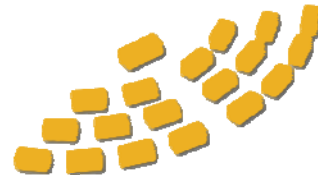


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## COMPENDIUM OF 2010 NOTABLE CALIFORNIA LEGISLATION ©

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The Governor's deadline for signing or vetoing bills was September 30, 2010 [Art. IV, Sec. 10(b)(2)], with bills enacted on or before October 2, 2010 to take effect January 1, 2011 [Art. IV, Sec. 8(c)]. On December 6, 2010, the 2011-2012 Regular Session will convene for an Organization Session [Art. IV, Sec. 3(a)].

This *Compendium* sets out enacted bills in 2010 that drew the support or opposition from entities such as the State Bar, League of California Cities, the California Chamber of Commerce, and the California Teachers Association, just to name a few. Chaptered laws are identified herein with a "c." and indicates the bill described was enacted into law.

This *Compendium* is not intended to be exhaustive. If you are interested in legislation not noted that was enacted in this Legislative Session, please contact us.

There is an **Index** at the end of this *Compendium* for your easy reference in locating specific legislation.

There were **eight extraordinary sessions** from December 2, 2008 through January 11, 2010 that were called by the Governor to tackle issues related to budget and fiscal emergencies in 2009 and 2010, stimulating the state's economy, creating and retaining jobs, the housing mortgage crisis, solvency of the Unemployment Insurance Fund, streamlining state and local government operations,

meeting the federal Race to the Top eligibility requirements and guidelines to secure federal funding, state tax policy, structure and system, and water supplies, storage, conservation, and restoration projects and bonds.

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## ATTORNEYS

**SB 1038, c. 48: Power of Attorney; breaches of duty.** 1) Provides that a non-compensated attorney-in-fact will be held liable for breaches of duty, regardless of whether the breach was made in bad-faith or error; 2) Authorizes the court, in its discretion, to excuse the attorney-in-fact from liability if the attorney-in-fact acted reasonably and in good faith under the circumstances known to the attorney-in-fact; and 3) Provides that an attorney-in-fact may be held liable for twice the value of the property recovered by an action to recover the property or for surcharge.

## BUSINESS AND PROFESSIONS

**AB 605, c. 230: Alcoholic beverages and instructional tasting events.** Creates a new type of license (instructional tasting license) that allows the tasting of beer, wine, and distilled spirits at off-sale licensed premises.

**SB 294, c. 695: Professions and vocations; regulation.** Department of Consumer Affairs' sunset provisions of its boards and bureaus were affected as follows: 1) Medical Board of California (MBC), from 2013 to 2014; 2) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, from 2012 to 2014; 3) Board of Registered Nursing, from 2013 to 2012; 4) Board of Psychology, from 2011 to 2013; 5) State Board of Optometry, from 2013 to 2014; 6) Physician Assistant Committee of MBC, from 2012 to 2013; 7) Naturopathic Committee from 2013 to 2014, and requires the Naturopathic Committee to prepare a report, as specified, in 2012, rather than 2010; 8) Acupuncture Board, from 2011 to 2013; 9) Board of Behavioral Sciences, from 2011 to 2013; 10) Permits the California Architects Board to implement an intern development program until July 2012, rather than 2011; 11) Contractors State License Board, from 2011 to 2012; 12) Board of Barbering and Cosmetology, from 2012 to 2014; 13) Court Reporters Board of California, from 2011 to 2013; 14) Pesticide Regulation and Structural Pest Control Board, from 2012 to 2015; 15) Respiratory Care Board, from 2013 to 2014; 16)

Massage Therapy Organization, from 2016 to 2015; 17) State Athletic Commission, from 2011 to 2012; and 18) Bureau for Private Postsecondary Education, from 2016 to 2015.

**SB 392, c. 698: Contractors and limited liability companies.** Allows a limited liability company (LLC) to render contractors services that are "professional services" otherwise prohibited by the Beverly-Killea Limited Liability Company, by authorizing the issuance of a contractor's license to the company under the B&P Code. Provides that a contractor-LLC obtain and maintain a \$1 million insurance policy or place on deposit or escrow \$1 million plus an additional \$100,000 per licensee in excess of five employed by the LLC, up to \$5 million in total insurance, escrow, or deposit, and provides, if the LLC is suspended, each member of the LLC who is licensed as a contractor will be liable for up to \$1 million in damages occurring as a result of the licensed activities of the LLC during the suspension.

**SB 700, c. 505: Healing arts; peer review.** Makes various changes relating to the peer review process in which a final proposed action may be imposed on a licentiate, if certain conditions are met, for which a report (commonly referred to as 805 report pursuant to § 805 of the Business and Professions Code) is required to be filed to the appropriate health care regulatory body. Also requires specified licensing agencies include in a licensee's central file a final judgment by a court that a peer review resulting in an 805 report was conducted in bad faith and any explanatory or exculpatory information submitted by a licensee.

