

AMENDED IN ASSEMBLY DECEMBER 10, 2009

AMENDED IN SENATE MAY 20, 2009

AMENDED IN SENATE MAY 13, 2009

AMENDED IN SENATE APRIL 22, 2009

SENATE BILL

No. 55

Introduced by Senator Corbett

(Coauthor: Senator Harman)

(Coauthors: Assembly Members Feuer and Tran)

January 15, 2009

~~An act to amend Section 14551 of, and to repeal Section 14523.5 of, the Public Resources Code, relating to recycling. An act to amend Sections 6008.6 and 6140 of, to add Sections 6140.37 and 6161.2 to, to add Article 10.2 (commencing with Section 6174) to Chapter 4 of Division 3 of, and to add and repeal Section 6140.38 of, the Business and Professions Code, relating to the State Bar Act, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 55, as amended, Corbett. ~~Recycling: California redemption value containers. 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.

(1) Existing law requires the State Bar to comply with specified standards applicable to state agency contracts when awarding a contract for goods, services, or both, for an aggregate amount in excess of \$50,000.

This bill would require the State Bar to comply with those standards when awarding a contract for information technology goods, services, or both, only when the contract is for an aggregate amount in excess of \$100,000. The bill would require the State Bar to report to the judiciary committees of the Legislature by April 1, 2010, and annually thereafter until January 1, 2014, on the impact of this change. The bill would also require the State Bar to have a preference for using in-house employees for information technology projects.

(2) Existing law requires the Board of Governors of the State Bar to charge an annual membership fee for active members of up to \$315 for the year 2009. 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 February of each year.

This bill would require the board to charge that annual membership fee for active members for 2010. The bill would specify that, for 2010, the annual membership fee for active members and inactive members is payable on or before the first day of March.

(3) Existing law provides for the registration and regulation of law corporations, as defined. Existing law requires law corporations to apply to the State Bar for registration and to supply the State Bar with specified information. Existing law also requires law corporations to pay a registration fee and an annual renewal fee and specifies that all fees are paid into the treasury of the State Bar.

This bill would require these fees to be used for regulatory and disciplinary purposes.

(4) Existing law, the Uniform Partnership Act of 1994, provides for the registration and regulation of limited liability partnerships, including those partnerships providing legal services. The act requires, at the time of registration and at all times these partnerships transact intrastate business, that these partnerships provide specified security for claims arising out of the practice of law. The act also requires a limited liability partnership providing professional services in this state to comply with the administrative registration or filing requirements of that profession's respective regulatory entity. In this regard, the State Bar, pursuant to its Rules of the State Bar, requires those partnerships that provide legal services to register with the State Bar by submitting an initial application and thereafter to renew annually and to include the payment of a fee in each of these instances.

This bill would require these fees to be used for regulatory and disciplinary purposes. The bill would also require applicants for registration with the State Bar to file a separate form stating that the limited liability partnership has complied with the security requirements for claims arising out of the practice of law.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The Department of Conservation is required to establish reporting periods of 6 months each for redemption rates and recycling rates for specified types of beverage containers. The act also requires the department to determine the redemption rates and recycling rates for those beverage containers for each reporting period and to issue a report on those determinations. The act defines various words for purposes of those provisions, including redemption rate.~~

~~This bill would delete the provisions that require the department to establish reporting periods for redemption rates and that require the department to determine redemption rates for specified types of beverage containers. The bill also would delete the definition of redemption rate.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: no.

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

1 SECTION 1. Section 6008.6 of the Business and Professions
2 Code is amended to read:
3 6008.6. The State Bar shall award no contract for goods,
4 services, or both, for an aggregate amount in excess of fifty
5 thousand dollars (\$50,000), *or for information technology goods,*
6 *services, or both, for an aggregate amount in excess of one hundred*
7 *thousand dollars (\$100,000),* except pursuant to the standards
8 established in Article 4 (commencing with Section 10335) of
9 Chapter 2 of Part 2 of Division 2 of the Public Contract Code. The
10 State Bar shall establish a request for proposal procedure by rule,
11 pursuant to the general standards established in Article 4
12 (commencing with Section 10335) of Chapter 2 of Part 2 of
13 Division 2 of the Public Contract Code. *For the purposes of this*
14 *section, “information technology” includes, but is not limited to,*
15 *all electronic technology systems and services, automated*
16 *information handling, system design and analysis, conversion*
17 *voice, video, and data communications, network systems, requisite*

1 facilities, equipment, system controls, stimulation, electronic
2 commerce, and all related interactions between people and
3 machines.

