

2000

# 1999-2000 Summary of Legislation

Assembly Committee on Governmental Organization

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## Recommended Citation

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# ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

## 1999-2000 SUMMARY OF LEGISLATION



  
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# **ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION**

## **1999-2000 SUMMARY OF LEGISLATION**

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# Assembly California Legislature

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## ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

### 1999-2000 SUMMARY OF LEGISLATION

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## ALCOHOL

**AB 216**      *Wesson*

*Vetoed*

This legislation would have established the Alcoholic Beverage Control Special Enforcement and Training Fund, which would have been used to provide a permanent funding source for the Department of Alcoholic Beverage Control's Grant Assistance to Local Law Enforcement Agencies and Licensee Education on Alcohol and Drugs programs. The programs would have been funded from the fines that are collected from licensees who violate the Alcoholic Beverage Control Act for violations such as those involving sales to minors and inebriates, or operating their premises as public nuisances.

**AB 220**      *Washington*

*Died, Assembly Appropriations*

Would have established the Community-Based Alcohol Education Account (CBAEA) in the Alcohol Beverage Control fund to finance grants awarded by the Department of Alcoholic Beverage Control to community-based alcohol education programs for youth. Appropriates \$900,000 from the General Fund to the CBAEA for this purpose.

**AB 377**      *Wesson*

*Died, Senate G.O.*

Would have prohibited the Department of Alcoholic Beverage Control from adopting a rule or regulation that permits a licensee to offer any premium, gift, or free good to a consumer in such a way that would encourage the purchase or consumption of alcoholic beverages by minors and that is conditioned on the purchase of an alcoholic beverage.

**AB 683**      *Wiggins*

*Died, Senate Appropriations*

Would have clarified that wine growers and wholesalers could occasionally inspect and clean wine taps and tapping equipment located in bars and restaurants. (Bill was amended in the Senate to address the issues raised in SB 1293.)

**AB 749**      *Wesson*

*Chapter 787, Statutes of 1999*

Authorizes the Department of Alcoholic Beverage Control to destroy drugs and drug paraphernalia found at liquor stores and bars by allowing the department to directly obtain a court order authorizing this action. The bill also requires liquor stores that sell videos to make sure that any adult or X-rated videos are displayed in a separate adults-only section. Lastly, the bill increases the penalties for crimes involving minors who purchase, attempt to purchase, possess, or who use false identification to purchase alcohol. If there is economic hardship, the courts may substitute community service in drug or alcohol treatment facilities or county coroner's office in lieu of, or in combination with, fines.

**AB 772**      *Wesson*

*Died, Senate G.O.*

Would have clarified the definition of what constitutes "beer," by deleting ale, porter, brown, stout, lager beer, small beer, and strong beer from the Alcoholic Beverage Control Act definition of this product.

**AB 1092**      *Lowenthal*

*Chapter 499, Statutes of 1999*

Allows the Department of Alcoholic Beverage Control (ABC) to place reasonable conditions on retail licenses at the time of license transfer, upon request by the local governing body in whose jurisdiction the license is located. The request for conditions must be supported by substantial evidence that the problems identified by the local governing body will be mitigated by the conditions. Upon receipt of a request for conditions, the ABC must either adopt the conditions that were requested or notify the local governing body in writing of its determination that there is not substantial evidence that the problem exists or that the conditions would not mitigate the problems identified.

**AB 1407**      *Wesson*

*Chapter 699, Statutes of 1999*

Committee bill that modified existing Alcoholic Beverage Control Act sections of law relating to wine auction sales, event permits, and the manner by which a manufacturer or distributor may stock or rotate their products at off-sale establishments.

**AB 1525**      *Thomson*

*Chapter 7, Statutes of 2000*

Broadens an existing tied-house exception to allow a beer manufacturer or winemaker to purchase advertising from, or on behalf of, an on-sale licensee that is the owner or major tenant of an outdoor stadium with a fixed seating capacity in excess of 10,000 seats located in Yolo County.

**AB 1604**      *Wesson*

*Chapter 424, Statutes of 2000*

Broadens an existing tied-house exemption to allow the holder of a distilled spirits manufacturer's license or a distilled spirits manufacturer's agent's license to purchase advertising space and time in connection with daily activities and events from, or on behalf of, an on-sale retail licensee that is the owner of either a motion picture studio facility, adjacent theme park/retail development, or fully enclosed auditorium.



**AB 2187**      *Aanestad*

*Chapter 381, Statutes of 2000*

Allows local governments to prohibit the possession of open containers of alcoholic beverages in city or county-owned parks or public places, if the respective local government has enacted an ordinance prohibiting the possession or consumption of alcoholic beverages in those areas.

**AB 2520**      *Thomson*

*Chapter 384, Statutes of 2000*

Authorizes licensed winegrowers to obtain certified farmers' market sales permits from the Department of Alcoholic Beverage Control that allows for the sale of wine at certified farmers' markets.

**AB 2551**      *Thomson*

*Vetoed*

Would have increased the monetary amount of advertising specialties alcoholic beverage licensees may give to the public and retailers in connection with the sale or distribution of beer.

**AB 2759**      *G.O. Committee*

*Chapter 979, Statutes of 2000*

Committee bill that deletes an obsolete section of the Alcoholic Beverage Control Act and modifies an existing tied-house exception to instead apply to Contra Costa and San Joaquin Counties. The bill further makes various technical and non-substantive changes to alcohol law.

**AB 2777**      *Granlund*

*Chapter 980, Statutes of 2000*

Broadens an existing tied-house exception relating to the purchase of alcohol advertisements at specified venues to include distilled spirits manufacturers, and authorizes a non-retail alcohol industry member to list specified information relating to the availability of alcoholic beverages at no more than two restaurants in response to a direct inquiry from a consumer received by telephone, mail, or the Internet.

