

1990

# Report on Legislation and Oversight Hearings for the 1989-90 Legislative Session

Assembly Committee on Governmental Efficiency

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**ASSEMBLY COMMITTEE ON GOVERNMENTAL EFFICIENCY  
AND CONSUMER PROTECTION**

**REPORT ON LEGISLATION AND OVERSIGHT HEARINGS  
FOR THE 1989-90 LEGISLATIVE SESSION**



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# Assembly California Legislature

## ASSEMBLY COMMITTEE ON GOVERNMENTAL EFFICIENCY AND CONSUMER PROTECTION

CHAIRWOMAN  
**DELAINE EASTIN**  
MEMBER OF THE ASSEMBLY  
EIGHTEENTH DISTRICT  
December, 1990

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Dear Mr. Speaker and Members:

This report by the Governmental Efficiency and Consumer Protection Committee is a summary of the legislation heard by the committee and the oversight hearings conducted by the committee during the 1989-90 legislative session. The committee heard over 280 bills and conducted 17 oversight hearings.

The committee's primary responsibility is oversight of the Department of General Services, which runs the business of the state, and the Department of Consumer Affairs, which is responsible for providing consumer protection through the efforts of over 40 licensing agencies.

The committee's goals for the 1989-90 session were to: increase the customer focus of governmental service and consumer access to the services of government; eliminate unnecessary duplication by consolidating overlapping licensing functions; improve the operation of the state's minority and women business enterprise program by promoting greater outreach and eliminating fraud; decrease the cost and time required for state review of hospital and school design and construction; and increase the ability of state government to resume business operations after emergencies.

To achieve these ends, the committee conducted numerous oversight hearings, including an annual hearing with each department on its budget, goals, and objectives for the year. The product of many of the issue-based interim hearings has been committee-sponsored, bipartisan legislation designed to get the job done for California and its residents.

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The committee's work is rarely headline-grabbing. It is my hope, however, that through the efforts of the committee and its staff, the business of the State of California is being done in a more efficient and cost-effective manner and that the consumers of this state are being properly protected from illegal or questionable business practices.

Respectfully submitted,

DELAINÉ EASTIN  
Chairwoman



ASSEMBLY COMMITTEE ON GOVERNMENTAL  
EFFICIENCY AND CONSUMER PROTECTION

LEGISLATIVE SUMMARY  
1989-90 SESSION

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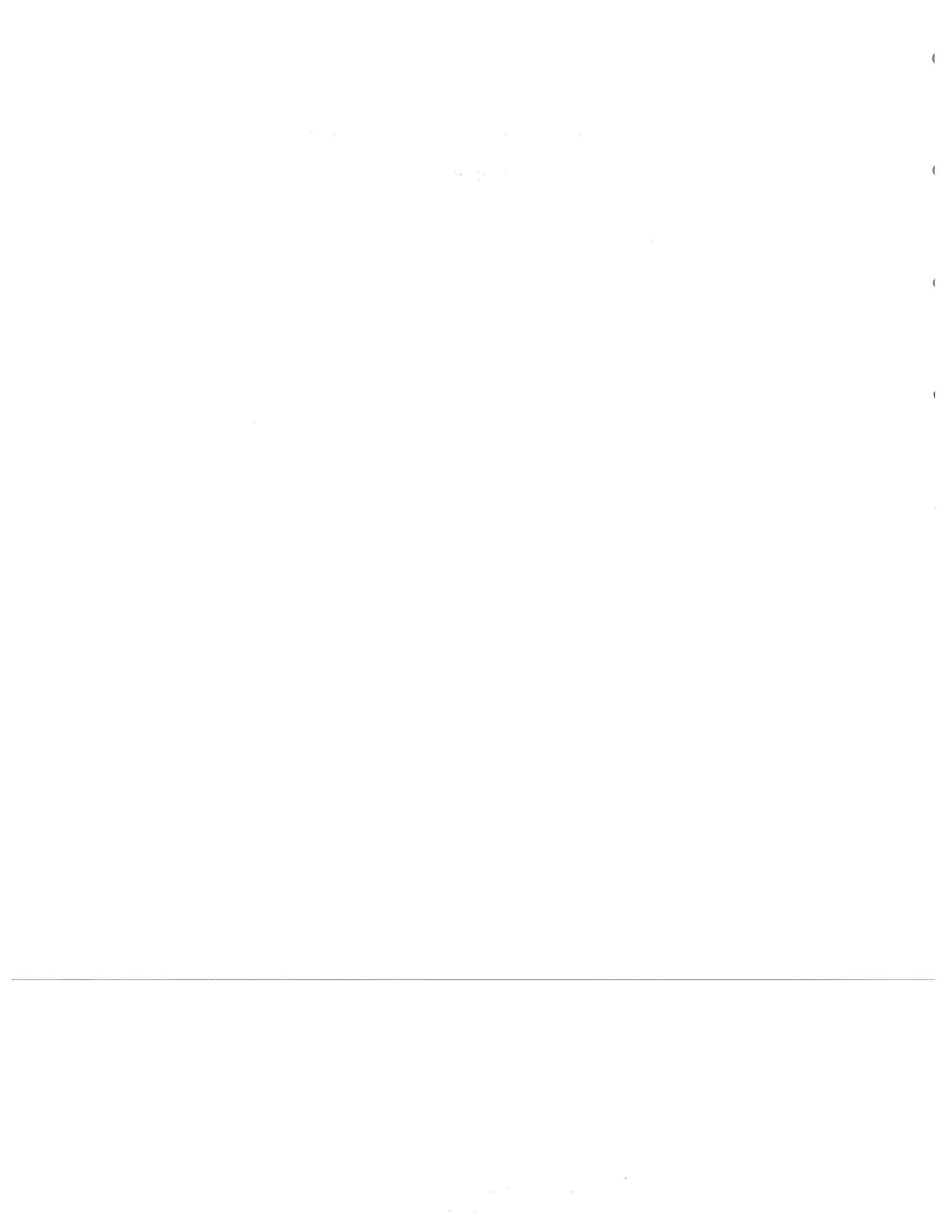
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ASSEMBLY COMMITTEE ON GOVERNMENTAL  
EFFICIENCY & CONSUMER PROTECTION

LEGISLATIVE SUMMARY  
1989-90 SESSION

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GOVERNMENTAL EFFICIENCY LEGISLATION  
\* \* \* \* \*

Assets Management Issues

ASBESTOS IN STATE BUILDINGS

SB 772 (Leroy Greene) -- Asbestos in state buildings.

Status: Died in Assembly GE & CP Committee without being heard.

Would have made legislative findings regarding asbestos-containing materials and required the Director of General Services to establish an asbestos operation and maintenance plan for state-owned buildings.

Affected Code Sections: Sections 25925, 25926, 25929.1, and 25929.2 of the Health and Safety Code.

Committee Action: Never heard in committee.

GENERAL MANAGEMENT & BUILDING CONSTRUCTION

AB 1630 (McClintock) -- State hospital lands.

Status: Chapter 741, Statutes of 1989.

Places a timeline on permits for construction on the surplus land at Camarillo State Hospital and changes the priority uses for affordable housing on the grounds of the Fairview State Hospital.

Affected Code Sections: Section 14670.35 of the Government Code and Section 7501.5 of the Welfare and Institutions Code.

Committee Action: Do pass, as amended. Ayes: 7 Noes: 0 (5/24/89)

AB 3988 (La Follette) -- Coastal Conservancy: approval of land purchases.

Status: Died in Assembly after being withdrawn from enrollment.

Would have required the Director of General Services to approve or disapprove any contract, conveyance or agreement submitted by the California Coastal Conservancy within 60 days, or the document would be deemed approved.

Affected Code Section: Section 31107.2 of the Public Resources Code.

Committee Action: Do pass. Ayes: 10 Noes: 0 (4/25/90)

AB 4324 (Polanco) -- State government offices: relocation of the Treasurer's office.

Status: Died in Assembly GE & CP Committee without being heard.

Would have made technical changes in the section of law which relates to the Department of General Services and its relationship to the permanent location of the Treasurer's office.

Affected Code Section: Section 9125 of the Government Code

Committee Action: Never heard in committee.

AB 4333 (Quackenbush) -- State proprietary lands index and renovation of state buildings.

Status: Chapter 1339, Statutes of 1990.

Appropriates a total of \$22,225,000 from the Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990 to provide funding for several purposes. Also repeals the requirement that Department of General Services prepare the state proprietary lands index.

Affected Code Sections: Sections 14730 and 14731 of the Government Code and Item 1760-301-768 to Section 2.00 of Chapter 467 of the Statutes of 1990 (the 1990-91 budget).

Committee Action: Do pass. Ayes: 9 Noes: 0 (4/18/90)

(Note: At the time the committee heard the bill, it did not contain the rehabilitation funding.)

SB 42 (Craven) -- State government facilities: legislative building.

Status: Chapter 1366, Statutes of 1989.

Provides for a project feasibility study and a procedure for acquiring and financing a new legislative office facility, and requires the Department of Commerce to open and maintain regional offices in the San Francisco Bay area, Los Angeles County, and the greater San Diego area.

Affected Code Sections: Sections 12333 and 15323.5 and Article 5.5 (commencing with Section 9115) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (6/12/89)

SB 500 (Stirling) -- State property: study.

Status: Chapter 790, Statutes of 1989.

Requires the Department of General Services to conduct a study regarding the feasibility of the state selling its property in downtown San Diego to the County of San Diego and erecting a new state building in San Diego which would house state and local government offices including a traffic operations center.

Affected Code Sections: None.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (7/12/89)

SB 638 (Alquist) -- Secretary of State: State Archives: building complex.

Status: Chapter 984, Statutes of 1989.

Requires the Department of General Services to construct a Secretary of State and State Archives Building Complex and related facilities.

Affected Code Section: Section 12235 of the Government Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (7/19/89)

SB 1506 (Boatwright) -- State building construction: Franchise Tax Board central office project.

Status: Chapter 1389, Statutes of 1989.

Allows the Director of General Services to build the second phase of the Franchise Tax Board's office project and related facilities.

**Affected Code Sections:** Section 15704 and Chapter 3.2 (commencing with Section 15819.30) of Part 10 (b) of Division 3 of Title 2 of, the Government Code.

**Committee Action:** Do pass. Ayes: 9 Noes: 0 (9/7/89)

**SB 2602 (Keene) -- State assets management: construction of the California State Library.**

**Status:** Chapter 1547, Statutes of 1990.

Allows the Director of General Services to build, at a specified site, a library and courts annex building complex for the California State Library and related facilities, as specified. The bill also provides the authority for the issuance of up to \$25 million in revenue bonds to fund the construction.

**Affected Code Sections:** None.

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 0 (8/8/90)

#### REAL PROPERTY LEASING

**AB 242 (Nolan) -- State buildings: placement of parole facilities.**

**Status:** Died in Senate Appropriations Committee.

Would have required the Director of the Department of Corrections to develop guidelines for the placement of parole facilities and submit a copy of the guidelines to the Legislature. The bill would have also increased the amount of time required for written notification of certain state and local officials of an agency's intent to construct, expand, or lease a building.

**Affected Code Section:** Section 14681.5 of the Government Code.

**Committee Action:** Do pass, as amended. Ayes: 11 Noes: 0 (1/10/89)

**AB 434 (N. Waters) -- State property.**

**Status:** Chapter 146, Statutes of 1989.



Allows the Director of General Services, with the consent of the Department of Corrections to lease a parcel to the City of Folsom for use as a water reservoir for a period not to exceed 50 years.

**Affected Code Section:** Section 14672.51 of the Government Code.

**Committee Action:** Do pass. Ayes: 10 Noes: 0 (3/8/89)

**AB 1004 (Hannigan) -- Surplus state property: Vacaville.**

**Status:** Chapter 523, Statutes of 1989.

Authorizes the Director of General Services to lease approximately 5 acres of the California Medical Facility at Vacaville for a period not to exceed 50 years to be used for animal care and shelter.

**Affected Code Section:** Section 2 of Chapter 1612 of the Statutes of 1988.

**Committee Action:** Do pass. Ayes: 10 Noes: 0 (5/10/89)

SURPLUS PROPERTY MANAGEMENT AND DISPOSAL

**AB 1004 (Hannigan) -- Surplus state property: Vacaville.**

**Status:** Chapter 523, Statutes of 1989.

Authorizes the Director of General Services to lease approximately 5 acres of the California Medical Facility at Vacaville for a period not to exceed 50 years to be used for animal care and shelter.

**Affected Code Sections:** Section 2 of Chapter 1612 of the Statutes of 1988.

**Committee Action:** Do pass. Ayes: 10 Noes: 0 (5/10/89)

**AB 1997 (Lempert) -- Local government: surplus land.**

**Status:** Chapter 208, Statutes of 1989.

Adds surplus land which counties transfer for affordable housing to the statutory definition of exempt surplus land.

**Affected Code Section:** Section 54221 of the Government Code.

**Committee Action:** Do pass. Ayes: 10 Noes: 0 (5/10/89).

SB 119 (Presley) -- Surplus property management and disposal.

Status: Chapter 620, Statutes of 1989.

Enacts numerous provisions related to surplus state property, including: (1) authorizes the Director of General Services to dispose of surplus real property; (2) requires payment of management and administrative costs associated with the disposal of the real property; (3) authorizes the Department of Parks and Recreation (DPR) to enter into 66-year concession agreements at the Pan Pacific Park; (4) authorizes DPR to enter into an operating agreement, at no state cost, with a nonprofit organization for specified purposes at the California Citrus State Historic Park; and (5) repeals prior authorizations to dispose of specified surplus property.

Affected Code Sections: Section 11011.8 of the Government Code, Sections 5007.1 and 5007.4 of the Public Resources Code, Section 4 of Chapter 1190 of the Statutes of 1983, Section 2 of Chapter 304 of the Statutes of 1988, Section 12 of Chapter 1617 of the Statutes of 1982, Section 4.5 of Chapter 1190 of the Statutes of 1983, Section 66.7 of Chapter 268 of the Statutes of 1984, and Section 6 of Chapter 1358 of the Statutes of 1987.

Committee Action: Do pass. Ayes: 9 Noes: 0 (7/12/89)

SB 2664 (Presley) -- Surplus property management and disposal.

Status: Chapter 1309, Statutes of 1990.

Enacts numerous provisions related to surplus state property, including: (1) authorizes the Director of General Services (DGS) to dispose of surplus real property; (2) limits the required 60-day notice to state and local officials of an agency's intent to construct, expend, use, or lease a building to actions taken by the Director Corrections, the Director of the Youth Authority, or the Director of DGS acting on behalf of either director; (3) authorizes the State Director of Health Services to lease specified property for a low level radioactive waste facility; and (4) designates the funds into which proceeds are to be deposited and would require the reservation of mineral rights, as specified.

Affected Code Sections: Section 14681.5 of the Government Code, Section 4 of Chapter 1266 of the Statutes of 1982, Section 4 of Chapter 1190 of the Statutes of 1983 and Section 4 of Chapter 835 of the Statutes of 1981.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (6/27/90)

Design and Construction Issues

SCHOOL AND HOSPITAL PLANS

AB 2565 (Eastin for Assembly GE & CP Committee) -- School and hospital plans.

Status: Chapter 1650, Statutes of 1990.

Requires the State Architect, the Office of Statewide Health Planning, and the State Fire Marshal to establish a 2 1/2 year pilot project, ending June 30, 1993, to consolidate each agency's school and hospital plan checking functions at 2 separate locations in southern California. Requires the State Architect to prepare plans relating to coordinating state design and construction requirements, including a comprehensive computer tracking system to track applications for all types of state design and construction related permits and approvals.

Affected Code Sections: None

Committee Action: Do pass, as amended. Ayes: 8 Noes: 0 (2/7/90)

STATE ARCHITECT

AB 2566 (Eastin for Assembly GE & CP Committee) -- State Architect.

Status: Vetoed by the Governor.

Would have transferred the State Architect from the Department of General Services to the State and Consumer Services Agency.

Affected Code Sections: Sections 12804, 13985 et seq., 14650, 14651, and 14950 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 8 Noes: 0 (2/7/90)

STATE BUILDING STANDARDS

AB 1230 (Areias) -- State building standards: publication of

interpretations of building standards.

Status: Vetoed by the Governor.

Would have required the California Building Standards Commission, in conjunction with all state agencies that adopt state building standards and the interested public, to adopt regulations establishing procedures for the review, validation and publication of those state agencies' interpretations of building standards.

Affected Code Sections: Section 18944.9 et seq. of the Health and Safety Code.

Committee Action: Do pass, as amended. Ayes: 11 Noes: 0 (1/10/90)

AB 4082 (Chandler) -- State Building Standards Commission: code review.

Status: Chapter 1289, Statutes of 1990.

Requires the commission, in conjunction with all agencies involved in the adoption of state building standards and the interested public, to conduct a comprehensive review of state building standards and statutes relating to state building standard, beginning January 1, 1991, and continuing through December 31, 1992.

Affected Code Sections: None.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (4/25/90)

SB 691 (Alquist) -- Building standards: single state agency.

Status: Vetoed by the Governor.

Would have added members to the Task Force on State Design and Construction Policy and Building Standards Commission and required the task force to study the feasibility of creating one state agency to formulate and administer building standards and regulations.

Affected Code Sections: None.

Committee Action: Do pass. Ayes: 9 Noes: 0 (7/12/89)

Government Contracting Issues

AWARDS, QUALIFICATIONS & EXEMPTIONS

AB 120 (Floyd) -- California business preferences.

Status: Died in Assembly GE & CP Committee without being heard.

Would have repealed the provisions of the California Preference Law which mandates that any person charged with purchasing state supplies give preference to those goods which are manufactured in the state. In its stead, this bill would have provided that public officers who award contracts for the purchase of supplies for the state may consider, when evaluating a bid, the revenue losses to public agencies which would result from a contract being awarded to persons manufacturing the supplies outside of the state.

Affected Code Sections: Article 2 (commencing with Section 4300) of Chapter 4 of Division 5 of Title 1 of the Government Code, and Article 7 (commencing with Section 4330) of Chapter 3 of Part 1 of Division 2 of the Public Contract Code.

Committee Action: Never heard in committee

AB 2901 (Moore) -- State contracts: antidiscrimination provisions.

Status: Vetoed by the Governor.

Would have required that every contract entered into pursuant to the State Contract Act contain a provision requiring each contractor to comply with federal and state antidiscrimination laws, and regulations, and prohibiting any contractor from making any change in employee wage rates, benefits, or other compensation that has the effect of creating or increasing a relative disadvantage suffered by women or minority employees during the life of the contract.

Affected Code Sections: Sections 10234, 10296.5, and 12113 of the Public Contract Code.

Committee Action: Do pass. Ayes: 7 Noes: 2 (4/4/90)

AB 3285 (Clute) -- State contracts: bids.

Status: Chapter 344, Statutes of 1990.

Generally prohibits any person, firm, or subsidiary who has been awarded a consulting services contract from submitting a bid for, or being awarded a contract for, the provision of services, procurement of goods or supplies, or any other related action which is required in the end product of the consulting services contract.

**Affected Code Section:** Section 10365.5 of the Public Contract Code.

**Committee Action:** Do pass. Ayes: 8 Noes: 0 (4/4/90)

**AB 3968 (Costa) -- State contracts: ratification.**

**Status:** Chapter 1128, Statutes of 1990.

Requires state agencies which enter into specified professional consulting contracts to undertake specific actions for negotiation and ratification of these contracts.

**Affected Code Sections:** Section 4526.5 of the Government Code and Section 6106 of the Public Contract Code.

**Committee Action:** Do pass, as amended. Ayes: 10 Noes: 0 (4/18/90)

**SB 499 (Dills) -- State employment: personal services contracts.**

**Status:** Vetoed by the Governor.

Would have restricted the ability of the state to contract for services which could be provided by state employees.

**Affected Code Section:** Section 19130 of the Government Code

**Committee Action:** Do pass. Ayes: 6 Noes: 4 (7/12/89)

**SB 1703 (Presley) -- Public contracts: evaluations.**

**Status:** Chapter 1044, Statutes of 1990.

Recasts and revises the public contract law as it relates to evaluations of the contract, exemptions from approval by the Department of General Services annual internal audits of contracting programs and quality control reviews.

**Affected Code Sections:** Sections 14131.2 of the Government Code and Sections 10226, 10338, 10347, 10351, 10352, 10359, 10364, 10365, 10367, 10368, 10369, 10370, and 10371 of the Public Contracts Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (5/29/90)

COMPETITIVE BID VS. DEMONSTRATED COMPETENCE

AB 848 (Bentley) -- Public contracts: landscape architects: demonstrated competence.

Status: Died in Assembly Ways and Means Committee.

Would have included the services of a landscape architect within provisions of law allowing certain state and local contracts to be awarded on the basis of demonstrated competence and professional qualifications.

Affected Code Sections: Sections 4525, 4526, 4527, and 4528 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 10 Noes 0 (4/12/89)

SB 419 (Leroy Greene) -- Public contracts: services.

Status: Chapter 293, Statutes of 1989.

Clarifies that existing state policy relative to the hiring or contracting for architectural, engineering, land surveying and construction management services by state and local agencies shall be on the basis of demonstrated competence and on the professional qualifications necessary for the performance of the services.

Affected Code Section: Section 4526 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (6/7/89)

SB 658 (Bergeson) -- Environmental services: awarding of public contracts on demonstrated competence basis.

Status: Chapter 1412, Statutes of 1989.

Authorizes state and local agencies to award "environmental services" contracts on the basis of demonstrated competence and professional qualifications, rather than competitive bid. Also requires state and local agencies to specifically prohibit unlawful activity such as kickbacks when establishing procedures for letting contracts on a demonstrated competence basis.

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Affected Code Sections: Sections 4525, 4526, 4527, 4528, 14133, and

14134 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 1 (7/12/89)

SB 1224 (L. Greene) -- Public contracts: award on basis of demonstrated competence.

Status: Chapter 695, Statutes of 1989.

Authorizes all state departments and agencies to award architectural, engineering, land surveying, or construction project management services contracts on the basis of demonstrated competence and professional qualifications.

Affected Code Section: Section 4525 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 11 Noes: 0 (7/12/89)

SB 1595 (Dills) -- Department of Corrections construction management services: demonstrated competence vs. competitive bid.

Status: Vetoed by the Governor.

Would have required the Department of Corrections to let contracts for construction management services on the basis of competitive bid rather than demonstrated competence.

