



DIMARE, VAN VLECK & BROWN LLC

GOVERNMENTAL RELATIONS & COMMUNICATIONS

California Workers Compensation Defense Attorneys Association

Legislative Matrix

September 17, 2009

[AB 5\(Evans\)](#) Civil discovery: Electronic Discovery Act. (C-06/29/2009 [html](#) [pdf](#))

Introduced: 12/01/2008

Last Amend:

Status: 06/29/2009-Chaptered by Secretary of State - Chapter No. 5, Statutes of 2009

Location: 06/29/2009-A CHAPTERED

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| 2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered |

Summary: Would establish procedures for a person to obtain discovery of electronically stored information, as defined, in addition to documents, tangible things, and land or other property, in the possession of any other party to the action. This bill would permit discovery by the means of copying, testing, or sampling, in addition to inspection, of documents, tangible things, land or other property, or electronically stored information. This bill contains other related provisions and other existing laws.

[AB 299\(Committee on Insurance\)](#) Insurance. (E-09/08/2009 [html](#) [pdf](#))

Introduced: 02/17/2009

Last Amend: 07/15/2009

Status: 09/08/2009-Enrolled and to the Governor at 4:15 p.m.

Location: 09/08/2009-A ENROLLED

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Summary: Would provide that every 4 years the commissioner shall mail to every domestic insurer a report specifying the reciprocal states. This bill contains other related provisions and other existing laws.

[AB 361\(Lowenthal, Bonnie\)](#) Workers' compensation: treatment authorization. (E-09/14/2009 [html](#) [pdf](#))

Introduced: 02/23/2009

Last Amend: 09/02/2009

Status: 09/09/2009-Assembly Rule 77 suspended. Senate amendments concurred in. To enrollment. (Ayes 78. Noes 0.)

Location: 09/09/2009-A ENROLLMENT

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Summary: Would also provide that its provisions shall not be construed to impact the ability of the employer to transfer treatment of an injured employee into a medical provider network or health care organization. This bill contains other related provisions and other existing laws.

[AB 409\(Garrick\)](#) California Insurance Guarantee Association: insurer insolvency. (C-08/06/2009 [html](#) [pdf](#))

Introduced: 02/23/2009

Last Amend: 04/01/2009

Status: 08/06/2009-Chaptered by Secretary of State - Chapter 105, Statutes of 2009.

Location: 08/06/2009-A CHAPTERED

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Summary: Would provide that the initial premium charge shall be adjusted by applying the same rate of premium charge as initially used to each insurer's written premium as shown on the annual statement for the 2nd year following the year on which the initial premium charge was based.

AB 483(Buchanan) Workers' compensation: Internet Web sites. (E-09/16/2009 [html](#) [pdf](#))

Introduced: 02/24/2009

Last Amend: 09/03/2009

Status: 09/10/2009-Senate amendments concurred in. To enrollment.

Location: 09/10/2009-A ENROLLMENT

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Summary: Would provide that a licensed rating organization shall, pursuant to regulations adopted by the Insurance Commissioner after notice and hearing, establish and maintain an Internet Web site, as specified, for the purposes of assisting any person to determine whether an employer is insured for workers' compensation. This bill contains other related provisions.

AB 586(Huber) Workers' compensation: public employees: medical conditions: presumptions. (A-07/02/2009 [html](#) [pdf](#))

Introduced: 02/25/2009

Last Amend: 07/02/2009

Status: 08/27/2009-In committee: Held under submission.

Location: 08/27/2009-S APPR. SUSPENSE FILE

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Summary: Would with respect to law enforcement personnel, specify certain peace officers to whom the above- described disputable presumptions apply. This bill contains other existing laws.

AB 879(Hernandez) Workers' compensation: self-insurers: financial audits. (A-04/28/2009 [html](#) [pdf](#))

Introduced: 02/26/2009

Last Amend: 04/28/2009

Status: 06/24/2009-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 06/18/2009-S B., F. & I.

