



GENERAL LEGISLATION

The 1991-92 legislative session began on December 3, 1990; the two-year session will continue until August 31, 1992. The first year of the session adjourned at 2:00 a.m. on September 14, 1991, and the second year convened on January 6, 1992. The following bills, introduced in 1991, were made two-year bills and may be considered during 1992. New bills may be introduced between January 6 and February 21, 1992; constitutional amendments, urgency measures (requiring a two-thirds vote), tax bills, and resolutions may be introduced beyond the February 21 deadline.

Following is a summary of some of the general public interest, regulatory, and governmental structure proposals which were pending in the legislature as two-year bills at the end of 1991; most of the following bills were described in detail in CRLR Vol. 11, No. 4 (Fall 1991) at pages 220-26; Vol. 11, No. 3 (Summer 1991) at pages 208-13; and Vol. 11, No. 2 (Spring 1991) at pages 189-93:

BUDGET PROCESS

AB 19 (Speier) would prohibit payment of legislators' travel and living expenses for each day the legislature fails to pass the state budget by the start of the new fiscal year. If this budget deadline is not met, this bill would prevent legislators from being paid their normal legislative salaries until the budget is sent to the Governor. This bill is pending in the Assembly Rules Committee.

SCA 1 (Kopp) would advance, from June 15 to June 1, the constitutional deadline by which the legislature must pass a state budget. This bill would also prohibit the payment of legislators' salaries, travel, and living expenses for each day they fail to pass the budget beyond the June 1 deadline. SCA 1 is pending in the Senate Rules Committee.

SCR 5 (Alquist), as amended April 16, would establish, until February 1, 1995, the California Constitution Revision Commission, which would report to the Governor and legislature with its findings and recommendations regarding the formulation and enactment of the state budget and improvement of the state budget process. SCR 5 is pending in the Assembly Ways and Means Committee.

CIVIL PROCEDURE

SB 711 (Lockyer), the Sunshine in the Courts Act, would generally prohibit secrecy agreements in litigation settlements which involve the sealing of court

documents regarding a public or environmental hazard, without allowing for public disclosure and notification to appropriate regulatory agencies. This bill is pending in the Senate inactive file.

AB 2034 (Kelley) would make provisions of the Carpenter-Katz Small Business Equal Access to Justice Act of 1981 mandatory rather than discretionary, as it relates to court awards of reasonable litigation expenses to small businesses or licensees which prevail over a state regulatory agency in a civil action involving unjustified regulatory action by that agency. This bill is pending in the Senate Rules Committee.

SB 10 (Lockyer), as amended June 28, would require all civil actions pending in a trial court, except small claims court, on or after January 1, 1992, and in counties with populations over 350,000, which involve claims of \$50,000 or less arising out of the operation of a motor vehicle, to be submitted for arbitration within 120 days of the filing of an answer to the complaint. This bill is pending in a two-house conference committee.

SB 218 (Hart) would amend the newsmen's shield law to confer an immunity or privilege upon specified newsmen who refuse to comply with a civil subpoena. This bill is pending in the Senate Judiciary Committee.

CIVIL RIGHTS

SB 1257 (Roberti), as amended June 6, would change the name of the Unruh Civil Rights Act to the Roberti-Unruh Civil Rights Act, and would specify that the Act prohibits all forms of arbitrary discrimination by business establishments. SB 1257 is pending in the Assembly Judiciary Committee.

CONSUMER PROTECTION

SB 893 (Lockyer) would establish the California Financial Consumers' Association, a private, nonprofit public benefit corporation to inform, advise, represent, and promote the interests of consumers in financial service matters. This bill is pending in the Senate Committee on Banking, Commerce and International Trade.

SB 1159 (Marks) would provide that a borrower on a loan secured by a mortgage or deed of trust on real property containing one to four residential units, one of which is occupied by the borrower, shall have the right to have a representative of the lender available, in person or by phone, to respond to inquiries at the time the borrower signs loan documents to complete the transaction. This

bill is pending in the Senate Judiciary Committee.

CORPORATE CRIME

SB 537 (Killea), as amended September 12, would provide that any business which has filed for bankruptcy, or against which an involuntary bankruptcy has been filed, or is in receivership, must notify any prospective buyer of the legal status of the business prior to entering into a contract with the buyer in which the buyer assumes the position of a future creditor. The bill would also prohibit such businesses from soliciting, demanding, receiving, or accepting any deposit, membership fee, down payment, or any other payment from a buyer or prospective buyer at any time after the seller has filed for bankruptcy, and knows that the business will go out of business and be unable to provide the goods or services described in the contract. Any willful violation of these provisions would be a misdemeanor. SB 537 is pending in the Senate inactive file.