Affected Code Section: Section 4529.1 of the Government Code.

Committee Action: Do pass. Ayes: 7 Noes: 3 (7/12/89)

DISABLED-VETERAN BUSINESS ENTERPRISES

AB 1829 (Murray) -- State contracts: preferences: disabled veterans.

Status: Chapter 611, Statutes of 1989.

Requires state agencies and departments to award a contract to a disabled veteran-owned small business in the event of a precise tie between the lowest responsible bids from a disabled veteran-owned small business and a nondisabled veteran-owned small business.

Affected Code Sections: Sections 14838 and 14838.6 of the Government Code.



Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (5/24/89)

SB 1517 (Dills) -- State contracts: disabled veterans.

Status: Chapter 1207, Statutes of 1989.

Requires all state contracts and professional bond service contracts to have minimum participation goals of 3% for disabled veteran business enterprises.

Affected Code Sections: Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

Committee Action: Do pass. Ayes: 7 Noes: 0 (7/19/89)

SB 2398 (Dills) -- Veterans: disabled veteran business enterprises.

Status: Chapter 516, Statutes of 1990.

Establishes disabled veteran business enterprise (DVBE) goals for the purposes of awarding state contracts to the University of California, Public Utilities Commission (PUC) and the Department of Corrections. Specifically requires Corrections to set DVBE participation goals of no less than 3% and permits the University of California and the PUC to establish their own programs for increasing DVBE participation in state contracts.

Affected Code Sections: Sections 10108.5, 10500.5, and 10501 to the Public Contracts Code and Sections 8281, 8282, 8283, 8284, and 8285 of the Public Utilities Code.

Committee Action: Do pass, as amended. Ayes: 7 Noes: 1 (5/30/90)

#### LOCAL GOVERNMENT CONTRACTING

AB 115 (Harvey) -- Hospital districts: contracts.

Status: Chapter 995, Statutes of 1990.

As heard in Assembly GE & CP Committee, AB 115 (Floyd) would have required a public entity to award public works contracts for an amount over \$500,000 only to a "qualified public works contractor," as defined. As subsequently enacted, the bill allows small and rural district hospitals, as defined, to acquire materials and supplies costing between \$25,000 and \$50,000 without going out to competitive bid when the board makes specific determinations. The bill also

requires the board of directors of a local hospital district to acquire electronic data processing and telecommunications goods and services through competitive means, as defined, except when the board makes a specific determination. (The Senate amendments to this bill were heard in Assembly GE & CP Committee as AB 3579 [Harvey].)

**Affected Code Sections:** Section 32132 and Section 32138 of the Health and Safety Code. Original codes sections affected were Article 2 (commencing with Section 3200) to Chapter 3 of Part 1 of Division 2 of the Public Contracts Code.

**Committee Action:** Do pass, as amended. Ayes: 6 Noes: 3 (4/12/89)  
(Note: Committee action reflects vote taken on original provisions of bill. See AB 3579 for action taken on chaptered provisions of AB 115)

**AB 458 (Frizzelle) -- Public works: county contracts.**

**Status:** Died in Assembly GE & CP Committee.

Would have increased the monetary threshold for county public works projects which do not have to be done by contract from \$6,500 to \$25,000 in counties with a population exceeding 500,000 and would have increased the materials and supplies threshold for all counties employing a purchasing agent to \$7,000.

**Affected Code Sections:** Sections 20122, 20131 and 20133 of the Public Contract Code.

**Committee Action:** Subject matter referred to interim. Ayes: 8  
Noes: 0 (5/3/89)

**AB 813 (Campbell) -- School districts: contract bidding.**

**Status:** Died in Assembly GE & CP Committee.

Would have increased the formal bidding threshold for school districts to \$25,000 and the dollar and labor limits for work which may be performed by day labor or force account. Would have also required the State Allocation Board to adjust the bidding thresholds and force accounts limits on a biennial basis to reflect inflation.

**Affected Code Sections:** Sections 20111, 20112, 20114, 20115, and 20116 of the Public Contracts Code.

**Committee Action:** Subject matter referred to interim. Ayes: 7  
Noes: 0 (8/23/89)

AB 1152 (Baker) -- Public contracts: Prison Industry Authority.

Status: Died in Assembly Ways and Means Committee.

Would have exempted a city, county, city and county, or special district from any provision of law requiring competitive bidding when purchasing goods produced by the Prison Industry Authority.

Affected Code Section: Section 53064.3 of the Government Code.

Committee Action: Do pass. Ayes: 7 Noes: 4 (1/10/90)

AB 1519 (Cortese) -- Public contracts: California Uniform Construction Cost Accounting Commission.

Status: Chapter 241, Statutes of 1989.

Revised the alternative bidding procedures available to public entities which have chosen to become members of the California Uniform Construction Cost Accounting Act.

Affected Code Sections: Section 22003, 22032, and 22304 of the Public Contracts Code.

Committee Action: Do pass. Ayes: 10 Noes: 0 (5/10/89)

AB 3226 (Floyd) -- Local agency construction: work performed by day labor.

Status: Chapter 688, Statutes of 1990.

Deletes the termination date of the requirement that any public agency electing to perform work by day's labor to perform the work in strict accordance with prepared plans and specifications.

Affected Code Section: Section 20102 of the Public Contract Code.

Committee Action: Do pass. Ayes: 7 Noes: 1 (4/25/90)

AB 3351 (Roybal-Allard) -- County health care facilities: public contracts.

Status: Chapter 897, Statutes of 1990.

Exempts counties from specified public contract requirements when the board of supervisors, by a 2/3 vote, certifies that there is an urgent need to construct, alter or expand a county health facility in

order to retain federal or state licensing and certification and/or to meet fire, life safety, or other related regulatory standards. The bill sunsets January 1, 1996 and requires any county which uses the procedures established in this section more than once to report back to the Legislature describing each project and containing specified data on the project.

**Affected Code Section:** Section 1448 of the Health and Safety Code.

**Committee Action:** Do pass. Ayes: 6 Noes: 3 (5/23/90)

**AB 3416 (Farr) -- Public projects: bids.**

**Status:** Chapter 694, Statutes of 1990.

Transfers certain public works contract provisions from the Government Code to the Public Contract Code without substantive change. Deletes a "sunset" date for terminating a requirement that local agencies performing work by day labor, do so in strict accordance with prepared plans and specifications. Permits local agencies to do project work by force account or negotiated contract if bids are not received through the formal or informal procedure.

**Affected Code Sections:** Sections 980, 4550, 4551, and Chapter 2.5 (commencing with Section 4150) of the Government Code and Sections 7103, 7104, 9202, 9203, 20102, 20103, 20150.10, 20341, 22038, and 22039 of the Public Contract Code.

**Committee Action:** Do pass, as amended. Ayes: 7 Noes: 1 (4/25/90)

**AB 3522 (Costa) -- Public construction: counties.**

**Status:** Died in Assembly GE & CP Committee.

Would have increased the exemption from competitive bid on certain county public works projects from \$4,000 to \$10,000.

**Affected Code Section:** Section 20120 of the Public Contract Code.

**Committee Action:** No vote taken.

**AB 3579 (Harvey) -- Hospital districts: contracts.**

**Status:** Died in Senate Rules Committee.

~~Allows small and rural district hospitals, as defined, to acquire materials and supplies costing between \$25,000 and \$50,000 without~~

going out to competitive bid when the board makes specific determinations. The bill also requires the board of directors of a local hospital district to acquire electronic data processing and telecommunications goods and services through competitive means, as defined, except when the board makes a specific determination. These provisions were ultimately incorporated into AB 115 (Harvey, Chapter 995/90).

**Affected Code Sections:** Section 32132 and Section 32138 of the Health and Safety Code.

**Committee Action:** Do pass, as amended. Ayes: 7 Noes: 2 (6/27/90)

**SB 281 (Leonard) -- County contracts: state-licensed independent contractors.**

**Status:** Chapter 164, Statutes of 1990.

Allows San Bernardino County to hire state-licensed independent contractors for public works jobs of less than \$30,000, using a specified informal bid process. The provisions sunset on 6/30/92.

**Affected Code Sections:** Section 25501 of the Government Code and Sections 20120, 20131, and 20133 of the Public Contract Code.

**Committee Action:** Do pass, as amended. Ayes: 8 Noes: 0 (5/9/90)

**SB 834 (Robbins) -- Public contracts: sureties.**

**Status:** Chapter 792, Statutes of 1989.

Requires all persons awarded a public works contract by a county board of supervisors to execute a bond by an admitted surety insurer. Admitted surety insurers are businesses regulated by the Insurance Commissioner and authorized to transact surety insurance in this state. Previous law had required only that the bond be approved by the board, and allowed for personal surety bonds.

**Affected Code Sections:** Section 20129 of the Public Contract Code.

**Committee Action:** Do pass, as amended. Ayes: 6 Noes: 0. (8/23/89)

**SB 886 (Dills) -- Local public agencies: contracts.**

**Status:** Chapter 808, Statutes of 1990.

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Clarifies that the requirements for alternative forms of bidder's

security under the Local Public Agency Construction Act apply only to bids for construction work.

Affected Code Sections: Sections 20107, 20111, 20129, 20189, 20192, 20201.5, 20204.3, 20214, 20224.5, 20234, 20242, 20251.5, 20262, 20274, 20284, 20294, 20302, 20314, 20322, 20332, 20342, 20352, 20374, 20392.5, 20405, 20413, 20471.5, 20483, 20501, 20512, 20522, 20532, 20551.5, 20564.5, 20584.5, 20602.5, 20624, 20633.5, 20642.5, 20651.5, 20674, 20685.5, 20688.25, 20694.5, 20724, 20737, 20752.2, 20761.5, 20784, 20804.5, 20832.5, 20843.5, 20867, 20893.5, 20916.5, and 20920 of the Public Contract Code and Section 130232 of the Public Utilities Code.

Committee Action: Do pass, as amended. Ayes: 8 Noes: 1 (8/8/90)

SB 1714 (Dills) -- Local agency contracting: bidder's security.

Status: Chapter 1163, Statutes of 1989.

Establishes the various forms of bidder's security (i.e. cash, cashier's check, certified check, and bidder's bond) which must accompany a competitive bid for a contract let by a local agency. The bill also requires that all bids be under sealed cover and that the security of unsuccessful bidders be returned in a reasonable period of time.

Affected Code Sections: Sections 20107, 20111, 20129, 20189, 20192, 20201.5, 20204.3, 20214, 20224.5, 20234, 20242, 20251.5, 20262, 20274, 20284, 20294, 20302, 20314, 2032, 20332, 20342, 20352,, 20374, 20392.5, 20405, 20413, 20471.5, 20483, 20501, 20512, 20522, 20532, 20551.5, 20564.5, 20584.5, 20602.5, 20624, 2-651.5, 20674, 20685.5, 20688.25, 20694.5, 20724, 20737, 20752.5, 20761.5, 20784, 20804.5, 20832.5, 20843.5, 20867, 20893.5, 20916.5, and Article 60 (commencing with Section 20920 of Chapter 1.5 of Part 3 of Division 2 of the Public Contract Code and Section 130232 of the Public Utilities Code.

Committee Action: Do pass, as amended. Ayes: 11 Noes: 0 (7/12/89)

SB 2190 (Royce) -- Public works: counties.

Status: Chapter 907, Statutes of 1990.

Exempts certain county construction and repair work necessary to maintain day-to-day landfill operations from the requirement that all construction work over \$4,000 be done by contract.

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Affected Code Section: Section 20121.1 of the Public Contract Code.

Committee Action: Do pass. Ayes: 7 Noes: 1 (8/8/90)

MINORITY AND WOMAN BUSINESS ENTERPRISES

AB 457 (Polanco) -- State contracts: minority and woman business enterprises.

Status: Chapter 473, Statutes of 1989.

Makes it unlawful for a person to fraudulently obtain or attempt to obtain certification as a minority or woman business enterprise. Prohibits any contractor who fails to satisfy the penalties for this violation from further contracting with the state until the penalties are cleared.

Affected Code Sections: Section 16857 of the Government Code and Section 10115.10 of the Public Contract Code.

Committee Action: Do pass, as amended. Ayes: 6 Noes: 3 (5/10/89)

AB 974 (Polanco) -- Public contracts: minority and woman business enterprises.

Status: Vetoed by the Governor.

Would have required the Office of Small and Minority Business (OSMB), within the Department of General Services, to certify minority and woman business enterprises (M/WBEs) for purposes of statewide participation goals. Specified the elements to be included in a certification form. All state departments would be required to accept the certification of an M/WBE by OSMB, and would be unable to make their own certification determination.

Affected Code Sections: Sections 14030.5 and 14839.2 of the Government Code, and Sections 10115 and 20104 of the Public Contract Code.

Committee Action: Do pass, as amended. Ayes: 6 Noes: 3 (5/10/89)

AB 976 (Polanco) -- Public contracts: small, minority, and woman business enterprises.

Status: Vetoed by the Governor.

~~Would have required the Office of Small and Minority Business within the Department of General Services to establish a computerized~~

database of certified small, minority and woman business enterprises. The database would be accessible to all state departments, local agencies and the general public.

**Affected Code Section:** Section 14839.3 of the Government Code.

**Committee Action:** Do pass. Ayes: 6 Noes: 3 (5/10/89)

**AB 1650 (M. Waters) -- Public contracts: MBE's and WBE's.**

**Status:** Vetoed by the Governor.

Would have required the Treasurer and the Office of Small and Minority Business, within the Department of General Services, to report annually to the legislature on minority and woman business enterprise participation in professional bond service contracts and state contracts, respectively, on behalf of the awarding departments.

**Affected Code Sections:** Sections 16850, 16851, 16853, 16855, and 16855.5 of the Government Code, and Sections 10115.2, 10115.3, 10115.5, 10108.7, and 10115.7 of the Public Contract Code.

**Committee Action:** Do pass. Ayes: 6 Noes: 3 (5/3/89)

**AB 1717 (Waters) -- State contracts: minority and woman business enterprises.**

**Status:** Chapter 1229, Statutes of 1989.

Requires awarding departments to award contracts to bidders that meet or make a good faith effort to meet the current participation goals of 15 percent and 5 percent for minority and woman business enterprises (M/WBEs), respectively. Exempts contracts under \$10,000 from compliance with the M/WBE goals.

**Affected Code Sections:** Sections 16850, 16851, and 16852 of the Government Code and Sections 10108.5, 10115.1, 10115.2, 10115.7, and 10115.8 of the Public Contract Code.

**Committee Action:** Do pass. Ayes: 6 Noes: 3 (5/3/90)

**AB 2034 (Polanco) -- State contracts: bidder's list of qualified MBE/WBE firms.**

**Status:** Died in Assembly GE & CP Committee without being heard.

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Would have required the Office of Small and Minority Business within



the Department of General Services to maintain a comprehensive bidder's list of qualified minority and woman business enterprises.

**Affected Code Sections:** Sections 14837 and 14839 of the Government Code.

**Committee Action:** Never heard in committee

**AB 2606 (Polanco) -- Joint powers agreements.**

**Status:** Chapter 1214, Statutes of 1990.

Expands the state's minority, woman, and disabled veteran business enterprise goals of 15 percent, 5 percent and 3 percent, respectively, to those contracts let by joint powers agreements in which a state agency is involved.

**Affected Code Section:** Section 6522 of the Government Code.

**Committee Action:** Do pass. Ayes: 6 Noes: 4 (4/18/90)

**AB 2648 (Polanco) -- State purchases: business enterprises.**

**Status:** Vetoed by the Governor.

Would have expanded the responsibilities of the Office of Small and Minority Business (OSMB) within the Department of General Services by requiring it to provide the same services to minority and woman business enterprises that it currently provides to small businesses. This bill would have also required all state agencies to develop an annual plan to assist them in meeting the participation goals of minority, woman and disabled veteran business enterprises and would have required each agency to submit the report to OSMB.

**Affected Code Sections:** Sections 14835, 14836, 14837, 14838, 14839, 14839.1, 14840, and 14839.2 of the Government Code.

**Committee Action:** Do pass. Ayes: 6 Noes: 3 (4/19/90)

**AB 2810 (Polanco) -- Public contracts: minority and woman business enterprises.**

**Status:** Vetoed by the Governor.

Would have provided for the certification of minority and woman business enterprises by the Office of Small and Minority Business (OSMB) for the purposes of awarding state contracts. OSMB would have

been required to establish a centralized computer data base for all certified small, minority and woman business enterprises.

**Affected Code Sections:** Sections 14030.5, 14839.3, and 14839.4 of the Government Code and Sections 10115 and 20104 of the Public Contract Code.

**Committee Action:** Do pass, as amended. Ayes: 6 Noes: 4  
(4/18/90)

**ACR 67 (M. Waters) -- Minority and woman business enterprises: regulations.**

**Status:** Resolution Chapter 143, Statutes of 1989.

Urges the Department of General Services not to adopt proposed draft emergency regulations concerning self-certification by minority and woman business enterprises in state contracts. Urges the department to develop new statewide certification regulations that do not include self-certification.

**Affected Code Sections:** None.

**Committee Action:** Be adopted, as amended. Ayes: 6 Noes: 2 (5/3/89)

**SB 737 (Marks) -- State and local agency contracts.**

**Status:** Chapter 1416, Statutes of 1990.

Establishes a system whereby Caltrans and local agencies may utilize the same certification forms for minority and woman business enterprises. Each agency may continue to make an independent certification determination.

**Affected Code Section:** Section 14030.5 of the Government Code.

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 1 (7/2/90)

#### PROCUREMENT CONTRACTS

**AB 4 (Eastin) -- Recycling: state and local government purchase of products.**

**Status:** Chapter 1094, Statutes of 1989.

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Enacts the State Assistance for Recycling (STAR) Markets Act of 1989,

deleting former provisions regulating the purchase of recycled paper by state and local public agencies, and enacting revised provisions. Requires state and local public agencies to give purchase preference to certain recycled products, and requires the Department of General Services to set percentage goals for the purchase of such products. Encourages the University of California to give purchase preference to recycled paper products.

**Affected Code Sections:** Sections 10233, 10308.5, 10354, 10507, 10507.5, Article 8.5 (commencing with Section 10855) of Chapter 2.5, Chapter 4 (commencing with Section 12150), 12183.5, Chapter 5 (commencing with Section 12300), Article 7 (commencing with Section 10390) and Article 7.5 (commencing with Section 10400) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code.

**Committee Action:** Do pass, as amended. Ayes: 8 Noes: 1 (5/10/89)

**AB 1377 (Bates) -- State and local public entities: recycling markets.**

**Status:** Died in Senate Governmental Organization Committee.

Would have required all state public agencies to give a 10% purchase preference in favor of recycled products, and would have enacted the Recycling Opportunities Act of 1989, creating a Recycling Market and Business Development Commission to promote recycling. Would have created income tax credits for the purchase of recycled newsprint by certain users, and for the purchase of certain recyclable material, and exempted from sales tax the gross receipts from sales of recycled products, as defined.

**Affected Code Sections:** Section 66786.8 of the Government Code; Sections 10392, 10398, and Division 1, Part 2, Chapter 12 (proposed, commencing with Section 9650) and Chapter 13 (proposed, commencing with Section 9700) of the Public Contract Code; Sections 14605, 14640, 14641, 14641.5, and Division 12.1, Chapter 8.5 (commencing with Section 14600) of the Public Resources Code; and Sections 6372, 17052.22, 17053.26, 23605.3, and 23605.5 of Revenue and Taxation Code

**Committee Action:** Do pass, as amended. Ayes: 7 Noes: 3 (5/24/89)

**ACR 88 (Polanco) -- Public Procurement Advisory Committee.**

**Status:** Resolution Chapter 152, Statutes of 1989.

Authorizes the Public Procurement Advisory Committee to continue to submit its recommendations concerning public procurement of goods and services through January 1, 1991.

Affected Code Sections: None.

Committee Action: Be adopted. Ayes: 8 Noes: 0 (8/23/89)

SB 1844 (Alquist) -- State contracts: data processing and telecommunications.

Status: Chapter 1589, Statutes of 1990.

Provides that for all contracts involving data processing or telecommunications equipment, state agencies shall consider a bidder's best financing alternative, including lease or purchase alternatives, if requested by the bidder prior to final submittal date. The bill applies to contracts executed after Jan. 1, 1991.

Affected Code Section: Section 12102 of the Public Contract Code.

Committee Action: Do pass, as amended. Ayes: 11 Noes: 0 (6/27/90)

SB 2195 (Bergeson) -- State purchasing: solid waste.

Status: Chapter 1156, Statutes of 1990.

Provides that Department of General Services product specifications for goods containing recycled materials are not subject to Administrative Procedure Act review and notice requirements. Requires Department of General Services to prepare specifications rather than regulations for purchase of compost, retreaded tires, and recycled secondary and postconsumer plastic products.

Affected Code Sections: Section 10302.5 of the Public Contract Code and Sections 42240, 42244, 42371, 42373, and 42411 of the Public Resources Code.

Committee Action: Do pass, as amended. Ayes: 8 Noes: 0 (6/27/90)

#### PUBLIC WORKS CONTRACTS

AB 117 (Floyd) -- Public works contracts: definition of "lowest responsible bidder."

Status: Died in Senate Governmental Organization Committee.

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Would have added a definition of "lowest bidder" or "lowest responsible bidder" to the Public Contract Code. Would have also

prescribed certain factors to be considered by the awarding authority in determining the "lowest bidder" or "lowest responsible bidder."

**Affected Code Section:** Section 1105 of the Public Contract Code.

**Committee Action:** Do pass, as amended. Ayes: 7 Noes: 4 (2/22/88)

**AB 118 (Floyd) -- Public works contracts: verification of licensure.**

**Status:** Vetoed by the Governor.

Would have required all public entities to contact the Contractors State License Board prior to awarding a public works contract to determine whether the contractor was licensed in good standing.

**Affected Code Section:** Section 3300 of the Public Contract Code.

**Committee Action:** Do pass. Ayes: 10 Noes: 1 (2/22/88)

**SB 422 (Bill Greene) -- Public works contracts: employee safety qualifications.**

**Status:** Vetoed by the Governor.

Would have required any public entity awarding a contract of over \$200,000 for public works to require that prospective bidders submit, under the penalty of perjury, a written injury prevention program required by the Department of Industrial Relations. The public agency would be able to reject the bid if the contractor did not provide the written injury prevention program, it was found to contain false information, or the information indicated a poor history of previous violations, as specified.