**SB 1072, c. 283: Horse racing, statewide marketing organization; Breeder's Cup promotion; wagering deduction; exchange wagering.** Makes the following substantive changes and additions to California's Horse Racing Law: (1) requires thoroughbred racing associations and fairs to deduct an additional amount of the total handle on exotic wagering (e.g., exacta, trifecta, superfecta) for purse augmentation; (2) authorizes the California Horse Racing Board (CHRB) to license entities to operate "exchange wagering" systems, as defined, that accept exchange wagers from individuals

residing either within or outside of this state on horse races run in California or other states and makes it explicit that exchange wagering shall not become operative until May 1, 2012; (3) requires each exchange wagering licensee to annually distribute a specified amount of exchange wagering revenue to the existing jockey health and benefit welfare fund; (4) authorizes the thoroughbred racing industry to use monies from horse racing wagering pools to promote the Breeders' Cup, in order that California might be considered the permanent home of this championship series of races; (5) extends the sunset, from January 1, 2011 to January 1, 2014, on provisions that authorize racing associations and fairs that conduct thoroughbred racing to pay to the owners' organization a certain portion of the purses for a statewide marketing program, as specified, to increase interest in horse racing; and (6) provides that an amount not to exceed 0.05 percent of the total amount handled by each satellite wagering facility shall be distributed to the nonprofit organization designated by CHRB for the purpose of maintaining a database of horse racing information, as defined.

## CIVIL

**AB 681, c. 464: Confidentiality of medical information; psychotherapy.** Permits a health care provider to release otherwise confidential medical information about a patient's participation in outpatient treatment with a psychotherapist when the psychotherapist has disclosed otherwise confidential medical information pursuant to an existing exception relating to preventing or lessening a serious imminent threat to the health and safety of a reasonably foreseeable victim or victims and when clearly necessary to prevent serious and imminent harm. The disclosure must be pursuant to a request for information from law enforcement or the target of the threat subsequent to the disclosure.

**AB 2028, c. 540: Confidentiality of medical information; disclosure.** Amends the Confidentiality of Medical Information Act to expressly authorize mandated reporters of child abuse and neglect and elder and dependent adult

abuse to subsequently disclose requested information to the agency investigating the report of abuse or neglect. Exempts information disclosed by a psychotherapist who is making a report from existing law's requirement that the entity requesting the information meet certain request and notification requirements.

**AB 2486, c. 154: Social host liability furnishing alcohol to underage persons.**

Provides that provisions of law concerning social hosts who serve alcohol would not preclude a claim against a parent, guardian, or other adult to be held liable if he or she knowingly furnishes alcoholic beverages at his or her residence to a person under 21 years of age, in which case the furnishing of alcoholic beverage may be found to be the proximate cause of resulting injuries or death.

## CIVIL PROCEDURE

**AB 2119, c. 41: Deadline computation.** Adds to the Code of Civil Procedure a definitive method of calculating specified action deadlines, including the service and court filing of specified motions, oppositions, and replies, as they pertain to court hearings.

**AB 2284, c. 674: Jury trial; rules of court.** Establishes, until January 1, 2016, the *Expedited Jury Trial Act*, which authorizes a streamlined and consensual, binding jury trial before a reduced jury panel and a judicial officer only when the parties voluntarily agree after a dispute arises and an action has been filed.

**AB 2487, c. 686: Judges; disqualification.** Requires that a judge be disqualified when he or she has received a contribution of more than \$1,500 from a party or lawyer in a proceeding and either the contribution was received in support of the judge's last election, if the last election was within the prior six years, or the contribution was received in anticipation of an upcoming election. This bill also requires the judge to disclose campaign contributions if those amounts are reportable under the Political Reform Act.

**SB 782, c. 626: Residential tenancies; domestic violence.** Prohibits a landlord from terminating a tenancy based upon an act or acts of domestic violence, sexual assault, or stalking against the tenant or tenant's household member, if the act(s) can be appropriately documented and the perpetrator is not a tenant of the same dwelling unit as the tenant. Permits a tenant to change locks of the dwelling unit, or request the landlord to do so, as specified, if the tenant has a restraining order against another person based on that other person's acts of domestic violence, sexual assault, or stalking against the tenant.

**SB 1274, c. 156: Electronic service of process.** Amends § 1010.6 of the Government Code, which authorizes electronic service of documents, to re-define electronic service to include both methods of electronic transmission and electronic notification. Parties may only consent to electronic service for documents which are not currently required to be served personally.

## CORPORATIONS

**SB 1155, c. 516: Capital access companies.** Amends the Capital Access Company Law, by changing the definition of a small business and adding a definition for a smaller business, exempting Capital Access Companies from the Corporate Securities Law of 1968, exempting businesses from the Capital Access Company Law, if they are approved as Small Business Investment Companies by the federal Small Business Administration, replacing existing law conflict of interest provisions with conflict of interest provisions utilized by the federal Small Business Administration for its licensees, and making related changes, as specified.

## CRIMINAL LAW AND CRIMINAL PROCEDURE

**AB 33, c. 224: Child abduction; sex offender identification.** (1) States that it is the intent of the Legislature to encourage law

enforcement agencies to obtain and utilize the list, as specified, of registered sex offenders from the Violent Crime Information Center in the event of a reported stranger abduction of a child; (2) requires that the Department of Justice (DOJ) make accessible to law enforcement agencies, as specified, the Peace Officer Standards and Training Commission's (POST) "Guidelines for Handling Missing Persons Investigations," relating to the investigation of missing persons; (3) requires that, by January 1, 2012, law enforcement agencies adopt a checklist document directing peace officers on investigation guidelines and resources available to them in the early hours of a missing persons investigation, as specified; (4) requires that by January 1, 2012, law enforcement agencies adopt a policy, regulations, or guidelines on missing persons investigations, as specified; (5) requires that, by January 1, 2012, law enforcement agencies utilize DOJ's missing person reporting form, at a minimum for the initial contact with the parent or member reporting a missing person; (6) requires that, as necessary and appropriate, the POST commission modify its missing persons investigations guidelines and curriculum with contemporary information, as specified; and (7) requires that DOJ's Violent Crime Information Center make available, within two hours of a reported stranger abduction of a child, a list of persons required to register as sex offenders based upon the modus operandi, if available, or the specified geographical location from which the child was abducted.

