of a specified number of voters who support the person's candidacy; and agree to limit total campaign expenditures to \$500,000 or less. SB 173 was pending before the Senate's Elections Committee as of this writing.

SB 119 (Kopp) would prohibit the transfer of campaign funds by state legislative candidates or committees controlled by a candidate to another candidate for state legislative office or a committee supporting such a candidate. The bill would make an exception as to transfers by political parties and contributions or transfers made upon leaving elective office by a former candidate or officeholder or committee controlled by such a former candidate or officeholder. SB 119 was to be heard in the Senate's Elections Committee on April 1.

AB 111 (Lockyer) would enact the Campaign Financing Reform Act of 1987, imposing various limitations on

contributions and expenditures which may be made to candidates seeking legislative office in both primary and general elections. The bill would create the Legislative Election Fund, from which eligible candidates would be allowed to obtain public funds for qualified campaign expenditures.

This legislation would impose contribution limitations on candidates for local office, as well as establishing various requirements on candidates for legislative office regarding establishment of campaign funds. AB 111 would allow taxpayers to specify that up to \$5, or up to \$10 in the case of married individuals filing a joint return, shall be transferred to the Legislative Election Fund, to be distributed among eligible candidates.

The bill was to be heard by the Senate's Election Committee on April 1.

ENVIRONMENTAL

AB 511 (Bradley) would make four major revisions in Proposition 65, the Safe Drinking Water and Toxics Enforcement Act of 1986.

It would exempt businesses from prosecution under the Act in those cases involving accidental toxic discharges. The bill would restrict the Proposition 65 list required to be published by the Governor to those toxics where a 95% confidence level of correlation exists between human carcinogenicity and animal carcinogenicity. The legislation would also bar citizens' enforcement actions while government agency actions are pending. Finally, AB 511 would exempt from the prohibitions of the Act a discharge or release where the lead agency appointed by the Governor determines that the public health and economic benefit or the discharge or release outweighs the risks.

AB 511 was pending before the Assembly's Committee on Environmental Safety and Toxic Waste Materials as of this writing.

AB 517 (Bradley) would require public hearings for every chemical proposed for inclusion on the Governor's list of toxics required under Proposition 65. In compiling the list, the Governor would be considered to be adopting or amending a regulation within the meaning of the Administrative Procedure Act, thereby subjecting the process to review by the Office of Administrative Law. AB 517 was pending before the Assembly's Committee on Environmental Safety and Toxic Materials as of this writing.