GENERAL LEGISLATION

The 1993–94 legislative session began on December 7, 1992; the two-year session will continue until August 31, 1994. The first year of the session ended at midnight on September 10, 1993, and the second year convened on January 3, 1994. Bills listed below are either two-year bills introduced during 1993, or new bills which were introduced between January 3 and February 25; constitutional amendments, urgency measures (requiring a two-thirds vote), tax bills, and resolutions may be introduced beyond the February 25 deadline.

Following are some of the general public interest, regulatory, and governmental structure proposals pending in the legislature. *[14:1 CRLR 187–91; 13:4 CRLR 226–34]*

BOARDS AND COMMISSIONS

SB 2036 (McCorquodale), SB 2037 (McCorquodale), and **SB 2038 (McCorquodale)** all resulted from the Fall 1993 oversight hearings held by the Senate Subcommittee on Efficiency and Effectiveness in State Boards and Commissions, chaired by Senator Dan McCorquodale (*see* report on DEPARTMENT OF CONSUMER AFFAIRS for related discussion). During the hearings, the Subcommittee focused on developing a set of criteria under which it could evenhandedly evaluate the need for and performance of DCA occupational licensing agencies, and examined specific pairs of DCA regulatory programs to determine whether they should be abolished, merged, or restructured. *[14:1 CRLR 17–19]*

• ***SB 2036 (McCorquodale)***, as amended May 18, would create a "sunset" review process for all DCA occupational licensing agencies, requiring all DCA agencies to be comprehensively reviewed every four years. "Sunset" is an action-forcing mechanism which enables the legislature to more effectively oversee the agencies to which it has delegated authority; the concept has been successfully applied in numerous other states since the mid-1970s and was urged for enactment in California by the Little Hoover Commission in 1989. *[9:4 CRLR 32–34]* SB 2036 would impose a "sunset" date in the statute creating each occupational licensing agency within DCA. The bill would also create a Joint Legislative Sunset Review Committee within the legislature, which would review the performance of each DCA agency approximately one year prior to its sunset date; the bill specifies 11 categories of criteria under which an agency and its performance will be evaluated. Following review of the agency and a public hearing, the Committee would make recommendations to the legislature on whether the board should be abolished, restructured, or redirected in terms of its statutory authority and priorities. The legislature may then either allow the sunset date to pass (in which case the agency at issue would cease to exist and all powers and duties of the former agency would transfer to the Department of Consumer Affairs) or pass legislation extending the sunset date for another four years. *[S. Appr]*

• ***SB 2037 (McCorquodale)***, as amended May 18, would abolish the Cemetery Board and the Board of Funeral Directors and Embalmers, and create in their place a single Bureau of Funeral and Cemetery Services under the supervision of the DCA Director; merge the Hearing Aid Dispensers Examining Committee and the Speech-Language Pathology and Audiology Committee into a single board under the jurisdiction of the Medical Board of California; and eliminate the Tax Preparer Program, but maintain the existing requirement that tax preparers file a $5,000 surety bond. At a May 9 hearing, the Senate Business and Professions Committee tentatively decided to merge the funeral and cemetery boards into one board (not a bureau); at this writing, this language is expected to be amended into SB 2037 when it reaches the Assembly. *[S. Appr]*

• ***SB 2038 (McCorquodale)***, as amended May 18, would eliminate the nine-member Committee on Dental Examiners (which is currently an advisory committee to the Board of Dental Examiners) and revise the composition of BDE to reflect somewhat greater representation of dental auxiliaries; reduce the size of the Board of Accountancy from eight licensees and four public members to six licensees and three public members; and require the Attorney General's Office to provide itemized statements of services rendered to DCA agencies to which it provides legal representation.

Earlier versions of SB 2038 would have abolished the Board of Landscape Architects (BLA) and merged the Board of Registration for Professional Engineers and Land Surveyors (PELS) with the Board of Registration for Geologists and Geophysicists (BRGG). At the May 9 hearing of the Senate Business and Professions Committee, representatives of these boards and affected trade associations expressed support for SB 2036 and lobbied tenaciously against SB 2038, urging Senator McCorquodale to delete the abolition/merger provisions applicable to them in SB 2038 and allow them to participate in the SB 2036 sunset process on an expedited basis. Senator McCorquodale agreed to delete the provisions of SB 2038 applicable to these boards and to amend SB 2036 to establish July 1, 1997 as the sunset date for BLA and BRGG, and July 1, 1998 as the sunset date for PELS. *[S. Appr]*

AB 3413 (Conroy), as amended May 17, would require each state agency to report to the Director of Finance all fees administered and collected by the agency, except for fees collected from a governmental agency, and would require the Director to develop and maintain a list of those fees. *[A. W&M]*

AB 3444 (Margolin), as introduced February 24, would prohibit a public official of a state agency from acting, for compensation, as an agent or attorney for, or otherwise representing, any other person by making any formal or informal appearance before, or by making any oral or written communication to, his/her state agency or any officer or employee thereof, if the appearance or communication is made for the purpose of influencing action on a contract, grant, loan, license, permit, or other entitlement for use. *[A. Floor]*

SB 1452 (Kopp). Existing law requires the written consent of the Attorney General prior to the employment of counsel for representation of any state agency or employee in any judicial proceeding; there is an express exception provided to specified state agencies and to the Insurance Commissioner with respect to certain delinquency proceedings. As amended May 17, this bill would delete the exception provided to the Commissioner, remove the specific authority of the Commissioner to employ counsel in connection with delinquency proceedings, and provide that the Attorney General has the authority to appoint and employ any legal counsel that he/she deems necessary to assist the Commissioner in the performance of his/her duties. This bill would require the Attorney General, upon request of the Commissioner, to petition the court for determination in the event the commissioner and the Attorney General disagree as to the need to employ counsel outside of state service or the compensation of that counsel. *[S. Appr]*

