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, September 10, 1993, and the second year will convene on January 3, 1994. Any bill listed below which was neither chaptered nor vetoed may be considered during the second year of the session. New bills may be 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 introduced in the first year of the current session. *[13:2&3 CRLR 229–38]*

BOARDS AND COMMISSIONS

AB 251 (Alpert), as amended June 16, would have established the California Medical Physics Practice Act, provided for the licensure of medical physicists by the state Department of Health Services, and set forth application and licensure requirements and procedures, as well as requirements for professional conduct and ethics, and procedures for disciplinary actions. This bill was vetoed by the Governor on October 11.

AB 15 (Klehs), as amended June 10, 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, 1995. *[S. Rev& Tax]*

SB 87 (Kopp), as amended April 28, would abolish the Franchise Tax Board and, except as provided by the California Constitution, the administrative authority of the State Board of Equalization; it would provide for the transfer of their respective powers and duties to the Department of Revenue, which this bill would create. *[S. Appr]*

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

AB 2051 (Frazee). Existing law imposes various requirements on the State Board of Control with respect to the purchase of state-owned motor vehicles, certain reports affecting bids on state contracts, and hearings before the State Board of Equalization. As amended September 3, this bill would have repealed these duties, and declared the intent of the Legislature with respect to the State Board of Control's reduced budgetary resources and duties.

Existing law entitles every taxpayer to be reimbursed for any reasonable fees and expenses related to a hearing before the State Board of Equalization if certain conditions are met. This bill would have required that the Board's proposed award for fees and expenses be available as a public record for at least 10 days prior to the effective date of the award. This bill was vetoed by the Governor on October 10.

AB 1487 (Gotch), as introduced March 4, 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]*

SB 82 (Thompson), as amended March 22, would have limited the amount of annual salary paid to certain chairs and members of various state boards and commissions to an amount no greater than the annual salary of members of the legislature, except where at least 90% of the annual salary paid to these persons is paid, reimbursed, or otherwise funded by the federal government. This bill would also have provided that if the position of certain chairs and members of various state boards and commissions has been continuously vacant for more than one year prior to June 30 of each year, funds appropriated for the salary of the position shall revert to the fund from which these funds were appropriated, and no further appropriations or expenditures may be made for this salary until the position is filled. This bill was vetoed by the Governor on September 8.

AB 173 (V. Brown), as amended August 30, 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 99 (Roberti), as amended May 26, would have required any state board or commission that is required to prepare and distribute a report to the Governor, the legislature, or the public to print or copy it upon approval by the board or commission. The bill would have further required the board or commission to simultaneously notify the Governor, the legislature, and the public that copies of the report are available. This bill was vetoed by the Governor on July 30.

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, 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 354 (Cortese), as amended August 25, would have required the Governor and every state appointing authority, in making appointments to state and regional boards and commissions, to nominate a variety of persons with different backgrounds, abilities, interests, and opinions in compliance with the policy that the composition of state and regional boards and commissions, where the appointing authority is at the state level, shall be broadly reflective of the general public, including ethnic minorities and women, and to take into account geographical considerations. This bill was vetoed by the Governor on October 10.

AB 1287 (Moore), as amended September 8, would, until January 1, 1997, 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. *[A. Inactive File]*

BUDGET PROCESS

AB 22 (Speier), as introduced in December 1992, would provide 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 provide for the payment of their salaries for that period after the Budget Bill is passed; prohibit 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 prohibit the Controller from drawing any warrant for the payment of reimbursement to legislators for travel and living expenses for that period. *[A. Rules]*

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]*

SB 16 (Killea), as amended September 8, creates the California Constitution Revision Commission, prescribes its membership, and specifies its powers and duties. The measure requires the Commission to submit a report to the Governor and the legislature no later than August 1, 1995, that sets forth its findings with respect to the formulation and enactment of a state budget and recommendations for the improvement of that process. The Commission is also required to report on specified issues relating to the structure of state governance. The bill provides that the Commission shall cease to exist as of January 1, 1995. This bill was signed by the Governor on October 11 (Chapter 1243, Statutes of 1993).

