

1988

1988 Summary of New Laws Affecting Women

California Commission on the Status of Women

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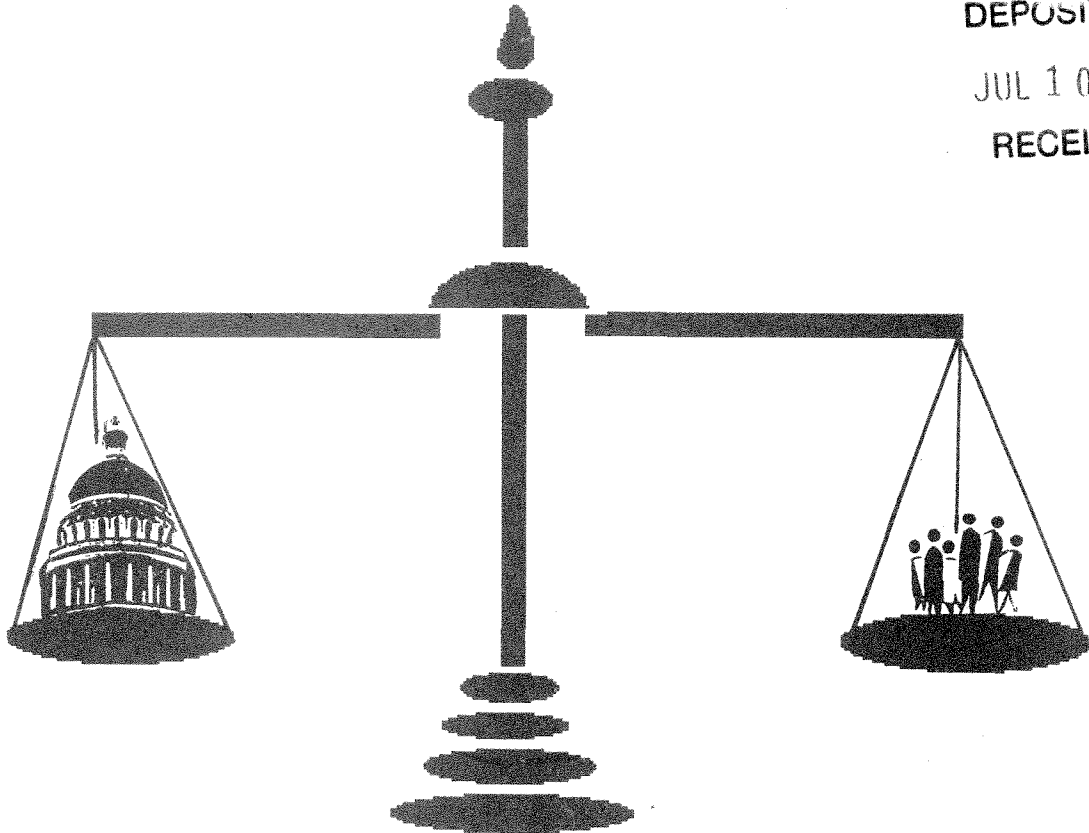
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California Commission on the Status of Women

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SUMMARY OF NEW LAWS AFFECTING WOMEN

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STATE OF CALIFORNIA



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CALIFORNIA COMMISSION ON THE STATUS OF WOMEN

SUMMARY OF NEW LAWS

AFFECTING WOMEN

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* * * *

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SUMMARY OF NEW LAWS

AFFECTING WOMEN

The 1987-88 session of the California Legislature came to a close on August 31, 1988. In the weeks that followed, the Governor took action on hundreds of bills affecting California women and their families. The next two-year session of the Legislature convenes December 5, 1988.

Of the 189 legislative measures monitored by the California Commission on the Status of Women during 1988, 82 died in Committee or were dropped by their author; 69 were chaptered and 38 were vetoed. This summary includes those bills monitored by the Commission which were enacted during 1988. The majority of these new laws will become effective on January 1, 1989. Only those which contain an urgency clause become effective before that date.

A copy of the chaptered version of these new laws may be ordered directly from the Legislative Bill Room, State Capitol, Sacramento, CA 95814. When ordering, please list chaptered bills in numerical order by chapter number. If you need further information on any of these new laws, you should contact the author's office.

The **Summary of New Laws** is published annually as a public service to our readers. During the legislative session, the Commission also periodically provides a "Summary of Pending Legislation," which includes an update on legislation identified by the Commission as having significant impact on California women. If you or someone you know would like to receive our legislative reports, just write or phone the Commission office:

California Commission on the Status of Women
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CHILD CARE

CHILD CARE: FACILITIES

AB 2697 (Statham) Community Facilities Districts: Child Care Facilities.

Under existing law, community facilities districts may levy a special tax to provide for the purchase, construction, expansion, improvement, or rehabilitation of real or other tangible property with an estimated useful life of 5 years or longer.

This law would expressly include child care facilities as an example of the types of facilities that can be financed by community facilities districts.

Chapter 534, Statutes of 1988.

AJR 62 (Cortese) Child Care Services.

This Joint Resolution expresses to the United States Congress the support of the California Legislature for the enactment of the federal Act for Better Child Care Services of 1987, which provides \$2.5 billion to help states supplement current child care programs, resulting in \$221 million for California.

Resolution Chapter 61, Statutes of 1988.

SB 1779 (Morgan) Day Care Centers.

Existing regulations require that a day care center has at least 75 square feet of outdoor activity space per child, based upon the licensed capacity of the day care center. This law requires the State Department of Social Services to conduct a comprehensive evaluation of the square footage requirements for outdoor activity space in child care centers, including public testimony on the issue of whether the square footage of outdoor

activity space for infants should be changed, and report its findings to the Legislature by June 1, 1989.