**SB 340**      *Baca*

*Chapter 786, Statutes of 1999*

Requires the Department of Alcoholic Beverage Control (ABC) to notify licensees within 72 hours of the results of any minor decoy program that involved the licensee, and authorizes nonprofit organizations to obtain videotapes and other training material from the ABC on the department's Licensee Education on Alcohol and Drugs program. The bill additionally authorizes the ABC to periodically update their videotapes and training material and to provide the information in other languages.

Amends the Alcoholic Beverage Control Act to provide that a provision in a contract between a beer manufacturer and a beer wholesaler for the sale and distribution of beer in this state, which restricts venue to a forum outside this state, is void with respect to any claim arising under or relating to the agreement involving a beer wholesaler operating within this state.

States legislative intent to appropriate \$55,300 in equal amounts over five years from the Wine Safety Fund to the State Department of Health Services for the purpose of implementing a statistically valid testing program to ensure that levels of lead in wine sold in this state meet applicable laws and regulations.

Allows a licensed beer manufacturer or winemaker to purchase advertising from, or on behalf of: a) a Kern County on-sale licensee meeting specific stadium and arena seating capacities; b) a theme or amusement park and the adjacent retail, dining, and entertainment area located in Orange County; and, c) an exposition park located in a county of the fourth class meeting specified stadium and arena seating capacities.

Modifies an existing tied-house exception to allow an on-sale licensee that also has an ownership interest in a winery to purchase a specified portion of the wine products sold at the on-sale establishment directly from the same licensed winegrower, rather than from a wholesaler.

Authorizes a non-retail industry member to list the names, addresses, telephone numbers and/or e-mail addresses, or web site addresses, of two or more unaffiliated off-sale retailers selling the products produced, distributed and/or imported by the person or business in response to a direct inquiry from a consumer received by telephone, mail, or the Internet.

Imposes specified restrictions on the labeling of wines produced in Napa Valley. Makes various findings and declarations with respect to the necessity of preserving the integrity of the "Napa" appellation and states legislative intent to assure consumers that wines produced or sold in this state with brand names or advertising referring to Napa appellations in fact qualify for the Napa Valley or Napa County appellation of origin. Provides that no wine produced, bottled, or sold in California may use, in a brand name



or on any label, any of the names of viticultural significance that include Napa or any appellation of origin that is located within Napa County, or any similar name to the above that is likely to cause confusion as to the origin of the wine, and includes on the label or advertising that appellation or a viticultural area appellation of origin that is located entirely within Napa County. Authorizes the Department of Alcoholic Beverage Control (ABC) to suspend or revoke the license of a winemaker who violates the provisions of this bill, and permits the ABC to seize and dispose of any wine labeled in violation of this bill.

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**SB 1423**      *Chesbro*

*Chapter 205, Statutes of 2000*

Authorizes a winegrower or brandy manufacturer to list, in response to an inquiry from a consumer received by telephone, mail, or the Internet, the names, addresses, telephone numbers, e-mail addresses, or web site addresses, of two or more unaffiliated restaurants that sell the wine and/or brandy produced, distributed and/or imported by the person or business. Provides that this action does not constitute a thing of value or prohibited inducement to the listed off-sale retailer.

**SB 1511**      *Chesbro*

*Chapter 231, Statutes of 2000*

Establishes a new license category in the Alcoholic Beverage Control Act for the American Center for Wine, Food and the Arts, a non-profit entity located in Napa County.

**SB 1957**      *Burton*

*Chapter 1083, Statutes of 2000*

Prevents beer manufacturers from terminating beer wholesalers solely because of the wholesaler's failure to meet an unreasonable sales goal or quota and requires beer manufacturers to pay compensation to a beer wholesaler for unreasonable denial of sale or transfer of brands.

**SB 2085**      *McPherson*

*Chapter 39, Statutes of 2000*

Authorizes the sale of alcoholic beverages on the campus of Monterey Peninsula College during the period from June 15 to June 22, 2000, in connection with the 100<sup>th</sup> anniversary of the United States Open Golf Championship Tournament at Pebble Beach.

## ATHLETICS

**AB 52**      *Cedillo*

*Chapter 436, Statutes of 2000*

Establishes a maximum fee on admission receipts paid to the California Athletic Commission by promoters for any one boxing contest.

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## EMERGENCY SERVICES

**AB 113**

***Florez***

*Died, Assembly Consumer Protection*

Would have enacted the Agricultural Economic Disaster Act of 2000 and required the Director of the Office of Planning and Research, in consultation with other specified agencies, to prepare a model agricultural economic disaster preparedness and response local ordinance to address freeze-related losses imposed on farmers, farm workers, and agriculture dependent industries. The bill would have additionally authorized the Governor to expend moneys from the Disaster Response-Emergency Operations Account for agriculture-related economic disaster response costs

**AB 880**

***Dutra***

*Chapter 356, Statutes of 1999*

Requires the Office of Emergency Services (OES) to procure mobile communication translators to enable mutual aid emergency response agencies to communicate while operating on incompatible frequencies.

**AB 1122**

***Machado***

*Died, Assembly Appropriations*

Would have established the Local Disaster Preparedness Trust Fund (LDPTF) in the State Treasury and appropriate \$10 million from the General Fund to the LDPTF for specified emergency management purposes.

**AB 1952**

***Florez***

*Died, Assembly Appropriations*

Would have also enacted the Agricultural Economic Disaster Act of 2000 and required that a supplemental report to the State Emergency Plan be revised to respond to agriculture-related disasters. The bill would have required the Director of the Office of Planning and Research, in consultation with specified state agencies, to prepare a model agricultural economic disaster preparedness and response local ordinance, and encouraged local governments to adopt, by October 1, 2001, an updated emergency preparedness and response ordinance that reflects the unique needs of agricultural emergencies.

**AB 2444**

***Thompson***

*Died, Assembly Agriculture*

Would have required the Director of the Office of Emergency Services (OES) to declare a state of emergency in any area or region of the state that is within a federally designated quarantine area.

**AB 2572**      **Corbett**

*Died, Assembly Appropriations*

Would have required the Office of Emergency Services (OES) to institute a project impact grant program to mitigate risks from future earthquakes.