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

AJR 1 (Speier), as amended September 9, memorializes the President and Congress of the United States to propose the adoption of the Equal Rights Amendment to the United States Constitution. This measure was chaptered on September 20 (Chapter 114, Resolutions of 1993).

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, 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]*

CONSUMER PROTECTION

SB 47 (Lockyer). Existing law requires specified retailers who sell merchandise which will be delivered to the consumer at a later date to specify, either at the time of the sale or at a later date, a 4-hour period within which delivery shall be made if the consumer's presence is required. Existing law also sets forth similar requirements for these retailers with regard to service and repair of merchandise. Chapter 693 of the Statutes of 1992, effective January 1, 1993, requires these retailers to specify the 4-hour period for delivery either at the time of the sale or at a later date prior to the delivery date. This bill also requires these retailers to specify the 4-hour period for commencement of service or repair of merchandise prior to the date of service or repair. This bill was signed by the Governor on June 10 (Chapter 28, Statutes of 1993).

AB 465 (Peace). Existing law requires every owner of a defined check casher's business to register his/her name, business name, social security number, and address with the Department of Justice (DOJ). As amended May 6, this bill instead requires every owner of a check casher's business to obtain a permit from DOJ to conduct a check casher's business, specifies the requirements of the application for such a permit, requires each applicant to be fingerprinted and pay a specified fee, requires each applicant to renew the permit annually, and requires the payment of a renewal fee. Under the bill, an application for a permit or for renewal of a permit will be denied if the applicant has a felony conviction involving dishonesty, fraud, or deceit, provided the crime is substantially related to the qualifications, functions, or duties of a person engaged in the business of check cashing. The bill requires DOJ to adopt regulations to implement the provisions of the bill, determine the amount of the fees required by the bill, and prescribe forms for the applications and permit required by the bill. This bill was signed by the Governor on September 8 (Chapter 327, Statutes of 1993).

COURTS

SB 10 (Lockyer), as amended May 12, would authorize additional superior and municipal court judges and commissioners in various counties, upon the adoption of specified resolutions by the board of supervisors; delete certain commissioner positions; and authorize additional traffic referee positions in San Diego County, upon the adoption of specified resolutions by the board of supervisors. *[S. Appr]*

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, 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. Floor]*

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, 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, would provide 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 further provide 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. *[S. Appr]*

ELECTIONS

AB 2374 (Johnson). Existing law provides that, except as otherwise provided by statute, an unincorporated association is liable to persons who are not members of the association for an act of the association or its members acting within the scope of their office, agency, or employment. As amended September 2, this bill would have provided that no candidate, as defined, nor any member of a committee, as defined, is personally liable for any debt or obligation incurred by a committee or any officer, agent, employee, or other member of the committee, unless the candidate or member of the committee against whom the claim is asserted has personally agreed in writing, or agreed orally with the person asserting the claim, to be subject to liability for the debt or obligation giving rise to the liability. SB 2374 also would have provided that no candidate nor any member of a committee is personally liable for any intentional tort or any negligent act of the committee or of any officer, agent, employee, or member of the committee other than an intentional tort or negligent act committed, authorized, or ratified by himself/herself. This bill was vetoed by the Governor on October 1.

SCA 13 (Lockyer), as amended April 12, 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, 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. *[S. Floor]*

SCA 14 (Marks), as introduced March 2, 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. Consti-

tution. 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. Floor]*

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, 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, 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, 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, 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 June 17, would permit a member of the legislature to become a candidate for a state elective office, as defined, the term of office of which would commence prior to the expiration of his/her current term of office, only if that individual first resigns his/her current office. *[A. Rls]*

AB 1025 (Peace). Under existing law, the qualifications of members of the legislature are governed by various provisions of the California Constitution. As amended June 17, this bill would specify that a member of the legislature may become a candidate for a state elective office, as defined, whose term would commence prior to the expiration of his/her current term of office as a member of the legislature, only if that individual first resigns his/her current office. This provision would become operative only if ACA 7 is approved by the voters at the June 7, 1994, general election or at any statewide special election held prior thereto. *[A. W&M]*

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, this bill would provide 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 require the Secretary of State to issue regulations for that registration, including the form of identification required of a voter. The bill would specify that identification, under oath made under penalty of perjury by another voter who is registered at the precinct, constitutes identification for this purpose. *[A. W&M]*