AB 3570 (Isenberg), as amended April 7, would provide that when a judgment for punitive damages is entered against a defined insurer on or after January 1, 1995, the plaintiff shall, within ten days, provide the Commissioner of the Department of Insurance or the Commissioner of Corporations, as specified, with a copy of the judgment, a brief recitation of the facts of the case, and copies of relevant pleadings as determined by the plaintiff. Under the bill, willful failure to comply with this provision would subject

the plaintiff or his/her attorney to sanctions at the discretion of the trial court. This bill would also require the Insurance Commissioner and the Commissioner of Corporations to adopt regulations that, to the maximum extent practicable, guarantee that awards for punitive damages entered against insurers are not paid for, directly or indirectly, by policyholders or enrollees. *[A. Floor]*

AB 15 (Klehs), as amended March 14, would abolish the Franchise Tax Board and provide for the transfer of its powers and duties to the State Board of Equalization, operative January 1, 1996. *[S. Rev& Tax]*

SB 87 (Kopp), as amended January 27, would have abolished the Franchise Tax Board and, except as provided by the California Constitution, the administrative authority of the State Board of Equalization; it would have provided for the transfer of their respective powers and duties to the Department of Revenue, which this bill would have created. This bill was rejected by the Senate on January 31.

SCA 5 (Kopp), as amended April 28, 1993, would abolish the State Board of Equalization and make necessary conforming changes in various other constitutional provisions. *[S. Appr]*

AB 1487 (Gotch), as introduced March 4, 1993, would provide that if an officer or employee position that is funded by the general fund within a state agency remains continuously vacant for a period of one fiscal year, that state agency's budget for the next fiscal year shall be reduced by the amount of funds previously allocated to support that position. *[S. Appr]*

AB 173 (V. Brown), as amended August 30, 1993, would limit the amount of salary paid to a chair or member of specified state boards or commissions to an amount no greater than the annual salary of members of the legislature, excluding the Speaker of the Assembly, President pro Tempore of the Senate, Assembly majority and minority floor leaders, and Senate majority and minority floor leaders.

Existing law requires that the annual state budget contain itemized statements for state expenditures. These expenditures include amounts for salaries or wages, and benefits of various state officer and employee classifications within state government. This bill would prohibit state funds from being expended on or after January 1, 1994, for any salary or wages, and benefits for certain employment classifications relating to public information, communications, and public affairs.

This bill would also provide that, notwithstanding any other provision of law, commencing January 1, 1994, the total amount expended for travel by state employees for any fiscal year shall not exceed 50% of the total amount budgeted for travel by state employees for the 1992–93 fiscal year. It would also prohibit out-of-state travel unless the travel is related to activities mandated by federal, state, or local law or the generation of revenues, as defined. Further, this bill would disallow reimbursement for travel, meals, and lodging costs related to in-state travel for attendance at, or participation in, information conferences or seminars unless the cost is from other than state sources. First-class air passage would also be prohibited, except for health reasons. *[S. Inactive File]*

SB 2 (Kopp). Existing law does not authorize the imposition of limitations on the number of terms that persons may serve on governing bodies of local governmental entities. As amended June 8, 1993, this bill would expressly authorize the governing bodies of county boards of education, school districts, community college districts, or other districts, any board of supervisors or city council, or the residents of those respective entities, to submit a proposal to the electors to limit the number of terms a member of the governing body, board of supervisors, or city council may serve. *[A. ER&CA]*

AB 1287 (Moore), as amended January 27, would, until January 1, 1998, enact a comprehensive scheme for identification, study, and regulation of nonlawyer providers (also known as "legal technicians" or "independent paralegals") under the jurisdiction of the Department of Consumer Affairs. *[S. Jud]*

BUDGET PROCESS

AB 22 (Speier), as introduced in December 1992, would have provided for the withholding of the payment of legislators' salaries for that period following July 1 of the fiscal year during which the annual Budget Bill is not passed by the legislature, but would have provided for the payment of their salaries for that period after the Budget Bill is passed; prohibited the reimbursement of living and traveling expenses for legislators for that period following July 1 of the fiscal year during which the annual Budget Bill is not passed by the legislature; and prohibited the Controller from drawing any warrant for the payment of reimbursement to legislators for travel and living expenses for that period. This bill died in committee.

ACA 2 (Hannigan), as introduced in December 1992, would provide that statutes enacting budget bills shall go into effect immediately upon their enactment.

Existing provisions of the California Constitution provide that appropriations from the general fund, except appropriations for the public schools, are void unless passed in each house by two-thirds of the membership. This measure would eliminate the two-thirds vote requirement. *[A. Inactive File]*

ACA 21 (Areias), as introduced March 5, would provide that if the Governor fails to sign a budget bill on or before June 30, then on July 1, an annual budget that is the same amount as that which was enacted for the immediately preceding fiscal year shall become the state's interim budget for the new fiscal year and the balance of each item of that interim budget shall be reduced 10% each month, commencing August 1, until a new budget bill has been signed by the Governor. *[A. Rules]*

CIVIL RIGHTS

AB 2418 (Speier). Existing law prohibits a business establishment from discriminating against a person because of the gender of the person. As amended April 26, this bill would provide specifically that no seller of goods or services may discriminate, with respect to the price charged for the goods or services, against a person because of the person's gender. *[A. Floor]*

SCR 28 (Calderon), as amended March 3, would direct the Department of Fair Employment and Housing to conduct an undercover consumer investigation to identify businesses in the dry cleaning and cosmetology professions which practice gender-based price discrimination and take appropriate action to penalize such discrimination. *[S. B&P]*

SB 1288 (Calderon), as amended May 10, would—among other things—direct the Department of Consumer Affairs, by June 1, 1995, to create a pilot project to provide notice to Board of Barbering and Cosmetology licensees that the Unruh Civil Rights Act prohibits gender-based pricing. The bill would require DCA, by June 1, 1996, to submit to the legislature, upon request, an assessment of the pilot project, and requires DCA's Division of Consumer Services to develop, by June 1, 1995, and distribute consumer information on the problem of gender-based price discrimination. *[A. Jud]*

AB 2199 (W. Brown). The Unruh Civil Rights Act provides that all persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, or disability are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever. That provision also states that it shall not be construed to confer any right

or privilege on a person which is conditioned or limited by law or which is applicable alike to persons of every sex, color, race, religion, ancestry, national origin, or disability. As introduced March 5, 1993, this bill would delete the latter restriction on the construction of the Unruh Civil Rights Act, specify that the identification of particular bases of discrimination in the Act is illustrative rather than restrictive, provide that the Act prohibits all arbitrary discrimination by business establishments, and state that the rights afforded by the Act are enjoyed by all persons as individuals.

