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COMPENDIUM OF 2009 NOTABLE CALIFORNIA LEGISLATION ©

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The Governor had until October 11, 2009 to sign or veto bills passed by the Legislature before and in the Governor's possession on or after September 11, 2009. (Art. IV, Sec. 10(b)(2)) The 2010-2011 Regular Session will convene on January 4, 2010. (Art. IV, Sec. 3(a))

The Compendium sets out enacted bills. Chaptered laws are identified herein with a "c." which 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 **seven extraordinary sessions** held in the 2009-2010 Legislature that were called by the Governor to tackle issues related to budget emergencies, 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, lastly, water supplies, storage, conservation, and restoration projects.

TOPICS	Page
Agriculture	2
Anti-Trust & Unfair Competition	2
Attorneys	3
Banking & Lending	3
Business and Professions	4
Civil	4
Civil Procedure	5
Civil Rights	5
Corporations	6
Courts	6
Criminal Law & Procedure	6
Education	8
Elections	9
Energy	9
Environmental Law	10
Evidence	10
Family Law	10
Government	11
Health & Safety	11
Insurance	12
Labor	12
Real Estate	13
Revenue & Taxation	13
Vehicles & Licenses	14
Water	14
7 th Extraordinary Sess. Water Bills	15
Welfare & Institutions	15
Wildlife	16
Index of Senate & Assembly Bills	17

AGRICULTURE

AB 281, c. 426: Citrus disease prevention; California Citrus Pest and Disease Prevention Committee. Creates the California Citrus Pest and Disease Prevention Committee (CCPDPC) preventing and controlling citrus diseases in California, and allows the CCPDPC to levy fees within the California Department of Food and Agriculture, with the purpose of preventing and controlling citrus diseases in California, and allows the CCDPC to levy fees on citrus producers to pay for citrus disease detection and control programs. Effective immediately.

AB 606, c. 366: California Blueberry Commission. Creates the California Blueberry Commission within state government to carry out programs of education, promotion, marketing, and research relating to blueberries, intended to produce economic benefits, such as increased awareness and sales, to California's blueberry industry.

AB 1216, c. 388: Honey, redefined. 1) Changes the definition of "honey" to mean a natural sweet substance produced by honeybees from nectar of plants from secretions of living parts of plants, which they transform by combining with specific substances of their own, deposit, dehydrate, store, and leave in the honeycomb to ripen and mature. 2) Establishes the definition for "blossom honey" or "nectar honey" as honey coming from nectar of plants and "honeydew honey" as honey coming from excretions of plant sucking insects on living plant parts or secretions of living plants. 3) Specifies that blossom honey shall not have any additives other than honey. 4) Specifies that honey color can be nearly colorless to dark brown with a consistency that can be fluid, viscous, or partially or completely crystallized. 5) Establishes honey standards for moisture

content, sugar content, water insoluble solids content, and processing.

SB 135, c. 344: Animal abuse, cattle; tail docking. Makes the practice of tail docking of cattle a misdemeanor unless performed consistent with the Veterinary Medical Practices Act

ANTI-TRUST AND UNFAIR COMPETITION

AB 992, c. 496: Unfair business practices; advertising; residential property taxes; assessment appeal; application filing services. Recasts provisions in existing law relating to property assessment appeal filing services as follows: (1) removes an exemption for persons who actively advocate, thus including those individuals within the definition of an assessment reduction filing service; (2) prohibits any statement that a late fee is required if a person fails to respond to a solicitation by a specified date; (3) clarifies the prohibition on an assessment reduction filing service charging, demanding, or collecting advance fees, as specified; (4) clarifies the definition of "assessment reduction filing service" to include the providing of comparable sales information in connection with an application or request for reduction; (5) makes it unlawful to file a request or application for an assessment reduction without obtaining a written authorization from the property owner; (6) requires a copy of that authorization to be submitted with any request or application for reduction in assessment; and (7) requires the offer or to maintain the original written authorization for a period of three years and require it to be available for inspection and copying, as specified.

ATTORNEYS

AB 129, c. 411: Confidentiality; taxpayer communications. Re-enacts a statute, which was inadvertently allowed to sunset on January 1, 2009, to expand the application of the attorney-client confidential communication privilege to specified communications between a federally authorized tax practitioner and a taxpayer, where the practitioner is representing the taxpayer on a tax matter before certain state agencies.

AB 590, c. 457: Civil Gideon statute; legal aid. Prohibits the use of the term “legal aid” by an entity unless the entity is a nonprofit organization that provides civil legal services to the poor without charge; also states the intent of the Legislature to encourage attorneys to make further efforts to meet their professional responsibilities and other obligations by providing pro bono legal services and financial support to nonprofit legal organizations that provide free legal services to underserved communities; also commencing July 1, 2011, and subject to funding specifically provided for this purpose, requires the Council to develop one or more model pilot projects in selected courts for three-year periods pursuant to a competitive grant process and a request for proposals; and provides that legal counsel shall be appointed to represent low-income parties in civil matters involving critical issues affecting basic human needs in those courts selected by the Council.