HEALTH AND SAFETY

SB 1098 (Torres) (formerly SB 38), as amended September 8, and **AB 16 (Margolin)**, as amended July 15, 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. *[S. Floor; A. Conference Committee]*

AB 2268 (Caldera), as amended September 1, prohibits a person under 18 years of age from operating, or riding upon a bicycle as a passenger, upon a street, bikeway, or other public bicycle path or trail unless the person is wearing a helmet meeting specified standards. Commencing in 1995, this bill provides for fines to be imposed for violations of this prohibition. The bill requires any safety helmet sold or offered for sale to be conspicuously labeled in accordance with the specified standards and prohibits the sale or offer for sale of any bicycle safety helmet which is not of a type meeting the safety standards. This bill was signed by the Governor on October 9 (Chapter 1000, Statutes of 1993).

LEGISLATIVE PROCESS

AB 1624 (Bowen), as amended August 30, makes a legislative finding that it is desirable to make information regarding matters pending before the legislature and

its proceedings available to the citizens of this state, irrespective of where they reside, in a timely manner and for the least possible cost. This bill requires the Legislative Counsel, with the advice of the Assembly Rules Committee and the Senate Rules Committee, to make available to the public, by means of access by way of the largest nonproprietary, nonprofit cooperative public computer network, specified information concerning bills, the proceedings of the houses and committees of the legislature, statutory enactments, and the California Constitution. This bill was signed by the Governor on October 11 (Chapter 1235, Statutes of 1993).

SB 682 (Green). Existing law requires the appropriate legislative ethics committees of the legislature to conduct at least annually an orientation course on the relevant ethical issues and laws relating to lobbying, in consultation with the Fair Political Practices Commission; it requires the committees to impose fees on lobbyists for attending this course, at an amount that will enable the lobbyists' participation in the course to be funded from those fees to the fullest extent possible. As amended June 28, this bill would have deleted these provisions and instead required the Secretary of State to conduct at least annually an orientation course on relevant ethical issues and laws relating to lobbying, in consultation with the Fair Political Practices Commission and the appropriate legislative ethics committees. It would have required the Secretary of State to impose fees on lobbyists for attending the course, not to exceed $35 per person.

Existing provisions of the Political Reform Act of 1974 require individual lobbyists to submit a lobbyist certification containing specified items of information as part of the required registration with the Secretary of State. The certification must include a statement, beginning with the 1991–92 Regular Session, that the lobbyist has completed a required ethics and lobbying course within the previous 24 months. This bill would have instead required completion of the course within the current or the previous two-year legislative session.

Existing law requires that, in the case of a new lobbyist certification, if the lobbyist has not completed the course within the specified time period, the lobbyist certification must state that the lobbyist will complete a scheduled course within a reasonable time period. It requires the lobbyist certification to be accepted on a conditional basis. This bill would have deleted the reference to a new lobbyist certification and required, for purposes of this provision, that the reasonable period of time be determined by the Secretary of State. This bill was vetoed by the Governor on October 10.

LOTTERY

SB 884 (Leslie), as amended May 19, prohibits changes, on and after January 1, 1994, in the types of Lottery games or method of delivery of these games that incorporate technologies or mediums that did not exist, were not widely available, or were not commercially feasible at the time of the enactment of the Lottery Act from being made unless certain conditions are met. This bill was signed by the Governor on August 27 (Chapter 322, Statutes of 1993).

AB 994 (Tucker). The California State Lottery Act of 1984 contains provisions relating to the administration and operation of the State Lottery. The Act requires the California State Lottery Commission to promulgate rules and regulations specifying the types of Lottery games to be conducted by the Lottery. As amended September 7, this bill prohibits, notwithstanding the above requirement, changes from being made in the types of games or method of delivery of these games that incorporate technologies or mediums that did not exist, were not widely available, or were not commercially feasible at the time of the enactment of the Act in 1984 unless certain conditions are met. This prohibition will not apply to technological changes implemented prior to the effective date of this Act.