AB 1313 (Friedman) is currently a spot bill which its sponsors intend to amend in order to prevent an anticipated effort to repeal the Corporate Criminal Liability Act of 1990 (Chapter 1616, Statutes of 1990). (See CRLR Vol. 11, No. 3 (Summer 1991) p. 142 and Vol. 10, No. 4 (Fall 1990) p. 132 for background information.) AB 1313 is pending in the Senate Judiciary Committee.

AB 2026 (Friedman) would expand the list of criminal offenses which would subject the violator to forfeiture. This bill is pending in the Assembly Public Safety Committee.

ELECTIONS

AB 34 (Wyman), as amended June 19, would require the Legislative Analyst to prepare a condensed analysis of each measure appearing in the statewide ballot pamphlet, including information on the meaning of a "yes" or "no" vote on the measure. This bill is pending in the Senate Committee on Elections and Reapportionment.

AB 1047 (Leslie), as amended May 3, would require that whenever a state mailer includes the name of a candidate for partisan office whose political party membership is different from the political party which the mailer appears to represent, the candidate's party designation shall appear in a print size which clearly differentiates it from the rest of the mailer. AB 1047 is pending in the Assembly Committee on Elections, Reapportionment and Constitutional Amendments.



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AB 1068 (Clute), as amended May 29, would provide that any campaign statement filed after the second pre-election or late contribution filing deadline is subject to a fine in an amount equal to 5% of the total contributions or expenditures disclosed, in addition to the current \$10 per day fine. AB 1068 is pending in the Assembly Elections Committee.

AB 1075 (Clute), as amended August 28, would require that the required statement by any person who intends to be a candidate for elective office, which includes information regarding the candidate's campaign contribution account and income received during the previous twelve months, be sent to the Secretary of State rather than the Fair Political Practices Commission (FPPC). This bill would transfer \$70,000 from the FPPC to the Secretary of State for this purpose. AB 1075 is pending in the Senate inactive file.

AB 1450 (Sher), as amended June 6, and **ACA 16 (Sher)**, as amended April 30, would establish an indirect initiative process by requiring the Secretary of State, upon receipt of a regular initiative petition which contains at least 80% of voters' signatures necessary to qualify it for the ballot, to notify and submit copies to the legislature during the regular legislative session. Upon receipt, the Joint Rules Committee shall select a member of the legislature to introduce and carry the indirect initiative as a legislative measure. The legislature shall conduct hearings and vote on it as it would any other legislative measure. If signed by the Governor, the legislature shall decide whether to place it on the statewide ballot. If not placed on the ballot, the measure would take effect as any other bill. If the measure fails passage, is vetoed by the Governor, or if the proponents disagree with amendments made, the proponents may immediately request the Secretary of State to place it on the statewide ballot in its original form or in the final form approved by the legislature. AB 1450 and ACA 16 are pending in the Assembly inactive file.

AB 1590 (Hannigan), as amended May 14, would create an Initiative Measure Legal Review Panel, under the direction of the Secretary of State, to prepare a written legal review of each qualified initiative measure in order to determine whether judicial interpretation of the measure is likely to be necessary due to lack of clarity in language or conflict with existing statutory or constitutional law. This legal review shall be included in the statewide ballot pamphlet. AB 1590 is pending in the Senate Elections Committee.

AB 1657 (Chacon), as amended September 10, would extend the permanent absentee voting privilege, which currently only applies to persons with certain physical disabilities, to any voter who, due to physical disability, is unable to travel to or vote at his/her polling place without special assistance or extraordinary effort. This bill is pending on the Senate floor.

AB 1820 (Costa), as amended September 12, would provide that the California presidential primary election and, therefore, the statewide direct primary election, shall be held on the first Tuesday of March in any year which is evenly divisible by the number four. This measure, which amends the California Constitution, requires voter approval. AB 1820 is pending in the Senate Appropriations Committee.

AB 1833 (Hauser) would provide that the court shall apply the same standards when awarding reasonable attorneys' fees to a prevailing defendant as apply to a prevailing plaintiff in cases involving violations of the Political Reform Act. The bill would also require a private plaintiff to post a reasonable bond to guarantee payment of costs, including reasonable attorneys' fees, on the motion of any party and if the court determines on the basis of admissible evidence submitted by affidavit that a plaintiff's success is unlikely. AB 1833 is pending in the Assembly Elections Committee.