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Summary: Would require a group self-insurer to annually file with the director an audited financial statement and an actuarial certification of reserve adequacy , as prescribed. The bill would require that the audited financial statement and actuarial certification be made available to the public, as prescribed. This bill contains other existing laws.

AB 933(Fong) Workers' compensation: utilization review. (I-02/26/2009 [html](#) [pdf](#))

Introduced: 02/26/2009

Last Amend:

Status: 06/15/2009-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 06/04/2009-S L. & I.R.

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Summary: Would require the psychologist to be licensed by California state law. This bill contains other related provisions and other existing laws.

AB 1011(Jones) Insurance: green incentives. (A-09/03/2009 [html](#) [pdf](#))

Introduced: 02/27/2009

Last Amend: 09/03/2009

Status: 06/29/2009-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on RLS.

Location: 09/03/2009-S RLS.

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Summary: Would require the Insurance Commissioner to hold public hearings, collect certain information, and study the effects of environmentally friendly practices on insurance products, as specified. This bill would also require property insurers to offer green replacement coverage, as defined, to an insured after a loss. This bill would require property insurers to offer coverage for solar and wind distributed generation, as specified. This bill would also authorize insurers to claim a 20-percent credit for investments in environmental financial institutions against the amount of gross premiums tax owed by the insurer, as specified.

AB 1093(Yamada) Workers' compensation. (E-09/04/2009 [html](#) [pdf](#))

Introduced: 02/27/2009

Last Amend: 07/01/2009

Status: 09/04/2009-Enrolled and to the Governor at 2 p.m.

Location: 09/04/2009-A ENROLLED

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Summary: Would provide that for purposes of determining whether to grant or deny a workers' compensation claim, if an employee is injured or killed by a 3rd party in the course of the employee's employment, no personal relationship or personal connection shall be deemed to exist between the employee and the 3rd party based only on a determination that the 3rd party injured or killed the employee solely because of the 3rd party's personal beliefs relating to his or her perception of the employee's race, religious creed, color, national origin, age, gender, disability, sex, or sexual orientation.

AB 1117(Fuentes) State Compensation Insurance Fund: board. (C-08/06/2009 [html](#) [pdf](#))

Introduced: 02/27/2009

Last Amend: 06/28/2009

Status: 08/06/2009-Chaptered by Secretary of State - Chapter 136, Statutes of 2009.

Location: 08/06/2009-A CHAPTERED

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Summary: Would provide that, for purposes of board actions affecting generally applicable rates, a member of the board of directors shall not be deemed to have a financial interest, as defined in the Political Reform Act of 1974 and pursuant to specified government contracting conflict of interest provisions, in a contract of insurance between the State Compensation Insurance Fund and an organization of which any member of the board of directors is an owner, officer, or employee. This bill contains other related provisions.

AB 1227(Feuer) Workers' compensation: public employees: leaves of absence. (E-09/10/2009 [html](#) [pdf](#))

Introduced: 02/27/2009

Last Amend: 09/04/2009

Status: 09/10/2009-In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To enrollment.

Location: 09/10/2009-A ENROLLMENT

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| 2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered |

Summary: Would for purposes of these provisions, require that these employees be employed on a regular, full-time basis, but would eliminate the requirement that these employees be members of the Public Employees' Retirement System or the Los Angeles City Employees' Retirement System or subject to the County Employees Retirement Law of 1937. The bill would provide that the provisions pertaining to a leave of absence shall not apply to certain public safety personnel who are employees of the City and County of San Francisco. This bill contains other existing laws.

[AB 1447](#)(John A. Perez) State Compensation Insurance Fund: audits. (E-09/08/2009 [html](#) [pdf](#))

Introduced: 02/27/2009

Last Amend: 06/04/2009

Status: 09/08/2009-Enrolled and to the Governor at 4:15 p.m.

Location: 09/08/2009-A ENROLLED

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Summary: Would clarify that the State Compensation Insurance Fund is a state agency for the purposes of the provisions of the Government Code establishing the bureau and its duties and authority, as specified. This bill contains other related provisions and other existing laws.

