



# The Capitol Connection

ADMINISTRATIVE OFFICE OF THE COURTS • OFFICE OF GOVERNMENTAL AFFAIRS

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## Legislative Calendar

April 1  
Spring Recess

## INTERVIEWS: NEW ASSEMBLY LEADERS SPEAK OUT

The California State Assembly has two new leaders. On February 9, Fabian Núñez (D-Los Angeles) was sworn in as the new Assembly Speaker. Also, the Republicans recently named Kevin McCarthy (R-Bakersfield) as their new leader. The two men, both still in their first term, recently shared their thoughts about their new roles and their plans for the future with *The Capitol Connection*.



**Capitol Connection:** What plans do you have for the Speakership?

**Núñez:** My long-term goal is to restore the people's faith in their government and to show that public service is an honorable profession. We can accomplish this by working with members from both sides of the aisle to overcome the challenges we are now faced with.

No matter how my colleagues' views may differ from one another, there is far more that unites us than divides us. We share a common future and we will find common ground. We have to work together for the benefit of all Californians.

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**Capitol Connection:** How will your leadership approach be reflected in your new position?

**McCarthy:** When I became Assembly Republican Leader, the first thing I did was to put together a solid leadership team. Each member of our caucus brings a tremendous amount of experience and knowledge that will help us throughout the upcoming legislative session, and we are united together in our approach.

**CC:** What are the most significant challenges facing the Legislature in general and your caucus in particular?

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## SENATORS HEAR IMPACT OF PROPOSED BUDGET REDUCTIONS

Presiding judges, attorneys, law enforcement, court employee representatives, and court users from San Diego, Imperial, and Riverside counties offered testimony to state senators on the impact of proposed Fiscal Year 2004-05 reductions of the judicial branch budget on local court programs and services at the Senate Select Committee on Citizen Participation hearing held in San Diego on February 18, 2004. Presiding Judges John Einhorn, Raymond Cota, and Douglas Miller were among those providing in-depth statements on the impact of the potential cuts - statements which were brought to life by members of the public who testified that they had directly benefited from domestic violence courts and drug court programs.

Senator Joseph Dunn (D-Santa Ana), who chairs the select committee and the Senate subcommittee with jurisdiction over the judicial branch budget, announced plans to hold additional hearings in Los Angeles, Oakland, Fresno, Sacramento, and Orange County. The Office of Governmental Affairs (OGA) is coordinating the testimony of presiding judges and court executive officers who will summarize the impact on courts in their regions. Input from court representatives will focus on access to justice issues, services that have already been curtailed due to prior or current year budget reductions, and operational concerns such as health and safety, infra-

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## ASSEMBLY SPEAKER NÚÑEZ

*(Continued from page 1)*

Once again this year, our greatest challenge will be balancing the budget.

There is no time to waste. That is why I called the Assembly Budget Committee into session immediately upon assuming the speakership to begin those discussions.

And we must all commit to passing a budget that's balanced and on time.

The Democrats in the Assembly also will work with the Governor to pass additional workers' compensation reform. Each of us has heard the pleas of small business owners. Each of us wants to respond to their concerns.

In order to continue on the path of real reform – reform that's fair to both injured workers and employers – we need to bring all stakeholders together.

And we are ready to work with the Governor on these issues anytime he is ready to bring all sides to the table.

**CC:** What are the most significant challenges facing the Legislature in general and your caucus in particular?

**Núñez:** Clearly, at this time the most significant challenge facing the Legislature is California's budget crisis.

And in order to resolve this crisis, we must work in a bipartisan fashion. The people who were gracious enough to send us here expect this much from us.

We will seek common ground with the Governor and with the Republican Caucus.

We are willing to make the tough choices and make serious cuts, but we expect the Republicans to meet us halfway.

Another immediate challenge we must overcome is the workers' comp crisis. We must overhaul this costly system before it deters more businesses from investing in California.

Assembly Democrats are continuing to work to find ways to balance the need to protect workers who are injured on the job with the desire of employers to reduce workers' compensation costs.