**AB 34, c. 225: Reports of missing persons; Violent Crime Information Center.** Requires the Violent Crime Information Center (VCIC) to make accessible to the National Missing and Unidentified Persons System specific information authorized for dissemination and as determined appropriate by the VCIC that is contained in law enforcement reports regarding missing or unidentified persons.

**AB 668, c. 531: Trespass.** Expands the crime of trespass to include persons who, after having been convicted of crime on a particular property, go onto that property over the objections of the owner, as specified.

**AB 674, c. 347: Criminal procedure; veterans.** Allows a criminal defendant who is a veteran, if the defendant alleges that he or she committed the offense as a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from military service in the United States military, requires the court to make a determination as to whether a defendant was, or currently is, a member of the United States military, and authorizes the court to request through the use of existing resources an assessment of whether the defendant may be suffering from any of those disorders. Provides that a county's obligation to provide mental health treatment services is contingent upon any resources for the implementation of mental health treatment services being appropriated by the state. Eliminates an existing requirement that an order be made referring the defendant to a county mental health agency only if the agency agreed to accept responsibility for treatment of the defendant.

**AB 1280, c. 300: Child abuse sentencing for comatose or paralyzed child.** Punishes any person who, having care or custody of a child under eight years of age, who assaults the child with force that to a reasonable person would be likely to produce great bodily injury, resulting in the child becoming comatose due to brain injury or suffering paralysis of a permanent nature to state prison for 15-years-to-life.

**AB 1596, c. 572: Protective orders, enforcement.** Implements recommendations from the Judicial Councils Protective Orders Working Group and make various changes to conflicting protective order statutes issued pursuant to the CCP and Family, Penal or Welfare and Institutions Codes. Will not take effect until January 1, 2012.

**AB 1738, c. 363: Domestic violence incident report.** Expands the current law providing domestic violence victims with a free copy of the domestic violence incident report to include family members and additional representatives

**AB 1844, c. 219: Chelsea's Law; sex offenders; punishment; parole.** Enacts

*Chelsea's Law*, which increases penalties for forcible sex acts against minors, creates a penalty of life without the possibility of parole for specified sex acts against minors, creates safe zones around parks, and mandates lifetime parole for specified sex offenses.

**AB 2210, c. 380: Intercepted communications; hostage taking and barricading.** Authorizes a designated peace officer to use, or authorize the warrantless use of, an electronic amplifying or recording device to eavesdrop on or record, or both, any oral communication within a particular location in response to an emergency situation involving the taking of a hostage or hostages or the barricading of a location.

**AB 2324, c. 675: Weapons possession on public transit facilities.** (1) Establishes sterile areas within public transit facilities and prohibit possession of specified items within those areas; (2) Expands the crime of trespass to include unauthorized entry into a transit facility, as defined; (3) Creates a new crime of intentionally avoiding security screening at a public transit facility; and (4) Increases penalties for specified acts of misconduct committed on or in a facility or vehicle of a public transportation system, as specified.

**AB 2339, c. 95: Child abuse reporting.** Makes an essentially technical clarification to the mandatory child abuse reporting laws to expressly authorize the sharing of information from an agency investigating a report of alleged emotional abuse to an investigator, as specified.

**AB 2380, c. 123: Child abuse reporting.** Provides that a "reasonable suspicion" that a child has been a victim of child abuse or neglect does not require certainty that a child has been abused, nor does it require a specific medical condition for the purpose of making a report under the *Child Abuse and Neglect Reporting Act*

**AB 2668, c. 689: Weapons possession at State Capitol and legislative buildings.** Makes it a misdemeanor to possess specified weapons, including unloaded firearms, in or on the

grounds of the State Capitol Building or the Legislative Office Building.

**SB 5, c. 302: Deceased Child Victims' Protection and Privacy Act.** Enacts the *Deceased Child Victims' Protection and Privacy Act*, requiring, upon the request of a biological or adoptive parent, spouse, or legal guardian of a deceased minor, the sealing of the autopsy report and evidence associated with the examination of that minor victim when the minor was a victim of a crime that caused his/her death and a person has been convicted and sentenced for committing that crime. Contains specified exceptions and also provides that a coroner or medical examiner shall not be liable for damages in a civil action for any reasonable act or omission taken in good faith compliance with the bill.

**SB 657, c. 556: Human trafficking.** Seeks to provide consumers with new and easily accessible information made available by specified large retailers and manufacturers about these businesses' voluntary efforts to try to eradicate slavery and human trafficking that could inadvertently be in their product supply chains. Specifically, (1) requires, beginning January 1, 2012, every retailer and manufacturer doing business in California and having more than \$100 million in annual gross receipts to disclose its efforts to eradicate slavery and human trafficking from its supply chain, require the disclosure to be posted on the company's Web site and provided to consumers in writing if the company has no Web site, require the disclosure to include the extent to which the company (a) uses third party verification to evaluate and address human trafficking and slavery risks in product supply chains, (b) conducts independent, unannounced audits of suppliers to ensure compliance with company standards on trafficking slavery, (c) maintains internal accountability for employees and contractors failing to meet company standards on slavery and trafficking, and (d) provides company employees and management training on mitigating risks of slavery and trafficking in supply chains; and (2) provides the exclusive remedy for non-compliance with the provisions of the bill is an injunction from the Attorney General.