SB 786, c. 65: Attorney’s fees and costs; Anti-SLAPP. Prohibits a prevailing defendant in a Strategic Lawsuits Against Public Participation motion from recovering attorney's fees and costs in the following actions: 1) whenever it is made to appear by verified petition that certain public records are improperly being withheld from a member of

the public; 2) specified actions involving meeting provisions of the legislative body of a local agency or a state body; or, 3) an action to obtain a judicial determination that an action taken by a legislative body of a local agency or a state body is null and void, as specified.

BANKING AND LENDING

AB 329, c. 236: Reverse mortgages. Amends California reverse mortgage law to strengthen existing counseling and cross-selling provisions and requires lenders to provide the borrower with a checklist prior to counseling that highlights the risks and alternative to reverse mortgages.

AB 260, c. 629. Lending. Enacts various provisions with respect to higher-priced mortgage loans, as defined, that are originated on or after July 1, 2010. Specifically, (1) provides that a licensed person shall not make any false, deceptive, or misleading statement or representation; (2) requires a mortgage broker to receive the same compensation for providing mortgage brokerage services whether paid by a lender, borrower, or a third party; and (3) prohibits a mortgage broker from steering a borrower to accept a loan at higher cost, as specified.

SB 36, c. 160: Real estate, finance lender, residential mortgage lender licenses; mortgage loan originators. Brings California Real Estate Law, Finance Lenders Law, and Residential Mortgage Lending Act into compliance with the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 by requiring those engaging in mortgage loan origination activities to obtain a license from Department of Corporations after meeting specified requirements, or if a real estate licensee, obtain a license endorsement from the Department of Real Estate after meeting specified requirements.

SB 94, c. 630: Mortgage loans. Prohibits persons from charging advance fees to borrowers in connection with a loan modification, and requires those who wish to charge a fee for loan modification services to provide a notice to borrowers regarding other options available to the borrower.

SB 204, c. 568: Financial transactions; escrow agents; exchange facilitators. Enacts changes to the Escrow Law, relating to annual fees, audit frequency, and license surrender, and changes to the Residential Mortgage Lending Act, related to license surrender and branch office closures.

SB 239, c. 174: Mortgage fraud. Provides for the offense of mortgage fraud, as defined, a violation of which would be a public offense punishable by imprisonment in the state prison or in a county jail for not more than one year. Provides that mortgage fraud may only be prosecuted when the value of the alleged fraud meets the threshold for grand theft. Sets forth legislative findings, declarations, and intent with respect to its enactment.

SB 285, c. 162: Disability benefits; attachment. Federal disability benefits awarded to veterans for service-connected disabilities pursuant to Chapter 11 of Title 38 of the United States Code shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, as provided by federal law.

BUSINESS AND PROFESSIONS

AB 1319, c. 286: Talent services. Repeals in its entirety the Labor Code chapter that addresses advance-fee talent services and prohibits advance fee talent services; revises provisions of existing law on fee-related talent

services; and creates four distinct Fee Related Talent Services: talent counseling, talent listing, talent training, and talent scout.

SB 175, c. 334: Firearms; licensing. 1) Clarifies that delivery of a firearm to a gunsmith for service or repair is exempted from the California Federal Firearms License (CFFL) licensing verification requirements, as specified; 2) Clarifies that delivery of a firearm by a gunsmith to another federal firearms licensee for service or repair and the return (warranty work) is exempted from the CFFL licensing verification requirements, as specified; 3) Clarifies the interaction between various Department of Justice licensing programs; 4) Eliminates the existing exemption from the FFL licensing verification requirements transfers of short-barreled rifles, short-barreled shotguns, shotguns, machineguns and assault weapons, as defined; 5) Exempts from the CFFL licensing verification requirements transfers of firearms where the transferor and the transferee are the same person or corporation; and 6) Exempts from the CFFL licensing verification requirements transfers of firearms to or from a person who has a valid entertainment firearms permit, and the transfer involves the loan or return of firearms used solely as props in television, film, or theatrical productions.

CIVIL

SB 39, c. 27: Personal liability immunity; disaster service workers. Revises existing immunity protections for disaster service workers who perform disaster services during a state of emergency to clarify that such workers are not liable for civil damages resulting from an act or omission while performing disaster services anywhere within the jurisdiction covered by the emergency other than an act or omission that is willful.

CIVIL PROCEDURE

AB 5, c. 5: Electronic Discovery Act.

Establishes procedures in the Civil Discovery Act for a person to obtain discovery of electronically stored information in addition to documents, tangible things, and land or other property, in the possession of any other party to the action.

AB 121, c. 410: Judgment liens;

continuation. Establishes a process for the continuation of a judgment lien on personal property, so that a creditor would not have to file a new lien at the end of five years.

AB 1046, c. 499: Enforcement of judgments; exemptions; homesteads.

