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COMPENDIUM OF 2013 NOTABLE CALIFORNIA LEGISLATION ©

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October 13, 2013 was the last day for Governor Jerry Brown to sign or veto bills passed by the Legislature on or before **Sept. 13th** and in the Governor's possession after Sept. 13th. (Art. IV, Sec. 10(b)(1)). On **Jan. 6th**, the 2014-15 Regular Session will reconvene. (J.R.51(a)(4)). On **January 1, 2014**, non-urgency bills signed into law will take effect (Art. IV, Sec. 8(c)).

This *Compendium* is not intended to be exhaustive. It sets out enacted bills in 2013 that drew the attention of such stakeholders such as the State Bar of California, the League of California Cities, the California Chamber of Commerce, the California Manufacturers & Technology Association, the Consumer Attorneys of California, and the California Teachers Association, just to name a few.

Chaptered laws are identified with a “c.” and indicates the bill was enacted into law.

New features! The *Compendium* now identifies the “*Source*” of a bill if different from the legislator carrying the bill. This document is also *text-searchable*.

If you are interested in legislation not noted that was enacted in this Legislative Session, please contact us.

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ATTORNEYS

AB 267, c. 123 (Chau): Lawyer referral service-client privilege. Provides that a person who consults a lawyer referral service, as defined, for the purpose of retaining a lawyer or securing legal advice has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the client and the lawyer referral service if the privilege is claimed by a specified person or entity. Also establishes the circumstances in which the privilege does not apply, and provides that the lawyer referral service-client privilege may be waived in accordance with existing law. (*Source: Conf. of CA Bar Associations*)

AB 1024, c. 573 (Gonzalez): Admission to practice; out-of-USA attorneys. Provides that upon certification by the examining committee of the State Bar that an applicant who is not lawfully present in the United States has fulfilled the requirements for admission to practice law, the Supreme Court may admit that applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect.

AB 1159, c. 574 (Gonzalez): Immigration services. Provides that it is the unlicensed practice of law for an immigration consultant, or any person who is not an attorney, to literally translate, from English into another language, in written documents or advertisements, the term "notary public," or any other term that implies that the person is an attorney; requires attorneys who provide immigration reform act services to use a written contract in English and in the client's native language which contains specified elements; prohibits an attorney or an immigration consultant from demanding or accepting the advance payment of any funds from a person for immigration reform act services before the enactment of any immigration reform act; requires immigration consultants to place client funds into a trust account; and increases the bond required by an immigration consultant to \$100,000. (*Source: State Bar of CA*)

BUSINESS AND PROFESSIONS

AB 1057, c. 693 (Medina): Professions and vocations; licenses; military service. Requires every licensing board under Department of Consumer Affairs to affirmatively inquire in every license application if the applicant is serving in, or has previously served in, the military, in order to better identify and assist active military members and veterans applying for professional licensure. That requirement would become operational on January 1, 2015.

AB 1186, c. 506 (Bonilla): State Athletic Commission. Clarifies that the California State Athletic Commission (CSAC) is authorized to regulate all forms of full contact martial arts contests involving minor participants 18 years of age or younger, including all forms and combinations of forms of full contact martial arts contests deemed by CSAC to be similar, and that an amateur contest includes a contest where full contact is used, even if unintentionally. Also requires CSAC to establish an advisory pankration subcommittee.

AB 1236, c. 114 (Hagman): Contractors; LLCs. Authorizes a contractor licensed as a limited liability company (LLC) to obtain statutorily required liability insurance from a surplus line insurer. (*Source: Association of CA Insurance Cos.*)

AB 1308, c. 665 (Bonilla): Midwifery, supervision. Revises the scope of practice for a licensed midwife to remove the requirement of supervision by a physician and surgeon; authorizes a midwife to directly obtain supplies and devices, obtain and administer drugs and diagnostic tests, order testing and receive reports that are necessary to his/her practice of midwifery and consistent with his/her scope of practice; expands the disclosures required to be made by a midwife to a prospective client to include the specific procedures that warrant consultation with a physician and surgeon; and makes other correcting and conforming changes. (*Source: American Congress of Obstetricians and Gynecologists, District IX, CA*)

CIVIL

SB 262, c. 180 (Monning): Contractors, supervision. Requires the person qualifying on behalf of a contracting firm to be responsible for exercising direct supervision and control in order to secure compliance with the Contractors State License Law. Provides that failure to exercise direct supervision and control shall constitute a cause for disciplinary action and shall be punishable as a misdemeanor by imprisonment in a county jail not to exceed six months, by a fine of not less than \$3,000, but not more than \$5,000, or by both a fine and imprisonment. (*Source: Contractors State License Board*)

SB 352, c. 286 (Pavley): Healing arts; medical assistants; supervision. Allows medical assistants (MAs) to perform technical supportive services, in doctor's offices and all medical clinics, under the supervision of a physician assistant (PA), nurse practitioner (NP) or certified nurse-midwife (CNM) without a physician on the premises (*Source: CA Academy of Physician Assistants & CA Association of Physician Groups*)

SB 568, c. 336 (Steinberg): Privacy; internet; minors. Prohibits, on and after January 1, 2015, an operator of an Internet Web site, online service, online application, or mobile application, as specified, from marketing specified types of products or services to a minor. Prohibits an operator from knowingly using, disclosing, compiling, or knowingly allowing a 3rd party to use, disclose, or compile, the personal information of a minor for the purpose of marketing or advertising specified types of products or services. Also makes this prohibition applicable to an advertising service, as specified. Requires, on and after January 1, 2015, the operator of an Internet Web site, online service, online application, or mobile application to permit a minor who is a registered user of the operator's Internet Web site, online service, online application, or mobile application to remove, or to request and obtain removal of, content or information publicly posted on the operator's Internet Web site, service, or application by the minor, subject to specified conditions and exceptions.

AB 658, c. 296 (I. Calderon): Personal information disclosure. Requires any business that offers software or hardware to consumers, including a mobile application or other related device that is designed to maintain medical information, as defined, for purposes of allowing the individual to manage his or her information, or for the diagnosis, treatment, or management of a medical condition of the individual, shall be deemed to be a provider of health care subject to the state Confidentiality of Medical Information Act.

SB 46, c. 396 (Corbett): Personal information; privacy. Expands the scope of personal information subject to existing security breach disclosure requirements to include a user name or email address, in combination with a password or security question and answer that permits access to an online account. Also imposes additional requirements on the disclosure of a breach of the security of the system or data in situations where the breach involves personal information that permits access to an online or email account.

SB 282, c. 58 (Yee): Confidential medical information disclosure; marriage and family therapist. Extends provisions to require that the authorization to disclose medical information also accompany a demand for settlement or offer to compromise issued prior to the service of a complaint in any action arising out of the professional negligence of a person holding a valid license as a marriage and family therapist, similar to requirements for physicians or surgeons (*Source: CA Association of Marriage & Family Therapists*)

SB 724, c. 68 (Emmerson): Nonprofit charitable vision screenings; immunity. Provides qualified immunity from damages or injury liability to a nonprofit charitable organization, licensed optometrist, ophthalmologist, or trained volunteer providing vision screenings or donated or recycled glasses, as specified. (*Source: CA Lions Friends In Sight*)

CIVIL LIBERTIES

AB 351, c. 450 (Donnelly): Suspension of habeas corpus for American citizens.