The Act also prohibits cash payment by Lottery game retailers to the Lottery for tickets or shares, and requires that all payments shall be in the form of a check, bank draft, electronic fund transfer, or other recorded financial instrument as determined by the Director of the California State Lottery. This bill permits the Lottery to pay to Lottery game retailers, by electronic fund transfer, subject to approval by the Controller's office, any credit balances that may result from Lottery activities. This bill was signed by the Governor on October 11 (Chapter 1218, Statutes of 1993).

AB 1203 (Tucker). The California State Lottery Act of 1984 specifies the manner in which total annual revenues from the sale of State Lottery tickets or shares are to be allocated. As amended July 8, this bill would, in addition, specify that not less than 84% of the interest earned on the proceeds from the sale of Lottery tickets or shares be returned to the public in the form of prizes and net revenues to benefit public education and that no more than 16% of the interest earned on those proceeds be allocated for payment of the expenses of the Lottery.

This bill would provide that commencing with the Budget Act of 1994, moneys for the administration and expenses of the Lottery shall be appropriated by the legislature in the annual Budget Act. This bill would provide that only moneys derived from the proceeds from the sale of lottery tickets or shares and the interest earned on those proceeds shall be used for payment of expenses of the Lottery. *[S. GO]*

OPEN MEETINGS

SB 36 (Kopp). The Ralph M. Brown Act generally requires that the meetings of the legislative bodies of local agencies, as those terms are defined, be conducted openly, with specified exceptions. Among other things, the Act provides for certain notice requirements concerning public meetings and makes it a misdemeanor for a member of a legislative body to attend a meeting where a violation occurs with knowledge of the fact that the meeting violates the Act. As amended September 8, this bill defines the term "member of a legislative body of a local agency" to include any person elected to serve as a member of a legislative body and who has not yet assumed the duties of office.

The Brown Act generally requires all meetings of the legislative body of a local agency to be open and public. This bill defines the term "meeting," with exceptions, as any congregation of a majority of the members of a legislative body in the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the legislative body or its local agency, and any use of direct communication, personal intermediaries, or technological devices employed by a majority of the members to develop a collective concurrence as to action to be taken on an item.

Existing law requires all meetings of the legislative body of a local agency to be open and public with specified exceptions. This bill prohibits a legislative body from taking action by secret ballot.

The Brown Act permits recording of open and public meetings by any person. This bill makes any recording made at the direction of a local agency subject to inspection pursuant to the California Public Records Act, as specified. The bill also provides that no legislative body shall prohibit or otherwise restrict the broadcast of its proceedings in the absence of a reasonable finding that the broadcast cannot be accomplished without disruption.

Under the Brown Act, meetings of the legislative body of a local agency need not

be held within the boundaries of the territory over which the agency exercises jurisdiction. If an emergency makes the designated meeting place unsafe the presiding officer may designate a meeting place for the duration of the emergency. This bill requires regular and special meetings to be held within the boundaries of the territory of the agency, with limited exceptions and with additional exceptions for the governing board of a school district, and permits the presiding officer's designee to designate an emergency meeting place.

The Brown Act requires the posting of an agenda at least 72 hours before a regular meeting of a legislative body briefly describing each item of business, and restricts action or discussion of the meeting to these items on the agenda unless, by at least a two-thirds vote, the legislative body decides there is a need for action on a nonagenda item. This bill instead requires the agenda to contain a brief general description of each item of business to be transacted or discussed, including items to be discussed in closed session and permits members of a legislative body to respond to certain questions not relating to agenda items. This bill makes further restrictions on the discussion or action on nonagenda items.

The Brown Act requires the agenda for a regular meeting to provide an opportunity for members of the public to address the legislative body. This bill requires the agenda for a special meeting at which action is proposed to be taken on an item to provide an opportunity for members of the public to address the legislative body prior to action on the item. The bill further requires the legislative body not to prohibit public criticism of the agency, as specified. This bill also prescribes disclosures of the nature of closed sessions according to a specified format.

The Brown Act authorizes closed sessions of a legislative body to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session would prejudice the position of the local agency in the litigation and describes the facts and circumstances that constitute pending litigation. Existing law states that this authority is the exclusive expression of the lawyer-client privilege for purposes of conducting closed sessions pursuant to the Act. The Act requires the legal counsel to prepare a memorandum concerning the reasons and legal authority for the closed session. This bill states that this authority for closed sessions for the legislative body to confer with or receive advice from its legal counsel does not limit or otherwise affect the lawyer-client privilege as it may apply to written or other communications outside meetings between the legislative body and its legal counsel. The bill specifies additional facts and circumstances for determining what is pending litigation, and deletes the memorandum requirement.