I also intend to work towards preventing future blackouts in California and forming a consensus on where we need

to go and what we need to accomplish to ensure California's energy future.

To that end, I have introduced the Reliable Electric Service Act of 2004 that will provide safe, reliable, and affordable electric service for homeowners and businesses. I look forward to working with the Governor to ensure that the government's role is to be efficient in responding to the ratepayers' needs.

**CC:** What is your preference and expectation for conducting the budget process this year?

**Núñez:** We will conduct the budget process in a fair, expeditious and bipartisan manner.

We will strive to find common ground with our colleagues across the aisle but we will also be resolute in protecting the most vulnerable among us.

We understand that in these most difficult of budget times, tough decisions will have to be made. Assembly Democrats are up to the challenge and we are confident that our colleagues in the Republican Caucus can work with us to craft solutions that are responsible, both fiscally, and socially.

**CC:** Would structural or procedural changes in the legislative process be necessary or helpful for you to achieve your goals as speaker?

**Núñez:** One of my goals is to reform the structure of committees by reducing committee sizes, in some cases by as much as one-third, so members are free to examine issues in greater depth.

Currently, we have a situation in which Assemblymembers sometimes have overlapping committee assignments that create conflicts. These conflicts can keep Members from doing their best work. This is going to change.

**CC:** Will you initiate any major changes in the way the Assembly does business?

**Núñez:** We will place a greater emphasis upon seeking bipartisan solutions to our problems. We hope to dramatically change the tone in Sacramento.

A great example of achieving results through bipartisan cooperation is the placing of Governor Schwarzenegger's Propositions 57 and 58 on the ballot.

We will continue to seek common ground with Republi-



*Assembly Speaker  
Fabian Núñez*

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## ASSEMBLY SPEAKER NÚÑEZ

*(Continued from page 2)*

cans as we craft solutions to many of California's greatest challenges.

**CC:** Which judicial issues are you particularly interested in?

**Núñez:** My primary focus this year will be the budget. Of course, how we resolve this budget crisis will have an impact on our ability to adequately fund our courts. I look forward to the advice and counsel of the Judicial Council to help me understand the impact of budget alternatives on the quality and operations of the courts.

**CC:** How involved will you be as Speaker in judicial issues legislation?

**Núñez:** My primary involvement with judicial legislation will be my appointment of members to the Assembly Committee on the Judiciary and Budget. I intend to appoint Members who are knowledgeable about judicial issues, Members who will bring a diversity of backgrounds and opinions to bear on these issues, and Members who can work together as a team to reach consensus on the many difficult decisions that come before the committee.

**CC:** You and the new Republican leader have said that your personal friendship should help to enable you to diminish the level of intensity of partisanship in the Assembly. To what extent does the current redistricting arrangement contribute to the difficulty of that endeavor? Do you favor future redistricting would result in more competitive districts and thus fewer seats decided exclusively in party primaries?

**Núñez:** I am very pleased to have Republican Leader Kevin McCarthy as both a friend and a colleague. He and I have established a good working relationship and I do not expect that relationship to be affected one way or the other by the process through which legislative districts are created.

I don't believe the purpose of redistricting should be to maximize either safe or competitive seats in the Legislature. As the courts have outlined, redistricting should assure equality of representation and districts that respect communities of interest. I am comfortable that the existing process accomplishes those goals.

**CC:** How will having a Republican governor affect the political and policy dynamics in the Capitol?

**Núñez:** It's a little early in the new Governor's tenure to do much of an assessment, but I expect any such changes to be subtle.

There is always a healthy tension between the executive and legislative branches of government ~ regardless of whether the Governor and the legislative majorities are of the same or different political parties. I don't expect that to change with Governor Schwarzenegger. However, I am pleased that in the course of our negotiations with the Governor last December on the bond and the spending limit that became Propositions 57 and 58 on the March ballot we have developed a relationship of trust and respect that will serve the public well over the coming months. ■

## ASSEMBLY MEMBER MCCARTHY

*(Continued from page 1)*

I will tell you that our caucus is working together, and more united than we've ever been. When we work as a team, we can do great things. That spirit of teamwork is a tremendous benefit to have as we work to create new jobs, reform California's workers' compensation system, and restore quality and accountability to government. And I can tell you we're ready to roll up our sleeves and get to work.