Existing law establishes a cause of action for violation of the Unruh Civil Rights Act and a related provision entitling the plaintiff to damages of at least $250. This bill would increase the minimum damages for such a cause of action to $1,000, and provide that certain nonprofit organizations shall be deemed persons entitled to bring such a cause of action under specified circumstances.

Existing law provides that it is the intent of the legislature to occupy the field of regulation of discrimination in employment and housing encompassed by the California Fair Employment and Housing Act, exclusive of local laws on the subject. This bill would delete that provision and state, instead, that a local political subdivision of the state may establish greater protections against discrimination than those set forth in that Act, but may not require or permit any action constituting a discriminatory practice under that Act. *[S. Jud]*

COURTS

SB 102 (Lockyer). Existing law, as determined by the California Supreme Court in *Neary v. Regents of University of California*, 3 Cal. 4th 273, authorizes an appellate court to reverse a trial court judgment upon the stipulation of the parties. As amended February 9, this bill would specify that an agreement or stipulation of the parties may not be the basis for reversing or vacating a judgment duly entered by a court of competent jurisdiction, except upon a showing of substantial legal or factual justification. The bill would declare agreements to the contrary to be violative of prescribed public policy, except upon a showing of substantial legal or factual justification. *[S. Jud]*

SB 10 (Lockyer), as amended January 24, would authorize additional municipal court commissioners in various counties, upon the adoption of specified resolutions by the board of supervisors; the bill would also authorize additional traffic referee positions in San Diego County, upon the adoption of specified resolutions by the board of supervisors. *[A. Jud]*

SCA 3 (Lockyer). The California Constitution currently provides for superior, municipal, and justice courts, provides for the establishment and jurisdiction thereof, and provides for the qualification and election of judges thereof. As amended August 16, 1993, this measure would eliminate the provisions for superior, municipal, and justice courts, and instead provide for district courts, their establishment and jurisdiction, and the qualification and election of judges thereof. The measure would become operative on July 1, 1995. *[A. Inactive File]*

SB 728 (Presley). Existing law provides, with respect to specified proceedings or investigations regarding felony offenses, that if a person refuses to answer a question or produce evidence on the ground that he/she may be incriminated and if the person is ordered to comply but would have been privileged to withhold the answer given or the evidence produced except for the order, the person shall not be prosecuted or subjected to any penalty or forfeiture for, or on account of, any fact or act concerning which he/she was required to answer or produce evidence except as specified. As amended June 23, 1993, this bill would expressly provide that these provisions do not prohibit the district attorney from requesting an order granting use immunity or transactional immunity to a witness compelled to give testimony or produce evidence. In addition, the bill would provide that no person may be prosecuted or subjected to penalty or forfeiture for any fact or act derived from testimony or other evidence produced under the order to testify unless the prosecution proves by clear and convincing evidence that the evidence it proposes to use is from a legitimate source wholly independent of the compelled testimony and that the compelled testimony was not an investigatory lead to that evidence. *[A. PubS]*

SB 1242 (Boatwright), as amended June 23, 1993, would have provided that in any action in which a local public entity is a party to a confidentiality agreement, settlement agreement, or protective order that bars public disclosure of a writing, that agreement or order shall not be valid upon the settlement or conclusion of that action, unless a final protective order is issued by the court upon a showing of good cause. The bill would have further provided that any elected officer of a local public entity who authorizes or approves any agreement in violation of the above provision is subject to criminal contempt. This bill died in committee.

ELECTIONS

ACA 40 (Costa). Existing provisions of the California Constitution provide that the initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject those proposals. Those provisions require the Secretary of State to submit the measure at the next general election held at least 131 days after it qualifies or at any special statewide election held prior to that general election. The Governor may also call a special statewide election on the measure. As amended May 4, this measure would require each house of the legislature, following certification of an initiative measure for the ballot, to hold and complete a committee hearing on the initiative measure at least 124 days prior to the election. It would require the committees conducting the hearing, immediately upon the completion of the hearing, to recommend to the legislature whether or not a legislative measure containing the provisions of the proposed initiative measure, in the form certified for the ballot or in an amended form, should be adopted by the legislature.

This measure would provide that if these actions are not taken, the initiative measure shall appear on the ballot as required by existing provisions of the California Constitution; require the Secretary of State to immediately withdraw the initiative measure from the ballot if, after the committee recommendations and not later than 117 days prior to the election, a legislative measure is enacted that contains only provisions identical to those of the initiative measure, or that contains provisions of the initiative measure in an amended form and the legislative measure has been endorsed by the proponents of the initiative measure; provide that if no legislative measure as described above is enacted, the initiative measure shall appear on the ballot as required by existing provisions of the California Constitution; and require that a legislative measure as described above, if enacted, be submitted to the voters for their approval at the ensuing election in lieu of the proposed initiative measure if the legislative measure is required by any provision of the California Constitution to be submitted to the voters for their approval, if it imposes any limitation upon amendment of any of its provisions, or if it is enacted in accordance with procedures imposed by a previous initiative that require the legislative measure to be submitted to the voters for their approval. *[A. W&M]*