**Affected Code Sections:** Section 11752.8 of the Insurance Code, Section 6401.8 of the Labor Code, and Sections 2010, 2011, and 2012 of the Public Contract Code.

**Committee Action:** Do pass, as amended. Ayes: 6 Noes: 3 (6/27/90)

**SB 1470 (Campbell) -- Public works projects: change orders.**

**Status:** Chapter 330, Statutes of 1989.

Requires specified public works contracts to contain provisions requiring the contractor to notify the public agency if any hazardous waste material is encountered or there are any specified materials changes in conditions at the work site. Also requires the public

agency to investigate and issue a change order, if appropriate.

**Affected Code Section:** Section 7104 of the Public Contract Code.

**Committee Action:** Do pass, as amended. Ayes: 11 Noes: 0 (7/12/89)

**SB 1558 (Deddeh) -- Public works contracts: submission of claims.**

**Status:** Chapter 1000, Statutes of 1989.

Clarifies when a request for payment from a state or local public agency under the terms of a public works contract is properly filed.

**Affected Code Section:** Section 980 of the Government Code.

**Committee Action:** Do pass. Ayes: 8 Noes: 0 (8/23/89)

**SB 2796 (Roberti) -- Public works: prompt pay of subcontractors.**

**Status:** Chapter 1253, Statutes of 1990.

Requires state agencies to pay interest on unpaid progress and final payments on construction projects after specified periods. The bill also requires the head of every state agency to submit a annual report to the Legislature on the number and dollar volume of written complaints received from subcontractors and prime contractors on contracts in excess of \$300,000.

**Affected Code Sections:** Sections 10261.5 and 10262.5 of the Public Contract Code.

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 0 (6/27/90)

#### SMALL BUSINESS ENTERPRISES

**AB 307 (Polanco) -- Small business preference.**

**Status:** Chapter 1127, Statutes of 1989.

Codifies existing Department of General Services regulations which provide a preference to qualified small businesses bidding on state service contracts.

**Affected Code Section:** Section 14838 of the Government Code.

**Committee Action:** Do pass. Ayes: 10 Noes: 0 (3/8/89)

## Government Efficiency Issues

### ADMINISTRATIVE PROCEDURES

AB 193 (Allen) -- State government: implementation of new statutes.

Status: Died in Assembly GE & CP Committee without being heard.

Would have expanded the existing requirements that the state agency responsible for the development of a new state program or regulatory action issue a summary of actions taken to implement those statutes to the author and certain committees of the Legislature.

Affected Code Section: Section 11017.5 of the Government Code.

Committee Action: Never heard in committee

AB 855 (Felando) -- Administrative regulations.

Status: Chapter 1170, Statutes of 1989.

Provides that if the Office of Administrative Law becomes aware of an existing regulation for which the statutory authority has been repealed or becomes ineffective or inoperative by its own terms, the office is required to order the adopting agency to show cause why the regulation should not be repealed for lack of statutory authority. The agency is permitted to initiate a review by filing a request for review with the Governor's legal affairs secretary and the Governor makes the final decision regarding repeal of the regulation.

Affected Code Sections: Sections 11349.10 and 11349.11 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 7 Noes: 0 (5/10/89)

### AGENCY ORGANIZATION AND OPERATIONS

AB 66 (Floyd) -- Public officers: conflict of interest.

Status: Chapter 565, Statutes of 1990.

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Expands the definition of a remote conflict of interest of a public

officer or employee which would prohibit the official from being financially interested in a contract made by them in their official capacity to include the interest of a parent, spouse, sibling, or child of the contracting party.

**Affected Code Section:** Section 1091 of the Government Code.

**Committee Action:** Do pass. Ayes: 11 Noes: 0 (1/10/90)

**AB 547 (Moore) -- Franchise Tax Board:** telephone services to the public.

**Status:** Died in Senate Revenue and Taxation Committee.

Would have appropriated \$100,000 from the General Fund to the Franchise Tax Board (FTB) to increase FTB's ability to process phone calls from the general public.

**Affected Code Sections:** None.

**Committee Action:** Do pass. Ayes: 10 Noes: 0 (5/10/89)

**AB 779 (Eastin) -- State operations:** business resumption planning: Emergency Response Team for State Operations.

**Status:** Chapter 1210, Statutes of 1990.

Creates the Emergency Response Team for State Operations to work to improve the ability of state agencies to resume operations in a safe manner and with a minimum of delay after a business interruption. Requires the Department of General Services to develop a model business resumption plan in cooperation with the team and to develop procedures to expedite purchasing, leasing and contracting after a business interruption. Requires state agency leases to contain provisions for access to documents on leased premises and provisions for late payments, interest penalties and eviction procedures.

**Affected Code Sections:** Sections 11005.6, 11005.7, and 8549 et seq. of the Government Code.

**Committee Action:** Do pass, as amended. Ayes: 8 Noes: 0 (1/10/90)

**AB 2090 (McClintock) -- English as the official state language.**

**Status:** Died in Assembly GE & CP Committee.

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Would have established the statutory guidelines for implementing and



enforcing English as the official language of California. Would have required that English be used on all public documents and as part of public activities and ceremonies, and that the state and its political subdivisions act in English only. Would have provided exceptions to English-only requirements in certain cases.

**Affected Code Sections:** Division 3.3 (commencing with Section 700) of Title 1 of the Government Code.

**Committee Action:** Failed passage. Ayes: 3 Noes: 6 (5/10/89)

**AB 2757 (Moore) -- State agencies: business hours.**

**Status:** Vetoed by the Governor.

Would have required the Employment Development Department, Department of Consumer Affairs, and Department of Health Services to conduct a feasibility study on extended evening hours, one night per week.

**Affected Code Sections:** Article 10.7 (commencing with Section 11144) of the Government Code.

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 0 (4/4/90)

**AB 2886 (Moore) -- State agencies: toll-free telephone lines.**

**Status:** Chapter 393, Statutes of 1990.

Requires toll-free telephone lines operated by state agencies to be accessible by both tone dial and rotary dial telephones.

**Affected Code Section:** Section 14627 of the Government Code

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 0 (4/4/90)

**AB 3167 (Speier) -- State government: lunchtime office hours.**

**Status:** Chapter 1506, Statutes of 1990.

Requires state agencies, with specified exceptions, to maintain office hours for over-the-counter services from 11:30 a.m. to 1:30 p.m.. Exceptions would be made for offices with three or fewer employees (not engaged as peace officers) on any given day.

**Affected Code Sections:** Chapter 31 (commencing with Section 7595) of Division 7 of Title 1 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (4/4/90).

SB 10 (Lockyer) -- Incoming telephone calls.

Status: Chapter 706, Statutes of 1989.

Requires state agencies to establish procedures to ensure that the telephones are answered within ten rings during regular business hours, as long as there is available staff. Exceptions are granted for emergency or employee illness situations.

Affected Code Section: Section 11022 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (7/19/89)

SB 61 (Campbell) -- State energy bond program: legislative oversight.

Status: Chapter 1219, Statutes of 1989.

Would have prohibited the State Public Works Board from entering into energy service contracts or energy leases until at least 60 days after notifying the Legislature and would have authorized the Chair of the Joint Legislative Budget Committee to hold hearings within 45 days in order to render a recommendation on proposed contracts and leases.

Affected Code Sections: Sections 15814.14 and 15814.20 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 1 (7/12/89)

SB 291 (B. Greene) -- Fees: Secretary of State's office.

Status: Chapter 439, Statutes of 1989.

Increases specified fees charged by the Secretary of State's office to file articles of incorporation, agreements of merger, certificates of ownership and the filing of other instruments.

Affected Code Sections: Sections 12200, 12201, 12202, 12204, 12205, 12210, and 12211 of the Government Code and Section 603 of the Harbors and Navigation Code.

Committee Action: Do pass. Ayes: 7 Noes: 2 (7/20/89)

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SB 1120 (Seymour) -- Drug-free workplace.

Status: Chapter 1170, Statutes of 1990.

Requires every person or organizations which is awarded a contract or grant for the procurement of property to certify that it will provide a drug-free workplace. Failure to properly certify and maintain a drug-free workplace may result in the suspension of payments or termination of a contract or grant.

Affected Code Sections: Chapter 5.5 (commencing with Section 8350) of Division 1 of Title 2 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (8/8/90)

SB 1492 (L. Greene) -- California State Police: crime reporting.

Status: Chapter 1390, Statutes of 1989.

Requires all state agencies to report immediately to the California State Police (CSP) all crimes and criminally caused property damage on state-owned or state-leased property where state employees are discharging their duties. The CSP is required to report annually to the Legislature on the status of criminal activity on state property.

Affected Code Section: Section 14613.7 of the Government Code.

Committee Action: Do pass. Ayes: 8 Noes: 0 (8/23/89)

SB 1557 (Deddah) -- Selective Service Act: publicizing by state agencies.

Status: Chapter 496, Statutes of 1989.

Requires all state agencies to cooperate with the U.S. Selective Service System in publicizing the necessity of complying with the federal Selective Service Act (i.e. registering with the Selective Service at age 18). State agencies will be reimbursed for any costs incurred in publicizing the Act.

Affected Code Sections: Chapter 29 (commencing with Section 7593) Division 7 of Title 1 of the Government Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (7/12/89)

SB 1888 (Rosenthal) -- Department of Economic Opportunity.

Status: Vetoed by the Governor.

Would have required the Department of Economic Opportunity Advisory Commission to report directly to the Legislature on its recommendations to the Department of Economic Opportunity. Would have specified the responsibilities of the Advisory Commission to include reviewing programs to assist low-income persons in meeting their energy needs and would have provided five million dollars to be allocated for weatherization and energy assistance programs.

**Affected Code Sections:** Section 12089 and 12092 of the Government Code.

**Committee Action:** Do pass. Ayes: 8 Noes: 2 (6/28/90)

SB 2185 (Royce) -- Accountants: administrative committee.

**Status:** Chapter 244, Statutes of 1990.

Merges the two administrative committees for public accountants and certified public accountants under the State Board of Accountancy into a single administrative committee for the purposes of handling complaints and disciplinary action. The new board is made up of not less than 3 nor more than 5 public accountants and not less than 10 nor more than 12 certified public accountants. Also makes related conforming changes to the law.

**Affected Code Sections:** Sections 5020, 5021, 5022, 5120, 5122, and 5020.3 of the Business and Professions Code.

**Committee Action:** Do pass. Ayes: 11 Noes: 0. (6/27/90)

AGENCY ORGANIZATION: NEW & RESTRUCTURED AGENCIES

AB 136 (Floyd) -- State agency organization.

**Status:** Vetoed by the Governor.

Would have removed agency secretaries and their staffs from various State boards and commissions on which they now serve and would have transferred various program responsibilities presently assigned to the agencies to constituent departments within the agencies.

**Affected Code Sections:** Sections 1916.12, 1918, 1918.5, 1919, and 1920 of the Civil Code; Section 117.22 of the Code of Civil Procedure, Sections 1338, 14652.5, 18022.5, 32321, 40056, and 40057 of the Financial Code; Section 4102 of the Food and Agricultural Code; Sections 7301, 7304, 7305, 7306, 7308, 7309, 8574.5, 11139.5,

11996, 12463.1, 15378, 15814.1, 16142, 16143, 16144, 16146, 16147, 16154, 51151, 51154, 51283, 54222, 66620, 66906.1 and 54222 of the Government Code; Section 60 of the Harbors and Navigation Code; Sections 11860, 18920, 18922, 24382, 24383, 24384, 25730, 25731, 25732, 25734, 25734.5, 25735, 25736, 25737, 25739, 35805, 35814, 35815, 35820, 35821, 35822, 35823, 35830, 50151, 50153, 50462, 50901, 53103, and 35814.5 of the Health and Safety Code; Sections 6025 and 6028.2 of the Penal Code; Sections 5006.6, 5006.7, 5093.32, 5093.33, 5093.35, 5093.39, 5093.52, 5093.54, 5093.546, 5093.55, 5093.58, 5093.60, 5093.67, 5093.69, 5094.1, 5094.2, 5094.3, 6211, 6217, 14307, 14308, 21080.5, 21082, 21083, 21084, 21086, 21087, 21193, 25519, 25653, 30301, 31100, 31102, and 21083.1 of the Public Resources Code; Section 7551.1, 99242, 99408, and 99212 of the Public Utilities Code; Sections 5017, 5301, and 9002 of the Unemployment Insurance Code; Sections 2901, 2902, 34501.5, and 42276 of the Vehicle Code; and Sections 3300, 4012.6, 4521, 4530, 5466, 10654, 14104.8, and 18955 of the Welfare and Institutions Code.

Committee Action: Do pass. Ayes: 7 Noes: 4 (2/22/89)

AB 1143 (Hayden) -- California Commission on the Holocaust.

Status: Vetoed by the Governor.

Would have created a 9-member California Commission on the Holocaust to provide for appropriate ways for the state to observe the Days of Remembrance and to develop an education program about the Holocaust.

Affected Code Sections: Chapter 9.5 (commencing with Section 8760) of Division 1 of Title 2 of the Government Code.

Committee Action: Do pass. Ayes: 10 Noes: 0 (5/10/89)

AB 1272 (Eastin) -- State regulatory agencies.

Status: Died on the Assembly Floor.

Would have required the Joint Legislative Audit Committee (JLAC), through the Auditor General, to undertake a study of the public benefit, cost benefit, and administrative efficiency to be gained by combining the functions of the state's professional regulatory entities. Existing law authorizes the Auditor General to conduct studies and audits of state agencies under direction of (JLAC).

Affected Code Sections: None.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (1/10/90)

AB 1996 (Harris) -- State tax administration: reorganization.

Status: Died in Assembly Revenue & Taxation Committee.

Would have merged the functions of the Board of Equalization and the Franchise Tax Board into a five-member California Revenue Commission. Would have also prohibited commissioners from participating in proceedings affecting parties who had made campaign donations in the preceding 12 months and from accepting donations from persons likely to be party to such proceedings in the ensuing 12 months. Would have also established new procedures for the appeal of tax assessments.

Affected Code Sections: Sections 11501, 15600, 15600.5, 15601, 15603, 15603.5, 15604, 15605, 15606, 15606.5, 15607, 15608, 15609, 15610, 15611, 15612, 15613, 15614, 15615, 15616, 15617, 15618, 15619, 15620, 15621, 15624, 15625, 15626, 15627, 15640, 15641, 15642, 15643, 15645, 15646, and Part 10 (commencing with Section 15700) of Division 3 of Title 2 of the Government Code; and Sections 38, 40, 254.6, 741.5 of the Revenue and Taxation Code.

Committee Action: Do pass, as amended. Ayes: 6 Noes: 0 (5/10/89)

AB 2572 (Eastin) -- State boards: legislative review.

Status: Chapter 832, Statutes of 1990.

Requires the author of any legislation creating a new state board, on or after January 1, 1991, to develop a plan for the establishment and operation of the proposed board. Requires the Legislative Analyst to evaluate proposals for new boards and report its assessment of the public need to the appropriate policy and fiscal committees of the legislature, if such a review is sanctioned by the Rules Committee in either house in response to a request from the policy committee chair. Requires the Analyst to conduct an operational review of state boards within eight years of their creation.

Affected Code Sections: Section 10242.5 and Article 8 (Commencing with Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (2/21/90)

ACA 39 (Harris) -- State tax administration: reorganization.

Status: Died in Assembly Revenue and Taxation Committee.

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Would have substituted the California Revenue Commission for the

Board of Equalization (BOE) in the California Constitution. The California Revenue Commission would have been created by AB 1996 (Harris), which sought to merge the BOE and the Franchise Tax Board. AB 1996 died in Assembly Revenue and Taxation Committee.

**Affected Code Sections:** Section 14 (b) of Article II, Section 5 (b) of Article V, Sections 11 (g), 17, 18, 19, and 28 (h) of Article XIII, Section 22 of Article XX, and Section 1 of Article XXI of the California Constitution.

**Committee Action:** Be adopted. Ayes: 6 Noes: 0 (5/10/89)

**SB 2374 (Presley) -- State advisory committees and task forces.**

**Status:** Chapter 1455, Statutes of 1990.

Expresses the intent of the legislature to review and evaluate existing and proposed state advisory commissions and task forces, and to abolish those considered unnecessary, inefficient, or duplicative. Abolishes 22 advisory committees and task forces and two studies now considered obsolete. Prohibits expenditure of state funds for all state advisory entities, effective January 1, 1993. Requires the Governor's proposed budget for fiscal year 1992-93 to evaluate all advisory entities, and to limit funding for one-half year, subject to reauthorization by statute or executive order.

**Affected Code Sections:** Sections 54444.1, 69655, 54528, 69657, Article 8.5 (commencing with Section 69660) of Chapter 2 of Part 42 of the Education Code; Sections 15980, 15928, 13337.3, 8589.2, 8839, 15972, 163667, 16367.1, and Article 1.9 (commencing with Section 16369) of Chapter 2 of Division 4 of Title 2 of the Government Code; Section 1596.865, 209, 446.8, 1528, 1569.70, 1597.06, 25412, 25413, 25414, and 41514 of the Health and Safety Code, Section 1864 of the Insurance Code; Section 30796.5 of the Street and Highway Code; Sections 35581 and 1660.6 of the Vehicle Code, and Section 5692 of the Welfare and Institutions Code.

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 0 (8/8/90)

#### CAPITAL OUTLAY PLANNING

**SB 348 (Alquist) -- Capital Outlay Master Plan.**

**Status:** Vetoed by the Governor.

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Would have required the Department of Finance to annually prepare a "capital outlay master plan" comprised of the 5-year capital outlay

needs for all state agencies on a project-by-project basis. State agencies would have been required to submit all prospective capital outlay projects exceeding \$250,000 in cost.

**Affected Code Sections:** Article 4 (commencing with Section 13350) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code.

**Committee Action:** Do pass. Ayes: 7 Noes: 0 (3/7/90)

**SB 1825 (Beverly) -- Capital outlay planning: ten-year capital outlay report.**

**Status:** Chapter 1435, Statutes of 1990.

Requires the Director of Finance to annually prepare a report on the state's ten-year capital outlay needs and submit the report to the Legislature every February 1.

**Affected Code Sections:** Article 2 (commencing with Section 13100) of Chapter 2 of Division 3 of Title 2 of the Government Code.

**Committee Action:** Do pass. Ayes: 6 Noes: 3 (6/27/90)

#### CONSOLIDATION OF DEBT

**AB 1195 (Areias) -- State procurement: deferred-payment purchases.**

**Status:** Died on the Senate Floor.

Would have allowed the Office of Procurement within the Department of General Services to consolidate the financing of deferred-payment purchases, installment purchases, or lease purchases into master equipment financing agreements and to refinance existing deferred-payment agreements when it is cost-effective to do so. Would have eliminated the \$10 million minimum with respect to the State Treasurer's involvement in the issuance of bonds or other financial instruments used for capital expenditures.

**Affected Code Sections:** Sections 5700, 5703 and 15820.80 et seq of the Government Code and Section 10308.7 of the Public Contract Code.

**Committee Action:** Do pass. Ayes: 9 Noes: 0 (6/7/89)



GOVERNMENT REPORTS

**AB 892 (Calderon) -- State agencies: submission of reports.**

**Status: Died in Assembly GE & CP without being heard.**

Would have provided that a state agency could only send an abstract containing a description of a report to any individual, including members of the Legislature and other state agencies, who did not request a copy of the report.

**Affected Code Section: Section 11095 of the Government Code.**

**Committee Action: Never heard in committee.**

**AB 1431 (Eastin) -- Legislative Counsel: reports prepared by state agencies.**

**Status: Chapter 528, Statutes of 1989.**

Establishes a system to track reports required or requested by the Legislature. Legislative Counsel will compile a regular listing of reports including the name of the responsible agency, a description of the subject, the date on which the report is due, and the date on which the report is filed.

**Affected Code Sections: Sections 10242.5, 11097, and 11099 to the Government Code.**

**Committee Action: Do pass. Ayes: 10 Noes: 0 (5/10/89)**

**SCR 88 (Robbins) -- County reports.**

**Status: Resolution Chapter 106, Statutes of 1990.**

Requests the Senate Select Committee on Governmental Efficiency to review reports submitted by counties to the state for purposes of determining the feasibility of modifying or eliminating these reports. These determinations are to be made based upon the cost savings to local government and the state, as well as the effects of modifying or eliminating a report.

**Committee Action: Be adopted. Ayes: 9 Noes: 0 (8/9/90)**

STATE AGENCIES: WAIVER OF FEES

AB 465 (Farr) -- State agencies: waiver of fees: charitable events.

Status: Died in Senate Governmental Organization Committee.

Would have allowed state agencies to waive fees with respect to services provided for events held for charitable purposes by certain tax exempt amateur sports organizations.

Affected Code Section: Section 11010.1 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (3/8/89)

Miscellaneous Governmental Efficiency Issues

EQUIPMENT FINANCING

AB 4262 (Hansen) -- State public property: financing firefighting equipment and communication systems

Status: Died in Assembly GE & CP Committee without being heard.

Would have authorized the State Public Works Board to issue revenue bonds or negotiable notes for the acquisition of firefighting equipment and communication systems and to ensure the equipment and charge or collect rentals for their use.

Affected Code Section: Section 15809 of the Government Code

Committee Action: Never heard in committee.

FEDERAL ACCOUNTING PROCEDURES

AJR 61 (Elder) -- Federal accounting procedures: adoption of reforms.

Status: Resolution Chapter 63, Statutes of 1990.

Memorializes the President and the Congress of the U.S. to adopt the financial accounting reforms recommended by the American Institute of Certified Public Accountants, which would include the creation of an independent, cabinet-level Chief Financial Officer and the adoption of uniform accounting and reporting standards.

Affected Code Sections: None.

Committee Action: Be adopted, as amended. Ayes: 7 Noes: 0 (2/7/90)

GOVERNMENT REIMBURSEMENT & PER DIEM

SB 161 (Watson) -- Department of Economic Opportunity Advisory Commission: stipend for expenses.

Status: Chapter 1108, Statutes of 1989.

Provides each member of the Department of Economic Opportunity Advisory Commission with a \$100 per day allowance for meetings of the commission and reimbursement for business and travel expenses.

Affected Code Section: Section 12092 of the Government Code.

Committee Action: Do pass. Ayes: 7 Noes: 2 (7/12/89)

GOVERNOR'S APPOINTMENTS

ACA 18 (Moore) -- Gubernatorial appointments: vacancies.