**CC:** What is your expectation for how the budget process will be conducted this year?

**McCarthy:** California loses millions of dollars every day

we don't act to achieve budget savings. Governor Schwarzenegger has indicated that he wants to expedite the budget process, so that we can meet our June 15<sup>th</sup> deadline. It is clear that spending beyond our means has caused California's budget crisis. I believe that it is better to spend less than to tax more, and my caucus believes that difficult but necessary spending reductions, along with passing Propositions 57 and 58, are the most realistic approach.

**CC:** Would structural or procedural changes in the legislative process be necessary or helpful for you to achieve your goals as Republican Leader?

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## ASSEMBLY MEMBER MCCARTHY

(Continued from page 3)

**McCarthy:** Speaker Núñez has promised that all Republican bills will be granted a full hearing, and we appreciate his gesture. We have also discussed ideas on how to better facilitate the Assembly floor process, and I hope that he will encourage his members to discontinue the practice of “laying amendments on the table,” which prohibits open policy debate. We may have different philosophical opinions on policy, but this process only silences the voices and opinions of our constituents. We should debate ideas, and policies, even if we don’t agree on the solutions. The power of the idea should be the focus, not just the process.

**CC:** Will you seek any major changes in the way the Assembly does business?

**McCarthy:** As I indicated, Speaker Núñez and I are looking for ways we can expedite the floor process, and allow the Assembly to concentrate our time debating policy issues instead of engaging in partisan rhetoric.

**CC:** Which judicial issues are you particularly interested in?

**McCarthy:** There are two areas:

We’ve all seen or heard examples of how the Unfair Competition Law under the Unfair Practices Act (UPA) has been exploited or abused for monetary gain. Private lawsuits, either on behalf of an individual or on behalf of the general public are the areas where abuse is most widespread. The statute, while only allowing remedies of an injunction and/or restitution, is quite broad and allows virtually anyone to sue, whether or not he or she has suffered an injury. I’m also concerned that the current system doesn’t provide legal finality (*res judicata* in legal talk), which means a defendant can be repeatedly sued for the same allegedly wrongful conduct.

These [Business and Professions Code section] “17200” lawsuits are a significant concern and have contributed to the soaring costs of conducting business in California. We need to take steps to close loopholes in the law, and curb frivolous litigation. A legislative proposal to address such abuses could include a number of reforms to protect businesses.

I’m also concerned about the enormous expense of money and time spent on litigation upon businesses, public entities, and individuals in California. Across the nation, nearly \$165 billion is spent on damages, legal fees

and other court costs, and it’s estimated that a lawsuit is filed every two seconds in state courts. If we’re going to restore opportunities to create jobs in California, we have to look at common-sense civil justice reform. Republicans have endorsed such reform legislation with the backing of many business groups. To the extent that these groups are willing to renew their backing of such reforms to limit excessive punitive damages, require plaintiff attorney accountability of fees, and revision of summary judgment procedure, Republicans will join with them.

**CC:** As Republican Leader, how involved will you be in judicial issues legislation?

**McCarthy:** I have put together a solid leadership team that is well equipped to address judicial issues. I am encouraging them to promote reform of unfair competition litigation. We will also work with the business community to promote other civil justice reforms that will encourage business and job growth in California.

**CC:** You and the new Speaker have said that your personal friendship should help to enable you to diminish the level of intensity of partisanship in the Assembly. To what extent does the current redistricting arrangement contribute to the difficulty of that endeavor? Do you favor future redistricting which would result in more competitive districts and thus fewer seats decided exclusively in party primaries?

**McCarthy:** I believe that structure dictates behavior, and when politicians draw their own districts, they create safe seats for themselves and take the people’s voice out of the process. I think that’s the wrong approach. The current system doesn’t allow for the power of the idea to be debated. Last year, instead of addressing the budget or workers’ compensation, Democrats in the Assembly forced us to spend hours debating bills that prohibit discrimination against cross-dressing in the workplace and when birds in pet stores should be weaned from their mothers. I don’t think those are the issues Californians care about. That’s why we need to change the system.