Prohibits state agencies, political subdivisions, employees, and members of the California National Guard on official state duty from knowingly aiding an agency of the Armed Forces of the United States in enforcing specified federal laws if the agency, political subdivision, employee, or National Guard member violates the United States or California Constitutions, or any state law by providing that aid.

CIVIL PROCEDURE

AB 1183, c. 18 (Jones): Civil discovery; motion to compel further response.

Provides that the 45-day period from service of a response or supplemental response in which notice of a motion to compel further response to discovery or must occur, begins to run after the receipt of a verified response or supplemental verified response. (Source: Conf. of CA Bar Associations)

SB 551, c. 176 (Gaines): Enforcement of judgments, renewal and execution; judgment debtor.

Clarifies that a judgment debtor whose liability for a judgment has ceased shall not subsequently be named by the judgment creditor on an application for writ of execution or renewal of judgment. (Source: CA Association of Collectors)

SB 558, c. 519 (Lieu): Reporters' shield law.

Provides that a party issuing a subpoena in any civil or criminal proceeding to a third party that seeks the records of a journalist will, except in circumstances that pose a clear and substantial threat to the integrity of the criminal investigation or present an imminent risk of death or serious bodily harm, provide notice of the subpoena to the journalist and the publisher of the newspaper, magazine, or other publication, or the station operations manager of the broadcast station, that employs or contracts with the journalist at least five days prior to issuing the subpoena. This bill requires the above notice include, at a minimum, an explanation of why the requested records will

be of material assistance to the party or body seeking them and why alternate sources of information are not sufficient to avoid the need for the subpoena. This bill also revises the exception for the existing five days' notice requirement for a subpoena requiring a journalist to appear, providing that the requirement applies except in circumstances that pose a clear and substantial threat to the integrity of the criminal investigation or present an imminent risk of death or serious bodily harm. (Source: CA Newspaper Publishers Association)

COMMERCIAL LAW

AB 502, c. 531 (Wagner): Secured transactions.

On and after July 1, 2014, incorporates amendments made to the UCC Article 9 into California's comparable statute, Commercial Code Division 9 (governing security interests). Applies to a transaction or lien within its scope, even if entered into or created prior to July 1, 2014, but specifies that its changes do not affect any action, case or proceeding commenced prior to that date. Provides previously perfected security interests one year to meet the requirements for perfection under the amended division, and includes an appropriation of \$240,000 to the Secretary of State for necessary regulatory updates and computer application modifications. (Source: CA Commission on Uniform State Laws)

SB 6, c. 54 (Lieu): licensee in ordinary course of business.

Reinstates certain provisions of California's Uniform Commercial Code (§ 9321) which had been operative for the past twelve years, but then sunsetted on January 1, 2013 when no legislation was timely introduced to extend their operation past that date and now is necessary to restore the previous language to ensure the continued payment of residuals to members of directors, writers, and screen actors' guilds by distributors of films and media when such works are broadcast or shown. (Source: Directors Guild of America, Screen Actors Guild-American Federation of Television and Radio Artists, & Writers Guild of America, West)

CONSUMER

AB 370, c. 390 (Muratsuchi): Consumers; internet privacy. Requires privacy policies posted by an operator of a commercial Web site or online service, that collects personally identifiable information (PII), to disclose how the operator responds to Web browser "do not track" signals or other similar mechanisms regarding the collection of PII and to disclose whether other parties may collect PII about an individual consumer's online activities, as specified. (*Source*: Office of Attorney General)

AB 1220, c. 433 (Skinner): Consumer credit reporting; adverse action. Makes it unlawful for a consumer credit reporting agency to prohibit, or to dissuade or attempt to dissuade, a user of a consumer credit report furnished by the credit reporting agency from providing a copy of the consumer's credit report to the consumer, upon the consumer's request, if the user has taken adverse action against the consumer based upon the report. Authorizes the Attorney General, among others, to bring a civil action, for a civil penalty not to exceed \$5,000, against any credit reporting agency for a violation of these provisions.

SB 12, c. 541 (Corbett): Consumer affairs. Creates the Made in California Program within the Governor's Office of Business and Economic Development (GO-Biz) for the purpose of encouraging consumer product awareness and to foster the purchases of products manufactured in California; and provides that it is an unfair method of competition or unfair business practice to use the designated "Made in California" label without participating in the Made in California Program. (*Source*: Small Business California)

SB 52, c. 431 (DeSaulnier): Construction defect litigation; real property disclosures. Beginning July 1, 2014, revises the transfer disclosure statement form to additionally disclose to a potential transferee specified claims for damages by the seller.

SB 272, c. 695 (Corbett): Advertising and solicitations; government and military

endorsements. Prohibits implying any military veteran or military veteran service organization connection, approval or endorsement of any financial product, goods or services unless there is an expressed connection to that military veteran entity. (*Source*: AMVETS Department of California, California Advocates for Nursing Home Reform Veterans of Foreign Wars Department of California Vietnam Veterans of America California State Council)

CORPORATIONS

AB 457, c. 109 (Torres): Shareholders. Eliminates the 10-day waiting period that currently applies for corporate reorganizations in which shareholders have the right under dissenters rights to demand payment of cash for their shares. (*Source*: Corporations Committee of the Business Law Section of the CA State Bar)

AB 491, c. 255 (Torres): Emergency powers, bylaws. Authorizes a corporation, nonprofit public benefit corporation, nonprofit mutual benefit corporation, or nonprofit religious corporation to take actions in anticipation of or during an emergency, as defined, and to adopt bylaws to manage and conduct ordinary business affairs of the corporation effective only in an emergency. (*Source*: State Bar of CA)

AB 1255, c. 538 (Pan): Consumer cooperatives. Authorizes a consumer cooperative corporation to (1) provide for preferred memberships and/or non-voting memberships in its articles of incorporation or bylaws; (2) divide a membership class into one or more series; and (3) authorize the board of directors to fix the rights, privileges, preferences, restrictions, and conditions attaching to any wholly unissued class or series of memberships. Also, makes conforming changes to the laws governing consumer cooperative corporations. (*Source*: Sacramento Natural Foods Cooperative)

EDUCATION

AB 256, c. 700 (Garcia): Bullying; grounds for suspension and expulsion. Specifically authorizes schools to suspend or recommend for expulsion a pupil for bullying by electronic means that originated on or off of school grounds, as specified.