SB 1518 (Marks). Existing law contains various provisions relating to the

availability of the information contained in affidavits of registration, and the ability of specified persons to file a confidential affidavit of registration. Under existing law, information contained in a confidential affidavit of registration may only be released for certain election, government, or research purposes, or whenever a person's vote is challenged, as specified. As amended April 26, this bill would repeal or revise provisions of existing law relating to the disclosure of voter registration information, and instead make confidential the home address, telephone number, occupation, precinct number, and prior registration information of all registered voters. The bill would repeal provisions establishing the confidential affidavit of registration, and would apply the conditions for the release of information contained in a confidential affidavit of registration to all affidavits of registration. It would also require disclosure of this information to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for journalistic purposes pursuant to an application for voter registration information, as specified. *[S. Floor]*

AB 3613 (Moore). Existing law provides a procedure by which a voter may apply for, receive, vote, and have processed, an absent voter's ballot. As amended May 5, this bill would change the name of absent voter ballots to "vote by mail ballots."

Existing law provides that a voter who has specified physical impairments or conditions, or who is a nonspousal primary caregiver who resides with that voter, may make a written request for permanent absent voter status. This bill would instead provide that any voter may apply in writing for permanent vote by mail status.

Existing law requires the county elections official to prepare a certified statement of the results of the official canvass of the votes cast at an election. It requires the statement of results to show the total number of ballots cast and the total number of votes cast at each precinct for each candidate, among other things. It also requires the county elections official to send to the Secretary of State by registered mail a copy of all returns for candidates for statewide office, the legislature, and Congress, among others. This bill would require that the statement of the results of the official canvass show the total number of vote by mail ballots cast at each precinct, and would require the elections official to include in the copy of the returns sent to the Secretary of state the number of vote by mail ballots cast at each precinct. *[A. W&M]*

AB 3614 (Moore). Existing law specifies the dates in the months on which elections shall be held each even-numbered year and each odd-numbered year; it also specifies that, except as provided, that no election shall be held on a day other than a Tuesday. As amended May 2, this bill would expand the election period in each year to two days, and would require that an election be held on the first Saturday in the month specified by law and on the following Sunday, except in presidential election years, when the general election date would remain on the first Tuesday after the first Monday in November. It would specify that, except as provided, no election shall be held on a day other than a Saturday and the following Sunday.

This bill would provide that in elections conducted on weekend dates pursuant to this bill, election precincts may be consolidated or formed, but no precinct may contain more than 1,500 voters. This bill would provide that a person who served on a precinct board may be excused from jury service within the county for one year following the election if the person agrees to waive the compensation provided for by law. *[A. W&M]*

AB 3612 (Moore). Existing law provides that, with the exception of candidates for judicial office, as specified, a candidate may use a ballot designation of, among others, no more than three words designating either the current profession, vocation, or occupation of the candidate, or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents. As amended May 4, this bill would, in addition, permit candidates, including a candidate for judicial office, to use not more than three words describing a role in the family. *[A. W&M]*

SCA 40 (Hart). The California Constitution establishes the membership of the Senate and Assembly, sets forth powers and duties of the members, and requires the Governor immediately to call an election to fill a vacancy in the legislature. As amended May 17, this measure would amend the California Constitution to authorize each candidate for member of the legislature to select an alternate member. The measure would require the alternate member to be elected at the same time as the member, as prescribed. The measure would amend the California Constitution to require an alternate member to fill a vacancy of a member in the legislature, if an alternate member was elected at the same time as the member. *[S. ER]*

SCA 13 (Lockyer), as amended April 12, 1993, would direct the legislature to provide a system of campaign finance reform on or before December 31, 1994, by a two-thirds vote of each house, that (1) imposes limitations on the amount of each contribution that may be made to candidates for legislative office at both primary and general elections, (2) establishes a Legislative Election Fund from which a candidate for legislative office will be allocated public funds for qualified campaign expenditures, provided that the candidate has received a threshold amount of private campaign contributions, (3) imposes limitations on expenditures by all candidates for legislative office in primary and general elections as a condition of the receipt of state matching funds, (4) establishes requirements on candidates for legislative office with respect to the establishment of a campaign expense account, and allows each member of the legislature to create a separate, distinct noncampaign officeholder expense account, and (5) imposes contribution limitations on candidates for local offices. *[S. E&R]*

SB 588 (Lockyer), as amended May 27, 1993, would enact the Campaign Financing Reform Act of 1993. Specifically, it would impose various limitations on contributions and expenditures which may be made to candidates for legislative office at both primary and general elections. It would also establish a Legislative Election Fund. Eligible nominees, as defined, for legislative office would be allowed to obtain public funds from the fund for qualified campaign expenditures, provided certain thresholds are obtained. It would also impose certain limitations on expenditures by all candidates under certain conditions. This bill would, additionally, establish various requirements on candidates for legislative office with respect to the establishment of campaign funds, and allow members of the legislature to create a separate, distinct noncampaign expense account; impose contribution limitations on candidates for local offices; and provide for the enforcement, and set forth remedies and sanctions regarding violations, of the provisions of this bill. It would impose specified responsibility for the administration of the provisions of the bill on the Fair Political Practices Commission and the Attorney General.

Under existing California Personal Income Tax Law, there is no provision allowing taxpayers to transfer part of their income taxes to political campaigns for candidates seeking election to legislative offices. This bill would, for taxable years commencing on or after January 1, 1995, 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, as created, to be distributed among the eligible nominees, as defined. This bill would provide that the moneys contained in the fund are available, when appropriated in the Budget Act commencing with the 1995–96 fiscal year, to make grants to eligible nominees and to fund all administrative costs of the bill. The bill would provide that if, on July 1, 1996, the Controller determines that the amount in the Legislative Election Fund is less than $20 million, the provisions of this bill shall be suspended until the end of each succeeding election cycle at which time another determination would be made.