One of my legislative priorities is to give power back to the people, and give them more accountability from their elected officials. I will introduce a Constitutional Amendment to change the reapportionment process for the state. I want to establish a process for drawing fair and competitive seats by placing redistricting in the hands of an independent commission. Even though Democrats killed my proposal last year, I plan to reintroduce a similar measure this year.

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## JUDICIAL BRANCH BUDGET

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structure, or service delays and backlogs.

In addition to representatives from the courts, the hearings include testimony from a wide variety of groups and perspectives, such as civil and family court practitioners, bar groups, law enforcement, unrepresented litigants, court employee and reporter organizations, legal services entities, and other stakeholders that may be affected by any further reductions in funding to the courts.

Senator Dunn and Senator Dick Ackerman, Vice-Chair of the full Senate Budget and Fiscal Review Committee, recently were interviewed about their role in advancing efforts to stabilize court funding and minimize potential adverse impacts on persons who utilize court services. The first of two interviews aired on the February 10<sup>th</sup> California Court News (CCN) broadcast. Attendees at the 2004 California Judicial Administration Conference (CJAC) on Wednesday, February 25<sup>th</sup>, viewed a more in-depth interview in which the senators discussed how judicial branch leadership can actively participate in efforts to increase awareness of the importance of adequate court

## ASSEMBLY MEMBER MCCARTHY

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**CC:** How will having a Republican governor affect the political and policy dynamics in the Capitol?

**McCarthy:** There's no question that having a Republican Governor will help foster better public policy. In the past, one party controlled both houses of the Legislature and the Governor's Office. Decisions were made with little or no bipartisan cooperation; if the majority party wanted something, they usually got their wish, and it wasn't always in the best interests of all Californians. Now, Governor Schwarzenegger has changed that dynamic. If the Legislature wants to enact good public policy for all Californians, we will have to work together to pass laws that make sense, and don't simply pander to a particular special interest. ■

funding among their colleagues and members of the legislative and executive branches of government. ■

## UPDATE ON UNFAIR COMPETITION LAW

The battle involving how, and whether, to reform Business and Professions Code section 17200 expands to the ballot box this year after legislative efforts to modify California's Unfair Competition Law failed in 2003.

The law, which allows consumers to sue businesses for unfair business practices regardless of whether any damages were suffered, has been hailed by the plaintiffs' bar and consumer organizations as an invaluable tool to protect consumers and criticized by business groups as an invitation to abuse. With the failure of legislative attempts to limit the law, the California Chamber of Commerce and the Civil Justice Association of California are sponsoring an initiative that would require consumers to have sustained some injury or financial loss before bringing an action under the law. Also, private parties seeking to sue businesses on behalf of the public would have to seek and obtain class certification before proceeding.

Proponents of the measure have until May 13 to gather 373,816 signatures to place the initiative on the November ballot. Opponents have promised to fight vigorously against its passage.

The idea of reforming the law is still alive in the Legislature. Assemblymember Lou Correa (D-Anaheim) has introduced AB 2369, which is similar to a measure he introduced last year but failed passage in the Assembly Judiciary Committee. AB 2369 would require that complaints be filed before settlements are proposed and requires court review of proposed settlements. In addition, the bill would prohibit 17200-type lawsuits based on the enforcement actions of a regulatory agency if the agency intended its action to be the final remedy for a regulatory violation. AB 2369 also provided for the creation of a defendant class.

Another factor in this year's battle is Gov. Schwarzenegger, who pledged to reform section 17200 as part of his campaign. Members of the Governor's staff have met with Assemblymember Correa to discuss potential legislative efforts. The governor's support of any proposal, whether by legislation or initiative, is likely to have an impact on its success. ■

## THE TERM LIMIT SHUFFLE CONTINUES

Once again, it is time for California to feel the effects of legislative term limits. Of the 80 members in the Assembly, 21 are precluded from running for another term. In the Senate, eight members have reached their two-term maximum. Ready to continue their public service as elected officeholders, many of these legislators have announced their candidacy for other posts.