AB 389, c. 701 (Williams): Private school employees, criminal background checks. Requires private, nonpublic schools, to fingerprint all employees who will have contact with pupils and submit two sets of the fingerprints to Department of Justice (DOJ) for the purpose of obtaining criminal record summary information from DOJ and the FBI. Also provides authority for the Superintendent of Public Instruction, as part the certification process of a nonpublic school to verify that it has received a successful criminal background check clearance and has enrolled in subsequent arrest notice service, as specified. (Source: State Superintendent of Public Instruction)

AB 484, c. 489 (Bonilla): Pupil assessments, measurement of Academic Performance and Progress (MAPP). For the 2013-14 and 2014-15 school years, upon approval of the State Board of Education (SBE), (1) authorizes the Superintendent of Public Instruction (SPI) to not assign an Academic Performance Index (API) score to a school or school district due to a determination by the SPI that a transition to new standards-based assessments would compromise comparability of results across schools or school districts; (2) extends the duration of the provisions of the Leroy Greene California Assessment of Academic Achievement Act (Leroy Green Act) by six years so that they become inoperative on July 1, 2020, and be repealed on January 1, 2021; (3) deletes the provisions establishing the Standardized Testing and Reporting Program (STAR) Program, and instead establishes the Measurement of Academic Performance and Progress (MAPP), commencing with the 2013-14 school year, as specified; and (4) authorizes, commencing with the 2014-15 school year and for the Early Assessment Program (EAP), the replacement of the California Standards Test

(CST) and the augmented CSTs in English language arts and mathematics with the grade 11 consortium computer-adaptive assessments in English language arts and mathematics, as provided. (Source: Superintendent of Public Instruction & LA Chamber of Commerce)

AB 1266, c. 85 (Ammiano): Pupil rights; sex-segregated school programs and activities. Requires a pupil be permitted to participate in sex-segregated school programs, activities, and facilities including athletic teams and competitions, consistent with his/her gender identity, regardless of the gender listed on the pupil's records. (Source: Equality California, Gender Spectrum, GSA Network, National Center for Lesbian Rights & Transgender Law Center)

ELECTIONS

AB 530, c. 501 (Quirk-Silva): Mail voter's ballots, telephone applications. Permits a local elections official to allow a voter to apply for a vote-by-mail (VBM) ballot by telephone. Allows local election officials to offer voters the ability to apply for a VBM ballot by telephone subject to specified provisions. (Source: Secretary of State)

SB 112, c. 118 (Monning): Voter information; public examination, 100 years. Requires that any voter registration card information that is in existence 100 years after the creation of the record be available to the public. If the records are contained in the great registers of voters and the bound register contains information covering more than one year, the records shall not be available to the public until the entire contents of the register have been recorded for at least 100 years. (Source: Secretary of State)

SB 311, c. 184 (Padilla): Local elections, city charters, charter proposals. Requires cities to submit city charter proposals to voters at an established statewide general election, and repeals cities' authority to submit charter proposals to voters at a statewide primary election or a regularly scheduled municipal election, except for charter proposals to amend a charter or call for the

election of a charter commission that are proposed by voter petitions. Also adds exceptions to the provision limiting the vote on certain charter proposals that are proposed by city governing bodies or by charter commissions to statewide general elections only. (*Source: CA Professional Firefighters & State Building and Construction Trades Council*)

SB 594, c. 773 (Hill): Nonprofits, public resources, campaign activities. Prohibits nonprofit organizations and their employees from using funds received from local agencies in connection with conduit bond financing for campaign purposes, as specified. Requires a nonprofit organization that receives significant amounts of money from local agencies in connection with conduit bond financing to maintain a separate bank account for campaign activities and to disclose the sources of the funds it receives for campaign activities, as specified.

EVIDENCE

AB 694, c. 126 (Bloom): Inadmissibility of evidence, human trafficking victims. Prohibits the admissibility of evidence that the victim has engaged in any commercial sexual act as a result of being a victim of human trafficking in order to prove the victim's liability for the commercial sex act. (*Source: LA County District Attorneys Office*)

SB 378, c. 150 (Block): Official record of conviction; admissibility of electronically digitized copy. Makes a digitized copy of an official record of conviction admissible as the official record. (*Source: San Diego District Attorney's Office*)

FAMILY LAW

SB 274, c. 564 (Leno): Parentage, child custody, support. Authorizes a court to find that more than two persons with a claim to parentage, as specified, are parents if the court finds that recognizing only two parents is detrimental to the child; and directs the court, in

making this determination, to consider all relevant factors, including, but not limited to, the harm of removing the child from a stable placement with a parent who has fulfilled the child's physical needs and the child's psychological needs for care and affection, and who has assumed that role for a substantial period of time. (*Source: Childrens Advocacy Institute & National Center for Lesbian Rights*)

FINANCE

AB 786, c. 533 (Dickinson): Money transmissions. Makes numerous changes to the Money Transmission Act (MTA), including, among others, granting a limited exemption for payroll processing firms, reducing minimum net worth requirements, authorizing the Commissioner of the Department of Financial Institutions (DFI) to grant partial exemptions from the MTA, revising what constitutes an eligible security for purposes of the MTA, and requiring the issuance of specified regulations by the Commissioner.

FISH AND GAME

AB 711, c. 742 (Rendon): Hunting; nonlead ammunition. Requires, as soon as practicable, but by no later than July 1, 2019, the use of nonlead ammunition for the taking of wildlife in California. (*Source: Audubon CA, Defenders of Wildlife, Humane Society*)

FOOD AND AGRICULTURE

SB 250, c. 344 (Wolk): Olive Oil Commission of CA. Establishes the Olive Oil Commission of California (Commission) to engage in olive oil quality and nutritional research and to recommend grades and labeling standards. Prescribes membership, board of directors, powers and duties, implementing and voting procedures, assessments and recordkeeping, penalties, continuation or termination of the Commission, and creation of quality standards. Authorizes the Commission to levy an annual assessment, not to exceed a specified amount, on producers, as

defined, and authorizes the Commission to expand those funds for purposes of implementing the bill, thereby making an appropriation. Becomes operative upon a favorable producer referendum vote.

GOVERNMENT

AB 246, c. 11 (Bradford): Local government, open meetings, governor.

Includes the Governor in the list of individuals and agencies with which a local agency's legislative body may meet in closed session pursuant to the "public security" exemption of the state's open meetings law. (*Source: County of Los Angeles*)

AB 325, c. 767 (Alejo): Land use and planning, time limitations, affordable housing.

Revises the time limits for a party to initiate a challenge to certain city or county actions, including the adoption or amendment of a housing element, if the challenge is brought "in support of or to encourage or facilitate the development of housing that would increase the community's supply of [affordable] housing." (*Source: CA Rural Legal Assistance Foundation, Housing California, & Western Center on Law and Poverty*)

AB 464, c. 78 (Daly): Vital records. Updates and clarifies the law regarding vital records. Requires the use of a specific form instead of writing substantially in the form prescribed by statute when an officer taking the acknowledgement of an instrument endorses or attaches a certificate; allows digitized images, as defined, to be included as part of a request for a certified copy of a birth, death, or marriage record; clarifies that an informational copy of a death certificate issued by the State Registrar, local registrar, or county recorder may be used to prove the death of a person for real property transfers in the county which the property is located; and deletes an outdated reference to requests for military service records. (*Source: County Recorders Association of CA*)

AB 556, c. 691 (Salas): FEHA, military veterans. Adds "military and veteran status," as

defined, to the list of categories protected from employment discrimination under the Fair Employment and Housing Act (FEHA). The bill also provides an exemption for an inquiry by an employer regarding military or veteran status for the purpose of awarding a veteran's preference as permitted by law.