Chapter 732, Statutes of 1988.

SJR 32 (Morgan) Child Care.

This Joint measure petitions the President and the Congress of the United States to enact legislation to help states make child care affordable for low- and moderate-income families, increase the number of child care facilities, increase the number of qualified day care staff available to all families, improve the quality of child care available to all families, and coordinate child care resources to preserve their efficient use.

Resolution Chapter 53, Statutes of 1988.

CHILD CARE: OTHER

AB 953 (Zeltner) Grandparent Phonefriend Pilot Projects Program.

This law establishes the Grandparent Phonefriend Pilot Projects Program to provide telephone help lines for unsupervised children in Kindergarten through grade 6. The lines will be staffed by volunteers aged 60 or over for the purpose of providing information and/or support to the children.

This law also requires the State Department of Aging to establish 6 pilot projects in specified counties, with 2 in Los Angeles County and one each in Alameda, Butte, Marin and Riverside Counties, and provides one-time-only loans of up to \$15,000 to entities conducting these projects which shall be repaid with interest by each entity. The General Fund appropriation to the Department is \$75,000, of which \$10,000 shall be allocated for the operating and administrative costs of the program.

Chapter 1554, Statutes of 1988.

AB 2696 (Statham) State Employees: Dependent Care Assistance Program.

This law authorizes certain state employees to receive, in lieu of a portion of their salaries, the benefits of a State Employees' Dependent Care Assistance Program and/or a Health Care Reimbursement Account, and establishes the continuously appropriated State Employees' Dependent Care Assistance and Health Care Assistance Fund.

Chapter 809, Statutes of 1988.

AB 3961 (Baker) Child Care Providers.

Existing law provides a procedure whereby parents or legal guardians may submit a written request to the Department of Justice asking that the background of a prospective professional child care provider be examined, upon permission of the provider for release of the background information. This law, among other things, repeals such a provision and instead establishes a procedure authorizing a professional child care provider to initiate a background examination process, including the submission of two sets of fingerprints, one of which goes to the FBI and the other which is used to search the Criminal History System and the Child Abuse Central Index for information.

This law also requires the Department of Justice to establish and staff a toll-free telephone line in 5 pilot areas: City and County of San Francisco, Alameda, Contra Costa, Santa Clara and San Diego Counties. This toll-free line will allow interested parents, employment agencies, and other child care referral groups and registries to give a provider's name and driver's license or identification card number to the Department in order to determine if the provider is registered in the Automated Child Abuse System.

Chapter 1540, Statutes of 1988.

AB 4649 (Bronzan) Child Day Care Centers.

Existing law authorizes the State Department of Social Services (DDS) to administer day care center licensing requirements. This law provides, among other provisions, that any prerequisite established by DDS for qualification as a day care center teacher may be satisfied with a valid

child development associate credential. This law also requires the Chancellor's Office of the California Community Colleges to conduct a survey to obtain information relating to postsecondary educational institutions and training institutions which offer instruction in early childhood education, child development, infant care, schoolage care, child health, or care for special needs children.

In addition, the Chancellor's Office of the Community Colleges, in cooperation with the Chancellor of the California State University, the State Department of Social Services and the State Department of Education, is required to develop basic information for day care center licensees regarding maximizing various available training options in the State as well as those that are specially designed to meet training needs. The Department of Social Services is required to reproduce and distribute this basic information to current and future child care licensees.

This bill also requires the Chancellor's Office of the Community Colleges to be available to refer and assist day care center licensees and prospective day care center teachers in locating appropriate courses and respond to specific questions and concerns, as resources permit.

Chapter 1326, Statutes of 1988.

ACR 94 (Statham) Children's Services.

This Concurrent Resolution urges the Legislature to adopt a Uniform Children's Services Policy. Some of the declarations adopted in this policy include the following: every child has the right to shelter, safety and nourishment, every child deserves adequate quality care and supervision when parents are at work, school, or job training, or are incapacitated, and every child deserves a nurturing relationship with an adult.

Resolution Chapter 130, Statutes of 1988.

CHILD CARE: TAXATION

SB 722 (Hart) Income Taxation: Child Care Assistance

Currently, in computing taxable or net income, a taxpayer may deduct the amount of expenses incurred for child care assistance to the taxpayer's employees. This law authorizes, under the existing Personal Income Tax Law and the Bank and Corporation Tax Law, a 30 percent employer tax credit not to exceed \$30,000 for any taxable year, for startup costs of establishing a child care program or constructing a child care facility to be used primarily by the children of the taxpayer's employees, or for the cost of contributions to California child care information and referral services, or both. Startup costs include, but are not limited to, feasibility studies, site preparation and construction, renovation or acquisition for purposes of establishing or expanding onsite or near-site centers by one or more employers.

Additionally, this law allows a 50 percent employer tax credit for ongoing contributions to qualified child care plans which include, but are not limited to, on-site service, center-based service, in-home care, or home-provider care, so long as the facility is within the state. Contributions shall not exceed \$600 to a full time plan or \$300 to a part-time plan in any taxable year, made on behalf of any dependent of the taxpayer's California employee who is under the age of 15.

Chapter 1239, Statutes of 1988.

COMMISSION - SPONSORED BILLS

ACR 98 (Hansen) Women's History Month and International Women's Day.

This measure designates the month of March 1988 as Women's History Month and urges all Californians to join in the celebration of International Women's Day on March 8, 1988.

Resolution Chapter 13, Statutes of 1988.

SB 2758 (Marks) Displaced Homemakers.

Existing law requires Displaced Homemaker Emergency Loan Act applicants to file for emergency loans guaranteed by the State of California within 6 months of the date of displacement. This statute changes the requirement to allow such applicants up to 12 months from the date of displacement to apply for the loan.