Status: Died in Assembly GE & CP Committee without being heard.

Would have required that if a vacancy occurs in one of the constitutional offices, the Governor's nominee for the replacement be registered with the same political party as the vacating officer at the time the vacancy occurred.

Affected Code Sections: Subdivision (b) of Section 5 of Article V of the Constitution.

Committee Action: Never heard in committee

SB 555 (Davis) -- Governor's appointments: California State Police; Public Employment Relations Board.

Status: Chapter 1295, Statutes of 1989.

Requires the Governor to appoint the Chief of the California State Police (CSP), upon recommendation of the Director of General Services (DGS). The Director of DGS is authorized to appoint specified CSP positions below the level of Chief. Was amended on the Assembly

Floor to specify that the member of the Public Employment Relations Board appointed by the Governor for the term beginning January 1, 1991, shall not be subject to the advise and consent of the Senate.

Affected Code Sections: Sections 3541, 14613, and 16404.5 of the Government Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (7/19/89)

LEGAL SERVICES: DEPARTMENT OF JUSTICE

AB 359 (Friedman) -- State government: Department of Justice: legal services.

Status: Chapter 1007, Statutes of 1989.

Requires the Attorney General to charge state government client agencies amounts sufficient to recover the costs of providing legal services.

Affected Code Section: Section 11044 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (5/10/90)

PUBLIC BUILDINGS: CHILD CARE FACILITIES

AB 870 (Bates) -- Public buildings: child care facilities.

Status: Vetoed by the Governor.

Would have required that child care facilities be built into any newly constructed, remodeled, acquired, or leased public office building able to accommodate 700 or more public employees.

Affected Code Sections: Sections 4560 and 4562 of the Government Code.

Committee Action: Do pass. Ayes: 6 Noes: 2 (5/3/89)

PUBLIC OFFICIALS

SB 953 (Stirling) -- Public officers: oath of office.

Status: Chapter 1426, Statutes of 1989.

Requires every oath of office filed with the Secretary of State to include the expiration date of the officer's term of office, if any. Provides that if there is no expiration date, or the officer leaves before the expiration date, the appointing authority shall report in writing to the Secretary of State the officer's date of departure from office. Applies to local government appointing authorities.

**Affected Code Section:** Section 1363 of the Government Code.

**Committee Action:** Do pass. Ayes: 10 Noes: 0 (6/12/89)

**SB 1744 (Hart) -- Public officials: confirmation**

**Status:** Chapter 461, Statutes of 1990.

As originally heard in Assembly GE & CP Committee, would have provided that any public official who has been confirmed by the Senate and who is subsequently determined to have given false information regarding his or her qualifications as part of the confirmation process, is deemed not to have been confirmed and the office vacant. These provisions were deleted in the Senate and the bill was amended to address state budget issues. The original provisions, as heard in this committee, were later inserted into SB 2711 (Hart), which was vetoed by the Governor.

**Affected Code Sections:** Sections 11006 and 13307 of the Government Code. (Original code sections affected were 1324 and 1770.3 of the Government Code.)

**Committee Action:** Do pass. Ayes: 7 Noes: 2 (5/24/90)  
(Committee action reflects vote taken on original provisions of the bill.)

**SB 2794 (Craven) -- Public officers.**

**Status:** Vetoed by the Governor.

Would have specified that the commencement date for the term of an appointive office is designated by the appointing authority and will be no later than the actual date the appointee takes oath of office.

**Affected Code Section:** Section 1301.5 of the Government Code.

**Committee Action:** Do pass. Ayes: 9 Noes: 0 (8/9/90)

PUBLIC RECORDS ACT

SB 2106 (Doolittle) -- Public Records Act: collection agencies.

Status: Chapter 1106, Statutes of 1990.

Provides that a residence address provided by an owner or employee of a collection agency is exempt from the California Public Records Act.

Affected Code Sections: Section 6864.1 of the Business and Professions Code and Section 6254 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (6/27/90)

STATE BOARDS AND COMMISSIONS: COMPOSITION

AB 2677 (M. Waters) -- State boards and commissions: composition.

Status: Died in Senate Rules Committee.

Would have required that the number of appointments by an appointing power of one gender shall not exceed by more than one the number of appointments from the other gender on state boards and commissions.

Affected Code Section: Section 11140.5 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 6 Noes: 2 (3/21/89)

AB 2678 (M. Waters) -- State boards and commissions: composition.

Status: Died in Senate Rules Committee.

Would have declared that it is the policy of the State of California that the percentage of women on each state board or commission be reflective of the percentage of women in the state's population.

Affected Code Section: Section 1140 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 6 Noes: 2 (3/21/90)

AB 2787 (Chacon) -- State boards and commissions: composition.

Status: Died in Senate Rules Committee.

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Would have provided that it is the policy of the State of California that the composition of state boards and commissions be broadly

reflective of the general public including ethnic minorities, disabled persons and women.

**Affected Code Section:** Section 11140.1 of the Government Code.

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 0 (3/21/90)

**SB 2241 (Watson) -- State boards and commissions: composition.**

**Status:** Vetoed by the Governor.

Would have required that all government appointments to state boards, commissions, councils, and statewide panels be reflective of the numerical composition of all segments of the state's population, including, but not limited to, women and ethnic minorities.

**Affected Code Section:** Section 11140.5 of the Government Code.

**Committee Action:** Do pass. Ayes: 10 Noes: 1 (6/28/90)

#### STATE BUDGET

**AB 4276 (Baker) -- Department of Finance: reporting of deficiencies; surplus-deficit determination.**

**Status:** Chapter 1238, Statutes of 1990.

Authorizes the Director of Finance to approve a deficiency of \$25,000 or more without the approval of the Governor. The bill was amended in the Senate to also establish the ground rules for determining whether the General Fund is in a surplus or deficit condition.

**Affected Code Sections:** Sections 11106 and 13307 of the Government Code.

**Committee Action:** Do pass. Ayes: 10 Noes: 1 (4/25/90)

**ACA 13 (Condit) -- Two-year state budget cycle.**

**Status:** Died in Assembly GE & CP Committee without being heard.

Would have required the Governor to submit a state budget only in odd-numbered years, covering the ensuing two fiscal years.

**Affected Code Sections:** Section 12 of Article IV of the California Constitution.

Committee Action: Never heard in committee.

STATE BUILDINGS

AB 3825 (W. Brown) -- State buildings.

Status: Died in Assembly GE & CP Committee without being heard.

Would have required the Director of the Department of General Services to solicit written bids for any lease-purchase or lease with option to purchase which involves office space in a newspaper of general circulation in the city in which the project is located. Currently, the Director is required to solicit bids in a newspaper of general circulation in the county in which the project is located.

Affected Code Section: Section 14669 of the Government Code.

Committee Action: Never heard in committee

SCR 19 (Lockyer) -- State buildings: inscription: women in California history.

Status: Resolution Chapter 101, Statutes of 1989.

Requests that the Director of General Services ensure that the next state building constructed, or designed to be constructed, in Sacramento bear an inscription honoring the role of women in California history.

Affected Code Sections: None.

Committee Action: Be adopted, as amended. Ayes: 10 Noes: 0 (6/7/89)

SCR 78 (Maddy) -- Senator Hugh M. Burns State Building.

Status: Resolution Chapter 48, Statutes of 1990.

Designates a state building in the City of Fresno as the "Hugh M. Burns State Building."

Affected Code Section: None.

Committee Action: Be adopted. Ayes: 10 Noes: 0 (5/10/90)

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CONSUMER PROTECTION LEGISLATION  
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Business & Sales Issues

AUTOMOTIVE REPAIR DEALERS

AB 1120 (Areias) -- Motor vehicle replacement parts.

Status: Chapter 817, Statutes of 1989.

Prohibits an insurer from requiring the use of, or using, any nonoriginal equipment manufacturer aftermarket crash parts unless the consumer is advised in a written estimate of the use of the part. Violations subject an insurer to specified enforcement actions by the Insurance Commissioner.

Affected Code Sections: Chapter 20.1 (commencing with Section 9875) to Division 3 of the Business and Professions Code

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (5/10/89)

AB 3851 (Canella) -- Automotive repair dealers.

Status: Died in Assembly GE & CP Committee without being heard.

Would have required auto repair invoices to include an itemization of time actually spent on the service work and the hourly rate charged. It would have also required the estimate to include the estimated time and hourly rate.

Affected Code Sections: Sections 9884.8 and 9884.9 of the Business and Professions Code.

Committee Action: Never heard in committee.

CONSUMER WARRANTIES

AB 2226 (Epple) -- Consumer warranties.

Status: Chapter 1183, Statutes of 1990.

Provides that service contracts on new or used automobiles, major home appliances, or home electronic equipment would apply only to items, costs, or time periods not covered by the manufacturers' or sellers' warranty.

Affected Code Section: Section 1794.41 of the Civil Code.

Committee Action: Do pass, as amended. Ayes: 11 Noes: 0 (1/10/90)

SB 788 (Rosenthal) -- Motor vehicle warranties: disclosure.

Status: Chapter 862, Statutes of 1989.

Requires any person selling an automobile that has been the subject of mandatory repurchase by the manufacturer (because of significant defects that could not be cured after a reasonable number of attempts) to disclose that fact in writing to the buyer. Requires the DMV to brand the title of vehicles returned under "lemon laws" by identifying them as such on the registration card.

Affected Code Section: Section 1795.8 of the Civil Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (7/19/89)

SB 1779 (Rosenthal) -- Consumer warranties.

Status: Chapter 127, Statutes of 1990.

Extends disclosure requirements to service contracts for all new or used products. Previously, specified disclosure requirements existed only for service contracts for new or used home appliance or home electronic products. Deletes specific references to home appliances or home electronic products, thus extending the disclosure requirement to all service contracts.

Affected Code Section: Section 1794.4 of the Civil Code.

Committee Action: Do pass. Ayes: 8 Noes: 0 (5/23/90)

SB 2086 (Rosenthal) -- Service contracts.

Status: Died in Assembly GE & CP Committee without being heard.

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Would have required notice on service contracts that if there is no bond or insurance, the customer is not protected if the company has

financial difficulties. Also requires other notification, including information relating to the total cost and terms of payment.

**Affected Code Section:** Section 1794.42 of the Civil Code.

**Committee Action:** Never heard in committee.

SB 2568 (Rosenthal) -- Motor vehicle warranties: disclosure.

**Status:** Vetoed by the Governor.

Would have made technical corrections regarding the description of circumstances that trigger designation of a vehicle as a "lemon" for the purposes of disclosure. Existing law requires that the dealer or manufacturer disclose in writing that a car is a "lemon," and requires similar disclosure on the title documents.

**Affected Code Section:** Section 1795.8 of the Civil Code.

**Committee Action:** Do pass. Ayes: 9 Noes: 0. (5/23/90)

#### DANCE STUDIOS

AB 2283 (Mojonnier) -- Contracts: dance studio lessons.

**Status:** Died in conference committee.

Would have prohibited a dance studio from offering dance studio lessons or other services unless a bond in the amount of 20% of the dance studio's gross income during the last fiscal year is maintained, as specified. Would have authorized the Attorney General, city attorney, or county counsel to request in writing proof of compliance with the bonding requirement by a dance studio. Would have made a violation of the above stated provision a misdemeanor, punishable as specified by a fine not exceeding \$5,000, and provide that this punishment supplements but does not supplant other existing penalties and remedies.

**Affected Code Sections:** Sections 1812.50 and 1812.64 of the Civil Code.

**Committee Action:** Do pass, as amended. Ayes: 11 Noes: 0 (5/24/89)

DRY CLEANERS

AB 3155 (Chacon) -- Dry cleaning: price list: posting.

Status: Died in Assembly GE & CP Committee without being heard.

Would have required drycleaning establishments to post a list of prices for drycleaning in a conspicuous place for viewing by customers.

Affected Code Section: Section 19242 of the Business and Professions Code.

Committee Action: Never heard in committee.

FALSE ADVERTISING

AB 801 (Frazee) -- Advertising.

Status: Chapter 520, Statutes of 1989.

Makes misrepresentation of the term "prize" or "gift" in an advertisement subject to a civil action, brought by the recipient of the offer who is damaged by the violation against the person making the offer, for treble damages. Similar civil action would also be allowed in cases where there was a failure to properly disclose information concerning prizes, gifts, money, or other items of value as an inducement to visit locations, attend sales presentations, or contact sales agents. The court would be authorized to award reasonable attorneys' fees to the prevailing party in such an action.

Affected Code Section: Section 17537.2 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 11 Noes: 0 (5/24/89).

AB 1543 (Lempert) -- False or misleading advertising.

Status: Chapter 947, Statutes of 1989.

Makes it illegal for anyone to knowingly make "misleading" advertising claims which purport to be based on fact. Current law limits this restriction only to claims which are shown to be false. ~~The bill also empowers to various law enforcement agencies to take action against advertisers which fail to adequately substantiate~~

their claims.

**Affected Code Section:** Section 17508 of the Business & Professions Code.

**Committee Action:** Do pass, as amended. Ayes: 10 Noes: 0 (5/10/89)

**AB 3994 (Sher) -- Environmental labeling.**

**Status:** Chapter 1413, Statutes of 1990.

Requires persons who advertise a product as environmentally friendly to maintain written documentation of the claim which is available to the public at request. Persons who make the claim and do not provide supporting documentation are guilty of a misdemeanor.

**Affected Code Sections:** Section 17508.5, 17580 and 17581 of the Business and Professions Code.

**Committee Action:** Do pass, as amended. Ayes: 7 Noes: 0 (5/2/90)

**AB 4124 (Chacon) -- Advertising.**

**Status:** Chapter 863, Statutes of 1990.

Makes it unlawful to advertise a price that requires the buyer to send a coupon to the manufacturer for a cash rebate unless the price actually paid is clearly and conspicuously advertised along with the final price with the coupon.

**Affected Code Section:** Section 17701.5 of the Business and Professions Code.

**Committee Action:** Do pass, as amended. Ayes: 10 Noes: 0 (4/25/90)

#### FICTITIOUS BUSINESS NAMES

**AB 91 (Wyman) -- Fictitious business name statements: expiration date.**

**Status:** Chapter 94, Statutes of 1989.

Revises the expiration date on the form of the fictitious business name statement to conform with the expiration date currently in the Business and Professions Code as established in 1988.

Affected Code Section: Section 17913 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (3/8/89)

HOTELS

SB 2082 (Roberti) -- Hotels: guaranteed reservations.

Status: Vetoed by the Governor.

Would have required a hotel to provide alternate transportation and accommodations to a patron when it fails to provide a guaranteed reservation, or be liable for actual damages. The hotel would only be required to provide the alternate accommodations for that portion of the reservation which it was unable to honor and would have been exempt from these provisions if it can prove that the guest could not be accommodated for circumstances beyond the control of the hotel.

Affected Code Section: Section 1860.5 of the Civil Code.

Committee Action: Do pass, as amended. Ayes: 7 Noes: 0 (8/14/90)

MEMBERSHIP CAMPGROUNDS

AB 2442 (Wright) -- Contracts: membership camping contracts.

Status: Died in Senate Judiciary Committee.

Would have enacted the Membership Campground Act which would have required the Commissioner of Corporations to regulate campground membership transactions. This bill would have required campground memberships to be sold only by corporations and would have provided penalties for violation of the Act.

Affected Code Sections: Section 1812.300 of the Civil Code and Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code.

Committee Action: Do pass, as amended. Ayes: 8 Noes: 1 (5/10/90)

SB 2203 (Craven) -- Inducement advertising and membership campground contracts.

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Status: Chapter 1529, Statutes of 1990.

Expands advertising disclosure requirements in existing law relative to inducement advertising. Provides for conspicuous disclosure of odds, values of prizes and specified that no person may be required to purchase any product or service in order to obtain a prize, except in specified circumstances. This bill also strengthens existing law relative to membership camping contracts, specifically requires the owner of a membership campground to meet specified financial criterion to ensure that the campground will be available for use by its members through the duration of the contract.

**Affected Code Sections:** Sections 17537.1 and 17537.2 of the Business & Professions Code & Sections 1812.300, 1812.301, 1812.302, 1812.303, 1812.304, 1812.307, 1812.308, and 1812.309 of the Civil Code.

**Committee Action:** Do pass, as amended. Ayes: 10 Noes: 0 (7/5/90)

#### PRENEED FUNERAL TRUSTS

**AB 2271 (Farr) -- Preneed funeral trusts: irrevocable trust arrangements.**

**Status:** Died on Assembly Inactive File.

Would have permitted any person to enter into an "irrevocable" preneed funeral trust arrangement, regardless of their financial circumstance. Current law restricts irrevocable trusts to those involving recipients of public assistance who do not want trust proceeds counted as part of their income profile.

**Affected Code Section:** Section 7737 of the Business and Professions Code.

**Committee Action:** Do pass, as amended. Ayes: 6 Noes: 4 (5/24/90)

#### PUPPY MILLS

**AB 786 (Polanco) -- Dogs: retail sale.**

**Status:** Died in Senate Judiciary Committee.

Would have established new standards for the retail sale of dogs by pet dealers, including the sale of dogs by breeders who sell directly to the public. The new standards would have increased the health and sanitary requirements surrounding the retail sale of dogs and would have provided consumer recourse in cases where a dog is found to be

ill or dies within a specified period of time from date of purchase. The bill would have also increased the amount of information which must be made available to consumers on the background and health history of dogs for sale.

**Affected Code Sections:** Sections 25995, 25995.1, 25995.3, 25995.4, Chapter 14.5 (commencing with Section 25995) and Chapter 14.7 (commencing with Section 25996) of Division 20 of the Health and Safety Code.

**Committee Action:** Do pass, as amended. Ayes: 6 Noes: 3 (5/24/89)

**AB 2001 (Farr) -- Dog sales: Consumer Pet Protection Act.**

**Status:** Died on the Assembly Floor.

Would have enacted the Consumer Pet Protection Act aimed at regulating the receipt, care, sale, and medical treatment of dogs sold by pet dealers. Specifically, the bill would have prohibited the sale of dogs less than 12 weeks old, provided consumer remedies in cases where a dog became ill or died after sale, required pet dealers to disclose specified background information on dogs for sale, and required periodic examinations of dogs for sale by a licensed veterinarian.

**Affected Code Sections:** Chapter 24 (commencing with Section 22800) of Division 8 of the Business and Professions Code.

**Committee Action:** Do pass, as amended. Ayes: 7 Noes: 3 (5/24/89)

**AB 4300 (Farr) -- Dog sales: disclosure on pet's background and restrictions on the sale of sick dogs.**

**Status:** Chapter 1153, Statutes of 1990.

Requires retail pet dealers to provide consumers with background information on dogs being sold, including a statement verifying the fitness of the dog for sale or a record of any illness or disease the dog is afflicted at the time of sale, accompanied by a statement from a licensed vet authorizing the sale of the dog. Except under these prescribed conditions, a retail dealer may not knowingly sell a sick or diseased dog and faces civil penalties for doing so. Provisions of AB 4357 (Farr), regarding the disclosure of information on all dogs for sale, were amended into this bill in the Senate.

**Affected Code Sections:** Sections 25995.3, 25995.8, 25996.90, and 25996.91 of the Health and Safety Code.



Committee Action: Do pass, as amended. Ayes: 8 Noes: 0 (5/9/90)

AB 4357 (Farr) -- Dog sales: disclosure of information on dogs for sale.

Status: Died in Senate Judiciary Committee.

Would have required pet dealers to post on cages of dogs for sale the state where the dog was bred and brokered. In addition, dealers would have been required to post within close proximity to cages, a notice indicating that health-related information on all dogs for sale was available, upon request. Information available would include the breeder's and broker's name and address, the dog's date of birth, and a record of vaccinations and any known diseases or illnesses. Provisions of this bill were incorporated into AB 4300 (Farr, Ch. 1153, 1990) in the Senate.

Affected Code Sections: Sections 25996.90 and 25996.91 of the Health and Safety Code.

Committee Action: Do pass, as amended. Ayes: 8 Noes: 0 (5/9/90)

SB 2224 (Watson) -- Dog sales: Consumer Pet Protection Act.

Status: Died in Assembly GE & CP Committee without being heard.

Would have enacted the Consumer Pet Protection Act which, among other things, would have made it illegal for a pet dealer to have possession of any dog less than eight weeks old. The bill also proposed numerous consumer rights with regard to (1) refund or exchange of sick dogs and (2) disclosure on the health status and background of dogs for sale by pet dealers, and would have required pet dealers to adopt a number of health and safety procedures in the care and handling of dogs for sale.

Affected Code Sections: Chapter 24 (commencing with Section 22800) of Division 8 of the Business and Professions Code.

Committee Action: Never heard in committee.

#### REFUND POLICY

AB 3047 (Bentley) -- Retail sales: refund policies.

Status: Chapter 422, Statutes of 1990.

Requires retail sellers that maintain a policy of not granting full refunds or exchanges to post their refund policy in designated areas of their retail establishment or on their merchandise. Failure to post a refund policy makes the retail seller liable to the consumer for the cost of the item if the consumer attempts to return the item within 30 days of purchase. (Virtually identical to SB 2087 [Rosenthal], which died on the Senate Inactive File)

**Affected Code Sections:** Section 1723 of the Civil Code.

**Committee Action:** Do pass, as amended. Ayes: 11 Noes: 0 (4/25/90)

**SB 2087 (Rosenthal) -- Retail sales: refund policies.**

**Status:** Died on Senate Inactive File.

Would have required retail sellers that maintain a policy of not granting full refunds or exchanges to post their refund policy in designated areas of their retail establishment or on their merchandise. Failure to post a refund policy would have made the retail seller liable for the cost of the item if the consumer attempted to return the item within 30 days of purchase. (Virtually identical to AB 3047 [Bentley, Chapter 422/90].)

**Affected Code Section:** Section 1723 of the Civil Code.

**Committee Action:** Do pass. Ayes: 11 Noes: 0 (6/27/90)

#### SALES PRACTICES

**AB 275 (Cortese) -- Telephone solicitations.**

**Status:** Vetoed by the Governor.

Would have enacted provisions related to consumer rights and telephone solicitors and solicitations including an inquiry as to whether the consumer is interested in listening to a sales presentation, the compilation of a statewide data base of telephone numbers of consumers who do not wish to receive telephone solicitations, the creation of new civil fines against telephone solicitors who violate provisions of the bill and a requirement for telephonic sellers to post a \$50,000 bond with Department of Justice.