AB 906, c. 744 (Pan): Personal services

contracts. Adds a provision that exempts personal services contracts deemed necessary due to a sudden and unexpected occurrence that pose a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services, from the notification requirement. Requires, at a minimum, the notification to include a full copy of the proposed contract. Permits the notifying agency to redact specific confidential or proprietary information from the notice. Requires the Department of General Services to establish the certification of notification process. Clarifies that the notification and certification of notification requirements of this section do not change the requirements for contracts regarding employment of outside counsel by a state agency or require an additional notification.

AB 1090, c. 650 (Fong): FPPC, public officers, conflicts, contracts.

Authorizes the Fair Political Practices Commission (FPPC) to bring civil and administrative enforcement actions for violations of Government Code Section 1090 (Section 1090), dealing with conflicts of interest in contracts, and requires the FPPC to provide opinions and advice with respect to Section 1090. (*Source: FPPC*)

AB 1195, c. 272 (Eggman): Public records, victim's legal presence.

Prohibits law enforcement agencies from requiring proof of legal presence in the U.S. and refusing to accept certain forms of identification, if identification is required, for the disclosure of crime reports and other related records required to be disclosed under the Public Records Act. (*Source: El Concilio*)

SB 39, c. 775 (De Leon): Claims and liability; local agencies; public officers.

Requires an elected or appointed local public officer, as defined, to forfeit any contract or similar claim for retirement or pension benefits, other than those accrued benefits which he or she may be entitled to under the applicable public retirement system, if he or she has been convicted of specified felonies under state or federal law.

SB 470, c. 659 (Wright): Community development; economic opportunity; power of cities, counties and cities and counties.

Would state the intent of the Legislature to promote economic development on a local level so that communities can enact local strategies to increase jobs, create economic opportunity, and generate tax revenue for all levels of government. Among other purposes, would also define economic opportunity to include certain types of agreements, purposes, and projects, and declare that it is the policy of the state to protect and promote the sound development of economic opportunity in cities and counties, and the general welfare of the inhabitants of those communities through the employment of all appropriate means. (Source: City of Long Beach)

HEALTH AND SAFETY

AB 58, c. 547 (Wieckowski): Medical experiments; human subjects. Makes permanent an exemption in current law that permits, until January 1, 2014, patients in life-threatening emergencies to receive medical experimental treatment without informed consent if specified conditions are met; and adds specified conditions for the use of medical experimental treatments. (Source: CA Chapter of the American College of Physicians)

AB 154, c. 662 (Atkins): Abortion. Permits a nurse practitioner, certified nurse-midwife or physician assistant, who complete specified training and complies with specified standardized procedures or protocols, to perform an abortion by aspiration techniques during the first trimester of pregnancy. (Source: ACCESS Womens Health Justice, ACLU, Black Women for Wellness, CA

Latinas for Reproductive Justice, NARAL Pro-Choice CA & Planned Parenthood)

AB 219, c. 661 (Perea): Cancer treatment coverage. Requires health care service plan contracts and health insurance policies issued on or after January 1, 2015, that cover prescribed, orally administered anti-cancer medications to limit an enrollee or insured's total cost share to no more than \$200 per filled prescription, as specified. Sunsets these provisions on January 1, 2019. (Source: Susan G. Komen For the Cure, CA)

AB 227, c. 581 (Gatto): Proposition 65 enforcement. Changes the enforcement provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) by limiting recovery by private citizen enforcement action for specified types of exposure to chemicals causing cancer or birth defects or other reproductive harm in those circumstances when the failure to provide clear and reasonable warnings has been remedied and a penalty has been paid.

AB 261, c. 290 (Chesbro): Elderly residential care facilities; fees and charges. Prohibits Residential Care Facilities for the Elderly (RCFE) from requiring advance notice to terminate an admission agreement upon death of a resident, prohibits the accrual of any fees once the personal property of a deceased resident is removed and requires that within three days of a patient's death the RCFE provide a written notice of the facility's policies involving contract termination and refunds, as specified. Requires RCFEs to refund any fees paid in advance that cover the time after the resident's property has been removed. (Source: CA Assisted Living Association)

AB 339, c. 231 (Dickinson): Sale of animals at swap meets. Prohibits a swap meet vendor, beginning January 1, 2016, and except as specified, from offering animals for sale unless the local jurisdiction has adopted standards for the care and treatment of those animals when they are present at, or being transported to or from, the

swap meet. (Source: Born Free USA & State Humane Association of CA)

AB 440, c. 588 (Gatto): Local agency cleanup of hazardous materials, releases.

Authorizes local governments to investigate and cleanup a release of hazardous materials on a blighted property, as determined by the local agency, and provides immunity from further liability to the local agency and any person who enters into an agreement with that local agency to develop the property as well as future property owners.

AB 446, c. 589 (Mitchell): HIV testing.

Revises requirements related to information provided at the time an HIV test is administered and after the test results are received; requires informed consent, as specified, either orally or in writing, except when a person independently requests an HIV test from an HIV counseling and testing site, as specified; requires documentation of the person's independent request for the test and exempts clinical laboratories from the informed consent requirements; requires every patient who has blood drawn at a primary care clinic, as defined, who has consented to the test, to be offered an HIV test; and authorizes disclosure of HIV test results by Internet posting or other electronic means if the HIV test subject is anonymously tested. (Source: AIDS Healthcare Foundation)

AB 581, c. 295 (Ammiano): Care facilities; retaliation. Extends discrimination and retaliation protections to a resident or employee of a community care facility (CCF), residential care facility(RCF), or residential care facility for the elderly (RCFE) who has filed with the Department of Social Services (DSS) or a state or local ombudsman a complaint, grievance, or request for inspection regarding the facility. (Source: SF Long Term Care Ombudsman Program)

SB 138, c. 444 (Hernandez): Confidentiality of medical information. Requires health care service plans and health insurers to take specified steps to protect the confidentiality of an insured individual's medical information for purposes of sensitive services or if disclosure will endanger an

individual, as specified. (Source: CA Family Health Council)

SB 509, c. 10 (DeSaulnier): Background checks, CA Health Benefit Exchange.

(1) Requires the California Health Benefits Exchange (known as Covered California) to submit to the Department of Justice (DOJ), fingerprint images and related information of employees, prospective employees, contractors, subcontractors, volunteers, or vendors for the purposes of obtaining criminal history information; (2) requires Covered California to require any services contract, interagency agreement, or public entity agreement to require the same background check information from their contractors and contractor's employees; (3) requires the DOJ to forward to the Federal Bureau of Investigation (FBI) requests for federal summary criminal history information, and requires the DOJ to review the information returned from the FBI and to compile and disseminate a response to the board; and requires the DOJ to charge a fee sufficient to cover the costs of processing these requests.