**SB 677, c. 625: Human trafficking, property seizure.** Provides that, upon a person being convicted of human trafficking, if real property was used to facilitate the offense, that property could be found to be a public nuisance and the remedies applicable under the nuisance or "Red Light Abatement" statutes, as specified, shall apply. Those remedies include closing the property for one year and a civil fine of up to \$25,000.

**SB 1399, c. 405: Medical parole, permanently medically incapacitated inmates.** Provides that, except as specified, any prisoner who the head physician for the institution where the prisoner is located determines, as provided, is permanently medically incapacitated with a medical condition that renders the prisoner permanently unable to perform activities of basic daily living, and results in the prisoner requiring 24-hour care, and that incapacitation did not exist at the time of sentencing, shall be granted medical parole, if the Board of Parole Hearings determines that the conditions under which the prisoner would be released would not reasonably pose a threat to public safety. Those provisions would not apply to any prisoner sentenced to death or life in prison without possibility of parole or to any inmate who is serving a sentence for which parole pursuant to this bill is prohibited by any initiative statute. The bill provides that these provisions shall not be construed to alter or diminish the rights conferred under the Victim's Bill of Rights Act of 2008: Marsy's Law.

**SB 1411, c. 335: Impersonation; internet.** Updates impersonation statutes to explicitly cover situations in which antagonists maliciously use the Internet to harm another person by way of impersonation.

**SB 1449, c. 708: Marijuana possession.** Defines possession of not more than one oz. of marijuana as an infraction, an offense that under existing law is only punishable by a fine of up to \$100, and not jail time.

## EDUCATION

**AB 867, c. 416: CSU Doctor of Nursing Practice degree; pilot program.** Until July 1, 2018, authorizes the California State University (CSU) to establish a Doctor of Nursing Practice (DNP) degree pilot program at three campuses chosen by the Board of Trustees to award the DNP degree. This bill distinguishes the DNP degree from the doctor of philosophy degree offered at the University of California. This bill requires the DNP degree pilot program to be designed to enable professionals to earn the degree while working full time, train nurses for advanced practice, and prepare clinical faculty to teach in postsecondary nursing programs. This bill requires CSU to enroll and maintain no more than 90 full-time equivalent students in the degree pilot program at all three campuses combined. This bill requires initial funding to come from existing budgets, without diminishing the quality of undergraduate programs or reducing enrollment therein. Requires CSU, the Legislative Analyst's Office, and the Department of Finance to jointly conduct a statewide evaluation of the degree pilot program and report the results to the Legislature and the Governor on or before January 1, 2017.

**AB 2382, c. 425: CSU Doctor of Physical Therapy degrees.** Authorizes the California State University (CSU) to award a Doctor of Physical Therapy, establishes constraints on the funding and fees for these degree programs, requires their joint evaluation by the CSU, Department of Finance and the Legislative Analyst's Office by January 1, 2015, and sunsets on January 1, 2019.

**SB 438, c. 142: Charter schools; freedom of speech and of the press.** Clarifies that provisions regarding freedom of speech and expressive activities in public schools similarly apply to the state's charter schools.

**SB 1317, c. 647: Truancy.** Enacts a new misdemeanor for parents of K-8 children who are chronically truant, as specified; and authorizes courts to establish a deferred entry of judgment program to handle cases involving parents or guardians of elementary school pupils who are chronically truant, with specified features.

**SB 1381, c. 705: Kindergarten age of admission.** Would change the date by which a child is required to be admitted to kindergarten at the beginning of the school year (or any time later in the school year) from December 2 of the year in which the child will have his or her 5th birthday to November 1 for the 2012-13 school year, October 1 of the 2013-14 school year, and September 1 for the 2014-15 school year and each year thereafter. A corresponding change for admittance to 1st grade would be made for a child having his or her 6th birthday during the year. Would also create an ongoing "transitional" kindergarten program - the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate - for those pupils impacted by the change in age of admission date.

**SB 1413, c. 558: Pupil nutrition; availability of tap water.** Requires school district to provide access to free drinking water in food service areas during meal time, and authorizes districts to opt-out of this requirement by passing a board resolution that demonstrates why the school district cannot comply due to fiscal constraints or health and safety concerns.

**SB 1440, c. 428: Community Colleges, student transfer.** Establishes *the Student Transfer Achievement Reform Act* to increase the number of students who successfully transfer from CCC districts to CSU by streamlining the transfer process by requiring CCC districts to establish associate degrees for transfer, guarantees associate degree for transfer students are admitted to CSU with junior status, and establishing course unit limits on most majors in order to reduce unnecessary, excess coursework.

**SB 1xxxxx, c. 2xxxxx: Race to the Top.** Makes changes to state law making California eligible for the federal Race to the Top (RTTT) monies. This bill addresses the four RTTT policy reform areas of standards and assessments, data systems to support instruction, great teachers and leaders and turning around the lowest-achieving schools. The bill was contingent on the passage of SB4XXXXX (see below).

**SB 4xxxxx, c. 3xxxxx: Race to the Top.**

2<sup>nd</sup> part of a linked package of bills (combined with SB 1XXXXX (see above) that will make California eligible and competitive for a grant from the \$4.35 billion Race to the top program of which California would receive \$700 million. Established a Parent Empowerment Program that authorizes parents of specified schools to sign a petition requiring a local educational agency to implement a school intervention model, as specified.

**SB 205, c. 11: Finance; federal tax credit bond volume cap.**

Provides statutory authority for the California Department of Education and the California School Finance Authority to administer the federal Qualified School Construction Bonds tax credit program authorized by the federal American Recovery and Reinvestment Act of 2009.