Increases each of the current homestead exemptions as follows: (1) \$50,000 to \$75,000 for the base exemption that applies if no other exemption applies, (2) \$75,000 to \$100,000 for family units, and (3) \$150,000 to \$175,000 for those age 65 or older, disabled, or age 55 or older with limited income, as specified. Requires the Judicial Council, on April 1, 2010, and at each three-year interval thereafter, to submit to the Legislature the amount the exemptions may be increased based on changes in the California Consumer Price Index, and provides that those increases shall not take effect unless they are approved by the Legislature. Requires the Judicial Council to publish a list of the current dollar amounts of exemptions in any year that the Legislature votes to increase the homestead exemption amounts.

AB 1090, c. 133: Arbitration. Provides that existing ethical standards and requirements for neutral arbitrators are not subject to negotiation and may not be waived.

AB 1549, c. 153: Judgment liens; priority.

Restores the ability of judgment creditors to obtain judgment liens against the assets of a

judgment debtor organization that is incorporated or registered in another state but has assets located in California. Eliminates the condition that a judgment lien on personal property of the judgment debtor can be obtained only if a security interest in the property could be perfected under the Commercial Code by filing a financing statement with the Secretary of State at the time the lien is created; and requires instead that the personal property against which a judgment lien is to be created be located in California, or the judgment debtor is located in the state. Establishes a new priority rule, whereby a security interest in personal property perfected by the filing of a financial statement or other action under the laws of another state would have priority over a California judgment lien in the same personal property.

CIVIL RIGHTS

AB 524, c. 449: Privacy. Seeks to provide greater protection to the privacy interests of all Californians by amending existing law so that a person who sells, transmits, publishes, or broadcasts an image, recording, or physical impression of someone engaged in a personal or familial activity violates the state's "invasion of privacy" statute. Provides that a person who violates the statute, or who directs, solicits, actually induces, or actually causes another person to violate any of those provisions would be subject to a civil fine of not less than \$5,000 and not more than \$50,000.

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.

SB 40, c. 552: Personal information; social security numbers. Provides protection to individuals from the threat of identity theft by reducing the use of SSNs in public records through the imposition of a number of restrictions on the use of social security numbers in public records.

SB 367, c. 641: Discrimination. Clarifies discrimination laws re consumer discounts. Makes clear that the Unruh Civil Rights Act does not impose liability when a business offers or confers a discount or other benefit to a consumer or prospective consumer because the consumer has suffered the loss or reduction of employment or reduction of wages.

CORPORATIONS

AB 285, c. 96: Electronic transmissions. Prohibits an electronic transmission by a corporation to an individual shareholder or member who is a natural person unless, in addition to current requirements for electronic transmissions, the consent given by the shareholder or member to receipt of an electronic transmission was preceded by or includes a clear written statement to the recipient of: (1) a right to have the record provided or made available on paper or in nonelectronic form; (2) whether the consent applies only to that specific transmission, to specified categories of communications, or to

all communications from the corporation; and (3) the procedures the recipient must use to withdraw consent.

AB 1233, c. 631: Nonprofit and consumer cooperative corporations; nonprofit medical associations. Revises various provisions in the Corporations Code pertaining to the governance of nonprofit public benefit corporations, mutual benefit corporations, religious corporations, consumer cooperative corporations, and nonprofit unincorporated associations, all involving directors and their titles, directors' elections and voting rights, quorum requirements, board committees and actions, third party rights, mergers and dissolutions, and private foundation restrictions.

COURTS

AB 750, c. 372: Deferred entry of judgment. Provides that a superior court may develop and operate a deferred entry of judgment reentry program targeted at preventing recidivism among non-violent low-level drug sales offenders. The prosecuting attorney together with the presiding judge and a representative of the criminal defense bar may agree to establish a "Back on Track" deferred entry program as specified in this bill. The agreement shall specify which low-level drug sales offenses are eligible for the program and a process for selecting participants.

CRIMINAL LAW AND PROCEDURE

AB 17, c. 211: Human trafficking. (1) Adds abduction or procurement for prostitution to the criminal profiteering asset forfeiture law; (2) provides that the court may impose a fine of up to \$20,000, in addition to any other fines and penalties, where the defendant has been

convicted of abduction of a minor for purposes of prostitution or procurement of a minor under the age of 16 for lewd conduct; and (3) provides that 50 percent of the additional fine shall be deposited in the Victim-Witness Assistance Fund for purposes of grants to community-based organizations that serve minor victims of human trafficking.

AB 22, c. 70: Computer hacking; unauthorized access; punishment. Raises the maximum fine that can be imposed on a defendant convicted of felony crimes involving unauthorized use of computers, damage to computers or computer data, and related offenses such as harmful misappropriation of an Internet domain name, from \$10,000 to \$12,000.

AB 250, c. 424: Criminal trials; timing. Requires that the withdrawal of a general time waiver be done in open court, and that a trial date be set and that all parties be properly notified of the trial date.

AB 297, c. 97: Criminal history information; law enforcement employees. Requires the Department of Justice to share information on prior criminal history searches when the background of an applicant is being requested for employment or certification as a peace officer or criminal justice employee.

AB 307, c. 430: Sex offenders; working with minors. Provides that any person required to register as a sex offender who applies for, or accepts, a position as an employee or volunteer with any person, group, or organization, where he or she would be "working directly and in an unaccompanied setting" includes positions which provide goods or services to minors.