**Affected Code Sections:** Sections 17500.3, 17500.,4 and 17511.12 of the Business and Professions Code and Sections 2877 and 2878 of the Public Utilities Code.

Committee Action: Do pass, as amended. Ayes: 7 Noes: 4 (5/8/90)

AB 724 (Frazee) -- Sales by telephone.

Status: Chapter 550, Statutes of 1989.

Expands the definition of "telephonic seller." Includes in this definition any person who offers an item or service at a price which the seller states is below the regular price of the item or service and any person who solicits in response to an unrequested notification sent by the seller who has not had a previous business relationship with the customer.

Affected Code Section: Section 17511.1 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 10 Noes: 0 (5/10/89)

AB 2375 (D. Brown) -- Rental-purchase transactions.

Status: Died in Assembly GE & CP Committee without being heard.

Would have provided for the regulation of rental-purchase (i.e. rent-to-own) transactions involving the rental of personal property when the initial term of lease is four months or less and that lease may be renewed or extended.

Affected Code Sections: Title 2.10 (commencing with Section 812.500) of Part 4 of Division 3 of the Civil Code.

Committee Action: Never heard in committee.

AB 2658 (Cortese) -- Telephone solicitations.

Status: Chapter 336, Statutes of 1990.

Requires the operators of a telephone solicitation business to maintain a bond of \$500,000 for the benefit of any person suffering injury or loss because of a violation of specified laws. Additionally, the bill requires the telephone seller to notify the Attorney General in writing at least ten days before the beginning of any promotion offering merchandise or services with a value of \$500 or more.

Affected Code Section: Section 17511.12 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 7 Noes: 0. (3/7/90)

AB 2691 (Bane) -- Computers: product support.

Status: Died in Assembly GE & CP Committee without being heard.

Would have required, with certain exceptions, all new computer hardware or software sold in the state to be accompanied by a written statement from the manufacturer containing information about the manufacturer's support policies, including optional service programs and transfer policies. The statement for software would have included information concerning upgrades. Any manufacturer who fails to include such disclosure would be obligated to provide free support, or in the case of software, free upgrades, for a period of 10 years.

Affected Code Sections: Chapter 2.5 (commencing with Section 1796.7) of Title 1.7 of Part 4 of Division 3 of the Civil Code.

Committee Action: Never heard in committee.

AB 3075 (Areias) -- Entertainment: ticket sales.

Status: Died in Senate Business and Professions Committee.

Would have required a ticket promoter or seller to include in a quote of the ticket price all fees charged by the seller and the entire amount required to purchase the ticket; in advertising in printed form a disclaimer, "subject to a service charge"; and in advertising on a broadcast medium at other than the event itself the phrase, "the purchase of tickets from specified ticket distributors are subject to additional fees in order to purchase the ticket."

Affected Code Section: Section 22512 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 8 Noes: 0 (5/9/90)

AB 3116 (Moore) -- Public property: sales.

Status: Chapter 683, Statutes of 1990.

Requires any private person who claims to provide information or services regarding the sale or purchase of any type of public property, to indicate that the person or company is not a government official or agency.

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Affected Code Sections: Sections 11011.20 and 53086 of the

Government Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (4/4/90)

SB 1348 (Dills) -- Seminar sales solicitation contracts: 3-day right to cancel.

Status: Chapter 724, Statutes of 1989.

Creates a three-day right to rescind for seminar sales solicitation contracts, and requires written disclosure of that right to the buyer. Models the right of rescission on current law regarding in-home sales solicitation, specifically requiring that the cancellation be in writing, that the buyer return any delivered goods to the seller, and the seller to return the buyer's payment upon cancellation.

Affected Code Sections: Sections 1689.20, 1689.21, 1689.22, 1689.23, and 1689.24 of the Civil Code.

Committee Action: Do pass, as amended. Ayes: 8 Noes: 2. (7/12/89)

SB 1698 (Doolittle) -- Passenger vehicle rentals.

Status: Died on Senate Floor awaiting concurrence on Assembly amendments.

Would have authorized rental companies to advertise, quote and charge as a separate item a required fuel fee and an optional airport access fee. The advertisement or quotation would also include the total rental rate comprising all charges.

Affected Code Section: Section 1936 of the Civil Code.

Committee Action: Do pass, as amended. Ayes: 6 Noes: 4 (6/27/90)

#### SERVICE STATIONS

AB 3265 (Roybal-Allard) -- Gasoline dispensing apparatus: notices.

Status: Chapter 555, Statutes of 1990.

Requires every service station in the state to display a list of all applicable federal and state fuel taxes in a conspicuous place at or near the dispensing apparatus.

Affected Code Section: Section 13651 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 10 Noes: 1 (4/25/90)

TIMELY SERVICE & DELIVERY

SB 101 (Lockyer) -- Sales and service: contractual agreements on delivery of goods or performance of services.

Status: Chapter 1075, Statutes of 1989.

Authorizes consumers to bring action in small claims courts for lost wages, actual expenses or damages not exceeding \$500 due to the failure of a retailer, cable company, or utility to provide service or delivery within an agreed-upon four-hour window. The bill provides exceptions for unforeseen or unavoidable circumstances beyond the control of the retailer, cable company or utility.

Affected Code Section: Section 1722 of the Civil Code.

Committee Action: Do pass, as amended. Ayes: 6 Noes: 4 (6/7/89)

SB 1968 (Lockyer) -- Contracts: sales and service: customer rights.

Status: Chapter 193, Statutes of 1990

Prohibits consumers from waiving their right to a four-hour delivery/service guarantee which requires utility providers, cable television providers and retail delivery services to specify a four-hour period during which the service or delivery will commence.

Affected Code Section: Section 1722 of the Civil Code.

Committee Action: Do pass. Ayes: 6 Noes: 3 (5/24/90)

TIRE CHAINS

AB 3190 (Tanner) -- Tire chains: disclosure to new car buyers about compatibility.

Status: Died on Assembly Floor awaiting concurrence in Senate amendments.

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Would have required manufacturers and dealers of new vehicles to

disclose whether their vehicles for sale in California can be operated with tire chains.

Affected Code Sections: Sections 9953 and 11713.6 of the Vehicle Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (4/25/90)

#### TRAVEL PROMOTERS

AB 567 (Areias) -- Travel promoters.

Status: Chapter 599, Statutes of 1989.

Requires travel promoters to file a bond with the Office of the Attorney General instead of the Secretary of State prior to the advertisement of air or sea transportation by the travel promoter and exempts certain travel promoters from the registration requirements.

Affected Code Sections: Sections 17540.10 and 17540.15 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 8 Noes: 0 (3/29/89)

ACR 151 (Chacon) -- Travel promoters.

Status: Died in Assembly GE & CP Committee without being heard.

Would have requested the Department of Consumer Affairs to establish a Travel Advisory Committee to analyze the travel industry and recommend legislation relative to travel by November 1, 1991.

Affected Code Sections: None.

Committee Action: Never heard in committee

#### VEHICLE DEALERS & SALESPERSONS

AB 552 (Moore) -- Motor vehicles: sales contracts.

Status: Died in Assembly GE & CP Committee.

Would have established a buyer's right to cancel an automobile sale transaction within three days of signing the contract.

Affected Code Sections: Sections 1693.1 through 1693.5 and 1694 through 1694.3 of the Civil Code.

Committee Action: No vote taken.

AB 718 (Frazee) -- Motor vehicles: leasing.

Status: Died on Senate Floor.

Would have provided for disclosure to consumers regarding early termination penalties in contracts for automobile leasing.

Affected Code Sections: Sections 2985.8 and 2986.1 of the Civil Code.

Committee Action: Do pass, as amended. Ayes: 8 Noes: 0 (5/24/89)

AB 2445 (Tucker) -- Vehicle dealers & salespersons: disciplinary action.

Status: Chapter 90, Statutes of 1990.

Authorizes the Department of Motor Vehicles to assess a monetary penalty of up to \$2500 and a license suspension of up to 30 days on vehicle dealers, salespersons, or wholesalers who offer a vehicle for sale at a location other than the authorized place of business. The bill was substantially amended in the Senate to increase professional license fees for all persons licensed to engage in vehicle transactions in California (i.e. dealers, salespersons, manufacturers, etc.).

Affected Code Sections: Sections 9262, 9262.5, 11707, 11728, 11808.5, and 11820 of the Vehicle Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 2 (1/10/90)

AB 2604 (Moore) -- Motor vehicles: contract cancellation.

Status: Died in Senate Judiciary Committee.

Would have created a one-day right of rescission for the purchase or lease of a new or used motor vehicle intended for the personal use. Provided that the seller may not deliver the motor vehicle to the buyer until the one-day period has passed, unless the buyer signs a document expressing his/her wish to take immediate delivery and waive the right of rescission. Proposed a format for written disclosure of ~~the right to rescind within the contract, and allowed for~~ cancellation of the contract irrespective of whether the buyer has



taken delivery of the vehicle if the seller has not complied with the disclosure requirement. Allowed the dealer to retain a fee of up to \$100 in the event a contract is canceled by the buyer.

**Affected Code Sections:** Sections 1693.1, 1693.2, 1693.3, 1693.4, 1693.5, 2982.02, and 2985.82 of the Civil Code, and Sections 11613 and 11705 of the Vehicle Code.

**Committee Action:** Do pass, as amended. Ayes: 6 Noes: 2. (5/23/90)

**AB 3231 (Sher) -- Vehicles: sales advertising.**

**Status:** Died in Senate Transportation Committee.

Would have prohibited a licensed motor vehicle dealer from advertising a vehicle at an amount above, below, or at the invoice price unless the advertisement states whether the invoice price is the dealer's actual cost or the dealer's actual cost is lower, and unless a copy of the invoice and other information is displayed on the vehicle.

**Affected Code Section:** Section 11713.1 of the Vehicle Code.

**Committee Action:** Do pass. Ayes: 9 Noes: 0 (4/26/90)

#### WEIGHT LOSS & DATING SERVICES

**AB 320 (Speier) -- Contracts: weight loss and dating services.**

**Status:** Chapter 138, Statutes of 1989.

Provides a three-day right of cancellation for buyers of weight loss or dating service contracts.

**Affected Code Sections:** Chapter 2.1 (commencing with Section 1694) and Chapter 2.2 (commencing with Section 1694.5) of Title 5 of Part 2 of Division 3 of the Civil Code.

**Committee Action:** Do pass, as amended. Ayes: 11 Noes: 0 (2/22/90)

#### WEIGHTS & MEASURES

**AB 1128 (Kelley) -- Weights and measures: weighmasters.**

**Status:** Chapter 818, Statutes of 1989.

Alters the penalty for persons failing to properly register as weighmasters from a 100% penalty for all violations to a 30% penalty for the first 30 days and a 100 % penalty thereafter. Also deems it a misdemeanor to issue a weighmaster certificate that has been altered or that omits gross or tare weight.

Affected Code Sections: Sections 12026, 12707, 12710, 12710.5, 12715.5, 12718, 12729, and 12733 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (5/3/89)

AB 1673 (Kelley) -- Weights and measures: sale of incorrect weighing or measuring devices.

Status: Chapter 742, Statutes of 1989.

Deems it a misdemeanor to sell, lease, loan, or knowingly install an incorrect weighing or measuring device for commercial purposes or to fail to notify a county sealer, within 24 hours, of renting, leasing, or loaning a weighing or measuring device.

Affected Code Sections: Sections 12510 and 12515 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (5/3/89)

AB 2070 (Bentley) -- Weights and measures: petroleum products.

Status: Chapter 1047, Statutes of 1989.

Makes numerous technical changes to the regulation of petroleum products sold in California, including clarification of labeling requirements for various petroleum products.

Affected Code Sections: Sections 12005, 13403, 13440, 13442, 13460, 13461, 13462, 13480, 13482, 13489, and 13490 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (5/3/89)

AB 2741 (Kelley) -- Weights and measures: removing fee exemption for agricultural weighing and measuring devices.

Status: ~~Died in Assembly GE & CP without being heard.~~

Would have removed the registration fee exemption for livestock scales, animal scales, farm milk tanks, and scales used for weighing feed and seed. The registration fee is assessed to cover the cost of inspecting and testing weighing and measuring instruments.

Affected Code Section: Section 12240 of the Business and Professions Code.

Committee Action: Never heard in committee.

AB 2760 (Waters) -- Weights and measures: violation of tare weight limits.

Status: Chapter 529, Statutes of 1990.

Reduces the penalty, from a misdemeanor to an infraction, for persons who violate tare weight limits as part of transporting bulk tomatoes and creates a new fine schedule which escalates in accordance with the severity of the overweight violation.

Affected Code Sections: Sections 12729 and 12729.5 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (4/4/90)

AB 2765 (Kelley) -- Weights and measures: civil penalties for violations.

Status: Died in Senate Business & Professions Committee.

Would have authorized state and county sealers to impose a civil penalty of up to \$500 for violations as part of administrative procedures established by the Department of Food & Agriculture. Proceeds would have been split between the general fund of the county where the violation took place and a statewide training program for local officials on enforcing weights & measures.

Affected Code Sections: Sections Article 2 (commencing with Section 12041) of Chapter 1 of Division 5 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (3/21/90)

AB 2792 (Kelley) -- Weights and measures: commercial purposes.

Status: Chapter 338, Statutes of 1990.

Clarifies that weights and measures regulatory provisions apply to scales used in over-the-counter transactions involving the transmission of letters or parcels. Also specifies that measuring devices, such as taximeters, are subject to inspection and regulation.

Affected Code Sections: Sections 12500, 12503, 12505, 12506, 12510, 12510.5, and 12510.6 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (3/21/90)

AB 3776 (Chandler for Assembly GE & CP Committee) -- Weights and measures: exempting log scalers from weighmaster regulations.

Status: Chapter 936, Statutes of 1990.

Exempts persons who perform log scaling functions, except weighing, from having to comply with weighmaster regulations.

Affected Code Section: Section 12701 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (4/18/90)

SB 562 (Montoya) -- Weights and measures: Department of Food & Agriculture.

Status: Chapter 246, Statutes of 1989.

Makes technical and nonsubstantive changes to the provisions granting the Department of Food & Agricultural the authority to regulate weights and measures.

Affected Code Sections: Sections 12002, 12003, and 12100 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 11 Noes: 0 (7/12/89)

SB 1464 (Rosenthal) -- Weights and measures: seizure of unapproved devices.

Status: Chapter 77, Statutes of 1990.

Authorizes county sealers to seize any weights and measures instrument which has remained "unapproved" for more than 30 days. The bill establishes procedures for the owners of such instruments to retrieve their property and allows the sealer to dispose of the

instrument if no disposition order is issued by a court of competent jurisdiction within four years of seizure.

**Affected Code Section:** Section 12500.10 of the Business and Professions Code.

**Committee Action:** Do pass. Ayes: 9 Noes: 0 (2/21/90)

### Licensing Issues

#### ACCOUNTANCY

**AB 226 (Cortese) -- Accountancy.**

**Status:** Chapter 200, Statutes of 1989.

Increases the maximum amount of license and related fees to be charged by the Board of Accountancy and authorizes the board to fix the fees within those limits; on and after July 1, 1990, requires any increase in any fee fixed by the board to be fixed by regulation.

**Affected Code Section:** Section 5134 of the Business and Professions Code.

**Committee Action:** Do pass. Ayes: 9 Noes: 1. (2/22/89)

**AB 1336 (Eastin) -- Accountants: continuing education.**

**Status:** Died in Senate Business and Professions Committee.

Would have increased the number of hours of continuing education required of licensees of the State Board of Accountancy.

**Affected Code Section:** Section 5026 of the Business and Professions Code.

**Committee Action:** Do pass. Ayes: 11 Noes: 0 (5/24/89)

**AB 1730 (Chandler) -- Accountancy.**

**Status:** Chapter 489, Statutes of 1989.

Defines the term "client", as specified, for purposes of the Accountancy Act and includes in the definition of the practice of public accountancy a person who (1) keeps books, makes trial

balances, or prepares statements, makes audits, or prepares reports as a part of bookkeeping operations for clients; (2) prepares or signs as the tax preparer, tax returns for clients; (3) prepares or provides personal financial or investment plans or services, as specified; or (4) provides management consultant services to clients. The bill provides that these added activities are "public accountancy" only when performed by a certified public accountant or public accountant and that if the above are the only services prepared by a person, he or she is not engaged in public accountancy if he or she does not hold himself or herself out as a licensee.

**Affected Code Sections:** Sections 5035.2 and 5051 of the Business and Professions Code.

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 0 (5/10/89)

**AB 2003 (Chacon) -- Accountancy.**

**Status:** Chapter 334, Statutes of 1989.

Deletes a duplicative, obsolete provision in the accountancy law that governs use of the terms "P.A." and "public accountant."

**Affected Code Sections:** Sections 5056 and 5057 of the Business and Professions Code.

**Committee Action:** Do pass. Ayes: 10 Noes: 0 (6/7/89)

**AB 3824 (Bentley) -- Accountants: unprofessional conduct.**

**Status:** Chapter 301, Statutes of 1990.

Delineates the acts of misconduct which may subject an accountant to disciplinary action by the Board of Accountancy and clarifies that inadvertent preparation of inaccurate financial reports is not fiscal dishonesty or breach of fiduciary responsibility.

**Affected Code Section:** Section 5100 of the Business and Professions Code.

**Committee Action:** Do pass. Ayes: 11 Noes: 0 (4/25/90)

#### ARCHITECTS & INTERIOR DESIGNERS

~~AB 1005 (Frazee) -- Architecture.~~

**Status:** Chapter 94, Statutes of 1989.

Requires an architect to affix a stamp bearing, among other things, the architect's name, license number, the term "licensed architect," and the renewal date of the license, on plans and documents in lieu of noting the license number. Also, makes it unlawful for any unlicensed person to use the stamp of a licensed architect or a stamp or seal which bears the legend "State of California" or words or symbols that indicate that he or she is licensed by the state on plans or documents for buildings or structures that are submitted to a governmental entity for approval or for the issuance of a permit.

**Affected Code Sections:** Sections 5536, 5536.1, 5536.2, 5536.25, and 5537 of the Business and Professions Code.

**Committee Action:** Do pass. Ayes: 10 Noes: 0 (4/12/89)

**AB 1158 (Bradley) -- Architecture: reciprocal licensure.**

**Status:** Chapter 175, Statutes of 1989.

Deletes obsolete provisions governing licensure of architects by reciprocal arrangement between California and those other states which recognized California's then-current licensing examination. These provisions became obsolete when California returned to a nationally recognized licensure examination. This bill provides that an individual licensed in jurisdictions other than this state may be granted reciprocal licensure by the board upon satisfaction of the board's requirements for licensure.

**Affected Code Section:** Section 5551.1 of the Business and Professions Code.

**Committee Action:** Do pass. Ayes: 8 Noes: 0 (3/29/89)

**SB 153 (Craven) -- Interior designers.**

**Status:** Chapter 396, Statutes of 1990.

Defines the scope of building interior design activities that can be performed by nonlicensed persons and establishes a private sector credentialing mechanism for certified interior designers.

**Affected Code Sections:** Section 5538 and Chapter 3 (commencing with Section 5800) of Division 3 of the Business and Professions Code.

**Committee Action:** Do pass, as amended. Ayes: 10 Noes: 0. (4/18/90)

ASBESTOS ABATEMENT CONSULTANTS

SB 732 (Beverly) -- Asbestos abatement consultants.

Status: Chapter 1255, Statutes of 1990.

Creates a certification program for asbestos abatement consultants and site surveillance technicians within the Division of Occupational Safety and Health (DOSH) in the Department of Industrial Relations.

Affected Code Sections: Article 11 (commencing with Section 7180) of Chapter 9 of Division 3 of the Business and Professions Code, and Sections 9021.5, 9021.6, 9021.7, and 9021.8 of the Labor Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 2 (6/27/90)

BARBERS

AB 1108 (Epple) -- Barbers: regulatory board fees.

Status: Chapter 1673, Statutes of 1990.

Deletes the limits in the increase for any one category of fees imposed by the Board of Barber Examiners until January 1, 1994, and increases the maximum fees for licenses issued by the board, to be operative on January 1, 1992. The bill also (1) provides for the forfeiture of an examination fee where the applicant fails to appear for the examination without good cause rather than payment of a penalty fee as is provided by existing law; (2) specifies that certificates to operate a barbershop, barber college, or facility at which barbering is taught expire at 12 midnight on September 30 of each year, and that all other certificates relating to the practice of barbering shall expire biennially and on and after October 1, 1991, shall be renewed cyclically; and (3) requires the board to report to certain legislative committees on fee increases.

Affected Code Sections: Sections 6529, 6548, 6560, 6625, 6630, 6632, 6633, 6634, 6635, 6635.2 and 6536 of the Business & Professions Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (5/10/89)

AB 3008 (Eastin and Frazee) -- Barbering and cosmetology.

Status: Chapter 1672, Statutes of 1990.



Repeals provisions of law regulating and licensing barbers by the Board of Barber Examiners and regulating cosmetologists by the Board of Cosmetology and creates the Board of Barbering and Cosmetology, as specified. Revises, recasts, and consolidates the two acts presently governing the practice of barbering and cosmetology, would provide for the licensing and regulation of persons engaged in the practice of barbering, cosmetology, and electrolysis.

Affected Code Sections: Chapter 6 (commencing with Section 6500) and Chapter 10 (commencing with Section 7300) of Division 3 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (4/25/90)

#### CEMETERIES

SB 698 (Petris) -- Cemeteries.

Status: Chapter 225, Statutes of 1989.

Advances the deadline for cemetery authorities in charge of endowment funds to file an annual report with the Cemetery Board to on or before June 1, or within 5 months after the close of the board's fiscal year. Authorizes the board to grant an additional 30 days upon request, and authorizes the board to assess a fine of up to \$200 a month for a maximum of 5 months when any cemetery authority does not report on time.

Affected Code Sections: Sections 9650 and 9650.4 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 10 Noes: 0. (6/7/89)

#### COLLECTION AGENCIES

SB 2101 (Deddeh) -- Collection agencies.

Status: Chapter 503, Statutes of 1990.

Authorizes the Attorney General, district attorneys, city attorneys, and city prosecutors to take legal action against unlicensed collection agencies. Previous law had allowed for such action, but required that fine go to the California Agency Fund at the state level. Distributes the fines depending on who brought the action.

Affected Code Section: Section 6872 of the Business and Professions

Code.