Chapter 1298, Statutes of 1988.

ECONOMIC EQUITY

ECONOMIC EQUITY: BUSINESS

AB 2771 (Chacon) Small Business Development.

Existing law requires urban development corporations and rural development corporations established pursuant to authorization by the Small Business Development Board of the State Department of Commerce, to provide services and loans to business applicants.

This law requires these corporations to give high priority to small business incubators when issuing loans and loan guarantees. Incubators are designed to increase the likelihood that small businesses will succeed by sharing needed capital, equipment, services and facilities, creating and marketing new technologies, and providing students with training opportunities in entrepreneurship.

Chapter 634, Statutes of 1988.

ACR 104 (Katz) Small Business.

This Resolution requests that the Governor proclaim, in conjunction with the national designation thereof, the week of May 8 through May 14, 1988, as California Small Business Week, in special tribute to the outstanding contributions of small businesswomen and businessmen of this nation, since they provide the vast majority of job opportunities for women, youth, minorities and displaced homemakers

Resolution Chapter 35, Statutes of 1988.

SB 1797 (Torres) Small Business Development Center Plans.

Existing law has established Small Business Centers which require a Small Business Development Plan in order to provide services such as startup analyses, financial planning services, and access to existing

resources, among other things, for persons establishing or expanding a small business. This law requires, in addition to existing services, that such a plan include information on, and the promotion of, small business incubators. Small business incubators are facilities which allow new small businesses to increase their probability of success by sharing needed capital, equipment, services and facilities, including methods of funding without the expenditure of state tax dollars.

Chapter 1260, Statutes of 1988.

ECONOMIC EQUITY: MARITAL PROPERTY RIGHTS

SB 1190 (Lockyer) State Retirement Systems: Family Law.

Existing provisions of the State Teachers' Retirement Law (STRL) and the Public Employees' Retirement Law (PERL) provide various benefits for members and their beneficiaries and survivors of the State Teachers' Retirement System (STRS) and the Public Employees' Retirement System (PERS).

This law, among other provisions, authorizes the court to award a separate account of service credit and accumulated community property retirement contributions to each STRS and PERS member and non-member spouse in a legal separation or marriage dissolution proceeding.

Chapter 542, Statutes of 1988.

SB 2679 (Green, C.) Public Retirement Systems: Applications: Spousal Signature.

Existing law does not require spousal signatures on applications by members of the Public Employees' Retirement System or county retirement associations which would notify the current spouse of the selection of benefits, change of beneficiary, or of an application for refund of the member's accumulated contributions.

The sole purpose of this law is to require the spousal signature on any application for a refund of accumulated contributions, an election of

optional settlement, or a change in beneficiary, which would provide such notification to a member's current spouse.

Chapter 1163, Statutes of 1988.

ECONOMIC EQUITY: OTHER

AB 2698 (Speier) Family Law: Mediation.

Existing law provides that when the issue of custody or visitation with a minor child is contested, the matter will be set for mediation.

This law provides that in any custody mediation case where there is a history of domestic violence between the parties, the mediator shall have the authority to meet with the parties separately, upon the request of one of the parties and being consistent with local court rules, make a recommendation to the court as to the custody or visitation of the minor child or children.

Chapter 1377, Statutes of 1988.

SB 1306 (Morgan) Custody.

Existing law provides that custody of a child should be awarded in a specified order of preference according to the best interests of the child. The first order of preference is to both parents jointly or to either parent.

This law states that these preferences establish neither a preference nor a presumption for or against joint legal custody, joint physical custody, or sole custody, but allows the court and the family the widest discretion to choose a parenting plan which is in the best interests of the child or children.

Chapter 1442, Statutes of 1988.

ECONOMIC EQUITY: SUPPORT

AB 1766 (Wright) Unemployment Compensation: Disability Benefits.

Existing law authorizes the Employment Development Department (EDD) to withhold 25 percent, or any lower amount specified in writing by a judgment creditor or court order, of each weekly unemployment compensation payment to an individual, in order to enforce the individual's child support obligations to the extent required by federal law.

This law extends the application of these provisions to all support judgments and to unemployment compensation disability benefit payments. It also requires the voluntary plan payor to forward the child support deductions from the disability payments directly to the appropriate county.

Chapter 261, Statutes of 1988.

AB 2025 (Bates) Civil Law: Support.

Existing law provides that the parents, both mother and father, have an obligation to support and educate their child in a manner suitable to the child's circumstances, taking into consideration the earnings and earning capacities of the respective parents. This law, among other provisions, authorizes a court to require any parent who is in default in a child support payment because of alleged unemployment to submit a list of at least 5 different places he/she has applied to for employment, at any frequency set by the court.

In addition, the Department of Social Services, by July 1, 1990, is required to design and develop a statewide automated system for reporting of court ordered support obligations and delinquent payments to credit reporting agencies.

Chapter 900, Statutes of 1988.

AB 2840 (Harris) Family Law.

Under existing law, a parent has a duty to support his or her unmarried child who has attained the age of 18, is a full-time high school student and resides with a parent, until he or she completes the 12th grade or

attains the age of 19, whichever occurs first. This law would add a similar provision to the Family Law Act.

Among other provisions, this law requires the parties, rather than the parents, in proceedings contesting the custody of a visitation with a minor child, to pay the reasonable compensation and expenses of the court appointed counsel who represents the minor, when such representation is determined to be in the best interests of the minor, in the proportions the court deems just.

This law also specifies that, for purposes of verifying total gross income in determining the ability of parents to pay the mandatory minimum child support, federal and state income tax returns for the previous 2 years are subject to discovery by the parties, and may be required by the court.