AB 316, c. 432: Wrongful convictions. Makes three statutory changes pertaining to an individual's recourse after incarceration for a

wrongful conviction: 1) Extends the time limit for filing a claim with the Victim Compensation and Government Claims Board (VCGCB) for a wrongful conviction and imprisonment from six months to two years; 2) Allows a finding that a person is factually innocent to be used as evidence in a claim for wrongful conviction filed with the VCGCB; and 3) Extends the statute of limitations for legal malpractice from one year to two years where the plaintiff has obtained a finding of factual innocence.

AB 412, c. 106: Hate crimes; nooses. Makes it a misdemeanor to hang a noose, knowing it to be a symbol representing a threat to life, in order to terrorize a person who owns, occupies, attends school at, is employed at, or is associated with, the property where the noose is hung.

AB 532, c. 450: Search warrants; firearms. Authorizes the issuance of a search warrant where the property or things to be seized include a firearm or any other deadly weapon at the scene of, or at the premises occupied or controlled by a person arrested in connection with a domestic violence incident involving a threat to human life or a physical assault, as specified, or a person who is detained for reasons relating to his/her mental condition, as specified.

AB 568, c. 453: Counterfeit goods; abatement. Declares that, until January 1, 2015, any non-residential property unlawfully used for the manufacture, sale, or knowing possession of counterfeit goods constitutes a nuisance and authorizes various public and private remedies, including injunctions and abatement orders to abate and prevent the nuisance.

AB 870, c. 258: School grounds; prohibited weapons. Makes it a misdemeanor, punishable by up to one year in the county

jail, to bring or process a razor blade or a box cutter, upon the grounds of, or within, any public or private school providing instruction in kindergarten or any of grades 1 to 12, except as specified.

AB 962, c. 628: Ammunition. Requires, commencing February 1, 2011 that a handgun ammunition vender obtain a thumb print and other specified information from an ammunition purchaser and requires that the above information be subject to inspection by law enforcement.

AB 1015, c. 266: Nitrous oxide; prohibit sale to minors. Provides that the sale or furnishing of nitrous oxide to a minor is a misdemeanor; also provides that the business license of a person who has been convicted of this crime for a second time shall be suspended for up to one year, unless the business license owner demonstrates good faith efforts to prevent sales of nitrous oxide to minors by the business license owner's employees.

SB 188, c. 566: TROs; private postsecondary institutions. Creates a separate code section governing the ability of schools and postsecondary education institutions to obtain injunctions and temporary restraining orders on behalf of students who have suffered a specified threat of violence from any individual which can be reasonably construed to be carried out at the campus or facility.

SB 197, c. 567: Domestic violence proceedings; conditional exam of witnesses. Authorizes conditional examination of witnesses or victims in misdemeanor and felony domestic violence prosecution where (1) the life of the witness is in jeopardy; or (2) there is evidence that a victim or material witness has been or is being dissuaded, as

provided, by any means from cooperating with the prosecution or testifying at trial.

SB 273, c. 177: Domestic violence. Changes the definition of domestic violence in the comprehensive shelter-based service program administered by the Maternal, Child, and Adolescent Health Division Branch in the Department of Public Health to extend services to males and makes the program subject to specified anti-discrimination provisions. Also changes the definition of domestic violence in the statewide domestic violence program administered by the California Emergency Management Association to extend services to males.

SB 318, c. 302: Dogfighting forfeitures. Provides for the forfeiture of any property interest that was either acquired through the commission of dogfighting, or used to promote, further or facilitate dogfighting.

SB 678, c. 608: Criminal recidivism. Creates the California Community Corrections Performance Incentives Act of 2009 which would establish a system of performance-based funding to support evidence-based practices relating to the supervision of adult felony probationers.

EDUCATION

AB 544, c. 324: Teaching credential; American Indian languages. Establishes the American Indian languages credential; and, authorizes people fluent in Native American languages to teach those languages in public schools.

SB 19, c. 159: Education data. Makes statutory changes, related to the collection, reporting and use of data, some of which may be necessary for California to qualify for specific one-time funding programs under the

American Recovery and Reinvestment Act of 2009.

ELECTIONS

AB 9, c. 363: Political Reform Act of 1974; expenditure. Provides that a contribution includes the payment of public moneys by a state or local governmental agency for a communication to the public which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election, and which is made at the behest of the affected candidate or committee; further provides that an independent expenditure includes the payment of public moneys by a state or local governmental agency.

AB 30, c. 364: Early voter registration. Allows a person who is 17 years of age to pre-register to vote, provided he or she would otherwise meet all eligibility requirements.

AB 269, c. 94: Corruption of voting. Makes it a misdemeanor for a member of the public who is observing the processing of vote-by-mail ballots, the semi-official canvas, the official canvas, or a recount from willfully doing any of the following: 1) attempting to ascertain the identity and ballot choices of a voter, or having observed or learned the identity of a voter, attempting to ascertain the ballot choices of that voter, 2) opening a provisional or vote-by-mail ballot envelope containing a voted ballot in order to ascertain the voter's ballot choices, or 3) making or placing a mark or device on any ballot or secrecy envelope in an attempt to ascertain the voter's ballot choices.