4 SEC. 2. Section 6140 of the Business and Professions Code is
5 amended to read:

6 6140. (a) The board shall fix the annual membership fee for
7 active members for ~~2009~~ 2010 at a sum not exceeding three
8 hundred fifteen dollars (\$315).

9 (b) The annual membership fee for active members for 2010
10 is payable on or before the first day of ~~February~~ of each year ~~February~~ March
11 2010. If the board finds it appropriate and feasible, it may provide
12 by rule for payment of fees on an installment basis with interest,
13 by credit card, or other means, and may charge members choosing
14 any alternative method of payment an additional fee to defray costs
15 incurred by that election.

16 (c) Notwithstanding subdivision (a) of Section 6141, the annual
17 membership fee for inactive members for 2010 is payable on or
18 before the first day of March 2010.

19 (e)

20 (d) This section shall remain in effect only until January 1, ~~2010~~
21 2011, and, as of that date, is repealed, unless a later enacted statute,
22 that is enacted before January 1, ~~2010~~ 2011, deletes or extends
23 that date.

24 SEC. 3. Section 6140.37 is added to the Business and
25 Professions Code, to read:

26 6140.37. The State Bar shall have a preference for using
27 in-house employees for information technology projects, whenever
28 possible. Nothing in this section shall be read to be inconsistent
29 with any memorandum of understanding between the State Bar
30 and the recognized employee organizations or any relevant
31 principles of labor law.

32 SEC. 4. Section 6140.38 is added to the Business and
33 Professions Code, to read:

34 6140.38. (a) The State Bar shall report to the Senate
35 Committee on Judiciary and the Assembly Committee on Judiciary
36 on or before April 1, 2010, and annually thereafter, on the impact
37 of the changes made to Section 6008.6 by Senate Bill 55 of the
38 2009–10 Regular Session. In addition to a description of the impact
39 of those changes, the report shall include, with specificity, the
40 following: (1) the projects that previously would have been

1 *required to comply with Article 4 (commencing with Section 10335)*
2 *of Chapter 2 of Part 2 of Division 2 of the Public Contract Code,*
3 *but are no longer subject to that requirement because the contract*
4 *amount is between fifty thousand dollars (\$50,000) and one*
5 *hundred thousand (\$100,000); and (2) whether the changes have*
6 *improved the efficiency of the contracting process. The report*
7 *required by this section may be included with the report described*
8 *in Section 6140.36.*

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

12 *SEC. 5. Section 6161.2 is added to the Business and Professions*
13 *Code, to read:*

14 *6161.2. All fees for registration and renewal paid pursuant to*
15 *Sections 6161 and 6161.1 shall be paid into the treasury of the*
16 *State Bar and shall be used for its regulatory and disciplinary*
17 *purposes.*

18 *SEC. 6. Article 10.2 (commencing with Section 6174) is added*
19 *to Chapter 4 of Division 3 of the Business and Professions Code,*
20 *to read:*

21

22 *Article 10.2. Limited Liability Partnerships*

23

24 *6174. Pursuant to subdivision (h) of Section 16953 of the*
25 *Corporations Code, a limited liability partnership providing legal*
26 *services shall comply with all administrative or filing requirements*
27 *of the State Bar, including, but not limited to, the payment of fees,*
28 *and all rules and regulations adopted by the board and approved*
29 *by the Supreme Court. All fees shall be paid into the treasury of*
30 *the State Bar and shall be used for its regulatory and disciplinary*
31 *purposes.*

32 *6174.5. At the time of filing an Application for Issuance of a*
33 *Certificate of Registration as a Limited Liability Partnership*
34 *pursuant to the Rules of the State Bar, an applicant for registration*
35 *shall also file with the State Bar a separate form stating that the*
36 *limited liability partnership has complied with the security*
37 *requirements described in paragraph (2) of subdivision (a) of*
38 *Section 16956 of the Corporations Code.*