## ELECTIONS

**AB 1717, c. 119: Ballot materials; electronic access.**

Provides that county and city elections officials may establish procedures designed to permit a voter to opt out of receiving his or her sample ballot, voter pamphlet, notice of polling place, and associated materials by mail and instead receive them electronically by e-mail or on the county's or city's Internet Web site. Requires these procedures to comply entirely with specific conditions

## ENERGY

**AB 2514, c. 469: Energy storage systems.**

Requires the Public Utilities Commission (PUC) to determine appropriate targets, if any, for load serving entities to procure energy storage systems. Requires load serving entities to meet any targets adopted by the Commission by 2015 and 2020. Requires publicly owned utilities to set their own targets for the procurement of energy storage and then meet those targets by 2016 and 2021.

**SB 34xxxxxxxx, c. 9xxxxxxxx: Solar thermal and photovoltaic powerplants: siting; California endangered Species Act; mitigation measures.**

Seeks to facilitate renewable energy projects proposed for siting in the California desert that are eligible for federal American Recovery and Reinvestment Act funding, by allowing eligible project developers to pay in-lieu fees that would then be used by the Department of Fish and Game (DFG) to acquire and restore habitat lands for species impacted by the projects. Also clarifies that communications relating to applications for site certification before the California Energy Commission (CEC) that are made by employees of other state agencies to the presiding officer or agency head, or between a presiding officer and a commissioner, for the purpose of enabling the presiding officer to effectively manage the proceeding, are not subject to the general prohibition on ex-parte communications during pending administrative adjudicatory proceedings. Allows siting applicants to voluntarily pay CEC's costs to have outside consultants to expedite siting application review. Allows CEC to pay recruitment and retention differentials to certain employees working in the powerplant siting division.

## EVIDENCE

**AB 1723, c. 537: Admissibility of statements.**

Creates a new "forfeiture by wrongdoing" hearsay exception modeled after the federal rules and expands the definition of "unavailable as a witness" for purposes of admitting hearsay evidence.

**SB 1041, c. 106: Hearsay evidence; wills and revocable trusts.**

Provides, except as otherwise provided in existing law (such as lack of trustworthiness), evidence of any of the following statements made by a declarant who is unavailable as a witness is not made inadmissible by the hearsay rule: 1. That the declarant has or has not made a will or established or amended a revocable trust; 2. That the declarant has or has not revoked his/her will, revocable trust, or an amendment to a revocable trust; and 3. That identifies the



declarant's will, revocable trust, or an amendment to a revocable trust.

## FAMILY LAW

### **AB 939, c. 352: Family law proceedings.**

Implements most of the Elkins Family Law Task Force's recommendations relating to five aspects of family court: (1) efficient and effective procedures to help ensure justice, fairness, due process, and safety, (2) more effective child custody procedures for a better court experience for families and children, (3) ensuring meaningful access to justice for all litigants, (4) enhancing the status of, and respect for family law litigants and the family law process through judicial leadership, and (5) laying the foundation for future innovation.

**AB 2020, c. 588: Paternity.** Academy of California Adoption Lawyers' annual adoption bill - Reduces both costs for adoptive parents and court time by correcting inconsistent and unclear provisions of law: Will treat alleged and presumed parents the same for purposes of determining the existence of a parent-child relationship. This change makes California's statutory structure consistent with case law's expanded rights of alleged parents and creates a consistent procedural framework for establishing and terminating the rights of presumed and alleged fathers.

**AB 2416, c. 466: Child Custody, parent on active military duty.** Provides for modification of child custody and visitation orders for active duty military personnel to protect the custodial rights of the deployed parent while ensuring the best interests of the child are always paramount.

**SB 1188, c. 179: Child custody; disabled parent.** States the intent of the Legislature to codify the decision of the California Supreme Court in In re Marriage of Carney (1979) 24 Cal.3d 725 with respect to custody and visitation determinations by the court involving a disabled parent.

## FINANCIAL INSTITUTIONS

### **AB 2789, c. 612: Money transmission.**

Consolidates the Transmission of Money Abroad Law, Travelers Checks Act, and the Payment Instruments Law into a single Money Transmission Act, administered by the Department of Financial Institutions.

## FISH AND GAME

### **AB 2503, c. 687: Ocean resources; marine resources and preservation.**

Establishes a program to allow for the partial removal of existing off-shore oil platforms. Any cost savings realized from partial removal would be split between the state and the platform owner. Specifies that any state proceeds would largely be provided to a new endowment corporation and would be used for various ocean-related purposes.

## FOOD AND AGRICULTURE

### **AB 1795, c. 365: Agriculture committees and commission.**

Removes term limits for the members of the California Apple Commission (CAC); allows the California Salmon Council (CSC) to present facts and negotiate on matters that affect the California Salmon Marketing and Development Act (CSMDA); conforms the California Citrus Advisory Committee (CCAC) to the California Citrus Pest and Disease Prevention Committee (CCPDPC); adjusts the fiscal year/marketing season start date for the California Blueberry Commission (CBC); and, makes technical and conforming changes.

### **AB 2240, c. 382: Agriculture; processors of farm products; dealers; licensing; fees.**

Raises certain fees and deletes the outdated fee structure and reporting provisions of the Department of Food and Agriculture's (DFA's) Market Enforcement Branch. (1) Increases from \$60 to \$100, the filing fee paid by a grower or licensee, with a complaint not subject to certain federal laws, seeking resolution of the complaint, (2) Increases from \$35 to \$55, the license fee paid by agents of produce dealers and food processors,

and (3) Increases from \$100 to \$136, the lowest tier of four, the fee paid by produce dealers and food processors. Authorizes the Secretary of DFA to appoint an advisory committee of producers and licensees to provide guidance in establishing those fees or to rely on input from any similar advisory committee already assembled by the Secretary.

