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• Simitian Gift Certificate Bill Approved By Committee

Assemblyman Joe Simitian announced that the winner of his "There Oughta Be A Law Contest" was in Sacramento to testify on behalf of her entry which will protect consumers using gift certificates. Assembly Bill 2473, regarding gift certificates in bankruptcy, was unanimously approved by the Assembly Committee on Business and Professions on Tuesday, May 7th. This bill protects consumers by requiring businesses that have declared bankruptcy to honor gift certificates issued prior to the date of the bankruptcy filing.

"The idea for the bill came from <u>Andrea Leiderman, with Kaiser</u> <u>Permanente and a Redwood City-San Mateo County Chamber</u> <u>Board Member</u>, who participated in my 'There Oughta Be a Law' contest," said Simitian. "Andrea had the unfortunate experience of visiting a local merchant where she found that she could not use her gift certificate because the store had filed for bankruptcy."

Currently, during a bankruptcy, individual companies may choose not to honor a gift certificate. The goal of Simitian's bill is to require businesses that declare bankruptcy to continue to honor previously issued gift certificates. Because the value represented by the gift certificate is the property of the recipient, not the store (in legal parlance a "value held in trust" by the store on behalf of the recipient), the gift certificate should appropriately continue to be honored while a company works its way out of bankruptcy. Bankruptcies are handled in federal court, and there is no requirement that the federal judge follow state law. However, a federal judge may, and often does, follow state law where it exists. This bill, thereby, provides federal courts with the opportunity to apply California law.

Leiderman, of Mountain View, who submitted the gift certificates bill idea to Simitian, was on hand to testify at the Committee hearing. Leiderman said, "Joe's contest was an opportunity for me to try to strengthen consumer protection in the State of California. This bill proves that an average citizen can influence the legislative process by putting forth good ideas. Joe's 'There Oughta Be a Law' contest was a great idea. I think every Legislator should do this."

Assembly Bill 2473 will next go to the Assembly Floor for a vote.

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"This shows it matters if you get involved. If you bring an idea to a legislator, it can become law. I know that sounds shocking, but it happened today on three occasions."

- GOV. GRAY DAVIS

CAPITAL IDEA CONTEST

THREE SUGGESTIONS BY BAY AREA CONSTITUENTS BECOME STATE LAW

By Ann E. Marimow

Mercury News Sacramento Bureau SACRAMENTO — In the California politics version of reality television, the winners of Palo Alto Assemblyman Joe Simitian's "There Oughta Be a Law" contest collected their prizes Friday when Gov. Gray Davis signed into law their entries on pesticides, antifreeze and gift certificates. "At a time when pacelo gene turned off buy

"At a time when people are turned off by government and think it's too remote, this shows it matters if you get involved," said an unusually ebullient Davis at a signing ceremony with the bills' champions: a nurse from Cupertino, a plastic surgeon from Portola Valley and a community relations director from Mountain View.

"If you bring an idea to a legislator, it can become law. I know that sounds shocking," Davis added, "but it happened today on three occasions."

Still, the "Survivor Sacramento" experi-

ence was not quite as glamorous or rewarding as one contestant had imagined. Lauren Ward, whose 6-month-old Westie terrier, Angus, had to be euthanized last year after ingesting antifreeze, said she was turned off by her perception that big business lobbyists dictated the agenda in Sacramento.

Ward's proposal (AB 2474) requires that

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IF YOU'RE INTERESTED,

The second round of Simitian's contest is already under way. To request an entry form or more information, call (650) 688-6330, or e-mail assembly member.simitian@ assembly.ca.gov. Entries are due by 5 p.m. Oct. 18.



STEVEN HELLON - SPECIAL TO THE MERCURY NEWS

Assemblyman Joe Simitian, left, watches as Gov. Gray Davis signs a bill proposed by Lauren Ward into law. Ward, husband Bob, and children Alex and Rachel traveled from Cupertino for the ceremony.

CONTEST | 3 entries become state laws

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antifreeze sold in California contain a bitter ingredient to keep children, pets and wildlife from drinking it. The final version of the bill was watered down to "only a fraction of what is needed," she said, because of opposition from car manufacturers and companies that make antifreeze.

Ward, who was joined by her husband and two young children Friday, commended Simitian, a Democrat, for listening to the ideas of constituents and said it was an "awesome experience" to meet such powerful and important people.

But, of the process she said, "I can see why people are disillusioned. It was a painful experience to see how it operates."

For Cindy Russell of Portola Valley, though, it was a day to celebrate with fellow members of the Palo Alto-based environmental group Acterra, who suggested legislation to encourage the use of safer pesticides and non-toxic alternatives to control pests.

"We had no idea this could

happen so quickly," said Russell, who was joined by David Coale of Acterra.

In Russell's 16-year medical career that focuses on reconstructive surgery for breast cancer patients, she has seen a sharp increase in the number of younger women with the disease that can be linked to toxic substances in the environment.

Ward commended Simitian for listening to the ideas of constituents.

"This is a pollution prevention issue and a health prevention issue," Russell said. "People need to be aware that there are a lot of toxics in the environment."

Like Ward's, Russell's proposal (AB 2472) was narrowed from requiring the use of alternatives on all state-owned or controlled buildings, parks and roads to a pilot program limited to the Capitol grounds. The proposal is modeled on Santa Clara County's pestcontrol policy approved last spring.

Thank the third contestant, Andrea Leiderman of Mountain View, for the law (AB 2473) requiring stores and restaurants to honor gift certificates even when the business is in the midst of bankruptcy proceedings.

Leiderman, community relations director for Kaiser Permanente, was turned away from a McWhorter's stationery store because the company was in bankruptcy court.

Simitian picked the three winners from 100 entries. The inspiration for the contest came after his first year in the Legislature, when he spent a lot of time talking with representatives of special-interest groups and "far too little time with the people of my district."

He joked Friday that the three bills he introduced on behalf of constituents had a better record — three for three — for getting signed by the governor than his own ideas

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