This bill would become operative only if SCA 14 of the 1993–94 Regular Session is submitted to, and approved by, the voters at a statewide election. *[A. ER&CA]*

SCA 14 (Marks), as introduced March 2, 1993, would direct the legislature, on or before December 31, 1995, by majority vote of each house, to provide a system of campaign finance reform for elective state offices that limits the amount of financial contributions that may be made by specified entities and persons to a candidate or committee; limits the amounts of campaign expenditures that may be made by candidates who accept public financing; restricts the transfer of campaign funds from a candidate for, or incumbent of, an elective state office, as defined, or a committee controlled by any of those persons, to a candidate for, or incumbent of, an elective state office, or a committee controlled by any of those persons; and provides partial public financing of elections for legislative office in a manner that satisfies the requirements of the U.S. Constitution. The measure would specify that none of its provisions prohibit a local government agency from enacting an ordinance or ordinances providing for campaign reform, public financing, or both, for candidates for local elective office. *[S. Inactive File]*

SB 427 (Beverly). Under the existing Political Reform Act of 1974, various prohibitions govern the use and reporting of campaign contributions and expenditures, the disclosure of a public official's investments, interests in real property, sources of income, and receipt of gifts, the registration and reporting of lobbyists and their employers, and the making of gifts by specified persons. The existing provisions generally establish these prohibitions based upon the amount of campaign contribution and expenditure made, the fair market value of the public official's investments, interests in real property, and sources of income, and the value of the gift received, among other things. As amended July 12, 1993, this bill would increase the otherwise allowable amount of campaign contribution and expenditure that may be made, the fair market value of the public official's investments, interests in real property, and sources of income that are required to be disclosed, the amount of receipts required to be disclosed by a slate mailer organization, and the value of gifts that may be received, among other things. *[A. ER&CA]*

ACA 12 (Sher), as amended June 8, 1993, would state that the people call upon the legislature, by majority vote of each house, and the Governor to enact by July 1, 1995, a system of campaign finance reform for elective state offices that may include any or all of the following provisions: (1) limits on the amount of contributions that may be made by specified entities and persons to a candidate or campaign committee, (2) limits on the amounts of campaign expenditures that may be made by candidates who accept public financing, (3) restrictions on the transfer of campaign funds from a candidate for, or incumbent of, an elective state office, as defined, or a committee, to a candidate for, or incumbent of, an elective state office, or a committee, or (4) a plan for voluntary public participation in campaign financing that satisfies the requirements of the United States Constitution. The measure would specify that none of its provisions prohibit the governing body or the electorate of a local government from enacting an ordinance providing for campaign reform, public financing, or both, for candidates for local elective office under certain circumstances. The measure would specify that no provision of law prohibits the legislature from enacting public financing of campaigns. *[A. Inactive File]*

SB 599 (Marks), as amended April 27, 1993, would require that any advertisement broadcast by radio or television that is authorized and paid for by a specified committee and that supports or opposes the adoption or qualification of a ballot measure disclose the name of the committee or contributors, as prescribed, that authorized and paid for the advertisement. It would also require that any disclosure statement required by this bill be spoken so as to be clearly audible and understood by the intended public. *[A. ER&CA]*

ACA 14 (Alpert). The California Constitution limits Senators to two four-year terms, and limits members of the Assembly to three two-year terms. As amended May 6, 1993, this measure instead would limit Senators to two six-year terms and would limit members of the Assembly to two four-year terms, except as specified, with respect to legislative terms of office commencing on and after December 2, 1996. The measure would provide for the staggering of those terms in a specified manner.

The California Constitution requires the legislature to statutorily prohibit members from engaging in activities or having interests that conflict with the proper discharge of their duties and responsibilities, but does not prohibit members of the legislature from receiving contributions or loans for the purpose of candidacy for public office. This measure would prohibit a person elected to the office of Senator or member of the Assembly, or a campaign treasurer for that person, from soliciting or accepting, for a period of one year after the date upon which that term of office commences, any contribution or loan, as specified, for the purpose of candidacy for any public office. *[A. ER&CA]*

ACA 7 (Peace), as amended January 4, would provide in the Constitution that the Insurance Commissioner is elected at the same time and places and for the same term as the Governor, and would provide that the Insurance Commissioner may not serve in the same office for more than two terms. *[A. ER&CA]*

AB 859 (Moore). Existing law provides generally that the county clerk shall accept affidavits of registration at all times except during the 28 days immediately preceding an election, when registration shall cease for that election. It does not provide for registration on election day. As amended May 27, 1993, this bill would have provided that, at any statewide direct primary or statewide general election, a voter may register to vote on election day and vote at the polling place of his/her precinct. It would have required the Secretary of State to issue regulations for that registration, including the form of identification required of a voter. The bill would have specified that identification, under oath made under penalty of perjury by another voter who is registered at the precinct, constitutes identification for this purpose. This bill died in committee.

HEALTH AND SAFETY

SB 1098 (Torres) (formerly SB 38), as amended September 8, 1993, and **AB 16 (Margolin)**, as amended July 15, 1993, would each create the California Health Plan Commission, with specified powers and duties, which would establish and maintain a program of universal health coverage to be known as the California Health Plan. The bill would require that, under the plan, all California residents would be eligible for the same federally required package of comprehensive health care services, and all California residents

would be eligible to participate without regard to employment status or place of employment in accordance with applicable federal requirements. *[A. Conference Committee; A. Conference Committee]*

JUDICIAL ETHICS

SCA 44 (Alquist). The California Constitution currently specifies the membership, terms of office, and appointing powers with respect to the composition of the Commission on Judicial Performance. As introduced February 25, commencing July 1, 1995, this measure would revise the membership, terms of office, and appointing powers with respect to the composition of the Commission on Judicial Performance.