[AB 1486](#)(Furutani) Sales and use taxes: consumer: nonprofit membership organizations. (E-

09/04/2009 [html](#) [pdf](#))

Introduced: 02/27/2009

Last Amend: 07/14/2009

Status: 09/04/2009-Enrolled and to the Governor at 2 p.m.

Location: 09/04/2009-A ENROLLED

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Summary: Would until January 1, 2015, provide that a membership organization, as described in Section 501(c) of the Internal Revenue Code, is the consumer, and not a retailer, of tangible personal property meeting certain requirements that it provides to its members, so that the retail sale subject to tax is the sale of tangible personal property to the membership organization. This bill contains other related provisions and other existing laws.

[SB 145](#)(DeSaulnier) Workers' compensation. (A-04/27/2009 [html](#) [pdf](#))

Introduced: 02/11/2009

Last Amend: 04/27/2009

Status: 07/13/2009-Placed on inactive file on request of Assembly Member Torrico.

Location: 07/13/2009-A INACTIVE FILE

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| 2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered |

Summary: Would provide that no workers' compensation claim shall be denied because the employee's injury or death was related to the employee's race, religious creed, color, national origin, age, gender, marital status, sex, sexual orientation, or genetic characteristics . This bill contains other related provisions and other existing laws.

[SB 156](#)(Wright) Insurance: fraud prevention and detection. (A-06/30/2009 [html](#) [pdf](#))

Introduced: 02/12/2009

Last Amend: 06/30/2009

Status: 09/11/2009-In Assembly. Held at Desk.

Location: 09/11/2009-A DESK

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Summary: Would authorize the Department of Insurance to convene meetings with insurance companies to discuss specific information concerning suspected, anticipated, or completed acts of insurance fraud and would protect a person sharing information pursuant to that authorization from civil liability, as specified.

SB 186(DeSaulnier) Workers' compensation: medical treatment: predesignation of physician. (E-09/11/2009 [html](#) [pdf](#))

Introduced: 02/17/2009

Last Amend:

Status: 09/11/2009-Enrolled. To Governor at 9 p.m.

Location: 09/11/2009-S ENROLLED

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Summary: Would delete the December 31, 2009, repeal date for those provisions pertaining to an employee's predesignation of a personal physician.

SB 313(DeSaulnier) Workers' compensation: penalty assessments. (A-09/02/2009 [html](#) [pdf](#))

Introduced: 02/25/2009

Last Amend: 09/02/2009

Status: 09/12/2009-Senate refuses to concur in Assembly amendments. (Ayes 25. Noes 0.) Motion to reconsider made by Senator DeSaulnier. Reconsideration granted.

Location: 09/09/2009-S UNFINISHED BUSINESS

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| 2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered |
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Summary: Would increase the penalty assessment to \$1,500 per employee employed during the period the employer was uninsured. Because the money from the increased penalty assessment is deposited into the continuously appropriated Uninsured Employers Fund, this bill would make an appropriation. This bill contains other related provisions and other existing laws.

SB 641(Corbett) The State Bar Act. (E-09/02/2009 [html](#) [pdf](#))

Introduced: 02/27/2009

Last Amend: 05/20/2009

Status: 08/31/2009-In Senate. To enrollment.

Location: 08/31/2009-S ENROLLMENT

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Summary: Would require the State Bar to comply with those standards when awarding a contract for information technology goods, as defined, 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, 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. This bill contains other related provisions and other existing laws.

SB 683(Calderon) Workers' compensation: group self-insurers: audits. (I-02/27/2009 [html](#) [pdf](#))

Introduced: 02/27/2009

Last Amend:

Status: 07/08/2009-Set, first hearing. Hearing canceled at the request of author.

Location: 06/08/2009-A INS.

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| 2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered |
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Summary: Would require a group self-insurer to annually file with the director an annual audit by an independent, certified public accountant of the financial accounts and records of the group self-insurer. The bill would prohibit audited financial or claim information of individual members of the group self-insurer from being made public. This bill contains other existing laws.