## GOVERNMENT

### **AB 142, c. 13: California State Lottery.**

Modifies the allocation formula of the California State Lottery Act of 1984, also known as Proposition 37. Repeals the modifications to the allocation formula if it is determined by the State Controller that amount of revenues allocated to the benefit of public education by the Lottery is less than what would have been allocated if the law were not changed, as specified.

### **AB 1743, c. 668: Political Reform Act of 1974, placement agents.**

Prohibits a person from acting as a placement agent in connection with any potential investment made by a state public retirement system unless that person is registered as a lobbyist in accordance with, and is in full compliance with, the requirements of the California Political Reform Act (PRA). Requires placement agents connected with investments made by local public retirement systems to comply with any applicable requirements imposed by a local government agency on lobbyists pursuant to the PRA.

**AB 2091, c. 205: Public records and information security.** Exempts from disclosure under the California Public Records Act information security records that would reveal vulnerabilities of an information technology system or increase the potential for cyber attacks.

**AB 2530, c. 391: Williamson Act; local government; contracts.** Authorizes a county, until January 1, 2015, in any fiscal year in which payments authorized for reimbursement to a county for lost revenue from Williamson Act contracts is less than one-half of the county's actual foregone general fund property tax revenue, to revise the terms for new contracts.

## HEALTH AND SAFETY

**AB 83, c. 77: Torts; personal liability immunity.** Provides that no person who in good faith and not for compensation renders emergency medical or nonmedical care or assistance at the scene of an emergency shall be liable for civil damages resulting from any act or omission other than an act or omission constituting gross negligence or willful or wanton misconduct.

**AB 1048, c. 567: Child protection; safe surrender.** Changes the *Safely Surrendered Baby* law to: (1) permit a fire agency to designate a safe surrender site, upon approval of the local governing body, (2) immunize a safe surrender site and its personnel from criminal, civil, or administrative liability for a surrendered child prior to taking actual physical custody of the child, or prior to the time the surrender site or its personnel knows, or should know, that the child has been surrendered, and (3) require the Department of Social Services to report specified information to the Legislature.

**AB 1368, c. 528: Child day care, safety.** Requires small family child care homes to ensure that at least one staff member present has completed a course in pediatric first aid and pediatric cardiopulmonary resuscitation.

**AB 1602, c. 655: California Health Benefit Exchange.** Implements Section 1311 of the Affordable Care Act related to the establishment of an American Health Benefit Exchange in California and its administrative authority. Specifies that the activities related to the provision of health coverage within the Exchange. Contingent on the enactment of SB 900 (see below), which would create the *California Health Benefit Exchange* and establish details related to its governance.

**AB 2244, c. 656: Health care coverage.** Prohibits the exclusion or limitation of coverage for children due to any preexisting condition, except as specified. The bill requires plans and insurers offering coverage in the individual market

to offer coverage for a child subject to specified requirements. Prescribes its limits on the rates that may be imposed for coverage of a child depending on, among other things, whether the child applies for coverage during an open enrollment period, as defined, or is a late enrollee, as defined, and would, effective January 1, 2014, require plans and insurers to apply standard risk rates to the child coverage, except as specified. Prohibits a plan or carrier that does not or ceases to write new plan contracts or policies for children from offering new individual plan contracts or policies in this state for five years. Authorizes the Department of Managed Health Care and the Department of Insurance to issue guidance for purposes of implementing these provisions.

**AB 2470, c. 658: Health care coverage.**

Prohibits health plans and insurers from rescinding or canceling coverage, except under specified circumstances. Modifies the ability of a health plan or health insurer to cancel or not renew a contract or policy for nonpayment of premiums by requiring a 30-day grace period from the date of notification from the plan or insurer.

**AB 2650, c. 603: Medical marijuana.**

Prohibits any medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana, as specified, from being located within 600 feet of a school, public or private, K-12.

**SB 880, c. 278: Public safety; snow sport helmets.**

Requires any person under 18 years of age to wear a properly fitted and fastened snow sport helmet, that meets specified standards, while downhill skiing or snowboarding, or while riding upon a seat or other device that is attached, and imposes a fine of \$25 for a violation of this requirement.

**SB 900, c. 659: California Health Benefit Exchange.**

Establishes the *California Health Benefits Exchange*, and states that it is the intent of the Legislature to implement the provision of the federal Patient and Protection and Affordable Care Act that requires the establishment of an American Health Benefit Exchange.

**SB 1088, c. 660: Health care coverage,**

**dependents.** Prohibits, with specified exceptions, the limiting age for dependents covered by health plan contracts and health insurance policies from being less than 26 years of age beginning on or after September 23, 2010, and prohibits health plan contracts and health insurance policies from being required to cover a child of a child receiving dependent coverage.

**SB 1237, c. 521: Radiation control; health facilities and clinics; records.**

Requires health facilities and clinics that use imaging procedures that involve computed tomography X-ray systems (CT) for human use to record the dose of radiation on every CT study produced during a CT examination, and requires, commencing July 1, 2013, facilities that furnish CT to be accredited and to report to the State Department of Public Health an event in which the administration of radiation results in an overdose, as specified.

## INSURANCE

**AB 108, c. 406: Individual health care coverage.**

Prohibits health care service plans and health insurers from rescinding plan contracts or insurance policies for any reason after 24 months following their issuance.