**AB 2792**      **Honda**

*Died, Assembly Appropriations*

Would have appropriated \$10 million from the General Fund to the Office of Emergency Services to establish, fund, and provide technical assistance for a grant program for regional public-private organizations to implement natural disaster mitigation measures.

**AB 2837**      **Hertzberg**

*Vetoed*

Would have authorized local public agencies to establish a "311" non-emergency telephone system designed to serve as the primary non-emergency telephone number within the respective system.

**SB 669**      **Polanco**

*Chapter 677, Statutes of 1999*

Adds a representative from a city and from a county to the list of entities with which the Department of General Services must regularly consult when considering the state's 911 emergency response service. Codifies the advisory boards for six telecommunications programs administered by the California Public Utilities Commission.

**SB 1122**      **Alarcon**

*Chapter 294, Statutes of 1999*

Appropriates \$75,000 from the General Fund to the Office of Emergency Services to develop an educational pamphlet for use by school personnel to identify and mitigate the risks posed by nonstructural earthquake hazards.

**SB 1871**      **Alarcon**

*Vetoed*

Would have required the Office of Emergency Services (OES) to prepare no later than July 1, 2002 a statewide disaster recovery plan aimed at normalizing the social and economic environment following a disaster. The plan must include: (a) the identification of eligible reimbursable costs provided by the Federal Emergency Management Agency (FEMA); (b) the exploration of creative ways to identify matching funds for state and local government applications to FEMA's post-disaster Hazard Grant Mitigation Program funds; (c) mitigation priorities for the state; (d) transitional and long-term housing provisions; (e) the development of a team approach to assist local governments in post-disaster recovery; and (f) The creation of a mitigation committee consisting of representatives of appropriate state agencies, that would assist local governments in reducing earthquake risk. The bill will additionally appropriate \$250,000 from the state General Fund to the OES for purposes of implementing the bill's requirements.

**SB 1983**

***Alarcon***

*Vetoed*

Would have required the Office of Emergency Services, in consultation with the Department of Forestry and Fire Protection, to prepare and submit to the Governor and the Legislature a report containing recommendations regarding the minimum standards that will ensure the proper maintenance and safe operation of helicopters involved in emergency air operations.

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**SB 2104**

***Morrow***

*Chapter 698, Statutes of 2000*

Requires the Office of Emergency Services to include in its standardized emergency management system emergencies or disasters including freezes and agricultural quarantines caused by pest infestation or plant diseases that damage or threaten to damage agricultural property.

**SB 2184**

***Soto***

*Died, Assembly Appropriations*

Would have established the Christopher King Memorial Act to require, on or before January 1, 2002, the Office of Emergency Services (OES) to prepare technical services bulletins for use by public officials and special event facilities in the preparation and adoption of emergency service contingency plans.

## **FIRE MARSHAL/FIRE SAFETY**

**AB 20**      *Lempert*

*Died, Assembly Appropriations*

Would have prohibited the Department of General Services (DGS) from approving school construction or modernization projects unless the projects contain an automatic fire detection and alarm system approved by the State Fire Marshall.

**AB 773**      *Leach*

*Died, Senate Appropriation*

Would have appropriated \$5 million from the General Fund to the Commission on State Mandates to reimburse the costs incurred by local agencies from any new program or increased level of service mandated by statute or executive order during the period between fiscal years 1992 and 2000 for structural and wild land firefighter's safety clothing and equipment.

**AB 1709**      *Romero*

*Died, Senate Appropriations*

Would have established the Firefighter Health and Safety Act of 2000 and authorized the Director of the Office of Emergency Services (OES) to establish a matching grant program to retrofit fire stations with diesel exhaust recovery systems using available federal funds to match local expenditures. The bill would have additionally authorized the Director of OES to recommend to the California Occupational Safety and Health Board safe practices for the operation and maintenance of diesel powered fire engines to protect firefighters who may be subject to diesel exhaust exposure.

**AB 1971**      *Dickerson*

*Died, Assembly Appropriations*

Would have required volunteer fire departments to receive complete reimbursement for specified training activities and for responding to calls on state roads and highways.

**AB 2115**      *Lempert*

*Vetoed*

Would have enacted the Green Oaks Family Academy Elementary School Fire Safety Protection Act to provide that all new school construction or modernization projects that require the approval of the Department of General Services must include an automated fire detection, alarm, and sprinkler system as specified and approved by the State Fire Marshall.

**AB 2325**      *Floyd*

*Died, Assembly Appropriations*

Would have appropriated \$100 million from the General Fund to the State Fire Marshal without regard to fiscal year for allocation to local fire departments for the purchase of equipment and the funding of salaries and benefits of fire personnel. Requires the State Fire Marshal to allocate the funds proportionately on the basis of the percentage of the state's population served by each department.

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**SB 1592**      *O'Connell*

*Vetoed*

Would have reduced the voting membership of the State Board of Fire Services (the Board) from 18 to 16, revises the selection process for the volunteer firefighter and the fire service labor representatives on the Board, and specifies that the Board may not meet more often than quarterly.



## GAMING

**AB 317**      *Floyd*

*Vetoed*

Would have authorized card clubs to play the card game twenty-one subject to the approval of the Gambling Control Commission and the Division of Gambling Control, and authorizes the play of other controlled games as either player-pool banked or player-banked, as specified. The bill additionally requires two-thirds of the respective voters (rather than a majority) to approve a measure or ordinance that permits or expands an existing ordinance authorizing controlled gaming within that local jurisdiction.

**AB 621**      *Floyd*

*Died, Assembly Inactive File*

Would have defined "casino," as used in the California Constitution, as a place where gambling or wagering is conducted and the players wager or gamble against the house, with the house collecting losing bets and paying winning bets.