Chapter 153, Statutes of 1988.

AB 2932 (Speier) Salaries: Authorized Deductions.

Existing law permits a state employee to authorize deductions from his or her salary or wages for payment of specified obligations, including insurance premiums or other employee benefits.

This law permits a deduction for payment for the support, maintenance, or care of an employee's child, children or family for whom the employee has a duty of support, and would require the assessment of service charges for the deduction. This law also authorizes a court to order the deductions and payment of child support from a state employee under certain circumstances.

Chapter 231, Statutes of 1988.

AB 3240 (Leslie) AFDC: Paternity Establishment: County Reimbursement.

Existing law requires each county to maintain a single organizational unit located in the office of the district attorney which has the responsibility for promptly and efficiently enforcing child and spousal support obligations and determining paternity in the case of a child born out of wedlock.

Among other provisions, this law requires the State Department of Social Services to provide payments to each county at a rate of \$90 per child for the establishment of paternity for each paternity established.

Chapter 899, Statutes of 1988.

AB 3699 (Harris) Family Law: Child Support: Health Insurance.

Existing law, the Agnos Child Support Standards Act of 1984, provides that the court shall require health insurance coverage for supported children to be maintained by a parent if that insurance is available at no cost or at nominal cost to the parent.

This law provides that, upon application by a party in any proceeding where the court has ordered either or both parents to maintain health insurance, the court may order the employer of the obligor parent or the person providing health insurance to the obligor, to enroll the supported child in the health insurance plan. The order will be identified as a health insurance coverage assignment.

Among other provisions, this law establishes procedures by which an obligor may move to stop a health insurance assignment; assesses the liability of the employer or provider for failure to comply with a health insurance assignment; and also levies a civil penalty assessment of \$500 for an employer who refuses to hire, or who discharges or takes disciplinary action against an employee based on a health insurance assignment.

Chapter 1395, Statutes of 1988.

SB 1019 (Watson) Parent and Child.

The existing Uniform Parentage Act specifies procedures for the judicial establishment of the parent-child relationship and authorizes a court to enter a judgment or order for the support of a child with regard to whom a parent-child relationship is established.

Among other provisions, where there is at issue the support of the minor child, this law authorizes the court to require one parent to pay the other parent a reasonable amount for support of a child, born on or after January 1989, for the shortest of the following periods prior to filing of an action

for support: 1) 3 years; 2) the date the birth certificate or written notification is mailed to the father; or 3) the date of separation of the parties until the date the action is filed.

This provision gives the custodial parent the right to file for retroactive support of a minor child up to 3 years, based on the court's determination as to which of the time periods cited above is the shortest. Previously, only the District Attorney responsible for collecting child support due Aid to Families with Dependent Children (AFDC) recipients had the power to collect retroactive support. Under certain circumstances, however, the court shall not award support if the father did not receive either a copy of the birth certificate from the State Registrar or a written notification from the custodial parent.

Chapter 1577, Statutes of 1988.

SB 1296 (Hart) Spousal Support.

Existing law authorizes the court to award support of a party, in any amount and for any time period the court may deem just and reasonable, in a judgment decreeing dissolution of marriage or a legal separation. In making this award, the court is required to consider various circumstances, including the standard of living and the earning capacity of the parties involved.

This law requires that spousal support orders generally be based on the standard of living established during the marriage, and rather than a consideration of the earning capacity of each spouse, this law requires the consideration to be based on the extent to which the earning capacity of each spouse is sufficient to maintain the "standard of living established during the marriage."

This law also provides that the court continue to take into account the extent to which the supported spouse contributed to the education, training, employment, career position or professional license of the other spouse, but requires that these factors be considered in general rather than only with respect to the earning capacity of each spouse. The court must also consider the ability of the supporting spouse to pay and the immediate and specific tax consequences to each party.

Chapter 407, Statutes of 1988.

SB 1341 (Hart) Family Law.

This law revises existing statutes relating to "award of the family home" in proceedings of dissolution of marriage or legal separation.

Among other provisions, this law renames this award a "deferred sale of home order", specifies factors that shall be considered in making such an order, and requires the court, when equally dividing family assets, to defer the sale of the family home for the purpose of allowing minor children to continue living in the home to minimize the adverse impact of dissolution or legal separation on the child. This law also provides that the value of the order may be considered to constitute additional child support.

Chapter 729, Statutes of 1988.

SB 1614 (Marks) Civil Law: Spousal Support: Wage Assignment.

Existing law authorizes, and in certain cases such as where spousal support is alleged to be unpaid and overdue, requires a court to order an assignment of the salary or wages of the supporting spouse, in an amount sufficient to pay the amount ordered by the court for spousal support.

This law revises the provisions relating to assignment of wages for spousal support in a manner similar to the law relating to wage assignment for child support. Among other provisions, this law requires that any court ordered spousal support or modification of spousal support made after January 1, 1989, contain a mandatory wage assignment provision for spousal support when the supporting spouse is one month in arrears.

This law also provides that if an order for support does not contain such a provision, the supported spouse must serve the payor spouse with a written notice of intent to pursue such a wage assignment at the time of filing a petition or complaint for spousal support.

Chapter 969, Statutes of 1988.

SB 2035 (Mello) Family Law: Child Support: Liens.

Existing law provides procedures for the enforcement of child support orders, including the enforcement of money judgments in cases where the party owed support may be paid from money due and owing by a public entity to the party who has an obligation to pay child support and is in arrears.

This law, among other provisions, allows a party who is owed support to file a copy of the judgment for arrearages and request the money to be paid from money which is owed as a refund under the Personal Income Tax Law, the Bank and Corporation Tax Law, or as lottery winnings.