**AB 119, c. 365: Health care coverage pricing.**

Beginning January 1, 2011, eliminates the exception in current law that allows health plans and health insurers to use gender as a basis for premium, price, or charge differentials, when used on valid statistical and actuarial data.

## LABOR

**AB 569, c. 662: Meal periods; exemptions.**

Exempts from IWC meal period provisions those employees in a construction occupation, commercial drivers, employees in the security services industry employed as security officers, and employees of electrical and gas corporations or local publicly owned electric utilities, as

defined, if those employees are covered by a valid collective bargaining agreement containing specified terms, including meal period provisions, without affecting the requirements for meal periods for certain other employees or employers.

**AB 1814, c. 130: Discrimination in**

**Employment.** Provides that the age discrimination prohibitions of the Fair Employment and Housing Act do not prohibit an employer from providing health benefits or health care reimbursement plans to retired persons that are altered, reduced, or eliminated when the person becomes eligible for Medicare health benefits.

**AB 2058, c. 591: Unemployment insurance; retraining benefits.**

Establishes the California Training Benefits (CTB) Program within the Employment Development Department (EDD) and revise eligibility requirements for unemployment compensation benefits to specify that a person who qualifies for such benefits, extended duration benefits, or federal-state extended benefits or any federally funded unemployment compensation benefits shall be deemed to automatically be eligible for the program during a period of training or retraining. Requires that a determination of eligibility for training or retraining be issued to a person if any of specified conditions apply. Requires that, if training or retraining is not authorized under provisions governing automatic eligibility for those benefits, a determination of potential eligibility for benefits are issued to the person if EDD finds that specified criteria apply.

**PROBATE**

**AB 2271, c. 94: Appeals.** Authorizes a trial court to appoint a temporary trustee to exercise powers over a trust during the appeal of certain judgments and orders to prevent injury or loss to a person or property.

**SB 105, c. 620: Donative transfers, restrictions.** Revises and recasts current provisions related to restrictions on donative transfers to specified persons that become irrevocable on or after January 1, 2011.

Establishes an express presumption of fraud or undue influence if the donative instrument makes a gift to the person who drafted or who transcribed the instrument or to their family members, or makes a gift to certain other disqualified persons, including a caregiver or care custodian, and provides exceptions to the operation of this presumption. Provides that the presumption may be rebutted by preponderance of the evidence. Finally, defines "degree of kinship" or consanguinity for the Probate Code.

**PUBLIC RESOURCES**

**AB 2398, c. 681: Product stewardship; carpet.** Prohibits producers and retailers of carpet from selling carpet in California unless the producer or a carpet stewardship organization has submitted a stewardship plan to the Department of Resources Recycling and Recovery to reduce costs to local government, to harmonize the state's producer responsibility obligations with other national and international programs, and to enhance the protection of public health and the environment through safer product design, use, and end-of-life management.

**REAL PROPERTY**

**AB 313, c. 431: CID; assessments.** Prohibits a HOA in a CID from levying assessments on separate interests based on the taxable value of the separate interest unless the declaration allowed for this practice on or before December 31, 2009.

**AB 1962, c. 59: Parks and open space; irrevocable offers of dedication.** To streamline the process by which landowners can dedicate interests in land to a district; and enhance coordination with local agencies on projects which further the goals of protecting open space and agricultural and recreational assets in the state, this bill allows property owners to make irrevocable offers of dedication of real property or interests in real property to a regional park and open-space district, with the consent of the district's board of directors. The property owner must formally record the offer in the same manner as a real

property conveyance. Once recorded, the offer is irrevocable and the district's board may accept it at any time.

**AB 2016, c. 133: CID; requests for notices of default.** Provides that a request by HOAs for notification of a trustee's deed upon sale does not constitute a request for a document that either effects or evidences a transfer of encumbrance of an interest in real property or that releases or terminates any interest, right or encumbrance of an interest in real property.

**AB 2325, c. 596: Mortgage foreclosure consultants; loan audits.** Adds the audit of any obligation secured by a lien on a residence in foreclosure to the definition of services that a foreclosure consultant performs, thus, adding individuals who perform forensic loan audits to the foreclosure consultant law, as specified.

**AB 2347, c. 597: Mortgage defaults; secondary public financing.** Permits a public entity to postpone a foreclosure by up to 60 days if the property at issue contains five or more multifamily units and the public entity is a party to a regulatory agreement or a recorded deed restriction for the property, as specified.

**SB 189, c. 697: Mechanics liens.** Omnibus mechanics lien bill recodifies, reorganizes, and clarifies the mechanics lien statute; modernizes terminology and eliminates inconsistencies in language; makes provisions more readable and easier to use; enacts separate provisions for private and public works; modernizes and streamlines existing notice requirements; revises and recasts provisions relating to liens for design professionals; requires certain bonds to be obtained from licensed sureties; improves and clarifies statutory forms relating to waivers and releases; allows notices under the mechanics lien statute to be given electronically; adds procedural detail relating to a summary lien release; and becomes operative July 1, 2012 to allow the industry and homeowners to become familiar with the new reorganization and updates.

**SB 931, c. 701: Mortgages and deficiency judgments.** Requires the holder of a mortgage or deed of trust that is secured by residential real property to accept, as full payment, the proceeds of a short sale to which it agrees in writing, and obligates that note holder to fully discharge the remaining amount of the borrower's indebtedness on the deed of trust or mortgage following the sale.

**SB 1128, c. 322: CID, governance.** Allows a non-profit entity that provides services to a common interest development under a declaration of trust, if it received transfer fees prior to January 1, 2004, to continue to charge transfer fees to the purchasers of units within the common interested development to which it provides services. Also clarifies that such entities are subject to the open records provisions of the Davis-Stirling Act.