AB 2114 (Bates) would revise the campaign contribution limits imposed by Proposition 73 (which was enacted in 1988, struck down in 1990, and is currently pending appeal in the U.S. Ninth Circuit Court of Appeals); provide that the new limitations apply to specified "election cycles" rather than fiscal years; authorize the limited transfer of campaign contributions; and create an "officeholder expense account" instead of the current campaign contribution account. The bill would also permit candidates to voluntarily limit their qualified campaign expenditures and permit those candidates who agree to limit their expenditures, or candidates whose opponents exceed the voluntary expenditure limit, to receive contributions in greater amounts. This bill is pending in the Assembly Elections Committee.

ACA 17 (Farr) would provide that in order to qualify an initiative petition which amends the California constitution for the statewide ballot, the petition shall contain the signatures of at least 10%, rather than 8%, of the total vote for all candidates for Governor at the last gubernatorial election. This measure is pending on the Assembly floor.

ACA 20 (Campbell) would provide that whenever a proposed amendment or revision to the constitution specifies that a certain percentage of the vote, beyond a simple majority, is required to enact the measure, any subsequent amendment or revision shall be subject to the same vote requirement. This bill is pending in the Assembly inactive file.

ACA 24 (Costa) would provide that the Secretary of State shall not submit an initiative or referendum measure, constitutional amendment, or other statewide proposition at a presidential primary election or special statewide election held on the same day as a presidential primary election, where that presidential primary or special statewide election is not consolidated with the statewide primary election. This measure is pending in the Assembly inactive file.

SB 423 (Watson), which would allow a candidate or elected officer who does not have a spouse to expend campaign funds for the "household" expenses of a blood relative, regardless of where that blood relative lives, is pending in the Senate inactive file.

SB 609 (Hart) would impose a \$50,000 limit on contributions or loans from committees whose principal activity is the support or opposition to either the qualification or passage of a ballot measure; existing Political Reform Act contribution limits do not currently apply to such committees. This bill is pending Senate Elections Committee.

SB 734 (Roberti), as amended July 2, would require the statewide ballot pamphlet to contain a list of the top five financial contributors to a given initiative measure, and permit the inclusion of persons and entities who have taken an official position in support of and opposition to the measure. The bill is pending in the Assembly Elections Committee.

SB 1158 (Roberti) would require any person who intends to be a candidate for elective office to file with the Secretary of State, rather than with the FPPC. This bill is pending in the Senate Elections Committee.

SCA 3 (Maddy), as amended August 20, would provide that an initiative measure does not violate the single subject rule so long as the multiple provisions are reasonably germane to the general objective or purpose of the measure and reasonably interdependent with all other provisions. This measure is pending in the Assembly inactive file.

SCA 4 (Keene), as amended April 23, would establish a public financing system of political campaigns for statewide constitutional officers, members of the legislature, and members of the State Board of Equalization, among others.



This measure is pending in the Senate Elections Committee.

SCA 19 (Marks), as amended September 5, would provide that any initiative statute or referendum shall take effect on the day after the Secretary of State officially certifies the vote or on the 39th day after the measure is submitted for certification, whichever is earlier, or on the date specified in the measure, if that date is more than 39 days from the date the measure is submitted for certification, rather than taking effect on the day after the election. This measure is pending in the Assembly inactive file.

SCA 22 (L. Greene) would require initiative petitions to contain the signatures of registered voters in at least ten counties, with no more than 10% of the signatures coming from any single county. This measure is pending in the Senate Elections Committee.

ACA 8 (Harvey) would provide that a majority of the state's registered voters, rather than a majority of those voting, shall be required to pass a ballot initiative. This measure is pending in the Assembly Elections Committee.

SB 116 (Kopp), as amended May 13, would enact a Ballot Measure Disclosure Act, requiring committees making expenditures of \$50,000 or more to support or oppose a measure, as defined by the Political Reform Act, to disclose major funding sources whose cumulative contributions equal or exceed specified amounts in advertisements regarding a measure. SB 116 is pending in the Senate Elections Committee.

ELECTRONIC MEDIA

AB 2009 (Lempert), as amended May 29, would prescribe procedures to be followed by the governing board of a school district that enters into written or oral contracts which permit advertisements to be transmitted to students by any electronic media during the school day. This bill is pending in the Senate Education Committee.

SB 741 (Torres), as amended April 18, would prohibit school districts from entering into contracts which require advertisements to be transmitted to students by any electronic media during the school day. The bill would also prohibit the State Board of Education from waiving these provisions. SB 741 is pending in the Assembly Education Committee.

HEALTH CARE

SB 36 (Petris), as amended April 4, would create a payroll tax system of collecting funds from employers and employees to finance a state-operated, uni-

versal health care system. Under this proposal, all Californians—not just employees or employers—would be eligible to participate in the universal health care system. This bill is pending in the Senate Revenue and Taxation Committee.

AB 321 (Margolin), as amended July 2, would enact the California Family Health Plan Act. AB 321 is pending in the Senate Health and Human Services Committee.