AB 1337, c. 146: Electioneering; defined. Defines electioneering as displaying visible or

disseminating audible information that advocates for or against any candidate or measure on the ballot in specified locations.

SB 739, c. 360: Political Reform Act of 1974; fundraising. Amends the Political Reform Act to prohibit the spouse or domestic partner of an elected officer or a candidate for elective office from receiving compensation from campaign funds held by a controlled committee of the elected officer or candidate for services rendered in connection with fundraising for the benefit of the elected officer or candidate.

ENERGY

AB 920, c. 376: Solar and wind distributed generation. Expands the current net-metering programs for wind and solar, to allow the net-metered customers to sell any excess electricity they produce over the course of a year to their electric utility.

AB 1031, c. 380: Renewable energy resources. Authorizes a "campus," defined as an individual community college campus, University of California campus, or California State University campus, to receive a bill credit to be applied to a designated benefiting account for electricity exported to the electrical grid by an eligible renewable generating facility.

SB 488, c. 352: Energy usage information. Requires publicly-owned utilities and investor-owned utilities that provide individual residential electricity or gas customers with information comparing their energy use with similar residences to report to the state on the energy savings resulting from such programs.

SB 626, c. 355: Electrical infrastructure; plug-in hybrid and electric vehicles. By July 1, 2011, requires the PUC, in consultation with the CEC, ARB, electrical corporations, and the motor vehicle industry, to evaluate policies to develop infrastructure sufficient to overcome any barriers to the widespread deployment and use of plug-in hybrid and electric vehicles.

SB 695, c. 337: Rates. Eliminates the current rate freeze for electricity usage for residential customers of up to 130% of the baseline rate, lifts the current suspension and provides limited expansion of direct-access electricity service, restricts the deployment of mandatory time-variant pricing, and provides a number of other measures to stabilize rates, protect low-income customers, and address emergency measures instituted during the 2001 energy crisis.

ENVIRONMENTAL LAW

AB 305, C. 429: Hazardous materials; statute of limitations; penalties. 1) Extends the statute of limitations for violations of Hazardous Material Release Response Plans and 2) authorizes the imposition of a jail sentence for the violation of oil spill prevention reporting requirements.

AB 1085, c. 384: State Air Resources Board; regulations. Requires ARB to make available to the public all information used in the development of regulations, including, but not limited to, information on air emissions, public health impacts and economic impacts before the formal regulation comment period begins. These provisions are not intended to supersede provisions of the Public Records Act or the Administrative Procedure Act, as provided.

AB 1366, c. 527: Residential water softeners; water quality. Allows local

control of water softener salinity inputs where the problem is significant by authorizing local agencies that own or operate a community sewer system or water recycling facility to control salinity inputs from residential self-regenerating water softeners, to protect the quality of the waters of the state.

SB 670, c. 62: Vacuum or suction dredge equipment. Places a statewide temporary moratorium on the use of any vacuum or suction dredge equipment in any river, stream or lake until the director of the Department of Fish and Game completes a court ordered environmental review of its existing suction dredge regulations and updates the regulations.

EVIDENCE

AB 1163, c. 8: Attorney-client privilege; decedent's estates. Clarifies that the attorney-client privilege is held by a deceased client's personal representative appointed for subsequent estate administration after the original personal representative has been discharged. Provides that no attorney-client privilege exists for communications relevant to issues between parties who all claim through a deceased client in a nonprobate transfer.

FAMILY LAW

AB 130, c. 412: Vital records; marriage records. Extends the current limitations on the release and access of birth and death records to marriage records in order to prevent the unauthorized use of personal information.

AB 459, c. 110: Dissolution; disclosure. Provides a process whereby a party to a dissolution or nullity of marriage or legal

separation can waive disclosure of specified financial declarations.

AB 938, c. 261: Relative caregivers and foster parents. Provides relatives [all grandparents, adult siblings, and other adult relatives] of children in foster care with information on how to assist these children, including that the child has been removed from the custody of his/her parents or guardians and an explanation of various options to participate in the care and placement of the child, as specified, and to report to the court at the initial petition hearing regarding that effort.

SB 54, c. 625: Out-of-state same-sex marriages. Provides that (1) a marriage between two persons of the same sex contracted outside of California that is valid by the laws of the jurisdiction in which it was contracted and that was contracted before November 5, 2008 (before passage of Proposition 8) is valid in California, and that (2) two persons of the same sex who contracted a marriage outside of California on or after November 5, 2008 that is valid by the laws of the jurisdiction in which it was contracted shall have the same rights, protections, and benefits and subject to the same responsibilities, obligations, and duties under law, whether they derive from the California Constitution, the United States Constitution, statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law, as are granted to and imposed upon spouses with the sole exception of the designation of "marriage."

GOVERNMENT

AB 32, c. 403. Public officials; personal information. Expands current law relative to the personal information of an elected or

appointed official by requiring the removal of personal information of specified officials from the Internet, and permitting employers or professional organizations to assert the rights of the official in removing the personal information from the Internet.

