



ENGROSSMENT*



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By LEGISLATIVE INTENT SERVICE, INC. www.legintent.com 1-800-666-1917

2012 CALIFORNIA BILLS

September 30th was the last day for Governor Jerry Brown to sign or veto bills passed by the Legislature before September 1st. Because the deadline fell on a Sunday, Gov. Brown had until October 1st, Monday, to sign or veto these bills. In 2012, Gov. Brown signed over 850 bills into law, vetoing approximately 12% of the bills he considered. As reported by the Sen. Com. on Governance and Finance, the year 2012 will have the sixth-lowest number of chaptered bills since 1967. Gov. Brown, since his first term in 1967, has signed approximately 12,740 bills. We are currently preparing our “2012 Compendium of California Bills.” Below, we discuss some of these bills signed by the Governor.

NATURAL GAS PIPELINES SAFETY

Gov. Brown signed three bills, all introduced by A/M Jerry Hill of San Mateo, that will tighten safety restrictions on natural gas pipelines and prioritize revenue for upgrades. **AB 578** would require the PUC to adopt the standards set forth by the National Transportation Safety Board. If the PUC decides not to adopt the standards, it must submit its reasons in writing. **AB 861** would ensure utilities do not cut corners on safety and maintenance in order to convert ratepayer dollars into bonuses for executives. Under **AB 1456**, the PUC will be required to adopt performance metrics for pipeline safety and will have the power to levy fines to those utilities found to be performing poorly.

SOCIAL MEDIA PRIVACY PROTECTION

The Governor signed two bills that increase privacy protections for social media users in this state: **AB 1844** by A/M Nora Campos of San Jose and **SB 1349** by Sen. Leland Yee of San Francisco would prohibit universities and employers from requiring that applicants give up their email or social media account passwords. The ban under AB 1844 does not apply to passwords or other information used to access

employer-issued electronic devices. Also, the privacy restrictions under SB 1349 do not affect an institution’s right to investigate or punish student misconduct.

DRIVER’S LICENSES FOR UNDOCUMENTED IMMIGRANTS

AB 2189 introduced by A/M Gil Cedillo of Los Angeles would let the DMV issue licenses to undocumented immigrants eligible for work permits under a new Presidential administration policy. The DMV would accept as proof of legal residence whatever document the federal government provided to the participants in its deferred action program. California is the first state to grant drivers’ licenses to the group singled out under the President’s administration policy.

SAME DAY VOTER REGISTRATION

The Governor signed **AB 1436** by A/M Mike Feuer of So. California to allow same-day voter registration. Californians can now vote with a provisional ballot if the conditional voter registration is deemed effective. The Secretary of State needs to certify California’s new statewide voter database, “VoteCal,” before the same-day registration will be permitted.

SECOND CHANCE FOR INCARCERATED JUVENILES

Over 300 inmates are serving life-without-parole sentences for murders committed when they were younger than 18 years old. **SB 9**, introduced by Sen. Leland Yee of San Francisco, would let these inmates ask judges to reconsider their sentences after serving at least 15 years in prison. If the judges find sufficient remorse and steps taken toward rehabilitation, they could reduce the no-parole sentences to 25 years-to-life. The rationale is that children are different from adults and should be treated differently under the criminal justice system.

CORPORATE FRAUD PAYOUTS

Despite the best intentions of the “Victims of Corporate Fraud Compensation Fund” created in 2002, multimillion-dollar state fund payouts for victims of corporate fraud have been regularly delayed because of lengthy, time-consuming regulations requiring victims to produce substantial paperwork and overcome bureaucratic hurdles. **SB 1058** by Sen. Ted Lieu of Torrance requires restitution to be paid within 90 days of a court judgment, increasing the maximum amounts from \$20K to \$50K, and restricting guilty corporations from contesting payments and blocking appeals.

CA SCHOOLS’ RATING REVISIONS

De-emphasizing standardized test scores when measuring the performance of CA schools, Gov. Brown signed **SB 1458** by Sen. Darrell Steinberg of Sacramento, which would require other factors, such as graduation rates and college-attendance rates, to be used in calculating a school’s Academic Performance Index. The Governor vetoed this same legislation last year, suggesting local panels could be used to evaluate schools, which was included in this latest bill.

RELIGIOUS DISCRIMINATION

Gov. Brown signed two bills intended to address anti-Sikh discrimination: **AB 1964** by A/M Mariko Yamada of Davis and **SB 1540** by Sen. Loni Hancock of Berkeley. AB 1964, aka “The Workplace Religious Freedom Act,” seeks to ensure that employees receive equal protection under the law, protecting workers who wear religious clothing, such as turbans, yarmulkes, and hijabs. SB 1540 changes how history and social sciences address the history, traditions, and theology of California Sikhs in schools.

HUMAN TRAFFICKING

In November, voters will decide Proposition 35, which seeks to increase penalties for human trafficking violations. Gov. Brown signed three measures that affect this issue. **AB 2466**, introduced by A/M Bob Blumenfield of Woodland Hills, allows courts to seize and freeze a defendant’s assets during prosecution. **SB 1133**, introduced by Sen. Mark Leno of San Francisco, expanded the list of assets that would be subject to forfeiture upon a human trafficking conviction. **SB 1193** by Sen. Darrell Steinberg of Sacramento will

require certain businesses, such as strip clubs and truck stops, to post notices advertising telephone tip lines for members of the public and victims of human trafficking.

INJURED COLLEGE ATHLETES

Sen. Alex Padilla of Pacoima’s bill, **SB 1425**, would require universities, such as UCLA, USC, UC Berkeley and Stanford, which generate more than \$10 million in media revenue annually, to provide equivalent academic scholarships to student athletes who are injured and lose their sports scholarships, or who have exhausted their NCAA athletic eligibility before they completed their degrees. SB 1425 would also require the universities to pay healthcare premiums for low-income students and cover deductibles for sports-related injuries.

FREE MCLES

Attention Group 1(A-G)! Your deadline is *February 1, 2013* to meet your MCLE requirements. If you need **two hours of MCLE**, we offer two self-study exams that are approved by the California State Bar: 1 hour of regular MCLE on the “**legislative process**” and 1 hour of ethics MCLE on “**ethics and evidence of legislative intent.**” To look over these materials, go to:

<http://www.legintent.com/mclemain.php>

RECOVERABLE COSTS OF LEGISLATIVE RESEARCH

The **fees** paid by your firm that were incurred to have us research legislative intent **can be recovered** if your position prevails in court. Van de Kamp v. Gumbiner, 221 CA3rd 1260 (1990)

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