SB 566, c. 398 (Leno): Industrial hemp.

Establishes the California Industrial Hemp Farming Act and allows the regulated cultivation and processing of industrial hemp upon federal approval. (Source: Hemp Industries Association & Vote Hemp)

SB 669, c. 725 (Huff): Emergency medical care; epinephrine auto-injectors.

(1) Authorizes a trained pre-hospital emergency medical care person, first responder, or lay rescuer to obtain and use epinephrine auto-injectors to render emergency care to another person, pursuant to specified requirements, and grants them qualified immunity from liability, as specified, unless their conduct in rendering emergency care is grossly negligent; (2) among other things, provides minimal training requirements and requires that the Emergency Medical Services Authority (EMSA) establish and approve authorized training providers and minimum standards for training and the use and administration of epinephrine auto-injectors; (3) authorizes the director of the EMSA to deny,

suspend, or revoke any approval or place any approved training provider on probation upon a finding by the director of an imminent threat to public health and safety, as prescribed; (4) creates the Specialized First Aid Training Program Approval Fund (Fund), and requires the EMSA to assess a fee, to be deposited into the fund, to cover the reasonable costs incurred by the EMSA for the ongoing review and approval of training and certification; and (5) requires epinephrine auto-injectors obtained by pre-hospital emergency medical care personnel to be used only when functioning outside the course of the person's occupational duties, or as a volunteer, as specified. (Source: Conf. of CA Bar Associations)

IMMIGRATION

AB 4, c. 570 (Ammiano): Federal immigration policy enforcement, state government. Prohibits a law enforcement official from detaining an individual on the basis of a United States Immigration and Customs Enforcement hold after that individual becomes eligible for release from custody unless specified conditions are met. (Source: ACLU, Asian Law Caucus, CA Immigration Policy Center, Mexican American Legal Defense and Education Fund, & National Day Laborer Organizing Network)

LABOR

AB 10, c. 351 (Alejo): Minimum wage annual adjustment. Increases the minimum wage, on and after July 1, 2014, to not less than \$9 per hour. Also increases the minimum wage, on and after January 1, 2016, to not less than \$10 per hour.

AB 218, c. 699 (Dickinson): Employment applications, criminal history. Requires that state and local agencies determine a job applicant's minimum qualifications before obtaining and considering information regarding the applicant's conviction history on an employment application. (Source: All of Us or None, Legal Services for Prisoners with Children, National Employment Law Project & PICO California)

AB 241, c. 374 (Ammiano): Domestic work employees; labor standards. Specifies that "domestic work" does not include care of persons in facilities providing board or lodging in addition to medical, nursing, convalescent, aged or child care, including, but not limited to, residential care facilities for the elderly. Exempts from the definition of "domestic work employee" any person who is employed pursuant to a voucher issued through a regional center. Clarifies that the exemption for casual babysitters applies to a person whose employment is irregular or intermittent and is not performed by an individual whose vocation is babysitting. Deletes all of the substantive provisions of the bill related to wages, hours and working conditions and instead provide only that a domestic work employee who is a personal attendant shall not be employed more than nine hours in any workday or more than 45 hours in any workweek unless the employee received one and one-half times the employee's regular rate of pay for all hours worked in excess of those amounts. Requires the Governor to convene a committee composed of personal attendants or their representatives and the employers of personal attendants or their representatives. The committee shall study and report to the Governor on the effects these requirements have on personal attendants and their employers. Establishes a January 1, 2017, sunset date on the bill's provisions. (Source: CA Domestic Workers Coalition)

AB 263, c. 732 (Hernandez): Employment; retaliation; immigration-related practices. Prohibits an employer or any other person or entity from engaging in unfair immigration-related practices, as defined, for the purpose of retaliation against any person who exercises any rights under the Labor Code, authorizes a civil action by an employee or other person who is the subject of an unfair immigration-related practice, and authorizes a court to order the appropriate government agencies to suspend certain business licenses held by the violating party for prescribed periods based on the number of violations. Requires a court to consider prescribed circumstances in determining whether a suspension of all licenses is appropriate; expands the protected conduct to include a written or oral

complaint by an employee that he/she is owed unpaid wages; authorizes a private right of action for equitable relief, damages, and penalties by an employee against an employer who engages in unfair immigration-related practices and also establishes a three-tier license suspension and revocation scheme for first and subsequent violations; clarifies that an employer is prohibited from discriminating, retaliating, or taking adverse action against an employee or job applicant who has engaged in prescribed protected conduct relating to the enforcement of the employee's or applicant's rights, provides up to a \$10,000 penalty for violations thereof, and specifies that an employee is not required to exhaust administrative remedies or procedures to enforce this prohibition. Also, clarifies the procedures under which the Labor Commissioner would investigate potential violations. (Source: CA Labor Federation)

AB 537, c. 785 (Bonta): Public employment; Meyers-Milias-Brown Act; impasse procedures. Makes changes to the Meyers-Milias-Brown Act (MMBA) governing collective bargaining between local public agencies and their employees with respect to ground rules, ratifications of memorandum of understanding (MOU), mediation, and arbitration procedures. (Source: AFSCME, CA Professional Firefighters & SEIU)

AB 633, c. 591 (Salas): Employer, civil liability, emergency medical services. Prohibits an employer from adopting or enforcing a policy prohibiting an employee from voluntarily providing emergency medical services (EMS), including cardiopulmonary resuscitation (CPR), except when a person has a do-not-resuscitate order, as specified.

SB 292, c. 88 (Corbett): Employment; sexual harassment. Clarifies that, with respect to an employment-related sexual harassment claim made under the Fair Employment and Housing Act, sexually harassing conduct need not be motivated by sexual desire. (Source: CA Employment Lawyers Association)

SB 313, c. 779 (De Leon): Public employment, Public Safety Officers

Procedural Bill of Rights Act. Prohibits any public agency from taking any punitive action against a public safety officer or denying a promotion on grounds other than merit of an officer because he or she is placed on a "Brady list," as specified. Would further prohibit the introduction of any evidence in an administrative appeal of a punitive action that the officer's name was placed on a Brady list, except as provided. Would specifically not prohibit a public agency from taking punitive or personnel action against a public safety officer based on the underlying acts or omissions for which that officer's name was placed on the Brady list. (Source: CA Association of Highway Patrolmen & Peace Officer Research Association of CA)

SB 435, c. 719 (Padilla): Meal, rest or recovery periods. Enacts provisions of law related to recovery periods, as follows:
1) Provides that, in addition to meal and rest periods, an employer shall not require any employee to work during any "recovery period" mandated by any applicable statute, regulation, standard or order of the Occupational Safety and Health Standards Board (Standards Board) or the Division of Occupational Safety and Health (DOSH). 2) Defines a "recovery period" as a cool-down period afforded an employee to prevent heat illness. 3) Provides that an existing provision of law that requires an employer to pay an employee one additional hour of pay at the employee's regular rate of compensation for each work day that a meal or rest period is not provided also applies to work days that a "recovery period" is not provided. 4) Provides that these provisions do not apply to an employee who is exempt from meal or rest or recovery period requirements pursuant to other state laws, as specified. (Source: CA Rural Legal Assistance Foundation & Teamsters Public Affairs Council)