SB 572, c. 626: Harvey Milk Day. Officially designates May 22 of each year as Harvey Milk Day, and calls for the day to be observed by the public schools as a day of special significance. The bill also requires the Governor to annually proclaim May 22 as Harvey Milk Day.

SB 4xx, c. 2xx: Public contract; design-build; public private partnerships. Provides limited expansion of design-build contracting authority to additional state facilities and to redevelopment agencies; authorizes up to 15 design-build transportation projects, under prescribed circumstances; and authorizes the California Department of Transportation and local and regional transportation agencies to enter into an unlimited number of public-private partnership agreements until January 1, 2017.

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 119, c. 365: Health care coverage; pricing. Beginning January 1, 2011, prohibits health plans and health insurers from charging a premium, price, or charge differential for health care coverage because of the sex of the

prospective subscriber, enrollee, policyholder, or insured.

AB 215, c. 420: Skilled nursing facilities; ratings. Requires skilled nursing facilities to post, in accordance with specified requirements, the overall facility rating information determined by the federal Centers for Medicare and Medicaid Services.

AB 1020, c. 267: Public swimming pools; anti-entrapment devices and systems. Conforms state law to the federal Virginia Graeme Baker Pool and Spa Safety Act relating to public pool safety; permits the Department of Public Health to assess a \$6 fee to cover its and the local health offices' costs of implementation.

AB 1544, c. 543: Health facilities; licensure; outpatient clinic service. Establishes timeframes and procedures for the Department of Public Health to act on applications by general acute care hospitals to add a new, or modify an existing, outpatient clinic service as a supplemental service; and specifies that an onsite inspection is not required prior to approving the application.

SB 148, c. 169: Mammogram machines; inspection; posting of results. Requires facilities to post notices visible to patients about specified serious violations of federal mammography standards that may seriously compromise the quality of mammography services offered; also, defines serious violations and specifies the timing and duration of these posted notices.

INSURANCE

AB 328, c. 433: Electronic transactions; exceptions. Authorizes insurance companies to send various notices required by the California Insurance Code, electronically by

agreement with the recipient using procedures that conform to the Uniform Electronic Transactions Act and applicable substantive law and authorizes insurance companies to pay claims by electronic funds transfers.

SB 98, c. 343: Life insurance; contracts and viatical settlements. Requires the licensing of persons who transact life settlement contracts, makes it unlawful to issue or market the purchase of a new life insurance policy for the purpose of settling the policy, generally prohibits individuals from entering into a life settlement during the initial two years of a policy, authorizes the Insurance Commissioner to disapprove life settlement forms, requires specified disclosures to consumers including a notice of possible alternatives to life settlements, and prohibits predatory practices such as false and misleading statements.

SB 510, c. 593: Structured settlements; payment transfers. Strengthens and refines the provisions of California's Transfers of Structured Settlement Payment Rights Act in order to better protect consumers who wish to transfer to a financial entity their structured settlement payment rights, i.e., periodic payment rights, for a lump sum payment.

LABOR

AB 1093, c. 272: Workers' compensation. Provides that a "personal relationship" or "personal connection" is not established, for purposes of determining a claim for workers' compensation benefits, based solely on a third-party aggressor's beliefs regarding race, religious creed, color, national origin, age, gender, disability, sex, or sexual orientation where the employee-victim is believed by the third-party to be a member of one of the protected classes.

SB 186, c. 565: Workers' compensation; medical treatment; predesignation of physician. Removes the sunset date on the law that authorizes a worker to predesignate his or her personal treating physician as the treating physician in the event of a workplace injury.

REAL ESTATE

AB 313, c. 431: Common interest developments (CIDs); assessments. Prohibits a homeowners association in a common interest development 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 899, c. 484: CIDs; disclosures. Creates an index of disclosures required of common interest developments, allows e-mail distribution of these disclosures, as specified, and requires a common interest development to include in the existing reserve funding summary the assumed interest rate earned on reserves and the assumed rate of inflation for the repair and replacement of major components.

AB 927, c. 7: CIDs; construction defects. Extends the sunset date from July 1, 2010 to July 1, 2017 on provisions of existing law that sets forth prelitigation dispute resolution processes and procedures before a CID homeowners' association may commence a design or construction defect action against a builder, developer, or general contractor of a CID of 20 or more units.

AB 957, c. 264: Residential real estate transfers; title insurance; escrow companies. Enacts the Buyer's Choice Act, to prohibit a seller of residential real property improved by four or fewer dwelling units from

directly or indirectly requiring a specific title insurer or escrow agent as a condition to selling the property.

AB 1061, c. 503: CIDs; water-efficient landscapes. Makes provisions of CIDs governing documents that interfere with water-efficient landscaping void and unenforceable in resolving a conflict between water conservation laws and CID law, to support greater urban water conservation.

REVENUE AND TAXATION

AB 404, c. 504: Income taxes; exemption; charitable organizations; administration. Provides a mechanism which allows the FTB to issue an acknowledgement letter when documents are submitted to the FTB to verify an organization's exemption based on the federal determination. Also clarifies which organizations exempt under a federal group exemption letter may rely upon the simplified procedure to be recognized as an exempt organization under California law.