39 *SEC. 7. This act is an urgency statute necessary for the*
40 *immediate preservation of the public peace, health, or safety within*

1 *the meaning of Article IV of the Constitution and shall go into*
2 *immediate effect. The facts constituting the necessity are:*

3 *In order to continue the licensure and regulatory functions of*
4 *the State Bar of California and the public protection efforts of the*
5 *State Bar of California, it is necessary that this act take effect*
6 *immediately.*

7 ~~SECTION 1. Section 14523.5 of the Public Resources Code~~
8 ~~is repealed.~~

9 ~~SEC. 2. Section 14551 of the Public Resources Code is~~
10 ~~amended to read:~~

11 ~~14551. (a) The department shall establish reporting periods~~
12 ~~for the reporting of recycling rates. Each reporting period shall be~~
13 ~~six months. The department shall determine all of the following~~
14 ~~for each reporting period and shall issue a report on its~~
15 ~~determinations, within 130 days of the end of each reporting period:~~

16 ~~(1) Sales of beverages in aluminum beverage containers, bimetal~~
17 ~~beverage containers, glass beverage containers, plastic beverage~~
18 ~~containers, and other beverage containers in this state, including~~
19 ~~refillable beverage containers.~~

20 ~~(2) Returns for recycling, and returns not for recycling, of empty~~
21 ~~aluminum beverage containers, bimetal beverage containers, glass~~
22 ~~beverage containers, plastic beverage containers, and other~~
23 ~~beverage containers in this state, including refillable beverage~~
24 ~~containers returned to distributors pursuant to Section 14572.5.~~
25 ~~These numbers shall be calculated using the average current~~
26 ~~weights of beverage containers, as determined and reported by the~~
27 ~~department.~~

28 ~~(3) An aluminum beverage container recycling rate, the~~
29 ~~numerator of which shall be the number of empty aluminum~~
30 ~~beverage containers returned for recycling, including refillable~~
31 ~~aluminum beverage containers, and the denominator of which shall~~
32 ~~be the number of aluminum beverage containers sold in this state.~~

33 ~~(4) A bimetal beverage container recycling rate, the numerator~~
34 ~~of which shall be the number of empty bimetal containers returned~~
35 ~~for recycling, including refillable bimetal beverage containers, and~~
36 ~~the denominator of which shall be the number of bimetal beverage~~
37 ~~containers sold in this state.~~

38 ~~(5) A glass beverage container recycling rate, the numerator of~~
39 ~~which shall be the number of empty glass beverage containers~~
40 ~~returned for recycling, including refillable glass beverage~~

1 containers, and the denominator of which shall be the number of
2 glass beverage containers sold in this state.

3 ~~(6) A plastic beverage container recycling rate, the numerator~~
4 ~~of which shall be the number of empty plastic beverage containers~~
5 ~~returned for recycling, including refillable plastic beverage~~
6 ~~containers, and the denominator of which shall be the number of~~
7 ~~plastic beverage containers sold in this state.~~

8 ~~(7) A recycling rate for other beverage containers, the numerator~~
9 ~~of which shall be the number of empty beverage containers other~~
10 ~~than those containers specified in paragraphs (1) to (6), inclusive,~~
11 ~~returned for recycling, and the denominator of which shall be the~~
12 ~~number of beverage containers, other than those containers~~
13 ~~specified in paragraphs (1) to (6), inclusive, sold in this state.~~

14 ~~(8) The department may define categories of other beverage~~
15 ~~containers, and report a recycling rate for each of those categories~~
16 ~~of other beverage containers.~~

17 ~~(9) The volumes of materials collected from certified recycling~~
18 ~~centers, by city or county, as requested by the city or county, if~~
19 ~~the reporting is consistent with the procedures established pursuant~~
20 ~~to Section 14554 to protect proprietary information.~~

21 ~~(b) The department shall determine the manner of collecting~~
22 ~~the information for the reports specified in subdivision (a),~~
23 ~~including establishing procedures, to protect any proprietary~~
24 ~~information concerning the sales and purchases.~~