SB 462, c. 142 (Monning): Employment, compensation, attorney's fees and costs. Makes the award of attorney's fees and costs where the prevailing party is not an employee contingent on a finding by the court that the employee brought the court action in bad faith. (Source: CA Employment Lawyers Association)

SB 666, c. 577 (Steinberg): Employment, retaliation. Provides for a suspension or revocation of an employer's business license for retaliation against employees and others on the basis of citizenship and immigration status, and establishes a civil penalty up to \$10,000 per violation. (Source: CA Labor Federation)

MILITARY AND VETERANS

AB 151, c. 689 (Olsen): Local government, disabled veterans, assistance. Allows the governing board of any county to grant financial assistance, relief, and support to a disabled veteran.

AB 526, c. 236 (Melendez): Military service, benefits. Extends to a larger class of military reservists the enhanced financial protections currently offered only to service members ordered to active duty as part of the Iraq and Afghanistan conflicts. Also adds utility bills to the list of financial obligations subject to statutory deferment.

AB 508, c. 234 (I. Calderon): Homeless, debt collection. Prohibits, for a period of 5 years, the issuance of an order for the garnishment of earnings or the levy of a bank account or the earnings of a homeless veteran, as defined, for the enforcement and collection of fees, fines, forfeitures, or penalties imposed by a court due to the violation of state or local law related to loitering, curfew violations, or illegal lodging, if the court has reason to believe that the debtor is a homeless veteran, as defined. The bill would make related findings and declarations.

AB 639, c. 727 (Pérez): Veterans Housing and Homeless Prevention Bond Act of 2014; Veterans Housing and Homeless Prevention Act of 2014. Authorizes the issuance of \$600 million in general obligation (GO) bonds for the acquisition, construction, rehabilitation, and preservation of affordable multifamily supportive housing, affordable multifamily transitional housing, or related facilities for veterans and their families - if approved by the voters at the June, 2014, General

Election. (Source: CA Ass'n of Veteran Services Agencies Corporation for Supportive Housing)

AB 717, c. 692 (Chávez): Veterans, CA Veterans Board. Requires the California Veterans Board (Board) to serve as an advisory body to the Secretary of the Department of Veterans of Affairs (CalVet Secretary) and the department, and eliminates certain qualifications to be a member of the Board, and requires every Board member to be a member in good standing with a congressionally chartered veteran service organization. Requires CalVet to respond to the Board regarding the Board's proposed policy changes, prior to the Board's next scheduled meeting. Also deletes specified reporting requirements of the Board and requires the CalVet Secretary and the Board to seek to confer with the California State Commanders Veterans Council (Council) at least twice per calendar year on issues affecting California veterans. (Source: CA State Commanders Veterans Council)

PENAL

AB 17, c. 763 (Perez): Domestic violence, relationships. Expands the categories of relationships that constitute felony domestic violence resulting in a traumatic condition to include former fiancés and fiancées, as well as current and former dating relationships.

AB 20, c. 143 (Waldron): Obscenity, minors, government property. Creates an additional fine of up to \$2,000 to be imposed upon conviction of every offender who commits specified child pornography offenses when the offense is committed via government-owned property.

AB 48, c. 728 (Skinner): Firearms, large-capacity magazines. Adds the purchase or receipt of any large capacity magazine to the existing ban on the importation, manufacture, or sale of such magazines and commencing January 1, 2014, makes it a misdemeanor for any person who knowingly manufactures or causes to be manufactured, imports, keeps for sale, or who

gives, lends, buys, or receives any large capacity magazine conversion kit, as specified.

AB 65, c. 259 (Achadjian): Crimes, sex crimes. Provides that rape or sodomy occurs where the victim submits to the sexual act under the belief that the perpetrator is someone known to the victim other than the accused, and not just the spouse of the victim. (*Source:* CA District Attorneys Association, LA County District Attorney & Santa Barbara District Attorney)

AB 170, c. 729 (Bradford): Assault weapons and .50 BMG rifles. Provides that only an individual person may be issued a permit to possess an assault weapon, .50 BMG (Browning machine gun) rifle, or machine gun, as specified.

AB 184, c. 765 (Gatto): Statute of limitations, leaving scene of crime. Extends the statute of limitations for fleeing the scene of an accident that caused death or permanent, serious injury, to one year after the person is initially identified by law enforcement as a suspect in the commission of the offense, or within the existing statute of limitations, whichever is later, but in no case later than six years after the commission of the offense.

AB 231, c. 730 (Ting): Firearms, criminal storage. Creates the crime of criminal storage in the third degree, which imposes liability if a person negligently stores or leaves a loaded firearm in a place where he/she knows, or reasonably should know, that a child is likely to access it, without the permission of the child's parent or legal guardian. Also requires a firearms dealer to conspicuously post warnings, as specified, to reflect the offense to criminal storage of a firearm in the third degree.

AB 500, c. 737 (Ammiano): Firearms, records. Establish safe firearms storage requirements when persons prohibited from owning or possessing a firearm reside in a household where a firearm is present; creates procedures specifying when the Department of Justice (DOJ) is allowed to delay release of firearms when background checks are not completed within the 10 day waiting period but

within the 30 day window; and requires the DOJ to be notified that firearms are in fact delivered after the transferee takes possession of a gun.

AB 652, c. 486 (Ammiano): Child abuse reporting; homeless. For the purposes of the Child Abuse and Neglect Reporting Act (CANRA), the fact that a child is homeless or is classified as an unaccompanied minor, as defined, is not, in and of itself, a sufficient basis for reporting child abuse or neglect, but does not limit a mandated reporter from making a report whenever he or she knows of or observes an unaccompanied minor who the mandated reporter knows or reasonably suspects to be the victim of abuse or neglect.

SB 162, c. 56 (Lieu): Prisoners; temporary removal. Establishes a process for district attorneys and peace officers to seek a court order for the temporary removal of a prisoner from prison for a "legitimate law enforcement purpose," as specified. (*Source:* LA County DA & Sheriff's Dept. and San Diego County DA)

SB 255, c. 466 (Cannella): Invasion of privacy, disorderly conduct. Creates a new misdemeanor for the distribution of an image (photographs or records by any means) of an identifiable person's intimate body parts which had been taken with an understanding that the image would remain private, commonly referred to as "revenge porn"; and nothing in this subdivision will preclude punishment under any other section of law providing for greater punishment.