LEGAL SERVICES

AB 168 (Eastin), which would establish a Board of Legal Technicians within the Department of Consumer Affairs to license and register legal technicians, is pending in the Assembly Consumer Protection Committee.

LEGISLATIVE PROCESS

ACA 29 (Bane) would provide that the legislature may submit any statute which has passed both houses of the legislature by a majority vote, except general obligation bond acts, to the voters at the next statewide election as an alternative to approval by the Governor. If approved by a majority of voters, the legislative statute shall become effective on the January 1 following the election. ACA 29 is pending in the Assembly inactive file.

ACA 36 (Elder), as introduced July 18, would provide that three-fifths of voting members, rather than two-thirds of the membership, of each house of the legislature shall be sufficient to override a Governor's veto. This measure is pending in the Assembly Ways and Means Committee.

SCR 18 (Hart) would limit the number of bills which a Senator or Assemblymember may introduce during the 1991-92 Regular Session and would express legislative intent that the bill introduction limits are necessary because of the post-Proposition 130 staff reductions and budget constraints. SCR 18 is pending in the Assembly Rules Committee.

SCR 2 (Hart) would limit the number of bills which a Senator or Assemblymember may introduce during each two-year session to 65 bills and 40 bills, respectively. The measure would allow the Rules Committee of each house to authorize exceptions to the limit. The introduction of constitutional amendments, resolutions and committee bills would not be subject to the bill limitation. SCR 2 is pending in the Senate Rules Committee.

LOTTERY

AB 163 (Floyd), as amended July 2, would, among other things, require the California State Lottery Director to engage an independent firm to conduct research concerning the demographics of Lottery players, and to identify populations of people who are, or who are at risk of becoming, problem or compulsive gamblers. This bill has passed both houses and is awaiting Assembly concurrence in Senate amendments.

AB 164 (Floyd), as amended April 11, would provide that any unclaimed Lottery prize money shall be deposited in the California State Lottery Education Fund. AB 164 is pending in the Senate Governmental Organization Committee.

AB 2028 (Speier), as amended April 22, would increase from 34% to 40% the amount of Lottery revenues which are statutorily allocated to public education, and would reduce the amount of Lottery revenues available for administrative expenses from 16% to 10%. This bill is pending in the Assembly Governmental Organization Committee.

SB 309 (Dills), as amended April 18, would reduce the amount of Lottery funds available for administrative expenses from the current 16% to no more than 15%. The remaining 1% would be dedicated to public education. This bill is pending in the Assembly Governmental Organization Committee.

SB 311 (Dills) would abolish the current five-member Lottery Commission and replace it with a three-member, full-time, paid commission. This bill is pending in the Senate Governmental Organization Committee.

PUBLIC RECORDS ACT

AB 1596 (Floyd). Currently, certain records of state agencies responsible for the regulation or supervision of the issuance of securities or of financial institutions are exempt from the provisions of the California Public Records Act. As amended April 30, this bill would revise the exemption, and limit it to records which are received in confidence and are proprietary, if their release would result in an unfair competitive disadvantage to the person supplying the information, or the records constitute filings or reports whose release would be counterproductive to the regulatory purpose for which they are used. AB 1596 is pending in the Assembly Governmental Organization Committee.

SB 18 (Lockyer), as amended September 10, would expand the list of peace officers who are eligible to request at the time of voter (re)registration that their



address, telephone number, occupation, and precinct number remain confidential. This bill has passed both houses and is awaiting Assembly concurrence in Senate amendments.

STATE BOARDS AND COMMISSIONS

AB 1084 (Filante), as amended April 10, would require the Governor to establish a Committee of Health Care Technology within the Medical Board of California to assist in the dissemination of information regarding the safety and effectiveness of emerging, new, and established medical procedures, practices, and modalities. This bill is pending in the Assembly Judiciary Committee.

AB 2060 (Polanco), as amended May 15, would require state agencies and air pollution control districts to adopt variance and appeals processes, allowing individuals and private entities to apply for relief from regulations and to appeal adverse agency decisions. This bill is pending in the Assembly Ways and Means Committee.

SB 23 (Kopp), as amended March 4, would abolish the Franchise Tax Board and, except as provided in the California constitution, the administrative authority of the State Board of Equalization, thereby transferring all authority over the administration of California's personal income taxes and bank and corporation franchise and income taxes to the Department of Revenue, which would be created by this bill. SB 23 is pending in the Senate Judiciary Committee.

SB 458 (Killea) would establish the California Constitution Revision Commission until February 1, 1993, and require the Commission to report on specified issues relating to the establishment of a unicameral legislature. SB 458 is pending in the Senate Budget and Fiscal Review Committee.