The California Constitution currently provides that the Commission on Judicial Performance recommends the removal or retirement of a judge to the Supreme Court, which exercises the power to remove, retire, suspend, or censure a judge, as specified. Commencing July 1, 1995, this measure would transfer the authority to remove, retire, suspend, or censure a judge to the Commission on Judicial Performance; provide for review by the Supreme Court, or by a panel of judges of the courts of appeal in the case of a judge of the Supreme Court, of decisions to retire, remove, or censure a judge; provide for the censure of former judges, the establishment by the Commission on Judicial Performance of a Code of Judicial Ethics, and provide for the rulemaking authority of the Commission on Judicial Performance; and specify the authority of the State Bar to disbar a judge who has been removed from office, the immunity of Commission members from suit for conduct in the course of their official duties, the immunity of persons from civil action for statements made to the Commission, the jurisdiction of actions against the Commission, and the budgeting mechanism for the Commission. *[S. CA]*

ACA 46 (W. Brown), as amended May 10, would revise the composition and appointing powers with regard to membership on the Commission on Judicial Performance, and would provide for newly staggered terms accordingly. The measure would also revise the powers of the Commission on Judicial Performance, making the disciplinary actions of the Commission final, subject to review, as specified, rather than recommendations to the Supreme Court. The measure, operative January 1, 1996, would extend the disciplinary powers of the Commission to former judges as well as current judges, revise the procedures of the Commission, and revise the provisions for the disbarment of a judge removed from office. On that date the measure also would provide for the immunity of Commission members and their staff from legal proceedings, as well as the immunity of those who testify before the Commission with respect to any statements made to the Commission. Further, the measure would require the Commission to adopt a Code of Judicial Ethics and to adopt other rules, and would provide that the budget of the Commission shall be separate from any other state agency or court. *[A. Jud]*

AB 3638 (Margolin), as amended April 20, would enact limitations on the amount of gifts that may be accepted by judges and would prohibit judges from accepting any honorarium. The bill would require the Commission on Judicial Performance to enforce these prohibitions. *[A. Floor]*

SCA 37 (Hart), as amended April 5, would require the Commission on Judicial Performance, upon request, to provide the Governor, the Commission on Judicial Appointments, and the President of the United States with the text of any private admonishment, advisory letter, or other disciplinary action together with any information the Commission deems necessary to a full understanding of its action, respecting applicants for appointment to state or federal judicial office, respectively. The measure would also provide that this information shall remain confidential and privileged. *[A. Jud]*

LOTTERY

AB 2425 (Baca). Under the California State Lottery Act of 1984, not less than 84% of the total annual revenues from the sale of state Lottery tickets or shares is required to be returned to the public in the form of prizes and net revenues to benefit public education. Fifty percent of this total is returned in the form of prizes and at least 34% is allocated to the benefit of public education by being deposited in the California State Lottery Education Fund which is continuously appropriated for these purposes. The remaining 16% is allocated for Lottery expenses. As amended April 18, this bill would require that 34% of the interest earned upon funds held in the State Lottery Fund be allocated to the benefit of public education, 50% be returned to the public in the form of prizes, and 16% be allocated for payment of Lottery expenses. The bill would specify that this interest is not to be considered as part of the 34% that is otherwise required to be allocated for the benefit of public education. The bill would also declare that Lottery funds allocated for the benefit of public education are in addition to other funds appropriated or required under existing constitutional reservations for educational purposes. *[A. W&M]*

AB 3542 (Richter). The California State Lottery Act of 1984 provides, among other things, that the right of any person to a prize shall not be assignable, except that payment of any prize may be paid to a trust established for the benefit of that person, to the estate of a deceased prize winner, or to a person designated pursuant to an appropriate judicial order. As introduced February 25, this bill would instead provide that the right of any person to a prize shall be assignable to a trust established for the benefit of that person, to the estate of a deceased prize winner, or to a person designated pursuant to a judicial order in the discretion of the court. In addition, the bill would provide that any assignment pursuant to a judicial order shall be for a term of not less than five years and shall provide that the prize winner receive a lump-sum payment from the assignee for all sums due pursuant to the assignment, as specified. *[A. Floor]*

SB 1394 (Maddy). The California State Lottery Act of 1984 prohibits the use of a horse racing theme in Lottery games. The act also prohibits a Lottery game from being based on the results of a horse race. As amended April 5, this bill would delete these prohibitions on the use of horse racing in the state Lottery. The bill also would provide that a Lottery game may be based on the results of a horse race with the consent of the association conducting the race and the California Horse Racing Board. In addition, the bill, among other things, would specify that any compensation received by an association for the use of its races to determine the winners of a Lottery game shall be divided equally between commissions and purses.

The Lottery Act also provides that if a Lottery game utilizes a drawing of winning numbers, a drawing among entries, or a drawing among finalists, the drawings shall always be open to the public; any manual or physical selection in the drawings shall not be conducted by an employee of the Lottery; the drawings shall be witnessed by an independent certified public accountant; any equipment used in the drawings shall be inspected by the independent certified public accountant and an employee of the Lottery both before and after the drawings; and the drawings and the inspections shall be recorded on both videotape and audiotape. This bill would revise the above provisions to provide, among other things, that except for computer automated drawings, these drawings shall be witnessed by a representative of a firm of independent certified public accountants, and that any equip-

ment used in the drawings shall be inspected by the representative of the firm of independent certified public accountants and an employee of the Lottery both before and after the drawings. *[A. GO]*

OPEN MEETINGS

AB 3467 (Murray). Under existing law, the notice of a meeting of a state body, as defined, is required to include a brief general description of the business to be transacted or discussed and no item shall be added to the agenda subsequent to the provision of the notice. As amended May 9, this bill would permit the Trustees of the California State University to consider, during a regular or special meeting, an emergency agenda item not specified in the original notice in specified circumstances.