The last day to file for office with the Secretary of State was December 7. See the chart below for a list of legislators who have declared their candidacy for other state offices. ■

Legislator	Current Office	Term limited in 2004?	New Office Legislator is Running For	Is This an Open Seat?	Incumbent (Reason Incumbent is Leaving)
Campbell (R-Irvine)	AD 70	NO	SD 35	YES	Ross Johnson (termed out in 2004)
Cox (R-Fair Oaks)	AD 5	YES	SD 1	YES	Rico Oller (Running for Congressional District 3)
Diaz (D-San Jose)	AD 23	NO	SD 13	YES	John Vasconcellos (termed out in 2004)
Dutton (R-Rancho Cucamonga)	AD 63	NO	SD 31	YES	Jim Brulte (termed out in 2004)
Kehoe (D-San Diego)	AD 76	NO	SD 39	YES	Dede Alpert (termed out in 2004)
Lowenthal (D-Long Beach)	AD 54	YES	SD 27	YES	Betty Karnette (termed out in 2004)
Maddox (R-Garden Grove)	AD 68	YES	SD 35	YES	Ross Johnson (termed out in 2004)
Maldonado (R-Santa Maria)	AD 33	YES	SD 15	YES	Bruce McPherson (termed out in 2004)
Simitian (D-Palo Alto)	AD 21	NO	SD 11	YES	Byron Sher (termed out in 2004)
Ashburn (R-Bakersfield)	SD 18	NO	CD 20	YES	Cal Dooley (not seeking reelection)
Karnette (D-Long Beach)	SD 27	YES	AD 54	YES	Alan Lowenthal (termed out in 2004)

These legislators have been termed out and are not running for another state elective office in 2004.

Assembly Member	Current Office
Bates (R-Laguna Niguel)	AD 73
Corbett (D-Saratoga)	AD 24
Correa (D-Santa Ana)	AD 69
Dutra (D-Fremont)	AD 20
Firebaugh (D-Southgate)	AD 50
Jackson (D-Santa Barbara)	AD 35
Longville (D-San Bernardino)	AD 62
Nakano (D-Torrance)	AD 53
Pacheco (R-Walnut)	AD 60
Reyes (D-Fresno)	AD 31
Steinberg (D-Sacramento)	AD 9
Strickland (R-Thousand Oaks)	AD 37
Wesson (D-Culver City)	AD 47
Wiggins (D-Santa Rosa)	AD 7

Senator	Current Office
Brulte (R-Rancho Cucamonga)	SD 31
Burton (D-San Francisco)	SD 3
Johnson (R-Irvine)	SD 35
Knight (R-Palmdale)	SD 17
McPherson (R-Santa Cruz)	SD 15
Sher (D-Stanford)	SD 11
Vasconcellos (D-Santa Clara)	SD 13

## OFFICE OF GOVERNMENTAL AFFAIRS WELCOMES NEW EMPLOYEE



**D**ia S. Poole joined the AOC's Office of Governmental Affairs on January 20<sup>th</sup> as a senior governmental affairs analyst, ending a four-year appointment as the public affairs director for the California Department of Fair Employment and Housing. Prior to her appointment, Dia served as a policy consultant in several legislative and committee assignments at the State Capitol, including the offices of former California State Assembly Speakers Robert Hertzberg and Antonio R. Villaraigosa, and as staff director for

the California Legislative Black Caucus.

In addition to becoming *The Capitol Connection's* new editor-in-chief and OGA's communications liaison, Dia will staff the Judicial Council's new Commission to Secure Stable Funding for Justice. Dia graduated from California State University San Bernardino and worked for the County of San Bernardino for 13 years before accepting a California State Assembly fellowship and relocating to Sacramento in 1994. ■

## RIPPED FROM THE HEADLINES

"Ripped From the Headlines" highlights news stories of interest including headlines and lead paragraphs, without editorial comment from The Capitol Connection.