Committee Action: Do pass. Ayes: 11 Noes: 0. (6/27/90)

CONTRACTORS: DISPUTE RESOLUTION & SECURITY

AB 841 (Frazee) -- Contractors: compensation.

Status: Chapter 368, Statutes of 1989.

Specifies that (1) proof of licensure shall be required to bring or maintain any action, or recover in law or equity in any action, regardless of the merits of the cause of action brought by the person seeking compensation; (2) a security interest taken to secure any payment for the performance of any act or contract for which a contractor's license is required is unenforceable if the person performing the act or contract was not a duly licensed contractor at all times during the performance of the act or contract; (3) production by the person seeking compensation of a specified document shall satisfy the proof of licensure requirement; and (4) judicial doctrine of substantial compliance shall not apply to the provision.

Affected Code Section: Section 7031 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 8 Noes: 1 (4/12/89)

AB 959 (Eastin) -- Contractors: prompt pay for subcontractors.

Status: Vetoed by the Governor.

Would have required that prime contractors pay subcontractors not later than 10 days after receipt of each progress payment by the prime contractor. The bill would have allowed the prime contractor to retain a specified amount in the case of a dispute and would have subjected the prime contractor to a penalty of 1 1/2% of the amount due per month for every month that the payment was not made, plus attorney fees.

Affected Code Section: Section 7108.5 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 11 Noes: 0 (5/24/89)

~~AB 967 (Bentley) -- Contractors: administrative arbitration.~~

Status: Chapter 1132, Statutes of 1989.

Establishes a pilot program that requires the Contractors State License Board (CSLB) to refer all consumer complaints involving material damages of \$2,500 or less to administrative arbitration. The bill also requires the CSLB to pay the expenses of one expert witness if one is requested by either the licensee or complainant.

Affected Code Sections: Sections 7011.7, 7085, 7085.3, and 7085.5 of the Business and Professions Code and Section 10 of Chapter 1311 of the Statutes of 1987.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (5/3/89)

AB 1677 (Friedman) -- Contractors: bonds.

Status: Died in Senate Business and Professions Committee.

Would have increased the bond which a contractor or applicant applying for a contractor's license had to file to \$7,500 for all contractors and increased the monetary liability limit for wages and fringe benefits to \$4,500.

Affected Code Sections: Sections 7071.6 and 7071.11 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 6 Noes: 4 (5/10/89)

AB 2620 (Eastin) -- Contractors: prompt pay for subcontractors.

Status: Chapter 178, Statutes of 1990.

Requires payment to a subcontractor not later than 10 days after receipt of each progress payment by the prime contractor unless otherwise agreed to in writing. The bill authorizes the prime contractor to withhold specified amount in the case of a dispute and subjects the prime contractor to a penalty of 2% of the amount due for every month that the payment is not made plus attorney fees.

Affected Code Section: Section 7108.5 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (2/21/90)

AB 4165 (Eastin) -- Contractor disputes with local public agencies.

Status: Chapter 1414, Statutes of 1990.

Proscribes a process whereby construction contract disputes between a contractor and a local agency are subject to mandatory settlement conferences, mandatory mediation, and mandatory arbitration.

**Affected Code Sections:** Sections 20207.7, 20104, and Article 1.5 (commencing with Section 20104) of the Public Contract Code

**Committee Action:** Do pass. Ayes: 10 Noes: 0 (4/18/90)

**SB 274 (Presley) -- Private works of improvement: retention of funds.**

**Status:** Vetoed by the Governor.

Would have provided that any retention withheld from progress payments by the owner from the original contractor, or by the prime contractor from the subcontractor, be limited to a maximum of 5% of the payment or total contract price, as specified.

**Affected Code Section:** Section 3260 of the Civil Code.

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 0 (8/23/89)

**SB 1565 (Dills) -- Contractor's bonds: swimming pool contractors.**

**Status:** Vetoed by the Governor.

Would have deleted the \$10,000 bond requirement for swimming pool contractors. Under the bill, swimming pool contractors would only be required to post a \$5,000 bond.

**Affected Code Section:** Section 7071.6 of the Business and Professions Code.

**Committee Action:** Do pass. Ayes: 9 Noes: 0 (7/12/89)

**SB 2515 (Presley) -- Private works of improvement: retention of funds.**

**Status:** Chapter 1536, Statutes of 1990.

Establishes time frames for the payment of retention funds withheld by the owner from the original contractor and by the prime contractor from the subcontractor, as specified. The provisions of the bill apply to contracts which are entered into on or after July 1, 1991 and the provisions of the bill sunset on January 1, 1996.

Affected Code Section: Section 3260 of the Civil Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (8/8/90)

CONTRACTORS: HOME SOLICITATION CONTRACTS

SB 1634 (Dills) -- Contractors: home improvement contracts.

Status: Vetoed by the Governor.

Would have increased the threshold which requires a home improvement contract in writing and allows a three-day right of rescission from \$500 to \$1,000.

Affected Code Section: Section 7159 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 8 Noes: 1 (7/12/89)

CONTRACTORS: LICENSURE: ENFORCEMENT & EXEMPTIONS

AB 636 (Eastin) -- Contractors: acting without a license.

Status: Chapter 366, Statutes of 1989.

Increases the fine for a person who has been previously convicted of operating as an unlicensed contractor to the greater of 20% of the contract price or \$4,500 and provides that the fine be paid to the prosecuting agency.

Affected Code Sections: Sections 7028, 7028.2, and 7099.85 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 9 Noes: 1 (5/12/89)

AB 762 (Mountjoy) -- Contractors.

Status: Chapter 1177, Statutes of 1989.

Revises provisions of State Contractors Law which requires an applicant to cslb to file a bond in cases where the applicant has failed to satisfy a judgement or arbitration award. Among other things, the bill (1) includes the failure to pay a materials supplier in the list of persons to whom a bond or security requirement, applies; (2) limits the applicability of requiring a bond to the

reinstatement, reactivation or issuance of a license; (3) deletes the \$50,000 bond or security maximum; (4) allows the applicant 90 days after notification from the board to file the bond; (5) provides that the bond may be reduced in the event of partial satisfaction of a judgment; (6) provides that failure to maintain the bond shall result in the automatic suspension of the license; and (7) provides that failure to notify the board within 90 days of any unsatisfied judgment shall result in the automatic license suspension.

**Affected Code Section:** Section 7071.6 of the Business and Professions Code.

**Committee Action:** Do pass, as amended. Ayes: 10 Noes: 0 (4/12/89)

**AB 2279 (Eastin) -- Contractors:** unlicensed contractors.

**Status:** Chapter 1363, Statutes of 1989.

Created within the Contractors' State License Board a separate enforcement unit, with specified powers, to enforce provisions prohibiting all forms of unlicensed activities. The unit was set up as a demonstration project in southern California.

**Affected Code Section:** Section 7011.4 of the Business and Professions Code

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 1 (4/12/89)

**AB 2280 (Eastin) -- Contractors:** definition of "owner-operator."

**Status:** Died in Assembly GE & CP Committee without being heard.

Would have specified that the term 'contractor' includes any person who is the owner-operator of heavy construction equipment unless exempted.

**Affected Code Section:** Section 7027.2 of the Business and Professions Code.

**Committee Action:** Never heard in committee.

**AB 2282 (Eastin) -- Contractors:** joint enforcement study and mandatory worker's compensation.

**Status:** Chapter 1386, Statutes of 1990.

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Requires the Contractor's State License Board to contract for a

feasibility study for the development of a joint contractor enforcement program with the Department of Industrial Relations, Employment Development Department and the Franchise Tax Board. The bill also requires contractors to maintain worker's compensation insurance as a condition of licensure after January 1, 1992.

Affected Code Sections: Sections 7019.5, 7109.2, 7125, 7125.1, 7125.2, and 7145.5 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 8 Noes: 2 (4/12/89)

AB 3960 (Moore) -- Contractor's Licensing Law: owner-builder exemption.

Status: Died in the Assembly Ways and Means Committee.

Would have expanded the Contractor's State License Board enforcement authority and required the board to investigate construction-related complaints against certain property owners who construct or make improvement and are otherwise exempt from licensure.

Affected Code Sections: Sections 7044 and 7044.1 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 7 Noes: 3 (4/25/90)

AJR 72 (Eastin) -- Federal contractors: application of state requirements.

Status: Resolution Chapter 101, Statutes of 1990.

Memorializes the President and Congress to specifically make state licensing laws and employee-protection laws applicable to contractors on federal projects.

Affected Code Sections: None.

Committee Action: Be adopted. Ayes: 9 Noes: 0 (4/18/90)

SB 853 (Seymour) -- Contractors: public works projects.

Status: Chapter 863, Statutes of 1989.

Makes it a misdemeanor for an unlicensed contractor to submit a bid to a public agency on a public works contract. Also requires that a contractor's license number, expiration date, and a specified "penalty of perjury" statement must be part of the bid to a public

agency. Failure to provide this information requires that a bid be considered nonresponsive and be rejected.

**Affected Code Section:** Section 7028.15 of the Business and Professions Code.

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 1 (7/12/89)

**SB 929 (Seymour) -- Contractors:** license number on public bids.

**Status:** Chapter 321, Statutes of 1990.

Deletes the requirement that a contractor's license number, expiration date, and a specified "penalty of perjury" statement be part of the bid to a public agency. Requires contractors to be licensed at the time of bid submittal and requires local agencies to verify that a contractor is properly licensed awarding a contract.

**Affected Code Sections:** Section 7028.15 of the Business and Professions Code and Section 20104 of the Public Contract Code.

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 0 (5/9/90)

**SB 1038 (Doolittle) -- Contractor licensing:** use of unlicensed experience.

**Status:** Chapter 1174, Statutes of 1989.

Allows applicants for a contractor's license to use unlicensed work experience to meet licensure requirements; allows the the Contractor's State License Board to waive part of a civil penalty if the person applying for licensure satisfactorily settles any outstanding public injury and is issued a license; makes other changes regarding the licensure requirements for applicants who have been convicted of violations related to unlicensed activity and requires the board to investigate at least 5 percent of all applications which use unlicensed experience.

**Affected Code Sections:** Sections 7028.14, 7068, and 7071.6 of the Business and Professions Code and Item 1230-020-735 of Section 2.00 of the Budget Act of 1989.

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 1 (7/12/89)

**SB 1079 (Mello) -- Contractors:** civil penalty for operating as an unlicensed contractor.



Status: Chapter 774, Statutes of 1990.

Reduces the minimum civil penalty for operating as an unlicensed contractor to not less than \$200.

Affected Code Section: Section 7028.7 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (8/8/90)

SB 1958 (Ayala) -- Contractors: licensure: enforcement.

Status: Vetoed by the Governor.

Would have expanded the grounds for disciplinary actions for which the Contractor's State License Board may suspend or revoke a contractor's license.

Affected Code Section: Section 7109 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 8 Noes: 1 (8/8/90)

SB 2290 (Seymour) -- Contractors: licensure: enforcement.

Status: Chapter 485, Statutes of 1990.

Includes failure to comply with specified public works contract noncollusion affidavit requirements as a cause of disciplinary action against licensees of the CSLB.

Affected Code Sections: Section 7115 of the Business and Professions Code and Sections 100 and 10300 of the Public Contract Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (6/27/90)

SB 2291 (Doolittle) -- Contractors: license classification.

Status: Vetoed by the Governor.

Would have required the Registrar of the Contractor's State License Board to be the final administrative authority over all license classification matters relating to public works contract bids.

Affected Code Section: Section 7059 of the Business and Professions Code.

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Committee Action: Do pass, as amended. Ayes: 8 Noes: 1 (6/27/90)

SB 2476 (Seymour) -- Contractors: examination waiver.

Status: Chapter 1456, Statutes of 1990.

Expands the circumstances for which a "waiver" of the contractor's license trade examination may be granted.

Affected Code Sections: Sections 7065.1 and 7065.3 of the Business and Professions Code.

Committee Action: Do pass as amended. Ayes: 9 Noes: 0 (6/27/90)

CONTRACTORS: STATE LICENSE BOARD

AB 781 (Mountjoy) -- Contractors: qualifications for exam waiver.

Status: Chapter 350, Statutes of 1989.

Allows a contractor whose license has been expired for more than three years but less than five years, to renew his or her license without a written examination under specified circumstances.

Affected Code Section: Section 7065 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 8 Noes: 0 (4/12/89)

AB 1013 (Moore) -- Contractors: examinations.

Status: Vetoed by the Governor.

As originally heard in Assembly GE & CP Committee, would have required the Contractor's State License Board to ensure that at least one person delegated to prepare examinations for licensees has knowledge of general engineering or general building specifications based on practical experience in the application of those specifications. The original provisions of this bill were deleted and the bill was amended to address the retention of funds on private works projects.

Affected Code Section: Section 3260 of the Business and Professions Code. (Affected code section of the original bill was Section 7068 of the Business and Professions Code.)

Committee Action: Do pass, as amended. Ayes: 7 Noes: 0 (5/10/89)  
(Committee action reflects vote taken on original provisions of the bill.)

AB 3359 (Cortese) -- Contractors: voluntary contribution to support the California Uniform Construction Cost Accounting Commission.

Status: Vetoed by the Governor.

Would have provided for the collection of a voluntary contribution of up to \$5 from contractors applying for a new or renewal license by the Contractor's State License Board, for support of the California Uniform Construction Cost Accounting Commission.

Affected Code Sections: Section 7137.5 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (4/4/90)

AB 3480 (Mountjoy) -- Contractors: license reciprocity with other states; actions against a contractor's bond.

Status: Chapter 1326, Statutes of 1990.

Authorizes the Contractor's State License Board to issue licenses to contractors licensed in other states on a reciprocal basis and makes technical changes to the contractors' licensing law.

Affected Code Sections: Sections 7030, 7065.4, 7071.11, 7075, 7075.1, 7076, 7083, and 7137.5 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (4/25/90)

AB 3978 (Lancaster) -- Contractor's State License Board: department status.

Status: Died in Assembly GE & CP Committee without being heard.

Would have created a new Contractor's State License Board as a separate department within the State and Consumer Services Agency.

Affected Code Sections: Sections 101, 130, 205, 7000.2, 7000.3, 7000.5, 7010, 7011, 7012, 7015, 7135, and 7136 of the Business and Professions Code.

Committee Action: Never heard in committee.

SB 2888 (Leroy Greene) -- Contractor's State License Board: study of payment practices.

Status: Died in Assembly GE & CP Committee without being heard.

Would have required the Contractor's State License Board to contract for a study of the contracting industry's payment practices.

Affected Code Sections: None.

Committee Action: Never heard in committee.

### COSMETOLOGY

AB 2272 (Mojonnier) -- Board of Cosmetology.

Status: Chapter 653, Statutes of 1989.

Deletes the word "treating" (of a person's hands or feet) from the scope of practice of cosmetology. Deletes the requirement that an application submitted to the board be accompanied by two photographs of an applicant, and, instead, requires an applicant to present a photographic identification document issued by a government entity. Requires licensees to pay the delinquency fee in effect at the time of license reinstatement.

Affected Code Sections: Sections 7302, 7307, 7308, 7311, 7312, 7320, 7320.5, 7321, 7322, 7324, 7330, 7331, 7332, 7332.5, 7333, 7334, 7341, 7342, 7350, 7370, 7373, 7380, 7381, 7382, 7383, 7384, 7384.5, 7384.6, 7386, 7386.1, 7386.2, 7386.4, 7386.5, 7386.6, 7386.7, 7431, 7437, 7437.2, 7444, and 7444.1 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (5/3/89)

AB 2925 (Mojonnier) -- Cosmetology.

Status: Chapter 1674, Statutes of 1990.

Requires the Board of Cosmetology to develop a course on hazardous substances to be taught at licensed cosmetology schools. Provides that the license of any cosmetology instructor who fails to provide proof of compliance with continuing education requirements within 45 days of a request from the board automatically reverts from active to inactive status. Transfers disciplinary authority over cosmetology schools from the board to the Council for Private Postsecondary Vocational Education.

Affected Code Sections: Sections 7302, 7311, 7312, 7314, 7320, 7322, 7373, 7384, 7412, 7420, 7431, 7436, 7437, 7437.3, 7442, 7314.5, 7332.6, 7332.7, 7346, 7432, 7438, 7445, 7446, and Article 8 (commencing with Section 7390) of Chapter 10 of Division 3 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0. (3/21/90)

SB 1992 (Maddy) -- Cosmetology.

Status: Chapter 1675, Statutes of 1990.

Increases the fees for a cosmetology license. Also provides for the Board of Cosmetology to report the rationale and justification for each fee increase to the appropriate policy and fiscal committees of each house of the Legislature.

Affected Code Sections: Sections 7442 and 7444 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 8 Noes: 1. (6/27/90)

DEPARTMENT OF CONSUMER AFFAIRS

AB 459 (Frizzelle) -- Business and professions: license renewals.

Status: Died in Assembly GE & CP Committee without being heard.

Would have allowed licensees of the Department of Consumer Affairs to renew their licenses at any time after expiration, irrespective of time lapsed, without any reexamination requirement.

Affected Code Section: Section 121.5 of the Business and Professions Code.

Committee Action: Never heard in committee.

AB 1523 (Hansen) -- Department of Consumer Affairs: funds: release time donation.

Status: Chapter 1212, Statutes of 1989.

Permits a transfer of moneys from any board or commission for the ~~payment of release time donated by employees of a board or commission~~ to a release time bank established by a memorandum of understanding.

Affected Code Section: Section 202 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (5/10/89)

AB 1529 (Lancaster) -- Consumer affairs.

Status: Chapter 1179, Statutes of 1990.

Enacts the annual omnibus code maintenance bill sponsored by the Department of Consumer Affairs which, among other things, changes the name of the committee within the Medical Board of California that regulates physicians' assistants to the Physician Assistant Examining Committee and changes the name of the license issued by the committee to a physician assistant license. The bill also makes numerous technical changes to the laws governing the activities of professions licensed by the Bureau of Collection and Investigative Services (i.e. private investigators, security guards, alarm operators, etc.).

Affected Code Sections: Sections 116, 117, 728, 820, 3500, 3500.5, 3501, 3502, 3503, 3504, 3505, 3509, 6868.7, 6886, 6893.1, 6893.2, 6894.17, 6894.18, 6894.2, 6894.6, 6895, 6899, 6911, 6911.1, 6913, 6923, 6926.13, 6926.7, 6956.1, 7508.1, 7508.5, 7510.1, 7512.13, 7546.1, 7546.13, 7547.1, 7547.4, 7553.5, 7553.7, 7590.1, 7596.3, 7596.4, 7599.25, the headings of Article 5 (commencing with Section 6886) and Article 9 (commencing with Section 6920) of Chapter 8 of, and Article 7 (commencing with Section 7597) of Chapter 11.6 of Division 3 of the Business and Professions Code; Sections 1010 and 1014 of the Evidence Code; Sections 1373 and 8751.1 of the Health and Safety Code; Sections 10177 and 11512.8 of the Insurance Code.

Committee Action: Do pass. Ayes: 10 Noes: 0 (5/10/89)

AB 1729 (Chandler) -- Department of Consumer Affairs: licensing examinations.

Status: Chapter 1022, Statutes of 1989.

Revises and recasts provisions related to boards within the Department of Consumer Affairs administering licensing examinations; makes it a misdemeanor for any person to subvert or attempt to subvert any examination, in addition to the disciplinary action authorized. Also provides that a person found guilty of violating the provision would be liable for costs incurred by an agency in an amount not to exceed \$10,000 and for the costs incurred for the prosecution, in addition to any other penalties.

Affected Code Sections: Sections 123, 496, 497, and 584 of the Business and Professions Code.

Committee Action: Do pass as amended. Ayes: 7 Noes: 0 (5/3/89)

AB 2843 (Felando) -- Director of Consumer Affairs.

Status: Died in Assembly GE & CP Committee without being heard.

Would have required the Office of Administrative Law to confirm the decision by the Director of Consumer Affairs to disapprove proposed regulations of boards under the jurisdiction of the department.

Affected Code Section: Section 313.1 of the Business and Professions Code.

Committee Action: Never heard in committee.

AB 2984 (Floyd) -- Department of Consumer Affairs.

Status: Chapter 285, Statutes of 1990.

Requires that the Director of the Department of Consumer Affairs authorize any legal action undertaken by any board within the department against any other state or federal agency. Provides that the director must act within 30 days to disapprove proposed regulations.

Affected Code Section: Section 132 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0. (4/4/90)

AB 3242 (Lancaster) -- Department of Consumer Affairs.

Status: Chapter 1207, Statutes of 1990.

Annual Department of Consumer Affairs omnibus "clean-up" bill. Provides clarifying updating, technical and grammatical amendments, plus several procedural improvements meant to strengthen the general provisions of the Business and Professions code that affect the department and its licensing agencies. Also provides for amendments to some of the individual licensing acts under the jurisdiction of the department.

Affected Code Sections: Sections 119, 2811.5, 2909, 3730, 4930, 5566.2, 6876, 6886.1, 6894.7, 6900, 6906, 6915.4, 6921, 6980.24,

6980.40, 7508.2, 7544.5, 7545, 7590.2, 9801, 9880.2, 9891.20, 9891.21, 9891.22, 9891.23, 9891.34, 9891.37, 9891.39, 9891.42, 16240, 143, 9807, 9808, 9891.38, 6893.5, 6894.16, and 6923 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (4/4/90)

AB 3427 (Eastin for Assembly GE & CP Committee) -- Department of Consumer Affairs.

Status: Chapter 1393, Statutes of 1990.

Provides various changes within four divisions of the Department of Consumer Affairs. Consolidates the application process for temporary cemetery salespersons licenses and permanent cemetery salespersons licenses into a single licensing process. Codifies several Board of Accountancy rules which require accountants to issue a report conforming to professional standards whenever they complete an audit, compilation, or review of financial statements. Provides that the consultant hired by the Board of Architectural Examiners be considered a public employee and be provided indemnification for work he or she performs for the board. Provides that the licensing fees charged by the Acupuncture Examining Committee be assessed annually rather than biennially.

Affected Code Sections: Sections 4970, 9701, 9705, 9756, 9757, 5062, 5528, and 9757.5 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (4/18/90)

#### EMPLOYMENT AGENCIES & CAREER COUNSELORS

AB 2113 (Johnson) -- Employment agencies.

Status: Chapter 704, Statutes of 1989.

