

SUMMARY ANALYSIS OF AMENDED BILL

Author: Nava Analyst: Jahna Alvarado Bill Number: AB 471
 Related Bills: See Prior Analysis Telephone: 845-5683 Amended Date: June 11, 2009
 Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: State Agency Legal Services/Attorney General Consent For Hiring In-House Or Outside Counsel For Any Judicial Proceeding

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as amended May 6, 2009 .

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

AMENDMENTS DID NOT RESOLVE THE DEPARTMENTS CONCERNS stated in the previous analysis of bill as introduced/amended _____.

FURTHER AMENDMENTS NECESSARY.

DEPARTMENT POSITION CHANGED TO _____.

REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED May 6, 2009 , STILL APPLIES.

OTHER – See comments below.

SUMMARY

This bill clarifies the Attorney General’s (AG’s) authority to represent state agencies and employees.

SUMMARY OF AMENDMENTS

This bill as introduced on February 24, 2009, and as amended May 6, 2009, clarifies the AG’s authority to represent state agencies and employees.

The June 11, 2009, amendments do the following:

- Clarify that AG consent is required prior to the employment of outside counsel for any matter.
- Clarify that AG consent is required prior to the employment of in-house counsel for legal representation as specified.
- Modify the definition of several terms.

Board Position:	Legislative Director	Date
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<input checked="" type="checkbox"/> PENDING		

As a result of the June 11, 2009, amendments, the “This Bill,” “Implementation Considerations,” and “Technical Considerations” discussions, as provided in the department’s analysis of the bill as amended May 6, 2009, have been revised. The “Fiscal Impact,” and “Economic Impact” discussions from the department’s analysis as amended May 6, 2009, have been included below for convenience. The remainder of that analysis still applies.

Summary of Suggested Amendments

An amendment is provided to correct a technical error.

ANALYSIS

THIS BILL

This bill would revise and clarify existing law requiring state agencies and employees, not otherwise excepted, to obtain AG approval prior to being represented by “outside counsel” in any matter.

This bill would clarify that state agencies, commissioners, and officers, not otherwise excepted, must obtain prior AG approval to “employ in-house legal counsel” in judicial and other proceedings.

This bill would codify the AG’s ability to provide legal advice, intervene in a proceeding, or appear as *amicus curiae* (friend of the court) as specified.

This bill would define the terms “in-house counsel,” “judicial or other proceeding,” and “outside counsel.”

Proceedings before the State Personnel Board, the Department of Personnel Administration, and the Unemployment Insurance Appeals Board would be excluded from the provisions of this bill.

IMPLEMENTATION CONSIDERATIONS

Implementing this bill would not significantly impact the department’s programs and operations.

TECHNICAL CONSIDERATIONS

This bill uses the terms “in-house legal counsel” and “in-house counsel” interchangeably. Amendment 1 is provided to correct this inconsistency.

FISCAL IMPACT

This bill would not significantly impact the department’s costs.

ECONOMIC IMPACT

This bill would not impact state income tax revenue.

LEGISLATIVE STAFF CONTACT

Legislative Analyst
Jahna Alvarado
(916) 845-5683
Jahna.Alvarado@ftb.ca.gov

Revenue Director
Jay Chamberlain
(916) 845-3375
Jay.Chamberlain@ftb.ca.gov

Legislative Director
Brian Putler
(916) 845-6333
Brian.Putler@ftb.ca.gov

Analyst	Jahna Alvarado
Telephone #	845-5683
Attorney	Patrick Kusiak

FRANCHISE TAX BOARD'S
PROPOSED AMENDMENTS TO AB 471
As Amended June 11, 2009

AMENDMENT 1

legal On page 2, line 21, after "in-house", ~~strikeout~~