Under the Brown Act, closed sessions may be held for various reasons, including matters relating to employees, as defined. This bill revises the definition of employee to include an officer or independent contractor who functions as an officer or an employee and to exclude any elected official, member of a legislative body, or other independent contractor and requires that, as a condition of holding a closed session on complaints against an employee, charges to consider disciplinary action, or to consider dismissal, the employee be given written notice of his/her right to a public session. The failure to give the notice will nullify any action taken in the closed session against the employee.

The Brown Act requires the legislative body to publicly report closed session actions taken and roll call votes to appoint, employ, or dismiss a public employee. This bill instead requires the legislative body to publicly report any action taken in closed session and the vote or abstention of every member present on real estate negotiations, litigation and pending litigation issues with specified exceptions, claims for various liability losses, various personnel actions, and certain collective bargaining matters. The bill prohibits any action for injury to reputation, liberty, or other personal interest by an employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with these provisions. The bill prescribes how the reports are to be made and requires a brief statement of the information to be posted.

Under the Brown Act, agendas and writings distributed to members of the legislative body by persons connected with the body for discussion or consideration at a public meeting of the body are public records unless specifically exempt from public disclosure. This bill specifies that writings intended for distribution to members by any person in connection with a matter subject to discussion or consideration at a public meeting are public records. The bill requires that writings that are made public records under this provision and are distributed during a public meeting shall be made available for public inspection at the meeting, or after the meeting, as specified.

The Brown Act requires the legislative body to state the general reason or reasons for holding any closed session prior to or after holding the closed session. This bill requires the disclosure of the items to be discussed in the closed session prior to holding the closed session.

The Brown Act makes it a misdemeanor for a member of a legislative body to attend or participate in a meeting of the legislative body where action is taken in violation of the Act with knowledge of the fact that the meeting is in violation of the Act. This bill instead makes it a misdemeanor if the member attends or participates with wrongful intent to deprive the public of information to which it is entitled under the Act.

The Brown Act permits any interested person to commence an action by mandamus or injunction to obtain a judicial determination that an action taken by a legislative body in violation of specified provisions of the Act is null and void, unless any of specified conditions exist. However, a prior demand must first be made of the legislative body to cure or correct the alleged violation within 30 days from the date the action was taken. This bill expressly permits the district attorney or any interested person to commence an action, and also permits an action to determine the validity of any rule or action by the legislative body to limit the expression of its members or to compel the legislative body to tape record its closed sessions, as specified. The bill also requires the written demand to be made within 90 days if the alleged violation occurred in a closed meeting.

The bill prohibits the conduct of meetings or functions in facilities inaccessible to disabled persons or that require members of the public to make a payment or purchase. The bill provides that no notice, agenda, announcement, or report required by the Act need identify a victim or alleged victim of tortious sexual conduct or child abuse, as specified.

Existing law expressly permits the board of directors of a hospital district and the board of trustees of a municipal hospital to hold closed sessions for specified purposes. This bill expressly permits the board of directors of a county hospital to hold closed sessions on reports of hospital medical audits or quality assurance committees, and permits an applicant or medical staff member whose staff privileges are the direct subject of a hearing to request a public hearing.

This bill provides that its provisions shall be operative only if SB 1140 and AB 1426 are chaptered and become operative. This bill provides that it shall become operative on April 1, 1994. This bill was signed by the Governor on October 10 (Chapter 1137, Statutes of 1993).

SB 1140 (Calderon). Existing law permits the taking of testimony at regularly scheduled school district governing board meetings on matters not on the agenda if no action is taken by the board on those matters at the same meeting. As amended September 8, this bill permits action to be taken in specified circumstances. An existing provision of law provides that the meetings of a city council shall be held within the corporate limits of the city at a place designated by ordinance and shall be public. This bill repeals that provision.

