

Assembly Bill No. 2764

CHAPTER 476

An act to amend Sections 6140, 6140.35, and 6140.36 of, to add Sections 6001.2 and 6001.4 to, and to add and repeal Section 6140.01 of, the Business and Professions Code, relating to the State Bar Act.

[Approved by Governor September 29, 2010. Filed with
Secretary of State September 29, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2764, Committee on Judiciary. The State Bar Act.

Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation. The State Bar is governed by a board known as the board of governors of the State Bar. The board of governors consists of 16 attorney members, 6 public members, and the President of the State Bar.

This bill would also require, on or before February 1, 2011, a Governance in the Public Interest Task Force to be created within the State Bar and to be made up of 11 specified board members appointed by the President of the State Bar. The bill would require, on or before May 15, 2011, and every 3 years thereafter, that the task force prepare a report, including a dissenting report, if applicable, to be submitted to the Supreme Court, the Governor, and the Judiciary Committees that includes its recommendations for, among other things, enhancing and ensuring the protection of the public.

The bill would also require that the State Bar, commencing on or before February 1, 2011, make available, upon request of a member of the public, the classification and compensation paid to its employees and other specified information relating to compensation and benefits.

Existing law requires the board of governors to charge an annual membership fee for active members of up to \$315 for the year 2010. Existing law also requires the board to charge an annual membership fee for inactive members of up to \$75. Under existing law, these fees are payable on or before the first day of March 2010.

This bill would require the board to charge that annual membership fee for active members for 2011. The bill would also specify that the annual membership fee for active members and inactive members is payable on or before the first day of February of each year. The bill would authorize, until January 1, 2014, \$10 of those membership fees to be allocated to support specified activities, and would authorize a member to deduct that amount from his or her annual fee if the member elects not to make this allocation.

Existing law, until January 1, 2011, authorizes the board of governors to increase the annual membership fee for active members by up to \$10 in any year to be used for the costs of upgrading its information technology system,

and requires this additional amount to be separately listed and described in the annual membership fee invoice. Existing law also requires the board to report to the Judiciary Committees on or before April 1, 2009, and twice thereafter as specified, on the use of these additional funds.

This bill would extend the operation of the provision authorizing an increase of the annual membership fee to January 1, 2014, and would require the board to report on the use of these additional funds on or before April 1, 2011, and twice thereafter.

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

SECTION 1. Section 6001.2 is added to the Business and Professions Code, to read:

6001.2. (a) On or before February 1, 2011, there shall be created within the State Bar a Governance in the Public Interest Task Force comprised of 11 members appointed by the President of the State Bar, seven of whom shall be attorney members of the board and three of whom shall be public members of the board. The president shall also be a member of the task force and shall preside over its meetings, all of which shall be held consistent with Section 6026.5.

(b) On or before May 15, 2011, and every three years thereafter, the task force shall prepare and submit a report to the Supreme Court, the Governor, and the Assembly and Senate Committees on Judiciary that includes its recommendations for enhancing the protection of the public and ensuring that protection of the public is the highest priority in the licensing, regulation, and discipline of attorneys, to be reviewed by the Assembly and Senate Committees on Judiciary in their regular consideration of the annual State Bar dues measure. If the task force does not reach a consensus on all of the recommendations in its report, the dissenting members of the task force may prepare and submit a dissenting report to the same entities described in this subdivision, to be reviewed by the committees in the same manner.

SEC. 2. Section 6001.4 is added to the Business and Professions Code, to read:

6001.4. Commencing on or before February 1, 2011, the State Bar shall make available, upon request of a member of the public, the classification and total annual compensation paid to each of its employees by name, as well as any and all rules, policies, and agreements pertaining to the compensation and benefits of any employees of the State Bar.

SEC. 3. Section 6140 of the Business and Professions Code is amended to read:

6140. (a) The board shall fix the annual membership fee for active members for 2011 at a sum not exceeding three hundred fifteen dollars (\$315).

(b) The annual membership fee for active members is payable on or before the first day of February of each year. If the board finds it appropriate and feasible, it may provide by rule for payment of fees on an installment

basis with interest, by credit card, or other means, and may charge members choosing any alternative method of payment an additional fee to defray costs incurred by that election.

(c) This section shall remain in effect only until January 1, 2012, and, as of that date, is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

SEC. 4. Section 6140.01 is added to the Business and Professions Code, to read:

6140.01. (a) (1) Ten dollars (\$10) of the membership fee authorized pursuant to Sections 6140 and 6141 shall be allocated for the purposes established pursuant to Section 6033, except to the extent that a member elects not to support those activities.

(2) The invoice provided to members for payment of the annual membership fee shall provide each member the option of deducting ten dollars (\$10) from the annual fee if the member elects not to have this amount allocated as provided in this section.

(3) The allocation pursuant to this section shall be known as the Temporary Emergency Legal Services Voluntary Assistance Option.

(b) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 5. Section 6140.35 of the Business and Professions Code is amended to read:

6140.35. (a) The board may increase the annual membership fee fixed by Section 6140 by an additional amount not exceeding ten dollars (\$10). This additional amount may be used only for the costs of upgrading the board's information technology system, including purchasing and maintenance costs and both computer hardware and software. This special assessment for information technology upgrades shall be separately listed and described in the annual membership fee invoice, which shall include notice of the repeal of this section on January 1, 2014.

(b) This section shall remain in effect only until January 1, 2014, and, as of that date, is repealed.

SEC. 6. Section 6140.36 of the Business and Professions Code is amended to read:

6140.36. (a) The board shall report to the Assembly Committee on Judiciary and the Senate Committee on Judiciary on or before April 1, 2011, and on or before April 1 of the succeeding two years, on the use of the funds authorized pursuant to Section 6140.35.

(b) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.