



ENGROSSMENT*



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2013 LEGISLATIVE SESSION

We have recently published our firm's *Compendium* of notable legislation for 2013. You can find it at: <http://www.legintent.com/compendium-of-notable-legislation/> - select 2013.

The *Compendium* is not exhaustive, but it does reflect some of the major bills that were reported on in our California newspapers and were supported by some of California's more established state-wide interested groups, such as the League of California Cities, the California Teachers Association, California Manufacturers and Technology, the Consumer Attorneys of California, and the California State Bar.

California has been enacting laws since 1850, when it became a state, and at Legislative Intent Service, Inc., we research bills going back to that early legislative session. But, the types of materials that we find in the 1850's will be different from the materials we find for the 1950's and different from those we provide in 2013. In addition, the Legislature's focus for each session will be different, many times reflecting the issues of that moment or era, such as the 1911 rage against the "machine" that brought Gov. Hiram Johnson and initiative balloting into power, or the energy crises in the 1970's and later in 2001 that led to Governor Gray Davis' recall, or more recently the 2009 and 2010 recession and mortgage-backed securities and housing debacle that led to new solutions and laws relating to the state budget.

This year, Gov. Brown signed 800 bills into law, vetoing 96 bills. The topics for the successful bills ranged from immigration and guns to fracking and election law reform. It was reported in the *Sacramento Bee* that over the course of Gov. Brown's three terms as governor, he has signed into law more than 13,500 regular session bills.

Herein, we discuss a few of these bills mentioned in our *Compendium*.

OLIVE OIL COMMISSION

We now have a state Olive Oil Commission and with it all of the accompanying bureaucratic components, such as membership, board of directors, and creation of quality standards. California produces 99% of the olives grown in the United States. According to the California Olive Oil Council, there are over 400 growers on approximately 30,000 acres dedicated to the production of olive oil. With over 50 varieties of olives grown in California, it is estimated that the 2013 harvest will produce over 2.4 million gallons of oil.

According to Sen. Lois Wolk, California's olive oil industry has experienced enormous growth over the past five years. The industry believes it is time to support a coordinated effort to provide for olive oil research and standards to promote the sustainability and success of this important agricultural product. The Commission will address fraudulent practices in the marketplace. California produces some of the highest quality extra-virgin olive oil. However, the California olive oil industry faces fierce global competition from producers who do not adhere to the same high quality standards as California producers. In fact, the UC Davis Olive Center released a surprising study based on laboratory and sensory testing that found that 69% of imported extra-virgin olive oils bought off the shelves of California supermarkets failed to meet international standards. The study concluded that many of them were falsely labeled as extra-virgin grade.

CALIFORNIA LIBERTY PRESERVATION LAW

AB 351 enacts a new Penal Code provision to refuse to support the implementation of any federal law authorizing indefinite detention of a Californian under a federal law protecting against terrorist attacks.

A petition for a habeas writ is filed by an individual who believes he or she is being wrongly

detained. If the court grants the petition, the court issues a habeas writ directing the detaining official to bring the individual before the court to challenge the validity of the detention. The U.S. Constitution prohibits the suspension of this privilege "unless when in Cases of Rebellion or Invasion the public Safety may require it." (*U.S. Const., art. I, § 9, cl. 2.*)

After the attacks on September 11, 2001, Congress passed the Authorization for Use of Military Force (AUMF) allowing the executive branch to leverage all available military assets to bring to justice combatants deemed responsible or materially supportive of forces associated with the terrorist attacks of 9/11. The AUMF gives the president the power to attack "nations, organizations or persons he determines planned, authorized, committed or aided the terrorist attacks that occurred on Sept. 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons." The AUMF has been relied on by the federal government for activities such as military detentions and the use of drones.

The National Defense Authorization Act for Fiscal Year 2012 (NDAA) codifies the authority given to the President in the AUMF, which includes indefinite military detention without charge or trial of civilians captured far from any battlefield. This codification has sparked a nationwide movement among the states against the 2012 NDAA's indefinite detention provisions.

In AB 351, California sends a very clear message that no agency or employee of the state of California or any of its political subdivisions shall aid in any way to assist U.S. military detention without charges or trial of a person in California. It is intended to protect the civil liberties of all Californians.

UNDOCUMENTED IMMIGRANTS' DRIVER'S LICENSES

AB 60 requires the Department of Motor Vehicles to issue driver's licenses to persons who are ineligible for a Social Security No. if additional documentation is provided, such as a valid, unexpired consular identification document issued by a consulate or a valid unexpired passport, or an original birth certificate or other proof of age, or a home utility bill,

lease or rental agreement or other proof of state residency, or even a marriage license or divorce certificate, just to name a few.

The issue of allowing the licensure of undocumented immigrants has been considered almost continually by the Legislature since the 1999-2000 Legislative Session. Overall, almost every proposal has died, been vetoed, or in one instance, been enacted but subsequently repealed before its implementation. The debate surrounding this issue is traditionally cast as trying to assure all motorists, whether citizens or not, are trained, tested, and insured versus the notion that licensing noncitizens will reward law breaking activity and encourage illegal immigration.

AB 60 attempts to introduce an alternative solution to address this public policy issue. By using a model somewhat similar to the State of Washington, a person unable to provide a Social Security No. will have the option to submit several alternative forms of documentation to show proof of identity and obtain a driver's license. A/M Luis Alejo asserts that by providing this alternative, AB 60 will *"improve traffic safety by ensuring that drivers on the road are properly trained, have passed a background and driving test, know state driving laws, and become insured."*

FREE MCLE

For CA attorneys whose last names start with "N-to-Z", the deadline for reporting the completion of their MCLE requirements is **February 3, 2014**. LIS offers *two* California State Bar approved self-study exams, each approved for one hour: **ethics** and **legislative process**, available **24/7** at: <http://www.legintenc.com/free-mcle-credits/>. We will grade and email your certificate in a timely manner.

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