**AB 714**      *Firebaugh*

*Vetoed*

Would have made various changes to the Gambling Control Act and to the Gambling Control Commission in terms of its authority to issue gambling licenses and adopt specified regulations. The bill would have also permitted a person to be licensed to own a card club if the person owned less than one percent of a publicly traded business that was engaged in a type of gambling illegal in this state, whether the business is within or outside of California.

**AB 948**      *Wesson*

*Died, Senate Inactive File*

Would have provided that the term "slot machine or device" or "gambling device" shall not be construed to include any parts, EPROM chips, diagnostic tools, jackpot verification kits, and other ancillary parts and supplies that are not installed on a slot machine or device. The bill would have provided that these ancillary parts and supplies could be lawfully shipped to or from any tribal gaming facility in this state that is authorized to operate Class III gaming devices pursuant to the terms of an effective tribal-state gaming compact.

**AB 1066**      *Cardenas*

*Vetoed*

Would have authorized a person to transport and possess any inoperable slot machine or device for display at a trade show, conference, or convention held in California. (This bill was amended in the Senate to authorize the Department of Transportation to enter into a contract with a federally-recognized Indian tribe to provide services related to the development and installation of freeway on-ramps and off-ramps to state highways, and related access roads, provided that specified conditions are met.

Designates the Governor as the state officer responsible for negotiating and executing, on behalf of the state, tribal-state gaming compacts with federally recognized Indian tribes located in California pursuant to IGRA for the purpose of authorizing Class III gaming on Indian lands. The bill ratifies tribal-state gaming compacts with 57 Native American tribes pursuant to the federal Indian Gaming Regulatory Act of 1988 (IGRA), and deems ratified any other compact entered into between the State of California and any other federally recognized Indian tribe executed after September 10, 1999, if: (1) the compact is identical in all material respects to any of the compacts also ratified by this legislation, and (2) the compact is not rejected by each house of the Legislature by 2/3 of each house's membership within 30 days of the date of submission of the compact to the Legislature by the Governor, as specified. Creates in the State Treasury an Indian gaming revenue sharing trust fund to be used for the receipt and deposit of moneys paid into the fund pursuant to tribal-state gaming compacts for the purpose of payment to non-compact tribes from gaming device license fees. Monies in this fund are available to the California Gambling Control Commission, upon appropriation by the Legislature, for the purpose of payment of distributions to non-compact tribes in accordance with provisions of such compacts relative to this subject. Creates in the State Treasury a Indian gaming special distribution fund for the receipt and deposit of monies received by the State from tribal-state gaming compacts and from which monies will be available for appropriation by the Legislature for the following purposes: (1) grants for programs designed to address gambling addiction, (2) grants for the support of state and local agencies impacted by tribal government gaming, (3) compensation for regulatory costs incurred by the State in connection with the implementation and administration of tribal-state gaming compacts, and (4) any other purpose specified by law.

Would have defined what constitutes a prohibited "house-banked game," and exempted from this definition those games played in licensed card clubs in which the rules of the game utilize a player-dealer position, provided the opportunity to occupy this position continuously and systematically rotates among all seated players.

Defines what constitutes a prohibited "banking or banked game," and exempts from this definition those games played in licensed card clubs in which the rules of the game utilize a player-dealer position, provided the opportunity to occupy this position continuously and systematically rotates among all seated players and preclude a person or entity from maintaining or operating as a bank during the course of the game.

**AB 1417**      *Wesson*

*Vetoed*

Would have defined what constitutes a "banking game," and exempts from this definition those games in which a player who does not represent the interests of the house may act as a bank, provided the position is offered to all players at the table.

**AB 1429**      *Floyd*

*Died, Senate Floor*

Would have clarified that a corporation applying for or holding a card club owner's license must purchase the security held by an individual owner denied a license by the Gambling Control Commission for book value in cash and not in an amount greater than fair market value, within 30 calendar days after the date of the offer. Deletes from the findings and declarations section of the Gambling Control Act (GCA) the statement that "the longstanding public policy of this state disfavors the business of gambling." (The bill was amended in the Senate to provide that a licensed owner of a card club could, upon approval by the Gambling Control Commission and the Division of Gambling Control, play the game commonly known as blackjack or twenty-one at the card club.)

**AB 1517**      *Firebaugh*

*Vetoed*

Would have provided that a progressive pot game played in a licensed card club is not unlawful if the game contains elements of skill, in addition to requiring the Gambling Control Commission (Commission) to adopt regulations relating to the accounting of all funds held for progressive pot payouts. The bill would have also provided that the Commission must by regulation authorize a card club to make a monthly deduction from the funds in the progressive pot for specified expenses, and allow the local government entity in which the establishment is located to require the gambling establishment to make a monthly deduction of up to 5% of the funds in the progressive pot, to be paid to that local government entity as a licensing fee or for administrative costs.

**AB 2179**      *Wesson*

*Died, Senate Appropriations*

Would have prohibited Internet gambling in addition to authorizing the Attorney General to bring criminal and civil actions against violators. The bill granted the Attorney General the authority to issue cease and desist letters and take other actions as necessary to maximize compliance with the bill's provisions.

**AB 2788**      *Granlund*

*Vetoed*

Would have deleted the requirement that private card clubs located in a county that authorizes such activities conduct an election prior to July 1, 2000 to allow for the continued operation of a gambling establishment as a private club, as specified, and made several other non-substantive changes to the Gambling Control Act.

**AB 2847**      *Firebaugh*

*Vetoed*

Would have modified the composition of the Gaming Policy Advisory Committee to consist of 16 members (rather than 10), and makes several other non-substantive changes to the Gambling Control Act (Act), including authorizing the Gambling Control Commission (commission) to reinstate a license to own a gambling establishment, a key employee license, or any other license provided for under the Act, that has been revoked, suspended, or terminated, provided that the license was not revoked, suspended, or terminated by the Division of Gambling Control (division) or commission for cause.

**SB 228**      *Burton*

*Died, Senate Floor*

Would have authorized the transportation of slot machines on any vessel regularly engaged in interstate or foreign commerce so long as the machine is rendered inoperable and not accessible for use while the vessel is within the territorial jurisdiction of California.