Chapter 1017, Statutes of 1988.

SB 2510 (Robbins) Family Law: Child Custody: Mediation.

Existing law specifies procedures and standards concerning child custody awards. This law makes certain findings and declarations regarding child custody, and makes related changes such as those that affect the jurisdiction of the superior court to award reasonable visitation rights to the children of one spouse by the other spouse (stepparent), or the right of reasonable visitation to a person who is a grandparent of a minor child when it has been determined to be in the best interest of the child.

Among other provisions, this law requires the Judicial Council to adopt uniform standards of practice for the mediation of contested child visitation and custody matters by January 1, 1990, and provides that mediation shall not be denied to the parties on the basis that paternity is an issue before the Court.

Chapter 1550, Statutes of 1988.

SB 2518 (Robbins) Family Law: Responsive Pleadings.

Under existing law, the Family Law Act details various procedures including those actions for dissolution of marriage, child and spousal support, and child custody.

This law provides, in a hearing pursuant to the Family Law Act on an order to show cause, or for a modification, or in a hearing on a motion, other

than for contempt, the responding party may seek an affirmative relief alternative to that requested by the moving party on the same issues raised by the moving party.

Chapter 159, Statutes of 1988.

SB 2573 (Hart) Family Law: Child Support.

The Agnos Child Support Standard Act of 1984 establishes a minimum child support award based on the net disposable income of the parents. It also authorizes certain deductions, including a hardship deduction based on minimum basic living expenses of a parent's natural or adopted dependent minor children from other marriages or relationships, who reside with the parent.

This law, among other provisions, modifies the method of calculating a hardship deduction by prohibiting the deduction for each child residing with the parent from exceeding the support awarded each child who is the subject of the court order, except under specific circumstances. This law also provides a formula for calculating the maximum hardship deduction.

Chapter 1295, Statutes of 1988.

SJR 27 (Watson) Child Support.

Under the law prior to 1987, California permitted orders for the modification or revocation of child support to be retroactive..."to the date of the filing of the notice of motion or order to show cause or to any subsequent date..." In 1986, federal law was enacted which permitted retroactivity only to the date of notice. California, in order to continue to receive federal funding for its child support collection activities had to amend its law to comply with the federal mandate.

This measure petitions the President and Congress to permit individual states to determine the appropriate date for retroactive modification or revocation of child support orders.

Resolution Chapter 17, Statutes of 1988.

EDUCATION

AB 9 (Hughes) Education.

Existing law requires the State Board of Education to develop ratings of each school's performance in specified subjects. This bill will establish a School Performance Criteria Task Force to develop model criteria by which at-risk schools can be identified and improved, and appropriates \$150,000 to the Superintendent of Public Instruction to fund the Task Force. These provisions will be repealed on June 30, 1989.

Chapter 832, Statutes of 1988.

AB 3212 (Jones) Community Colleges: Residence.

Existing law allows some exemptions to tuition fees charged to nonresident students but only includes some specific nonresident attendance for computing average daily attendance, which determines the amount of money school districts receive when public education monies are apportioned.

This bill establishes a 2-year pilot program in Fresno County that exempts GAIN participants from nonresident tuition fees if 1) the GAIN student has exhausted all efforts to get federal assistance and 2) the courses being taken are related to the GAIN student's educational plan, and 3) the local community college district reaches agreement with the local GAIN county committee to provide such an exemption. It also allows nonresident students in this pilot program to be included in the average daily attendance count. This provision ends June 30, 1991.

Chapter 1590, Statutes of 1988.

AB 3653 (Friedman) Educational Programs and Activities: Discrimination.

Existing law provides that the governing boards of school districts and community college districts are responsible for ensuring that all programs are free from discrimination based on ethnicity, religion, age,

sex, color, physical or mental disability. Existing law also provides that the Chancellor of the California Community Colleges is responsible for reviewing certain types of complaints of alleged unlawful discrimination, and reviewing any investigation and/or action taken in assuring compliance of all regulations promulgated.

This law requires that it is the primary responsibility of governing boards of school districts, the Chancellor of the California State University, Presidents of each California State University campus and the President of the University of California, and the Chancellor of each University of California campus to ensure that school districts and campuses are free from discrimination. This law also provides that persons making a complaint be informed of their civil law rights and remedies and have the right to appeal an action taken by the governing boards of the respective educational institutions.

Chapter 1514, Statutes of 1988.

AB 4071 (Vasconcellos) Postsecondary Education.

Existing law gives the California Postsecondary Education Commission various duties and responsibilities regarding higher education.

This law requires the Commission to assess the feasibility of, and present options for, addressing educational equity at the University of California, California State University and the California Community Colleges. It also defines "educational equity" to mean the development and maintenance of institutional policies and practices which serve to encourage the achievement of appropriate goals for all students, in particular, women and minorities, and "multicultural success" to mean attaining those qualities which are essential for living, working and contributing successfully in a multiracial and multicultural society.

The law provides an appropriation of \$50,000 and requires the Commission to report to the Governor and Legislature by January 1, 1990.

Chapter 690, Statutes of 1988.

ACR 126 (Campbell) University of California: Differential Treatment.

This Concurrent Resolution requests the Regents of the University of California and the Trustees of the California State University to develop and implement programs and policies necessary to identify and correct any existing behaviors, practices and policies that result in differential treatment among its students. The Regents and Trustees are also requested to report to the Governor and the Legislature by March 31, 1990, regarding the steps taken to achieve these objectives.

Resolution Chapter 107, Statutes of 1988.

SB 148 (Bergeson) Teacher Credentialing.

Existing law (The Teacher Preparation and Licensing Law of 1970, also known as the Ryan Act) establishes the Commission on Teacher Credentialing and prescribes its duties, including a credentialing system for California public school teachers and the administration of the state basic skills proficiency test.