Under existing law, the meetings of a state body are required to be open and public. Existing law also requires that all persons be permitted to attend any meeting of a state body except under specified conditions. This bill would authorize a state body to hold an open or closed meeting by teleconference, as defined and as specified. *[A. Floor]*

SB 752 (Kopp). The Ralph M. Brown Act, which generally requires that the meetings of the legislative bodies of local agencies be conducted openly, was revised by several acts in 1993, to be operative April 1, 1994. *[13:4 CRLR 230–33]* As amended March 10, this bill makes technical revisions to resolve inconsistencies between those acts and makes conforming changes, to be operative April 1, 1994.

Existing law regarding special meetings states that the call and notice shall specify the time and place of the special meeting and the business to be transacted and that notice is required regardless of whether any action is taken at the special meeting. This bill also states that the call and notice shall specify the business to be transacted or discussed and would delete the requirement that notice is required regardless of whether any action is taken at the special meeting. This bill was signed by the Governor on March 30 (Chapter 32, Statutes of 1994).

SB 1316 (Greene). Existing law generally requires a state agency hold open and public meetings but permits closed sessions to consider the appointment, employment, or dismissal of an employee of a state agency and other personnel matters. As amended May 5, this bill would state that, for the purposes of those provisions, the term "employee" includes persons appointed pursuant to a specified exemption from civil service and independent contractors who function as employees. *[A. GO]*

SB 504 (Hayden). Existing law authorizes the Regents of the University of California to conduct closed sessions when meeting to consider or discuss, among other things, matters concerning the appointment, employment, performance, compensation, or dismissal of University officers or employees, excluding individual Regents other than the president of the University. As amended September 7, 1993, this bill prohibits the consideration of compensation for the principal officers of the Regents and the officers of the University from including action by the Regents on compensation proposals and requires that that action be in open session. The bill specifies that compensation for the principal officers of the Regents and the officers of the University includes salary, benefits, perquisites, certain severance payments, retirement benefits, or any other form of compensation. The bill expresses the intent of the legislature that no proposal relating to the salary, benefits, perquisites, severance payments, or retirement benefits, or any other form of compensation paid to an officer of the University, as defined, shall become effective unless certain conditions are met. This bill was signed by the Governor on October 11, 1993 (Chapter 1290, Statutes of 1993).

PUBLIC RECORDS

SB 1460 (Calderon). The California Public Records Act provides that public records are open to inspection during the office hours of state and local agencies with specified exceptions; one category of records exempt from disclosure is law enforcement records. As amended May 16, this bill would specify the conditions under which investigatory records compiled or maintained by any state or local law enforcement agency would be exempt from disclosure. Specifically, the bill would provide that records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, and any state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional or law enforcement purposes would be exempt from disclosure under the California Public Records Act to the extent that disclosure could reasonably be expected to interfere with enforcement proceedings; would deprive a person of a right to a fair trial or an impartial adjudication; could reasonably be expected to constitute an unwarranted invasion of personal privacy; could reasonably be expected to disclose the identity of a confidential source or informant, including a state, local, or foreign agency or authority or any private institution that furnished information on a confidential basis, and in the case of a record compiled by criminal law enforcement authority in the course of a criminal investigation, information furnished by a confidential source or informant; would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law; could reasonably be expected to endanger the life or safety of any individual; would endanger the safety of a witness or other person involved in the investigation; would endanger the successful completion of the investigation or a related investigation; would compromise security procedures, equipment, or facilities, including, but not limited to, correctional facilities; would reveal the names and addresses of a victim of specified sex offenses, child or spousal abuse, or hate crimes, if the victim requests that the information be withheld or, if the victim is a minor, the victim's parent or guardian requests that the information be withheld; or is subject to any other provision of law allowing the information to be withheld. Also, the bill would explicitly prohibit access to law enforcement personnel records, and would explicitly prohibit access to criminal summary history information. The bill would be prospective, applying only to records of complaints, arrests, or investigations occurring on or after January 1, 1995; therefore, the bill would not impact currently pending lawsuits. *[S. Jud]*

AB 3161 (Frazee). Existing law provides that the home address, telephone number, occupation, precinct number, and prior registration information shown on the voter registration card for certain specified persons is confidential if the person requests confidentiality of that information at the time of registration or reregistration and shall not be disclosed to any person, except as specified. As introduced February 23, this bill would add to those persons who may request confidentiality specified city employees involved in criminal law enforcement.

Under existing law, the home address of specified persons, including public prosecutors, public defenders, and certain law enforcement personnel appearing in any records of the Department of Motor Vehicles is confidential and may not be disclosed except as specified. Existing law requires that the home address be withheld

from public inspection for three years following termination of office or employment. This bill would also make those provisions applicable to the home addresses of specified city employees involved in criminal law enforcement. *[S. Jud]*

AB 2451 (Bates). Existing law establishes the Office of Information Technology in the Department of Finance and imposes on the Office various duties concerning the use of information technologies within state government. As amended April 7, this bill would require the Office to develop a plan by January 1, 1996, for free statewide computer-assisted public access to government information that has been computerized and is subject to public disclosure. The bill would require implementation of the plan to begin no later than January 1, 1996, and that the plan be operational no later than January 1, 2000. The bill would require the Office to make various reports to the legislature during the development and implementation of the plan. *[A. W&M]*

SB 175 (Kelley). Under existing law, public records of state and local agencies are required to be open for inspection, with various exceptions. As amended July 13, 1993, this bill provides that insurers and their agents, while they are investigating suspected fraud claims, shall have access to all relevant public records that are required to be open for inspection. This bill was signed by the Governor on September 8, 1993 (Chapter 323, Statutes of 1993).