Repeals the entire Employment Agency Act in the Business and Professions Code, existing provisions of law which provide for the Bureau of Personnel Services and its funding and its examining, licensing, and regulatory functions, and those provisions which provide for nurses' registries and prepaid computer employment agencies and job listing services. The bill reenacts certain of the above provisions as part of the Civil Code, but does not reenact those provisions relating to the bureau or its functions or funding. Finally, the bill regulates the contents of employment agency, employment counseling service, and job listing service contracts and advertising and the fees of such agencies.



Affected Code Sections: Chapter 21 (commencing with Section 9900) of Division 3 of the Business and Professions Code and Title 2.91 (commencing with Section 1812.500) of Part 4 of Division 3 of the Civil Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (5/10/89)

AB 2469 (Johnston) -- Employment agencies.

Status: Chapter 705, Statutes of 1989.

Enacts several changes to the then-current Employment Agency Act that were subsequently nullified due to the passage of AB 2113, which repealed the Employment Agency Act in the Business and Professions Code and recast it in the Civil Code.

Affected Code Sections: Sections 9902.6 and Section 9902.7 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 8 Noes: 0 (5/3/90)

AB 2649 (Johnson) -- Employment agencies.

Status: Chapter 1256, Statutes of 1990.

Includes babysitting and domestic employment agencies in regulation under the Employment Agency, Employment Counseling, and Job Listing Services Act and exempts job listing services owned and operated by universities from the Act. Deletes the Board of Dry Cleaning and Fabric Care, Bureau of Employment Agencies, and California Advisory Board to the Bureau of Employment Agencies from the act's regulation.

Affected Code Sections: Sections 101 and 130 of the Business and Professions Code, Sections 1812.501, 1812.502, 1812.509, 1812.516, 1812.520, 1812.521, 1812.524, and 1812.526 of the Civil Code, and Section 11501 of the Government Code.

Committee Action: Do pass. Ayes: 11 Noes: 0 (4/25/90)

ENGINEERS & LAND SURVEYORS

AB 517 (McClintock) -- Engineering.

Status: Chapter 547, Statutes of 1989.

Adds grading to the activities and studies that comprise the scope of practice definition for civil engineers.

**Affected Code Section:** Section 6731 of the Business and Professions Code.

**Committee Action:** Do pass, as amended. Ayes: 8 Noes: 0 (3/29/89)

**AB 709 (Bradley) -- Land surveying.**

**Status:** Died in Assembly GE & CP Committee without being heard.

Would have provided for the use of the term "renewal date" rather than "expiration date" on the seal or stamp used by land surveyors to authenticate documents.

**Affected Code Sections:** Sections 8761, 8764.5, and 8801 of the Business and Professions Code.

**Committee Action:** Never heard in committee.

**AB 1748 (Chandler) -- Land surveying.**

**Status:** Chapter 109, Statutes of 1990.

Expands existing law which allows a licensed land surveyor to obtain a seal which bears the title "Licensed Land Surveyor" to include the title "Professional Land Surveyor," and to contain the expiration date of the license.

**Affected Code Section:** Section 8750 of the Business and Professions Code.

**Committee Action:** Do pass. Ayes: 11 Noes: 0. (1/10/90)

**AB 3395 (Eastin) -- Computer mapping.**

**Status:** Chapter 1226, Statutes of 1990.

Authorizes licensed land surveyors and civil engineers to engage in the creation, preparation, or modification of electronic or computerized data in the course of performing the regulated activities that fall within their scope of practice.

**Affected Code Sections:** Sections 6731, 6731.1, and 8726 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0. (4/25/90)

AB 3781 (Chandler) -- Engineers.

Status: Failed passage on Assembly Floor.

Would have required that no public agency may restrict the scope of practice of any registered professional engineer or licensed land surveyor. The bill also made a statement of intent that this was not meant to reduce the authority of the Board of Registration for Professional Engineers and Land Surveyors.

Affected Code Sections: Sections 6706, 6735.6, and 8726.3 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 6 Noes: 0 (5/9/90)

AB 4002 (Bader) -- Engineers: chemical engineers.

Status: Died in Assembly GE & CP Committee without being heard.

Would have prohibited any person from engaging in the practice of chemical engineering unless registered by the board; would have revised the membership of the board by replacing a public member with a chemical engineer member.

Affected Code Sections: Sections 6704, 6711, 6712, 6730, 6738, 6756, and 6787, 6702.3, 6734.3, and 6735.5 of the Business and Professions Code.

Committee Action: Never heard in committee.

AB 4138 (Eaves) -- Land surveying.

Status: Chapter 1520, Statutes of 1990.

Exempts officers or employees of electrical corporations from the Land Surveyor licensing requirement when they are preparing legal descriptions of electrical utility line assessments.

Affected Code Section: Section 8730 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 8 Noes: 0 (5/9/90)

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SB 1964 (L. Greene) -- Civil engineering.

**Status:** Chapter 786, Statutes of 1990.

Expands the scope of practice of civil engineering to include construction project management services.

**Affected Code Sections:** Sections 6731.3 and 6731.4 of the Business and Professions Code.

**Committee Action:** Do pass, as amended. Ayes: 10 Noes: 1 (6/27/90)

**SB 2032 (L. Greene) -- Engineers and land surveyors.**

**Status:** Chapter 545, Statutes of 1990.

Requires licensed engineers to pay any accrued and unpaid renewal fees as a condition of renewing a lapsed license, under specified circumstances. Also authorizes the Board of Registration for Professional Engineers and Land Surveyors to charge a fee for regrading an applicant's examination.

**Affected Code Sections:** Sections 6796, 6796.3, 6799, 8802, 8803, and 8805 of the Business and Professions Code.

**Committee Action:** Do pass, as amended. Ayes: 8 Noes: 1 (5/23/90)

**SB 2503 (L. Greene) -- Engineers.**

**Status:** Vetoed by the Governor.

Would have, on or after January 1, 1991, prohibited the issuance of a civil engineering registration unless the applicant achieves a passing score on the 2nd division of the examination and would have specified requirements for achieving a passing score on that division of the examination. Provisions would have remained in effect only until January 1, 1993, and as of that date would have been repealed. Would have then reenacted existing law to become operative on January 1, 1993. Would have made a statement of legislative intent that the grading system, as provided, should be retroactively applied.

**Affected Code Section:** Section 6755.1 of the Business and Professions Code.

**Committee Action:** Do pass, as amended. Ayes: 8 Noes: 0 (8/22/90)

GEOLOGISTS & GEOPHYSICISTS

AB 469 (Harvey) -- Geologists and Geophysicists.

Status: Chapter 469, Statutes of 1990.

Increases the maximum fees which may be charged by the State of Board of Registration for Geologists and Geophysicists. Stipulated that the board may not increase its actual fees after January 1, 1993, and must submit a report to the Legislature on any fee increases implemented as a result of the act.

Affected Code Section: Section 7887 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 11 Noes: 0 (1/16/90)

HEALTH STUDIOS & ATHLETIC CLUBS

AB 634 (Wright) -- Contracts for sales of health club and fitness services.

Status: Died in Assembly GE & CP Committee.

Would have repealed and then recast the law that regulates health clubs and fitness services.

Affected Code Sections: Title 2.5 (commencing with Section 1812.80) of Part 4 of Division 3 of the Civil Code.

Committee Action: No vote taken.

AB 2312 (Wright and Eastin) -- Health club and fitness services.

Status: Died in Senate Judiciary Committee.

Would have repealed existing law regulating health club and fitness services, including athletic club services, and substantially revised and recast those provisions.

Affected Code Sections: Title 2.5 (commencing with Section 1812.20) of Part 4 of Division 3 of the Civil Code.

Committee Action: Do pass, as amended. Ayes: 6 Noes: 1 (5/10/89)

LANDSCAPE ARCHITECTS

AB 3330 (Frazee) -- Landscape architecture.

Status: Chapter 438, Statutes of 1990.

Requires landscape architects to provide their customers with detailed written contracts in connection with their professional services. Previously, written contracts were not required, resulting in numerous complaints over unwritten or nonspecific contracts.

Affected Code Section: Section 5616 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 11 Noes: 0 (4/25/90)

SB 572 (Bergeson) -- Landscape architects.

Status: Chapter 229, Statutes of 1989.

Deletes the oral component of the Landscape Architects' exam, authorizes the board to waive the written exam for qualified applicants from out of state, extends the statute of limitations for prosecution of violations, and authorizes the board to charge a fee for accreditation of schools.

Affected Code Sections: Sections 5651, 5661, 5681 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 10 Noes: 0 (6/7/89)

SB 2899 (C. Green) -- Landscape architects.

Status: Chapter 1548, Statutes of 1990.

Raises the statutory limits for landscape architects' fees. Also requires that the Board of Landscape Architecture report to the Joint Legislative Budget Committee on June 30, 1993 concerning its enforcement history, including disciplinary actions taken by the board against its licensees.

Affected Code Section: Section 5681 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (8/8/90)

PEST CONTROL OPERATORS

AB 908 (Killea) -- Structural pest control

Status: Chapter 641, Statutes of 1989.

Authorizes an individual, for 30 days from the date of hire, to apply any insecticide, pesticide, rodenticide, fumigant, or allied chemicals or substances for the purposes of training under the direct supervision of a licensee employed by a company registered with the Structural Pest Control Board. The bill also provides that passage of the written examination of the board authorizes an individual to apply any chemical substance in branch 2 or branch 3 for a period not to exceed 3 years, at which time he or she shall again apply and successfully pass the written examination.

Affected Code Sections: Sections 8551.5 and 8564.5 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (5/3/90)

AB 1443 (Hauser) -- Structural pest control.

Status: Died in Assembly GE & CP Committee.

Would have required disclosure by a pest control operator of any commission or compensation arrangement associated with an inspection report that is required as a condition of making a loan on real estate property or as a condition of issuing a permit by a local agency.

Affected Code Section: Section 8513.5 of the Business and Professions Code.

Committee Action: Failed passage. Ayes: 2 Noes: 7 (5/10/89)

AB 1682 (Sher) -- Structural pest control.

Status: Chapter 1401, Statutes of 1989.

Provides an additional licensing category within the Structural Pest Control Act for licensed contractors who apply wood preservatives.

Affected Code Sections: Sections 8510, 8516, 8516.1, 8516.2, 8517, 8538, 8551.5, 8556, 8560, 8561, 8562, 8563, 8564.5, 8565.5, and 8572 of the Business and Professions Code.

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Committee Action: Do pass. Ayes: 9 Noes: 0 (5/3/89)

AB 2342 (Kelley) -- Structural pest control.

Status: Chapter 577, Statutes of 1989.

Prohibits a registered structural pest control company from commencing any work on a contract, or signing, issuing, or delivering documents expressing an opinion or statement relating to the control of pests or organisms, as specified, until an inspection has been made. Provides that the provisions prohibiting a person from engaging in the practice of structural pest control unless licensed shall not prohibit an unlicensed employee of a structural pest control company from quoting prices in response to a request for a price quotation.

Affected Code Sections: Sections 8514 and 8550 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (5/3/89)

AB 4050 (Sher) -- Pest control: devices.

Status: Vetoed by the Governor.

Would have required manufacturers of non-chemical pest control devices to apply to the Department of Health Services (DHS) for a certificate of registration within six months of offering the device for sale in the state. The bill contained provisions governing the registration process, fees, evaluation of the devices and misdemeanor penalties.

Affected Code Sections: Sections 8617 and 8515.5 of the Business and Professions Code and Chapter 10 (commencing with Section 2960) of Division 3 of the Health and Safety Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (4/18/90)

#### PRIVATE SECURITY PROFESSIONALS

AB 255 (Floyd) -- Private investigators: issuance of concealed weapons permits.

Status: Died in Assembly Ways and Committee.

Would have established state regulatory procedures governing the issuance of concealed weapons permits to private investigators.



Currently, local law enforcement maintains sole authority in such matters. The bill would have also placed private investigators under the same regulatory framework which currently applies to other security professionals such as private patrol operators, security guards, and alarm company operators.

**Affected Code Sections:** Sections 7515, 7517.1, 7517.2, 7521.5, 7522, 7547.12, 7547.6, 7548, and 7570 of the Business and Professions Code and Section 12027 of the Penal Code.

**Committee Action:** Do pass, as amended. Ayes: 6 Noes: 2 (1/16/90)

**AB 613 (Lancaster) -- Private investigators.**

**Status:** Chapter 549, Statutes of 1989.

Deletes the authority of the Director of Consumer Affairs to determine whether an applicant's experience is equivalent to specified standards for the purpose of evaluating his/her qualifications for the private investigator licensing examination. Enacts related technical changes.

**Affected Code Sections:** Sections 7541 and 7541.1 of the Business and Professions Code.

**Committee Action:** Do pass. Ayes: 10 Noes: 0 (5/15/89)

**AB 1501 (Quackenbush) -- Private patrol operators.**

**Status:** Chapter 674, Statutes of 1989.

Specifies that any employee of a business or public agency who performs the functions of a private patrol operator comes within the definition of a security guard. Specifies that a private patrol operator licensee or officer, director, partner or manager of such a licensee, or person required to be registered as a security guard, shall be prohibited from using or wearing a baton or exposed firearm unless he or she is in uniform; would prohibit any such person using or wearing a baton or exposed firearm from wearing a patch other than one that reads 'private security' of a design approved by the Director of Consumer Affairs. Requires any person required to be registered as a security guard to carry the required registration card or temporary registration card while on duty, or a firearm permit when carrying a firearm on duty.

**Affected Code Sections:** Sections 7521, 7539, 7539.5, and 7544.6 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (5/3/89)

AB 1644 (Peace) -- Private patrol operators.

Status: Chapter 1179, Statutes of 1990.

Specifies that the 120-day duration of temporary registrations issued to employees of private patrol operators begins on the date the applicant signs the application for registration.

Affected Code Section: Section 7546.3 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 6 Noes: 3 (5/10/89)

AB 4001 (Katz) -- Private patrol operators & security guards: increased training and standards.

Status: Died in Assembly Ways & Means Committee.

Would have increased training requirements for private patrol operators and security guards and made numerous changes to regulations affecting the licensing and operations of these professions, including tightening the procedures for background checks of applicants for licenses.

Affected Code Sections: Sections 7526.1, 7533, 7544.5, 7545, 7545.1, 7545.2, 7545.3, 7546, 7546.2, 7546.3, 7546.5, 7546.8, 7547, 7547.1, 7547.2, 7552.5, 7552.5, 7552.7, 7553.3, 7553.6, 7593, 7593.6, 7598.1, 7598.2, 7598.6, and 7599.38 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 6 Noes: 1 (5/9/90)

SB 2420 (Royce) -- Security guards: minimum age requirement.

Status: Chapter 649, Statutes of 1990.

Establishes 18 years of age as the minimum age requirement for persons applying to be security guards, alarm company operators, or alarm agents.

Affected Code Sections: Sections 7526 and 7590.5 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 8 Noes: 1 (6/27/90)

SB 2525 (Vuich) -- Repossessors Act.

Status: Chapter 1015, Statutes of 1990.

Enacts numerous technical revisions to the Repossessors Act, including allowing lessors and lienholders of property to assign a reposessor to recover property, authorizing superior courts to impose restraining orders on unlicensed repossessors, increasing the training requirements for managers of repossession agencies, and increases the fine for persons failing to notify the Bureau of Collection and Investigative Services of change of address.

Affected Code Sections: Sections 7500.1, 7502.6, 7504, 7504.3, 7505.5, 7506, 7506.3, 7506.7, 7506.9, 7506.10, 7507.9, 7507.10, 7508.2, 7508.6, and 7511 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 1 (6/27/90)

POLYGRAPH EXAMINERS

SB 1494 (Dills) -- Polygraph examiners.

Status: Vetoed by the Governor.

Would have recodified the current licensing and regulatory provisions of the Polygraph Examiners Act from the Business and Professions Code to the Penal Code.

Affected Code Sections: Chapter 17.6 (commencing with Section 9300) of Division 3 of the Business and Professions Code, and Title 13 (commencing with Section 14300) of Part 4 of the Penal Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (7/19/89)

REAL ESTATE AGENTS, APPRAISERS & BROKERS

AB 527 (Hannigan) -- Real estate appraisers' licensing and certification.

Status: Chapter 491, Statutes of 1990.

Enacts a licensing and certification scheme for real estate appraisers for all persons who engage in federally related real estate appraisal activity. The scheme is enforced by a newly created Office of Real Estate Appraisers within the Business, Transportation

and Housing Agency.

Affected Code Sections: Sections 11300 et. seq. of the Business and Professions Code and 1922 et. seq. of the Civil Code.

Committee Action: Do pass, as amended. Ayes: 10 Noes: 0 (5/10/89)

AB 2242 (Costa) -- Real estate brokers: license exemptions.

Status: Chapter 925, Statutes of 1990.

Includes in the exemption for those who do not need a real estate brokers license any person who is the employee of the property management firm retained to manage a residential apartment building when performing certain functions under the supervision of a broker of record who is the employee of that firm or a salesperson licensed to the broker who meets certain requirements.

Affected Code Section: Section 10131.01 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (5/3/89)

AB 3071 (Lewis) -- Real estate brokers: exemption.

Status: Chapter 729, Statutes of 1990.

Exempts from certain provisions of the Real Estate Law relating to a real estate broker any person who engages in certain acts for others in connection with the sale, purchase, or exchange of radio, television, or cable enterprises.

Affected Code Section: Section 10133.3 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (4/4/90)

AB 3594 (Speier) -- Real estate: revocation of license.

Status: Chapter 1335, Statutes of 1990.

Makes it grounds for the revocation or suspension of a real estate license for a real estate licensee, acting as an agent for the buyer, to fail to disclose his or her direct or indirect ownership interest in any property, as specified.

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Affected Code Section: Section 10177 of the Business and Professions

Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (4/25/90)

SB 910 (Vuich) -- Real estate appraisers.

Status: Chapter 1062, Statutes of 1990.

Provides that the salary of the director of the Office of Real Estate Appraisers, created by AB 527 (Hannigan, Ch. 491/90), is to be fixed by the Secretary of the Business, Transportation and Housing Agency with the approval of the Department of Personnel Administration. Provides that the agency and the office may adopt regulations to implement the Real Estate Appraisers' Licensing and Certification Law and provides that they may be adopted as emergency regulations.

Affected Code Sections: Section 11310 and 11313.5 of the Business and Professions Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (8/9/90)

SB 1316 (Seymour) -- Real estate brokers.

Status: Chapter 640, Statutes of 1989.

Provides that certain documents with the Commissioner of Real Estate are to be made available for copying as well as examination and inspection; that application for the real estate salesperson or broker license must be made in writing and be accompanied by the fee; and that a license may be restricted if a licensee or applicant has not complied with certain educational requirements within 18 months after the issuance of the license. Gives designated employees within the Department of Real Estate the power of arrest and the power to serve warrants with respect to the Real Estate Law.

Affected Code Sections: Sections 10148, 10150, 10151, 10156.6, 10156.7, and 10240 of the Business and Professions Code, and Section 830.11 of the Penal Code.

Committee Action: Do pass, as amended. Ayes: 11 Noes: 0 (7/13/89)

SB 2380 (Presley) -- Real estate appraisers.

Status: Chapter 646, Statutes of 1990.

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Requires the Office of Real Estate Appraisers, created by AB 527 (Hannigan, Ch. 491/90), to conduct a study on the feasibility of

requiring all persons who perform or issue appraisals to be licensed. Requires the office to report to the Legislature the results of that study on or before January 1, 1992.

Affected Code Sections: None.

Committee Action: Do pass. Ayes: 9 Noes: 0 (8/9/90)

#### SECONDHAND DEALERS

AB 3080 (Floyd) -- Secondhand dealers: license renewal and fee.

Status: Chapter 442, Statutes of 1990.

Allows the Department of Justice to charge a fee of \$12 for the renewal of a secondhand dealer's license and provides that a secondhand dealer licenses be renewed every two years rather than every year.

Affected Code Section: Section 21642 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 7 Noes: 2 (4/4/90)

#### TAX PREPARERS

AB 861 (Jones) -- Tax preparers: biennial registration.

Status: Chapter 839, Statutes of 1989.

Changes the renewal for registrants of the Tax Preparers Program from an annual registration to a biennial registration.

Affected Code Sections: Sections 9891.21, 9891.22, 9891.23, 9891.34, 9891.37, 9891.39, and 9891.42 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 9 Noes: 0 (5/3/89)

#### TRAVEL AGENTS

AB 2004 (Chacon) -- Travel agents: licensure.

Status: Died in Assembly GE & CP Committee without being heard.

Would have prohibited any person from doing business or otherwise acting as a travel agent unless he or she was licensed to do so.

**Affected Code Sections:** Article 2.6 (commencing with Section 17550) of the Business and Professions Code.

**Committee Action:** Never heard in committee.

Miscellaneous Consumer Protection Issues

BOATING & WATERWAYS

AB 897 (Mojonnier) -- Boating and waterways: vessel lien amounts.

**Status:** Died in Assembly GE & CP without being heard.

Would have increased, from \$1500 to \$2000, the maximum amount of a lien which can be placed on a vessel for nonpayment of services or storage, without the consent of the vessel's owner.

**Affected Code Section:** Section 502 of the Harbors & Navigation Code.

**Committee Action:** Never heard in committee.

AB 4320 (Frazee) -- Yacht and shipbrokers.

**Status:** Chapter 561, Statutes of 1990.

Increases the fees assessed by the Department of Boating and Waterways to its licensees. Prohibits the department from issuing a yacht brokers license under a fictitious business name if a license currently in effect has already been issued under the same name or a similar name. Provides clarification of the conditions under which yacht sales may be made.

**Affected Code Sections:** Sections 708, 710, 716, 736, and 740 of the Harbors and Navigation Code.

**Committee Action:** Do pass, as amended. Ayes: 10 Noes: 1 (4/25/90)

CHARITABLE SOLICITATIONS

AB 1229 (Clute) -- Charitable solicitations.

Status: Vetoed by the Governor.

Would have generally required specified disclosure of any nongovernmental organization which solicited charitable donations by using any name which included the term 'veteran' or 'veterans' and which implies that the organization is composed of veterans.

Affected Code Section: Section 17510.3 of the Business and Professions Code.

Committee Action: Do pass. Ayes: 6 Noes: 3 (5/3/89)

AB 2702 (Eaves) -- Charitable solicitations.

Status: Chapter 253, Statutes of 1990.