Under existing law a legislative body of a local agency may require that a copy of the Brown Act be given to each member of the legislative body. This bill additionally permits the legislative body to require that a copy of the Act be given to any person elected to serve as a member of the legislative body who has not yet assumed office.

Existing law defines "local agency" to include, among other things, all private nonprofit organizations receiving public money to be expended for public purposes pursuant to the federal Economic Opportunity Act of 1964, and nonprofit corporations created by one or more local agencies, as prescribed, to acquire, construct, reconstruct, maintain, or operate any public work project. This bill repeals those definitions of "local agency."

Existing law defines the term "legislative body" as any commission, committee, or any board or commission thereof which is supported in whole or part by funds provided by that agency. Existing law also defines legislative body as including any advisory commission, advisory committee or advisory body of a local agency created by charter, ordinance, resolution, or by any similar formal action of a legislative body or member of a legislative body of a local agency. This bill revises that definition to include those commissions, committees, boards, and other subsidiary bodies thereof, whether permanent or temporary, created by charter, ordinance, resolution, or formal action of a legislative body, as specified. This bill further defines the term "legislative body" with respect to lessees of certain hospitals.

Existing law permits a legislative body of a local agency to hold closed sessions with the local agency's designated representatives on specified employment matters. This bill defines the term "employee" for purposes of that authorization.

Existing law prohibits a local agency from conducting any meeting in any facility that prohibits the admittance of citizens on the basis of race, religious creed, color, national origin, ancestry, or gender. This bill extends those proscriptions and prohibit meetings in facilities inaccessible to disabled persons or where members of the public may not be present without making a payment or purchase.

Existing law states that no closed session may be held by any legislative body of any local agency except as provided by the Brown Act with a specified exception. This bill makes an exception where the Education Code permits closed sessions by school districts and community college districts. This bill provides that it shall become operative on April 1, 1994. This bill was signed by the Governor on October 10 (Chapter 1138, Statutes of 1993).

AB 1426 (Burton). The Ralph M. Brown Act generally requires that the meetings of the legislative bodies of local agencies, as those terms are defined, be conducted openly, with specified exceptions. As amended September 8, this bill also defines "member of a legislative body of a local agency" to include any person elected to serve as a member of a legislative body and who has not yet assumed the duties of office; defines the term "meeting," with exceptions, as any congregation of a majority of the members of a legislative body in the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the legislative body or its local agency, and any use of direct communication, personal intermediaries, or technological devices employed by a majority of the members to develop a collective concurrence as to action to be taken on an item; and prohibits a legislative body from taking action by secret ballot.

The Brown Act permits recording of open and public meetings by any person. This bill makes any recording made at the direction of a local agency subject to inspection pursuant to the California Public Records Act, as specified. The bill also provides that no legislative body shall prohibit or otherwise restrict the broadcast of its proceedings in the absence of a reasonable finding that the broadcast cannot be accomplished without disruption.

This bill requires regular and special meetings of the legislative body of a local agency to be held within the boundaries of the territory of the agency, with limited exceptions and with additional exceptions for the governing board of a school district, and permits the presiding officer's designee to designate an emergency meeting place.

The Brown Act requires the posting of an agenda at least 72 hours before a regular meeting of a legislative body briefly describing each item of business and restricts action or discussion of the meeting to these items on the agenda unless, by at least a two-thirds vote, the legislative body decides there is a need for action on a nonagenda item. This bill instead requires the agenda to contain a brief general description of each item of business to be transacted or discussed, including items to be discussed in closed session and permits members of a legislative body to respond to certain questions not relating to agenda items. This bill makes further restrictions on the discussion or action on nonagenda items.

The Brown Act requires the agenda for a regular meeting to provide an opportunity for members of the public to address the legislative body. This bill requires the agenda for a special meeting at which action is proposed to be taken on an item to provide an opportunity for members of the public to address the legislative body prior to action on the item. The bill further requires the legislative body not to prohibit public criticism of the agency, as specified. This bill also prescribes disclosures of the nature of closed sessions according to a specified format.

