



# ENGROSSMENT\*



Fall-2011

By LEGISLATIVE INTENT SERVICE, INC. [www.legintent.com](http://www.legintent.com) 1-800-666-1917

## PADDLING LEGISLATION

Utilizing his “canoe theory,” Governor Jerry Brown found himself this Fall navigating a little to the left and a little to right in order to stay in a straight line course of rapid-waters governance by signing and vetoing bills last weekend that were carried for traditionally opposing parties, such as business and labor, and that affected the fundamental rights of voters, parents, children and students.

LEGISLATIVE INTENT SERVICE, INC. will publish up at its website its *2011 Compendium* of the more notable of these bills in November for your convenient review. Below, we feature a few of these signed 2011 bills in this quarter’s **Engrossment**.

### 2<sup>ND</sup> DREAM ACT BILL SIGNED

Education statutes relating to student financial aid were amended to enable students who are exempt from paying nonresident tuition under the Donahoe Higher Education Act to apply for and participate in all student aid programs to the full extent permitted by federal law – this would apply to California State University institutions and community colleges, and also to the University of California if the regents act to make it applicable. **AB 131** also made aliens not lawfully present in the U.S. eligible for these benefits. Implementation was delayed to 2013 and the bill’s provisions do not include students graduating from technical schools and adult schools.

AB 131 is the second half of the “California Dream Act” – AB 130, signed in July, approved private scholarships and loans for students who are undocumented immigrants. AB 131 requires that immigrant students meet the same requirements as all other students applying for financial aid at state universities but specifies that they only qualify for financial aid after all the other legal residents have

applied. In his signing statement, Governor Brown stated:

*“The Dream Act benefits us all by giving top students a chance to improve their lives and the lives of all of us.”*

## BALLOT INITIATIVES AND REFERENDUM LIMITED TO NOVEMBER ELECTIONS

**SB 202** provides that for the purposes of submitting to the general electorate an initiative or referendum that is certified by the Secretary of State for the ballot on or after July 1, 2011, that the only time it will appear will be in the November statewide general election held on even-numbered years or at a statewide special election.

This particular bill is an example of “sausage making legislation” because when introduced in February of 2011, the bill related to increasing the fees for submitting a proposed ballot initiative or referendum. On September 8, 2011, this proposal was gutted and the bill was amended to address the limitation to the November elections for ballot initiatives or referendum.

Sen. Loni Hancock, author of SB 202, argued that the turnout in California’s June primary elections and local special elections is too low and does not accurately represent the needs, priorities and desires of the state’s population at large. She also contended that the bill adheres to the state constitution requirement that “an initiative is to appear at the next general election held at least 131 days after it qualifies or at any special statewide election held prior to that general election” and that the bill will greatly increase voter participation because general elections draw millions more voters than special or primary elections, thus greatly increasing the general electorate’s participation in the initiative process.

## CLEAN WATER BILLS

There were a number of water bills before Governor Brown, including three relating to clean water: AB 938, AB 1221 and AB 1292.

**AB 938** amended Health and Safety Code statutes affecting public water systems to require the written public notice of noncompliance with drinking water standards given by a public water system to include information in other languages spoken by the impacted community other than English and Spanish, where the non-English-or-Spanish-speaking populations exceed 10 percent of the persons served by the public water system. Such notice will include a translation that identifies the contaminant, the information on the health effects associated with that contaminant, and the actions that members of the population should take to protect their health.

Water Code statutes were amended by **AB 1221** to expand eligibility for funding from the State Water Pollution Cleanup and Abatement Account by allowing a not-for-profit organization serving a disadvantaged community to receive funding for waste clean-up and by allowing California listed tribes to receive funding from the Account for waste clean-up. The not-for-profit organizations included in this bill are designed to include housing cooperatives, or other private entities that are not traditional non-profit organizations but are quasi-public entities.

A/M Luis Alejo of Salinas explained that there are far too many rural, unincorporated and disadvantaged communities throughout the state that lack access to clean water services, such as safe drinking water, resulting in these communities suffering a higher risk of adverse health impacts.

Various sections of the Government Code and the Health and Safety Code were affected by **AB 1292**, which was introduced by A/M Roger Hernandez for the State Department of Public Health to authorize the Department to sell revenue bonds to assist drinking water systems in meeting their federal Safe Drinking Water State Revolving Fund matching fund requirements. California receives annual funding of \$66 million to \$126 million from the U.S. Environmental Protection Agency and is expected to continue at approximately \$90 million per year for the next several years, but for the state to receive these federal dollars, it must provide a 20% match of state

funds. The current state match sources are not enough to provide the full match of approximately \$18 million annually. Because the Department does not currently have statutory authority to issue or sell revenue bonds, this bill would provide such authority.

## OPEN CARRY GUN LAWS LIMITED

Sponsored by the California Police Chiefs Association, A/M Anthony Portantino of Pasadena introduced **AB 144** to make it a misdemeanor for any person to carry an exposed and unloaded handgun outside a vehicle upon his or her person while in any public place or on any public street in an incorporated city, or in any public place or public street in a prohibited area of an unincorporated county. The author observed that the absence of a prohibition on "open carry" has created an increase in problematic instances of guns carried in public, alarming unsuspecting individuals and causing issues for law enforcement. The author noted that in:

*“. . . tense situations, the slightest wrong move by a gun carrier could be construed as threatening by the responding officer, who may feel compelled to respond in a manner that could be lethal. In this situation, the practice of “open carry” creates an unsafe environment for all parties involved: the officer, the gun-carrying individual, and for other individuals nearby as well.”*

## CITED BY COURTS AND RECOVERABLE COSTS OF LEGISLATIVE RESEARCH

We have been cited in **over 60 court decisions**, see the list at: <http://www.legintent.com/cases.php>. We'll be adding more citations later this year.

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

## QUESTIONS? CONTACT US AT:

Tom Stallard, Esq., owner,  
[tstallard@legintent.com](mailto:tstallard@legintent.com)

Maria Sanders, Esq.,  
[msanders@legintent.com](mailto:msanders@legintent.com)

Jenny Lillge, Esq.,  
[jlillge@legintent.com](mailto:jlillge@legintent.com)

712 Main Street, Woodland, CA 95695  
(800) 666-1917 • Fax (530) 668-5866 • [www.legintent.com](http://www.legintent.com)