**"Molestation Bill Moves Ahead"** *The Daily Journal* (January 14, 2004)

A bill that would extend the statute of limitations for prosecution of child molestation cases at least until the victim reaches age 30 passed the Assembly Public Safety Committee with unanimous, bipartisan support Tuesday.

The measure, AB 1667, by Assemblywoman Christine Kehoe, D-San Diego, seeks to hold molesters accountable for crimes committed against children who come forward with sexual-abuse allegations only later in life.

"Victims and law enforcement should be given as much time as necessary to pursue these heinous crimes against children," said Kehoe in a prepared statement. "These victims often spend decades suffering in silence. Frequently, it is not until they are established, independent and on their own that they are able to come forward and report the crime."

Kehoe's bill also attempts to fill the void left by the U.S. Supreme Court's June 2003 decision in *Stogner v. California*, 123 S.Ct. 2446 (2003) in which the high court invalidated California's retroactive application of an extended statute of limitations in child molestation cases.

**"Governor Greets Judges in S.F."** *San Francisco Chronicle* (January 20, 2004)

Gov. Arnold Schwarzenegger, whose proposed state budget could mean shorter hours and smaller staffs for the state's courts, lauded California's chief justice Monday and facetiously invited the nation's top state judges to help pay the courts' bills during their 3-day conference in San Francisco.

"Open your wallets and spend a lot of money here," Schwarzenegger said at the opening session of the Conference of

Chief Justices. "It'll be earmarked for the courts of California."

The \$99.1 billion California budget Schwarzenegger unveiled Jan. 9 for the 2004-05 fiscal year includes reductions of nearly \$70 million to the courts, which already face a \$40 million shortage this year because of a decline in lawsuit filing fees, a key funding source.

Some local courts have already cut their operating hours. Judicial leaders warn that a budget reduction would curtail public access further and force layoffs.

Chief Justice Ronald George, who has been lobbying Schwarzenegger to preserve court funding, told conference delegates Monday that he had met several times with the governor, who "has shown a genuine and keen interest in maintaining the integrity and efficiency of the judicial branch."

Schwarzenegger praised George, the current president of the Conference of Chief Justices, as a visionary who "has done a magnificent job ... the best that ever was in the state of California in this job."

**"Promises To Fix State Prisons Have Been Heard Before"** *San Francisco Chronicle* (January 24, 2004)

Riveting testimony before state senators revealed a prison world enshrouded in fear and a pervasive code of silence ~ a penal system in which investigations of staff misconduct were stymied, and ostracized whistle-blowers awaited reprisals by rogue guards. That was in 1998.

The testimony was eerily similar this week at legislative hearings ~ with whistle-blowers wearing bulletproof vests testifying about ingrained abuse, a death threat against a lawmaker and promises by top corrections officials to clean house.

Decrying the vacuum of leadership, a former watchdog of the

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## RIPPED FROM THE HEADLINES

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state's correctional system this week told lawmakers they needed unrelenting scrutiny by the independent Office of Inspector General.

"Heads will roll, butts will be kicked, and three months later, when you're not looking, it will go back to the way it was," said former Inspector General Steve White, now a Superior Court judge in Sacramento. "I have seen this so many times I could write the script."

**"Waits And Measures"** *The Daily Journal* (January 26, 2004)

For a tenant facing eviction, budget cuts in the court system represent a horror story waiting to happen.

The law typically allows five days to answer an unlawful detainer complaint - not enough time, according to Christian Abasto of the Legal Aid Foundation of Los Angeles. The court's recent belt-tightening has forced clerks in some courts to shorten the hours they work, narrowing the window for a tenant to respond.

The budget crisis is just one of the changes trial lawyers faced in 2003. Revised fast-track rules, new jury instructions and a landmark U.S. Supreme Court ruling capping punitive damages all made their imprint on the civil justice system, leaving attorneys to adapt their practices and, in some instances, brace for what lies ahead.