The Brown Act authorizes closed sessions of a legislative body to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session would prejudice the position of the local agency in the litigation and describes the facts and circumstances that constitute pending litigation. Existing law states that this authority is the exclusive expression of the lawyer-client privilege for purposes of conducting closed sessions pursuant to the Act. The Act requires the legal counsel to prepare a memorandum concerning the reasons and legal authority for the closed session. This bill states that this authority for closed sessions for the legislative body to confer with or receive advice from its legal counsel does not limit or otherwise affect the lawyer-client privilege as it may apply to written or other communications outside meetings between the legislative body and its legal counsel. The bill specifies additional facts and circumstances for determining what is pending litigation, and deletes the memorandum requirement.

Under the Brown Act, closed sessions may be held for various reasons, including matters relating to employees, as defined. This bill revises the definition of "employee" to include an officer or independent contractor who functions as an officer or employee and to exclude any elected official, member of a legislative body, or other independent contractor and requires that, as a condition of holding a closed session on complaints against an employee, charges to consider disciplinary action, or to consider dismissal, the employee be given written notice of his/her

right to a public session. The failure to give the notice would nullify any action taken in the closed session against the employee.

The Brown Act requires the legislative body to publicly report closed session actions taken and roll call votes to appoint, employ, or dismiss a public employee. This bill instead requires the legislative body to publicly report any action taken in closed session and the vote or abstention of every member present on real estate negotiations, litigation and pending litigation issues with specified exceptions, claims for various liability losses, various personnel actions, and certain collective bargaining matters. The bill prohibits any action for injury to reputation, liberty, or other personal interest by an employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with these provisions. The bill prescribes how the reports are to be made and requires a brief statement of the information to be posted, as specified.

Under the Brown Act, agendas and writings distributed to members of the legislative body by persons connected with the body for discussion or consideration at a public meeting of the body are public records unless specifically exempt from public disclosure. This bill specifies that writings intended for distribution to members by any person in connection with a matter subject to discussion or consideration at a public meeting are public records, and specifies that writings intended for distribution prior to commencement of a public meeting are public records. The bill requires that writings that are made public records under this provision and are distributed during a public meeting shall be made available for public inspection at the meeting, or after the meeting, as specified.

The Brown Act requires the legislative body to state the general reason or reasons for holding any closed session prior to or after holding the closed session. This bill requires the disclosure of the items to be discussed in the closed session prior to holding the closed session.

The Brown Act makes it a misdemeanor for a member of a legislative body to attend or participate in a meeting of the legislative body where action is taken in violation of the Act with knowledge of the fact that the meeting is in violation of the Act. This bill instead makes it a misdemeanor if the member attends or participates with wrongful intent to deprive the public of information to which it is entitled under the Act.

The Brown Act permits any interested person to commence an action by mandamus or injunction to obtain a judicial determination that an action taken by a legislative body in violation of specified provisions of the act is null and void, unless any of specified conditions exist. However, a prior demand must first be made of the legislative body to cure or correct the alleged violation within 30 days from the date the action was taken. This bill expressly permits the district attorney or any interested person to commence an action as described and also permits an action to determine the validity of any rule or action by the legislative body to limit the expression of its members or to compel the legislative body to tape record its closed sessions, as specified. The bill also requires the written demand to be made within 90 days if the alleged violation occurred in a closed meeting.

The bill prohibits the conduct of meetings or functions in facilities inaccessible to disabled persons or that require members of the public to make a payment or purchase. The bill provides that no notice, agenda, announcement, or report required by the Act need identify any victim or alleged victim of tortious sexual conduct or child abuse, as specified.

Existing law expressly permits the board of directors of a hospital district and the board of trustees of a municipal hospital to hold closed sessions for specified purposes. This bill expressly permits the board of directors of a county hospital to hold closed sessions on reports of hospital medical audits or quality assurance committees, and permits an applicant or medical staff member whose staff privileges are the direct subject of a hearing to request a public hearing.

This bill provides that its provisions shall be operative only if SB 36 and SB 1140 are chaptered and become operative. This bill provides that it shall become operative on April 1, 1994. This bill was signed by the Governor on October 10 (Chapter 1136, Statutes of 1993).