SB 95 (Kopp). Existing provisions of the California Public Records Act require each state and local agency to make its records open to public inspection at all times during office hours, except as specifically exempted from disclosure by law. Existing provisions also allow a state or local agency to adopt requirements for itself which allow for greater access to records than prescribed by the minimum standards set forth in the Act. As amended April 12, 1993, this bill would allow a state or local agency to adopt requirements for itself which allow for faster, more efficient access to records than the minimum currently prescribed by law. *[A. GO]*

AB 1553 (Tucker), as introduced March 4, 1993, would add specified state agencies to the list of government agencies subject to the California Public Records Act, thereby requiring those state agencies to establish guidelines for accessibility of records. The bill would state that any increased costs resulting from the bill be absorbed by the agencies affected as ordinary and usual operating expenses. *[S. Inactive File]*

POLITICAL REFORM ACT

SB 1897 (Hayden). The Political Reform Act of 1974 prohibits an officer of a state agency from accepting, soliciting, or directing a contribution of more than $250, from specified persons, while a proceeding involving a license, permit, or other entitlement is pending, or for three months thereafter. As amended May 17, this bill would apply this prohibition to contributions of any dollar amount, and would extend the period of the prohibition to twelve months after the proceeding. The bill would also define the term "solicit" as it is used in the bill. *[S. Rules]*

AB 3432 (O'Connell). Existing law provides for the regulation of lobbying activities of attorneys at the state level. As amended April 26, this bill would specifically authorize a city, county, or city and county to regulate lobbying activities of attorneys, to the extent that those activities occur within each jurisdiction. *[S. Jud]*

AB 3788 (T. Friedman). The Political Reform Act of 1974 requires a lobbyist employer and any person who directly or indirectly makes payments to influence legislative or administrative action of $5,000 or more in value in any calendar quarter, as specified, to file periodic reports containing certain information, including the total of all payments to influence legislative or administrative action including overhead expenses. As amended April 11, this bill would also require those individuals to report each payment of $100 or more made specifically in connection with soliciting or urging specified persons to enter into direct communication with a legislative, agency, or elective state official for the primary purpose of influencing legislative or administrative action, provided the total of all of those payments is at least $5000 during the reporting period. *[A. Floor]*

AB 2655 (Johnson). The Political Reform Act of 1974 defines the term "legislative official" for purposes of the act, to mean any employee or consultant of the legislature whose duties are not solely secretarial, clerical, or manual; further provisions of the Act prohibit members of the legislature from making, for a period of one year after leaving office, certain compensated appearances or communications on behalf of any other person, before the legislature, any committee or subcommittee thereof, any present member of the legislature, or any officer or employee thereof, if the appearance or communication is made for the purpose of influencing a legislative action. As amended April 28, this bill would impose the prohibition described above on legislative officials as well as members under certain conditions. *[A. Floor]*

AB 3126 (Johnson). Effective January 1, 1995, the existing Ethics in Government Act of 1990, as part of the Political Reform Act of 1974, imposes a $250 limit, adjusted as specified, on the value of gifts that may be accepted by local elected officeholders, elected state officers, and elected members of the governing board of a special district, among others. As amended April 26, this bill would make candidates, as defined, for those types of offices subject to the same honoraria prohibitions and gift limitations. *[A. W&M]*

AB 3575 (Speier). The existing Political Reform Act of 1974 requires candidates, government officers and employees, lobbyists, lobbying firms, and lobbyist employers to file various documents, statements, and certifications disclosing information regarding specified activities and financial interests. As amended April 26, this bill would express legislative intent with regard to the development of a system to permit persons required to file reports under the Political Reform Act of 1974 to file all reports electronically or by computer diskette and to provide the availability of this information to the public through on-line public access computer networks. The bill would, with respect to all reports required to be filed with the Secretary of State under the Political Reform Act of 1974, require the Secretary of State to study, as specified, the options for a computerized system through which these reports would be filed, maintained, and made available to the public. The bill would require the Secretary of State to report in writing to the legislature on the results of this study no later than January 1, 1996. *[A. Floor]*

AB 2052 (Margolin). Under the existing Political Reform Act of 1974, all campaign committees are required to file campaign statements each year by a specified deadline if they have made contributions or independent expenditures during the six-month period before the closing date of the statement. As amended April 12, 1993, this bill would include payments to a slate mailer organization during the six-month period before the closing date of the statement within the contributions or independent expenditures for which campaign statements must be filed. *[S. Inactive File]*

AB 2221 (Martinez). Under the existing Political Reform Act of 1974, when a report or statement or copies thereof required to be filed with any officer under the Act have been sent by first-class mail addressed to the officer, it is deemed to have been received by the officer on the date of the deposit in the mail. As amended June 22, 1993, this bill would grant the same operative effect to any report or statement of copies thereof sent by any guaranteed over-

night delivery service. This bill would permit any report or statement or copies thereof to be faxed by the applicable deadline, provided that the originals or paper copies are sent by first class mail or by any other guaranteed overnight delivery service within 24 hours of the applicable deadline. *[S. E&R]*

AB 1116 (Bornstein). Existing provisions of the Political Reform Act of 1974 prohibit a slate mailer organization from sending a slate mailer, as defined, unless the mailer includes, among other things, a notice to the voters that indicates the document was prepared by the slate mailer organization and that it is not an official party organization. The notice is required to contain a statement that appearance in the mailer does not necessarily imply endorsement of others appearing in the mailer, nor does it imply endorsement of or opposition to any issues set forth in the mailer. As amended July 14, 1993, this bill would require every slate mailer sent by a slate mailer organization using as a part of its name the name of a qualified political party or derivative to contain a notice in at least ten-point roman boldface type stating: "not an official party document." *[S. Inactive File]*

SB 879 (Hayden). Also under the Political Reform Act, certain public officials and designated employees of public agencies are required to file annual statements disclosing their economic interests. Existing law requires investments, interests in real property, and sources of income of those persons to be disclosed on their statements if the investments, interests in real property, and sources of income exceed specified minimum dollar values. As amended January 14, this bill would have revised the minimum dollar values for this purpose. This bill was rejected by the Senate on January 31.