This law repeals the titles "Teacher Preparation and Licensing Law of 1970" and "The Ryan Act". It changes the makeup of the Commission on Teacher Credentialing and requires the Commission to make numerous changes in the teacher credentialing process which incorporate legislative intent to change the requirements and standards for the granting of a preliminary credential by the Commission. Included in the mandate for change is the requirement that candidates for a teaching credential have an understanding of the principles and laws related to educational equity and the equitable education of all students regardless of their ethnicity, race, gender, age, religious background, primary language or handicapping condition.

Chapter 1355, Statutes of 1988.

SB 2394 (Russell) Sex Education.

Under existing law, each public elementary and secondary school may include sex education in its curriculum, but may not require pupils to attend classes which discuss human reproductive organs, their processes and functions.

This law requires that all sex education courses satisfy specified course content criteria that emphasizes total abstinence as the only 100 percent effective protection against unwanted teenage pregnancies, sexually transmitted diseases, and the sexual transmission of Acquired Immune Deficiency Syndrome (AIDS). This provision becomes effective on July 1, 1989.

Chapter 1337, Statutes of 1988.

EMPLOYMENT

AB 2837 (Margolin) Unemployment Insurance: Disability Benefits.

Existing law requires the Director of the State Employment Development Department to maintain a program of education on disability rights and benefits and to give informational notice of disability insurance rights and benefits to all employees "hired" on or after July 1, 1988.

This law additionally requires that the same notice to be given to employees "leaving" work due to non-occupational sickness, injury or pregnancy on or after July 1, 1989.

Chapter 687, Statutes of 1988.

AB 3602 (Waters, N.) Unemployment Compensation.

Existing law provides that an individual may be disqualified for unemployment compensation benefits if they voluntarily terminate recent employment without good cause. However, it also provides that an individual may be considered to have terminated employment "with good cause" if they leave to accompany his or her spouse to a place from which it is impractical to commute, to which a transfer of the individual by the employer is not available, and at which location the spouse has secured employment.

This law provides that a spouse, for purposes of these provisions, includes a person to whom marriage is imminent. It also deletes the requirement that the spouse has secured employment and makes other technical changes.

Chapter 781, Statutes of 1988.

AB 3932 (Floyd) Aid to Families With Dependent Children (AFDC).

Existing law provides, through the Greater Avenues for Independence Act of 1985 (GAIN), for an employment and training services program to be administered for AFDC recipients. During the course of this program, the

individual is required to enter into a basic written contract which describes the program, the services and the rights and responsibilities of each of the parties. Sanctions are imposed for breach of that contract if an individual fails to participate without good cause.

This law specifies that an individual who volunteers to participate in the GAIN program, but fails to appear for a scheduled appointment prior to entering into the basic contract under the GAIN program, is deemed not to be in the program, and conciliation efforts and sanctions applicable to the GAIN program shall not apply in that situation.

Chapter 897, Statutes of 1988.

SB 1408 (Greene, L.) State Employees: Reduced Worktime Act.

It is the policy of the state under the Reduced Worktime Act, where feasible, to make reduced worktime benefits available to state employees and employees of the California State University who voluntarily are unable to, or who do not desire to, work standard working hours on a full-time basis.

This law states legislative findings, declarations, intent and policy regarding the Reduced Worktime Act.

Chapter 256, Statutes of 1988.

SB 1819 (Greene, B.) Unemployment Compensation: Disability Benefits.

Existing law provides that the Director of the State Employment Development Department shall require for each uninterrupted period of disability that the first claim for disability benefits be supported by the certificate of a physician, dentist, or podiatrist, duly licensed under state law.

This law provides that the first claim for disability benefits related to pregnancy may also be supported by the certificate of a nurse-midwife or nurse practitioner, duly certified under state law, and acting within the scope of his or her practice.

Chapter 191, Statutes of 1988.

EQUALITY

AJR 58 (Speier) Women's Vietnam Veterans: Memorial.

This Joint Resolution memorializes the President and Congress to support and enact legislation for the erection of a memorial honoring women Vietnam Veterans on the grounds of the Vietnam Veterans Memorial.

Resolution Chapter 19, Statutes of 1988.

HEALTH

HEALTH: ADULT CARE SERVICES

SJR 9 (Robbins) Federal Income Taxation: Deduction: Long-Term Care Insurance.

This Joint Resolution requests the President and the United States Congress to allow, for federal income tax purposes, a miscellaneous itemized deduction for the total premiums paid by a taxpayer for the purchase of long-term care insurance for the taxpayer or on behalf of an elderly relative.

Resolution Chapter 158, Statutes of 1988.

HEALTH: AIDS

AB 4209 (Roybal-Allard) AIDS.

This law requires the State Department of Health Services to develop, produce and disburse a brochure, specifically designed for sexual assault victims, concerning possible exposure to Acquired Immune Deficiency Syndrome (AIDS). Copies of the brochure must be provided to all county hospitals, facilities which provide services to sexual assault victims, and to police and sheriff departments. Those entities receiving such brochures, shall provide each victim of sexual assault served by the entity, with a copy of the brochure.

Chapter 1109, Statutes of 1988.

SB 2643 (Hart) Search Warrant: AIDS.

Existing law prohibits human immunodeficiency virus (HIV), the (AIDS) antibody testing, without the written consent of the subject, and also

prohibits the disclosure of test results to any other party without written authorization from the subject of the test.

This law provides that when a defendant has been charged with a crime, or a minor is the subject of juvenile court proceedings alleging commission of a crime, the court, at the request of the victim, may issue a search warrant for the purpose of testing the accused for HIV, provided the court finds there is probable cause to believe that blood, semen, or any other body fluid identified as capable of transmitting HIV has been transferred from the accused to the victim.