SB 260, c. 312 (Hancock): Youth offender parole hearings. Establishes a comprehensive youth opportunity review process to evaluate cases involving extreme sentences for juveniles. Creates an extensive revision to the parole mechanism in which young offenders must demonstrate remorse and rehabilitation to merit any possible release on parole as determined by the Board of Parole Hearings (*Source:* Friends Committee on Legislation, Human Rights Watch, USC School of Law Post Conviction Clinic, Youth Justice Coalition & Youth Law Center)

SB 326, c. 279 (Beall): Sex offenders, public schools. Authorizes the chief administrative official (CAO) of the school to grant a registered sex offender who is not a family member of a pupil who attends that school, permission to come into a school building or upon the school grounds to volunteer at the school, provided that the CAO notifies the parent or guardian of each child attending the school of the permission, as specified. Requires that the written permission indicate the date or date range and time for which permission is granted.

SB 606, c. 348 (De León): Harassment: child or ward, paparazzi. Clarifies that misdemeanor harassment of a child because of the employment of the child's parent or guardian may include attempting to record the child's image or voice if done in a harassing manner; increases criminal penalties; and subjects a person who commits misdemeanor harassment to civil liability.

SB 717, c. 317 (DeSaulnier): Search warrants; DUI, blood tests. Authorizes the issuance of a search warrant to allow a blood draw to be taken from a person in a reasonable, medically approved manner as evidence that the person has violated specified provisions relating to driving under the influence, and the person has refused a peace officer's request to submit to, or failed to complete a blood test. (Source: CA District Attorneys Association, LA County District Attorney, & San Diego County District Attorney)

SB 769, c. 46 (Block): Veterans, criminal defendants, firearms. Clarifies that dismissal of a case under provisions for veteran defendants who had military-service-related mental health issues does not restore a defendant's right to possess a firearm, and does not prevent conviction for being a felon or drug addict in possession of a firearm. (Source: San Diego District Attorney)

SB 783, c. 761 (Block): Firearms, firearm safety certificate. Starting January 1, 2015, extends the safety certificate requirement for handguns to all firearms and makes conforming changes. Requires long-gun recipients, except as

specified, to perform a safe handling demonstration before receiving that firearm from a licensed firearm dealer. Requires the Department of Justice (DOJ) to adopt regulations by January 1, 2015, establishing a long-gun safe-handling demonstration that includes, at a minimum, loading and unloading the long gun. Exempts individuals with valid current-season hunting licenses, or valid hunting licenses from the hunting season immediately preceding the calendar year, from the firearm safety certificate requirement when acquiring a firearm other than handguns. This exemption is in addition to the current list of exemptions to the handgun safety certificate requirements. Exempts individuals with unexpired handgun safety certificates from the firearm safety certificate requirement when acquiring only handguns.

PUBLIC CONTRACTS

SB 7, c. 794 (Steinberg): Public works; charter cities; prevailing wages. Prohibits a charter city from receiving or using state funding for a construction project if the city has a charter provision or ordinance that authorizes a contractor not to comply with prevailing wage requirements on any public works contract, as specified. (Source: CA Labor Federation, State Building & Construction Trades Council of CA)

PUBLIC RESOURCES

AB 150, c. 688 (Olsen): State parks; armed services, fee waiver. Authorizes the Department of Parks and Recreation to offer veterans and active duty or reserve military personnel of the U.S. Armed Forces or the National Guard, free day use access, or reduced fee access, to California state parks on Memorial Day and Veterans Day.

SB 4, c. 313 (Pavley): Hydraulic fracturing, oil and gas, well stimulation. Establishes a comprehensive regulatory program for oil and gas well stimulation treatments (e.g., hydraulic fracturing, acid well stimulation), which includes, among other things, a study, the development of

regulations, a permitting process, and public notification and disclosure.

SB 254, c. 388 (Hancock): Solid waste, used mattresses, recycling and recovery.

Establishes the Used Mattress Recovery and Recycling Act (Act), which requires mattress manufacturers and retailers to develop a mattress stewardships program to increase the recovery and recycling of used mattresses to reduce illegal dumping. (Source: Californians Against Waste, International Sleep Products Association)

PUBLIC UTILITIES

AB 217, c. 609 (Bradford): Solar electricity, low-income households.

Creates a new program that provides rebates for solar installations made by qualified low-income households by: 1) Creating a program to make up to 50 megawatts of rebates available to qualified single-family and multi-family affordable housing; 2) Funding the program up to \$108 million collected from customers of investor-owned utilities (IOU); 3) Requiring eligible participants to enroll in the utility Energy Savings Assistance Program (ESAP); 4) Requiring the California Public Utilities Commission (PUC) to determine program elements to maximize overall benefit to ratepayers; and 5) Sunsetting the program December 31, 2021. (Source: GRID Alternatives)

AB 528, c. 237 (Lowenthal): State Rail Plan and High-Speed Rail Authority business plan.

Makes several changes to the required contents of and timelines for the state rail plan and the high-speed rail business plan - deletes, recasts, and modifies the requirements of the State Rail Plan and clarifies requirements of the business plan.

SB 43, c. 413 (Wolk): Electricity,

renewables program. Enacts the Green Tariff Shared Renewables Program to require a participating utility, defined as being an electrical corporation with 100,000 or more customers in California, to file with the commission an application requesting approval of a green tariff shared renewables program to implement a

program enabling ratepayers to participate directly in offsite electrical generation facilities that use eligible renewable energy resources, consistent with certain legislative findings and statements of intent. Requires the commission, by July 1, 2014, to issue a decision concerning the participating utility's application, determining whether to approve or disapprove the application, with or without modifications. Requires the commission, after notice and opportunity for public comment, to approve the application if the commission determines that the proposed program is reasonable and consistent with the legislative findings and statements of intent. Requires the commission to require that a participating utility's green tariff shared renewables program be administered in accordance with specified provisions. Would repeal the program on January 1, 2019. (Source: City of Davis)

REAL PROPERTY

SB 510, c. 373 (Jackson): Land use, subdivisions, rental mobilehome park conversion.

1) Clarifies that a local agency may disapprove a subdivision map for the conversion of a rental mobilehome park to resident ownership if it finds that the results of a survey of resident support for the conversion have not demonstrated the support of at least a majority of the park's homeowners. 2) Clarifies that cities and counties may implement Subdivision Map Act requirements for the conversion of rental mobilehome parks to resident ownership by ordinance or resolution. (Source: CA Rural Legal Assistance Foundation, Golden State Manufactured Home Owners League & Western Center on Law and Poverty)

SB 752, c. 605 (Roth): Commercial and industrial common interest developments.

Establishes the Commercial and Industrial Common Interest Development Act, which would provide for the creation and regulation of commercial and industrial common interest developments. Separates the laws governing commercial and industrial common interest developments (CIDs) from the laws governing residential CIDs and generally makes the

operational provisions of current law inapplicable to commercial and industrial CIDs. (*Source*: California Law Revision Commission)

TAXATION

AB 143, c. 687 (Holden): Use taxes; exemption; Armed Forces; National Guard; transfer orders. Effective immediately, until January 1, 2019, exempts from the use tax property purchased by a qualified active duty or reserve member of the armed forces or National Guard, or his or her spouse or registered domestic partner, outside the state and prior to the report date on official orders transferring the qualified service member to the state. This bill does not affect state law guiding use taxes on vehicles.