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. As amended April 28, this bill would delete the authority of the Regents to conduct closed sessions when they meet to consider the compensation of university officers or employees. The bill also would specify that matters concerning the appointment, employment, performance, or dismissal of a university officer, for purposes of this provision, shall not include salary, benefits, perquisites, severance payments, retirement benefits, or any other form of compensation. The bill also would express 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 shall become effective unless disclosure is made to each Regent and the public, and the Regents approve the proposal by a majority vote of the membership of the Regents. *[S. Appr]*

SB 367 (Kopp). Existing law requires the Regents of the University of California to hold meetings that are open to the public and to give notice prior to those meetings. Existing law requires this notice to be given by means of a notice hand delivered or mailed to any newspaper of general circulation, or any television or radio station, so that notice may be published or broadcast at least 72 hours before the time of the meeting. As amended April 1, this bill would require that notice be delivered or mailed to each newspaper of general circulation and television or radio station that has requested notice in writing.

Existing law requires each state body, as defined, to give specified notice of its meetings, including a specified agenda; however no action may be taken by the state body at the same meeting on matters brought before the body by members of the public. This bill would require that the state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the items as specified. *[S. Floor]*

PUBLIC RECORDS

SB 175 (Kelley). Under existing law, public records of state and local agencies are required to be open for inspection, with various exceptions. As introduced February 3, this bill would provide 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. *[A. F&I]*

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, 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. *[S. Floor]*

AB 1553 (Tucker), as introduced March 4, 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. GO]*

POLITICAL REFORM ACT

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, 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. E&R]*

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 introduced March 5, this bill would grant the same operative effect to any report or statement of copies thereof sent by any guaranteed overnight 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 introduced March 2, this bill would require the top of every page of the slate mailer to contain a notice in at least ten-point Roman boldface type stating that "This is not an official political party document." *[A. Floor]*

SB 879 (Hayden). The Political Reform Act of 1974, as amended by Proposition 73, requires an individual who intends to be a candidate for elective office, prior to soliciting or receiving any contribution or loan, to establish one campaign contribution account in a financial institution in this state. It requires that all contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee, be deposited into the account. As amended April 27, this bill would provide that no contribution shall be deposited into the account unless information including the name, address, occupation, and employer of the contributor is on file in the records of the recipient of the contribution or loan.

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. This bill would revise the minimum dollar values for this purpose. *[S. Floor]*

WHISTLEBLOWER PROTECTIONS

AB 1127 (Speier). The Reporting of Improper Governmental Activities Act prohibits an employee from directly or indirectly using or attempting to use his/her official authority or influence for the purpose of intimidating, threatening, coercing, commanding, or attempting to intimidate, threaten, coerce, or command any person for the purpose of interfering with the right of that person to disclose improper governmental activity to certain entities pursuant to the Act. As amended May 3, this bill would include a member of the legislature among those entities to whom a person may disclose improper governmental activity.

Existing law permits a state employee or applicant for state employment to file a complaint with his/her supervisor, manager, the appointing authority, or the State Personnel Board alleging actual or attempted acts of reprisal, retaliation, threats, coercion, or similar improper acts relating to the reporting of improper governmental activity. This bill would permit a state employee or applicant for state employment to also provide to a member of the legislature information alleging actual or attempted acts of reprisal, retaliation, threats, coercion, or similar prohibited improper acts. The bill would also provide that the protections afforded by the Act to state employees or applicants for state employment shall commence when the state employee or applicant for state employment initially provides information regarding the improper governmental activity to the member or his/her representative.

This bill would also require a state agency, if the agency determines that an employee is responsible for improper governmental activity involving the loss of $1,000 or more in state funds or fees, or involving the improper use of resources valued in excess of $1,000, to take certain actions. The bill would also require a state agency, upon request of a member of the legislature, to provide to that member all improper government activity files retained by the state agency whose file date is within three years of the date of the member's request. *[A. W&M]*

SB 194 (Hughes). Existing law prohibits a local agency officer, manager, or supervisor from taking a reprisal action through any act of intimidation, restraint, coercion, or discrimination against any employee or applicant for employment who files a complaint with a local agency that discloses information regarding gross mismanagement or a significant waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. Existing law defines "reprisal action" to mean any act of intimidation, restraint, coercion, or discrimination against any employee, or applicant for employment, who files a complaint pursuant to these provisions. As amended April 22, this bill would include the firing of an employee within the definition of reprisal action for purposes of these provisions. *[A. PERet&SS]*