SB 15xxx, c. 17xxx: Credits; apportionment; sales factor. Enacts the fiscal stimulus revenue provisions of the 2009-10 Special Session Budget Agreement; provides the necessary statutory changes to provide fiscal stimulus through changes in taxation.

SB 809, c. 621: Sales and use taxes; consumers; veterans; itinerant vendors. Specifies, until January 1, 2012, that United States itinerant veteran vendors would be regarded as consumers, rather than retailers, of tangible personal property that they sell, except for alcoholic beverages or items sold for more than \$100. ("Hot Dog Man")

SB 822, c. 204: Property taxation; local administration. Makes several changes to the

property tax law relating to: (1) scale copies in electronic format, (2) increase in real property exemption amount, (3) disabled veterans property tax exemption data, (4) signatures on property statements, (5) property tax forms, and (6) separate assessment for subdivision parcels.

VEHICLES AND LICENSES

AB 14, c. 210: Nuisance abatement; impoundment. Authorizes cities or counties to adopt local ordinances declaring a motor vehicle to be a public nuisance subject to impoundment for a period of up to 30 days upon a valid arrest of a person who uses the vehicle in the commission or attempted commission of specified prostitution crimes or illegal commercial dumping and has one prior conviction, committed in the last three years for those crimes. An ordinance may incorporate any combination of all of these offenses.

AB 91, c. 217: DUI, ignition interlock device. Establishes a three-county pilot program within the DMV that requires a person convicted DUI to install an ignition interlock device, as specified, on all vehicles he or she owns or operates.

AB 636, c. 248: Charter-party carriers; bus drivers; licenses. Requires the California Public Utilities Commission to permanently revoke the authority of a charter-party carrier if the carrier knowingly employs a non-licensed or inappropriately licensed driver, suspend the license for five years of a person who drives a bus for a charter-party carrier who lacks the proper license of the proper class, requires a CHP officer to impound the bus if driven by a non-licensed driver, and imposes other new restrictions and requirements on charter-party carriers.

SB 95, c. 556: California Car Buyers' Protection Act of 2009. Imposes certain requirements when a dealer purchases or obtains a vehicle in trade in a retail sale or lease transaction and the vehicle is subject to a prior credit or lease balance, relating to the discharge of the credit or balance. Increases dealer's license and renewal fees to \$175 and \$125, respectively. Increases auto broker's endorsement and renewal fees to \$100 and \$75, respectively.

SB 598, c. 193: DUI; restricted driver's license. Provides that the DMV shall advise a person convicted of a second or third offense of DUI with a blood alcohol content of .08% or more that he or she may receive a restricted license, as specified, if he or she shows verification of installation of a certified ignition interlock device and pays a fee sufficient to include the costs of administration, as specified.

WATER

AB 975, c. 495: Water corporations; water meters. Requires water corporations serving 500 or more customers to install water meters on all new service connections as of January 1, 2010 and on all customers by January 1, 2025; and for water corporations serving less than 500 customers, the PUC may require the installation of water meters if it finds that the meters will be cost effective, the meters will reduce water consumption, or that the cost of metering will not impose an unreasonable financial burden on the customer.

SB 310, c. 577: Water quality; stormwater and other runoff. Allows local government agencies that have permits for stormwater systems to voluntarily create a watershed improvement plan to improve stormwater management; and allows participating agencies to assess fees on activities that

generate stormwater pollution to pay for the implementation of plans approved by the regional water board.

7TH EXTRAORDINARY SESSION WATER BILLS

SB 1xxxxxxx, c. 5xxxxxxx: Public resources; delta restoration; water supply reliability. Provides for a comprehensive plan for taking care of the Sacramento-San Joaquin Delta including the establishment of a Delta Stewardship Council and the Delta Independent Science Board; expands the State Water Resources Control Board's collection and reporting of data concerning the Delta and establishment of a Delta Watermaster; and repeals the California Bay-Delta Authority; and appropriates \$28,000,000 from 2006 bond funds for the Two-Gates Fish Protection Demonstration Program, managed by the United States Bureau of Reclamation.

SB 2xxxxxxx, c. 3xxxxxxx: Safe, Clean, and Reliable Drinking Water Supply Act of 2010. Enacts the Safe, Clean, and Reliable Drinking Water Supply Act of 2010, which, if approved by the voters, authorizes the issuance of bonds in the amount of \$11.14 billion pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. This bill provides for the submission of the bond act to the voters at the November 2, 2010, statewide general election.

SB 6xxxxxxx, c. 1xxxxxxx: Groundwater. In conjunction with SBX7 1 and SBX7 7 (signed on 11/10th), is the culmination of months of negotiation to create a comprehensive water package that establishes a statewide groundwater monitoring program. Requires the Department of Water Resources to work cooperatively with local groundwater management entities to determine who would conduct the groundwater monitoring. If no

entity volunteered to do the monitoring, the county would be required to conduct the monitoring.

SB 7xxxxxxx, c. 4xxxxxxx: Water conservation. Establishes a statewide water conservation program, in a new "Sustainable Water Use and Demand Reduction" part in the Water Code and reauthorizes the Agricultural Water Management Planning Act.