As significant as is each of those developments, the one foremost in the minds of most lawyers and judges is the state's fiscal crisis, which looms over the entire justice system, raising concerns about the court's ability to provide access and fairness to lawyers and their clients.

Although Abasto and others could not recall a situation in which a person was ordered evicted as a result of missing the filing deadline, the \$59 million in proposed cuts to the courts for fiscal 2004-05 has some predicting it's only a matter of time. If the cuts are approved, they would take effect in July and follow \$85 million in court budget reductions for the 2003-04 fiscal year.

Civil lawyers fear their cases will receive less attention from courts that must dedicate their dwindling resources to pressing criminal, juvenile and family law cases involving child custody or temporary retraining orders.

**"You Just Can't Force People To Do Something"** *Orange County Register* (January 27, 2004)

County will weigh creating a program where the mentally ill can be put into treatment.

The hearings are intended to gather comment for making a recommendation to the Board of Supervisors on Laura's Law, more formally labeled Assembly Bill 1421. Each county can

decide for itself whether to establish a program under Laura's Law, which became official in January 2003 and is due to sunset in 2008 unless renewed.

The law is named after the 19-year-old victim of a mentally ill man who opened fire at an outpatient clinic in Nevada County where she worked.

The law only applies to mentally ill adults who have been hospitalized or jailed at least twice within the last 36 months, or have engaged in one or more acts, attempts or threats of serious violence in the last four years.

Those who can petition for mandated outpatient treatment include family members, directors of hospitals or mental health-service programs providing treatment to the person, and parole or probation officers.

Laura's Law loosens the strict standard set since 1968 by the Lanterman-Petris-Short Act, which requires that a mentally ill person must be an immediate danger to themselves or others before being placed in treatment.

So far, only Los Angeles County has anything in place under Laura's Law - a small-scale pilot program that targets the mentally ill just released from jail. Part of the reluctance to invoke Laura's Law is the uncertain financial impact it could have on mental health services and the legal system. Advocates of the law argue that it will save money overall and lead to more effective delivery of services.

Then there is the emotional debate over forcible treatment. Most of the opposition to the law comes from the mentally ill, who see it as an attack on their civil rights. Its greatest supporters are family members who have suffered through years of anguish and frustration, and in many cases the loss of their mentally ill children, parents or siblings to suicide, homelessness, jail -or, in rarer cases, a loss to violent acts committed by someone who was mentally ill.

**"A Close-Up Of Foster Care System"** *San Jose Mercury News* (January 29, 2004)

Study Finds Health, Education Often Neglected. A sweeping study of the nation's 500,000 children in foster care finds health and education - two of the most critical factors of a child's well-being - are consistently overlooked and poorly monitored.

According to a report released Wednesday by the David and Lucile Packard Foundation, children are staying an average of three years in out-of-home care, but little is known about whether they are seeing doctors, dentists or finishing their homework. The most comprehensive look at current foster care research also offers examples of how to improve the

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## RIPPED FROM THE HEADLINES

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lives of the country's most vulnerable children - focusing in part on the work of dependency Judge Len Edwards of the Santa Clara County Superior Court.

Edwards is highlighted for his exceptional efforts giving birth parents a greater chance of regaining custody, and for instituting a one-judge-per family rule that can ease some of the terror and upheaval of the system.

**"Ballot May Be a Puzzle"** *Los Angeles Times* (February 14, 2004)  
Measures with similar themes and titles are likely to confuse voters, campaign leaders fear.

Confusion has become a familiar theme as campaigning for the March measures kicks into high gear. Even the sponsors of some of the measures can find themselves tripped up when trying to differentiate the "balanced budget act" and the "budget accountability act" from the "economic recovery bond act."

Voters will have to decide on four measures with overlapping themes and titles but sharply conflicting policy implications. Many people involved in trying to sell - or stop - something on the ballot acknowledge that confusion stands a good chance of affecting the ultimate outcome.

That has some organizers working overtime to help voters sort out the propositions so they have a clear idea of what's what come election day, and are able to differentiate between measures.

