

Assembly Bill No. 471

Passed the Assembly August 27, 2010

Chief Clerk of the Assembly

Passed the Senate August 20, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 11042, 11043, 12517, 12518, 12521, 12522, 12542, 12574, 12591, and 12593 of the Government Code, relating to legal services.

LEGISLATIVE COUNSEL'S DIGEST

AB 471, Nava. Legal services.

Existing law requires the Attorney General to perform specified duties with regard to providing state agencies with legal services.

This bill would make technical, nonsubstantive changes to these provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 11042 of the Government Code is amended to read:

11042. No state agency, commissioner, or officer shall employ any legal counsel other than the Attorney General, or one of his or her assistants or deputies, in any matter in which the agency, commissioner, or officer is interested, or is a party as a result of office or official duties.

SEC. 2. Section 11043 of the Government Code is amended to read:

11043. Except as to the state agencies and laws specified in Section 11041, whenever any law authorizes any state agency to employ legal counsel other than the Attorney General, it shall be construed to refer to the Attorney General. The Attorney General may assign to the state agency assistants or deputies from his or her staff, under terms as he or she deems necessary to conduct the legal business of or render legal counsel to the state agency.

SEC. 3. Section 12517 of the Government Code is amended to read:

12517. When in his or her opinion it may be necessary for the collection or enforcement of any judgment in favor or for the use of the state, the Attorney General shall institute and prosecute, in behalf of the state, actions or proceedings to set aside and annul all conveyances fraudulently made by judgment debtors. When

allowed by the Department of General Services, the necessary cost shall be paid out of any available appropriation.

SEC. 4. Section 12518 of the Government Code is amended to read:

12518. Whenever any action is brought against the state or any state agency involving the title, or right to possession or the boundaries of any lands belonging to the state or in which it has any interest, the Attorney General may, when in his or her judgment the public interest so requires, upon his or her own motion or upon the request of any state agency, appear as attorney in defense of the state or state agency.

Upon his or her own motion or upon the request of any state agency, the Attorney General may institute such an action in the name of the people of the state or on behalf of any state agency.

SEC. 5. Section 12521 of the Government Code is amended to read:

12521. The Attorney General shall account for and pay over to the proper officer all money which may come into his or her possession belonging to the state or to any county.

SEC. 6. Section 12522 of the Government Code is amended to read:

12522. On or before the fifteenth day of September in each even-numbered year, the Attorney General shall report to the Governor the condition of the affairs of his or her office and of the reports received by him or her from district attorneys.

SEC. 7. Section 12542 of the Government Code is amended to read:

12542. The Attorney General may employ counsel to act in his or her place and stead for the investigation for discovery and the recovery of any such property. In such proceedings counsel so employed shall have the authority of the Attorney General.

SEC. 8. Section 12574 of the Government Code is amended to read:

12574. The Attorney General may employ additional special agents and investigators not exceeding 10 in number, to enable him or her to carry out his or her duties relative to sabotage and subversive activities. The special agents and investigators are exempt from civil service.

SEC. 9. Section 12591 of the Government Code is amended to read:

12591. The Attorney General may institute appropriate proceedings to secure compliance with this article and to invoke the jurisdiction of the court. The powers and duties of the Attorney General provided in this article are in addition to his or her existing powers and duties. Nothing in this article shall impair or restrict the jurisdiction of any court with respect to any of the matters covered by it, except that no court shall have jurisdiction to modify or terminate any trust of property for charitable purposes unless the Attorney General is a party to the proceedings.

SEC. 10. Section 12593 of the Government Code is amended to read:

12593. Every person who offers for probate any instrument that establishes a testamentary trust of property for charitable purposes or who records in any county or city and county any inter vivos transfer of property for charitable purposes shall furnish a copy of the document to the Attorney General. The custodian of the records of a court having jurisdiction of probate matters or of charitable trusts shall furnish copies of papers, records, and files of his or her office relating to the subject of this article as the Attorney General requires.

Approved _____, 2010

Governor