**SB 1221, c. 180: Mortgages and notice of sale.** Allows a trustee to notice the sale of a property in non-judicial foreclosure approximately five days earlier by allowing a Notice of Sale to be given 85 days, instead of three months, after the filing of a Notice of Default.

**SB 1427, c. 527: Foreclosure; property maintenance.** Provides that prior to imposing a fine or penalty for failure to maintain a vacant foreclosed property that is subject to a notice of default, or that has been purchased at a foreclosure sale or acquired through foreclosure under a mortgage or deed of trust, a governmental entity shall provide the owner of that property with a notice of violation and an opportunity to correct the violation. Provides that an assessment or lien to recover the costs of nuisance abatement measures taken by a governmental entity with regard to a property that is subject to a notice of default, or that has been purchased at a foreclosure sale or acquired through foreclosure under a mortgage or deed of trust, shall not exceed the actual and reasonable costs of nuisance abatement.

## TAXATION

**AB 824, c. 477: Property taxation; assessment procedures.** Allows an assessment appeals board to hear and decide property tax appeals filed in another county by a person who has a conflict of interest with the board in his/her county. Extends the application of existing conflict-of-interest provisions to certain employees of the office of county counsel.

**AB 2195, c. 168: BOE, penalty; burden of proof.** For purposes of taxes and fees administered by BOE, this state agency has the burden of proof, by clear and convincing evidence, when claiming intent to evade or fraud by a taxpayer in a civil proceeding.

**AB 2314, c. 150: Veterans, disabled; property tax exemption; procedure.** Extends the time period for a disabled veteran, who has not yet received a disability rating from the United States Department of Veterans Affairs (USDVA), to file a property tax exemption claim, and deletes a requirement for the disabled veteran to have a "pending" application with the USDVA.

## VEHICLES

**AB 1952, c. 586: Instruction permit, motorcycle.** Requires persons under the age of 21 to complete a motorcyclist safety program prior to obtaining an instruction permit to operate a two-wheel motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, moped, or bicycle with an attached motor, and requires that the permittee hold the instruction permit for a minimum of six months prior to obtaining a motorcycle license.

**SB 435, c. 407: Motorcycles; pollution control devices.** Makes it a crime for a person to park, use, or operate a motorcycle, registered in the state that is manufactured on and after January 1, 2013, that does not have a federal Agency noise emission control label.

**SB 895, c. 30: Driver's license, suspension.**

Clarifies that the Department of Motor Vehicles license suspension resulting from an offense of driving under the influence shall terminate if the person has been convicted of the violation arising out of the same occurrence and the person is eligible for a restricted license upon the installation of an ignition interlock device and meets all other applicable conditions of a suspended license.

**SB 949, c. 616: Local authority; assessing penalties.** Prohibits local authority from enacting or enforcing an ordinance or resolution on matters covered by the Vehicle Code, and expressly includes ordinance or resolution that establishes regulations or procedures for, or assesses a fine, penalty, assessment, or fee for a violation of, matters covered by the Vehicle Code unless expressly authorized by the code, except as specified.

## WATER

**AB 153, c. 226: Safe, Clean, and Reliable Drinking Water Supply Act of 20102, groundwater contamination.** Amends the proposed the *Safe, Clean, and Reliable Drinking Water Supply Act of 2012* (Water Bond), to expand the eligible uses of the \$100 for groundwater cleanup projects (Water Code Section 79770 (d)) so that funds would be available for "costs associated with projects, programs, or activities" rather than being limited to project costs.

**AB 1284, c. 645: Water quality; mandatory minimum civil penalties.** Exempts certain Water Code violations of waste discharge reporting requirements from existing mandatory minimum penalties. Also extends the time limit under which dischargers must come into compliance with a permit requirement from five years to 10 years.

## WELFARE AND INSTITUTIONS

**AB 12, c. 559: California Fostering Connections to Success Act.** Requires California to conform to federal law in order to

maximize federal financial participation by opting in to kinship guardianship assistance payments provisions and extends transitional foster care services for eligible youth between 18 and 21 years of age pursuant to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act).

eligibility for services and benefits available for former foster youth when the court terminates jurisdiction, or upon release of a ward from a non-foster care facility.

**AB 302, c. 344: Prohibited persons; deadly weapons.** Requires that by July 1, 2012, specified mental health facilities shall report to the Department of Justice exclusively by electronic means when a person is admitted to that facility either because that person was found to be a danger to themselves or others, or was certified for intensive treatment for a mental disorder, as specified.

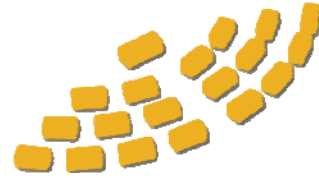
**AB 743, c. 560: Foster care; sibling placement.** Requires California to place siblings together when they have been removed from their parents or guardians unless that placement is contrary to their safety or well-being pursuant to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act), and for notification to be provided to a child's attorney when there is a change in placement resulting in the separation of siblings.

**AB 2619, c. 64: Elder and dependent adult abuse; restitution; earnings withholding orders.** Authorizes wage garnishments against defendants convicted of elder or dependent adult financial abuse.

**SB 543, c. 503: Minors; consent to mental health services.** Authorizes a minor who is 12 years of age or older to consent to mental health treatment or counseling on an outpatient basis or to residential shelter services, if specified conditions are met.

**SB 945, c. 631: Services and benefits relating to dependent child or ward of juvenile court.** Requires probation and parole officers to provide wards of the court formerly in foster care with notification regarding their

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