**SB 639**      *McPherson*

*Chapter 778, Statutes of 2000*

Permits raffles to be conducted by private, nonprofit organizations for the purpose of providing financial support for beneficial or charitable works.

**SB 829**      *Figueora*

*Chapter 351, Statutes of 1999*

Authorizes the Division of Gambling Control to extend a provisional license if, prior to the expiration of the license, the holder of the license requests an extension, pays all applicable fees, and the licensee's establishment is located in a local jurisdiction that has a gambling ordinance in compliance with the Gambling Control Act. Allows the Gambling Control Commission or the Division to adopt a regulation to allow a person that is required to hold a state license prior to owning or being employed at a card club to engage in that activity prior to licensure.

**SB 1207**      *Polanco*

*Chapter 642, Statutes of 1999*

Authorizes a person to transport and possess any inoperable slot machine or device for display at a trade show, conference, or convention held in California.

**SB 1838**      *Burton*

*Vetoed*

Would have exempted a card club in existence prior to July 1, 2000 that is owned by a publicly traded racing association from the provision in the Gambling Control Act that generally prohibits a person from being licensed to own a card club if that person has any financial interest in a company, either within or outside of this state, that is engaged in a form of gambling that is illegal in California.

Proposed constitutional amendment for the March 2000 primary election authorizing the Governor to negotiate and conclude compacts, subject to ratification by the Legislature, for the operation of slot machines and for the conduct of lottery games and banking and percentage card games by federally recognized Indian tribes on Indian lands in California in accordance with federal law.

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## GOVERNOR/OFFICIAL ACTS

**AB 638**      *Thompson*

*Died, Senate Rules*

Would have designated September 9, 2000 as "Admission Day," an observable state holiday for non-elected state employees in lieu of the second Monday in October (Columbus Day) for the year 2000, provided that all recognized employee organizations agree to observe the holiday.

**AB 724**      *Dutra*

*Chapter 784, Statutes of 1999*

Declares Year 2000 Problem remediation to be the top information technology priority for all state agencies and would make various changes and additions to current practice and policy in anticipation of potential Year 2000 Problem impacts on state governmental operations.

**SB 134**      *Kelley*

*Chapter 416, Statutes of 1999*

Revises and recasts provisions of existing law to replace the California Archives Foundation with the Golden State Museum Public Benefit Corporation, which is required to operate the Golden State Museum under an operating agreement with the Secretary of State, as specified. Allows the Golden State Museum Store, located in the Rotunda of the restored State Capitol Building, to use the Great Seal of the State for commercial purposes.

**SB 984**      *Polanco*

*Chapter 213, Statutes of 2000*

Establishes a paid holiday for state employees each March 31, which would be designated as "Cesar Chavez Day." Requires the California Commission on Improving Life Through Service to administer a Cesar Chavez Day of Service and Learning grant program, which would provide grants to Americorps or Conservation Corps activities that engage school pupils in community service on Cesar Chavez Day. The bill additionally appropriates \$5 million annually from the General Fund for the grant program, and \$1 million from the General Fund to the Superintendent of Public Instruction to develop a model curriculum on the life of Cesar Chavez, and, upon approval of the State Board of Education, to distribute the curriculum to each school.

## HORSE RACING

**AB 270**      *Floyd*

*Chapter 28, Statutes of 1999*

This bill authorized a harness or quarter horse racing association to accept wagers on the results of out-of-state and international harness or quarter horse races and, with the approval of California Horse Racing Board and the horsemen and women's organization contracting with the association, other imported races if, among other current requirements, the association conducts at least seven live races and imports not more than six races on those days during a race meeting when live races are being run.

**AB 315**      *Wright*

*Vetoed*

Would have broadened the definition of "propositional wagering" to include wagers on propositions approved by the California Horse Racing Board that are based on the results of all live horse races, instead of just quarter horse races.

**AB 493**      *Floyd*

*Died, Assembly Inactive File*

Would have required that any quarter horse racing association or fair conducting barrel racing, show jumping racing, or steeplechase racing pay to the quarter horsemen and women's organization a certain percentage of the purse amounts for purposes of representing the horsemen and women conducting these races; deleted the requirement that a quarter horse racing association pay a specified license fee to the state, and instead provided that these funds be deposited as breeder awards; and authorized a quarter horse racing association and its participating horsemen and women to financially participate in a local, regional or national marketing program.

**AB 618**      *Margett*

*Chapter 127, Statutes of 1999*

Allows promotional contests or sponsorship contributions to be distributed by a harness racing association in the northern zone as payment in addition to purses.

**AB 1256**      *Committee on Agriculture*

*Chapter 53, Statutes of 2000*

Redirects specified satellite wagering license fee revenues that are currently transferred to the General Fund to the Fair and Exposition Fund, and allows for the transfer of money between the Fair & Exposition Fund and the Satellite Wagering Account within the Department of Food and Agriculture.

**AB 1317**      *Cardoza*

*Died, Senate G.O.*

Would have clarified that racing associations may form a partnership, joint venture, or any other affiliation with other entities licensed by the California Horse Racing Board (CHRB) to accept out-of-state wagers on horse races conducted in California.



**AB 1405**      **Wesson**

*Died, Senate Inactive File*

Would have authorized any racing association or fair to accept advance deposit wagers, or to allow these wagers through a betting system or multijurisdictional wagering hub, during the calendar period of its live racing meeting upon approval by the California Horse Racing Board. The bill would have provided that wagering instructions could be communicated by telephone call or through other electronic media, and that the entity holding the account would have had to ensure the identification of the account's owner by utilizing methods and technologies approved by the board.

**AB 1406**      **Assembly G.O. Committee**

*Vetoed*

In addition to making other technical, non-substantive changes relating to horse racing law, the bill would have permitted the California Horse Racing Board (CHRB) to authorize any racing association licensed to conduct a live quarter horse racing meeting to also conduct mule racing under specified conditions.