"Californians have seen more crowded ballots in the past," said a newsletter sent out by Californians Against Higher Taxes - No on 56. "But this year might take the cake for potential to confuse.... You can't tell them apart, the different propositions, without a program."

**"Governor Is A Wild Card In District Votes"** *Los Angeles Times* (February 15, 2004)

It is unclear exactly how the voter groundswell that cast out Democratic Gov. Gray Davis in October will affect the contests for 100 Assembly and Senate seats that are at stake in the March 2 primary election.

In the Oct. 7 recall election, a majority of voters in 22 districts now held by Democratic lawmakers favored recalling Davis and replacing him with a Republican.

Republicans hope to ride Schwarzenegger's coattails to victory in a few more seats in the Legislature, where they are outnumbered 48 to 32 in the Assembly and 25 to 15 in the Senate.

"These were drawn as safe districts, but they were drawn under an entirely different set of political circumstances," said GOP strategist Dan Schnur. "The amount of resources and attention that Arnold Schwarzenegger can bring into a state legislative race can turn a lot of safe seats" into competitive ones.

"Republicans aren't going to win most of those seats in November," he said. But every one of the Democratic legislators in districts that voted for Schwarzenegger "is going to have to campaign as if they are vulnerable."

**"Prop. 56: Big Business, Unions Clash In Initiative Battle Over Budget, Taxes"** *Oakland Tribune* (February 16, 2004)  
The March 2 ballot initiative least known to Californians has triggered the high-stakes, big-money battle of the political season as business and labor fight for greater control over the troubled state budget and controversial tax hikes. Democratic lawmakers and labor unions view Proposition 56 - a measure that would make it easier for the Democrat-dominated Legislature to approve a budget and increase taxes - as a means of ending California's fiscal gridlock and deficits.

Both sides agree on one thing - Proposition 56 would dramatically alter the Legislature's budget clashes, which are usually the hardest fought and most important political struggles in the state.

The constitutional amendment would require only a 55 percent vote, rather than the current two-thirds vote, for each of the two houses of the Legislature to pass the budget and budget-related tax and appropriation bills.

With Democrats holding majorities in the Senate and Assembly, the party's lawmakers could pass a spending plan without a single GOP vote. Currently, Democrats need two GOP votes in the 40-member upper house and six in the 80-member lower house.

Democrats still held the governor's office when the initiative was launched but that changed dramatically with Gov. Gray Davis' unprecedented recall in October and the inauguration of his replacement, GOP Gov. Arnold Schwarzenegger, in November.

Even so, analysts say the ramifications of the initiative are still weighty and far-reaching - particularly if the legislative and executive branches again fall into the hands of one party. Ridding California of its "super-majority" budget vote has long been a priority for reformers, who believe it gives minority dissenters too much power over the state's spending.

Critics say the two-thirds rule blocks compromise among moderates of both political parties, allows both parties to blame the other without being accountable and often causes higher spending. ■

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## NEW ASSEMBLY SPEAKER TAKES OFFICE



Chief Justice Ronald George swears in Assembly Speaker Fabian Núñez (D-Los Angeles,) as the new Assembly Speaker on February 9 at the Capitol. Núñez' daughter Teresa holds the Bible for her fa-

ther, who is replacing former Speaker Herb Wesson, (D-Los Angeles) who is leaving the Assembly in November due to term limits. (Photo: Erika Johnson/Speaker's Office of Member Services) ■

Shortly after taking office, Speaker Núñez made a number of changes in committee assignments. Darrell Steinberg (D-Sacramento) was named chair of the Assembly Budget Committee, replacing Jenny Oropeza (D-Long Beach). Assemblymember Steinberg previously chaired the Appropriations Committee, where Judy Chu (D- Monterey Park) will take over as chair. Also, John Dutra (D-Fremont) was named chair of Assembly Budget Subcommittee No. 4, replacing Rudy Bermudez (D-Norwalk). Subcommittee No. 4 has jurisdiction over the judicial branch budget. The Rules Committee, which determines the committees to which bills are assigned, is now chaired by Cindy Montañez (D-San Fernando), who replaces Joe Nation (D-San Rafael). ■

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