Among other provisions, this law also requires the prosecutor to advise the victim of his or her rights and requires local health officers to administer the HIV tests. This also permits the victim to make certain disclosures as to the test results to protect his or her safety or the health and safety of his or her sexual partner. The test results are prohibited from use in any criminal proceedings as evidence of either guilt or innocence.

Chapter 1088, Statutes of 1988.

HEALTH: INSURANCE

AB 1201 (Cortese) Insurance: Mammography.

Existing law, on and after January 1, 1988, imposes a requirement on group health care services plans, group policies of disability insurance, self-insured employee welfare benefit plans, and nonprofit hospital service contracts to provide mammography coverage as part of existing mastectomy, prosthetic and reconstructive surgery coverage.

This law will, on and after January 1, 1989, stipulate that mammography coverage be provided by individual health care service plans, individual policies of disability insurance, self-insured employee welfare benefit plans, and individual or group nonprofit hospital service plan contracts.

Chapter 1598, Statutes of 1988.

SB 367 (Robbins) Health Insurance.

Existing law requires group health care service plan contracts, policies of disability insurance, and nonprofit hospital service plans to offer continuation benefit coverage for at least 90 days for widows, widowers, divorced spouses, and their dependents.

This bill extends that coverage to include legally separated spouses, and those spouses of covered employees who are entitled to benefits under the Social Security Act and their dependants.

Chapter 960, Statutes of 1988.

HEALTH: OTHER

AB 1192 (Speier) Birth Certificates: Financial Information.

Existing law requires that a birth certificate contain specified confidential information to be used for public health use purposes only.

Among other provisions, this law includes within the types of confidential information requested to be collected, the principal source of payment for prenatal care and the expected principal source of payment for delivery. These changes become inoperative on January 1, 1999, or on the implementation date of the decennial birth certificate revision due to occur on or about January 1, 1999, whichever occurs first. The inclusion of this additional information on the birth certificate is designed to provide population-based data links which show that the lack of health insurance coverage, specifically the lack of prenatal care, is associated with adverse birth outcomes.

Chapter 172, Statutes of 1988.

AB 3217 (Margolin) Hospital Emergency Medical Treatment and Patient Transfer.

Existing law prescribes the conditions for transfer of persons needing emergency services and care from one hospital to another for a non-

medical reason. One condition is that the transfer shall conform with regulations established by the State Department of Health Services.

Among other provisions, this law requires that those regulations prescribe minimum protocols for patient transfers and requires hospital policies and protocols to be submitted to the Department of Health Services for approval by December 31, 1988.

Chapter 888, Statutes of 1988.

SB 2495 (Roberti) Health: Physicians and Surgeon.

Existing law provides that it is unprofessional conduct for a physician and surgeon to fail to inform a patient, by means of a standardized written summary, of alternative effective methods of treatment which may be medically viable when the patient is being treated for any form of breast cancer.

This law requires the physician and surgeon, prior to the performance of a biopsy, to note on the patient's medical chart that he or she gave the patient the written summary.

Chapter 596, Statutes of 1988.

HEALTH: REPRODUCTIVE RIGHTS

AB 3670 (Roos) California Adolescent Family Life Act of 1988.

Existing law provides for the Adolescent Family Life Demonstration Program. This law enacts the "California Adolescent Family Life Act of 1988", and permits the state Department of Health Services to conduct a program which provides comprehensive services to pregnant and parenting teens. Among these services are continuous prenatal care, medical care, psychological and nutritional counseling, maternity and adoption counseling, academic and vocational programs, and day care.

This law also requires the Department to submit to the Legislature an evaluation report on the Adolescent Family Life Program. Funding will be

provided to Department of Health Services through annual Budget Act appropriations.

Chapter 979, Statutes of 1988.

ACR 83 (Leslie) Liability Insurance for Obstetrical Services.

This Concurrent Resolution requests the office of the Legislative Analyst to conduct a study of published reports on the effects of professional liability insurance costs as they relate to the issue of public access to obstetrical care, and submit a report to the Legislature on or before June 30, 1989.

Resolution Chapter 131, Statutes of 1988.

ACR 171 (Mojonnier) The Joint Legislative Committee on Surrogate Parenting.

This Concurrent Resolution creates the Joint Committee on Surrogate Parenting, and charges the Committee to ascertain, study and critically analyze facts relating to commercial and noncommercial surrogate parenting. The Committee is required to report its findings to the Legislature no later than December 31, 1989.

Resolution Chapter 150, Statutes of 1988.

SB 949 (Seymour) Education: School Finance: Staff Training:
Identification of Teen High-risk Behavior.

Existing law authorizes school districts to participate in specified pupil motivation, maintenance, and dropout recovery programs. This law authorizes school districts that are currently funded and operating such programs to apply for funding to provide staff training in the identification of risk-taking behavior in teens. Risk-taking behaviors include, but are not limited to, drug and alcohol abuse, negative attitudes toward authority figures, and little personal initiative, the results of which may lead to school drop-out, teen pregnancy, teen prostitution, substance dependency, runaways, crime and violence.

Chapter 1576, Statutes of 1988.

SB 2579 (Bergeson) Perinatal Services.

Existing law provides for various sources of services to pregnant women and infants, including the Medi-Cal program and specified perinatal services programs, including a comprehensive community-based perinatal program, all of which are administered by the State Department of Health Services.

This law unifies existing programs, extends Medi-Cal eligibility for perinatal care and infant health services to all pregnant women and infants with family incomes not in excess of 185 percent of the federal poverty level. This law also requires that all pregnant women applying for Medi-Cal shall be considered as having an immediate need and, upon determination of eligibility, requires that a Medi-Cal card be issued immediately.