**AB 1486**      **Maldonado**

*Chapter 218, Statutes of 1999*

Requires the California Horse Racing Board or its subcommittees to take public testimony and make all determinations on the allocation of racing dates during a public hearing.

**AB 1902**      **Vincent**

*Vetoed*

Would have authorized the California Horse Racing Board (CHRB) to enter into an interstate licensing compact for the purpose of establishing uniform requirements among the party states for the licensing of individuals involved with the horse racing industry.

**AB 2341**      **Floyd**

*Vetoed*

Would have required that any quarter horse or fair racing association conducting barrel racing, show jumping racing, or steeplechase racing pay to the quarter horsemen and women's organization a certain percentage of the purse amounts for purposes of representing the horsemen and women conducting these races; authorizes the California Horse Racing Board (CHRB) to establish by regulation California-bred Quarter Horse Championship races, and to supplement the purses for these races from existing revenues derived from a percentage of wagers placed upon imported quarter horse races, and; authorizes a quarter horse racing association and its participating horsemen and women to financially participate in a local, regional or national marketing program.

**AB 2344**      *Floyd*

*Vetoed*

Would have increased the number of out-of-state and international horse races California racing associations and fairs may simulcast and accept wagers upon, by authorizing any California thoroughbred racing association or fair to execute an agreement with a quarter horse racing association that conducts thoroughbred races in the southern zone, and the organization representing the quarter horsemen and women at the race meeting, to distribute the signal of and accept wagers on out-of-state and international thoroughbred races, regardless of whether the quarter horse racing association is then conducting live racing. Revises the annual cap on the number of thoroughbred horse races California racing associations and fairs may accept wagers upon to instead provide that the total number imported thoroughbred races on which wagers were accepted upon can not exceed the total number of all thoroughbred races bet upon in 1998.

**AB 2352**      *Floyd*

*Vetoed*

Would have authorized the California Horse Racing Board (CHRB) to allocate additional weeks of quarter horse racing to the California Exposition and State Fair in Sacramento, or its lessee; exempts quarter horse and harness racing associations from the 8% license fee paid to the state on out-of-state wagers; and requires 0.5% of the total handle on imported harness racing meetings to be deducted from the amounts available for owner purses and distributed to the California Standardbred Sires Stakes Program.

**AB 2569**      *Margett*

*Vetoed*

Would have modified the definition of what constitutes a "California-bred standardbred horse" to provide that the stallion must be registered with the California Standardbred Sire Stakes Program, and authorizes a harness racing association that is conducting a live race meeting to accept wagers on races conducted by the racing associations that conduct the Meadowlands Pace or the North American Cup on the days that these events take place.

**AB 2753**      *Strickland*

*Vetoed*

Would have broadened the definition of "propositional wagering" to include wagers approved by CHRB that are based on the results of all live horse races, instead of just quarter horse races. Deletes the requirement that a wager must be placed within seven days of the transmission of a race, and establishes state license fee rates for this type of wager.

**AB 2760**      *Wesson*

*Vetoed*

Would have established a backstretch employee labor relations process, and requires the California Horse Racing Board to develop housing standards that race tracks would have to comply with before a race meeting could take place. The bill further authorizes the California Horse Racing Board (CHRB) to permit racing associations to accept "advanced deposit wagers," on horse races in a pari-mutuel format via telephone or other electronic media. The bill also provides funding to augment the existing health, welfare and pension funds for backstretch workers.

**SB 263**      *Perata*

*Chapter 219, Statutes of 1999*

Increases from 20 to 23 the number of thoroughbred race simulcasts that may be imported by racing associations and fairs on days when live thoroughbred or fair racing is being conducted in California. Exempts from this limitation any imported races that are part of the race card for several national marquis thoroughbred races, or races imported into either the northern or the combined central and southern zones, respectively, when no live racing is being conducted in the particular zone.

**SB 346**      *Johnson*

*Vetoed*

Would have authorized any California thoroughbred racing association to contract with a quarter horse racing that conducts thoroughbred races in the southern zone to distribute the signal of and accept wagers on out-of-state and international thoroughbred races. Specifies that the current limitation regarding the number of out-of-state and international thoroughbred races that may be imported and wagered upon under current law applies only to races imported to California, rather than the total number of races wagered upon in this state.

**SB 354**      *Perata*

*Vetoed*

Would have modified the definition of what constitutes a "California-bred standardbred horse" to provide that the stallion must be registered with the California Standardbred Sire Stakes Program, and authorizes a harness racing association that is conducting a live race meeting to accept wagers on races conducted by the racing associations that conduct the Meadowlands Pace or the North American Cup on the days that these events take place.

**SB 416**      *Perata*

*Vetoed*

Would have modified the definition of what represents a "publicly traded racing association" and "qualified racing association" to specify that an association must have conducted wagering and simulcast wagering during the five year calendar period prior to January 1, 2000, and authorizes a publicly traded racing association or a qualified racing association to operate two card clubs provided specified conditions are met.

**SB 474**      *Johnson*

*Vetoed*

Would have included the maintenance of live racing facilities as one of the expenditure priorities of funds from the Satellite Wagering Account, and required an annual appropriation of \$2.5 million from this fund for this purpose.

**SB 517**      *Johnson*

*Chapter 170, Statutes of 1999*

Allows a California racing association to act as its own distributing agent for distribution of charity day proceeds, provided the association complies with existing law and receives approval from the California Horse Racing Board.

**SB 592**      *Morrow*

*Vetoed*

Would have reimbursed the City of Del Mar for revenues lost as a result of the County of San Diego's imposition of possessory interest taxes on the Del Mar Thoroughbred Club.

**SB 1825**      *Kelley*

*Chapter 342, Statutes of 2000*

Provides a minimum funding level of \$40 million per year in state license fees paid by the horse racing industry to the state for support of the network of California fairs, the California Horse Racing Board, and the Kenneth L. Maddy Equine Research facility at U. C. Davis. If funding falls below this amount, the tracks, horse owners and breeders (all of whom receive a statutory distribution of the handle) would have to remit on a pro rata basis the amount necessary to reach this figure.