AB 362, c. 439 (Ting): Same-sex spouse or domestic partner, personal income taxes, exclusion, health insurance. Until January 1, 2019, excludes from gross income any amounts received by an employee from an employer to compensate for additional federal income taxes that are incurred by the employee on employer-provided health-care benefits because, for federal income tax purposes, the same-sex spouse or domestic partner of the employee is not considered the spouse of the employee. The exclusion from gross income also applies to any amount of the employer-provided health-care compensation paid to an employee that represents the "grossed-up" amount that an employer includes to offset additional federal income taxes incurred on such compensation. (*Source*: Equality California)

AB 576, c. 614 (Perez): Revenue Recovery and Collaborative Enforcement Team Act; pilot program. Establishes a pilot program to create the Revenue Recovery and Collaborative Enforcement Team (Team) consisting of specified agencies to collaborate in combating criminal tax evasion associated with the underground economy. (*Source*: SBE)

AB 792, c. 534 (Mullin): Utility user tax, exemption, distributed generation systems. Until January 1, 2020, exempts from a utility users

tax (UUT), the consumption of electricity generated by a distributed clean energy resource, as defined, for use by a single consumer, or the customer's tenants.

AB 1412, c. 546 (Bocanegra): Income taxes, exclusion, deferral, qualified small business stock. Reenacts recently struck-down income exclusion for gains when selling qualified small business stock (QSBS), and provides that income does not include 50% of any gain from the sale of QSBS, held for more than five years, for taxable years beginning on or after January 1, 2008 and before January 1, 2013; and requires the Franchise Tax Board (FTB) to waive all penalties and interest for taxes assessed and authorizes a taxpayer to enter into a written installment payment agreement with the FTB for the payment of any taxes due, as a result of the decision of *Cutler v. FTB*, for each taxable year beginning on or after January 1, 2008, and before January 1, 2013.

UNEMPLOYMENT INSURANCE

SB 770, c. 350 (Jackson): Unemployment compensation, disability benefits, paid family leave. Beginning on July 1, 2014, expands the scope of the family temporary disability program to include time off to care for a seriously ill grandparent, grandchild, sibling, or parent-in-law, as defined. Would also make conforming and clarifying changes in provisions relating to family temporary disability compensation. (*Source*: Legal Aid Society-Employment Law Center)

VEHICLES

AB 60, c. 524 (Alejo): Driver's licenses; eligibility; undocumented immigrants, required documentation. Authorizes the Department of Motor Vehicles (DMV) to issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he/she meets all other qualifications

for licensure and provides satisfactory proof to DMV, of his/her identity and California residency.

AB 244, c. 690 (Bonilla): Vehicles, license plates, veterans. Requires the California Department of Veterans Affairs (DVA) to sponsor a veterans' special interest license plate and requires the California DMV to issue the veterans' plate if DVA meets the current statutory requirements. (*Source: American Legion Dept of CA, AVETS Dept of CA, CA Assn of County Veterans Services Officers, CA State Commanders Veterans Council, Veterans of Foreign Wars Dept of CA, & Vietnam Veterans of America CA State Council*)

SB 109, c. 752 (Corbett): Charter-party carriers; limousines; emergency exits. Requires that limousines for hire, which someone has modified to increase the number of passengers they can carry, shall have at least two doors and one or two push-out windows to serve as emergency exits.

WATER

AB 119, c. 403 (A/C Environmental Safety and Toxic Materials): Water treatment devices. Revises the criteria and procedure for certification of water treatment devices for which a health or safety claim, as defined, is made and requires each manufacturer that offers for sale in California one of those water treatment devices to submit specified information. (*Source: Clean Water Action, Culligan, Pacific Water Quality Association, & Water Quality Association*)

WELFARE AND INSTITUTIONS

AB 140, c. 668 (Dickinson): Elder abuse, undue influence. Provides in the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) a new definition of undue influence, which focuses on excessive persuasion that causes another person to act or refrain from action, by overcoming that person's free will, resulting in inequity. Provides a list of considerations for a court to utilize in determining whether an action

constituted excessive persuasion. Also makes this new definition of undue influence the operative definition under the Probate Code. (*Source: CA Advocates for Nursing Home Reform*)

AB 381, c. 99 (Chau): Elder abuse; estates and trusts, undue influence. Provides that a person may be liable for attorney's fees and costs if he/she, in bad faith, through undue influence, or through the commission of elder abuse, has wrongfully taken, concealed, or disposed of property that belongs to a conservatee, minor, elder, dependent adult, trust, or decedent's estate. Also provides that a person may be liable for attorney's fees and costs if he/she, in bad faith, has wrongfully, taken, concealed, or disposed of property that belongs to a principal under a power of attorney. Provides that a person who, by the use of undue influence in bad faith or through the commission of elder or dependent adult financial abuse, has taken, concealed, or disposed of property that belongs to a principal under a power of attorney is liable for twice the value of the property, and may be liable for attorney's fees and costs. (*Source: Conf. of CA Bar Associations*)

AB 1131, c. 747 (Skinner): Firearms, psychotherapist communication. Increases the period of time during which a person is prohibited from possessing a gun based on a mental illness or mental disorder, or a serious threat of violence communicated to a licensed psychotherapist.

WILLS, TRUSTS AND ESTATES

AB 490, c. 39 (Skinner): Intestate succession, children. Revises and recasts the provisions regarding inheritance of a parent from or through a child on the basis of the parent and child relationship. Provides that a parent does not inherit from or through a child if the parent's parental rights were terminated and the parent-child relationship was not judicially reestablished, the parent did not acknowledge the child, or the parent left the child during the child's minority without an effort to provide for the child's support or without communication from the parent, as specified. Provides that a parent who does not

inherit from or through a child, pursuant to the bill's provisions, would be deemed to have predeceased the child and the intestate estate would pass as otherwise required under specified existing law of intestate succession. (*Source:* Trusts and Estates Section of State Bar of CA)

AB 1029, c. 105 (Maienschein): Allocations of receipts, trusts. Revises and recasts the requirements by which a trustee is to determine whether money received from a distributing entity is to be treated as a partial liquidation. Provides that a trustee is not liable for any claim of improper allocation of the receipt that is based on information that was not received or actually known by the trustee as of the date of allocation, provided that the trustee satisfies specified requirements. (*Source:* Trusts and Estates Section of State Bar of CA)

WORKERS COMPENSATION

AB 607, c. 786 (Perea): Dependent children. Clarifies that a totally disabled dependent child is entitled to workers' compensation survivor benefits in case of the death of the parent, regardless of the status of the surviving spouse, as specified. (*Source:* CA Association of Highway Patrolmen & Peace Officers Research Association of CA)

AB 1309, c. 653 (Perea): Workers' comp, professional athletes. Creates restrictions on the ability of professional athletes who play outside of California to file in California for workers' compensation benefits, as specified.