

# AGENDA ITEM

**NOVEMBER 116**  
State Bar Sponsored  
Legislation – Fee Bills

**DATE:** October 19, 2009

**TO:** Members, Board of Governors  
Members, Board Committee on Operations

**FROM:** Anthony Williams  
Office of Governmental Affairs

**SUBJECT:** State Bar Sponsored Legislation – Fee Bills

## EXECUTIVE SUMMARY

In 2008, the State Bar obtained legislative authorization for a one-year fee bill. That bill, AB 3049 (Jones), Ch. 165, Statutes of 2008, sunsets the State Bar's authority to assess active member fees on January 1, 2010. SB 641 (Corbett) of 2009 would have extended the Bar's authority to assess those fees to January 1, 2011, but that bill was vetoed. Legislation is now needed to (1) extend the State Bar's membership fee authority to assess fees for active members for 2010, and (2) extend the State Bar's membership fee authority for 2011, and to adjust those fees based on the budgetary and operational needs of the Bar. Questions regarding this agenda item should be directed to Anthony Williams at (916) 448-4000.

## BACKGROUND

The State Bar's Fee Bill authorizes the State Bar to charge the annual mandatory membership fee that is set by the Board of Governors. Under the provisions of AB 3049 (Jones), Ch. 165, Statutes 2008, existing law caps the total annual active membership fee at \$410 per member and sets the annual inactive membership fee at \$125 per member. The State Bar's authority to assess fees for active members will sunset on January 1, 2010. SB 641 (Corbett) of 2009 would have retained the existing caps and extended the State Bar's authority to assess those fees to January 1, 2011. That bill was vetoed. The Governor's veto message raised several issues and concluded: "I urge the State Bar to resolve these issues as soon as possible so the Legislature can reintroduce this measure early next year."

In order to extend the State Bar's membership fee authority to assess fees for active members for 2010 fees, legislation will be needed, to reintroduce the substance of SB 641.

In order to extend the State Bar's membership fee authority for 2011 fees, and to adjust fees based on the budgetary and operational needs of the State Bar, separate legislation will be needed during the 2010 legislative session.

### **FISCAL/STAFF IMPACT**

This recommendation does not require additional personnel or increased expenses. The general fund budget is funded through the dues authorization and, therefore, the legislation is needed to continue the State Bar's operations.

### **BOARD BOOK IMPACT**

None.

### **RULE AMENDMENTS**

None.

### **RECOMMENDATION**

The Office of the Executive Director and Office of Governmental Affairs recommend adoption of the following resolutions concerning approval of (1) the State Bar's Fee Bill for 2010 fees, and (2) the State Bar's Fee Bill for 2011 fees.

### **PROPOSED BOARD COMMITTEE RESOLUTION**

If the Board Committee on Operations agrees with the above recommendation, the following resolution is suggested:

**RESOLVED** that the Board Committee on Operations recommends that the Board of Governors authorize the President, in consultation with the Executive Director, to develop and negotiate a reintroduction of the substance of SB 641(Corbett) of 2009, to extend the State Bar's membership fee authority to assess fees for active members for 2010 membership fees; and it is

**FURTHER RESOLVED** that the Board Committee on Operations recommends that the Board of Governors authorize the President, in consultation with the Executive Director, to develop and negotiate a fee bill for 2011 membership fees, consistent with the budgetary and operational needs of the State Bar.

## **PROPOSED BOARD RESOLUTION**

If the Board of Governors concurs with the recommendation of the Board Committee on Operations, the following resolution is suggested:

**RESOLVED** that, upon recommendation of the Board Committee on Operations, the Board of Governors hereby authorizes the President, in consultation with the Executive Director, to develop and negotiate a reintroduction of the substance of SB 641(Corbett) of 2009, to extend the State Bar's membership fee authority to assess fees for active members for 2010 membership fees; and it is

**FURTHER RESOLVED** that, upon recommendation of the Board Committee on Operations, the Board of Governors hereby authorizes the President, in consultation with the Executive Director, to develop and negotiate a fee bill for 2011 membership fees, consistent with the budgetary and operational needs of the State Bar.