Provides that only one witness and corroborating circumstances are necessary for the successful prosecution of individuals who make fraudulent charitable solicitations.

Affected Code Section: Section 532 (d) of the Penal Code.

Committee Action: Do pass. Ayes: 10 Noes: 0 (5/9/90)

SB 74 (Montoya) -- Charities: regulatory exception for groups representing the disabled.

Status: Chapter 391, Statutes of 1989.

Exempts any association whose membership is composed of persons with physical, mental or developmental disabilities and whose primary purpose is to provide services to persons with those disabilities, from the regulatory provisions governing charities. Previous law had exempted numerous non-profit organizations for their occasional events involving solicitation and sale of secondhand goods.

Affected Code Section: Section 148.1 of the Welfare and Institutions Code.

Committee Action: Do pass. Ayes: 8 Noes: 0 (8/23/89)

SB 502 (Lockyer) -- Charitable solicitations: commercial fundraisers.

Status: Chapter 307, Statutes of 1989.

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Requires persons and companies which professionally (i.e. for



compensation) raise funds on behalf of charities, to register with the Attorney General and comply with reporting requirements, including detailed revenue and expenditure data.

Affected Code Section: Section 12599 of the Government Code.

Committee Action: Do pass, as amended. Ayes: 9 Noes: 0 (6/7/89)

#### NUTRITIONAL LABELING

AB 2207 (Campbell) -- Food: nutritional labeling.

Status: Died in Assembly GE & CP Committee .

Would have required the Department of Health Services to require foods to indicate their nutritional content including total fat, cholesterol, sodium and sugar.

Affected Code Sections: Sections 26438 and 26551 of the Health and Safety Code.

Committee Action: Failed passage. Ayes: 3 Noes: 3 (5/3/89)

AJR 29 (Johnston) -- Food labeling: cholesterol content.

Status: Chapter 108, Statutes of 1989

Asks the Food & Drug Administration, Department of Agriculture, and all federal agencies and departments which regulate food product labeling to jointly define, adopt, and provide for the proper use of the terms "cholesterol free," "cholesterol reduced," and "low cholesterol."

Affected Code Sections: None.

Committee Action: Be adopted. Ayes: 10 Noes: 0 (6/7/89)

#### ORGANIC FOODS

AB 2012 (Farr) -- Organic foods.

Status: Chapter 1262, Statutes of 1990.

Enacts the Organic Foods Act of 1990 in the Sherman Food, Drug and Cosmetic Law. Specifies that no food may be sold as organic unless

it meets growing, processing and labeling standards prescribed in the law. Requires certification organizations which certify organic food, certain processors and handlers of organic food to meet certain requirements as a condition of registration and requires them to register with the State Director of Health Services.

**Affected Code Sections:** Sections 14904 and 46000 et seq. of the Food and Agricultural Code and Sections 26850.5, 26569.20 et seq., 26469, 26569.11, 26569.12, 26569.13, 26569.15, 26569.16, and 26569.17 of the Health and Safety Code.

**Committee Action:** Do pass, as amended. Ayes: 9 Noes: 0 (5/10/89)

**AB 3867 (Farr) -- Organic foods.**

**Status:** Died in Assembly GE & CP Committee without being heard.

Would have made legislative findings concerning the need for clarification and enforcement of standards for the use of the terms such as organic, natural and wild in food labeling and required the State Director of Health Services to adopt regulations which provide for the imposition of fees and civil penalties for the unlawful use of these terms.

**Affected Code Section:** Section 26469 of the Health and Safety Code.

**Committee Action:** Never heard in committee.

#### RESTROOMS

**AB 2073 (Friedman) -- Service stations: public restroom accessibility.**

**Status:** Chapter 491, Statutes of 1989.

Requires service stations in close proximity to interstate or primary highways to make restroom facilities available to customers during business hours, regardless of when that station was placed in operation. Service stations constructed prior to January 1, 1990, however, would be exempt if construction of permanent facilities was necessary in order to comply. Also prohibits service stations from charging customers for use of restroom facilities.

**Affected Code Sections:** Sections 13651 and 13652 of the Business and Professions Code.

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**Committee Action:** Do pass, as amended. Ayes: 6 Noes: 2 (5/3/89)

ASSEMBLY COMMITTEE ON GOVERNMENTAL  
EFFICIENCY & CONSUMER PROTECTION

LEGISLATIVE SUMMARY  
1989-90 SESSION

\* \* \* \* \*  
GOVERNMENTAL EFFICIENCY HEARINGS  
\* \* \* \* \*

Subject: Department of General Services: 1989/90 Budget and  
Oversight Issues.

Hearing Date: January 25, 1989

Summary: The committee asked the Department of General  
Services (DGS) to discuss a variety of topics  
including the completion of the real property  
inventory, the progress on the DGS task force  
studying alternative finance methods, and problems  
with the department's recycling program. The  
department also discussed the impact of the  
Governor's proposed 1989-90 budget.

Outcome: DGS verified that they have follow-up procedures for  
audits in place and that a report on the use of  
pooled money financing for master equipment leases  
would be forthcoming.

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Subject: DGS: Emergency Leasing and Relocation.

Hearing Date: July 25, 1989

Summary: The committee conducted an interim hearing on the  
relocation of four key state departments in the  
aftermath of a March 2, 1989 arson fire at leased  
offices in the CNA building in Los Angeles.

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Although the fire was limited to a small portion of  
the 15th floor, asbestos contamination caused DGS to

rule that work areas on other floors must be vacated. Key regulatory agencies, such as the Dept. of Savings and Loan, the Dept. of Banking, the Dept. of Corporations, and the Dept. of Insurance were put out of commission. Employees were sent home, some put on paid leave for three weeks or longer. Some departments were not fully operational until four months or longer after the fire.

The committee determined that the state paid out more than \$3.7 million for costs associated with the fire, including \$0.6 million in employee downtime and \$1 million for asbestos abatement in a building which the state does not own.

**Outcome:** The committee asked DGS to (1) return within 90 days with a business resumption plan for state agencies & report back on efforts to recover the state's costs; (2) determine the extent of asbestos present in other private space leased by the state and a review of the level allowable; (3) review policies related to the average time and cost necessary for renewal of a lease; (4) review the location of a leasing office in Los Angeles; and (5) develop procedures for bypassing DGS in emergency situations.

**Transcript Available**

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**Subject:** Task Force on State Design and Construction Policy, Phase I Report.

**Hearing Date:** July 26, 1989

**Summary:** The committee held an interim hearing on the draft of the Phase I study being conducted by the Task Force on State Design and Construction Policy.

The committee received testimony on recommendations included in the task force's report and discussed the need for a single state agency to (1) administer design and construction policy in the state, (2) settle interagency and intra-agency conflicts, and (3) develop and enforce building codes.

Outcome: The testimony taken by the committee was included in the final report issued by the task force. The committee also asked the various state agencies to begin implementing some of the recommendations.

Transcript Available

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Subject: DGS: Emergency Leasing and Relocation: Follow-up.

Hearing Date: November 6, 1989

Summary: The committee held an oversight hearing to follow-up on the July 25th hearing and to inquire why certain Department of Savings and Loan documents (related to Lincoln Savings and Loan) were left for 7 months in a vacant office in the CNA building after the fire.

DGS reported there are no provisions in state leases for entering a leased building to recover state property if the building owner is uncooperative.

DGS reported they were working on guidelines for departments to use in developing their own business resumption plans and that DGS had notified all departments that such plans ought to be considered.

DGS reported they have a policy of not leasing space with asbestos, yet the state leases 11 million square feet of space with asbestos in it.

DGS reported that it was seeking to recover the \$3.7 million from the various state agencies involved and was working with the Attorney General to recover costs from the building owner, Arthur Blech.

Outcome: AB 779 (Eastin, Ch. 1210, Statutes of 1990) was enacted. It requires DGS, in cooperation with a newly created Emergency Response Team for State Operations, to develop a model business resumption plan for state departments. It requires state leases to contain provisions for access to state property in state leased space and and for late

payments and eviction. It requires DGS to develop procedures to expedite purchasing, contracting, and leasing during and after a business interruption.

**Transcript Available**

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**Subject:** Contracting with the State for Goods and Services:  
Outreach to Minority and Women Business Enterprises.

**Hearing Date:** November 9, 1989

**Summary:** Provided oversight of the Department of General Services' implementation of AB 1933 (M. Waters, Chapter 61, Statutes of 1988). Discussed the possibility and implications of having a centralized listing of minority and woman business enterprises (M/WBEs) to assist departments in reaching the goals outlined in AB 1933. Examined M/WBE programs in both the private sector and within other state entitites to provide insight on how most effectively to implement AB 1933 for the state.

**Outcome:** Received a commitment from the Department of General Services to create an advisory board to assist the department in its implementation of AB 1933. Department of General Services committed to developing a central listing of M/WBEs to assist state agencies in their outreach efforts.

**Transcript Available**

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**Subject:** Contracting Thresholds and Competitive Bidding:  
AB 458 (Frizzelle), AB 813 (Campbell), and SB 281  
(Leonard).

**Hearing Date:** November 16, 1989

**Summary:** The committee conducted an interim hearing on several pieces of legislation which had been heard in the committee and on the California Uniform Public Construction Cost Accounting Commission.

The hearing offered an opportunity for the members of the committee, the members of the commission, and the sponsors of the bills to discuss ways to improve the California Uniform Public Construction Cost Accounting Act and make it more relevant for local public agencies.

**Outcome:** Both AB 458 and AB 813 were dropped and the committee worked with the sponsors to get their public agencies to join the Act. The Act was amended to address several of the issues raised at the hearing.

SB 281 was amended to reflect the committee discussion and Assemblymember Cortese introduced AB 3359 to allow contractors to voluntarily contribute to the support of the commission. The bill was eventually vetoed by the Governor.

**Transcript Available**

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**Subject:** Asbestos Abatement Claims Management.

**Hearing Date:** January 10, 1990

**Summary:** The committee held an oversight hearing to investigate why DGS failed, despite repeated warnings, to file a claim with the Johns Manville Trust Fund for reimbursement of up to \$15 million dollars of asbestos work done.

The fund was set up as a result of a class-action law suit, which the state participated in, against the Johns Manville Corporation. DGS spent \$5.1 million dollars documenting the facts so that the state could file a claim. The University of California and the California State University filed claims, as did most states. DGS did not.

**Outcome:** The hearing was continued to January 24 because witnesses could not answer the committee questions.

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**Subject:** Asbestos Abatement Claims Management: Follow-up.

**Hearing Date:** January 24, 1990

**Summary:** The committee continued its oversight hearing on the failure of DGS to file a claim for reimbursement.

DGS testified that the payback ratio was determined to be insignificant enough to warrant staff time in preparing a report and that anything less than a five-to-one pay back ratio was unacceptable.

DGS was unclear as to which department was the lead in submitting the claim, although correspondence from the Attorney General clearly designates DGS as the lead department.

Department of Finance refused to authorize more funds to finance the filing of the claim forms, estimated at \$120,000. DGS did not refute or appeal that decision.

**Outcome:** DGS agreed it was the lead agency and that it would file in the second cycle. DGS projected it would file claims for \$2,431,000 by October 31, 1990, the second cycle deadline. Projected costs to file the claims were \$116,000. DGS filed the claims.

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**Subject:** Task Force on State Design and Construction Policy, Phase I Report.

**Hearing Date:** February 7, 1990

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**Summary:** The committee held an oversight hearing on the task



force report and the task force's progress on Phase II. The committee also asked each of the affected state agencies what had been done to implement the task force's recommendations.

**Outcome:** The committee introduced several pieces of legislation to implement recommendations of the task force. The bills included AB 1230 (Areias), AB 2565 (Eastin), AB 2566 (Eastin), and AB 4082 (Chandler).

**Transcript Available**

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**Subject:** State Contracts with Small, Minority and Women Businesses.

**Hearing Date:** March 21, 1990

**Summary:** The committee examined (1) the progress of the commitments made by the Department of General Services (DGS) at the November 9, 1989 hearing, and (2) the resources requested by DGS to assist in the creation of an advisory board to help DGS implement AB 1933 (Chapter 61, Statutes of 1988). The committee also discussed (1) the regulations providing for the self-certification of M/WBES, as proposed by DGS, and (2) the importance of implementing an auditing system to discourage fraudulent M/WBES from seeking certification.

**Outcome:** The committee received a commitment from DGS to begin the selection of advisory board members in May, 1990. DGS approved of the Office of Small and Minority Business' request for a budget change proposal and feasibility study for a centralized M/WBE data base.

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**Subject:** Minority and Woman Business Enterprises: Contracts with the State.

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Hearing Date: October 10, 1990

**Summary:** The hearing revealed that the Department of General Services (DGS) has not established an auditing procedure to identify fraudulent M/WBES, nor has DGS established guidelines to determine the frequency of audits. The committee discussed the progress of the Purchasing Information Network (PIN) which will house the centralized M/WBE database for the state.

The hearing also revealed that DGS has abandoned its commitment to create an advisory board to assist in its implementation of AB 1933 in lieu of several trade fairs to be held throughout the state. The committee also examined the construction of the Oakland State Office Building to assess M/WBE participation. Discussed subcontracting possibilities available in software contracts.

**Outcome:** DGS committed to establishing an auditing system for M/WBES. The committee emphasized the importance of establishing an advisory board to assist DGS in its implementation of AB 1933 and the committee will continue to monitor the creation of this board. The committee emphasized the importance of compliance with the spirit of AB 1933 and identified subcontracting opportunities for software contracts.

#### Transcript Available

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**Subject:** Design and Construction.

**Hearing Date:** October 25, 1990

**Summary:** The committee conducted an interim hearing to (1) review agency plans for the implementation of AB 2565 (Eastin, Ch. 1650, Statutes of 1990), (2) revisit the implementation of the Phase I Report of the Task Force on State Design and Construction Policy; and (3) discuss the consolidation of state agencies administering state design and construction

regulatory policy.

**Outcome:** The Office of the State Architect agreed to submit a plan to the committee on implementation of the pilot project in January, 1991 and to look at whether a central valley location could be added to the pilot.

The committee agreed to investigate the concept of a continuous appropriation to OSA and OSHPD to assist with fluctuations in work load.

The committee agreed to conduct a hearing on Phase II of the task force report on capitol outlay in 1991 and to work with interested parties on developing a proposal for a single state agency to oversee design and construction regulatory work.

**Transcript Available**

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**Subject:** Late Payments by State Agencies and Their Impact on Small Businesses.

**Hearing Date:** October 30, 1990

**Summary:** The committee held an interim hearing on the incidence of late payments made by state agencies to private vendors. The committee reviewed the amount of interest paid by the state due to the late processing of claims and focused on the impact that late payments have on small businesses which contract with the state.

Testimony by representatives of small business made it clear that they would much rather be paid on time than receive the interest penalties that accompany late payments. If not, these businesses are forced to stall payments to their creditors or take out short-term loans to meet their cash-flow needs. Also, it was felt that having to file for interest penalties put the small vendor in a compromising position with the state.

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State agencies with late payment problems such as

the Prison Industry Authority (PIA) acknowledged the need to do a much better job and indicated that systems are in place to allow for the payment of most claims in 30-35 days. Control agencies like DGS, Department of Finance, and the Controller's Office are looking at methods such as automated invoicing and credit card use for small purchases as ways of expediting the payment of claims. The committee also heard from exemplary agencies who are able to meet payment deadlines routinely.

**Outcome:**

The hearing resulted in a number of committee requests. The PIA will be forwarding a copy of their accounting procedures for review by the committee. Dept. of Finance has pledged to work with agency fiscal officers to survey their knowledge on prompt payment provisions and to also ensure that interest payments are being automatically sent to vendors, as required by law.

The committee asked the Controller/DGS for a copy of the final report on the pilot looking at the use of credit cards and DGS has been asked to comment on the feasibility of establishing a 1-800 number for vendors to use regarding claims.

**Transcript Available**

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CONSUMER PROTECTION HEARINGS  
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**Subject:** Department of Consumer Affairs: 1989-90 Budget and Oversight Issues.

**Hearing Date:** January 25, 1989

**Summary:** The committee asked the Director of the Department of Consumer Affairs to address several issues including the merits of independent licensing boards, the need to sunset several boards and bureaus, and problems with consumer complaint handling at the Contractor's State License Board. The director discussed what steps the department was taking to address consumer protection concerns and discussed the impact of the Governor's proposed 1989-90 budget on the department.

**Outcome:** DCA Director Michael Kelley acknowledged the substantial disparity in effectiveness among the boards and bureaus in the department, and noted that bureaus generally are more proactive in their consumer protection role. He stressed the statutory autonomy of the boards and added that the department has no mechanism other than the annual budget review for evaluating the effectiveness of boards.

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**Subject:** Oversight of the Department of Consumer Affairs

**Hearing Date:** February 8, 1989

**Summary:** The oversight hearing focused on DCA boards and bureaus that operate successful programs in complaint handling, investigations and enforcement; and on programs that had sunset provisions and/or budget difficulties to address in the coming year.

Regarding enforcement, the committee chair noted the successful programs of the Bureau of Automotive Repair and the Board of Vocational Nursing and Psychiatric Technicians and urged the DCA director to try to transplant their methods to other boards and bureaus.

Regarding sunset provisions and budget difficulties, the committee heard from various DCA program officials who said that their boards received little guidance from the department in handling their budget difficulties. The DCA director said that (1) he has no authority to do contingency planning on behalf of the boards, but for the bureaus only; and (2) there would be no contingency plan for the Bureau of Personnel Services until their revenue picture was complete.

The committee chair urged the director to reconsider this position in light of the fiscal crisis of the bureau and the continuing need for complaint handling in the employment agency area.

**Outcome:** The department sponsored AB 2113 (Johnson, Ch. 704, Statutes of 1989) to repeal the Employment Agency Act and the Bureau of Personnel Services, and reenact regulatory provisions in the Civil Code.

The department agreed to urge its component boards to adopt the proactive complaint handling methods used by its exemplary programs.

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**Subject:** Contractor's State License Board: Consumer Complaint Handling.

**Hearing Date:** April 12, 1989

**Summary:** The committee held an oversight hearing on the continuing consumer complaint handling problems at the Contractor's State License Board. The committee focused on the time that the board was taking to handle a consumer complaint.

**Outcome:** The committee successfully requested the fiscal committees of both houses to augment the board's budget in order to decrease the complaint handling time. The budget was augmented by a total of 24 full-time positions to handle consumer complaints.

The committee also successfully requested that the board's budget be augmented by 14 positions to staff a separate unit to stop unlicensed contractors. The Governor cut the unit in half and established it as a pilot project in southern California.

Finally the committee asked the board to begin development of a 90-day turnaround policy on consumer complaints.

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**Subject:** Oversight of the Department of Consumer Affairs; Merger of the Board of Cosmetology and the Board of Barber Examiners.

**Hearing Date:** December 7-8, 1989

**Summary:** On December 7, the committee heard from numerous consumer groups concerning their perception of the ideal and actual role and functions of DCA. Many groups stated that the department is not a visible or accessible force for their constituents. They cited lack of outreach (especially to ethnic groups), lack of phone directory listings, lack of toll-free phone access, and ineffectual distribution of printed consumer materials as examples of the DCA's shortcomings.

On December 8, the committee heard from the two DCA boards that regulate barbering and cosmetology, and their respective associations, schools, and other interested parties. The major topic of discussion was the advisability of combining two state regulatory bodies whose function and operations appear to be virtually identical.

**Outcome:** The department agreed to hasten and expand the development of an 800-number to facilitate consumer access to its complaint handling staff, and pledged

to redouble its outreach efforts.

AB 3008 (Eastin and Frazee, Ch.1672. Statutes of 1990) was introduced to effect merger of the barber and cosmetology boards. The committee chair also introduced two bills aimed at evaluating state professional and vocational regulatory boards and curbing the growth of new boards and commissions.

**Transcript Available**

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**Subject:** Department of Consumer Affairs: Budget Oversight.

**Hearing Date:** January 24, 1990

**Summary:** This hearing entailed a brief review of the department's budget and some follow-up on issues raised at the December 7-8, 1989 oversight hearing.

The DCA director responded to questions about the considerable growth in staff & budget in the areas of administration and data processing, compared to a small increase in consumer services allotments.

**Outcome:** The director noted that the increase in board and bureau budgets over the years necessitated a parallel budget increase for support services. DCA boards and bureaus are special fund agencies and support services are funded by the boards and bureaus, he said, while the Division of Consumer Services is largely funded by General Fund money, making program increases there more difficult. The director reiterated his commitment to an 800-number program for consumer access and cited funding for that program in the coming year's budget.

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**Subject:** Licensing Legal Technicians.

**Hearing Date:** September 12, 1990





**Summary:** The committee held an interim hearing, in conjunction with the Senate Business and Professions Committee, on Preprint AB 14 (Eastin) regarding the licensing of legal technicians.

The State Bar testified as to the content of their Commission of Legal Technicians' report on the topic, indicating that the conclusions differed significantly from the format of Preprint AB 14. The Bar also indicated that they were in the middle of taking public comment on the report and would present it to the Bar Board for a vote late 1990 or early 1991.

Various consumer groups and HALT, the sponsor of the preprint, testified as to the need for affordable legal services. Various paralegal groups presented views on how such a new licentiate group should be structured and regulated.

**Outcome:** The committee agreed to work with all groups to draft legislation for introduction in 1991 to license legal technicians.

**Transcript Available**

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**Subject:** Consumer Contracts: 3-day Right of Rescission.

**Hearing Date:** October 30, 1990

**Summary:** The GE&CP committee interim hearing on the right of consumers to rescind contracts for the purchase of various types of goods and services was well attended by committee members and interested parties. Testimony at the hearing revealed that the right to rescind, known colloquially as the "3-day cooling off period," is firmly ingrained in consumers' minds, including the mistaken belief that they can cancel any contract. Testimony also revealed that automobile sales are the most problematic type of sales transaction for consumers.

**Outcome:**

Legislation resulting from the hearing could include a right to rescind auto sales contracts, or clear disclosure at the point of sale that consumers do not have such a right. Other provisions possibly emanating may be legislation to (1) streamline and standardize many of the confusing and inconsistent provisions in the twenty types of contracts that are subject to cancellation under current law; and (2) cross-reference specific cancellation statutes with more general statutes, including warranty law and general business practice statutes.

**Transcript Available**

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ASSEMBLY COMMITTEE ON GE&CP  
1989-90 LEGISLATIVE SUMMARY

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