**SB 1887**      *Vasconcellos*

*Chapter 779, Statutes of 2000*

Exempts the Santa Clara County Fair from paying an "impact fee" to northern California private racing associations, and provides for a license fee reduction to the racing associations beginning 2001 in an amount equal to the impact fees received by the racing associations from the fair during the 2000 calendar year.

**SB 2054**      *G.O. Committee*

*Chapter 1082, Statutes of 2000*

This bill amends the Horse Racing Law by deleting obsolete provisions, correcting erroneous and outdated cross-references, and makes numerous other non-substantive changes in order to update and condense, where possible, current horse racing statutes found in the Business and Professions Code.

## OUTDOOR ADVERTISING

**AB 170**      *Firebaugh*

*Chapter 818, Statutes of 1999*

Broadens the existing redevelopment project area exemption to the Outdoor Advertising Act (the Act) for five specified cities. This exemption to the Act permits the cities of Buena Park, Commerce, Covina, South Gate, and Victorville to approve advertising displays adjacent to landscaped freeways if the display is located within the boundaries of the same or a different redevelopment project area within a redevelopment agency and if it advertises businesses or activities conducted anywhere within the boundary limits of a redevelopment project area.

**AB 396**      *Havice*

*Chapter 280, Statutes of 1999*

Makes an exemption to the Outdoor Advertising Act by permitting a city that meets specified criteria to erect one advertising display on property adjacent to a landscaped freeway.

**AB 1413**      *Shelley*

*Chapter 320, Statutes of 1999*

Permits advertising displays located on street furniture within the City and County of San Francisco on, or adjacent to, any street designated as a state or federal highway, unless such displays would result in the loss of federal highway funds.

**AB 2075**      *Granlund*

*Vetoed*

Would have made several changes to provisions of law governing on-premises advertising displays to permit business owners to modify and utilize existing on-premise advertising displays when no structural changes are made to the display.

**SB 1952**      *Perata*

*Vetoed*

Would have made an exemption to the Outdoor Advertising Act by permitting the placement of advertising displays located on the Oakland-Alameda County Coliseum Complex property adjacent to a landscaped freeway.

## PUBLIC RECORDS

**AB 151**      *Longville*

*Vetoed*

Would have required the Department of Justice, not later than January 1, 2001, to prepare and submit to the Legislature a study that examines methods to protect the safety and confidentiality of peace officers and other public officials by developing strategies to restrict access to public records relating to the sale and purchase of real property, personal property, and other financial transactions.

**AB 515**      *Wright*

*Chapter 804, Statutes of 1999*

Prohibits information regarding persons paid by the state to provide in-home supportive services or personal care services from being publicly disclosed except that the names, addresses, and telephone information of these persons is required to be made available to an exclusive bargaining agent and to any labor organization seeking representation rights.

**AB 1099**      *Shelley*

*Chapter 843, Statutes of 1999*

Required SCA 11 (Burton), of the 1999-2000 Regular Session to be designated as Proposition 1A on the March 7, 2000, statewide primary election ballot. (This bill was amended from its original form, which would have required state, and local agencies to provide, upon request, copies of computerized data in any form requested if the form is already used by the agency to conduct its business.)

**AB 1234**      *Shelley*

*Chapter 393, Statutes of 1999*

Requires state bodies to provide meeting notices on the Internet and to provide on written meeting notices the website where Internet notices are available. Declares the intent of the Legislature to supersede the California Supreme Court in the case of Regents of University of California v. Superior Court (Malloy) (1999) 20 Cal.4th 509, in which the Court held unanimously that the only remedy under the Bagley-Keene Open Meeting Act for an action taken in violation of the Act is to bring a lawsuit to nullify the action within 30 days.

**AB 1683**      *Committee on Information Tech.*      *Died, Senate Floor*

Would have specified that a state or local agency may maintain a searchable Internet database, provided that the home addresses or telephone numbers of elected or appointed officials were not accessible through that database by a search for title or position.

**AB 1759**      *Papan*

*Vetoed*

Would have required state agencies that maintain an Internet website to make available on the website a list of all reports and studies initiated and prepared by that state agency or prepared pursuant to a contract with that state agency that are otherwise subject to the Public Records Act.

**AB 2282**      *Davis*

*Chapter 783, Statutes of 2000*

Beginning April 1, 2001, requires the CalEPA, State Air Resources Board, California Integrated Waste Management Board, State Water Resources Control Board, and each California regional water quality control board, Department of Pesticide Regulation and the Department of Toxic Substances Control to display on the Internet every final document that resolves a formal enforcement action, as long as those documents are otherwise subject to public disclosure.

**AB 2799**      *Shelley*

*Chapter 783, Statutes of 2000*

Revises various provisions in the Public Records Act (PRA) in order to make available public records, not otherwise exempt from disclosure, in an electronic format, if the information or record is kept in electronic format by a public agency. The bill requires that a response to a request for public records that includes a denial, in whole or in part, shall be in writing, and provides that the PRA may not be construed to permit an agency to delay or obstruct inspection or copying of public records.

**SB 48**      *Sher*

*Vetoed*

Would have established a procedure in the California Public Records Act for appeal of a public agency denial of a written request for disclosure of public records.

**SB 1065**      *Bowen*

*Vetoed*

Would have amended the Public Records Act to require state and local agencies to make public records available in an electronic format when requested by a person.

**SB 2027**      *Sher*

*Vetoed*

Would have established a procedure in the California Public Records Act regarding the appeal of a public agency denial of a written request for disclosure of public records.

**SB 2067**      *Bowen*

*Chapter 569, Statutes of 2000*

Requires the Secretary of State, in consultation with the Department of General Services to approve and adopt uniform statewide standards for the purposes of storing and recording permanent and nonpermanent documents in an electronic format.