SB 8xxxxxxx, c. 2xxxxxxx: Water diversion and use; reporting; resources; Disaster Preparedness and Flood Prevention Bond Act of 2006; Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006. Appropriates \$546 million from various funds authorized by Proposition 84 to (1) support projects that reduce dependence on the Delta for water supply, (2) reduce the potential for levee failures that would jeopardize water conveyance, (3) provide grants for storm water projects, and (4) provide grants to local agencies to support the development and implementation of natural community conservation plans in or around the Delta. This bill was contingent upon the enactment SB 1xxxxxxx (Simitian and Steinberg), SB 6xxxxxxx (Steinberg and Pavley), and SB 7xxxxxxx (Steinberg). As noted herein, these three bills were enacted into law.

WELFARE AND INSTITUTIONS

AB 131, c. 413: Juvenile proceedings; costs. Persons who are liable for the support of the minor shall also be liable for the cost to the county or the court for the cost of legal services rendered to the minor, except under specified circumstances; provides that fees received shall be transmitted to the Administrative Office of the Courts (AOC). The AOC shall deposit the fees received pursuant to this section into the Trial Court

Trust Fund. Requires the Judicial Council to establish a cost-recovery program to collect reimbursements for counsel appointed by the court to represent parents or their children in dependency cases.

AB 1383, c. 627: Medi-Cal; hospital payments; quality assurance fees.

Establishes a provider fee on hospitals, matches a portion of revenues collected from the fee with federal funds in the Medi-Cal program at an enhanced match, provides funding for supplemental payments to hospitals that serve Medi-Cal and uninsured patients, provides direct grants to designated public hospitals, funds health coverage for children, and provides funds for the Department of Health Care Services for the direct costs of administering the program.

SB 448, c. 184: California State Safe Harbor Agreement Program Act of 2009.

Authorizes the Department of Fish and Game to enter into a safe harbor agreement with a landowner for the protection of species that are listed as threatened or endangered under the California Endangered Species Act, which will allow "taking" (killing) of these species that is incidental to an otherwise lawful activity, provided certain conditions are met that provide for the protection of those species.

SB 481, c. 186: Airports; wildlife. Provides that a taking of birds by a federally certified airport in compliance with a federal depredation permit for public safety purposes does not violate state fish and game laws if certain conditions are met.

WILDLIFE

AB 708, c. 290: Fish and wildlife; poaching.

Increases penalties for serious poaching violations by establishing minimum fines and increasing maximum penalties for poaching committed for profit or personal gain, or for taking or possessing three times the legal bag limit or legal possession limit.

AB 1423, c. 394: Commercial hunting clubs; Shared Habitat Alliance for Recreational Enhancement program; interference with hunting.

Makes several changes to statutes relating to hunting and fishing; revises several of the components of the SHARE program, which encourages recreational access to private lands; and revises the permitting requirements for commercial hunting clubs, replacing the existing fee with a new fee schedule.

INDEX OF BILLS

BILL PAGE

AB 5	5
AB 9	9
AB 14	14
AB 17	6
AB 22	7
AB 30	9
AB 32	11
AB 83	11
AB 91	14
AB 119	11
AB 121	5
AB 129	3
AB 130	10
AB 131	15
AB 215	12
AB 250	7
AB 260	3
AB 269	9
AB 281	2
AB 285	6
AB 297	7
AB 305	10
AB 307	7
AB 313	13
AB 316	7
AB 328	12
AB 329	3
AB 404	13
AB 412	7
AB 459	10
AB 524	5
AB 532	7
AB 544	8
AB 568	7
AB 590	3
AB 606	2
AB 636	14
AB 681	5
AB 708	16
AB 750	6
AB 870	7
AB 899	13
AB 920	9
AB 927	13
AB 938	11
AB 957	13

BILL PAGE

AB 962	8
AB 975	14
AB 992	2
AB 1015	8
AB 1020	12
AB 1031	9
AB 1046	5
AB 1061	13
AB 1085	10
AB 1090	5
AB 1093	12
AB 1163	10
AB 1216	2
AB 1233	6
AB 1319	4
AB 1337	9
AB 1366	10
AB 1383	16
AB 1423	16
AB 1544	12
AB 1549	5

BILL PAGE

SB 1-7x	15
SB 2-7x	15
SB 4xx	11
SB 6-7x	15
SB 7-7x	15
SB 8-7x	15
SB 15xxx	13
SB 19	8
SB 36	3
SB 39	4
SB 40	6
SB 54	11
SB 94	4
SB 95	14
SB 98	12
SB 135	2
SB 148	12
SB 175	4
SB 186	13
SB 188	8
SB 197	8
SB 204	4
SB 239	4
SB 273	8
SB 285	4
SB 310	14
SB 318	8
SB 367	6
SB 448	16
SB 481	16
SB 488	9
SB 510	12
SB 572	11
SB 598	14
SB 626	10
SB 670	10
SB 678	8
SB 695	10
SB 739	9
SB 786	3
SB 809	13
SB 822	13

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