Chapter 980, Statutes of 1988.

V I O L E N C E

AB 2044 (Hughes) Privilege: Sexual Assault Counselors.

Existing law provides that a victim of sexual assault has a privilege, with a prescribed exception, to refuse to disclose, and to prevent another from disclosing, confidential communications between the victim and a sexual assault victim counselor.

This law expands the definition of sexual assault for the purpose of the provisions relating to that privilege.

Chapter 102, Statutes of 1988.

AB 2395 (Stirling) Crimes: Victims and Witnesses.

Existing law sets forth enumerated rights of victims and witnesses to crimes, including the right of the victim or next of kin of the victim, to be notified of any parole eligibility hearing. This law changes the title of the hearing and refers to the hearing as the parole "suitability" hearing, rather than the parole "eligibility" hearing.

Chapter 33, Statutes of 1988.

AB 3300 (Wright) Orders: Family Law.

Existing law authorizes the issuance of restraining orders for the prevention of domestic violence under the Family Law Act and Uniform Parentage Act. These orders generally expire after one year.

This law amends a section of the Family Law Act and a section of the Uniform Parentage Act to provide that certain restraining orders against domestic violence under these acts may have an initial duration of up to three years. This law also provides that certain restraining orders may be served by any law enforcement officer who is present at the scene of reported domestic violence, upon the request of the moving party.

Chapter 271, Statutes of 1988.

AB 3444 (O'Connell) Crimes: Domestic Violence Shelters: Disclosure of Location.

Existing law provides funding for programs that provide basic services, including temporary housing, to victims of domestic violence and their children.

This law stipulates that any person who maliciously discloses the location of a domestic violence shelter without the authorization of the shelter is guilty of a misdemeanor. This law does not apply, however, to confidential communications between an attorney and his or her client.

Chapter 840, Statutes of 1988.

AB 3483 (Filante) Sexual Assaults: Examination and Treatment.

Existing law requires the State Office of Criminal Justice Planning to develop protocol and informational guidelines for the examination and treatment of victims of sexual assault, including child molestation. It also sets standards for the collection and preservation of evidence.

This law revises these provisions to include "qualified health care professionals" among the personnel conducting the examination. This means that nurses who are currently licensed and working in consultation with a physician or surgeon may conduct the examination, in addition to a physician and surgeon as specified under existing standards.

Chapter 1575, Statutes of 1988.

AB 3709 (Polanco) Crimes: Restraining Orders.

Existing law authorizes a court having jurisdiction over a criminal matter to issue specified restraining orders, upon good cause belief that intimidation or dissuasion of a victim or witness has occurred or is likely to occur.

This law adds to the list of specified restraining orders, an order which protects victims and witnesses of violent crimes from contact by the

defendant or any other person before the court whose intent is to annoy, harass, threaten, or commit acts of violence.

Chapter 182, Statutes of 1988.

AB 4165 (Polanco) Crimes.

Under existing law, any willful and knowing violation of certain restraining orders against harassment, or issuance under the Family Law Act or the Domestic Violence Prevention Act, constitutes a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for not more than 6 months, or both. A person previously convicted of a violation of an order issued under the Domestic Violence Prevention Act is required to be imprisoned for up to one year.

This law increases the maximum imprisonment for a first violation conviction for any of the above-referenced orders to one year in the county jail. For a second or subsequent conviction, occurring within seven years of a prior conviction, which involves an act of violence or "a credible threat of violence," the sentence is imprisonment in the county jail for up to one year or in a state prison for 16 months or two or three years.

Chapter 674, Statutes of 1988.

AB 4348 (Roybal-Allard) Crimes: Spouse Abuse.

Existing law stipulates that any person who willfully inflicts corporal injury resulting in a traumatic condition, upon his or her spouse or any person of the opposite sex with whom he or she is living, is guilty of a felony punishable by imprisonment in the state prison for 2, 3, or 4 years or in the county jail for not more than one year, or by a fine of up to \$6,000, or both.

This law revises the existing statute to include individuals who have a child in common who are not living together. This law also requires a mandatory term of imprisonment in the county jail and participation in a batterer's treatment program for no less than one year, and successful

completion of the program designated by the court, as a condition of granting probation or suspending a sentence for repeat offenders.

Chapter 576, Statutes of 1988.

AB 4349 (Roybal-Allard) Crime: Domestic Violence.

Under existing law, the court may order the diversion of a defendant charged with the misdemeanor act of domestic violence and refer the defendant to counseling.

This law requires that the referral be instead to a batterer's treatment program directed specifically to the violent conduct of the defendant. If such a program is unavailable, the court may order diversion and referral to another counseling program.

It is the intent of the Legislature in enacting this law to provide that defendants in domestic violence cases be diverted and referred to "batterer's treatment programs" wherever possible, and to encourage counties without existing programs to establish such treatment programs on or before January 1, 1990.

Chapter 193, Statutes of 1988.

SB 2523 (Presley) Domestic Violence.

Under existing law, the addresses of victims of specified sexual crimes are exempt from mandatory public disclosure. Existing law also requires a two-year funding limitation on funds allocated to the development and implementation of domestic violence prevention programs.

This law removes the two-year funding limitation and requires that 60 percent of state funds received by local centers who meet the criteria for funding by the Office of Criminal Justice Planning, be used to develop and implement model program protocols and materials, and that 40 percent of the state funds received by these centers be allocated to programs to disseminate these protocols and materials.

Additionally, this law exempts from mandatory public disclosure the address of the victim of crimes relating to spouse abuse.

Chapter 1371, Statutes of 1988.

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