## STATE LOTTERY

**AB 1408**      *Committee on G.O.*

*Died, Senate G.O.*

Would have authorized the California State Lottery Commission to allow winners of less than \$25 to claim the prize from any lottery game retailer.

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**AB 1801**      *Runner*

*Chapter 131, Statutes of 2000*

Requires the California State Lottery Commission (the Commission) to ensure that the overall estimated odds of winning some prize or prizes in a particular lottery game are posted in all television and print advertising conducted by the Commission, exclusive of outdoor advertising displays, signs, or banners, related to that game.

**AB 2565**      *Zettel*

*Vetoed*

Would have made a variety of statutory changes in order to finance and ease the building of a technology and telecommunications infrastructure at California Community Colleges. By increasing from 25 percent to 50 percent the amount of State Lottery revenues that the University of California (UC), California State University (CSU), and California Community Colleges (CCC) may pledge to repay revenue bonds issued to finance technology and telecommunications projects on campuses.

**SB 2053**      *G.O. Committee*

*Chapter 509, Statutes of 2000*

Requires the competitive bidding standards, procedures, and rules contained in the Lottery Act that apply to procurements or general contracts of more than \$100,000 to also apply to subcontracts involving an expenditure of more than \$100,000. Requires the state Lottery Commission to establish, as part of its bidding procedures for general contracts, subcontracting guidelines to implement the provisions of the bill.

**SCA 4**      *McPherson*

*Chapter 123, Statutes of 1999*

Amends the California Constitution, subject to voter approval, to permit the Legislature to authorize private nonprofit organizations to conduct charitable raffles. This measure appeared on the March 2000 ballot.

## TOBACCO

**AB 100**      *Thomson*

*Vetoed*

Would have created a Tobacco Settlement Fund in the State Treasury, commencing July 1, 2000, for the state share of all funds received from the tobacco litigation Master Settlement Agreement of 1998. Additionally, this bill earmarks expenditure of these funds for expansion of health and health care services.

**AB 112**      *Florez*

*Died, Senate Health & Human Services*

Would have required the Treasurer to establish a special fund for deposit of revenues received by local governments from the tobacco Master Settlement Agreement and authorizes local governments to assign or sell such revenues.

**AB 251**      *Davis*

*Died, Assembly Appropriations*

Would have appropriated \$10 million of the funds received annually by the state from the tobacco Master Settlement Agreement to establish and administer research, awareness, and prevention programs relating to women's heart disease, and appropriates another \$10 million annually in tobacco settlement revenues for clinical and laboratory genetic cancer research and risk assessment programs.

**AB 255**      *Torlakson*

*Died, Assembly Appropriations*

Would have continuously appropriated an unspecified amount of funds received by the state from the tobacco Master Settlement Agreement to the Department of Health Services to fund the California Smokers Helpline and to make competitive grants for smoking cessation programs for teenagers.

**AB 359**      *Aroner*

*Chapter 845, Statutes of 1999*

Establishes a pilot program to explore more flexible models of health facility licensure to provide continuous skilled nursing care to developmentally disabled individuals in Intermediate Care Facilities/ Developmentally Disabled - Nursing (ICF/DDN), and to evaluate the effect of the pilot program on the health, safety, and quality of life of individuals, and the cost-effectiveness of this care. The bill was amended from its original form, which appropriated funds received by the state from the tobacco Master Settlement Agreement for the provision of health care services to patients without regard to insurance status or ability to pay.

**AB 437**      **Wesson**

*Vetoed*

Would have continuously appropriated \$2 million from the General Fund to the Department of Health Services for enforcement of the STAKE Act, the state's program to reduce the sale of tobacco products to minors.

**AB 887**      **Jackson**

*Died, Assembly Appropriations*

Would have created the Access to Care Fund in the State Treasury as a repository for a portion of the revenue received by the state from the tobacco settlement to fund health care services for low-income uninsured individuals.

**AB 1046**      **Firebaugh**

*Died, Assembly Appropriations*

Would have established the School Health Services Enhancement Grant Program and directs the State Department of Education to award \$500,000 grants to school districts to supplement current school health services. Would have earmarked specified amounts from tobacco settlement funds to support the program.

**AB 1071**      **Soto**

*Died, Assembly Appropriations*

Would have established the Direct Health Care Service Delivery Partnership Project to provide health care services to under served children and pregnant women.

**AB 1227**      **Runner**

*Died, Assembly Appropriations*

Would have required all funds received by the state from the master tobacco settlement to be used to seismically retrofit hospital buildings. Creates the Hospital Retrofit Fund in the State Treasury and requires that all funds received by the state from the master tobacco settlement be deposited into the fund. Declares the intent of the Legislature that money in the fund be allocated to the Office of Statewide Health Planning and Development (the OSHPD) for the purposes of seismic retrofitting hospitals.

**AB 1595**      **Migden**

*Chapter 693, Statutes of 1999*

Requires each manufacturer or importer of cigars to place, or cause to be placed, one of three specified warning labels on each retail package of cigars packaged for sale after September 1, 2000, and shipped for distribution in California.

**AB 2171**      **Florez**

*Died, Assembly Appropriations*

This bill would have created the Tobacco Settlement Fund into which the state share of all funds received from the tobacco litigation Master Settlement Agreement of 1998 would have been deposited and used for specific educational programs and services

**AB 2426**      *Wesson*

*Died, Senate Inactive File*

Would have established a minimum pack size for the sale or distribution of cigarettes and a minimum quantity for the sale or distribution of loose tobacco, and included within that definition "bidi" or "beedie" cigarettes.

**SB 822**      *Escutia*

*Chapter 780, Statutes of 1999*

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Enacts model legislation as recommended in the Tobacco Master Settlement Agreement (MSA) to create a reserve fund from which tobacco manufacturers not participating in the MSA may pay future litigation claims.

**SB 1510**      *Escutia*

*Died, Senate Floor*

Would have prohibited self-service displays of cigarettes and the free distribution of tobacco products on private property open to the public; and would have required minimum cigarette and loose tobacco package sizes.